

**FULL AUTHORITY MEETING**  
**Thursday April 16, 2015 6:30 pm – 8:00 pm**  
**Ball's Falls Centre for Conservation – Glen Elgin Room**  
**3292 Sixth Avenue, Jordan, ON**

## **REVISED AGENDA**

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### **PUBLIC MEETING**

- ◆ **DECLARATION OF CONFLICT OF INTEREST**
- ◆ **ADOPTION OF AGENDA**
- ◆ **BUSINESS**
  - (1) Draft Meeting Minutes – March 11, 2015
  - (2) Business Arising From Minutes
  - (3) Correspondence
  - (4) Delegations;
    - a) Mothers Against Wind Turbines Inc. – Linda Rogers
    - b) Niagara Region Wind Energy Project - Loretta Shields Member of Niagara Peninsula Field Naturalist
    - c) Welland River Background – Steve Miller, P.Eng
    - d) Welland River Flood Plain Association – Len Aarts
  - (5) Chairman's Remarks
  - (6) CAO Comments

### **REPORTS FOR INFORMATION**

- (7) Project Status Reports:
    - 1. Watershed Management ----- **Report No. 31-15**
    - 2. Operations ----- **Report No. 32-15**
    - 3. Corporate Services ----- **Report No. 33-15**
-

- (8) Budget Status Report – 1<sup>st</sup> Quarter 2015----- **Report No. 34-15**
- (9) Forestry Bylaw ----- **Report No. 35-15**

### REPORTS FOR CONSIDERATION

- (10) Policy Review Update ----- **Report No. 36-15**
- (11) Approval for appropriation of Reserve Funds for 12/31/14 -- **Report No. 37-15**  
▪ *Financial Statements Year End Dec. 31, 2014 (attached)*
- (12) Niagara Region Wind Corporation – Gord Harry Trail----- **Report No. 38-15**
- (13) Morningstar Mill ----- **Report No. 39-15**
- (14) Camp Marydale ----- **Report No. 40-15**
- (15) Other Business

### CLOSED SESSION

#### ◆ DECLARATION OF CONFLICT OF INTEREST

- (1) Violations Summary ----- **Report No. CR-29-15**
- (2) Land Acquisition ----- **Report No. CR-30-15**

#### ◆ ADJOURNMENT

# CORRESPONDENCE

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- Bert Miller Nature Club (letter dated March 16, 2015)
- Ducks Unlimited Canada (letter dated February 25, 2015)
- NPCA letter to Minister Bill Mauro (dated March 12, 2015)
- Ministry of Natural Resources and Forestry (letter dated March 25, 2015)
  - Toronto Star article "Birds at Risk.." (dated March 23, 2015)
  - Niagara Region Audit Committee (NPCA letter dated April 13, 2015)

April 16, 2015 Full Authority Meeting



March 16, 2015

Mr. Carmen D'Angelo  
Chief Administrative Officer & Secretary Treasurer  
Niagara Peninsula Conservation Authority

MAR16 '15 PM 4:15  
Via email *de*.

Ms. Mary Lou Tanner  
Director, Planning Services  
Regional Municipality of Niagara

Dear Mr. D'Angelo and Ms. Tanner,

The Niagara Peninsula Conservation Authority (NPCA), The Niagara Falls Nature Club, The Bert Miller Nature Club, and The Peninsula Field Naturalists are key partners in the Niagara Restoration Council's "Conserving Niagara's Forests for the Future" project which is funded by a \$100,000 grant from the Ontario Trillium Foundation and a \$90,000 grant from the Government of Canada's EcoAction program.

The four main objectives of the project are to provide community education, forest health assessment, management planning and ecological restoration.

According to the Niagara Restoration Council's web page, "Each potential project site will undergo a forest health assessment by a qualified expert. This assessment will determine forest health based on a disturbance matrix/checklist called a Silvicultural Prescription".

It is our understanding that the NPCA is providing this qualified expert through its staff Forester.

Forests covered under the Tree & Forest Conservation Bylaw have been mapped by the NPCA. These maps provide a picture of how many forests in



Niagara are already in need of ecological restoration due to various impacts (NRC web page).

As partners, it was our understanding that any Silvicultural Prescription involving logging in Niagara's forests would be confined to the "southern part of the peninsula where woodlands containing a high percentage of Ash have been devastated by the invasion of the Emerald Ash Borer" (NRC web page).

Recently, we have received information raising concerns that logging under this project may have been carried out on private lands with little or no ash on them (e.g. < 3%). We have been given to understand that some healthy forests, including some that supported old growth sugar maple, oak and walnut trees, have been logged in the name of "ecological restoration".

We are also concerned about a recent logging operation that was just completed at the Wainfleet Wetlands Conservation Area.

While we have not drawn any conclusions, we believe that the matter requires immediate inquiry and clarification.

It is essential to our organizations' continued support for the project that we receive satisfactory answers to the following questions immediately:

- 1.) Is the forestry operation at Wainfleet Wetlands Conservation Area part of or in partnership with the "Conserving Niagara's Forests for the Future" project?
- 2.) If not, what project or mandate such as this does this logging operation fall under at the NPCA?
- 3.) Under recent management, the NPCA did not conduct logging operations such as this on their Conservation Lands. Does the current management at the NPCA have a new mandate to permit logging on their public Conservation Lands?
- 4.) Ontario Nature estimates that less than one percent of old growth forest exists in Southern Ontario. Does the NPCA permit logging of old growth trees on their Conservation Areas, and what policy or regulations exist to afford old growth trees and forests protection?
- 5.) Why was the permit for Good Forestry Practise not clearly posted on site at the Wainfleet Wetlands CA?

6.) Is logging planned for any other Conservation Areas and will the public be notified by public notice or a media release?

Preserving our natural heritage is important to all of us and we are certain that you will understand our concerns. We look forward to hearing from you in the near future.

Sincerely,

Joyce Sankey  
Past President  
Niagara Falls Nature  
Club

Dawn Pierrynowski  
Past President  
Bert Miller Nature  
Club


Bob Highcock  
President  
Peninsula Field  
Naturalists

cc. Niagara Peninsula Conservation Authority Board of Directors  
Ms. Allison Graszat, Executive director/Project Manager,  
Niagara Restoration Council  
Dr. John Bacher, Chair, Niagara Restoration Council



**Ducks Unlimited Canada**  
Conserving Canada's Wetlands

February 25, 2015

		RECEIVED	
DATE: _____		MAR 5 '15 PM 3:02	
To: _____		<input checked="" type="checkbox"/> CHAIR, NPCA	
<input type="checkbox"/> CAO OFFICE		<input type="checkbox"/> CORP. SERVICES	
<input type="checkbox"/> WATERSHED		<input type="checkbox"/> OPERATIONS	

Mr. Carmen D'Angelo  
CAO & Secretary Treasurer  
Niagara Peninsula Conservation Authority  
250 Thorold Rd West  
3rd Floor  
Welland, ON LC3 3W2

Dear Mr. D'Angelo,


On behalf of the Board of Directors, volunteers and staff of Ducks Unlimited Canada (DUC), please accept my sincere thanks for your continuing support of DUC's wetland conservation efforts in the Niagara Peninsula. Since 2002, DUC and the Niagara Peninsula Conservation Authority have been collaborating with landowners to implement over 55 wetland projects in Niagara. This collaboration has been a sharing of expertise and resources creating 76 hectares of restored wetlands and a total value of over \$1 million dollars. This is a milestone to be proud of and DUC is pleased to recognize the Niagara Peninsula Conservation Authority as a Heritage Sponsor.

Together, we're creating a strong conservation legacy. For 76 years, DUC and dedicated supporters like you have been contributing to healthy, prosperous communities and a more sustainable world through wetland conservation. By conserving and restoring wetlands, we're providing essential habitat for waterfowl and wildlife, including many species at risk. These areas also clean our water and reduce the impacts of floods, droughts and climate change – environmental benefits important to all Canadians.

While much has been accomplished, much work remains. We look forward to building on the many successes we've achieved together.

Once again, thank you for sharing your passion for waterfowl, wildlife and the environment by supporting Ducks Unlimited Canada.

Yours in conservation,



Greg Siekaniec  
Chief Executive Officer

cc: Bruce Timms, Chairman Niagara Peninsula Conservation Authority  
Jeff Krete, Conservation Programs Specialist DUC

250 Thorold Road West, 3<sup>rd</sup> Floor, Welland ON L3C 3W2  
Telephone (905) 788-3135 x 251 | Facsimile (905) 788-1121  
[Bruce.Timms@niagararegion.ca](mailto:Bruce.Timms@niagararegion.ca) | [www.npca.ca](http://www.npca.ca)

Honourable Minister Bill Mauro  
6th Floor, Rm 6630, Whitney Block  
99 Wellesley St W  
Toronto ON M7A 1W3

March 12, 2015

**Re: Municipal Levy Apportionments**

Dear Minister Mauro:

On behalf of the Niagara Peninsula Conservation Authority (NPCA) Board of Directors, I am writing to you in response to the City of Hamilton's Motion (dated March 11, 2015) entitled "Niagara Peninsula Conservation Authority's Levy Apportionment".

For your information, for the 2015 budget year, the NPCA applied Section 2.(1)(b) of Ontario Regulation 670/00 pursuant to Subsection 27 of the *Conservation Authority Act*. This determination of municipal levies was adopted by the NPCA Board of Directors on February 19, 2015 given that there was no agreement by the participating municipalities to pursue Section 2.(1)(a) of the Regulation.

I would like to provide you with additional information based on our review of the City of Hamilton's Motion:

*WHEREAS, since 2004, the Conservation Authorities of Hamilton, Halton, Grand River and Niagara Peninsula and their respective participating municipalities have operated under an agreed upon levy apportionment;*

In response, from information the NPCA has received to date, neither the Region of Niagara nor Haldimand County agreed to municipal levies as per Section 2.(1)(a) of the Regulation.

*AND WHEREAS, the City of Hamilton had no prior warning during its budget deliberations that the Niagara Peninsula Conservation Authority was planning to change the levy apportionment among its participating municipalities;*

In response, the budget process for the NPCA commenced in January 2015 with the introduction of the newly municipal appointed Board of Directors, in association with the October 2014 municipal election. Municipal budget processes were also delayed due to the municipal election. Furthermore, as of this date, the City of Hamilton has yet completed their budget deliberations.

*That the City request the Province of Ontario to use any and all available powers pursuant to legislation, contract or otherwise, to intervene in and assume control over the administration of the Niagara Peninsula Conservation Authority.*

In response, the NPCA commenced a Strategic Plan program in 2012 to increase greater accountability and transparency of the organization to the communities it serves. In 2014, the NPCA Board of Directors implemented the Strategic Plan with key deliverables and performance measures. In alignment with the Strategic Plan, the NPCA Board of Directors installed a professional and expert senior administration team that has been modernizing the NPCA, updating policies, and providing quality services for improved customer service.

To ensure the NPCA maintains its connection with the community, stakeholders and municipal partners, a *Community Liaison Advisory Committee* was formed, consisting with members of the public, municipalities and stakeholders (environmental, development and agricultural groups). This committee provides recommendations directly to the NPCA Board of Directors to ensure local voices on NPCA programs and services are heard.

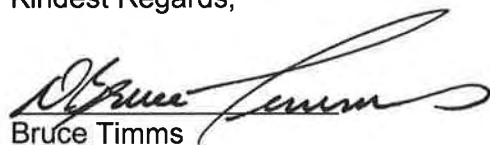
Overall, the NPCA board of Directors respects the legal right for the City of Hamilton to appeal their apportionment of the levy. As communicated with the City of Hamilton, in addition to the Region of Niagara and Haldimand County, the NPCA will participate in any discussions focused on achieving a fair and equitable agreement to the satisfaction of all participating municipalities. The NPCA also welcomes the opportunity to engage in continued communications with MNRF staff.

The NPCA Board of Directors is fully supportive and confident that the senior administration team will continue to dialogue with their counterparts at the MNRF and the participating municipalities to address any outstanding issues.

The NPCA Board of Directors is committed to working in collaboration with all their partners to achieve your statement of *"...working to protect Ontario's rich biodiversity for future generations while we continue to promote economic opportunities and outdoor recreation."* This statement aligns with the NPCA's Vision: *Balancing conservation and sustainable development for future generations by engaging landowners, stakeholders and communities through collaboration.*

As the NPCA Chair, and at your convenience, I can meet with you if you have any questions or would like any additional information.

Kindest Regards,



Bruce Timms  
Chair, NPCA

Cc NPCA Board of Directors  
Mayor Fred Eisenberger, City of Hamilton  
Mayor Ken Hewitt, Haldimand County  
Regional Chair Al Caslin, Region of Niagara



Mission: To manage our watershed's natural resources by balancing environmental, community and economic needs.


Ministry of Natural Resources  
and Forestry  
Regional Operations Division  
Integration Branch  
300 Water Street, 5S  
Peterborough, ON K9J 3C7  
Tel.: 705-755-1620  
Fax.: 705-755-1201

Ministère des Richesses naturelles et  
des Forêts  
Division des opérations régionales  
Direction de l'intégration  
300, rue Water, 5S  
Peterborough (Ontario) K9J 3C7  
Tél.: 705-755-1620  
Téléc.: 705-755-1201



March 25, 2015

Mr. Bruce Timms  
Chair, Niagara Peninsula Conservation Authority  
250 Thorold Road West  
Welland, ON L3C 3W2

 <b>RECEIVED</b>		MAR 30 15 PM 2:19	
DATE: _____			
To:		<input checked="" type="checkbox"/> CHAIR, NPCA	
<input type="checkbox"/> CAO OFFICE	<input type="checkbox"/> CORP. SERVICES		
<input type="checkbox"/> WATERSHED	<input type="checkbox"/> OPERATIONS		

Dear Mr. Timms,

Thank you for your letter to the Honourable Bill Mauro, Minister of Natural Resources and Forestry, regarding the resolution made by the City of Hamilton about the Niagara Peninsula Conservation Authority. The Minister has asked me to reply on his behalf.

I recognize the important role conservation authorities play in protecting and managing water and other natural resources in Ontario, and appreciate NPCA's contribution to Ontario's goals.

I am aware of the changes NPCA has made to its levy apportionment in 2015. Ontario Regulation 670/00 gives municipalities and conservation authorities the power to negotiate agreements for alternative levy apportionment, subject to local legal interpretation. The Ministry of Natural Resources and Forestry can provide information as needed, but otherwise does not have a role in directing these local agreements.

I am pleased to hear that NPCA will continue to work with its member municipalities to find a solution for levy apportionment which is acceptable to all parties. As you may know, my staff have committed to participate in a meeting with all parties in order to share the facts on the legislation and regulation and MNRF's role in levy apportionment.

I would also like to let you know that MNRF will be engaging ministries, municipalities and stakeholders in a review of the Conservation Authorities Act in 2015, which will include roles, responsibilities and governance of conservation authorities. I encourage you to participate in this review as opportunities are available.

Please contact Kathy Woeller, Manager, Program Services Section at 705-755-1278 or [kathy.woeller@ontario.ca](mailto:kathy.woeller@ontario.ca) if you have further questions.

Sincerely,

  
Monique Rolf von den Baumen-Clark  
A/Director





RICK MADONIK/TORONTO STAR

Volunteers from Fatal Light Awareness Program (FLAP) arrange 1,800 dead birds to illustrate how many birds are hurt or killed in collisions with buildings.

## Birds at risk in Toronto's unfriendly skies

Annual display highlights danger that buildings pose to city's airborne population

**LAURA ARMSTRONG**  
STAFF REPORTER

A bird, swooping through the sky or hopping from tree to tree, crashes into a clear glass window.

It's the perfect commercial for a window cleaner, but Toronto-based non-profit Fatal Light Awareness Program (FLAP) Canada says such collisions are serious business. They're one of the leading causes of death for birds.

On Friday, about 40 FLAP volunteers implored the public to really grasp the impact — no pun intended, they said — of the crashes by displaying the bodies of about 1,800 victims at their annual bird layout, hosted by the Royal Ontario Museum.

"Year after year, we do this to educate the public," said FLAP executive director Michael Mesure. "When

people see this, they're shocked by it."

"This" is the hundreds of bird bodies from 95 different species — varying in shape, size and colour — laid out on a crisp, white canvas on the floor of the ROM's Queen's Park Rotunda. Six of the species in the layout, such as the Canada Warbler, are considered to be at risk.

It took the volunteers about an hour to remove each frozen species from their designated Ziploc bag and place and cluster the carcasses to create the silhouette of a bird.

Time is of the essence; there's a museum full of minds to mould and the birds can only last a few hours out of preservation.

Any building whose facade is part glass will be hit by between one and 10 birds annually, said Mesure. Only cats kill more birds each year.

"If we take the city of Toronto, there's more than 940,000 registered structures. That means there could be up to 10 million (collisions) a year,

"Year after year, we do this to educate the public. When people see this, they're shocked by it."

**MICHAEL MESURE**  
FLAP EXECUTIVE DIRECTOR

just in the GTA," he said.

Toronto is a highly sensitive area for migratory birds because they like to follow the shorelines of large bodies of water and stop, rest and feed in the ravines and trees by the lake.

"They know through thousands of years of migrating this is a prime location to migrate through," Mesure said.

Some local buildings, including Consilium Place in Scarborough, have had success reducing the number of bird collisions in recent years by applying a visible marker to their glass, but Mesure says many existing businesses are reluctant to make

changes to their facade for either cost or esthetic reasons.

But it's necessary, Mesure said. At his worst pickup years ago, he and fellow volunteers worked at two buildings for about six hours. They stopped counting at 500 crash victims, some of which were still alive.

"It was so bad that day, you would be bending down to pick up a bird and one or two would've fallen on your back. It was hailing birds, quite frankly."

While pickups like that are rare, other volunteers have collected their fair share of birds more recently. Sarah Gates, 31, from Scarborough, said she and fellow volunteer Gavin Day frantically picked up about 36 birds in one day last April. Rewardingly, she said, some were still alive.

"We ended up releasing a colony of them in the forest so they were all together," Gates said. "But it gets hard to see all of these little guys and every day know that not a lot is being done about it."



# Fatal attraction, government inaction kill birds

ALBERT KOEHL

As the warmth of spring draws people outdoors, a beautiful event is taking place across our skies. Millions of birds are arriving from their wintering grounds in Central and South America.

Migratory birds aren't just wonderful to watch, they also provide economic benefits, playing a key role in pollination, seed dispersal and in controlling pests that damage food crops and timber supplies.

On their flight toward our boreal forest and other nesting areas, birds replenish themselves at stopover points. During bad weather they may be drawn into cities, attracted and confused by bright lights. Here they must contend with the peril of commercial and residential building windows that deceptively reflect safe havens like trees and sky.

When birds crash into these windows — as more than one million will do in Toronto this year — they suffer fractured wings, internal hemorrhaging and other trauma. A single commercial building near a green area can cause hundreds of fatalities annually. Other birds, stunned by the collisions, fall helplessly to the ground and become easy prey.

As springtime brings these intriguing migrants, so too does it bring out at dawn each day volunteers from the Fatal Light Awareness Program. Since 1993, FLAP volunteers in Toronto have been recovering victims from the most deadly commercial buildings. One payoff is the rescue of injured birds that can be nursed

back to health. (Sadly, studies show that many of these birds will later die from their weakened state.)

