

**NIAGARA PENINSULA CONSERVATION AUTHORITY
FULL AUTHORITY**

WELLAND

AGENDA

OCTOBER 19, 2011 – 7:00 P.M.

ROLL CALL

DECLARATION OF CONFLICT OF INTEREST

BUSINESS:

(1) MINUTES FULL AUTHORITY MEETING – September 21, 2011

Attached are the Minutes of the Full Authority Meeting held September 21, 2011.

(2) MINUTES BALL'S FALLS HERITAGE ADVISORY COMMITTEE MEETING – September 21, 2011

Attached are the Minutes of the Ball's Falls Heritage Advisory Committee meeting held September, 21, 2011.

(3) BUSINESS ARISING FROM MINUTES

(4) CHAIRMAN'S REMARKS

(5) CAO'S REMARKS

(6) DELEGATION - WILLIAM WAKULICH

Mr. Wakulich wishes to address the Board regarding his application that was considered at the September 21st meeting.

(7) TECHNICAL MEMO: 1486 THIRD STREET LOUTH, FLOODPLAIN OF RICHARDSON CREEK; CITY OF ST. CATHARINES, REGION OF NIAGARA – REPORT NO. 51-11

Attached is a Technical Memo and attachments regarding the above.

(8) EXEMPTION FROM NPCA POLICIES, PROCEDURES AND GUIDELINES FOR ADMINISTRATION OF ONTARIO REGULATION 155/06 AND LAND USE PLANNING POLICY DOCUMENT, DATED DECEMBER 12, 2007; 1486 THIRD STREET LOUTH SOUTH OF THE QEW (IE.KOWALIK PROPERTY) CITY OF ST. CATHARINES, REGION OF NIAGARA FLOODPLAIN OF RICHARDSON CREEK - REPORT NO. 52-11

Attached is Report No. 52-11 regarding this matter.

(9) **AMENDMENTS – ADMINISTRATIVE RULES AND PROCEDURES & HEARING GUIDELINES - REPORT NO. 53-11**

Attached is Report No. 53-11 regarding this matter. The documents relating to the Report are enclosed separately.

(10) **BUDGET STATUS REPORT AND YEAR END PROJECTIONS – REPORT NO. 54-11**

Attached is Report No. 54-11 together with the proposed year end projections and current status.

(11) **PRELIMINARY 2012 OPERATING BUDGET – ADJUSTMENT REPORT NO. 55-11**

Attached is Report No. 55-11 regarding this matter.

(12) **PFOS COMPOUNDS AT THE BINBROOK RESERVOIR (UPDATE) – REPORT NO. 56-11**

Attached is Report No. 56-11 updating this matter.

(13) **CONSERVATION ACHIEVEMENT AWARDS – REPORT NO. 57-11**

Attached is Report No. 57-11 outlining the Conservation Achievement Awards for 2011.

(14) **NIAGARA CHILDREN'S WATER FESTIVAL REPORT NO. 58-11**

Attached is Report No. 58-11 together with a summary report.

(15) **PROJECT/PROGRAM STATUS REPORT – REPORT NO. 59-11**

Attached is Report No. 59-11 outlining the status of Authority Projects/Programs to date.

(16) **OTHER BUSINESS**

(17) **IN-CAMERA**

- (a) Complaint and Violation Status Report - Report No. CR-18-11
- (b) Tree By-Law Status Report – Report No. CR-19-11
- (c) Wakiluch matter – Report No. CR-20-11

ADJOURNMENT



To: Chairman and Members of the Authority

Date: October 12, 2011

Re: Technical Memo; 1486 Third Street Louth, floodplain of Richardson Creek; City of St. Catharines, Region of Niagara; – Report No. 51-11

The purpose of this memo is to respond to technical questions raised at the August 17, 2011 Hearing under Section 28 of the Conservation Authorities Act in relation to the subject location. Briefly put, the Applicant was seeking approval of a permit to place fill in the floodplain of Richardson Creek in order to facilitate construction of a new residential dwelling, as discussed in Report No. 39 -11 dated August 17, 2011.

At the time of the Hearing the Applicant did not have any specific figures, but rather sought approval to place “enough” fill to construct a 3000 sq. ft. home. Staff did not request the Applicant to provide detailed building/grading plans and hydraulic modeling in relation to the proposal, as there are currently no provisions in existing Board policy that staff could use to support the proposal.

Nevertheless, at the time of the Hearing a number of Board members indicated that they would like additional information related to the impacts of the proposal relative to the existing floodplain and the adjacent highway works completed in the mid 1980's. Subsequent to the Hearing date, in an effort to address the Boards questions, staff in consultation with the Applicant conducted additional analysis.

To commence, staff first built a baseline hydraulic model with no manmade structures in place downstream of the Kowalik property. Staff then constructed numerous hydraulic models with various filling limits on the property in order to quantify impacts to flood levels. Staff then surveyed some potential building limits in the field and met with the Applicant on site on September 20, 2011 to review them. Based on discussions with the Applicant, the fill limits were further refined and a final building envelope confirmed by the Applicant on October 5, 2011. The final fill limits the Applicant requires in order to establish a suitable building envelope are shown on Attachment No. 1.

Based on this, staff will attempt to answer what seemed to be the underlying questions of relevance to many on the Board.

1) Would the Kowalik property still be subject to the 100 year floodplain if the downstream South Service Road and Highway had not been constructed ?

In this regard, although floodplain mapping of the area was not completed until 2004 or after the highway works, the Kowalik property was always susceptible to flooding under 100 year

Regulatory Flood conditions. However, before the highway was in place the extent of flood inundation was much less, because the highway infrastructure imposes additional hydraulic loss downstream of the Kowalik lot, which in turn, raises the flood level under Regulatory storm flow

Location	100 Year Flood Level Pre QEW/Hwy 406	Diff. (m)	100 Year Flood Level Post QEW/Hwy 406 (current condition)	Diff. (m)	100 Year Flood Level; Post QEW/Hwy406 with Proposed Building		100 Year Flood Level; No Hwy, but with Proposed Building
						X	
Kowalik Site	83.66	0.67	84.33	0.04	84.37	X	83.66
Upstream Side 3rd St. Louth	83.68	0.65	84.33	0.04	84.37	X X	83.68
Section 3211 (Approx 300 m Upstream 3 rd St. Louth)	83.77	0.58	84.35	0.04	84.39	X X X X	83.77
Unopened 2 nd Ave. Road Allowance			**84.39			X X X	
** convergence estimated to occur btwn. model sections 2448 & 3211							

conditions. With reference to **Table 1** below, the downstream works serve to elevate the modeled Regulatory flood level at the lot from 83.66 metres to 84.33 metres.

Table 1 : 100 Year Regulatory Flood Levels

2) Aside from flood storage loss, will the placement of additional fill at the Kowalik's property increase flood depths and if so, how much and to what extent during a 100 Year Regulatory Flood event ?

With reference to **Table 2** below, placement of fill as required for building at the Kowalik property would increase the modeled flood level at the site by approximately 0.04 m (i.e. 4 cm or 1.5"). Under 100 Year Regulatory conditions this translates to an ambient overbank depth of approximately 2.47 metres (8.1 feet); of this the existing highway infrastructure accounts for approximately 37% of the overbank flood depth at and adjacent to the Kowalik site and the proposed fill accounts for much less of the depth, at approximately 2% . The “natural” unrestricted floodplain accounts for approximately 71% of the depth.

Table 2: Overbank Flood Depths - 100 Year Regulatory Conditions

With reference to **Table 1** above, the increase in modeled flood level or depth that would result from the additional fill as proposed at the Kowalik site is relatively small (i.e. 4 cm or 1.5") however, the resulting "narrowing" of the floodplain is detectable using industry standard modeling tools and is shown to impact properties to approximately 400 linear metres upstream of the site, as shown on Attachment No. 2. This modeled increase is too small to be defined laterally using typical industry standard floodplain mapping scales. It is also noted that if the highway infrastructure was not present downstream, the proposed building envelope would produce no hydraulic impact beyond the Kowalik site.

3) What is the quantity of fill the Applicant needs to place in the floodplain and how did that compare to the previous filling conducted during construction of the adjacent QEW /Hwy 406 works ?.

Table 3 below provides a comparison of fill volume relative to the downstream QEW/Hwy 406 works.

Staff would advise that due to the lack of detailed pre highway topographic/contour information, the fill volume estimates for the highway works were prepared using conservative assumptions. In any case, filling would be required at the Kowalik property to achieve a building envelope above the Regulatory flood level, even if the downstream highway works did not exist. The main point to discern is that if the highway works were not present, the depth of the floodplain would be less as noted in Table 2 and the total fill volume required would be approximately 40% less.

Table 3: Floodplain Storage Loss - 100 Year Regulatory Conditions

Location	Avg Overbank Flood Depth Pre QEW/HWY 406	Diff. (m)/%	Avg Overbank Flood Depth Post QEW/HWY 406 (current condition)	Diff. (m)/ %	Avg. Overbank Flood Depth Prop. House/Fill
Kowalik Site	1.76	0.67 / 38%	2.43	0.04 / 2%	2.47
Value based on ambient overbank elevation of 81.90 m					

Summary:

- The Kowalik's property was subject to significant inundation depth under 100 Year Regulatory Flood conditions prior to the highway infrastructure being constructed downstream however, the construction of the highway infrastructure elevated the depth of flooding under 100 Year Regulatory conditions by approximately 0.67 m (2.2 ft.) or from 1.76 m (5.8 ft.) to 2.43 m (8.0 ft.) in the overbank area.
- The modeled **hydraulic** impact of the fill required to establish a suitable building envelope under current conditions as shown in Attachment 1, results in elevating the current **100 year Regulatory Flood Level** or **depth** by 0.04 metres (1.5"). This increase is small as a percentage of total flood depth (i.e. 2%) and extends upstream of the Kowalik site to the area of the unopened Second Avenue Road Allowance. The **lateral** extent of this increase is not distinguishable on typical industry standard floodplain mapping scales.
- Narrowing the width of the building envelope shown in Attachment 1, by an additional 5.0 metres (16.4 ft.) produces no detectable drop in hydraulic loss under 100 Year regulatory Flood conditions. Narrowing the proposed building envelope beyond this provides an insufficient platform for the proponent.

	Estimated Fill Volume (cu.m)Post QEW/HWY 406 Floodplain	% of Total Fill		Estimated Fill Volume (cu.m) Pre QEW/HWY 406 Floodplain	
Highway Works	41,000	94%			
Kowalik Bldg. Envelope	2,800	6%		1,600	4%
Total	43,800	100%			

- The quantity of fill the Applicant wishes to place in the floodplain in order to establish a suitable building envelope under current conditions as shown in Attachment 1, is approximately 2,800 cubic metres. The **hydrologic** impacts to the **100 Year Regulatory Flood Flow** of an isolated storage loss of this volume cannot be reliably simulated using industry accepted floodplain modeling approaches.

Attachments :

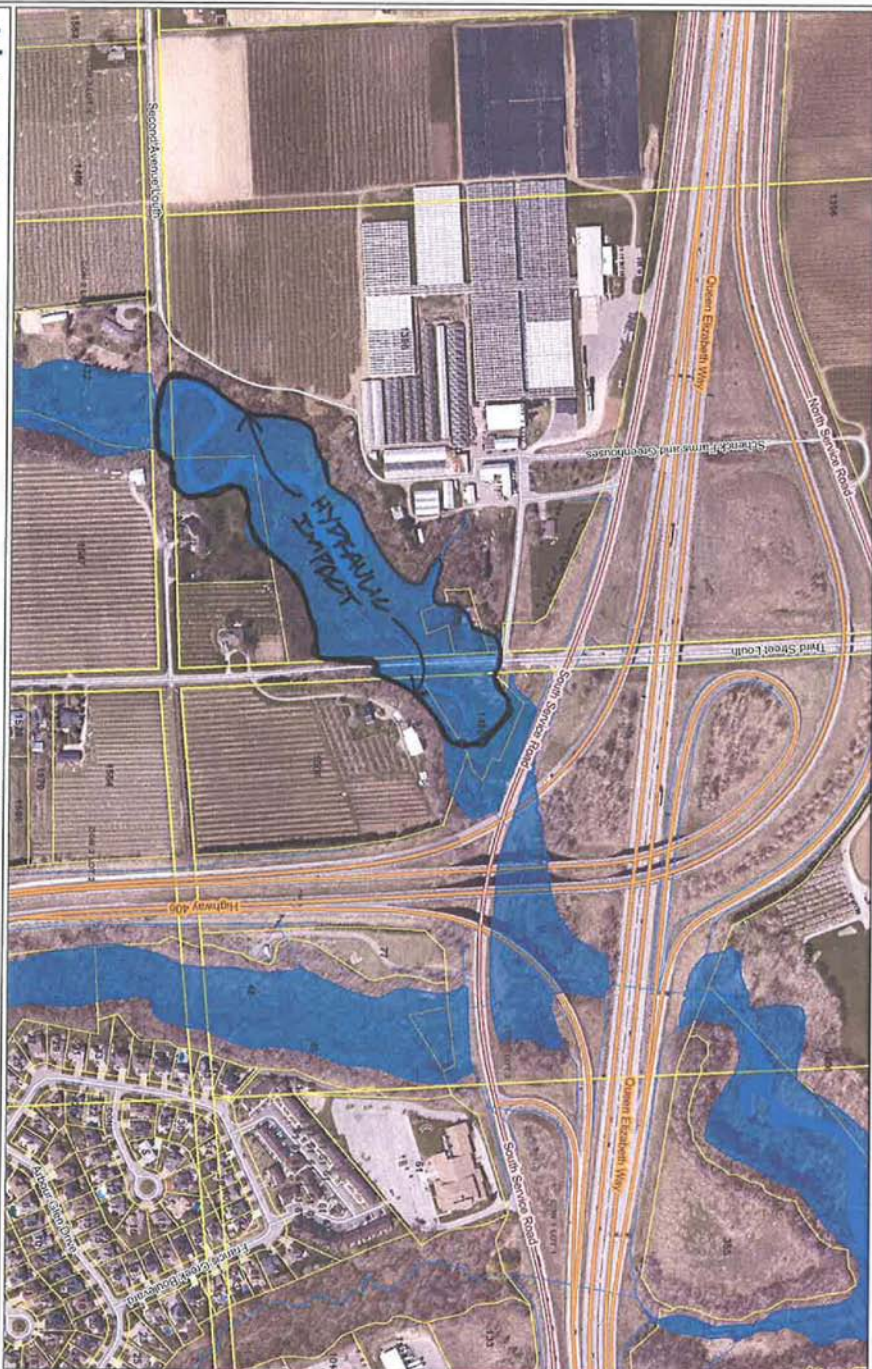
Map No. 1 – Proposed Building Envelope/Fill Limits
Map No. 2 – Extent of Hydraulic Impact

Prepared by: John Kukalis, C.E.T.; Director, Water Management

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

MAP H₂ 2; APPROX. EXTENT OF

This map is for illustrative purposes only. Information contained herein is not intended to constitute advice, is not a substitute for professional review of a site survey, and is subject to change without notice. The NPSA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretations or conclusions drawn from the map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.