FLAP documents each death and injury in the hope — so far, usually futile — of convincing building owners to voluntarily install commercially available visual markers on their windows to warn birds of the danger.

In 2011, Cadillac Fairview was prosecuted under Ontario's Environmental Protection Act and the federal Species at Risk Act for bird window strikes at its Yonge Corporate Centre in Toronto.

In its February 2013 judgment, the Ontario Court of Justice found that the company was responsible for hundreds of bird deaths, including the killing of three "threatened" Canada warblers, at its complex. Although the company ultimately escaped liability on persuading the court that it had exercised due diligence in attempting to address the problem, the legal precedent had been established: causing or permitting bird strikes with windows violates the law.

At that point the story should have taken a positive turn. Provincial and federal government agencies now had clear legal authority to act against commercial building owners. The trial of Cadillac Fairview, and an earlier one involving Menkes Developments, had another salutary effect: companies demanded window marker products from manufacturers, spurring innovation and lower costs.

Sadly, the ruling prompted neither provincial nor federal government action.

The provincial Ministry of Environment responded that voluntary measures were the appropriate response, despite two decades of evidence to the contrary. In addition to FLAP's efforts to get companies to act, the City of Toronto had put in place in 2007 voluntary (routinely ignored) guidelines for owners to make their buildings bird-friendly.

The ministry could put in place a permit system requiring owners of deadly buildings to install window markers, but re-

quests over the last two years to meet with the provincial minister's office about the matter have been brushed aside.

At the federal level, instead of taking on industrial and commercial threats to birds, Environment Canada prefers to target and trumpet the conviction of individuals for small-scale infractions. The ministry's significant additional powers under the Migratory Birds Convention Act belie this lazy approach.

In fact, the federal approach persists despite an embarrassing 2006 investigation by NAFTA's environmental watchdog that effectively confirmed Canada's widespread failure to enforce the migratory birds act, specifically against clear-cut logging operations. federal staff responded properly by developing a regulatory framework to protect birds from significant threats, including building windows. Inexplicably, in 2010 staff were directed to abandon regulations in favour of voluntary measures!

Shortly after its acquittal, Cadillac Fairview prohibited FLAP from recovering dead and injured birds at its office complex and at the TD Centre downtown after FLAP refused to keep confidential its on-site recovery data.

Without government regulatory action requiring corporate owners to protect birds from the fatal attraction of windows, this year's migration will again be accompanied by the needless destruction of these beautiful harbingers of spring.



Albert Koehl is an adjunct professor of natural resources law at Osgoode Hall Law School. He was the lead prosecutor in cases against Menkes Developments and Cadillac Fairview and represented conservation groups in the petition to NAFTA's environmental watchdog.

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[cdangelo@npca.ca](mailto:cdangelo@npca.ca) | [www.npca.ca](http://www.npca.ca)

Chair Tony Quirk  
Audit Committee  
Region of Niagara

April 13, 2015

**Re: Niagara Peninsula Conservation Authority 2013 Financial Statements**

Dear Chair Quirk:

NPCA Chair Bruce Timms has requested that I respond to issues raised at the Region of Niagara's Audit Committee held on February 23, 2015.

To further understand the issues, NPCA Senior Manager of Corporate Services Jeff Long and myself met with Commissioner Moe Lewis and his staff on March 3, 2015. It was communicated to the NPCA that some members of the Region of Niagara's Audit Committee had the following concerns:

1. Timeliness of the NPCA's 2013 Financial Statement;
2. Deficiencies identified in the Auditor's Letter to Management; and
3. Value for Money Audit

I would like to take this opportunity to respond to these concerns:

Timelines of the Financial Statement:

As per Section 38 (3) of the *Conservation Authorities Act*... "an authority shall, upon receipt of the auditor's report of the examination of its accounts and transactions, forthwith forward a copy of the report to each participating municipality and to the Minister."

The NPCA's 2013 Financial Statement was presented to the NPCA's Board of Directors at their scheduled meeting of September 17, 2014. Once the Financial Statements are received by the Authority, NPCA staff then sends the documents to their participating municipalities and the Minister.

Given that the Region of Niagara's Audit Committee occurred on September 8, 2014, regional staff placed the financial statements on their next scheduled regional audit committee of February 23, 2014.

Furthermore, the new NPCA management administration reviewed past practices of the financial statements and the audit review process. Upon this review, a new process was submitted to the NPCA Board of Directors for their information at their March 11, 2015 meeting.

The following timelines were presented:

- |                 |   |
|-----------------|---|
| ▪ November 2014 | Audit Plan submitted to the NPCA                |
| ▪ November 2014 | Initial site visit                              |
| ▪ December 2014 | Date for all confirmations                      |
| ▪ Feb-Mar 2015  | Year-end visit and audit completion             |
| ▪ April 2015    | Meetings of NPCA Audit Committee                |
| ▪ May 2015 (R)  | Report to NPCA Board                            |
| ▪ May 2015      | Statements forwarded to municipalities/Minister |

Once the 2014 Financial Statements have been received by the NPCA Board, copies of the documents will be submitted to the participating municipalities and the Minister as required by the legislation.

#### Deficiencies Identified in the Management Letter

In the 2013 Auditor's Letter to Management, deficiencies in internal audit control were identified. In specific, the "segregation of duties" are required "...to prevent employees from both being able to commit and conceal errors or irregularities in the normal course of their duties." Please note, the 2013 audit revealed no evidence of "fraud".

In consultation with the external Auditor, the new NPCA administration was advised that the recommendation of segregation of duties had been recommended by the auditor over the past few years. According to the external Auditor, given the size of the Authority, a complete segregation of duties is not possible.

To address this concern, the new NPCA administration has completed the following actions:

1. Upgraded and enhanced their financial software to Sage ERP 300. This software allows the NPCA to reduce costs and boost productivity with fast, integrated accounting and financial management software. In addition, the software provides tools for improved financial reporting and compliance and provides better business intelligence.
2. Upgraded their payroll software (a component of Sage ERP 300). This payroll management solution helps simplify payroll administration, automate tasks, and ensures HR data is accurate and complete.
3. Hired a Senior Manager of Corporate Services that is qualified as a Certified Professional Accountant with a Master in Business Administration. The Senior Manager of Corporate Services provides greater oversight in financial management.
4. Revision of the audit process, by including the management response to the any external Auditor's recommendations to future NPCA Board Reports (from the 2014 Financial Statement and forward).

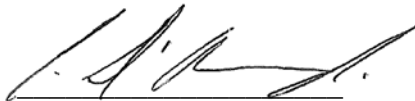
This issue will be further deliberated at the NPCA's Audit Committee in April, and thereafter, at the NPCA Board of Director's meeting in May.

### Value for Money Audit

The NPCA is primarily focused on implementing the parameters identified in the 2014-2017 Strategic Plan. Staff will raise the issue of a Value for Money Audit to the NPCA Board of Directors during the 2016 budget deliberations.

Thank you for the opportunity to comment on the issues related to the concerns raised by the regional Audit Committee. A special thanks to Commissioner Mo Lewis and his team in their collaborative approach in working with the NPCA.

Kindest Regards,

A handwritten signature in black ink, appearing to read 'C. D'Angelo', written over a horizontal line.

Carmelo D'Angelo  
Chief Administrative Officer  
Secretary Treasurer

Cc NPCA Chair Bruce Timms  
NPCA Vice-Chair Sandy Annunziata  
Jeff Long, Senior Manager of Corporate Services



# DELEGATIONS:

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- ❖ **Mothers Against Wind Turbines Inc. — Linda Rogers**
- ❖ **Niagara Region Wind Energy project — Loretta Shields**
- ❖ **Welland River Background — Steve Miller, P.Eng**
- ❖ **Welland River Flood Plain Association — Len Aarts**

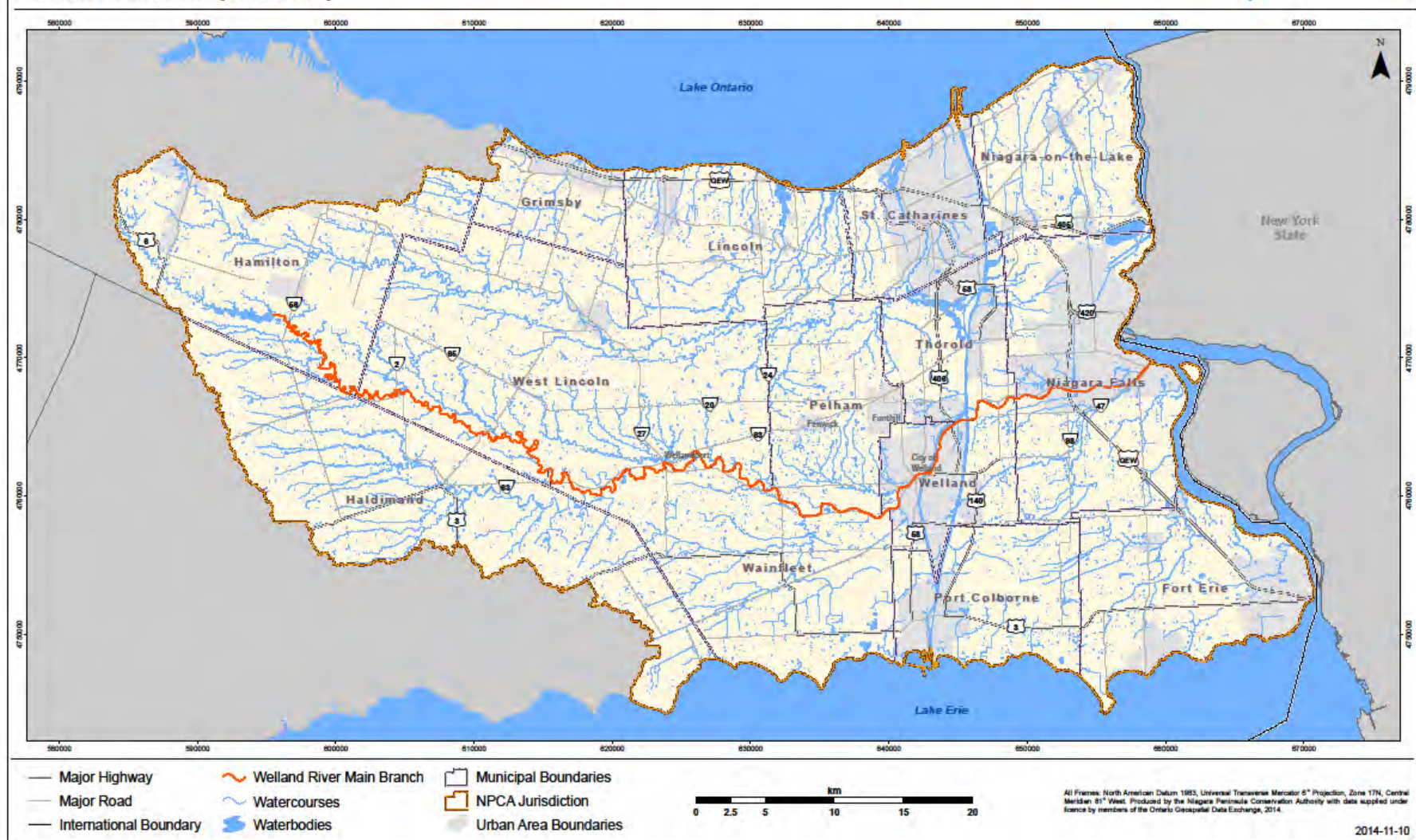
**April 16, 2015 Full Authority Meeting**

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# Welland River Background Brief



# Welland River Watershed: Main Branch, Binbrook Dam to Niagara River Reaches to Model for Hydraulic Study



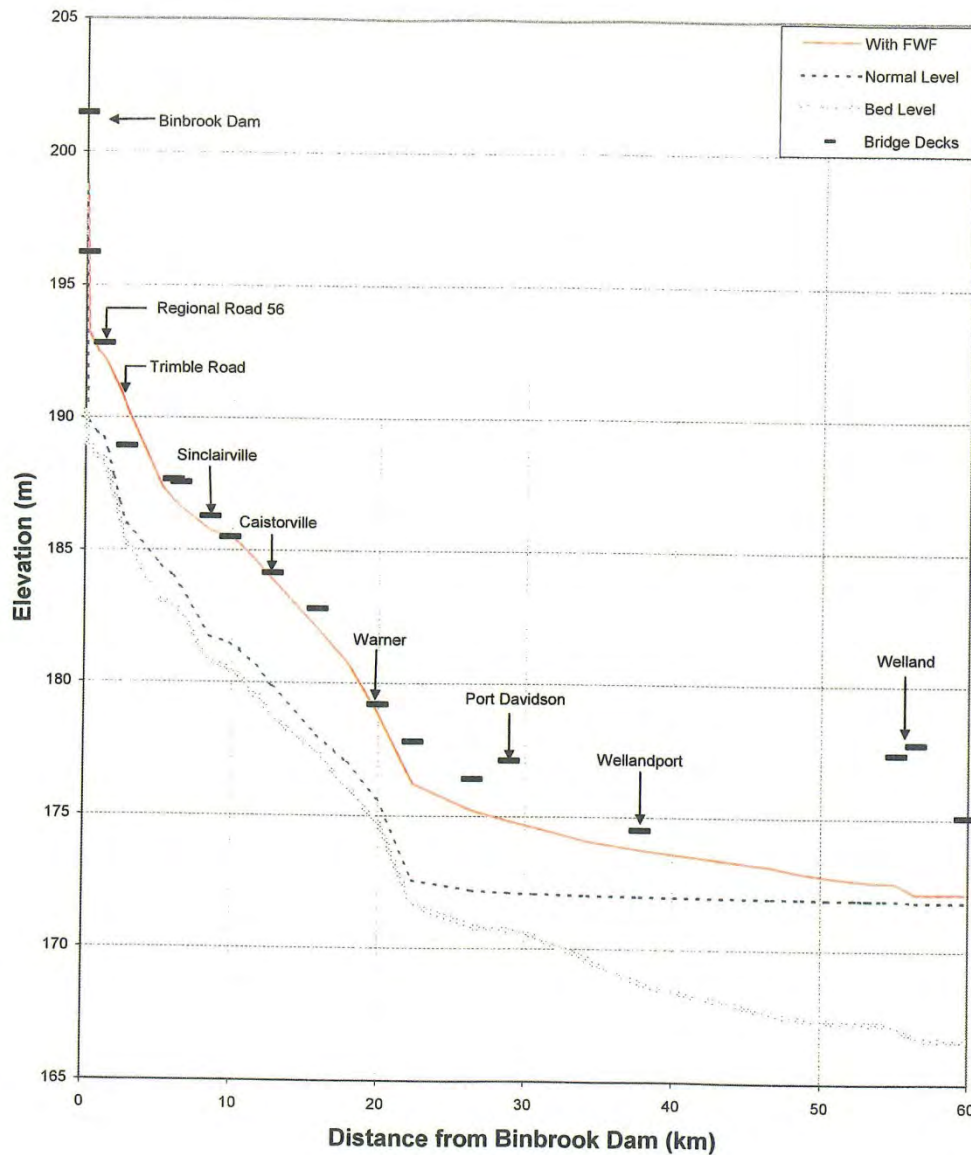
- Main branch of the Welland River is approximately 135km long.
- Predominantly rural watershed with pockets of urban development.



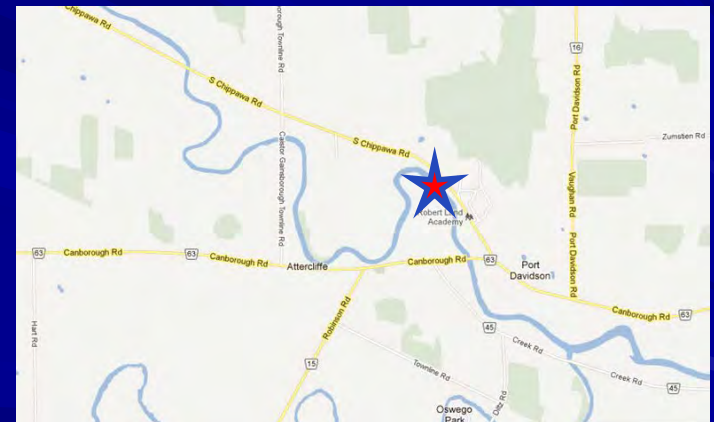
## Drainage Basins and Subwatersheds of the Niagara Peninsula Conservation Authority



- Welland River drains an area of 880 square kilometers.
- Comprised of 36 individual tributaries.
- Mostly clay soils on smooth moderately sloping topography.



Port Davidson Weir, W. Lincoln



- Welland River has a vertical drop of 78m over the upper 55km.
- The lower 80km has a vertical drop of only 4m (0.005% gradient).



# OPG Operations



- During tourist season throughout the day, by International Treaty, water must be allowed to flow over Niagara Falls at a rate of 100,000 cubic feet per second.
- All other times, the rate of flow may be reduced by half and the excess water used for hydro power generation.