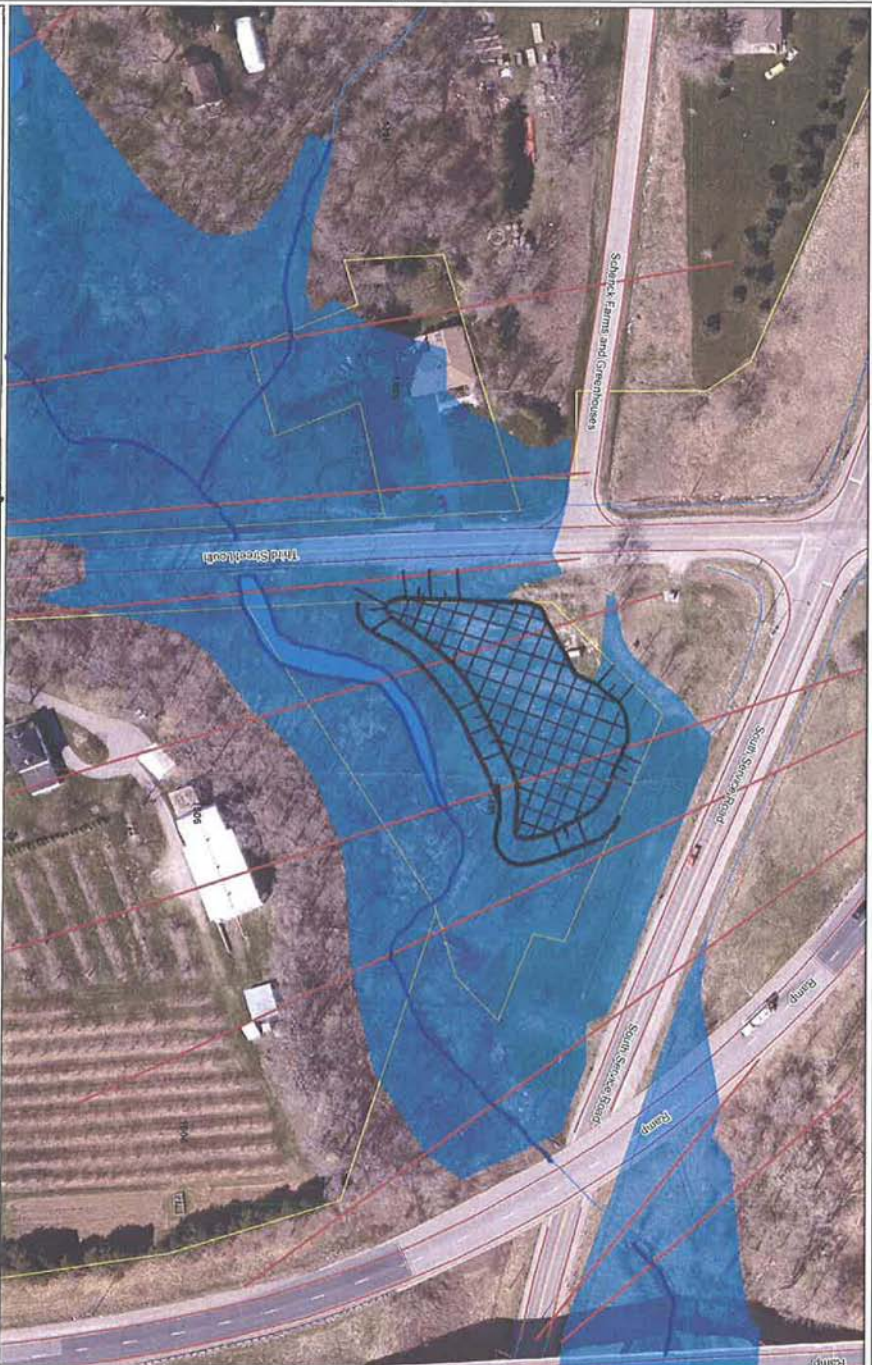


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Notes:
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1486 THIRD ST. SOUTH - PROP BLDB. / FILL ENVELOPE



MAP No. 1: SITE 07-30-11

~~PROPOSED~~
FILL

This map is for illustrative purposes only. Information contained herein is not intended to constitute advice, is not a substitute for professional review of a site survey, and is subject to change without notice. The NPCA takes no responsibility for, nor guarantees, the accuracy of the information contained on this map. Any interpretation or conclusions drawn from this map are the sole responsibility of the user. THIS IS NOT A PLAN OF SURVEY.



Legend

- NPCA ADMINISTRATIVE BDL
- Corporate Watershed Divide N
- Cross Sections Inventory
- Stream
- Regulated Floodplain Extent
- Road Edges 2002
- RAN Stream Labels
- Ham and Field Streets (SIX - 2)
- Ham and Field Streets
- RAN Assessment Parcels
- Ham and Field Assessment PA
- MEMBER MUNICIPALITY LAB
- Member Municipal Boundary L
- 2K Hydrology
- 2K Hydrology
- AIRPORTS

- Ortho2006 NE1
- Ortho2006 NE2
- Ortho2006 NE3
- Ortho2006 NW1
- Ortho2006 NW2
- Ortho2006 NW3
- Ortho2006 SE1
- Ortho2006 SE2
- Ortho2006 SE3
- Ortho2006 SW1
- Ortho2006 SW2
- Ortho2006 SW3

1:915

10/20/11

Notes

Rev 07/5/11

07/5/11

To: Chairman and Members of the Authority

Date: October 12, 2011

Re: Exemption from NPCA Policies, Procedures and Guidelines for Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, dated December 12, 2007; 1486 Third Street Louth south of the QEW (i.e. Kowalik Property), City of St. Catharines, Region of Niagara; floodplain of Richardson Creek Report No. 52-11

It is staff's understanding through discussions with the applicant that the matter at hand is not to receive a permit, but rather to get concurrence from the Board for an exemption to the NPCA policy due to unique circumstances at the site.

Attached for the Board's consideration is a draft motion in relation to the subject property in the event the Board wishes to further pursue the option for an exemption to NPCA policies at this location and thus eliminate the need to continue with the hearing under Section 28.

The Board may recall that NPCA policy is primarily concerned with cumulative impact. The draft motion will address the uniqueness of this matter.

Attachment:

- 1) Draft Motion

Prepared by: John Kukalis, C.E.T.; Director, Water Management

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

Motion

Whereas the Board supports its current policies as laid out in NPCA Policies, Procedures and Guidelines for Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document, dated December 12, 2007 as amended;

Notwithstanding the above, and in considering the following exceptional circumstances;

i) whereas the Kowalik's lands have been fragmented by expropriation and construction of the QEW/Highway 406 corridor, which in turn has precluded their previous ability to earn a livelihood;

ii) whereas the Kowalik's has been left with a surplus parcel at 1486 Third Street Louth directly abutting the south side of the Highway corridor; that is inundated under Regulatory flood conditions which have been elevated by the highway infrastructure;

iii) whereas the Kowalik's are seeking permission to allow for fill to be placed to remove a portion of the surplus parcel from the Regulatory floodplain in order to create a suitable building envelope;

iv) whereas the storage loss and hydraulic impact of removing a portion of this lot from the floodplain is minor, relative to the impact on the floodplain of the Highway corridor which immediately abuts the applicant's lands;

Be it resolved that;

The Authority authorize an exemption to its policies and allow fill to be placed to remove a portion of the subject parcel from the regulatory floodplain of Richardson Creek subject to the following conditions:

1) that the placement of fill not extend beyond the boundary located on Map No.1 for Site 07-39-11 dated October 2011;

2) that the proposed building envelope be filled to an elevation of no less than 83.67 metres, being 0.3 meters above the regulatory flood level;

3) that prior to placing any fill, a siltation control fence and/or barrier be erected along the limit of fill that will remain in place until suitable vegetative cover is established on the disturbed lands;

4) that only "clean" fill be used on site and the placement and compaction of the fill be done under the supervision of a qualified Geotechnical Engineer retained by the proponent;

5) that such protection measures be taken as determined by the Geotechnical Engineer to ensure the fill embankment does not erode under regulatory storm conditions (e.g. suitable slope and hard erosion protection);

6) that no building openings be permitted below the regulatory floodplain elevation of 84.37 metres.

7) that foundation drains be directed to an internal sump and pumped to discharge above grade. In no case shall weeping tiles be allowed to outlet by gravity due to the potential for hydrostatic pressure on the foundation walls from the floodplain.

8) that prior to undertaking the placement of fill, the proponent submit a completed Permit Application to NPCA staff including a detailed grading and site plan prepared by a Consulting Engineering firm reflecting the items as per conditions 1, 2, 3 & 5, 6, 7 to the satisfaction of NPCA, for approval

9) that upon completion of the fill operation the Geotechnical Engineer retained by the proponent certify in writing to the NPCA that the fill has been placed to their satisfaction and in conformance with conditions 1,2, 4 & 5 as noted above.

Further be it resolved that;

The Authority will honour this policy exemption for a set period of time as follows: a proponent must provide the information noted in condition 8) to the satisfaction of NPCA and obtain a permit no later than September 1, 2014. Failing this, this exemption becomes null and void.

Moved by: _____

Seconded by: _____



TO: The Chairman and Members of the Authority

DATE: October 12, 2011

SUBJECT: Amendments – Administrative Rules and Procedures & Hearing Guidelines - Report No. 53-11

Attached (with amendments illustrated) are the Administrative Rules and Procedures for Board Meetings and Hearing Guidelines for Applications under the CA Regulation. The intent of the amendments is to clarify procedures that have been the subject of recent discussion.

Administrative Rules and Procedures

Item 24 (b), a statement has been added to reflect concerns that personal electronic devices may potentially disrupt meetings.

Item 41 (a), a statement has been added to indicate all members have one vote.

Item 41 (e) clarifies that in the event of a tie (which includes Chairman's vote), the motion is lost.

Item 41 (f) also adds that the Chairman is not accorded a second vote, even in the event of a tie.

The issue of whether the Chairman is allowed two votes in certain circumstances was reviewed and it appears there are inconsistencies in the literature. Robert's Rules of Order suggests that "a Chair cannot vote twice, once as a member, then again in his capacity as a presiding officer". In Bourinot's Rules of Order however, there is reference to circumstances where a chair can vote twice: "Unless otherwise provided the chairman has the same voting rights as other members, and he is usually accorded a second or casting vote when the votes for and against have been equal". Attached is a comparison of situations where a Chair vote can affect the outcome of a vote both in a single vote situation and where the Chair is allowed to vote twice. Section 30 of the NPCA Administrative Rules and Procedures acknowledges that In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern. Therefore Item 41 (f) will be required to clarify the voting allowances for the Chairman should the Board decide a single vote most appropriate.

Hearing Guidelines

Proposed revisions to the Hearing Guidelines are listed below.

Title Page: Illustrates guidelines amended for use by NPCA, October 2011

Item 3.7.6 Deliberation – Statement added to clarify that Board members not present for the entire hearing, including any adjournments, will not be able to participate in discussions or decision. This is necessary to ensure a fair hearing for the applicant.

Appendix B: Item 9 is changed to “may” rather than “will” to be consistent with Section 3.7.6 which states “After all the information is presented, the Board may adjourn the hearing and retire in private to confer.”

RECOMMENDATION:

That the Amendments to the Administrative Rules and Procedures & Hearing Guidelines – as outlined in Report No. 53-11 be approved.

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

NIAGARA PENINSULA CONSERVATION AUTHORITY

ADMINISTRATIVE
RULES AND PROCEDURES

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Approved June, 1986
Amended December, 1986
Amended January, 1988
Amended November, 1988
Amended January, 1989
Amended October, 1990
Amended October, 2011

Comment [EU1]:

ADMINISTRATIVE RULES AND PROCEDURES

- (1) In these Regulations,
 - (a) "Authority" means The Niagara Peninsula Conservation Authority
 - (b) "Act" means The Conservation Authorities Act, R.S.O. 1990, C. 27 as amended

I

CALLING OF MEETINGS

- (2) Meetings of the Authority
 - (a) shall be held on the third (3rd) Wednesday during the months of September to June inclusive unless amended by Authority resolution.
 - (b) may be held during the months of July and August at the discretion of the Chairman
- (3) The Chairman may at any time summon a special meeting of the Authority and shall summon a special meeting of the Authority when requested to do so in writing by one-third of the members.
- (4) Written notice of every meeting held under Regulations 2 and 3 shall be given to each member as follows:
 - (a)
 - i) by mailing of notice by prepaid ordinary post addressed to such member at the address according to the Authority's records at least 7 calendar days before the time of such meeting; or
 - ii) by the personal service or telephone notice or the delivery to and leaving of such notice at the said address of such member at least forty-eight (48) hours before the time of such meeting.
 - (b) no notice shall be required if all members are present or if those absent have waived notice of or otherwise signified consent of the holding of such meeting.
- (5) the notice calling a special meeting of the Authority shall state the business to be considered at the special meeting and no other business other than that stated in the notice shall be considered.

II

MINUTES OF MEETINGS

- (6) (a) The CAO or a designate shall attend and record the minutes of all meetings;
- (b) The minutes shall contain the roll call and resolutions presented to the meeting and every resolution shall be numbered in the minutes.

III

ELECTIONS AND APPOINTMENTS

- (7) (a) The election of officers and the appointment of auditors shall be carried out at the annual meeting of the Authority in each year.
- (b) The election for the office of Chairman shall be conducted by the CAO or in his absence, another person duly appointed by the Authority.
- (c) The election for the office of Vice-Chairman shall be conducted by the newly elected Chairman.
- (d) The order of procedure for the election shall be:
 - i) the election of Chairman
 - ii) the election of Vice-Chairman
- (8) (a) Election shall be by secret ballot and no member may vote by proxy.
- (b) No member shall be elected to hold more than one office as defined in Regulation 7(d).
- (c) A candidate for election may speak for up to three (3) minutes for the office for which the candidate has been nominated.
- (9) The term of office for the Authority Chairman and Vice-Chairman shall be limited to five (5) consecutive years.

IV

SPECIAL COMMITTEES

- (10) (a) The Authority may, from time to time, establish a special committee to deal with particular matters specified by the Authority.
- (b) The matters to be dealt with by the special committee shall be stated in the resolution establishing the special committee.
- (c) The members of the special committee shall be appointed in the resolution establishing the special committee.
- (11) The Chairman and Vice-Chairman of the Authority shall be a member, ex-officio, of all Standing Committees and special committees of the Authority.
- (12) The Rules and Regulations governing the procedures of the Authority shall be observed in Special Committee meetings, as far as they are applicable and the words Special Committee shall be substituted for the word Authority, where such is applicable.
- (13) The Full Authority shall be designated at the Ball's Falls Heritage Conservation Advisory Committee.

V

AGENDAS FOR MEETINGS

- (14) The CAO or a designate in consultation with the Chairman shall prepare for the use of the members of the Authority, an agenda in accordance with an agreed format.
- (15) The agenda for special meetings of the Authority shall be the responsibility of the Chairman.
- (16) Written notice of motion may be given by any member of the Authority and shall be forthwith placed on the agenda of the next meeting.

VI

ORDER OF BUSINESS AT MEETING

- (17) When a quorum is first present after the hour fixed for a meeting, the Chairman shall take the chair and call the meeting to order.
- (18) If no quorum is present, one-half hour after the time appointed for a meeting, the Secretary-Treasurer shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.
- (19) That Section 19 of the Conservation Authority's Administrative Rules and Procedures be amended to read "a quorum is defined as being one-half (1/2) of the members appointed by the participating municipalities, except where there are fewer than six (6) such members, in which case three (3) such members constitute a quorum."
- (20) When a meeting is duly constituted, the minutes of the preceding meeting shall be received and adopted as printed or as amended and signed by the Chairman and Secretary-Treasurer.
- (21) The business of the Authority shall be taken up in order in which it stands on the agenda unless otherwise decided by the Authority.
- (22) No member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of members present.
- (23) The following matters shall have precedence over the usual order of business.
 - (a) A point of order
 - (b) A matter of privilege
 - (c) A matter of clarification
 - (d) A motion to suspend a rule of procedure or to request compliance with the rule of procedure.
 - (e) A motion that the question be now put to a vote
 - (f) A motion to adjourn.

VII

CONDUCT OF MEMBERS AND PRESERVATION OF ORDER AT MEETINGS

- (24) (a) No member at a meeting shall speak disrespectfully of the reigning Sovereign, any of the Royal Family, the Governor General, the Lieutenant-Governor, or of any person administering the Government of Canada or the Province of Ontario, or use offensive words in or against the Authority or against any member, speak on matters unrelated to the question in debate or reflect upon any vote of the Authority except for the purpose of moving that the question be reconsidered.
- (b) Personal electronic devices shall not be used in a manner that would be disruptive to the meeting.
- (25) The Chairman shall preserve order and decide questions of order.
- (26) (a) When a member rises to a point of order, the member shall ask leave of the Chairman to raise a point of order and after leave is granted, the member shall state the point of order to the Chairman and sit down and remain seated until the Chairman rules on the point of order and thereafter no member shall address the chair on the point of order except for the purpose of appealing from the Chairman's decision.
- (b) Where there is no appeal, the decision of the Chairman shall be final and, where there is an appeal, the Authority shall decide the question without debate and this decision shall be final.
- (27) The Chairman shall have the power to eject an offending member from the meeting and the said member shall not return to the meeting until the remaining members record a majority vote to permit such return.
- (28) When a member is speaking, no other member shall pass between the speaker and the Chairman or interrupt the speaker except to raise a point of order.
- (29) Any member may require a question or motion under debate to be read at any time, except while a member is speaking.
- (30) In all matters not regulated by these rules of order, Bourinet's Rules of Order shall govern.

Comment [EU2]:

VIII

RULES OF DEBATE

(A) SPEAKING TO QUESTIONS AND MOTIONS

- (31) (a) Prior to speaking to a question or motion, every member shall be recognized by the Chairman and address the Chairman.
- (b) Where two or more members rise to speak, the Chairman shall designate the member who has the floor, who shall be the member who in the opinion of the Chairman was first recognized.
- (32) (a) A motion may be presented to the Authority in writing or orally.
- (b) Where a motion is presented in writing, it shall be signed by the mover and seconder and shall be read before debate.
- (c) Where a motion is presented and seconded orally, it shall be stated before debate.
- (33) Notwithstanding any Regulations herein, any matter mentioned in Regulation 26 shall take precedence over any motion or other matter, and a motion to adjourn or put a question to the vote shall be put to a vote immediately without debate, except that the vote shall not be taken.
 - (a) while a member is in possession of the floor or has previously indicated to the Chairman the desire to speak on the matter before the Authority; or
 - (b) after it has been decided to put a motion to the vote and before that vote is completed.
- (34) (a) Subject to Sub-Regulation 2 hereof, no member shall speak more than once to the same question without leave of the Chairman, except in explanation of a material part of the speech and when no new matter is introduced.
- (b) A member who has presented a motion, other than a motion to amend or dispose of a motion, may speak in reply before a motion to put the disposition of the member's motion to a vote is carried.
- (35) No member shall speak to a question or in reply for a longer period than 5 minutes without leave of the Chairman.

- (36) Any member may ask a question of the previous speaker, but the question shall relate to the speaker's remarks.
- (37) When a motion is under debate, no motion shall be received other than a motion to amend, to defer action, to refer the question, to take a vote, to adjourn or to extend the hour of closing the proceedings.
- (38) (a) A motion to amend a motion (hereinafter called an "amending motion") may be presented in the same manner as a motion.
- (39) Only one (1) amending motion will be allowed after a motion has been put forth for debate.

(B) VOTING

- (40) Interrelated motions shall be voted on in the following order:
- (a) motions to refer the matter, and
- (b) if no motion under Clause (a) is carried, the order for voting on the remaining motions shall be:
- i) amending motion,
- ii) the original motion.
- (41) (a) Each member is entitled to one vote (11998 c. 18, Sched, I,s.8)
- (b) Unless a member demands a recorded vote, a vote shall be by show of hands.
- (c) Before a vote is taken, any member may require a recorded vote and it shall be taken alphabetically with the Chairman voting last.
- (d) After a vote is taken by show of hands, any member may require that the vote be taken again either by show of hands or recorded if:
- i) the member disagrees with the Chairman's declaration as to results of the vote; and
- ii) the member states the requirement immediately after the Chairman's declaration.
- (e) In the event of a tie vote (including the Chairman's vote) the motion is lost.
- (f) The Chairman is entitled to one (1) vote and is not accorded a second vote in the event of a tie.
- (42) While the Chairman is putting a question to the vote, all members shall remain seated and not make any noise or disturbance until the result of the vote is declared.
- (43) (a) After a question has been decided it shall not be reconsidered, except that any member who voted thereon with the majority may, subject to Sub-Regulation 2

Comment [EU3]:

Comment [EU4]:

hereof, more for a consideration of the question at any regular meeting of the Authority.

- (b) No discussion of the main question shall be allowed until the motion for reconsideration is carried by a majority vote, and no question shall be reconsidered more than once at any meeting.
- (c) Where a question under consideration contains more than one item, upon the request of any member, a vote upon each item shall be taken separately.

IX

CAO

- (44) The CAO is the Chief Administrative Officer of the Authority and shall be responsible for the following:
- (a) Responsible for the overall direction and supervision of the work of the Authority staff including the hiring and discharging of Authority staff.
 - (b) Responsible for all accounting procedures and financial records for the Authority.
 - (c) Responsible for the levying of all municipalities as approved by the Authority.
 - (d) Responsible for the banking business of the Authority including the preparation of all cheques, custody of Authority funds and borrowing of monies as approved by the Authority.
 - (e) Responsible for the overall direction of all consultants, contractors and other professional firms and individuals employed with the Authority.
 - (f) Responsible for directing and co-ordinating the execution of programs, policies and decisions which the Authority approves or adopts.
 - (g) Direct the preparation of projects and other reports as requested by the Authority.
 - (h) Provide information and liaison to the member municipalities and various levels of government as directed by the Authority.
 - (i) Co-ordinate, supervise and direct the activities related to land acquisition including appraisals, disposal, leasing, etc.
 - (j) Prepare agendas for all Authority and Standing Committee meetings.
 - (k) Supervise the preparation of briefs for grants covering approved projects of the Authority.
 - (l) Review and recommend to the Authority, management methods, personnel regulations, position specifications and regular staff appointments, promotions and salaries.
 - (m) Responsible for ensuring that appropriate matters are presented in a co-ordinated form to the Authority at the appropriate time and that the Authority has the pertinent related information.

- (n) Responsible for the formal definition and communication of the Authority programs and procedures for the interpretation of Authority instructions to the Authority staff.
 - (o) Responsible for compiling all budget estimates for presentation to the Authority.
 - (p) Originate and/or approve administrative controls and reports to the Authority on overall efficiency, effectiveness and economy of Authority operations.
 - (q) Responsible for conducting the official business and correspondence for the Authority.
 - (r) Perform other related duties as directed by the Authority.
- (45) If for any reason the CAO is incapacitated, the Authority may appoint an Acting CAO, to be confirmed at the next meeting of the Authority. An Acting CAO shall have all the powers and perform all duties of the CAO.

X

SIGNING OFFICERS

- (46) The signing officers of the Authority shall be the Chairman and Vice-Chairman of the Authority and the CAO.
- (47) All cheques and legal documents shall be drawn in the name of the Authority and signed on its behalf by either the Chairman or Vice-Chairman and the CAO.

XI

DELEGATIONS

- (48)
 - (a) Any person or organization desiring an opportunity to address the Authority or any Standing Committee, may make a request, in writing, to the CAO eight (8) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. The request should comprise a brief statement of the issue or matter involved and indicate the names of the proposed speakers.
 - (b) The CAO or a designate preparing the agenda shall:
 - i) List all requests received pursuant to paragraph (a) hereof before the closing of the agenda in a section called "Delegations" and indicate the source of the request and a brief description of the issue or matter involved; and
 -) Provide an item at the end of the section of the agenda called "Delegations" for the meeting to consider hearing any other delegation present.
 - (c) The CAO or a designate shall advise any person or organization requesting an opportunity to address the Authority, or any Standing Committee, not having made a written request in accordance with Section (a), that said delegation may appear before such meeting, but will be heard only if approved by a ruling of the meeting. The CAO or a designate shall inform the applicant of the date, time, and place of meeting, and obtain a brief statement of the issue or matter involved.
 - (g) No delegation, whether or not listed on the agenda pursuant to Section (a), shall be heard without a ruling by the Chairman of the meeting giving leave, but such ruling may be immediately appealed by proper motion and the ruling of the meeting shall

govern, except that a Representative of Council of a member municipality of the Authority, duly authorized by resolution of such Council, shall be heard at the appropriate time as of right, and that any Member of the Authority shall be heard by the Standing Committees at the appropriate time as of right.

- (e) Delegations shall be heard only when the meeting is dealing with the item "Delegations" on the agenda, except that the meeting may, at that time, by proper motion, defer the hearing of any specific delegation until the meeting is considering a particular item or matter at a later time.
- (f) With respect to a delegation not listed on the agenda, but desiring an opportunity to be heard pursuant to paragraph (b)(ii) hereof, the procedure shall be:
 - i) a motion shall be made by a member of the meeting that the delegation be added to the agenda.
 - ii) If that motion passes, but if the Chairman immediately rules that the hearing of the delegation would be unfair or prejudicial to members or other persons not present because of lack of advance notice, the hearing of the delegation shall be deferred to the next meeting and listed on that agenda pursuant to paragraph (b)(i) hereof, specific item or matter.
 - (iii) If the ruling in subparagraph (ii) hereof is not made, the procedure in paragraph (d) hereof shall be followed.
- (g) Except by leave of the Chairman or an appeal by the leave of the meeting, delegations shall be limited to one (1) speaker for not more than ten (10) minutes. A delegation of more than five (5) persons present shall be limited to two (2) speakers for not more than ten (10) minutes each.