NIAGARAFRONTIER.COM



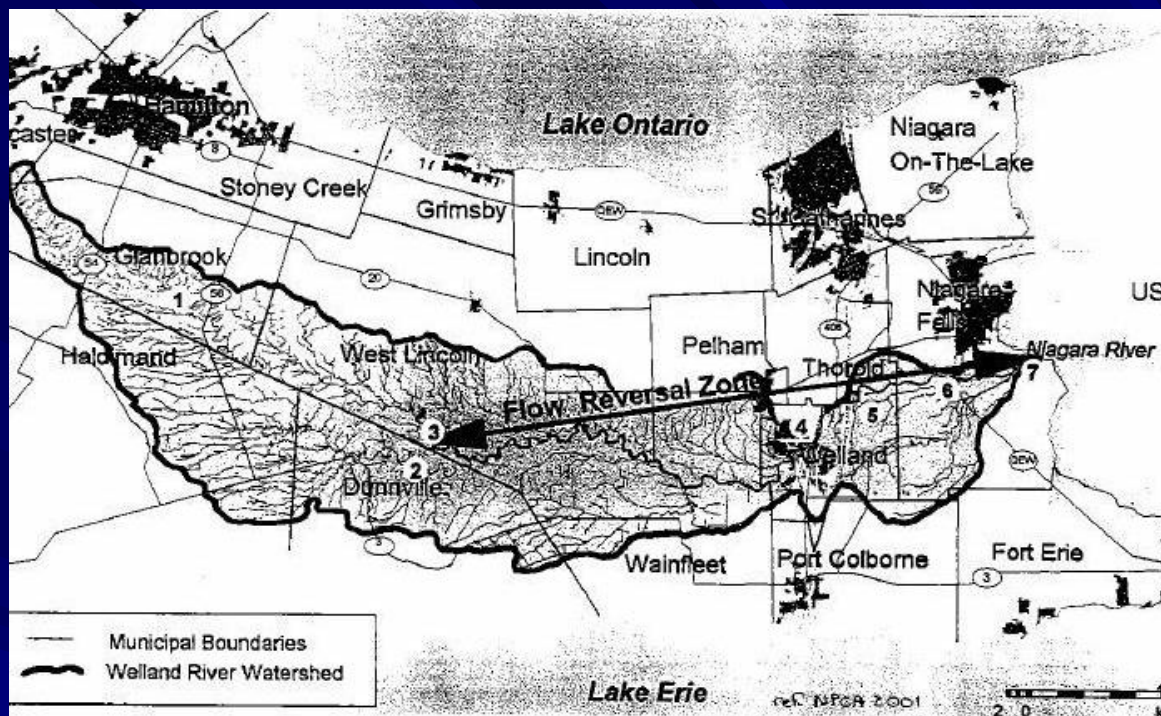
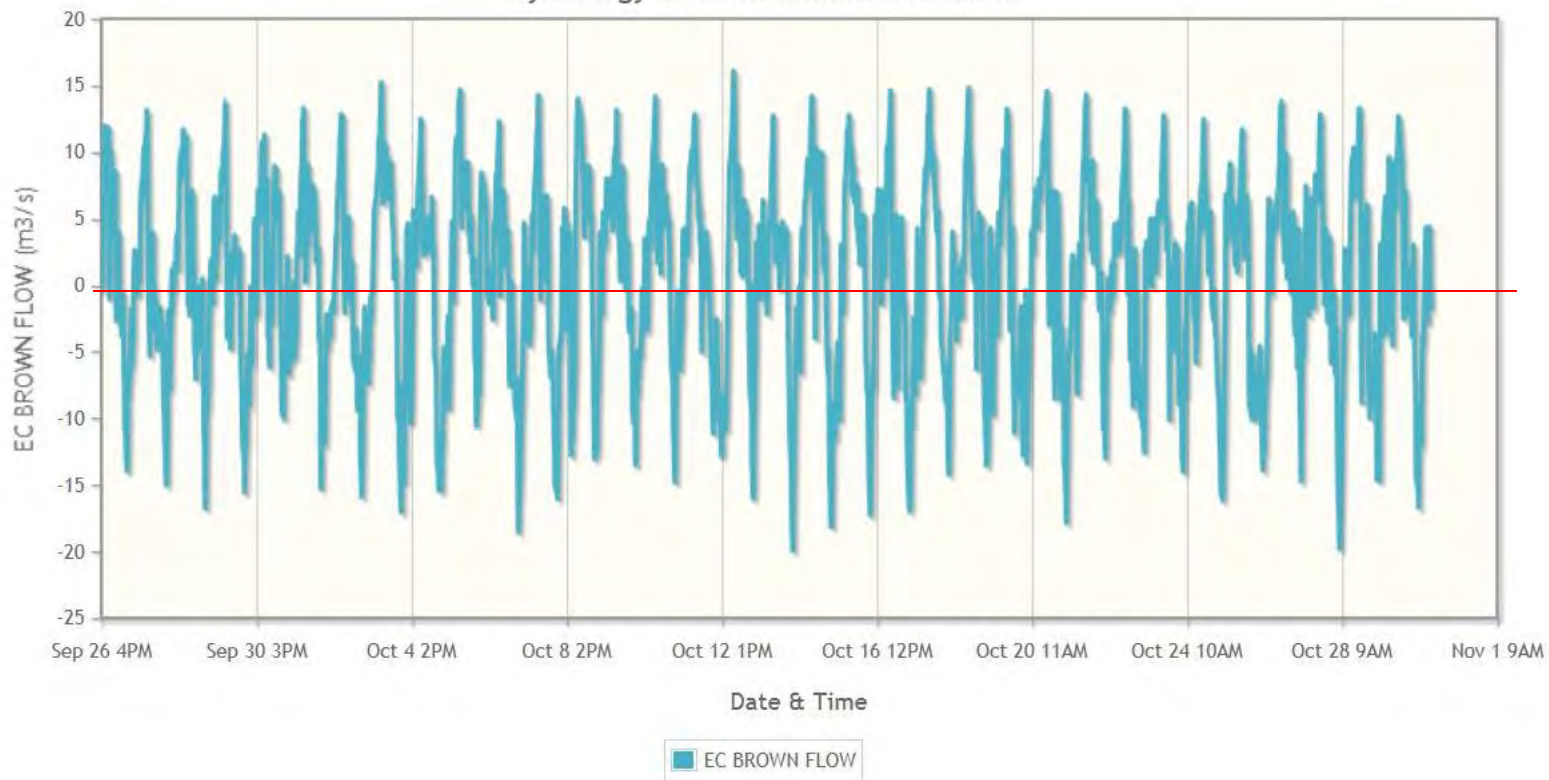


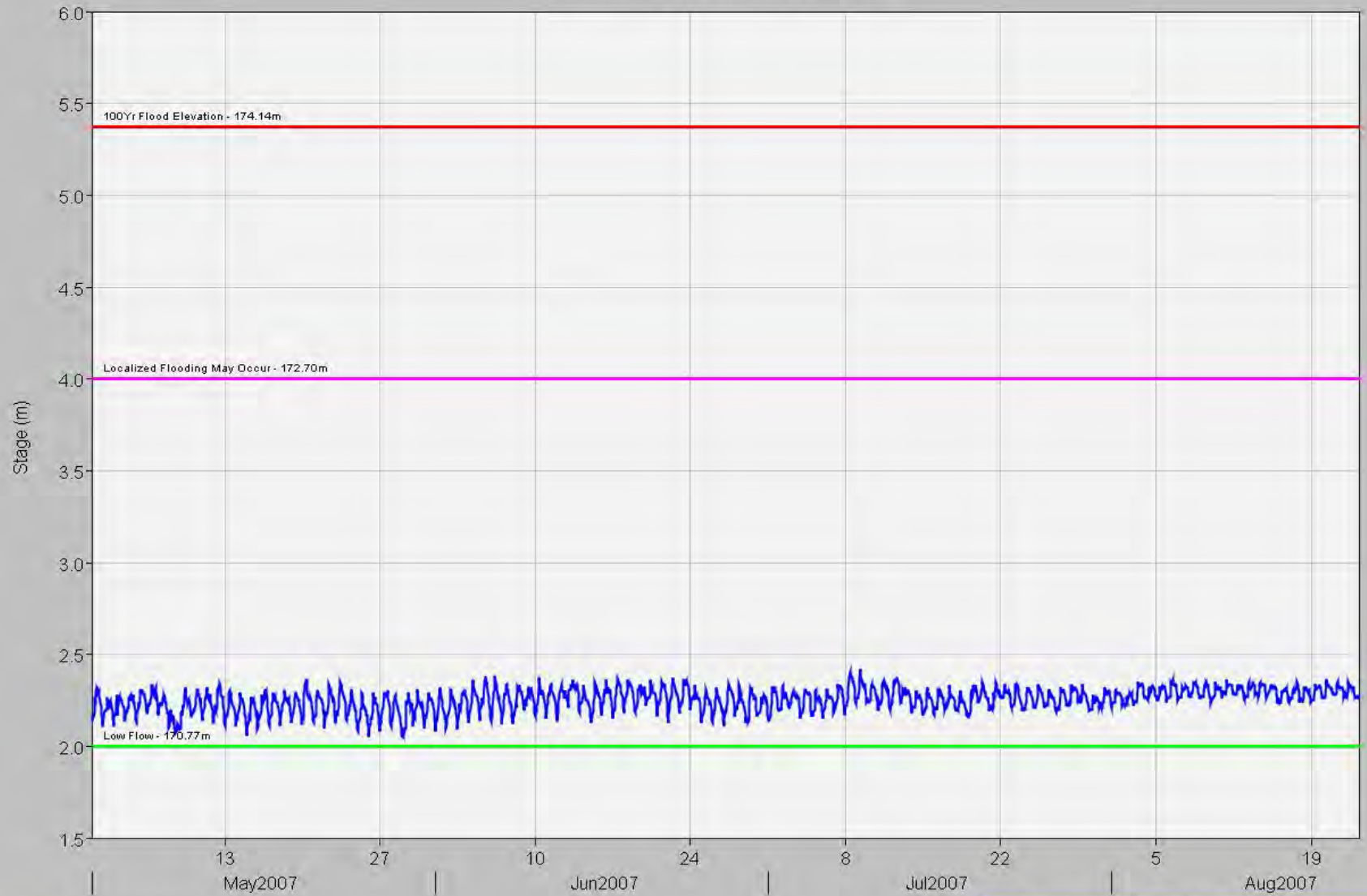
Figure 3 Variation of Recorded Water Levels at Selected Locations (in USCU)

Hydrology Data at Selected Stations





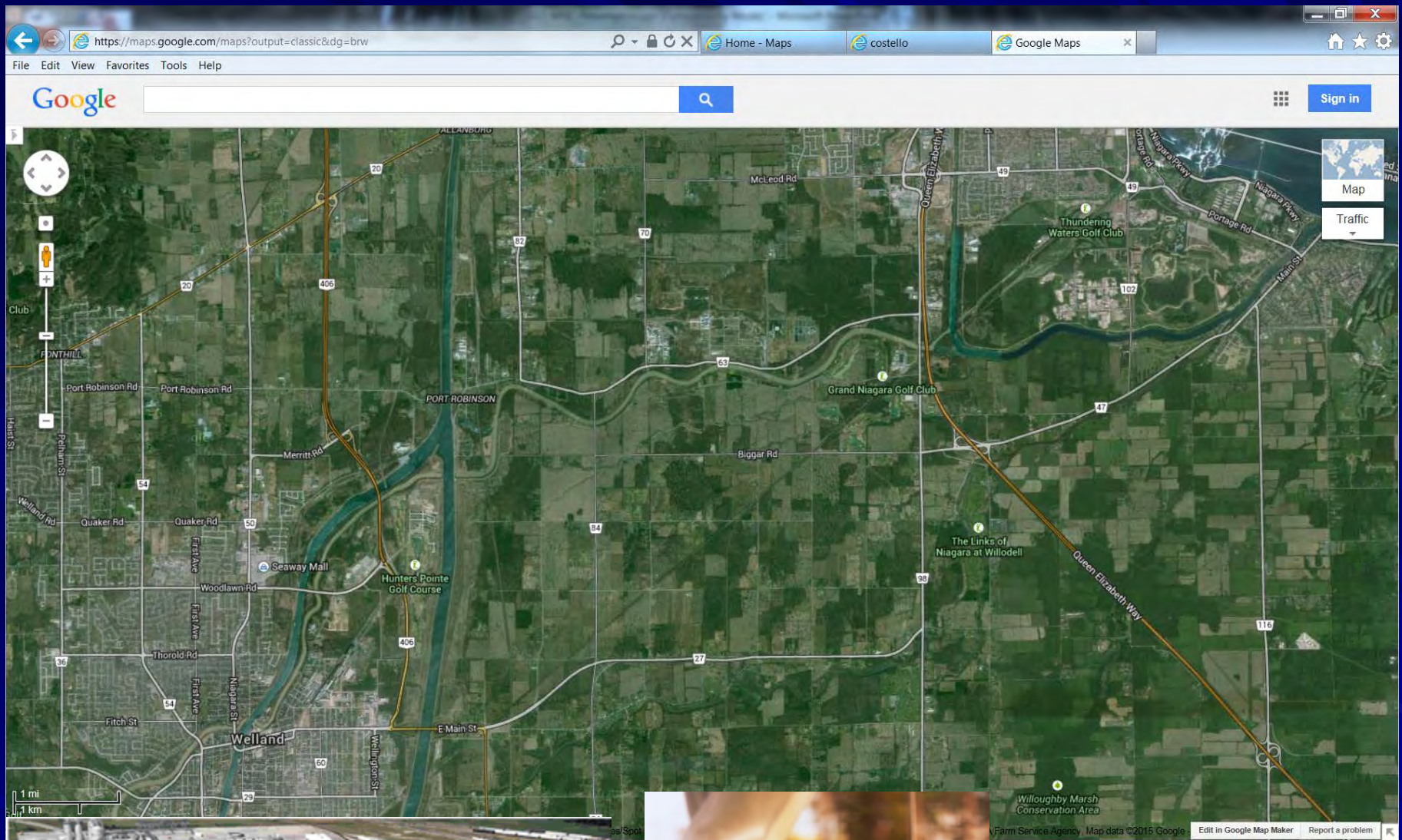
Niagara Peninsula Conservation Authority  
Welland River at Old Siphon, City of Welland



— WELLAND SIPHON OBSERVED STAGE

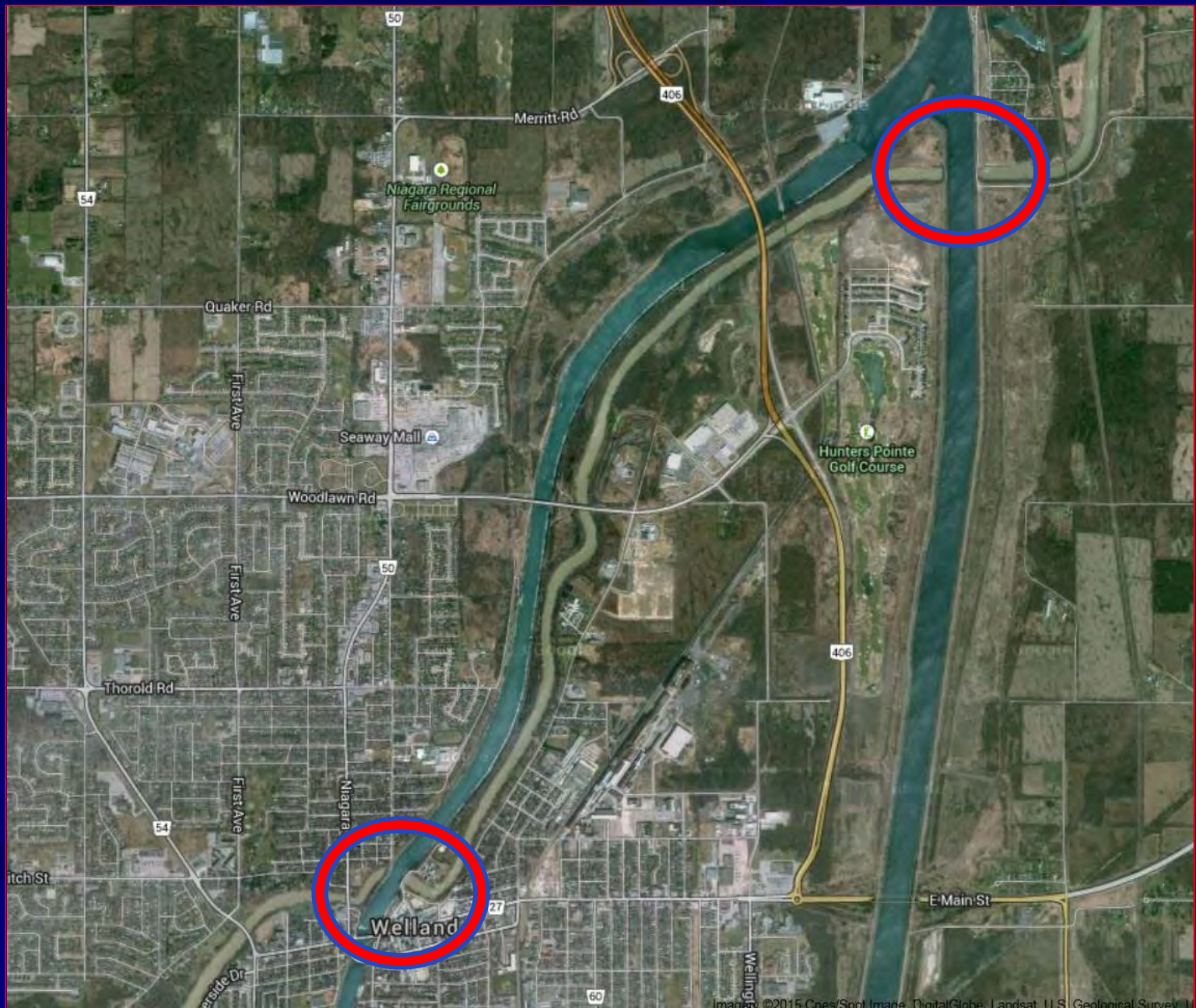
Note: 0.00m on gauge equates to 168.77masl  
\*\*Caution Provisional Data





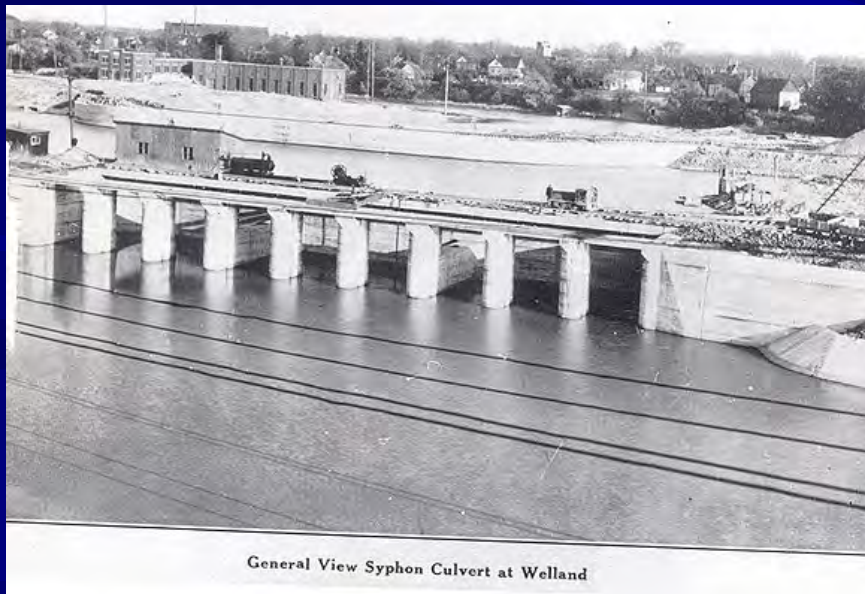
- Rolling Meadows
- Willowdell
- Grand Niagara
- Oaklands