XII

REVOCATION

- (49) Upon approval of these Rules and Procedures by the Authority, all previous Regulations made under R.S.O. 1970, c. 78, s. 29 and R.S.O. 1980, c.85, s.30 shall be revoked.

Hearing (refusal of a permission)

If an application does not conform to policy or it does not satisfy technical requirements, or if the applicant does not agree with any recommended condition of permit approval, the application may be recommended for refusal. In such a case, the applicant may request a hearing before the Niagara Peninsula Conservation Authority Board of Directors

Niagara Peninsula Conservation Authority shall, by personal service or by registered mail, give written notice of the time and place of the hearing of the application, together with a brief explanation of the nature of the application, not less than ten (10) days prior to the day of the hearing to:

- (a) the applicant or their designated agent,
- (b) all members of the NPCA Board of Directors,
- (c) Niagara Peninsula Conservation Authority may at its discretion request representation to the hearing as follows:
 - 1. the municipality in which the property is located,
 - 2. any Federal or Provincial Government Representative,
 - 3. any surveyor, consulting engineer or other expert retained by Niagara Peninsula Conservation Authority.

Where the Notice of Hearing is given to the applicant or their designated agent by registered mail, it shall be sent to the address given in the application.

Upon hearing evidence submitted by the applicant or their designated agent, and reviewing any other information submitted in support or rejection of the application, the NPCA Board of Directors shall approve (with or without conditions) or refuse the application. Upon refusal of the application or if permission is granted subject to conditions, the Board of Directors shall give written response to the applicant, including reasons, for its decision.

A hearing for refusal of permission cannot proceed unless the applicant or their designated agent is present. If the applicant or agent does not appear at a hearing, the application will be held in abeyance.

Appeal Process

An applicant who has been refused permission or is not in agreement with conditions of an approval may, within thirty (30) days of the receipt of the reasons for the decision, appeal to the Minister of Natural Resources, care of the Mining and Lands Commission, who may dismiss the appeal or grant permission.

In all cases, hearings/appeals will be conducted in accordance to the "Procedural Guidelines for Appeals, Under the Conservation Authorities Act", October 2005 (refer to Appendix 1).

Appendix 1

Section 28(3) Conservation Authorities Act Hearing Guidelines, October 2005

SECTION 28 (3)

CONSERVATION AUTHORITIES ACT

HEARING GUIDELINES

October 2005

Amended for use by NPCA, October, 2011

Comment [EU1]:



Ministry of Natural Resources
Ministère des Richesses naturelles

SECTION 28 (3)

CONSERVATION AUTHORITIES ACT

HEARING GUIDELINES

October 2005

Gail L. Boggs, Deputy Minister
Ministry

Section 28 (12), Conservation Authorities Act - Hearing Guidelines

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Hearing 3

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Appendices

- A. Notice of Hearing - model
- B. Hearing Procedures - model
- C. Opening Chair Remarks - model
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1.0 PURPOSE OF HEARING GUIDELINES:

The purpose of the Hearing Guidelines is to reflect the changes to the 1998 Conservation Authorities Act. The Act requires that the applicant be party to a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act. It is the purpose of the Hearing Board to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the Conservation Authorities Act. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants.

2.0 PREHEARING PROCEDURES

2.1 Apprehension of Bias

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.
- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material.
- (c) In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the

hearing itself. Such policy and procedures manual shall be available to the members of the public upon request. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

2.2 Application

The right to a hearing is required where staff is recommending refusal of an application or where there is some indication that the Authority or Executive Committee may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

2.3 Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing.
- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant

- (f) Reminder that the applicant is entitled to be represented at the hearing by counsel, if

desired.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendix A** for an example Notice of Hearing.

2.4 Presubmission of Reports

If it is the practice of the local Conservation Authority to submit reports to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda), the applicant shall be provided with the same opportunity. The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

2.5 Hearing Information

Prior to the hearing, the applicant shall be advised of the local Conservation Authority's hearing procedures upon request.

3.0 HEARING

3.1 Public Hearing

Pursuant to the Statutory Powers Procedure Act, hearings are required to be held in public. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2 Hearing Participants

The Conservation Authorities Act does not provide for third party status at the local hearing. While others may be advised of the local hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff.

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the hearing must be adjourned and resumed when either the member returns or if the hearing proceeds, even in the event of an adjournment, only those members who were present after the member left can sit to the conclusion of the hearing.

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff

where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix B**.

3.6 Information Presented at Hearings

- (a) The Statutory Powers Procedure Act, requires that a witness be informed of his right to object pursuant to the Canada Evidence Act. The Canada Evidence Act indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

A record shall be made of the members of the Hearing Board.

3.7.2 Opening Remarks

The Chairman shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference **Appendix C** for the Opening Remarks model.

previous hearing(s) may participate in discussion and/or decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4.0. DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Minister of Natural Resources.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

4.1 Notice of Decision

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix D**.

4.2 Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

5.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Minister of Natural Resources/Mining and Lands Commissioner. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).

- (d) All information received by the Board.
- (e) The minutes of the meeting made at the hearing.
- (f) The decision and reasons for decision of the Board.
- (g) The Notice of Decision sent to the applicant

Appendix A

NOTICE OF HEARING

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under
Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 2001**, with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse affect on (**the control of flooding, erosion, dynamic beaches or pollution or conservation of land/alter or interfere with a watercourse, shoreline or wetland**) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear, please contact (**name**) . Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT this hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness, as this tribunal has no knowledge of the affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____ 200X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Appendix B

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chair's opening remarks.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or his/her agent will speak and also make any comments on the staff report, if he/she so desires.
7. The Hearing Board is open to the public and therefore, the Hearing Board will allow others to speak, and, if necessary, the applicant in rebuttal.
8. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
9. The Hearing Board will **may** move into camera.
10. Members of the Hearing Board will move and second a motion.
11. A motion will be carried which will culminate in the decision.
12. The Hearing Board will move out of camera.
13. The Chairman or Acting Chairman will advise the owner/applicant of the Hearing Board decision.
14. If decision is "to refuse", the Chairman or Acting Chairman shall notify the owner/applicant of his/her right to appeal the decision to the Minister of Natural Resources within 30 days of receipt of the reasons for the decision.
15. Motion to move out of Hearing Board and sit as Executive Committee.

Comment [EU3]:

Appendix C

CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 158

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by _____; for permission to:

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The Conservation Authorities Act (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

Appendix D

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28(12) of the Conservation Authorities Act

Proposed Residential Development

Lot , Plan ; ?? Drive City of

(Application #)

In accordance with the requirements of the Conservation Authorities Act, the (name) Conservation Authority provides the following Notice of Decision:

On (meeting date and number), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: **(the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land)**.

In accordance with Section 28 (15) of the Conservation Authorities Act, An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

The Honourable David Ramsay
Minister of Natural Resources
Queen's Park, Whitney Block
99 Wellesley Street West, 6th Floor, Room 6630
Toronto, Ontario M7A 1W3
TEL: (416) 314-2301 FAX: (416)
314-2216

Should you require any further information, please do not hesitate to contact (staff contact) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasure

Enclosure



TO: The Chairman and Members of the Authority

DATE: October 13, 2011

SUBJECT: Budget Status Report and Year End Estimates - Report No. 54 -11

Enclosed is the budget status report for the period ending September 30, 2011.

Attached are the Operating and Capital Budget summary reports that outline the anticipated year end position of the NPCA.

Below is a list of the significant variances that are projected.

Operating Budget

Corporate Services

- Reduction of office services costs due to delays in purchasing office equipment
- Financial Services cost increases from update requirements in the accounting software
- Human Resources cost increases due to recent position termination, however the cost final financial implications to the NPCA have not yet been determined.

Resource Inventory and Environmental Monitoring

- Miscellaneous Revenues and expenses in the Children's Water Festival variance is due to the fact that the Authority assisted in the Great Lakes St. Lawrence Cities Initiatives Conference in June 2011 and the Water Festival Account was the conduit for revenues and expenses pertaining to this event including the coordinator's salary.
- Water Quality Monitoring Program

Flood Protection Services

- Legal fees for NPCA Regulations are anticipated to be \$10,000 above budget. Depending on the final year end position overall, there may be a requirement to draw from contingency reserves for Regulations.

Environmental Advisory Services

- Increases are the result of legal fees incurred for the Bay Beach OMB Hearing, however the costs are offset by a projected increase in administration fees from that budgeted.

Conservation Land Programming

Overall the operating season started out very poor. Weather conditions were wet and attendance at all facilities was down over the same period in 2010. In early summer the weather turned around, with attendance up across all of our areas. The shoulder season (September – October) has been poor, with the exception of a great Thanksgiving Weekend. Campgrounds are now closed, leaving Binbrook and Ball's Falls as the only year-round facilities operating over the winter.

The following specific information for the Conservation Areas is also provided.

- Ball's Falls – revenues are projected to be lower than expected. Expenses are in line with budget, however staff are looking for opportunities to recover savings to bring the budget in line for rest of the year.
- Binbrook – Expenditures are slightly higher due to a very busy summer season. Fortunately revenues are on track to exceed budget and cover the overage.
- Chippawa Creek – Day use and season passes exceeded budget. Great fall camping business. Thanksgiving Festival was a success, with all but a few sites booked. In spite of this, revenues are forecast to be down 7%. Operating at this area is slightly over this time last year, however staff are looking for ways to achieve savings for balance of the year.
- Long Beach - Staff forecast revenues will be down approximately 16% from budget target. Fall season not as successful at this park. Fortunately expenses are slightly under budget which should allow some savings over the remainder of the year.
- Other Conservation Areas – savings projected.

Capital Budget

Water Management

- Upper Welland River Watershed Plan - Savings were achieved here due to a reduction in the anticipated technical studies costs from the original work plan. Approximately \$20,000 will therefore not be required from the NPCA Capital Reserve Account.
- Beaverdams and Shriners Creeks Watershed Plans - Savings were achieved here because of the decision during the 2011 budget process to end the Watershed Plan Program. The expenses to date are attributed to assisting the municipality with work required to prepare secondary planning information in the watershed. Also, updated floodplain mapping for the main watercourses is being completed in house resulting in substantial savings. Approximately \$53,000 will therefore not be required from the NPCA Capital Reserve Account.
- Binbrook Reservoir - The contemplated erosion protection project for an island in the north west portion of the reservoir was not completed due to a significant cost variance from the original 2010 quote process. It is anticipated the project will carry over into 2012, however the PFOS issues will need to be addressed prior to any works in the water.

Land Management

- Land Acquisition – Approx. \$550,000 for land acquisitions for 2011
- Ball's Falls – Will complete the mill re-siding by end of the year. Materials purchased and prepared for barn siding over the winter. Final installation of compact storage facility for museum. In addition, equipment purchased for meeting space rentals. Projected to spend \$135,000. Mill restoration and remedial works on sewage system will take place in early 2012.
- Binbrook – completion of workshop upgrades and start of water treatment upgrades for splash pad. Additional splash pad work will take place in October and over the winter season. Staff also expect to have bid package for playground upgrades before end of 2011. Projected spending \$84,000
- Chippawa Creek – Sewer system project completed and commissioned early in the new year. Few problems encountered during start-up, however system has been working well. Picnic pavilion was restored and servicing completed. Comfort station plans are being prepared with anticipated bid package available for early 2012. Projected expenditure of \$45,000. Balance carry-over for construction of comfort station.
- Beamer – Trail work completed and final stages of buckthorn removal over by early November. Capital works completed with projected savings of \$2,500
- Binbrook Tract – work will not be completed in 2011 due to staffing shortfall as a result of retirement at Binbrook Conservation Area.
- E. C. Brown – Trail system expanded and upgraded to link with E.C. Brown Wetland Project. Project is now delayed due to approvals required from airport. Anticipated expenditure of \$15,000 in 2011. Additional \$10,000 carried over to complete the project in 2012. Resulting in \$15,000 savings.
- Hedley Forest – project suspended due to vandalism and neighbourhood complaints. Staff will re-assess situation and look to transfer project funding to Rugrok Tract.
- Wainfleet Bog – Sign project is in final design stages, expected to be completed by end of year.
- Rockway – project completed under budget. Savings of \$7,300
- Twenty Valley Trail – The staircase repair is much larger than first anticipated. Rather than repairing existing staircase, the entire structure will need to be replaced. The project is on hold pending construction drawings and tender.
- Gainsborough – design exercise and tender at end of 2011.
- Mountainview – Trail work was completed in early summer. The parking lot project is being deferred until an existing land use conflict can be resolved. Vandalism and unauthorized use of lands in vicinity of proposed parking lot.
- St. Johns – The NPCA partnered with the City of Thorold on their paving contract. As a result, the project will be completed and under budget with savings of \$8,000.
- Virgil CA – Trail work will continue at the Virgil Conservation Area for the remainder of the year. Staff anticipate an expenditure of \$15,000.
- Two mile Creek – The project originally budgeted \$15,000 to resurface a trail. In 2010, quotes were received in excess of \$20,000. The reason for the increase was a concern that the trail needed a stronger base and the Federal infrastructure program was keeping paving costs high. The project was re-designed with a stronger base and re-quoted in 2011. The new price is

\$40,000. Additional funding of \$25,000 is required for the project. This is an important project for public safety. The funding can be found as a result of savings at Beamer, St. Johns, Rockway, Mud Lake and E.C. Brown.

- Cave Springs – some trail work completed in 2011. The remainder of the upgrades will require an approved Master Plan. Expected expenditure of \$5,000.
- Mud Lake – completed and under budget by \$1,600
- Jordan Harbour – on hold pending re-design of project.

RECOMMENDATION:

That the Budget Status report for the period ending September 30, 2011 and Year End Estimates Report -Report 54-11 be received.

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



TO: The Chairman and Members of the Authority

DATE: October 12, 2011

SUBJECT: Preliminary 2012 Operating Budget - Adjustment - Report No. 55-11

The NPCA Board adopted their 2012 Preliminary Operating and Capital/Project Budget at the meeting of August 17, 2012. Since that time, I was contacted by Niagara Region Financial Staff regarding the guidance amounts for the NPCA levy.

As the Board will recall, the NPCA Budget levy for the Niagara Region is made up of a base budget plus a \$300,000 amount from Public Works (Water and Wastewater) to support the Children's Water Festival and the NPCA Water Quality Monitoring Program.

At the time of determining the NPCA guidance, Niagara Region staff applied the guidance percentage to the full budget amount. Subsequent discussions with Public Works staff determined that the guidance increase should not be applied to the \$300,000 amount as severe budget limitations within the Public Works Department prevented an increase to this amount.

The above would result in the need to reduce the levy amount to Niagara Region by \$8,100 and due to the need to submit budget information to Regional Council prior to the Board meeting, I conditionally agreed to this reduction subject to endorsement by this Board. The corresponding slide presentation for the October 20th Budget Presentation to the Budget Review Committee also illustrates the reduced amount.

At this time, the requested resolution would be to adopt a reduced budget as per the above discussions and I will follow up with details when the final budget is adopted. Most likely, the budget reductions to accomplish this would be from the Corporate Services Budget, Corporate Fundraising (Conservation Foundation)

RECOMMENDATION:

That the 2012 Preliminary Operating Budget Levy to the Niagara Region as adopted in Report 43-11 be reduced by \$8,100.

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



TO: The Chairman and Members of the Authority

DATE: DATE: October 12, 2011

SUBJECT: PFOS Compounds at the Binbrook Reservoir (update) – Report No. 56-11

As mentioned in previous reports, the source of PFOS has been tracked to a former firefighting training facility on the Hamilton Airport property. The site is now contained and materials are no longer making their way into the local drainage system. There are no details on the long-range plan to remediate the historic contamination, downstream of the airport site.

Conservation Authority staff are still awaiting information on a report prepared by Hamilton Airport Manager TradePort. The report was submitted to the Provincial Ministry of the Environment for review. Once the Ministry approves the approach, the report will be circulated to other agencies and landowners for review.

RECOMMENDATION:

That Report No. 56-11 regarding PFOS Compounds at the Binbrook Reservoir be received.

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

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

TO: Chairman and Members of the Authority

DATE: October 14, 2011

RE: Niagara Children's Water Festival Report No. 58-11

Introduction

As members are aware, the Authority in partnership with the Region of Niagara, City of St. Catharines and Ontario Power Generation has hosted the Niagara Children's Water Festival since 2003. The program evolved as a direct action recommendation of the Niagara Water Quality Protection Strategy (now WaterSmart Niagara). This year the event took place from September 18th to 23rd.

Purpose

Water plays an essential role in the economic, social and industrial development of Ontario. We depend on water for our very lives. Communities are developing around water resources to support growth and our abundant supply of water is a part of our diversified economy. As people become more concerned about the environment, especially water, they want to be more aware about water conservation and protection for future use.

Goal

Ontario's curriculum encourages students to become more environmentally aware. The focus of the festival is to educate children about the importance of water conservation, protection, technology and ecology. It is generally felt that students learn by doing and thus the message will tend to have a lasting effect. In keeping with this, the Niagara Children's Water Festival program emphasizes several key messages: understanding the water cycle, use water wisely, protect our water supply, examine the relationship between water and technology, foster a respect towards the environment and celebrate the role of water in the ecosystem. Teachers appreciate the opportunity to have students learn about important these topics and issues through hand-on activities. The activities have been developed to complement the current Ontario curriculum and focus on bridging the gap between scientific and environmental issues and daily routines. The festival's focus is on grades 3 – 4. Students in these grades are young enough to accept new ideas and old enough to understand the impact of what they are being taught.

Deliverables

The Niagara Children's Water Festival is a worthwhile educational event that brings together educators, government, industry and community representatives to educate our future generation on the importance of the environment and water conservation. A summary of the 2011 festival statistics is attached.

RECOMMENDATION:

That Report No. 58–11 be received for information purposes.

Prepared by: Mary Stack, Director, Communications

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

2011

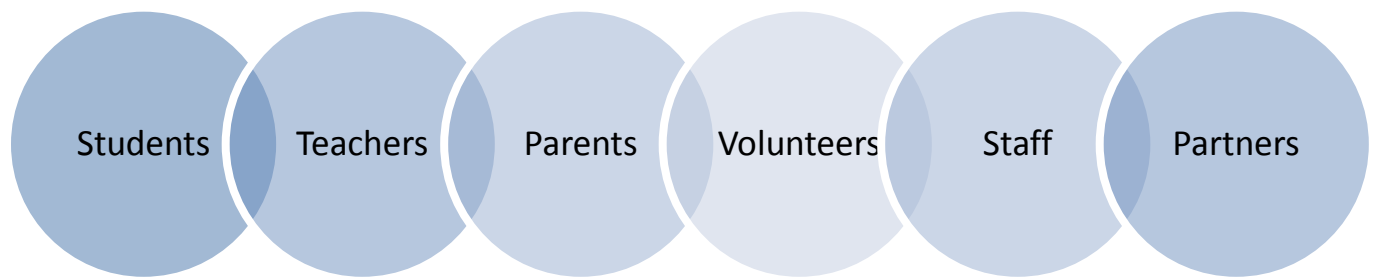
Niagara Children's Water Festival Summary Report

Prepared by Elizabeth Best
Coordinator, Niagara Children's Water Festival



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Overview

The Niagara Children's Water Festival is a joint initiative with the Niagara Peninsula Conservation Authority, Niagara Region, City of St. Catharines, and Ontario Power Generation. Additional partnerships have been established with Walker Industries, Ministry of the Environment and the Lincoln Firefighters.

Water quality, conservation, technology and safety are increasingly being recognized as extremely important for the growth and well-being of the Niagara Region. Our festival provides a unique opportunity for students to learn about the importance of water by participating in a hands-on setting.

This year, over 27 Activity Centres were organized into five strands.

- Water Attitude
- Water Conservation
- Water Protection
- Water Science
- Water Technology

The Activity Centres are supervised and led by Activity Presenters, many who work in a variety of specialized water-related fields throughout the Niagara Region, as well as a number of retired teachers. They are assisted by high school student volunteers whose enthusiasm and energy create a positive learning environment.

New Activity Centres introduced in 2011 focused on:

- Climate Change
- Great Lakes Puzzle
- Seeds – how they travel through water

Volunteers

An event of this size is successful largely to the dedication and commitment of staff and volunteers required to run the festival effectively each day including:

- Administration/Information
- Hospitality
- First Aid
- Bus Transportation
- Maintenance
- Morning Set up
- Festival Guides
- Crossing Guard
- Activity Presenter's
- Activity Trainer's
- High school Volunteer Coordinator
- Air horns

The human contribution is the essential ingredient. It is only in the giving of oneself to others that we truly live.

– Ethel Percy Andrus

The following table shows the staffing numbers each day.

Date	High School Students	Activity Presenters	Community Volunteers	Total
Tuesday	27	61	11	99
Wednesday	26	61	11	98
Thursday	23	61	11	95
Friday	39	61	11	111
Total for Week	115	244	44	403

School Registration

The Niagara Children's Water Festival had a new on-line registration system that was implemented this past June. It was extremely successful, with the Festival Program being completely filled by the end of June and several schools placed on a waiting list. In total, 90 schools attended the Niagara Children's Water Festival.

The following table represents the number of students, parents and teachers that attended each day.

Day	Students	Parents	Teachers	Total
Tuesday	1095	139	49	1283
Wednesday	1110	151	53	1314
Thursday	1046	132	46	1224
Friday	1068	141	49	1258
Total	4319	563	197	5079

Teacher Feedback

Many teachers who attended the Niagara Children's Water Festival shared the following comments about this year's festival with us, via email.

THANKS FOR ANOTHER GREAT YEAR! The kids had a great time learning and interacting with each other. They loved Scienstational Snakes and the F.I.R.E. presentation was excellent! Also, a special thanks for the water bottles. They were quite a hit!

Trish Iannizzi
Grade 4 Teacher
A.K. Wigg Public School

Just came back, what a BEAUTIFUL and organized day!!!! Thank you!

Annette Bertrand-Ménard
Enseignante de la 2e-3e année
École Saint Joseph

Thanks for another wonderful water festival! We had an amazing time!

Sonia Mullins
Alexander Kuska
Grade Three Teacher

Teacher Feedback

We just got back and I just had to send off a note of thanks to you. I'm always totally amazed at how well organized you and your team are in pulling off such a massive event as the Niagara Children's Water Festival. Thank you for all your hard work. My students had a wonderful day, full of engaged learning thanks to you, the many volunteers and workers from the region, and so many other community agencies. It has been an outstanding highlight of the year for me and my students for years now. Many thanks for this excellent experience!!!

Randy Clattenburg
Valley Way Public School

This is the first year where the weather has not cooperated with us and the kids still had a great time. They loved running in the rain. See you next year.

Robin Whaling
Grade 3
Lake Avenue

Thank you Elizabeth...it truly was a Water Festival. My students and parents all enjoyed themselves.

Rino Berardi
St. Christopher School

Hello Elizabeth,

As always your organizational skills and leadership is evident by how smoothly you orchestrated so many schools at so many activities. Thanks for including us and congratulations on putting on such a great event.

John Whaling
Grade Three Teacher
Winona Public School

I greeted everyone at the door as they returned. They looked tired and wet but happy. They said of course there had to be rain...it was a WATER festival!! No complaints....had a good time Thanks again.

Susan Tromanhauser
Principal
St. Patrick Catholic School

Teacher Feedback

As always an enjoyable day...the kids loved the rain (go figure) and we'll be ready for it next year — just in case! We greatly appreciated the opportunity and the time and effort made by all the volunteers. I have to say your high school volunteers this year were great...very personable and friendly with the students. See you next year!

Colleen Morrison
Gr. 4 Teacher
St. Joseph, Grimsby

A big thank you to all presenters who made the rain a fun and exciting part of the day. We had fun walking with a huge tarp over our heads. The kids will surely remember their trip to the Water Festival!

2012 Niagara Children's Water Festival

Currently, at the time this report was prepared, 35 schools have registered to attend the 2012 Niagara Children's Water Festival. Plans are to expand the number of activities, with the goal of educating over 5,000 students next year. Planning is already underway to explore new topics that might be introduced.

2012 also will mark a significant milestone for the Niagara Children's Water Festival—our 10th Anniversary. We are excited to be celebrating this occasion with our many partners

Tuesday Schools

School	Teacher	City	Grade	Students
Alexander Kuska Catholic	Andrea Stranges	Welland	Grade 3	16
Alexander Kuska Catholic	Christine Parlatore	Welland	Grade 3	16
Alexander Kuska Catholic	Clara Giancola	Welland	Grade 3	17
Alexander Kuska Catholic	Lisa DeCicco	Welland	Grade 4	30
Alexander Kuska Catholic	Lisa Sorella	Welland	Grade 4/5	34
Central Public	Helen Nicitopoulos	Grimsby	Grade 2/3	20
Central Public	Kelly Jonz	Grimsby	Grade 4	22
Central Public	Zoe Drummond	Grimsby	Grade 3	22
Grand Avenue School	Christian Esau	Grimsby	Grade 2/3	20
Grand Avenue School	Kim Watt	Grimsby	Sp. Needs	10
Grand Avenue School	Kirsta Arghittu	Grimsby	Grade ¾	24
Lincoln Centennial	Anne Andres-Jones	St. Catharines	Grade 2/3	20
Lincoln Centennial	Jane McLaughlin	St. Catharines	Grade 4	24
Lincoln Centennial	Sue Wilson	St. Catharines	Grade 3	20
Our Lady of Fatima	Robin Rinaldi	St. Catharines	Grade 3	20
Our Lady of Fatima	Stephen Kimandi	St. Catharines	Grade 4/5	23
Pelham Centre	Mrs. Huntingdon	Fenwick	Grade 4/5	27
Pelham Centre	Sheryl Bench	Fenwick	Grade 4	25
Plymouth	Ann Shield	Welland	Grade 4	25
Plymouth	Len Janzen	Welland	Grade 2/3	20
Plymouth	Patti Woods	Welland	Grade 3	22
Princess Elizabeth	Celia Contois	Welland	Grade 2/3	20

Princess Elizabeth	Nellie Lundy	Welland	Grade 2/3	20
Saint-Joseph	A. Menard	Port Colborne	Grade 2/3	25
Saint-Joseph	Josee Savard	Port Colborne	Grade 4/5	25
St. Davids Public School	Barb Cook	St. Davids	Grade 3	30
St. Davids Public School	Jeff Climenhage	St. Davids	Grade 4/5	30
St. Davids Public School	Michelle Furtney	St. Davids	Grade 2/3	30
St. Joseph	Christine Nurton	Stevensville	Grade ¾	21
St. Martin	Katia DiPasquale	Smithville	Grade ¾	21
St. Martin	Paula Downey	Smithville	Grade 3	22
St. Mary	Alex Lingerfelt	Welland	Grade 4	22
St. Mary	Diana Van der Zalm	Welland	Grade 3	22
St. Mary	Lee Bedek	Welland	Grade 3	22
St. Mary	Lisa Schaefer	Welland	Grade 4	16
St. Nicholas	Chantal Marotta	St. Catharines	Grade 4/5	24