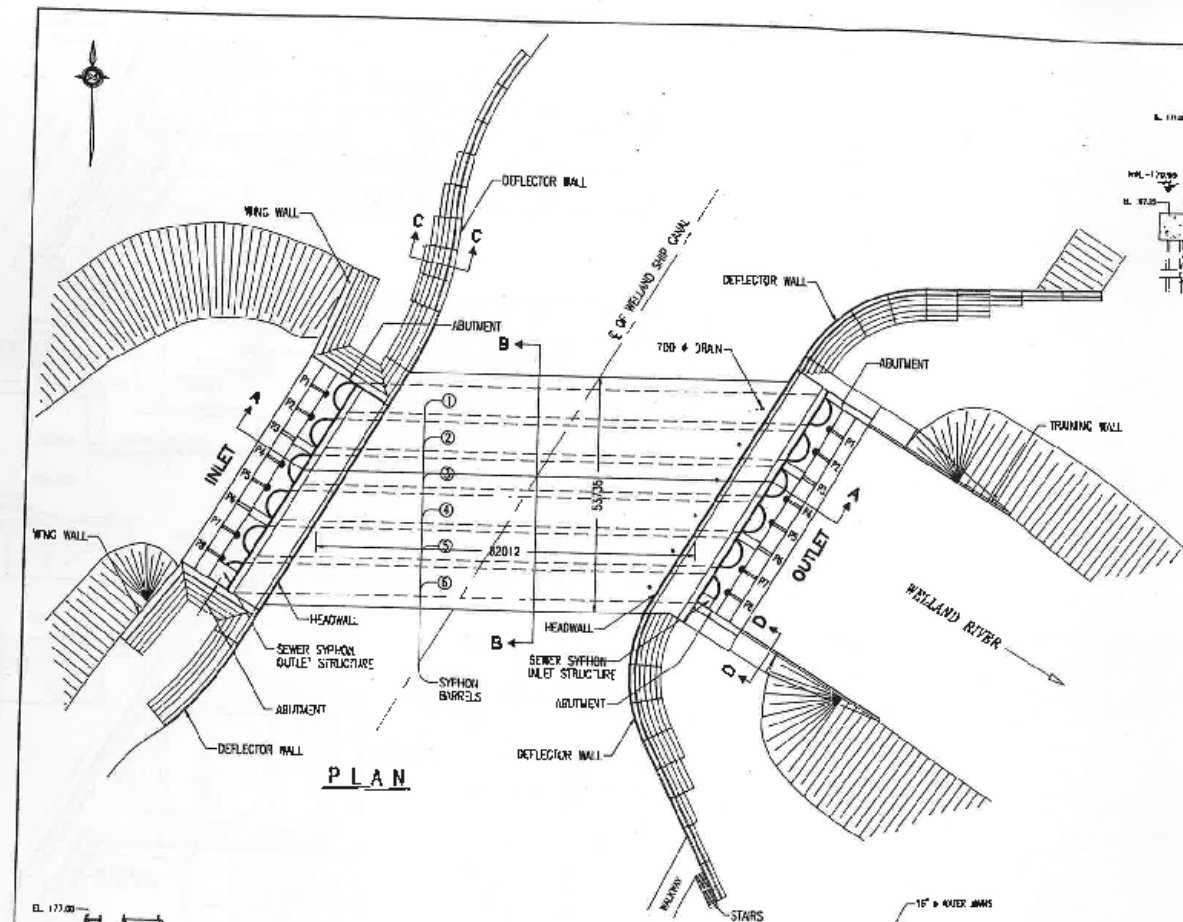


# City of Welland

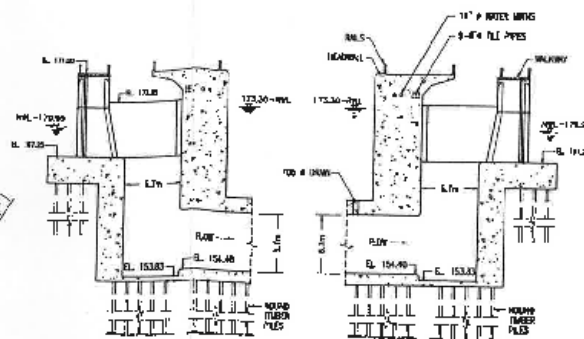


General View Syphon Culvert at Welland





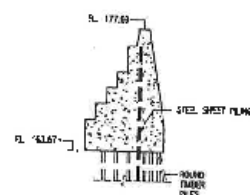
**PLAN**



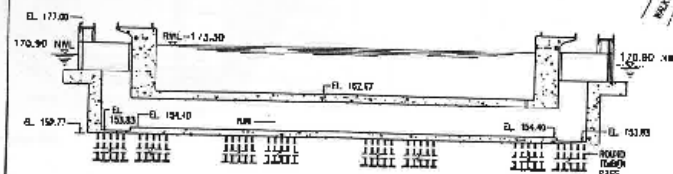
**DETAILS OF INLET & OUTLET**



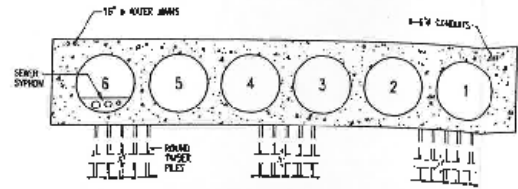
**SECTION D-D**



**SECTION C-C**  
(TYPICAL GRAVITY RETAINING WALL)



**SECTION A-A**



**SECTION B-B**

**ME** ME CONSULTING ENGINEERS LIMITED  
CONSULTING ENGINEERS  
305 - 145 LAUREL DRIVE  
TORONTO, ONTARIO M6G 3V7

**WELLAND RIVER SYNCHRON**  
**EXISTING CONDITIONS**  
**FIGURE 1**



# Central Welland River



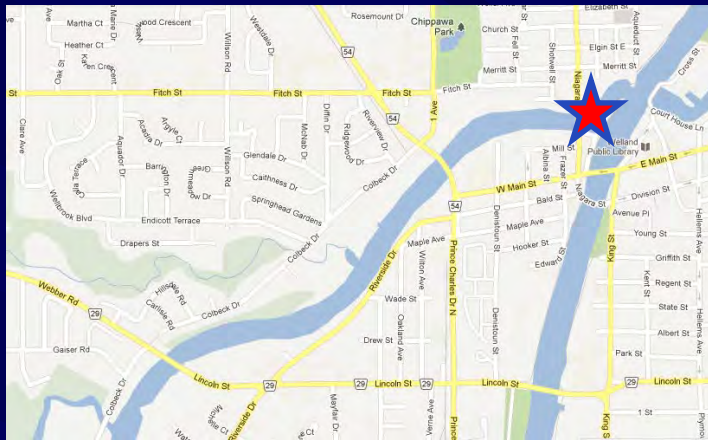


# Upper Welland River



Why did the NPCA consider updating  
the existing 1985 Welland River 100  
Year Floodplain maps?





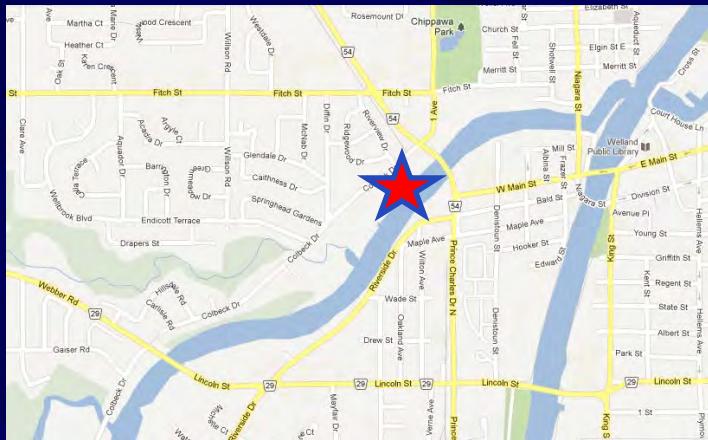
## Welland River at Niagara Street, City of Welland

December 29, 2008

Water Elevation = 173.00m

100 year Floodplain Elevation (1985) = 74.14m



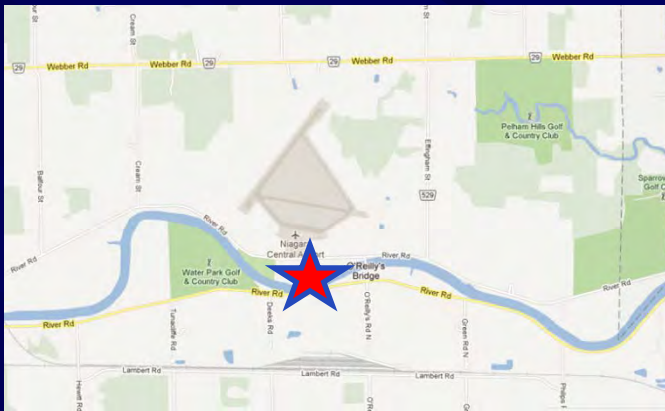


## Welland River Upstream of Prince Charles Drive, City of Welland

April 5, 2005

Water Elevation = 173.50m

100 year Floodplain Elevation (1985) = 174.28m



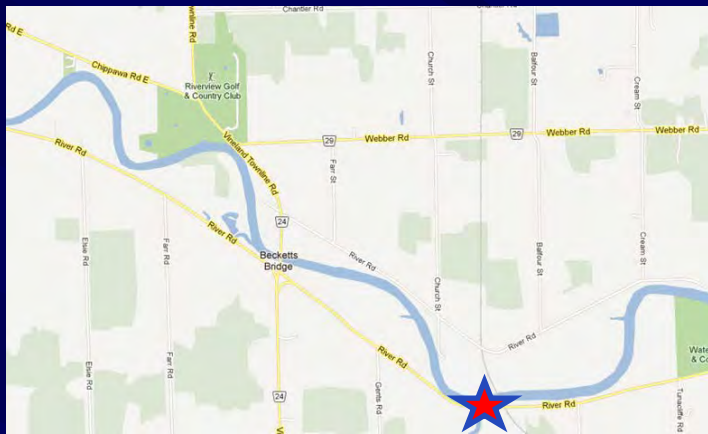
## **Welland River at E.C. Brown Conservation Area, Town of Pelham**

December 29, 2008

Water Elevation = 174.00m

100 year Floodplain Elevation (1985) = 174.81m





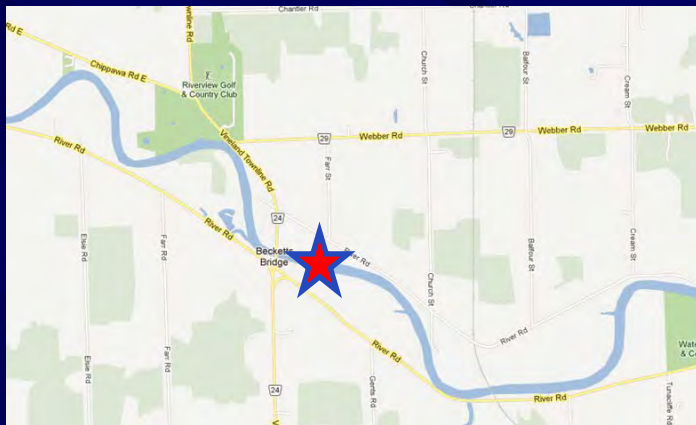
## **Welland River at Big Forkes Creek overtopping Reg. Road 27, Township of Wainfleet**

December 29, 2008

Water Elevation = 174.20m

100 year Floodplain Elevation (1985) = 174.92m



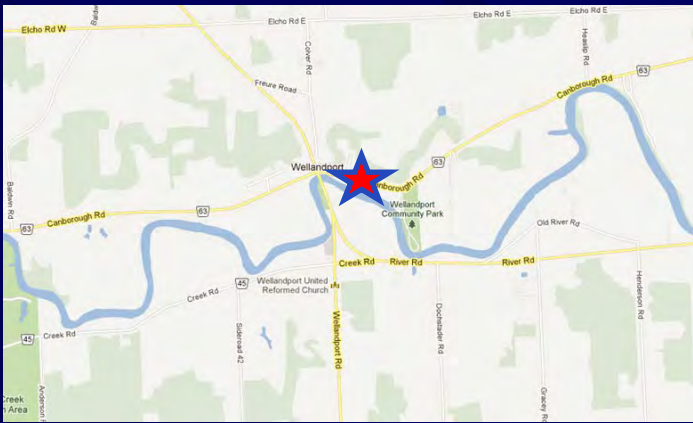


## Welland River at Becketts Bridge (Regional Road 24)

April 5, 2005

Water Elevation = 174.30m

100 year Floodplain Elevation (1985) = 175.03m



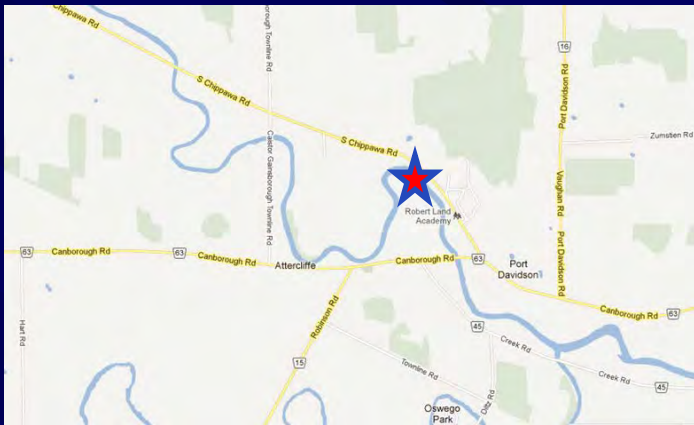
## **Welland River at Wellandport, Township of West Lincoln**

February 13, 2009

Water Elevation = 174.60m

100 year Floodplain Elevation (1985) = 175.39m





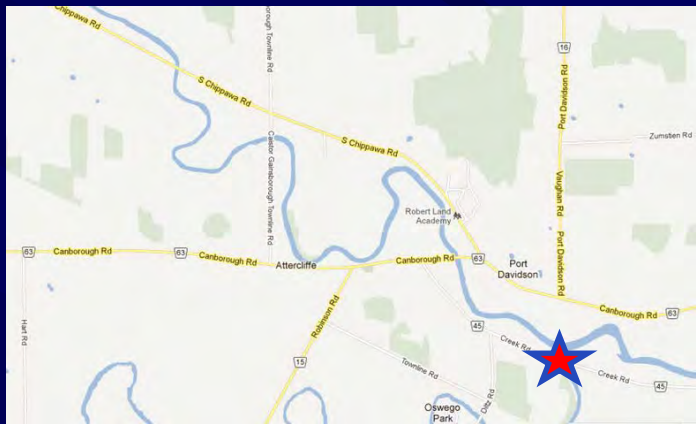
## Welland River at Port Davidson, Township of West Lincoln

February 13, 2009

Water Elevation = 175.00m

100 year Floodplain Elevation = 175.60m





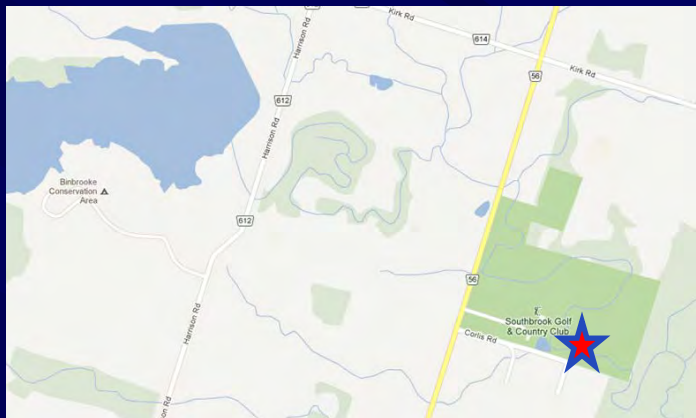
## Creek Road Bridge, Oswego Creek at the Welland River, Township of Wainfleet

December 29, 2008

Water Elevation = 175.00m

100 year Floodplain Elevation (1985) = 175.48m





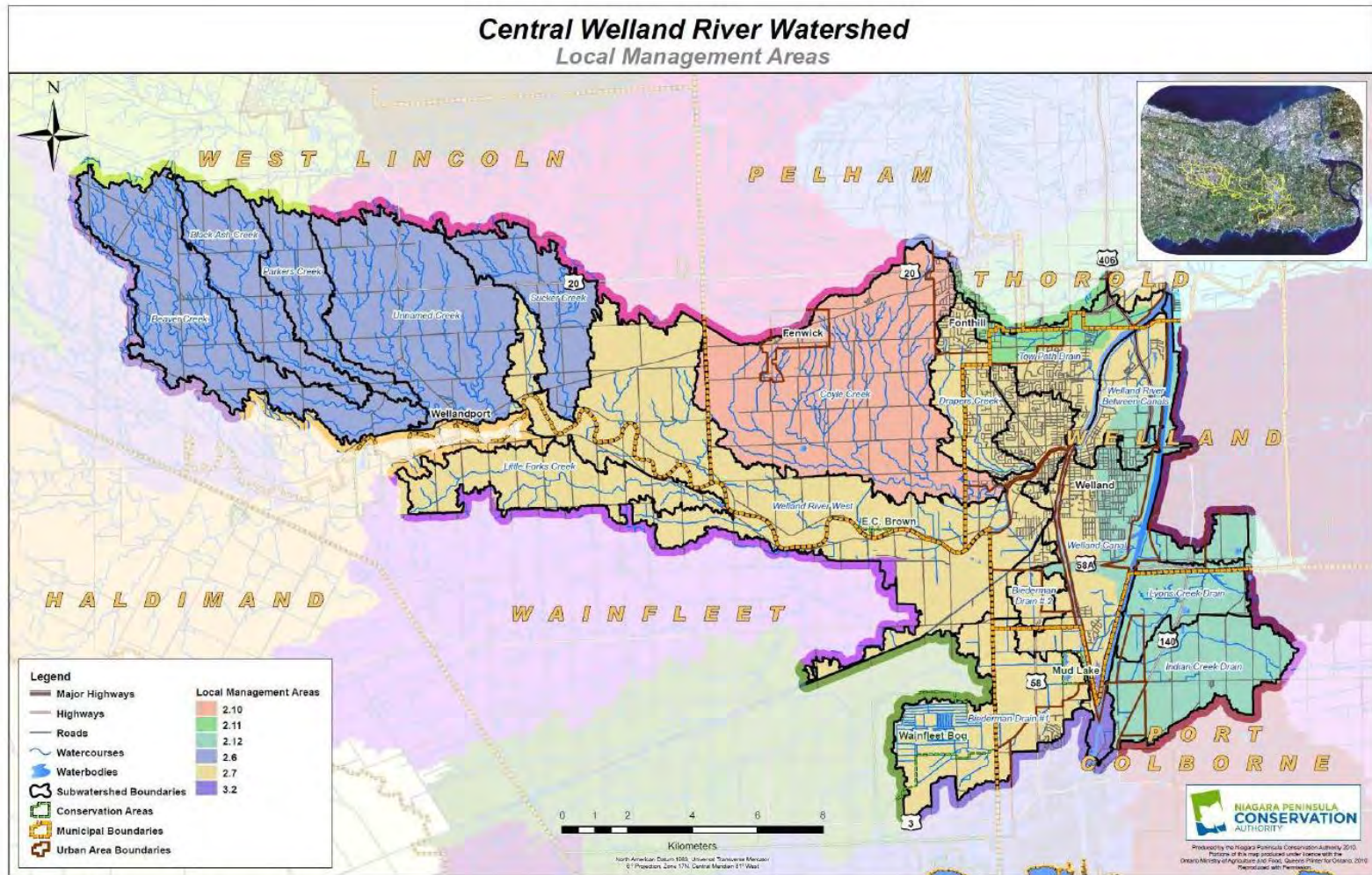
## Welland River at Southbrook Golf Course, City of Hamilton

December 29, 2008

Water Elevation = 289.00m

100 year Floodplain Elevation (1985) = 289.32m





**Figure 3: Local Management Areas**

- In 2009 the Central Welland River Watershed plan was initiated.
- Increasing development pressures in watershed.
- Opportunity to update 24 year old maps and include major tributaries.



Thanks for listening!  
Questions?



# REPORTS for Information

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- ❖ REPORT NO. 31-15
- ❖ REPORT NO. 32-15
- ❖ REPORT NO. 33-15
- ❖ REPORT NO. 34-15
- ❖ REPORT NO. 35-15

April 16, 2015 Full Authority Meeting

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**Report To:** Board of Directors

**Subject:** Watershed Management Status Report

**Report No:** 31-15

**Date:** April 16, 2015

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## **RECOMMENDATION**

**That Watershed Status Report No. 31-15 be received for information.**

### **A. Plan Review & Regulations**

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

The Manager, Plan Review and Regulations is coordinating the NPCA review of the Four Provincial Plans that are under review. A graduate student from Queens School of Urban and Regional Plan was hired to conduct internal and external stakeholder consultation. Comments are due to the Province on May 27, 2105. A staff report will be prepared for the May 20<sup>th</sup> NPCA Board meeting.