Tuesday Schools

School	Teacher	City	Grade	Students
St. Nicholas	Luise Carbonara	St. Catharines	Grade ¾	20
St. Nicholas	Una Malone	St. Catharines	Grade 2/3	18
St. Patrick	Mrs. Bassett	Niagara Falls	Grade 3	25
St. Peter	Curtis Langkamer	St. Catharines	Grade 3	23
St. Peter	Curtis Stoutenberg	St. Catharines	Grade 4	23
St. Therese	Amy Breton	Port Colborne	Grade 4	32
St. Therese	Stephani Infusini	Port Colborne	Grade 3	20
St. Thomas More	Alana Wood	Niagara Falls	Grade 2/3	20
St. Thomas More	Paul Koccis	Niagara Falls	Grade 3	21
Thompson Creek	Gerda Smith	Dunnville	Grade 2/3	20
Thompson Creek	Melanie Ruigrok	Dunnville	Grade 4/5	24
Thompson Creek	Nancy Rose	Dunnville	Grade ¾	24
Thompson Creek	Sharon Craven	Dunnville	Grade 2/3	20
Total Tuesday				1,095

WEDNEsday Schools

School	Teacher	City	Grade	Students
A K Wigg Public	Scott Kurland	Fonthill	Grade 5	30
A K Wigg Public	Trish Iannizzi	Fonthill	Grade 4	32
Cherrywood Acres	Debbie Zelic	Niagara Falls	Grade 3	19
Cherrywood Acres	Kathy Illich	Niagara Falls	Grade 3/4	23
Crystal Beach Public	Ilona Puhl	Fort Erie	Grade 3/4	25
Crystal Beach Public	Laurie Fuaco	Fort Erie	Grade 2/3	22
Dunnville Christian	Margaret Kamping	Dunnville	Grade 3/4	27

E.I. McCulley	Jeff Davidson **	St. Catharines	Grade 3/4	20
E.I. McCulley	Laurie Stewart	St. Catharines	Grade 3	18
E.I. McCulley	Sanja Gopal **	St. Catharines	Grade 3/4	
E.I. McCulley	S. Winstanley	St. Catharines	Grade 4/5	25
Gainsborough	Amanda Solomons	St. Ann's	Grade 3/4	20
Gainsborough	Janet Judge	St. Ann's	Sp. Needs	6
Gainsborough	Laurel Sutherland	St. Ann's	Grade 2/3	20
Grapeview	Rachel Miller	St. Catharines	Grade 4	30
Greendale	Brian Barker	Niagara Falls	Grade 3/4	23
Greendale	K. Vandeberg	Niagara Falls	Grade 4	23
Greendale	Marci Hilliker	Niagara Falls	Grade 3	20
John Marshall	Kim TenDen	Niagara Falls	Grade 2/3	19

WEDNEsday Schools

School	Teacher	City	Grade	Students
John Marshall	Trevor Teakle	Niagara Falls	Grade 3/4	21
Kate S. Durdan	Dennis Wiens	Niagara Falls	Grade 4	29
Kate S. Durdan	Kristine Libera	Niagara Falls	Grade 3	20
Kate S. Durdan	Sarah Paul	Niagara Falls	Grade 2/3	20
Kate S. Durdan	Tracey Storr	Niagara Falls	Grade 4/5	27
Lake Avenue	Alex Allan	Hamilton	Grade 4/5	20
Lake Avenue	Ana Markwick	Hamilton	Grade 4	20
Lake Avenue	Elio Giordana	Hamilton	Grade 4	20
Lake Avenue	Leslie Duncan	Hamilton	Grade 4	20
Lakeview	Barb Gaspic	Grimsby	Grade 2/3	20
Lakeview	Krista Gray	Grimsby	Grade 3/4	20
Lakeview	Rachel Dixon	Grimsby	Grade 4	20
Little House Classroom	Hank Steingart	St. Catharines	Sp. Needs	12
Memorial	Kristen Bombay	St. Catharines	Grade 3	20
Memorial	Terri Steingart	St. Catharines	Grade 4	30
Niagara Homeschool	N. Poirier-Viman	St.Catharines	Homeschool	22
Niagara Christian School	Dan Lee	Fort Erie	Grade 3/4	11
Oakwood	Darla Schonewille	Port Colborne	Grade 3/4	22
Oakwood	Gail Wright	Port Colborne	Grade 2/3	23
Orchard Park	Jill Aoki-Barrett	Niagara Falls	Grade 4	28
Orchard Park	Ryan Kent	Niagara Falls	Grade 4/5	28
Park	Jody Gatt	Grimsby	Grade 4	22
Park	Peggy Roberston	Grimsby	Grade 3	20
Parliament Oak	Lorraine Pyle	NOTL	Grade 2/3	20
Power Glen School	Debbie Bond	St. Catharines	Grade 2/3	20

Power Glen School	D. Walvius**	St. Catharines	Grade 3	20
Power Glen School	Sandra Pasquale	St. Catharines	Grade 3	20
Power Glen School	V. Marchand **	St. Catharines	Grade 3	0
Ridley College	Marcie Lewis	St. Catharines	Grade 4	15
Ridley College	Matthew Bowie	St. Catharines	Grade 3	15
St. Ann	Janet Kessler	St. Catharines	Grade 4	32
Valley Way	Randy Clattenburg	Niagara Falls	Grade 4/5	24
Winger Public School	Bill Lynett	Wainfleet	Grade 3/4	25
Winger Public School	Kelly Rauh	Wainfleet	Grade 4/5	22
Total Wednesday				1,110

THURsday Schools

School	Teacher	City	Grade	Students
Applewood	Chris Hoekstra	St. Catharines	Grade 3	22
Applewood	Tom Freure	St. Catharines	Grade 4	22
Beacon Christian School	Annette Dystra	St. Catharines	Grade 3	25
Beacon Christian School	Diane Koole	St. Catharines	Grade 4	25
Campden Public School	Sandy Geisbrecht	Campden	Grade 3/4	25
Carleton	Bronko Dorin	St. Catharines	Grade 3	18
Connaught	Sharon Tebbut	St. Catharines	Grade 3	20
Connaught	Tim Devlin	St. Catharines	Grade 4	26
E.W.Farr	Dawn Marie Oliver	Fenwick	Grade 2/3	15
E.W.Farr	Joy Kemp-Davidson	Fenwick	Grade 3	23
Edith Cavell	Alison Edward	St. Catharines	Grade 2/3	25
Edith Cavell	Deb Dionne	St. Catharines	Grade 4/5	25
Edith Cavell	Rachel Savio	St. Catharines	Grade 3	25
Ferndale School	Amanda Rindfleisch	St. Catharines	Grade 2/3	20
Ferndale School	Judy Burton	St. Catharines	Grade 3/4	24
Ferndale School	Katie Fruere	St. Catharines	Grade 3	20
Ferndale School	Lisa Greenlaw	St. Catharines	Grade 4	24
Fort Erie Elementary	Danielle Wright	Fort Erie	Grade 3/4	20
Fort Erie Elementary	Nancy Pye	Fort Erie	Grade 4/5	24
Jordan Public School	Suzanne Solyom	Jordan	Grade 3/4	17
McKay Public	Gloria Arnold	Port Colborne	Grade 3/4	25
McKay Public	Khione Buck	Port Colborne	Grade 3	20
Michael J. Brennan	Cherly-Ann Smith	St. Catharines	Grade 4	20
Pine Grove	Liz Meleski	St. Catharines	Grade 2/3	20
Pine Grove	Shelley Whitesell	St. Catharines	Grade 3/4	23
Richmond Street	Brooke Crawford	Thorold	Grade 3	20

Richmond Street	Cathy White	Thorold	Grade 4	28
Richmond Street	Jan Cavers	Thorold	Grade 4/5	15
Richmond Street	Kami Steinbachs	Thorold	Grade 3	20
Ridgeway Public School	Aimee Stouffer	Ridegway	Grade 3	22
Ridgeway Public School	Scott Darragh	Ridegway	Grade 3	22
Riverview Public School	Vanessa Mammoliti	Niagara Falls	Grade 3	35
Ross Public School	Barb Bida	Welland	Grade 3/4	23
Ross Public School	Linda Bhan	Welland	Grade 2/3	20
Senator Gibson	Gayle Redmond	Beamsville	Grade 3	20
Senator Gibson	Julie Holtby	Beamsville	Grade 4/5	30

THURsday Schools

School	Teacher	City	Grade	Students
Senator Gibson	Nicole Wallace	Beamsville	Grade 3	20
Senator Gibson	Patti-jo Chambers	Beamsville	Grade 3	8
St. Gabriel Lalemant	Nicole Biamonte	St. Catharines	Grade 3	20
St. Gabriel Lalemant	S. Fortino-Carter	St. Catharines	Grade 4	25
Victoria	Isavel DelGobbo	Niagara Falls	Grade 2/3	24
Virgil/CrossRoads	Heather Smith	Virgil	Grade 3/4	23
Virgil/CrossRoads	Jeremy Thorpe	Virgil	Grade 4/5	27
Virgil/CrossRoads	Margaret Tompsett	Virgil	Grade 4	25
Virgil/CrossRoads	Ruth Willms	Virgil	Grade 3	20
Westmount	Catherine Watson	Thorold	Grade 2/3	21
Total Thursday				1,046

FRIday Schools

School	Teacher	City	Grade	Students
Calvary Christian School	Diane Furtney	St. Catharines	Grade 3/4	29
Cathy Wever	Linda Mills	Hamilton	Grade 4	24
Cathy Wever	Mark Siltimaki	Hamilton	Grade 4	24
Cathy Wever	Nancy Gaulton	Hamilton	Grade 4	24
Covenant Christian	David Abbas	Smithville	Grade 4/5	27
Holy Name Catholic School	Joe Mudrik	Welland	Grade 4	20
Holy Name Catholic School	L. Goulet-Durish	Welland	Grade 4/5	26
Holy Name Catholic School	Maryann Minotti	Welland	Grade 3/4	22
John Knox Christian School	Karen Verbruggen	Stoney Creek	Grade 4	22
Lake Avenue	Kim Procyshyn	Hamilton	Grade 3	21
Lake Avenue	Rebecca Beaton	Hamilton	Grade 3	21
Lake Avenue	Robin Whaling	Hamilton	Grade 3	21
Our Lady of Fatima	Anna Marie Mio	Grimsby	Grade 4	24
NotreDame-de-la-Jeunesse	Angele Menard	Niagara Falls	Grade 3/4	22

NotreDame-de-la-Jeunesse	David Ayotte	Niagara Falls	Grade 2/3	21
Our Lady of Fatima	Eileen Melnyck	Grimsby	Grade 3	22
Our Lady of Fatima	Mimi Maesano	Grimsby	Grade 4	24
Our Lady of Fatima	Mrs. L. Druce	Grimsby	Grade 3	30
Our Lady of Victory	Chad Faner	Fort Erie	Grade 2/3	24
St. Ann	Gretta Parrotta	Fenwick	Grade 3/4	20
St. Antoine	Genevieve Besim	Niagara Falls	Grade 4	20
St. Antoine	Natalie Giroux	Niagara Falls	Grade 3	25

FRIday Schools

School	Teacher	City	Grade	Students
St. Charles School	Joan Mosier	Thorold	Grade 3	20
St. Charles School	Josie Sacco	Thorold	Grade 3	20
St. Charles School	Ms. Power	Thorold	Grade 3	20
St. Charles School	R. Arseneau	Thorold	Grade 3	20
St. Christopher	Rino Berardi	St. Catharines	Grade 3/4	24
St. Christopher	Teresa Virguilti	St. Catharines	Grade 3	22
St. George Catholic	Anna Gifford	Crystal Beach	Grade 3	18
St. George Catholic	Christine Repar	Crystal Beach	Grade 3	18
St. Joseph Grimsby	Andrea Wall	Grimsby	Grade 2/3	24
St. Joseph Grimsby	Colleen Morrison	Grimsby	Grade 4	24
St. Mark Catholic School	Mr. Moscato	Beamsville	Grade 3	19
St. Mark Catholic School	Mrs. Metelsky	Beamsville	Grade 3	10
St. Mark Catholic School	Patricia Thacker	Beamsville	Grade 3	14
St. Michael Elementary	Anna Pizzulo	NOTL	Grade 3	22
St. Michael Elementary	Christi Leigh	NOTL	Grade 3	22
St. Michael Elementary	Julie Pagoda	NOTL	Grade 4/5	25
St. Michael Elementary	Sherri Heindriks	NOTL	Grade 4	25
St. Michael's	Glenna Dulmage	Lowbanks	Grade 4	21
St. Michael's	Laurie Rykse	Lowbanks	Grade 3	18
St. Patrick Catholic School	Lorrie Murdoch	Port Colborne	Grade 4/5	23
St. Patrick Catholic School	Paul Moccia	Port Colborne	Grade 3/4	20
St. Philomena	Alaina Goodine	Fort Erie	Grade 3	24
St. Philomena	Michele Adamson	Fort Erie	Grade 3/4	22
Ste-Marguerite-Bourgeoys	Jean Corbeil	St.Catharines	Grade 4/5	20
Winona	Erin MacQueen	Winona	Grade 3	20
Winona	John Whaling	Winona	Grade 3	20
Winona	Miriam Leung	Winona	Grade 3	20
Total Friday				1,068

** Two teacher's, co-teaching one class

Public Day

This year marked the fifth year for hosting the Niagara Children's Water Festival Family Day. Held on Sunday, September 18th, the weather was beautiful and attendance was estimated at 1,300.