The Watershed Management Department is responsible for reviewing *Planning Act* applications and Building Permit applications where there is a feature regulated by the NPCA. Under the Memorandum of Understanding (MOU) with Niagara Region, the NPCA reviews *Planning Act* applications with respect to the Region's Natural Environment Policies (Chapter 7 of the Regional Official Plan).

During March, 2015, the Watershed Management Department reviewed 29 *Planning Act* applications (various type and complexity), 6 Niagara Escarpment Commission Development Permit applications, 17 Building Permit applications, and 4 property information requests. Staff also responded to various inquiries from the public and local municipalities, as well as attended weekly consultation meetings with the local municipalities and conducted various site inspections. A breakdown of the application review is provided below. It should be noted that the statistics for Plans of Subdivisions/Condominiums does not include on-going reviews and administration work (reviewing detailed engineering design reports, reviewing tree saving plans, reviewing agreements and other such tasks).

### **Summary of Application Reviews – March 2015**

Plan of Subdivision/Condominium	0
Site Plan Control	5
Official Plan Amendments	2
Secondary Plans	0
Zoning By-law Amendments	4
Consents to Sever (including lot line adjustments)	10
Minor Variances	8
Niagara Escarpment Commission Development Permits	6
Renewable Energy Projects	0
Building Permits	17
Property Information Requests	4

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

- Forty eight (48) permits were issued in March 2015.
- The Supervisor of Construction Approvals recently left the NPCA. A recruitment process is underway. In the meantime, the Construction Approvals team is working with the Manager, Plan Review and Regulations to process NPCA permit applications.

## **3) Violations – See confidential Violations Report**

## **4) Tree and Forest Conservation By-law – See Forest By-Law Summary**

## **5) Watershed Biology**

In the month of March, the Fish and Wildlife Technician conducted 8 site visits for planning pre-consultation or permit application review, and assisted several consultants and the Ministry of the Environment and Climate Change with information requests.

Fifteen (15) permit application submissions were reviewed with formal comments being submitted to the Supervisor of Construction Permits Approvals, including multiple applications from Enbridge for Integrity Dig Projects. Review of the Niagara Region Wind Corporation (NRWC) wind turbine project has also begun.

The Fish and Wildlife Technician is participating in the Provincial Plan Review and has continued assisting the Geographic Information System (GIS) department with two Niagara College projects to identify ash tree populations on trail systems throughout three Conservation Areas.

The Supervisor of Watershed Biology attended several meetings in the month of March, and provided internal assistance to planning staff for a variety of planning and permit files, including Existing Lot of Record proposals, subdivisions, and lot creation adjacent to natural heritage features.



Several Environmental Impact Studies have been scoped for clients, and several smaller subdivision development proposals have been reviewed. Preconsultation for the Thundering Waters Secondary Plan and associated development has also begun.

The NPCA hosted a Webinar on the Drainage Act and Conservation Authorities Act (DART) Protocol for local municipal Drainage Superintendents. The Supervisor of Watershed Biology is a member of the local Drainage Superintendents Association of Ontario chapter and is assisting with questions and resources to help ensure that the drain notification process is successful in Niagara.

## **B. Projects / Programs**

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

- The 2015-16 fiscal year work plan to MOECC was approved by MOECC.
- At the Niagara Regional Council meeting on March 25, 2015, Regional Councillor Paul Grenier was chosen as the new representative for Niagara Region and the 12 local municipalities.
- Staff continue to provide support to the municipalities and MOECC in source protection as needed.

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

- Staff is currently analyzing results for sampling undertaken in 2014 and preparing the Annual Water Quality Report.
- Water Quality Staff are currently planning the 2015 field season.
- Staff is currently completing biological monitoring reports for the Hamilton Airport and Glanbrook Landfill studies. These are expected to be completed in April.
- Staff is currently installing new GOES Satellite Transmitters on 8 Provincial Groundwater Monitoring Network wells.
- The Water Quality Specialist attended the Ontario Benthos Biomonitoring Network Family Level Identification Course and successfully became certified as an Aquatic Insects Family Level Taxonomist by the Society of Freshwater Science.
- The Water Quality Specialist provided Niagara College Environmental Management and Assessment Program students with a Groundwater Tutorial at one the NPCA's groundwater monitoring sites.

### **3) Flood Control**

#### **a) Monitoring & Major Maintenance**

- Binbrook Reservoir – The reservoir is still presently covered with ice however ice fishing has ended and visitors are being warned to stay off the reservoir. Staff continue to monitor reservoir water levels on a daily basis and make adjustments as warranted.
- The month of March started with an average depth of 34cm of snow throughout the watershed with a depth of water within the snow column ranging between 51 and 79mm. The watershed was fortunate to experience a slow melt, freezing nights, and relatively little precipitation throughout mid-March. As such, the threat of spring flooding was never realized with this combination of climatic conditions.

- NPCA staff attended the 'Building a Disaster Resilient Niagara Conference' on February 27 at the Fallsview Casino. The estimated audience of 180 people were comprised of representatives from both upper and lower tier municipalities, local police, fire, EMS and utilities staff as well as staff from federal and provincial agencies stationed in Niagara. This conference was sponsored by the NPCA, the Region of Niagara, and the City of Niagara Falls in an effort to achieve better coordination and communication of response and recovery during an emergency event in Niagara.

#### **b) Water Resource Engineering**

Staff represented the NPCA at a March meeting of the 'Conservation Authority Coastal Engineering Working Group'. This working group is made up of representatives of Conservation Authorities which deal with development, engineering, and regulatory action along the Great Lakes shorelines. The purpose of the group is "to be a forum to share knowledge, resources, and expertise on current shoreline regulations and policies in an effort to build and strengthen capacity within the Conservation Authorities as a collective whole." The NPCA is seen as a cornerstone member of this group due to the fact that this agency has a great deal of experience in implementing planning policies and regulations along approximately 135km of shorelines on both Lake Erie and Lake Ontario, as well the fact that both the Lake Erie and Lake Ontario Shoreline Management Plans have been recently updated in 2010.

### **4) Restoration**

#### **Project Implementation – Watershed Plans**

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 comprehensive watershed plans. Staff have been meeting with key stakeholder groups including Town of Niagara-on-the-Lake, Friends of One Mile Creek, Trout Unlimited, Niagara Restoration Council, Land Care Niagara, Ducks Unlimited, Niagara College and Brock University for restoration project collaboration opportunities.

#### **Project Implementation – Voluntary Stewardship**

Staff are currently finalizing project designs, stewardship plans, quotations and implementation schedules. To date we have over 65 stewardship projects approved for implementation. Available 2015 NPCA budgeted monies for restoration projects are fully allocated. Landowners with restoration project needs will now be placed on a waiting list for implementation priority for 2016, pending budget approvals.

#### **Canopies for Kids**

The goal of the Canopies for Kids program is to increase schoolyard shade while providing children with a hands-on learning opportunity about the benefits trees provide. Adapted for grades K-8, the program provides a look at how trees improve biodiversity, water quality, air quality, and our economic and social environment.



Ten (10) elementary schools in the NPCA watershed will receive both large scale shade trees and smaller trees for student planting. Planting will take place the week of April 27<sup>th</sup> - May 1<sup>st</sup>. A funding application to support Canopies for Kids was recently submitted to *WaterSmart Niagara*, requesting \$50,000 to assist with the purchase of the large scale trees. Since 2011, \$200,000 has been provided through *WaterSmart Niagara* to support the Canopies for Kids program.

The following schools have been selected for participation in the 2015 program:

#### **District School Board of Niagara**

<b>School</b>	<b>Address</b>	<b>Municipality</b>
Dalewood Public School	61 Duncan Drive	St. Catharines
Quaker Public School	333 Quaker Road	Welland
Fitch Street Public School	164 Fitch Street	Welland
Prince Philip Public School	3112 Dorchester Rd	Niagara Falls
Simcoe Public School	4760 Simcoe St.	Niagara Falls
St. Davids Public School	1344 York Rd	Niagara-on-the-Lake

#### **Niagara Catholic District School Board**

<b>School</b>	<b>Address</b>	<b>Municipality</b>
St. Alfred Catholic School	280 Vine Street	St. Catharines
St. Christopher Catholic School	33 Woodrow St	St. Catharines
St. Edward Catholic School	2807 4th Avenue	Lincoln
St. Andrew Catholic School	16 St. Andrew Ave	Welland

#### **Niagara College Partnership**

Staff are working with Niagara College on a habitat initiative. On Wednesday April 1<sup>st</sup>, Niagara College students from the Environmental Field & Lab program constructed various habitat structures including mallard duck nesting tubes, and beneficial insect (pollinator) homes for inclusion into NPCA stewardship projects. The college supplied all the material and labour, providing the students with a real-life hands on learning opportunity.

#### **General Motors Partnership**

Staff are working with General Motors (NOTL Plant location) on a biodiversity strategy; GM is working towards their designation with the Wildlife Habitat Council. This project will also involve design work by Niagara College Ecosystem Restoration students and count towards their required college accreditation.

#### **One Mile Creek Watershed Tour for the Ontario Biodiversity Council – 2015 Summit**

- The One Mile Creek Watershed Study was completed in October 2005. Since that time, all of the implementation recommendations have been addressed with all of the actions being either in progress or in maintenance. In celebration of the success of the Watershed Study, staff developed a watershed tour to profile the achievements of private stewardship. The first pilot tour will take place this May as part of the Ontario Biodiversity Summit.

- The tour is titled *Stewardship in Action: What Landowners are Doing*, and will take place Friday May 22<sup>nd</sup>, 2015 from 8:30 am – 2:00 pm. Tour description from Summit website is below.

*Join us to discover real-life examples of many of the themes of the Biodiversity Summit – from increasing resilience to climate change, to protecting ecosystem services and reaching out to businesses and citizens. Meet the landowners and community partners who are making a difference on farms, gardens and woodlots by restoring streams, planting trees, tackling invasives, creating pollinator habitats and regenerating wetlands. We will learn that ten years of experience implementing a watershed plan for One Mile Creek Watershed is reaping rewards – restoring biodiversity and improving local environmental health. The field trip will begin in Niagara Falls and proceed north along the Niagara Parkway to Niagara on the Lake. It will conclude with some wine-tasting and lunch at Southbrook Vineyards. Handouts will be provided as illustrations of outreach materials that really work.*  
<http://www.ontariobiodiversitysummit.ca/html/register.html>

### **Niagara River Remedial Action Plan (RAP) Stage 3: Charting a course to delisting the Areas of Concern (AOC)**

The upcoming Niagara River Remedial Action Plan (RAP) Public Meeting will be held at the Queens Landing Hotel in NOTL, ON, on Thursday May 28th, 2015 from 6:30 pm until 8:30 pm. The goal of the meeting is to provide a brief update on RAP progress to reignite the public engagement process. We will provide an update on both Canada and U.S.A. RAPs, an update around the NRTMP (Niagara River Toxics Management Plan), announce the upcoming plans for a U.S.A. Water Quality Summit, and highlight the efforts of the binational Niagara River Ramsar designation. A formal announcement and invitation with agenda will be forthcoming.

## **5) Special Projects**

- Staff provided comments on planning applications and Niagara Escarpment Commission permits for Niagara Region and local municipalities under the Planning Memorandum of Understanding.
- Staff continued to work on the Bedrock Valley Aquifer - Ontario Geological Survey Study conducting monitoring, reporting, and liaising with Niagara Region Public Health, University of Waterloo, Niagara College, and McMaster University.
- Staff submitted the Annual Environmental Compliance Approval report for Ball's Falls to the Ministry of Environment and Climate Change (MOECC)
- Staff worked on the Cave Springs Master Plan Water Resource Assessment and attended a steering committee meeting.
- Staff supported MOECC in responding to an environmental spill in Town of Fort Erie.
- Staff attended a workshop at the University of Guelph by Ontario Geological Survey and Geological Survey of Canada, on 'Unifying Groundwater Science in Southern Ontario.'



## References:

Agronomic benefits:

Brandle, J.R. (2004). Windbreaks in North American Agricultural systems, Nebraska: Kluwer Academic Publishers.


Blowing and drifting snow statistics:

Tabler, R.D. (2003). Controlling blowing and drifting snow with snow fences and road design. Niwot, Colorado: NCHRP.

Prepared by:

  
\_\_\_\_\_  
Peter Graham, P.Eng.  
Director, Watershed Management

Respectfully submitted by:

  
\_\_\_\_\_  
Carmen D'Angelo, CAO/Secretary-Treasurer

*This report was prepared with consultative input from Suzanne McInnes, MCIP, RPP – Manager, Plan Review and Regulations, Brian Wright, P.Eng. – Manager, Watershed Projects and NPCA staff.*

**Report To:** Board of Directors  
**Subject:** Operations Status Report  
**Report No:** 32-15  
**Date:** April 16th, 2015

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**RECOMMENDATION:**

That the NPCA Board **RECEIVE** Report No. 32-15 for information

**PURPOSE:**

Operations Status Report

**DISCUSSION:**

**Ball's Falls CA**

One of the identified Capital Projects for 2015 was to upgrade and renovate the lower washroom. Thanks to the efforts of Park and Central Workshop Staff, the project is nearing completion. Renovations are set to be complete by April 17<sup>th</sup>.

The March Break Camp Program hosted 14 children that learned about the environment and playing games relevant to the curriculum. The revenue generated from this camp was \$1505.

In addition to the March Break Camp, the Center for Conservation had 5 corporate meetings/events and 3 public event rentals. We were visited by 103 adults, 28 seniors, and 13 after hour visitors. We renewed 3 membership passes and sold 3 new ones as well.

*Respectfully Submitted by Nathaniel Devos, Park Superintendent at Ball's Falls Conservation Area*

**Binbrook CA**

**Operations**

The Ice Fishing Season officially closed on Sunday March 15<sup>th</sup>. The area is currently closed to the general public. The area re-opens Friday May 1<sup>st</sup>.

Unsafe ice conditions are now evident on the reservoir and signage has been posted accordingly.

**Tree Management – Emerald Ash Borer**

The crew is set to begin falling Ash trees that have been identified with Emerald Ash Borer disease next week in areas that are high priority and where conditions will allow.



This follows a tree falling management project conducted by Ontario Hydro during the month of February. They cleared any/all obstructions along power lines running through the area.

The GCC has found a local nursery willing to donate approximately 50 trees to help mitigate the loss of existing ash trees as a result of the emerald ash borer. The trees will be planted by staff and GCC volunteers in areas most heavily affected by tree removal. Once favourable weather conditions exist a work day will be determined.

#### Annual Dock Agreements

Boat Dock Agreements (we have a number of area residents along Lake Niapenco with access to our lake) have been distributed to local residents to whom this agreement applies. All agreements are expected to be signed, paid for and submitted to the NPCA by Friday May 1<sup>st</sup>.

*This report was respectfully submitted by Mr. Mike Boyko, Park Superintendent*

#### Chippawa Creek CA & Long Beach CA

Staff had their first look at the new reservation system, and training, on Wednesday March 25<sup>th</sup>. The new online reservation system went live to the public at 9am on Wednesday April 1<sup>st</sup> and is run by Active Network. This new system will make the park operations more efficient due to its ease of use. Check Ins and Check Outs will be significantly faster and easier.

Staff are making their way from campsite to campsite to prepare them for the upcoming season, including chipping and cleaning up after the Emerald Ash Borer Tree Removal Program. Staff have also been busy preparing water and wastewater systems for spring operation.

*Respectfully Submitted by Rob Kuret, Park Superintendent, Chippawa Creek CA, and Mike MacIntyre, Park Superintendent, Long Beach CA.*

#### Central Workshop – Gainsborough CA

March has been a busy month as staff has been helping complete various capital projects at various parks and have started to clean up and chip brush at Chippawa Creek Conservation Area.

Staff installed a new Hawkwatch Counting Board at Beamer Memorial Conservation Area for the Niagara Hawkwatch Group. The Hawkwatch Season opened up on March 1<sup>st</sup> and the Annual Open House was Friday April 3<sup>rd</sup>, from 10 am to 3pm.

Finally, Senior staff are hiring summer staff, ordering supplies, finishing equipment maintenance and safety inspections, and preparing training packages and project plans. The spring and summer season is right around the corner.

The NPCA obligation with the Niagara Region to cut grass and provide clean-up/ maintenance to the 4 Closed/ Renaturalized Landfill Areas (Glenridge Quarry, Elm Street, Center Street, and Station Road) is now complete. We've taken back NPCA owned property (garbage cans, signage, etc.) and the Niagara region has taken back ownership and duties of maintaining their own property. Our obligation ended March 31<sup>st</sup>, 2015.

*Respectfully Submitted by Mich Germain, Superintendent, Central Workshop*

## **ECOLOGICAL STATUS REPORT**

### **Beamer Memorial Conservation Area**

The Niagara Peninsula Hawkwatch Group held their annual Hawkwatch Open House at the Beamer Conservation Area on Good Friday April 3 from 10 a.m. to 3 p.m. This event is held to increase educational awareness of the natural phenomenon, and the importance of monitoring the raptor spring migration and its global data use.

The event attracts on average 700 participants, and includes displays by area natural groups, Hawk Talks and a live bird demonstration of hawks, eagles, owls and other raptors. NPCA staff will be on site to assist in site parking, maintenance of emergency routes, in addition to staffing a tent to promote the park, the Authority's programs and services and continue in our ongoing efforts for effective communication with the public and stakeholders.

The Hawkwatch Monitoring Season continues through May 15. The Niagara Peninsula Hawkwatch Group is on site daily during this time recording all migrating raptors and answering any questions. The data collected is used internationally through Hawk Migration Association of North America (HMANA) and is important in gauging the health of environment and ensuring any necessary remediations are made globally.

### **Cave Springs Conservation Area**

As part of the 2015 Resource Inventory for the site Master Plan, the Ecological Studies continue. To date: the Ecological Land Study Classification has been completed for the site ; the large mammal survey has begun with second survey already completed and one more scheduled before April; the Bird Study of owls, breeding birds and crepuscular birds has begun and continues through July; the reptile and amphibian study is established and commences with appropriate Spring weather of 4C and 5C; and the equipment and installation of bat monitors is being completed in time for monitoring through the spring, summer and early fall.

### **St Johns Conservation Area**

The annual fishing stocking of the site's trout pond continues. The rainbow trout stocking will be completed for opening day of the trout fishing season on Saturday April 25 at noon.

Trout Pond Opening Saturday April 25 at noon with the 'first cast' as the official opening. Staff are on-site to assist in administering parking and questions. On average public attendance is 200 people opening day.

### **Willoughby Conservation Area**

The Willoughby trail restoration project has been completed, with the restoration of an All Terrain Vehicle created trail.

With the generous support of TD Friend of the Environment Foundation site conditions at the trail ends were restored, and the unauthorized trail ends have been eliminated to decrease destructive ATV site use. Restoration activities included: grading the ruts of the unauthorized trail, creating a ground movement barrier with logs and soil berm, placing a barrier with brush and logs along the trail ends, and increase awareness of the sites significance and need for protection through the installation of signage ('Protected Natural Area' and 'No motorized vehicles permitted') and distribution of residential area flyers to increase the awareness of the site's significance, it's rare species, the destructive effects of all terrain vehicles on the rare plants and ecosystems, and ways people can help through community stewardship and improved environmental health.