Activities enjoyed by all were:

- Centre for Conservation – Seeds Exhibit
- 2 for 2 – Niagara Region Dental Unit
- Ontario Backflow Association
- Earth 1st – Walker Industries
- The Power of Water – Ontario Power Generation
- FIRE – Lincoln Firefighters
- World Water Monitoring
- Great Niagara Taste Test
- To and Fro with H₂O
- Beachy Clean – Niagara Region Public Health
- Hot Dog BBQ
- Keep it Clean – Niagara Region Recycling
- Rolling to the River – Ministry of the Environment
- Flush the Kids – NPCA
- Lock it Up – NPCA
- Face Painting
- Balloon Twister
- Scisational Snakes
- Aboriginal Voices
- City of St. Catharines
- Walkerton Clean Water Agency
- Heartland Forest
- Niagara Restoration Council

Partners

The Niagara Children's Water Festival success is a direct result of the many partners involved each year in making it happen.

Dean Norton----- Ontario Power Generation

Allison Braithwaite ----- Walker Industries

Jamie Mereweather ----- Walker Industries

Rick Day ----- Ministry of the Environment

Rob Levay ----- Niagara Region, Public Health

Carol Chipman ----- Niagara Region, Public Health – Dental Unit

Trish Vidler ----- Niagara Region, Waste Management Services

Greg Hudson----- Lincoln Fire Department

Niagara Children's Water Festival Steering Committee

The Niagara Children's Water Festival has a strong group of committed individuals representing the core partners—NPCA, Niagara Region, City of St. Catharines and Ontario Power Generation. Their dedication and enthusiasm are another key reason why the festival continues to grow, thrive and be the success it is. Each committee member has a specific role/job that they manage for the Water Festival.

Mary Stack, Director, Communications-----NPCA
NCWF Co-chair

Elizabeth Best, Coordinator, Niagara Children's Water Festival ---- NPCA

Kerry Royer, Restoration Project Lead-----NPCA

Deanna Barrow, Manager, Quality & Compliance (Water) Niagara Region
NCWF Co-chair

Heather Sim, Process Specialist ----- Niagara Region

Kelsey Ewart, Information & Public Outreach Coordinator -- Niagara Region

Rhonda McCabe, Program Assistant ----- Niagara Region

Zoltan Mod, Manager of Water System Maintenance----- Niagara Region

Mark Green, Manager of Environmental Services ----- City of St. Catharines

Jason Culp, Environmental Technician ----- City of St. Catharines

Nancy Brzozowski, Environmental Technician ----- City of St. Catharines

TO: Chairman and Members of the Authority

DATE: October 14, 2011

RE: PROJECT/PROGRAM STATUS REPORT - REPORT NO. 59-11

WATER MANAGEMENT

Watershed Regulation Division

1) Monitoring

i) 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. Due to the prolonged dry conditions, maintaining standard operating level at the reservoir has been challenging. The reservoir water level is presently approximately 12 inches (300mm) below standard operating level.

Staff also continue to monitor the water levels and undertake routine maintenance at our 13 gauge stations, as part of the NPCA's routine flood forecasting/warning duties.

The public is able to access this real-time level and rainfall information through the NPCA's website.

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

i) Permits

To date, the NPCA has approved 72 permit applications for the 2011 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 44 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 10 municipal drain projects during the current calendar year.

3) Floodplain Mapping

i) Lower Welland & Thompson Creek – City of Niagara Falls

The NPCA is continuing to work with our consultant AMEC Engineering to undertake the work necessary to generate the 100 year regulatory floodplain mapping for the Lower Welland River and Thompson Creek.

ii) Shriner's & Beaverdams Creeks – Cities of Niagara Falls & Thorold

The NPCA is currently undertaking the necessary field work, computer modeling, and calculations in order to generate the regulatory floodplain mapping for the Shriner's Creek and Beaverdams Creek systems.

4) Gauge Station Expansion

In 2010, the NPCA received funding from the Niagara Water Strategy to undertake gauge station network improvements/expansion to both rainfall and water quality monitoring. By the end of 2011;

- nine (9) rainfall stations will be integrated into NPCA system (6 RMON & 3 new);
- three(3) permanent water quality monitoring units will be installed;
- an abandoned gauge station on Big Forks Creek (Wainfleet) will be recommissioned;
- a new "state of the art" flow and water quality station will be built on the Welland River adjacent to E.C. Brown.

- 1) **Rain Stations:** All six Regional co-operative climate stations are constructed, running and reporting at this time. The stations include: Crystal Beach, Lincoln Town Hall, Port Dalhousie, Chippawa-Niagara Falls, Seaway-Port Colborne and Welland WWTP. Permission from City of Hamilton has been granted and Utility Locates for both Haldimand (Ruigrok) and Hamilton (Glancaster Road South) installation sites have been completed. Hydro design for the Hamilton site is outstanding from Hydro 1 (to be finalized by the end of October). All instrumentation has been installed at the Haldimand (Ruigrok) station, it is currently logging rain measurements, and transmissions to the NPCA computer server (via satellite phone) will begin by the end of October.
- 2) **Water Quality Stations:** (Caistors in West Lincoln and Balls Falls in Lincoln): The Caistors water quality sensor station has been installed and is operational. Construction of the Balls Falls station is anticipated to be completed by the end of October.
- 3) **Big Forks Creek (Wainfleet):** The Big Forks climate and stream gauge station has been installed and is operational.
- 4) **E.C. Brown Cons. Area (Pelham):** The Region has granted permission to install instrumentation on O'Reilly's Bridge. The conduit mount has been installed on the bridge and the sensor mount will be attached to the bridge pier in November. Hydro 1 is presently completing the design to bring power to the site and is expected to be completed by November as well.

Watershed Planning Division

1) Municipal and Development Plan Input and Review

i) Staff continue to respond to a steady stream of planning and building permit applications. To the end of September 178 Planning Act related Applications ranging from complex Zoning Bylaw Amendments to simple Variances have been processed. Review work on local Official Plans for the RMON also continues. In addition, 332 formal Building Permits Reviews and Property Enquiry letters have been issued to date this year

2) Natural Areas Inventory/Heritage System

Staff have calibrated the MARXAN model and have begun to run the various baseline and learning scenarios for presentation to the Scenario Development Team in mid October.

Work continues on the final report with sections of Constraints and Target setting being written in draft this month.

The Outreach and Education Committee is completing a revised communications strategy for the project with the comments of the Steering Committee and the Scenario Development Team.

III. Source Water Protection Division

1) Source Water Protection Plan

Source protection staff continue to work on developing the Source Protection Plan (SPP), and Explanatory Document.

Pre-consultation notices were sent out in early October to the municipalities and government agencies (including NPCA) that will be responsible for implementing the SPP policies. The pre-consultation notices are required under the Clean Water Act. Presentations to municipal councils are scheduled for later in October. Presentations to the Niagara Region's Integrated Community Planning and Public Works committees are scheduled for November. Staff are also liaising with adjacent Source Protection Regions as part of the SPP development process.

Work on the IPZ-3 (event-based modelling) is progressing as anticipated. The consultant is currently refining the modelling. Event-based modelling was undertaken for the Decew, Welland and Port Colborne water treatment plant intakes.

2) Water Quality Monitoring Program:

a) Routine Water Quality Work

- Water quality (WQ) staff are continuing to collect water samples for the 2011 field season. To date, 88% of water quality sampling has been completed at 73 stations with approximately 500 samples collected in the NPCA watershed for 2011. Results from samples are still pending and will be incorporated into the 2012 water quality reports.
- WQ staff will be conducting biological monitoring at 17 stations from September to November. Biological monitoring at Hamilton Airport will also be included.
- WQ staff have removed 3 data loggers from the Welland River that were measuring summer time dissolved oxygen. The preliminary results indicate the central Welland River watershed experiences sustained low dissolved oxygen conditions that are likely

stressful to resident fish populations. The logger data will be further analysed and incorporated into future reports.

b) Groundwater Quantity and Quality

- The NPCA continues to collect groundwater level data at 15 monitoring wells as part of the Provincial Groundwater Monitoring Network (PGMN). Water quality sampling at 13 PGMN stations is scheduled for mid-October.
- The NPCA continues to receive requests for applications for the NPCA Water Well Decommissioning Grant Program. In 2011 the NPCA has partnered with 6 landowners to decommission abandoned water wells in West Lincoln, Town of Wainfleet, Town of Niagara-on-the-Lake, City of Port Colborne and City of Niagara Falls. Several additional projects are expected by year's end.

c) Special Projects

The Final Draft Report of the Welland River Eutrophication Study was completed by NPCA staff in August 2012. This final report summarizes water quality data collected from 2008 to 2010 for the Welland River watershed as part of the Niagara River Area of Concern Remedial Action Plan. The report was sent to the members of the Welland River Eutrophication Technical Working who represent NPCA, Environment Canada, Ministry of the Environment, Ministry of Natural Resources, Region of Niagara and City of Welland for review and comments. The deadline for comment was extended to October 7th to accommodate some agencies schedules. The Technical Working Group will be meeting in November to finalize the report.

WQ staff have been assisting the Ministry of the Environment (MOE) and Conservation Ontario with the Niagara Twenty Mile Creek Integrated Climate Change Study. This project will require an upgrade to the Water Survey Canada stream gauge enclosure, installation and deployment of level loggers into groundwater monitoring wells, and installation of rain gauge. In addition, it is hoped that equipment will be installed by the end of fall.

Hydrogeology and water resources work in the last month included:

- 8 private servicing study reviews/consultations.
- Technical assistance for
 - Niagara Region: abandonment of St.Davids Reservoirs, road salt vulnerable areas and Wainfleet Natural Heritage Servicing Study
 - Ministry of Environment's Niagara Twenty Mile Creek Integrated Climate Change Study
 - Ministry of Natural Resource groundwater discharge in Niagara-on-the-Lake
- Facilitating NPCA student interns from Brock University and Niagara College
- Preparation of an Ontario Geological Survey proposal for a 3-D geological investigation

IV. Geographic Information Systems (GIS) Division

1) Source Water Protection Support Activities

- Staff has been responding to the MOE request to submit the water budget data into the prescribed water quantity data model for submission to the province as part of the Assessment Report deliverables.

2) Watershed Planning Support Activities

- Analytic support for the Natural Heritage System project over the past month continues to be extensive. Calibration of the decision support tool is complete as anticipated and the

learning scenarios for the next Scenario Development Team meeting have been run. Maps and statistics continue to be generated to facilitate the discussion and evaluation of the learning scenarios on route to identify a preferred scenario that stakeholders agree they could integrate their conservation efforts around.

- GIS staff are starting a new project to develop an application that will automate the generation of property information relating to the Authority's planning and regulation review services. The idea comes from the Lake Simcoe and Region Conservation Authority who has already developed a similar product that we will be able to leverage some of the logic and design concepts from. The idea is efficiently identify and summarize potential issues (presence absence kind of approach) with our mapping data ahead of time (ie. parcel contains floodplain) on the parcel base so that planners do not have to view and subjectively interpret that on the fly in our mapping environment. The summary information will hopefully be set up as a tabular 'web service' as well so the information can not only inform and make internal operations more efficient but be consumed by our partners via the web via requests based on civic address, property identification number (PIN), and assessment roll number (ARN).

4) Corporate GIS and Information Management Support Activities

- Finalizing the report for the Large Scale Integrated Hydrology Pilot Project for the Water Resources Information Program at MNR has taken a back seat to the Natural Heritage System Project this month and will resume in November.

V. Watershed Restoration Division

The Watershed Restoration Program is responsible for improving water quality, water quantity and biodiversity within the NPCA Watershed. The Restoration Program advances these areas through the implementation of a comprehensive cost-sharing program that offers local landowners financial incentives to implement water quality and habitat improvement projects on their properties, thereby, rewarding the private landowner who conserves the public interest. In total, over 100 restoration projects will be completed in 2011.

1) Project Implementation

- Staff have completed woodland reforestation and riparian planting projects. In total 35 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 (biodiversity and carbon sequestering funding) and the Niagara Restoration Council. Well over 100,000 trees and shrubs were planted. Over 10,000 native wildflowers and grass plugs were planted and over 10 kilograms of native seed was sown onto restoration sites.
- Construction projects such as wetland restoration, aquatic in-stream works, erosion and bank stabilization projects are currently being implemented. 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 (i.e. rock chutes and check point dams) are currently being implemented. In total over 40 BMP projects are being implemented across the watershed.
- 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.

- The Haldimand County Agricultural Advisory Committee has passed a resolution asking Council to consider implementing a Rural Water Quality Program in Haldimand County. This program will be discussed at the October 11th meeting. NPCA staff have been working with counterparts at GRCA and Long Point CA to put together a proposal of how current restoration programs could come together to offer all of Haldimand a consistent program. Currently, the GRCA has no funding in Haldimand and Long Point can only offer wetland funding. We can offer a wide variety as per our program guidelines. The funding to fill in the gaps would come from the County of Haldimand. This initiative is being coordinated by Lidy Romanuk, Rural Development Officer with Haldimand County.

2) 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.
- A runoff diversion project was completed in February at the Summers farm on Beaverdams Road. The landowner undertook an earthworks project to redirect agricultural surface runoff from the farm operation away from the Decew Water Works Canal (IPZ -1). The runoff is now directed via a swale and berm through a vegetative filter of extensive cattail and wetland type growth. It then outlets to a slough drain to Lake Gibson, which is an IPZ-2. As a result, the agricultural activities on these lands are now reduced from a significant threat level to a moderate threat level.

3) Outreach & Education

Canopies for Kids

The *Canopies for Kids Program*, is a new NPCA program aimed at planting shade trees in school grounds to engage young students and volunteers in environmental learning. The goal is to learn through hands-on involvement, the benefits that trees provide, not only for a healthy environment, but also to recognize the important contribution trees make to our health.

Ten schoolyards were planted in May, each receiving 10 large sized (60 mm calibre) shade trees native to Niagara including; Silver Maple, Tulip, Freemans' Maple, Red Maple, and Sugar Maple. In addition, each school received up to 30 smaller trees (3-10 gallon pots) for students to hand plant. The entire student body participated in the planting day and have been left with the task of watering caring for the trees (staff have contracted out the watering over the summer).