### **Woolverton Conservation Area**

The salamander habitat project has been completed at Woolverton Conservation Area. The fragmented forest section was restored and forest cover provided to assist in enhancing the habitat of a rare species and help to improve their recovery. Restoration work on the Conservation Area included: planting of trees and shrubs, placement of woody ground material/cover, and on-going monitoring and required measure to ensure the planted area flourishes to a forested area. This project was made possible through the generous funds of the Environment Canada, Habitat Stewardship Program. High school volunteers also assisted in the planting providing their labour and stewardship to increase the awareness and message of the needs for Species at Risk.

### **Other Conservation Area Ecological Activity**

#### **NPCA Hunting Program**

##### **a) General: Hunting Permits**

Staff has issued an additional 20 hunting permits for a total of 105 permits issued for the NPCA Conservation Areas for 2015. Of this total, hunting permits are issued to 13 individuals residing outside of our administrative area.

*Respectfully Submitted by Kim Frohlich, NPCA Ecologist*

### **RELATED REPORTS AND APPENDICES:**

1 – None

**Prepared by:**




Gregg Furtney Conservation Areas Supervisor

**Reviewed by:**



David Barrick, Senior Manager, Operations

**Submitted by:**



Carmen D'Angelo  
Chief Administrative Officer/Secretary Treasurer

*This report was prepared with the consultative input from: Nathaniel Devos, Superintendent Balls Falls CA; Mike Boyko, Superintendent Binbrook CA; Mike MacIntyre, Superintendent Long Beach CA; Rob Kuret, Superintendent Chippawa Creek CA, and Mich Germain, Superintendent, Central Workshop; Kim Frohlich, NPCA Ecologist.*

**Report To:** Board of Directors

**Subject:** Corporate Services Project Status Report

**Report No:** 33-15

**Date:** April 16, 2015

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**RECOMMENDATION:**

That Report No. 33-15 be received for information.

**PURPOSE:**

To provide the Board a summary of projects important to the Conservation Authority's business objectives.

**DISCUSSION:**

The project status report is to provide information pertaining to process improvements, initiatives in support of the strategic plan and supporting the organization to achieve its mission, vision and values.

**FINANCIAL IMPLICATIONS:**

Projects are within budget allocations for staff time and activity, including the job design and job evaluation project which is a new project initiative that was not identified during the budget preparation and approval cycle.

**Report:**

**1.0 Accounting & Financial Management**

- 1.1 Budget Status Report (including Reserve Fund and Master Card Transaction reports) - Monthly report to Board of Directors
- 1.2 On-Line Time and Attendance Reporting module (Resource Manager) has gone live and issues have been resolved. Non-union and bargaining unit employees are required to submit an online time and attendance report, with the Senior Management Team submitting exception reports to provide appropriate audit of payroll related costs.

**2.0 GIS & Information Management**

- 2.1 Information Management & Business Solutions
  - Development Tracking Solution – Support Planning and Regulation review team with reviewing and finalizing City View development tracking system evaluation and selection as approved by the Board.



- Support Cave Springs Master Plan, participating on Steering Committee and Archaeological working group.
- Website Redesign developer selection has been communicated to respondents. Report submitted to Board regarding recommendation and adjusted budget is now being integrated in vendor work plan to deliver project as specified.
- Support Operations team in implementing Campground Reservation System with selected vendor with information being provided to ensure go-live date of April 2, 2015.
- Corporate Email Exchange migration to Office 365 has been finalized and the NPCA is now on its own e-mail server. Niagara Region provided its cooperation and collaboration in support of this transition.
- Property Information tool version 2 has been completed and roll out to the Planning & Regulations Review team.
- Various planning and preparation activities (venue selection, agenda development) associated with hosting the Conservation Authority Collaborative Information Session (CACIS) conference for the CA GIS and IM community of practice in June.
- Support Operations team with ongoing development of Conservation Areas Acquisition and Trails spatial databases.
- Regular custom map services in support of various teams but predominantly from Planning Approvals Analysts but predominantly from Planning Approvals Analysts, as well as the internal provincial plan review process.
- Support the Restoration Team with the development of stewardship application forms
- Supporting Communications by participating on several Niagara Children's Water Festival committees, and volunteering recently at the Yellow Fish Road and the Outdoor show.
- Tara Metzger continues to provide guidance to 3 Niagara College Post Graduate GIS projects.

2.2 Corporate Services continued discussions with Niagara Region Information Solutions to evaluate NPCA long term Information Technology business needs to permit evaluating alternative managed services. A report to the Board will be submitted at the completion of the cost analysis outlining the options of a single source provider for the NPCA's needs in relation to multiple service providers options.

### **3.0 Corporate Services Administration**

#### **3.1 Job Evaluation**

The Job Evaluation job documentation for all jobs within the NPCA has been compiled for submission to Niagara Region for evaluation under the approved gender neutral job evaluation plan and to ensure *Pay Equity Act* compliance.

#### **3.2 Employment Opportunities**

- Park Assistant – Long Beach Conservation Area (Permanent) has been awarded following review of 96 applications and the interview of six candidates. The new hire started on March 24, 2015.
- Park Assistant – Binbrook Conservation Area (Temporary) has been awarded following review of 146 applications and the interview of four candidates. The new hire will start in April, 2015
- Supervisor – Construction Permit Approvals – (Permanent) has been advertised a second time targeted to a more professional employment market to be considered in addition to the original 30 applications received up to March 6, 2015. Out the total pool of 57 applications, four candidates will be interviewed on April 2, 2015.
- Park Attendants – All Conservation Areas (Summer Youth Employment Program – May to September) has been advertised with 157 applications received when the posting closed on March 2, 2015. At the request of Operations, the recruitment was reopened for an additional period to increase the total pool of candidates. This second offering has been successful and an additional 35 applications are under review.

A recruitment panel will conduct interviews of candidates for each employment opportunity, and following the interview rating and ranking process, a preferred candidate was selected.

#### **3.3 Corporate Policy Review**

Initiated review of corporate policies to confirm, clarify, improve or fill gaps in current NPCA Regulations. The intent of the review is to provide a corporate administrative framework for consistent best practices.

### **4.0 Business Development, Marketing & Community Outreach**

#### **4.1 Niagara Envirothon**

Staff completing final arrangements for the 2015 Niagara Envirothon workshop taking place on April 8th at Heartland Forest in Niagara Falls. There are 15 teams registered for this great event. Professionals from various organizations will be at the workshop to introduce students to the topics of aquatics, forestry, wildlife, soils and our current issue, urban forestry. Represented organizations include the Niagara Region, City of Welland, Agriculture Canada, Brock University, NPCA, Ministry of Natural Resources and Peninsula Field Naturalists. The students will return to Heartland Forest on April 23rd to participate in a hands-on competition based on the knowledge and skills they learned at the workshop.

The winning team from Niagara will move on to represent our region at the Ontario Envirothon competition in May. The NPCA is working with representatives of the Niagara Restoration Council, Heartland Forest, Land Care Niagara and Niagara Falls Nature Club to run this event. It is a great example of the NPCA working with community partners to increase awareness of local issues and to educate students about our organization.

#### **4.2 Outreach Events**

The NPCA has been asked by a number of different organizations to host a booth at upcoming spring open house events. The following is a list of events the NPCA attended in March:

- Niagara Outdoors Show (March 15th 2015)
- City of St. Catharines – World Water Day at the Pen Centre (March 19th)
- Niagara College – Spring Open House (March 28th 2015)
- Seaway Mall Welland – Outdoor Show (March 27-29 2015)

#### **4.3 Annual Report**

We have begun the process of preparing an annual report to be delivered to member municipalities and other partners. The first draft will be completed by the end of the April.

#### **4.4 Website Development**

The initial meetings with The Dunham Group have been scheduled for initiation of the website development process. Project timelines and a work-back schedule will be developed shortly.

#### **4.5 Cave Springs Management Plan**

A communications plan has been developed and presented to the Steering Committee. The plan calls for a very robust public outreach component. There will be videos produced with the large amount of content that is available to us at this time. Letters have been sent to adjacent area residents, and community organizations that would be interested in the project.

#### **4.6 Development & Communications**

Production on both a Foundation and Conservation Areas brochure has begun. The Foundation brochure will also double as an “all about the NPCA” information piece.

Very positive meetings have taken place with the new Bass Pro Shop located at the new Niagara-on-the-Lake outlet mall. Several partnership opportunities were discussed including; the NPCA being the “charity of the month”; NPCA staff giving demonstrations and talks in the store; Bass Pro Shop participating at the Ball’s Falls Thanksgiving Festival; and helping NPCA establish relationships with their suppliers to help support NPCA events. Bass Pro Shop has agreed to make available the NPCA Land Stewardship Guide. They are currently on display for customers at the front entrance.



Ontario Power Generation is once again a sponsor the Children's Water Festival. OPG has upped their support by an additional \$500 this year to a total of \$1,500. Other donor prospect research and relationship building continues.

The Lakefront Enhancement Strategy funding proposal was submitted. There were two funding requests: one for significant capital improvements to Long Beach Conservation Area and a second for the development of a master plan of the Lake Erie shoreline properties between and including Morgan's Point Conservation Area and Long Beach Conservation Area.

**Prepared by:**



**Jeff Long; Senior Manager, Corporate Services**

**Submitted by:**



**Carmen D'Angelo  
Chief Administrative Officer/Secretary Treasurer**

*This report was prepared in consultation with: Cathy Kaufmann, Accounting Administrator; Geoff Verkade, Supervisor, GIS; Brianne Wilson, Events Coordinator; Kerry Royer Community Outreach Coordinator; Michael Reles, Communications Specialist; Kevin Vallier, Manager, Development & Communications and Jim Hagar, HR Specialist*

**Report To: Board of Directors**

**Subject: Financial Report – Month Ending March 31, 2015**

**Report No: 34-15**

**Date: April 16, 2015**

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**RECOMMENDATION:**

That Report No. 34-15 be RECEIVED as information.

**PURPOSE:**

To provide the Board a cash flow summary of operations & capital expenditures versus revenues in order to remain within budget allocations approved by the Board.

**DISCUSSION:**

This report discloses the corporate operations and capital budget as reviewed within the business cycle following the close of March 31, 2015. The report confirms the general financial oversight and compliance with financial planning and reporting in accordance with Public Sector Accounting Board standards. Trends and variance reporting will be provided in accordance with accounting best practices.

**FINANCIAL IMPLICATIONS:**

The lines of business are within budget allocations identified during the budget preparation and approval cycle.

**RELATED REPORTS AND APPENDICES:**

**Appendix “A” – Budget Status report month ending March 31, 2015**

**Prepared by:**



**Name: Jeff Long, Sr. Mgr., Corporate Services**

**Submitted by:**



**Carmen D'Angelo; CAO / Secretary Treasurer**

***This report was prepared in consultation with Cathy Kaufmann, Accounting Administrator***

**Niagara Peninsula Conservation Authority  
Consolidated Income Statement  
For the Period Ending - March 31, 2015**

	Current Mth Actual	Current Mth Budget	Act vs. Bdgt B / (W)	Y.T.D. Actual	Y.T.D. Budget	Act vs. Bdgt B / (W)	12 Month Budget
<b>Revenue</b>							
Municipal Funding	128,368	-	128,368	128,368	-	128,368	8,802,943
Provincial Funding	55,000	-	55,000	65,000	65,000	-	519,500
Federal Grants	-	-	-	-	-	-	235,000
Permits and Regulatory Fees	46,470	29,200	17,270	80,535	87,500	(6,965)	350,000
Park Operations	68,121	75,000	(6,879)	90,372	130,000	(39,628)	1,374,000
Other Revenue	7,433	17,750	(10,317)	76,776	53,300	23,476	213,100
Interest Income	1,687	2,500	(813)	6,974	7,500	(526)	98,000
Reserves and Foundation	-	-	-	-	-	-	480,000
<b>Total Revenue</b>	<b>307,079</b>	<b>124,450</b>	<b>182,629</b>	<b>448,025</b>	<b>343,300</b>	<b>104,725</b>	<b>12,072,543</b>
<b>Expenses</b>							
Salaries & Benefits	389,071	454,955	65,884	1,273,637	1,325,723	52,085	5,793,556
HR & Employee Expenses	9,239	15,760	6,521	17,108	41,930	24,822	193,220
Board & Volunteer Expenses	-	11,495	11,495	2,361	15,095	12,734	60,100
Professional Fees	11,040	28,105	17,065	21,929	41,815	19,886	290,200
Occupancy Costs	31,424	30,105	(1,319)	80,414	98,965	18,551	457,300
Office Expenses	2,852	13,980	11,128	42,897	40,830	(2,067)	176,745
IT, GIS & Communications	4,602	-	(4,602)	1,660	-	(1,660)	1,400
Marketing & Promotions	4,613	15,525	10,912	7,729	32,375	24,646	187,800
Vehicle & Equipment	30,438	21,245	(9,193)	86,623	49,010	(37,613)	316,677
Watershed Maintenance	1,717	34,200	32,483	32,757	102,620	69,863	412,000
Park Maintenance	29,475	7,477	(21,998)	18,579	20,612	2,033	352,000
Corporate Services	33,732	29,135	(4,597)	59,685	97,205	37,520	1,841,445
<b>Total Expenses</b>	<b>548,203</b>	<b>661,981</b>	<b>113,778</b>	<b>1,645,379</b>	<b>1,866,180</b>	<b>220,800</b>	<b>10,082,443</b>
<b>Surplus / (Deficit)</b>	<b>(241,124)</b>	<b>(537,531)</b>	<b>296,407</b>	<b>(1,197,354)</b>	<b>(1,522,880)</b>	<b>325,525</b>	<b>1,990,100</b>
Capital Purchases	56,704	75,000	18,296	56,704	75,000	18,296	1,990,100
<b>Surplus / (Deficit)</b>	<b>(297,828)</b>	<b>(612,531)</b>	<b>314,703</b>	<b>(1,254,058)</b>	<b>(1,597,880)</b>	<b>343,821</b>	<b>-</b>



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**Report To:** Board of Directors

**Subject:** Tree and Forest Conservation By-law Status

**Report No:** 35-15

**Date:** April 16, 2015

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**RECOMMENDATION:**

That report No. 35-15 regarding the status of the Tree and Forest Conservation By-law be received for information.

**PURPOSE:**

To provide an update on the status of Tree & Forest Conservation By-law.

**DISCUSSION:**

By-law issues/main activities since February 26, 2015 include:

- Harvest operations that were in progress under Good Forestry Practices (GFP) permits in a woodlot located in Wainfleet and Pelham were suspended on March 24<sup>th</sup> owing to unsuitable ground conditions for skidding. Operations may start up again in May or June depending on weather and ground conditions. The NPCA Forester will ensure ground conditions (i.e. dry ground condition) are suitable before logging commences.
- Continue to coordinate ash tree removal on NPCA properties at Binbrook, Chippawa Creek and Long Beach (1,059 trees are marked for removal).
- Completed the 2014 Annual Report to satisfy condition in the Service Level Agreement between the Region and the NPCA.
- Continue to deal with complaints about harvest operations conducted in a woodlot located in Wainfleet that was issued GFP permits. The woodlot has two (2) different owners. The NPCA owns one third and a private landowner owns the other two thirds. There were no compliance issues with the operations; however, certain members of the public have voiced their displeasure that woodlot owners are able to conduct forest management activities which involves harvesting of some of the trees. Some complaints were focused on old growth trees. Claims were made that all the older trees were cut. A post-harvest inspection verified that old growth trees were retained as planned.
- Received requests from two (2) woodlot owners that are interested in conducting a commercial harvest operation under a Good Forestry Practices permit in the near future. Site visits by the NPCA Forester will be scheduled in late Spring to ensure the woodlots would benefit from a selection harvest.
- Provided comments on several planning issues related to woodlands. Issues ranged from woodland status on certain properties to exemption conditions for others.
- Received and provided advice to persons calling about declining ash tree populations. The callers live in urban areas not covered by the By-law. Some inquired on whether

the NPCA would remove their ash trees. They were informed that if the tree is on their property then they are responsible for its removal.

**RELATED REPORTS AND APPENDICES:**

2014 Annual Report for the Tree & Forest Conservation Bylaw

**Prepared by:**

Dan Drennan

Dan Drennan,  
R.P.F; Forester

**Reviewed by:**

Peter Graham

Peter Graham  
Director, Watershed Management

**Submitted by:**

Carmen D'Angelo

Carmen D'Angelo  
Chief Administrative Officer  
Secretary Treasurer

# **2014 ANNUAL REPORT**

## **NIAGARA REGION TREE AND FOREST CONSERVATION BYLAW (2008-30)**





**Niagara Region Tree and Forest Conservation Bylaw**  
**2014 Annual Summary Report**  
Niagara Peninsula Conservation Authority

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## Introduction

The Niagara Region Tree and Forest Conservation By-law 30-2008 exists to encourage the conservation and improvement of woodlands in Niagara through Good Forestry Practices. The By-law prohibits the clearing of woodlands except under specific circumstances and requires landowners to follow Good Forestry Practices when harvesting trees. This is done by requiring landowners to submit a forest management plan or a silvicultural prescription prepared by a Registered Professional Forester (or a member of the Ontario Professional Foresters Association) in order to obtain a permit.

In August of 2008 the Region of Niagara delegated administration of the By-law to the Niagara Peninsula Conservation Authority (NPCA). The NPCA is responsible for reviewing applications and issuing permits for timber harvesting within the Region. We also follow up on public inquiries and investigate violations, which sometimes lead to charges. For this reason NPCA forestry staff is designated as Provincial Offences Officers under the Provincial Offences Act. The NPCA employs one full-time staff, a Registered Professional Forester to administer the By-law.

The 2014 year marked the sixth year in which the NPCA administered the By-law on behalf of the Region. This report will summarize the activities undertaken throughout the year by the NPCA to promote Good Forestry Practices, educate the public and enforce the provisions of the By-law.

## Permits

Good Forestry Practices (GFP) Permits are issued after an application is received and satisfies the necessary criteria. In 2014, 8 new GFP Permits were issued by the NPCA, 3 permits were renewed from the 2013 year. The majority of these permits were completed by the end of 2014.

The NPCA conducted forest management activities which involved harvest operations on one of their properties at the Wainfleet Wetlands CA. The permit application was reviewed and approved by the Niagara Region as per the Service Level Agreement between the two agencies.

Commenced in 2012 and continued on in 2014, strategies for managing woodlots for emerald ash borer (EAB) are required in prescriptions and tree marking for woodlots that have a significant component of ash. This strategy will continue into 2015 as the impact of EAB will only increase.

Landowners are provided a copy of a recent publication from the Ontario Woodlot Association, 'A Landowner's Guide to Careful Logging', when a permit is approved. The guide provides landowners with information on proper logging practices that will ensure good forestry is attained. The harvest inspections conducted by the NPCA are based on the contents in the guide.

All permits are subject to conditions which are specified and tailored to the characteristics of the individual site. For example, harvesting in woodlands with sensitive ground conditions will be conditional to the work being done while the ground is frozen in the winter, or during a dry period during the summer, to minimize soil disturbance. Failure to follow the conditions of a permit is considered a violation of the By-law. There were no incidents in 2014 where permit conditions were not complied with. Forest Bylaw staff maintained regular communication with logging contractors to ensure operations were suspended when ground conditions were not favourable.

## ***Forest Harvest Summary***

The following table breaks down the distribution of 2014 permits by municipality; 8 new Good Forestry Practice permits were issued during the 2014 year.

Wainfleet	4	Niagara on the Lake	0
Pelham	3	Welland	0
West Lincoln	1	St. Catharines	0
Niagara Falls	0	Lincoln	0
Grimsby	0	Port Colborne	0
Thorold	0	Fort Erie	0

Basic statistics of harvest activity by municipality are as follows;

Municipality	Harvest Area		Approx. # of Trees Removed
	Hectares	Acres	
Fort Erie	0	0	0
Grimsby	0	0	0
Lincoln	0	0	0
Niagara Falls	0	0	0
Niagara on the Lake	0	0	0
Pelham	44.3	109	1524
Port Colborne	0	0	0
St Catharines	0	0	0
Thorold	0	0	0
Wainfleet	64.2	158.4	1207
Welland	0	0	0
West Lincoln	2.4	6	75
Totals	110.9	273.4	2806

These tables exclude the permit renewals. Permit renewal statistics will always be included in the year in which the original permit was issued.



## ***Inspections***

Generally each permit site is inspected at least twice, many sites were visited multiple times. The first inspection occurs upon receiving the application. NPCA Bylaw staff visit the site and inspect the tree marking to ensure it follows good forestry practices. Any concerns with the tree marking and prescription will be noted and followed up with the landowner and/or certified tree marker. The permit may not be approved until any concerns are addressed. At this time NPCA staff also assesses the site conditions (soil) and any environmental values present which may be impacted by the harvest operation such as stick nests and streams. This will affect conditions that may be stipulated on the permit.

The operation may be inspected again while the work is underway and the crew is onsite. This gives NPCA Bylaw staff the opportunity to observe the precautions being taken and ensure that the permit conditions are being met.

Lastly the site is inspected again when the work has been completed. At this time NPCA Bylaw staff is able to verify that only trees that were marked have been removed and that all permit conditions are satisfied.

The result is that NPCA staff made approximately 65 site inspections on permits during 2014.

## **Education**

In 2014 the NPCA continued to educate the public as well as groups and public agencies regarding the Bylaw.

Much of the educational activity takes place when members of the public phone or drop into the NPCA office and ask questions. Staff also conducted site visits when requested by the land owner to provide forestry knowledge and make them aware of Bylaw requirements. Staff is always available to answer questions and often spend considerable time going over the details of the bylaw and management strategies to deal with Emerald Ash Borer.

The NPCA continues to distribute the Bylaw booklet produced in late 2008 which explains the Bylaw, good forestry practices and the benefits of both. The booklet has been very well received and enjoys considerable demand.

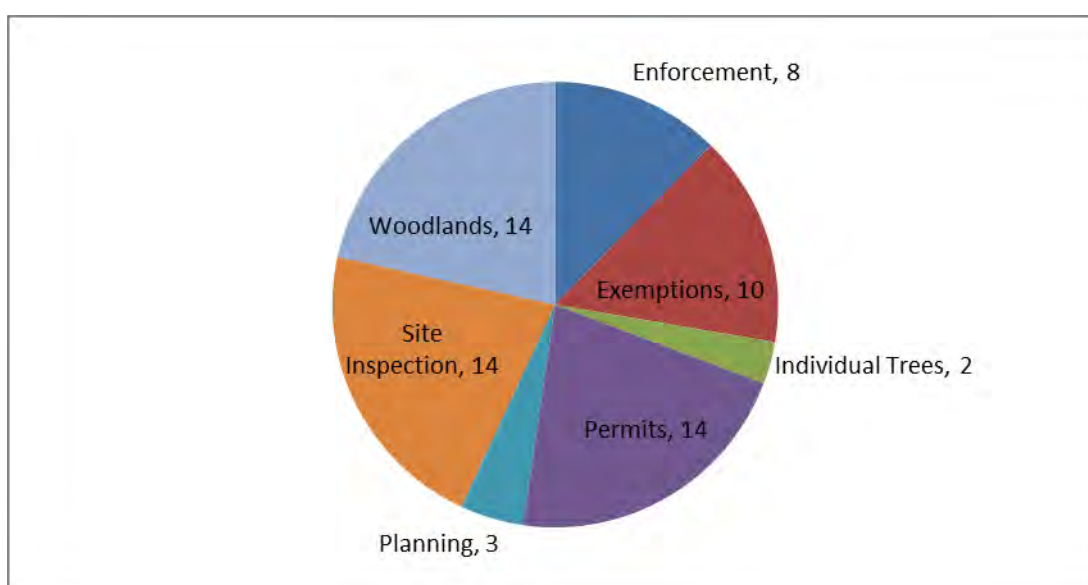
The Forestry section on the NPCA website was enhanced in 2014. Emphasizes was put on Good Forestry Practices and the latest strategies for managing woodlots for Emerald Ash Borer.

## Bylaw Inquiries

Bylaw inquiries occur when Bylaw staff responds to an issue either presented by a member of the public or outside agency, or an issue initiated based on observations of Bylaw staff. Most are made by telephone. NPCA staff track inquiries for reporting purposes.

In 2014, Bylaw staff responded to 65 bylaw inquiries. Chart 1 indicates the number of inquiries by program area. The majority of the inquiries were about woodlands followed by site inspections and then permits. A brief explanation of program area's follows.

**Chart 1: Number of Inquiries by Program Area**



### ***Program Area Descriptions***

**Enforcement:** Any enforcement related matters which required action by Bylaw staff.

**Exemptions:** Inquiries regarding exemptions which required evaluation by Bylaw staff.

**Individual Trees:** Inquiries regarding individual trees on private property, most of which are outside the jurisdiction of the Bylaw.

**Permits:** Matters regarding reviewing or issuing permits.

**Public Outreach:** Inquires about by-law & other educational materials. Mail out of educational materials.

**Woodlands:** Issues and inquiries centered on the application of the Bylaw to woodlands.

**Site Inspections:** Post-harvest site inspection.

**Planning:** Land use planning inquiries

**Chart 2: Number of Inquiries by Interest Group**

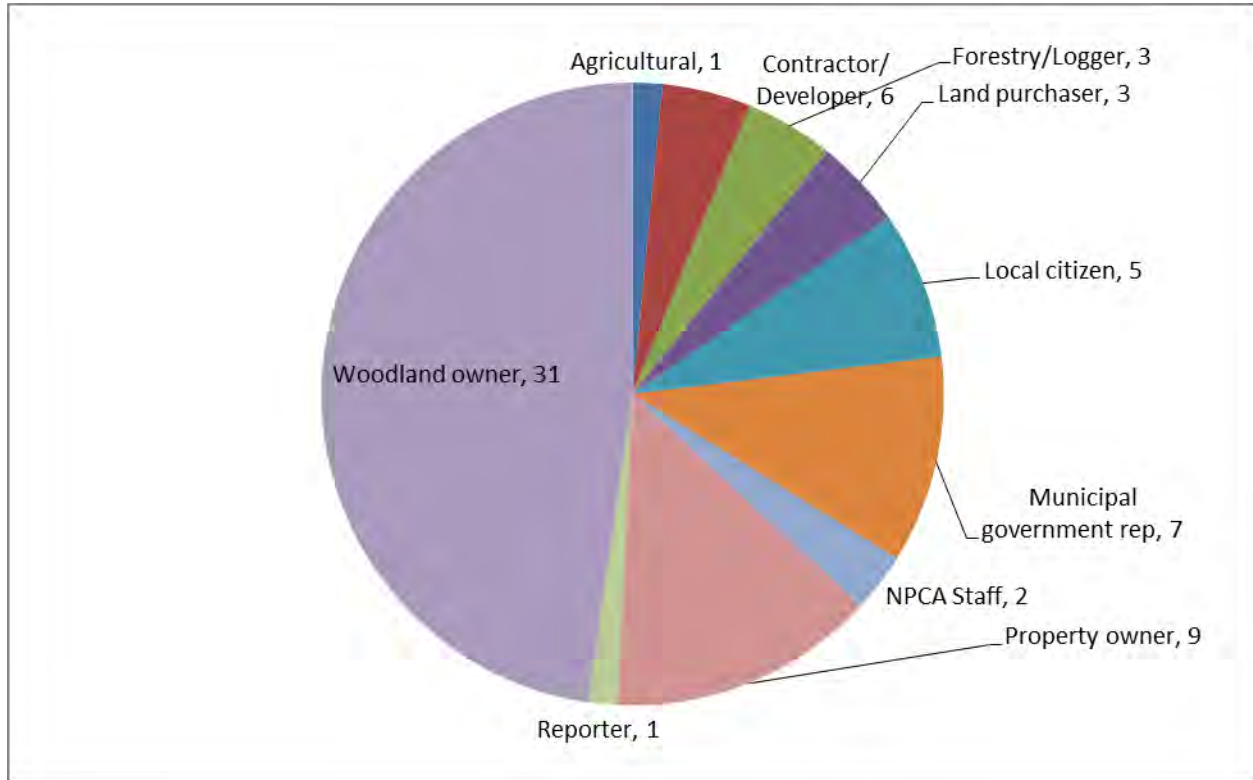


Chart 2 is a break down of the types of people that make the inquiries to the NPCA office. The majority of the inquiries are from woodlot owners, followed by property owners & then contractors and developers.

## **Enforcement and Charges**

Should it become necessary to initiate charges resulting from Bylaw violations, it is done under Part III of the Provincial Offences Act. This is referred to as commencement by information.

There were no Bylaw infractions that required charges in 2014.



## **Training and Development**

The Bylaw staff conducted independent learning in order to remain current with respect to the practice of forestry in the region and the application of the Bylaw. Staff will attend applicable training opportunities when available.

Particular attention was made towards learning about forest management strategies for dealing with Emerald Ash Borer in Niagara's woodlands.

## **Advisory Committee**

The Tree and Forest Conservation By-law Advisory Committee did not meet during 2014, as there were no issues brought up by NPCA that required additional meetings. The role of the committee is to review and provide advice or recommendations on matters of tree and forest conservation as requested by the NPCA.

## **Conclusion**

2014 was the sixth full year in which the Bylaw was being administered by the NPCA. There were no issues with the NPCA's ability to carry out the role of administering the Bylaw for the Region. All aspects of the Bylaw, from managing Good Forestry Practice permits, enforcement and public education were conducted in a professional manner.

In 2015, it is expected there will be a revised version of the current Bylaw. The purpose of the revision is to improve the text and update sections where necessary.

Woodlot management strategies to deal with Emerald Ash Borer will continue to be a main concern in 2015. Current strategies will be used in woodlots that have a significant component of ash.

# REPORTS for Consideration

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- ❖ REPORT NO. 36-15
- ❖ REPORT NO. 37-15
- ❖ REPORT NO. 38-15
- ❖ REPORT NO. 39-15
- ❖ REPORT NO. 40-15

April 16, 2015 Full Authority Meeting

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**Report To:** Board of Directors

**Subject:** NPCA Policies Review - *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document ("Policy Document")*

**Report No:** 36-15

**Date:** April 16, 2015

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### **RECOMMENDATIONS**

**That Report No. 36-15 be received for information, and  
That the Board provide approval for the NPCA to send out a Request for Proposal (RFP) to consultants who will assist the NPCA with the intensive public consultation process and fundamental rewrite of its Policy Document.**

### **PURPOSE**

To update the Board on the proposed plan and associated process to update the NPCA's primary development guidance document titled "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document".

### **BACKGROUND**

The "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document" was originally developed and adopted in December 2007 with four (4) sets of housekeeping amendments since, the last being in October 2011.

#### **Alignment to NPCA's 2014-2017 Strategic Plan**

As part of the recent Strategic Plan process, five (5) working groups were established to identify challenges and create solutions to better service the watershed community. One of these working groups, "Effective NPCA Model to Set Policies and Priorities", confirmed that policy frameworks must reflect current balanced perspectives of conservation and economic development needs along with their impact on affected landowners. As noted by this working group, permit and development policies "should address local circumstances and concerns of the Niagara Peninsula watershed in the application of Provincial Policy".

During this same time period, this working group formed a sub-committee, comprised of some members from this working group, to start making recommendations on changes to the above noted policy documents. Although the initial revisions by the Development Approvals Process Sub Committee provides a good reference point and are of value, given that a fundamental rewrite of the policies is required and that extensive public consultation should be an integral part of the process, it is recommended that an intensive review process be completed.



## **Process / Roles and Responsibilities**

Completing a fundamental review and rewrite of existing NPCA policies will require a thoroughly well planned out strategy and process, including extensive consultation and engagement with a broad range of stakeholders throughout the process.

Key elements for a successful policy review and implementation will include:

- A transparent framework and process
- Consultation with all stakeholders
- Consistency and continuity in Policy, and
- Setting realistic targets and milestones supported by essential resources.

## **Policies and Procedures for Conservation Authority Plan Review and Permitting Activities**

As noted in the Ministry of Natural Resources (MNR) established Conservation Authority Liaison Committee's (CALC) document called "Policies and Procedures for Conservation Authority Plan Review and Permitting Activity" (May, 2010), the roles and responsibilities of the Authority in the areas of municipal planning, plan review, and Conservation Authorities Act S. 28 is extensive. Consequently, an exhaustive review will be required to ensure that changes to NPCA policies are consistent and align with these roles and responsibilities.

The following are a few examples of the range of roles and activities that the NPCA may undertake and hence must in turn ensure consistency and alignment with:

### *Regulatory Authorities*

Under Section 28 of the CA Act, subject to approval by the Minister of Natural Resources and in conformity with Provincial Regulation 97/04 governing the content, the NPCA may make regulations applicable to the area under its jurisdiction (via. Ont. Reg. 155/06) to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses, wetlands, shorelines of the Great Lakes and Niagara River and other hazardous lands.

### *Delegated 'Provincial Interest' in Plan Review*

As outlined in the Conservation Ontario/ Ministry of Natural Resources (MNR) /Ministry of Municipal Affairs and Housing (MMAH) Memorandum of Understanding (MOU) on CA Delegated Responsibilities, the NPCA along with all CA's has been delegated responsibilities from the Minister of Natural Resources to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS, 2014)*.

### *Public Commenting Bodies*

Pursuant to the *Planning Act*, CA's are 'public commenting bodies', and as such are to be notified of municipal policy documents and planning and development applications. The NPCA may comment as per Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications.

### *Service Providers*

Individual CA's may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews. The example in Niagara is the Memorandum of Understanding (MOU) that was signed and endorsed by the Niagara Region, area municipalities and Niagara Peninsula Conservation Authority (NPCA) in July 2007. The NPCA also has MOU's with the City of Hamilton and Haldimand County.

The MOU serves as a relationship management tool that clarifies roles and responsibilities of the signatories with opportunities for continuous improvements for policy planning and the processing of applications. As a signatory, the NPCA has mutual interest and obligation to ensure that the respective policies and regulations are appropriately considered, consistent and satisfied before a decision is made on any planning application.

### Stakeholder Consultation

As noted previously, stakeholder consultation is a critical factor for a successful policy review. Engaging, informing, and listening to the broad range of stakeholders (e.g. agricultural community, development industry, NPCA staff, governmental agencies, environmental groups, general public, NPCA Board, etc.) will be integral and important throughout the policy review process.

As an example, the NPCA policy review will regularly engage and inform the newly formed Community Liaison Advisory Committee (CLAC). CLAC consists of up to eleven (11) members with multi-stakeholder representation including landowners, municipalities, business sectors, agriculture, development and the general public. Involving this group in the policy review process is within their mandate of providing collaborative local perspectives, guidance and expert advice and recommendations for consideration by the NPCA Board.

### **Work Plan**

As a project management tool, a draft work plan (see Attachment #1) has been put together to provide direction and accountability, ensure there are adequate resources and sufficient consultation and engagement with key stakeholders, and to provide specific time targets and milestones.

### **Activities Underway**

To get a head start on updating the NPCA's *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* NPCA staff completed an examination of the current policy documents, identifying potential problems, concerns, and issues that they have experienced while using the policy documents. Some of the questions staff used to approach this initial review process include:

- Are there any areas of the document that are difficult to interpret?
- Are there any policies in the document that are no longer relevant?
- Is there anything missing from the document that should be included?
- Are there any policies in the document that are inconsistent with other legislation or government policies (e.g. *Planning Act*, *Endangered Species Act*, Municipal Official Plans)?
- Are there any policies that seem too restrictive?
- Are there any policies that are not restrictive enough?
- Which policies seem to be most often contested by the public?

A Request for Proposal and associated Terms of Reference have also been completed (see attachments). Three (3) consulting firms, who are known to have proven experience in completing this type of work, will be invited to submit proposals. The RFP and ToR will also be posted on the NPCA website for other interested parties to submit proposals.

### **Financial/Program/Business Implications**

NPCA staff will be putting together a Terms of Reference along with a Request for Proposal (RFP) for Board approval to, consistent with NPCA consultant selection policies, hire a planning and public relations firm to assist with the intensive public consultation process and fundamental rewrite of the policy documents. Total projected cost for this work is estimated to range from \$100,000 to \$150,000 with project work expected to be completed by summer 2016.

### **REPORTS PERTINENT TO THIS MATTER**

"Policies and Procedures for Conservation Authority Plan Review and Permitting Activity" (May, 2010) [http://www.web2.mnr.gov.on.ca/mnr/water\\_erb/CALC\\_Chapter\\_Final\\_Apr23\\_Final.pdf](http://www.web2.mnr.gov.on.ca/mnr/water_erb/CALC_Chapter_Final_Apr23_Final.pdf).