To date, all large trees are thriving. There has been some vandalism to the smaller trees which was anticipated. Site monitoring and maintenance by both staff and students will be on-going.

The application process for 2012 will begin in late fall, early winter.

Yellow Fish Road

- Five groups have participated in the YFR program for 2011. These groups included Girl Guides from Niagara Falls and St. Catharines, the Town of Grimsby, an elementary school and secondary school from Niagara. In total, 60 children and 25 adult volunteers

participated. These children painted 116 storm drains and educated over 300 homes by passing out fish shaped hangers with information about the YFR program.

Community Fisheries Program

- The Angler Diary Program continues to collect data from anglers in the Welland River and Twelve Mile Creek watersheds. This year a total of 40 guides have been distributed for the fishing season in the Welland River and 6 in Twelve Mile Creek. In November, staff will mail out a letter and self-addressed stamped envelope for anglers to return their diaries. All anglers that return their diaries before the deadline on December 1st will be entered into a draw for a chance to win Canadian Tire gift cards in three different categories.
- The catch and release fish migration program continues. A total of 699 fish have been tagged since the inception of the tagging program in 2003. Of those 699 fish, 565 are in the Welland River system and 134 are in Lake Niapenco, at the Binbrook Conservation Area. We had three recaptures in 2011; two largemouth bass and one black crappie. All three fish were released back into the river after the tag number was recorded and reported to the NPCA. The NPCA sent out \$10 gift cards to Canadian Tire for anglers that have reported tagged fish. The 2011 annual report for this program will be available in January.
- Staff are working with MNR to identify common areas of interest for fall fisheries assessments. Staff assisted MNR in September with electrofishing assessments in the Welland River between Chippawa and Port Robinson. In October, staff will be assisting with fish seining in the Welland River, Lyons Creek and Frenchman's Creek. The 2011 annual report for this program will be available in January.

Landowner Stewardship Guides

- 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 topics sections will focus on improving water quality and biodiversity. It is anticipated to be completed in September. A grant for \$2,000.00 was secured from the Niagara Community Foundation for the production of this document.
- **Ontario Community Environment Fund (OCEF) – Ministry of the Environment**
We are applying for an OCEF grant to help offset the printing costs of the watershed-wide Landowner Stewardship Guide. The OCEF uses money collected from environmental penalties for projects located in the watersheds where the violation(s) occurred. Environmental penalties are issued for spills and other violations, such as failing to comply with regulatory requirements. Environmental penalties encourage industrial facilities to plan ahead to prevent spills and mitigate any effects when spills occur. OCEF money funds projects focused on environmental remediation, research, education, and restoration of the environment, and projects related to spill preparedness. The total amount available in Niagara for 2011 is \$2894.00 and the deadline for application is October 12th at 5pm. The funding will help us print over 950 guides to be distributed into our local communities.

Niagara Envirothon

- The Steering Committee is gearing up for the 5th annual Niagara Envirothon. To celebrate our 5th year of the program, the steering committee is holding an official logo contest. This logo will appear on promotional materials, banners, t-shirts, etc. This year's event will be held at the new Jericho House retreat in Wainfleet. NPCA staff have also been working with the Jericho House on a naturalization project, making it an ideal location to hold our event. Invitations to participate in the Niagara Envirothon have been sent out to all schools in the Niagara Peninsula and we hope to have a great turnout again this year. The Envirothon will be held on April 4th (workshop/review day) and April 18th (competition day).

VI. Remedial Action Plan (RAP)

1) Lyons Creek East

The Conservation Authority will host the first meeting of the participating agency representatives in the Lyons Creek East Administrative Controls Protocol for Monitored Natural Recovery on October 20, 2011. The agenda will include discussion on implementing the administrative controls and communications products. Golder's *"Guidance document for selecting and implementing Monitored Natural Recovery at Contaminated Sediment Sites"* & *"Lyons Creek East PCB Decay Study"* (July 2011) and Environment Canada's *"Lyons Creek East Contaminated Sediment Baseline Monitoring"* (August 2011) are now available.

2) RAP Monitoring & Assessment

The RAP's BUI assessment report for the *Loss of Fish & Wildlife Habitat* in the Area of Concern (AOC) is under review. A response from MNR with regards to their strategy for habitat issues, as well as to confirm their choice of approach to address a delisting criterion for BUI: *Degradation of Fish and Wildlife Populations* is pending.

The Technical Working Group (TWG) for the Welland River Eutrophication Study is anticipating a final meeting in November to sign off on the draft report. The next steps for the RAP Coordinating Committee in addressing the impaired BUI: *Eutrophication and Undesirable Algae* will involve engaging with local partners and stakeholders to develop an implementation strategy around the preferred option(s) for dealing with nutrient issues in the Welland River watershed.

3) RAP Stage 3:

The RAP Coordinating Committee is scheduled to meet in mid-October. The agenda will include a review of the RAP budget, work plan and status of all actions, review of draft communications products and distribution of the newly printed Stage 2 Update reports to RAP implementation partners and stakeholders.

4) Update: Canada-Ontario Agreement Respecting the Great Lakes Ecosystem (COA).

The 2007 Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem (COA) has been extended until June 24, 2012.

5) International Liaison

The RAP Coordinator will attend the 2011 International Joint Commission Great Lakes Biennial meeting at Wayne State University on October 12-14, 2011.

The State of the Lakes Ecosystem Conference (SOLEC) 2011 will be held on October 26 & 27 in Erie Pennsylvania. The theme is: "Linking Land to the Lakes".

The Lyons Creek East Administrative Controls Protocol for Monitored Natural Recovery of contaminated sediments has been nominated as a SOLEC success story.

6) Update: Great Lakes Water Quality Agreement.

The Governments of Canada and the United States (the Parties) are nearing the end of negotiations to amend the Great Lakes Water Quality Agreement (GLWQA). For status of negotiations and proposed amendments see: http://binational.net/glwqa_2011public_e.html

LAND MANAGEMENT

Ball's Falls Conservation Area

On October 7, 8, 9 & 10, Ball's Falls hosted the 37th Annual Thanksgiving Festival. The weather was perfect for the entire event. Over the course of four-days, an estimated 28,000 visitors came through the park. The staff at Ball's Falls did an outstanding job of operating this event, which involves a great deal of planning. This year Christine Hayward retired in early July. Fortunately, she was able to secure the artisans and vendors that make the Festival such a success. Over the past three months Nicci Hingley, Rob Kuret, Angela Wallace, Andrea Wilson, Dan Kaine, Jeff Fazekas, Lisa Stanton and Henry Parker handled the remaining work to ensure a smooth-running event. Finally, a special thanks to all staff, volunteers and Board Members that came out to support the Thanksgiving Festival. It is easy to see why it is consistently ranked as one of the top 50 Festivals in Ontario.

The Ball Grist Mill siding project was halted during the Thanksgiving Festival. Staff will return to work and complete the east gable end before moving to the final exterior wall on the west end. The new siding looks great and should last for several decades.

"Seeds in Disguise" – a travelling exhibit from the Royal Ontario Museum, will run until November 7th. The next exhibit is "Winter Sports" beginning November 17th.

Binbrook Conservation Area

Staff is continuing to work with the Hamilton health unit and our contractors on the operation and installation of new filtration equipment for the splash pad. This compliance work is in tandem with equipment repairs to the spray fixtures in preparation for shutting down and winterizing the system.

The controlled waterfowl hunt is now operating. The warm weather also means that we have a number of visitors who wish to hike the trails and make use of the reservoir. Staff will be speaking with park users and attempting to develop revisions to the hunting program that will allow the public to access other parts of the Conservation Area during the hunting program.

Grooming of the gate house trail is being completed in preparation for hosting the local TD Canada Trust Branch staff.

Long Beach and Chippawa Creek Conservation Areas

The camping season finished on the Thanksgiving Day weekend. The shoulder season was not that successful at Long Beach. Staff expect that the close proximity to the Lake and open campsites were not appealing during the cooler weather.

Chippawa Creek saw a fair amount of business over September and early-October. The sheltered campsites at this park were booked more often, especially during the holiday weekend.

From this point on, operations will begin winterizing the sites. There are a few cross-country events scheduled for Chippawa in the upcoming weeks.

Staff are reviewing design plans for a new comfort station for the park. We have consulted with other conservation authorities on their comfort stations and their building plans and are building on their successes in the design review for a new facility for the park. It is expected the design review in house will take another month to complete before we proceed with getting a set of building plans prepared for tender purposes. Anticipated scheduling for this capital improvement would be design and tendering over the next two to four months, with construction slated to commence early 2012.

Jordan Harbour Conservation Area

Staff are following up with the contractor on the site investigation and new footing design required for the proposed pavilion at the boat ramp. Once the design has been modified, staff will review the quote to ensure it is still competitive.

The project is not weather dependant and can be undertaken during the winter months.

Jordan Stairs

Staff have been in discussions with Ontario HeritageTrust (OHT) and the Niagara Escarpment Commission (NEC) regarding the proposed replacement of the deteriorating wood stairs behind the Jordan museum. The OHT as property owners reviewed their custodial agreement in place with NPCA and confirmed that this is a prudent review of a maintenance concern and that they support efforts to fulfill our maintenance mandate with them by proceeding further with design and tender plans for a replacement stair. The NEC has also reviewed this proposed project as a replacement of the existing stair that would not require an NEC Development Permit.

With this consultation complete, staff are now proceeding with the stair design drawings and the necessary tender documents in advance of calling a public tender for this work.

Staff will also be monitoring the condition of the stairs and communicating to the surrounding community the intent of the works in advance of the stairs closing while new construction is underway. It is anticipated the existing stairs may need to be closed for the winter months if they become too hazardous before a replacement stair can be installed in spring of next year.

Mud Lake Conservation Area

Staff completed a field survey and will be completing the bathymetry mapping for the lake by the end of October. This will provide general contours of the lake for use in future site work/restoration.

Wainfleet Bog Conservation Area

New information signs are being created for the entrance to the Wainfleet Bog Conservation Area. Signs will be finalized and installed by late spring 2012.

Conservation Authority staff have been advised that ATV traffic appears to be increasing in the northern section of the Wainfleet Bog. This parcel is owned by the Province of Ontario and managed locally by the Ministry of Natural Resources. The MNR has requested assistance from the NPCA in locating access points and assisting with additional monitoring during the shotgun hunting season.

NPCA Hunting Program

a) General: Hunting Permits

An additional 35 hunting permits have been issued for NPCA Conservation Areas in 2011. To date staff have received and issued 287 hunting permits for 2011. Of this total, 46 permits have been issued to individuals residing outside of our administrative area.

b) Controlled Waterfowl Hunting Program at Mud Lake and Binbrook Conservation Areas

The NPCA Controlled Waterfowl Hunting Program began Saturday September 24 and will continue through November 30 (Mud Lake Conservation Area) and December 10 or lake freeze (Binbrook Conservation Area).

Niagara Children's Water Festival

Thanks to the partnership of the local Mori Gardens, NPCA staff were able to use nursery plants to help simulate a bog and apply hands-on teaching opportunities for the children. The message from this exhibit was the significance of the bog as a water source, connections with plants and animals and the unique adaptations of plants related to water. Staff took this opportunity to promote messages on banning fires, respecting habitat and leaving resources for future generations.

Wainfleet Wetlands Conservation Area

The NPCA has an agreement with the Township of Wainfleet to maintain water levels in the quarry lakes at Wainfleet Wetlands Conservation Area. In early September, the pump was removed and serviced, in keeping with manufactures recommendations. The pump was re-installed in early October.

COMMUNITY RELATIONS

Ball's Falls Thanksgiving Festival

The 37th Annual Festival took place October 7-10, 2011. Staff was on hand to provide general information and promote the Authority's various programs and membership opportunities. Visitors

enjoyed great weather and fun activities and many positive comments were received. The TVTA had a licensed area in the park which was welcomed by visitors.

Conservation Achievement Awards

The Awards reception will be held at the Ball's Falls Centre for Conservation on Wednesday, November 23rd. The format will be similar to last year as this appeared to work well and allowed more time for recipients to have some social time together.

Source Water Protection

Four early engagement meetings have taken place as the working group and SWP committee continues to work on the draft policies. Source Protection staff have met with planning and public works staff at the municipalities of Thorold, Niagara Falls, Port Colborne and Niagara Region within the past month. Presentations to municipal councils are planned for the City of Thorold (October 18th, and Cities of Port Colborne and Niagara Falls (both on October 24th) to update them on the threat policies which they will be responsible for implementing under the Clean Water Act.

Niagara Children's Water Festival

A detailed report on the 2011 festival is included in the agenda package.

Chinese Delegations

The Authority will host 2 delegations from China who wish to learn about the Conservation Authority's roles and responsibilities as an environmental agency. The first delegation will visit on October 14 from Xinchang County and Provincial People's Congress of Henan Province, one of China's most populous provinces and the birthplace of China's ancient civilization on October 31.

Strategic Planning Public Consultation

Three stakeholder meetings were held as part of the Strategic Planning project. A total of 60 people attended the session on September 27th in Thorold, 16 attended the session on September 29th at noon at Ball's Falls and 28 attended the session on the evening of September 29th in Grimsby.

Nature for Niagara's Future Project

Staff is continuing to work on the communications strategy for the project. A 'draft' newsletter was shared at both the Steering Committee and Scenario Development Team meetings in September. Comments have been vetted and will be incorporated as appropriate. The newsletter is expected to be published in the near future.

Budget Presentations

Staff is preparing for the public budget engagement sessions in collaboration with Niagara Region staff.

Recommendation:

Report No. 59-11 outlining the status of Authority projects/programs be received for information.

Respectfully Submitted by: _____

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