**Prepared by:**



Peter Graham, P.Eng. Director, Watershed Management

**Respectfully submitted by:**



Carmen D'Angelo, CAO/Secretary-Treasurer

### **Attachments:**

1. NPCA Policy Review – Work Plan
2. Terms of Reference (ToR)
3. Request for Proposal (sample letter)

*This report was prepared with consultative input from Suzanne McInnes, MCIP, RPP – Manager, Plan Review and Regulations.*



NPCA Policy Review - Work Plan

Mar 30 2015

Schedule of Tasks - Updates to NPCA Planning & Regulation Policy Document	Week Ending	Feb	Mar	Apr	Apr	Apr	Apr	May	May	May	May	June	June	June	June	July	August	Sep	Sep	Sep
Advise Area Planner's	Done																			
Complete RFP and Terms of Reference																				
Obtain Initial feedback from NPCA staff on Pertinent Policy Sections																				
First Draft of Staff Report - by Mar. 27th																				
Complete Staff Report (recommended approach, etc.) - Apr. 7th																				
NPCA Board to Approve ToR & RFP (incl. ongoing plan to update policies)																				
Send out RFP and ToR																				
Confirm members of CWG (incl. in Staff Report to Board)																				
Send invitation to participate on Core Working Group (CWG) - Municipal Reps.																				
Prepare Staff Report (Awarding of Project)																				
NPCA Board to Consider Awarding Project																				
Issue Contract for Award of Project																				
Review Background Material with Consultant																				
Identify Key Stakeholders																				
Set Up Schedule to meet with CWG - Ongoing																				
Develop Engagement/Communications Strategy																				
Training / Orientation / Feedback - NPCA Board - 4 Sessions (TBD)																				
Training / Orientation / Feedback - CLAC - 2 Sessions (TBD)																				
Prepare Initial Draft of Issues and Options																				
NPCA Staff and CWG - Review Draft Issues and Options																				
Prepare Technical Appendices (Ongoing)																				
Complete Staff Report (Issues and Options)																				
NPCA Board to Receive for Information (Draft Issues & Options)																				
Stakeholder Consultation																				
Public Comments (Review and Analysis)																				
Prepare Summary Report of Feedback from Public Comments																				
CWG - Upon Consideration of Feedback Recommend Changes to Policy Documents																				
Prepare 1st Draft of Policy Documents																				
Prepare Staff Report (Feedback Report & Draft Policy Documents)																				
Board to Consider Feedback Report & Recommended Draft Policy Doc's																				
Additional Public Comments / Review																				
Summarize Feedback from Additional Public Comments																				
CWG - Upon Consideration of Feedback Recommend Changes to Policy Documents																				
Revise 1st Draft & Prepare Final Policy Documents																				
Transition Phase Plan (e.g. date when policies will take full effect)																				
Deliver Final Policy Documents to NPCA Board for Approval																				
In conjunction with Consultant hold Training Sessions																				

Legend:

NPCA Board

Consultant

NPCA Staff

CWG

Core Working Group:  
Select group from Area Planner's  
NPCA Staff

NPCA Policy Review - Work Plan

Schedule of Tasks - Updates to NPCA Planning & Regulation Policy Document	Week Ending	Sep	Oct	Oct	Oct	Oct	Oct	Nov	Nov	Nov	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept
Advise Area Planner's	Done																				
Complete RFP and Terms of Reference																					
Obtain Initial feedback from NPCA staff on Pertinent Policy Sections																					
First Draft of Staff Report - by Mar. 27th																					
Complete Staff Report (recommended approach, etc.) - Apr. 7th																					
NPCA Board to Approve ToR & RFP (incl. ongoing plan to update policies)																					
Send out RFP and ToR																					
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Prepare Staff Report (Feedback Report & Draft Policy Documents)																					
Board to Consider Feedback Report & Recommended Draft Policy Doc's																					
Additional Public Comments / Review																					
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CWG - Upon Consideration of Feedback Recommend Changes to Policy Documents																					
Revise 1st Draft & Prepare Final Policy Documents																					
Transition Phase Plan (e.g. date when policies will take full effect)																					
Deliver Final Policy Documents to NPCA Board for Approval																					
In conjunction with Consultant hold Training Sessions																					

Legend:

NPCA Board

Consultant

NPCA Staff

CWG

# TERMS OF REFERENCE

## **Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document Update Process (April 7, 2015)**

### **INTRODUCTION AND BACKGROUND**

The Niagara Peninsula Conservation Authority (NPCA) is an autonomous corporate body, established under the *Conservation Authorities Act* (the “Act”), to work in partnership with member municipalities and the Province, to further the conservation, restoration, development and management of the renewable natural resources within the NPCA jurisdiction. The NPCA was established in 1959 under the Act, and serves approximately half a million people in an area known as the Niagara Peninsula Watershed.

#### ***Description of Conservation Authority Roles and Activities***

Conservation Authorities (CAs) are corporate bodies created through legislation by the province at the request of two or more municipalities in accordance with the requirements of the *Conservation Authorities Act (CA Act)*. Each CA is governed by the *CA Act* and by a Board of Directors whose members are appointed by participating municipalities located within a common watershed within the CA jurisdiction. CA Board composition is determined by the *CA Act* according to the proportion of the population from participating municipalities within the watershed.

Section 20 of the *CA Act* sets out the objects for CAs to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals. Section 21 of the *CA Act* outlines the powers of CAs including the power to establish watershed-based resource management programs and/or policies and the power to charge fees for services, the services for which are approved by the Minister of Natural Resources.

CAs may undertake the following roles and activities:

#### ***Regulatory Authorities***

Under Section 28 of the *CA Act*, subject to the approval of the Minister of Natural Resources and in conformity with the Provincial Regulation 97/04 governing the content, CAs may make regulations applicable to the area under its jurisdiction to prohibit, restrict, regulate or give required permission for certain activities in and adjacent to watercourses (including valley lands), wetlands, shorelines of inland lakes and the Great Lakes-St. Lawrence River System and other hazardous lands

#### ***Delegated ‘Provincial Interest’ in Plan Review***

As outlined in the Conservation Ontario/ Ministry of Natural Resources (MNR) /Ministry of Municipal Affairs and Housing (MMAH) Memorandum of Understanding (MOU) on CA Delegated



Responsibilities (Appendix A), CAs have been delegated responsibilities from the Minister of Natural Resources to represent the provincial interests regarding natural hazards encompassed by Section 3.1 of the *Provincial Policy Statement, 2014 (PPS, 2014)*. These delegated responsibilities require CAs to review and provide comments on municipal policy documents (Official Plans and comprehensive zoning by-laws) and applications submitted pursuant to the *Planning Act* as part of the Provincial One-Window Plan Review Service.

#### *Resource Management Agencies*

In accordance with Section 20 and 21 of the CA Act, CAs are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. Such programs and/or policies are approved by the CA Board of Directors and may be funded from a variety of sources including municipal levies, fees for services, provincial and/or federal grants and self-generated revenue.

#### *Public Commenting Bodies*

Pursuant to the *Planning Act*, CAs are ‘public commenting bodies’, and as such are to be notified of municipal policy documents and planning and development applications. CAs may comment as per their Board approved policies as local resource management agencies to the municipality or planning approval authority on these documents and applications.

#### *Service Providers*

Individual CAs may enter into service agreements with federal and provincial ministries and municipalities to undertake regulatory or approval responsibilities and/or reviews (e.g. septic system approvals under the Ontario Building Code). CAs may also perform a technical advisory role to municipalities as determined under the terms of service agreements. These services may include, matters related to policy input and advice, the assessment or analysis of water quality and quantity, environmental impacts, watershed science and technical expertise associated with activities near or in the vicinity of sensitive natural features, hydrogeology and storm water studies.

#### *Landowners*

CAs are landowners, and as such, may become involved in the planning and development process, either as an adjacent landowner or as a proponent. Planning Service Agreements with municipalities have anticipated that as CAs are also landowners this may lead to a conflict with the CA technical advisory role to municipalities. This potential conflict of interest is addressed by establishing a mechanism for either party to identify a conflict and implement an alternative review mechanism as necessary.

### ***NPCA’s Primary Development Guidance Document***

The Act governs the NPCA in the making and administration of its primary development guidance document: *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document* (“Policy Document” – see Appendix A). This Policy document was originally developed and adopted in December 2007 with four (4) sets of housekeeping amendments since, the last being in October 2011.

The NPCA reviews planning applications for natural hazards in accordance with its delegated Provincial Interest in Natural Hazards as well as for provisions of section 28 of the Act. The NPCA

also reviews planning applications for Natural Heritage in accordance with the Memorandum's of Understanding (MOU's) with its municipal partners (referred to as Service Agreements in the "Policies and Procedures for Conservation Authority plan Review and Permitting Activities" - Final Version: May, 2010 CALC Chapter; see Appendix A).

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

### ***NPCA's Strategic Plan (2014 – 2017)***

As part of the NPCA's recent Strategic Plan process, five (5) working groups were established to identify challenges and create solutions to better service the watershed community. One of these working groups, "Effective NPCA Model to Set Policies and Priorities", was tasked with the mandate to develop a detailed policy review exercise to ensure policy frameworks reflect current balanced perspectives of conservation and economic development needs along with impacts to affected landowners.

During this same time period, this working group formed a sub-committee, comprised of some members from this working group, to start making recommendations on changes to the above noted policy documents.

### **VISION**

To develop a Policy Document that the NPCA can use as a practical guide for evaluating development and site alteration while balancing its obligation to protect, preserve and enhance the natural environment within its legislative mandate. The policies are to be based on the interrelationship between environmental, physical and social factors that impact land use planning and development in the watershed.

### **OBJECTIVES**

Although the initial revisions by the Development Approvals Process Sub Committee provides a good reference point and are of value, it was recommended (and the Board approved) that a fundamental rewrite of the policies, including extensive public consultation, of this document be completed.

The objectives of this comprehensive policy review will include the following:

- 1) A thorough background review of all relevant legislation, regulations and policies.
- 2) Review, validation, integration and/or establishment of guiding principles for the policy review (e.g. leverage best practices from other policy review processes from other Municipalities, Conservation Authorities).
- 3) Extensive public and agency consultation, guided by an Engagement/Communications Strategy that will include public meetings, as well as other forms of engagement and communications throughout the policy review process.
- 4) Identification and compilation of key stakeholder concerns and needs and comparing those needs with existing policies (i.e. gap analysis).
- 5) Re-write of existing Policy Document

This Policy Document will primarily be utilized by NPCA Staff through its Watershed Planning Services program; however, it is also intended that this updated Policy Document will be utilized as a valuable tool by the NPCA Board of Directors and Staff and by watershed municipalities, the development industry, agricultural community and the general public

### **INTENT OF REQUEST FOR PROPOSAL**

The NPCA intends to seek the services of a “Consultant” to assist with the intensive public consultation process and fundamental rewrite of its Policy Document.

### **PROJECT SCOPE**

#### **Work Plan**

As a project management tool and high level framework, a draft work plan (see Appendix A) has been put together to provide direction and accountability, ensure there are adequate resources and sufficient consultation and engagement with key stakeholders, and to provide specific time targets and milestones. Highlighted in green in the work plan are specific ‘events’ or actions that will require direct involvement or support from the Consultant, including the projected number of ‘events’.

It is the intent that, following initiation of the project and subsequent input from the selected Consultant and other stakeholders, this work plan may be revised or enhanced to address potential additional requirements.

### **PROJECT DELIVERABLES**

#### **Proposal**

The Consultant’s proposal shall contain:

- 1) How they would approach this work, including the key components they feel need to be addressed and the methods for doing that work
- 2) Estimated time required to prepare for and implement public consultation sessions.
- 3) Outline of work to be done and the rationale for including those work components within the deliverables
- 4) A detailed breakdown of the costs and disbursements including the proposed study team members, their time allocations, and their per diem costs.
- 5) Disclosure of any perceived conflict of interest
- 6) A list of consultant team members and their curriculum vitae. Changes in the consultant team members as listed in the proposal will not be allowed without prior written approval of the NPCA.
- 7) The firm’s history, philosophy, and related experience in undertaking projects of similar scope and magnitude.
- 8) A list of three (3) references including names, position, telephone numbers and E-mail addresses for which the Bidder has performed similar work. These references may be contacted during the proposal evaluation phase to determine their satisfaction with the work carried out.



## **DOCUMENTATION**

- a) Please provide sets of your Proposal as per the following:
- One (1) set of documents to carry original signatures and be marked as “MASTER”
  - 4 additional sets marked as “DUPLICATE”
  - One (1) electronic version (e.g. Memory Stick)
- b) Supplementary Information is allowed, providing that this information is clearly identified and kept separate from the Proposal. Examples of supplementary information include descriptive literature for the sole purpose of amplifying the bid, catalogues, resumes, brochures and bulky documents. This information will assist the evaluation team in evaluating all proposals.

## **PROPOSAL EVALUATION CRITERIA**

Proposals will be evaluated based on the following criteria:

### ***Overall clarity/ understanding of requirements***

- Proposal is organized and presented in a clear manner according to Request
- Proposal demonstrates an understanding of the project and requirements

### ***Outline of services to be provided***

- Proposal outlines clearly the approach in achieving the required outcomes at public consultations / workshops and subsequent deliverables
- Proposal clearly meets all the service requirements of the Request

### ***Project Cost***

- Full cost of services, including estimated disbursements / expenses
- Costs summarized by consulting resources to be utilized for services/deliverables and estimated hours and proposed fees

### ***Knowledge of NPCA Watershed and Planning Context***

- Knowledge of planning application processes
- Demonstrated knowledge of NPCA watershed and its planning context
- Exposure to Upper Tier, Single Tier and local planning project work
- Exposure to issues of the end users of planning services delivery

### ***Relevant facilitation expertise***

- Experience with similar projects
- References and qualifications of individuals to be involved with project
- Further follow-up with 2 to 3 references may be assessed for relevant qualifications

### ***Value Added Approach***

- Suggestions regarding innovative approaches

### **ADDITIONAL RECOMMENDATIONS**

Consultants are encouraged to submit any value added recommendations for consideration by the NPCA. For example, there may be opportunities to leverage social media to engage stakeholders and/or the general public versus holding a traditional town hall meeting.

In the event that a prepared Proposal does not precisely and entirely meet the requirements of this Request for Proposal, the NPCA reserves the right to enter into negotiations with the selected Consultant(s) to arrive at a mutually satisfactory arrangement with respect to any modifications to the Proposal.

### **JOINT PROPOSALS**

In the event that a joint Proposal is submitted on behalf of two or more companies, the name and role of each partner in the joint Proposal must be clearly identified and the document signed by an authorized officer of each company.

If a joint Proposal is to be considered it will be necessary for one of the companies listed in the document to be named as the prime contractor and to accept responsibility for the level and quality of Service provided and coordinate Services as required by the NPCA.

### **LIABILITY INSURANCE**

Upon request, the Consultant shall supply to the NPCA a summary of insurance coverage currently being maintained by the Consultant, including but not exclusive to professional liability insurance, comprehensive general liability and automobile insurance. Such summary shall include the name of the insurance company, type of insurance and amount of such coverage.

- a) As a minimum requirement, the Consultant will maintain insurance coverage as specified as follows:
- b) Comprehensive General Liability coverage in the amount of \$1,000,000;
- c) Automobile Insurance for both owned and non-owned vehicles in the amount of \$1,000,000;
- d) Professional Liability Insurance in the amount of \$2,000,000. This may be reduced to \$1,000,000 if the NPCA is of the opinion that the project work is of relative low risk. The determination of the insurance amount required is at the sole discretion of the NPCA and is final and unappeasable.

It is understood and agreed that the coverage provided by any one of the policies named above or specially required will not be changed or amended in any way nor cancelled by the Consultant until 60 days after written notice of such change or cancellation has been delivered to the NPCA.

### **ACCESS TO INFORMATION / CONFIDENTIALITY OF INFORMATION**

All Consultants who contract with the NPCA shall adhere to or exceed the standards set in the *Municipal Freedom of Information and Protection of Privacy Act* or the *Personal Health Information Protection Act, 2004*, S.O. 2004, c. 3, Schedule A, or other relevant Ontario or Federal privacy legislation or common law as may be passed or amended from time to time, as if they were agents of the NPCA as relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the NPCA, and all records thereof which they come into contact with in the course of performing Services or providing Goods to the NPCA.

## **INDEMNIFICATION**

The Consultant shall indemnify and save harmless the NPCA from and against all claims, actions, losses, expenses, costs or damages of every nature and kind whatsoever which the NPCA, the employees, officers or agents of the NPCA may suffer as a result of the negligence or contributory negligence or wilful misconduct of the Consultant, the employees, officers or agents of the Consultant in the performance of this agreement.

The NPCA shall indemnify the Consultant from any claims, damages, losses, and costs arising out of claims by third parties for property damage or bodily injury, including death, to the proportionate extent caused by the negligence or wilful misconduct of the NPCA or its employees or agents in connection with the Project.

The NPCA shall hold harmless, indemnify and defend the Consultant from and against any and all claims, losses, damages, and costs arising out of or in any way connected with the presence, discharge, release or escape of contaminants of any kind, excluding only such liability as may solely arise out of the negligence of the Consultant in the performance of consulting services to the NPCA within this Project.

## **SUBMISSION DEADLINE AND REQUIREMENTS**

- a) Deadline for submission of the proposal is May 7, 2015 @4:00pm.
- b) Faxed proposals are NOT acceptable.
- c) All enquiries, requests, and proposal submissions shall be directed to:

Mr. Peter Graham, P.Eng.  
NPCA Director, Watershed Management  
250 Thorold Road West, 3<sup>rd</sup> Floor  
Welland, Ontario. L3C 3W2  
Tel: (905) 788-3135 x 230

- d) All prices quoted shall be net prices and shall exclude HST.
- e) The NPCA notes that any proposals received after the deadline or deemed by the NPCA to be incomplete in any way will be rejected.
- f) The NPCA reserves the right to award this project based on the merits of the entire proposal. The lowest bid will not necessarily be awarded this project.



## APPENDIX A

### **RELATED REPORTS AND REFERENCES**

1. “Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document” – Dec 2007. Niagara Peninsula Conservation Authority (NPCA).  
[http://www.npca.ca/wp-content/uploads/Development\\_LandUsePolicy\\_Oct2011.pdf](http://www.npca.ca/wp-content/uploads/Development_LandUsePolicy_Oct2011.pdf)
2. “POLICIES AND PROCEDURES FOR CONSERVATION AUTHORITY PLAN REVIEW AND PERMITTING ACTIVITIES” - Final Version: May, 2010. Conservation Authority Liaison Committee (CALC).  
[http://www.web2.mnr.gov.on.ca/mnr/water\\_erb/CALC\\_Chapter\\_Final\\_Apr23\\_Final.pdf](http://www.web2.mnr.gov.on.ca/mnr/water_erb/CALC_Chapter_Final_Apr23_Final.pdf)

3. NPCA Policy Review Work Plan – Mar. 2015



NPCA Policy Review  
Workplan

4. Conservation Authorities Act – ONTARIO REGULATION 155/06.  
[http://www.e-laws.gov.on.ca/html/regs/english/elaws\\_regs\\_060155\\_e.htm](http://www.e-laws.gov.on.ca/html/regs/english/elaws_regs_060155_e.htm)
5. NPCA's Strategic Plan (2014 – 2017). [http://www.npca.ca/wp-content/uploads/2014-NPCA\\_StrategicPlan2014\\_Final\\_April-7-REVISED.pdf](http://www.npca.ca/wp-content/uploads/2014-NPCA_StrategicPlan2014_Final_April-7-REVISED.pdf)
6. Conservation Ontario, Ministry of Natural Resources & Ministry of Municipal Affairs and Housing – Memorandum of Understanding (MOU) on Procedures to Address Conservation Authority Delegated Responsibility. [http://www.creditvalleyca.ca/wp-content/uploads/2012/04/MOU\\_CO\\_MNR\\_MMAH.pdf](http://www.creditvalleyca.ca/wp-content/uploads/2012/04/MOU_CO_MNR_MMAH.pdf)



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

April 17, 2015

Dear

Subject: **Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document Update**

In its commitment to follow through on its Strategic Plan, the Niagara Peninsula Conservation Authority (NPCA) has prepared Terms of Reference for the purpose of completing a thorough review and update of its primary guidance document, *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document (2007)*.

Attached for your reference are the specific Terms of Reference for this project. We are pleased to invite your firm to submit a proposal.

Please note the following regarding proposal submissions:

- The terms of reference are not regarded as an exhaustive listing of required work and accordingly consultants are encouraged to identify tasks (and their costs) not specifically indicated, that may be necessary to achieve the anticipated project deliverables.
- In order to maintain cost control and to ensure periodic billings are consistent with anticipated deliverables, proposals should indicate costs/billings based on identified milestones within the project work plan (attached).
- Proposals are to be delivered to the NPCA office in Welland by May 7, 2015 at 4pm.
- All proposals will be reviewed based on the NPCA's current consultant selection policies and project evaluation criteria noted in the attached Terms of Reference.
- A staff report recommending the selected consultant will be presented at the NPCA Board meeting on May 20, 2015.
- The following firms (individuals) have been invited to submit proposals for these studies:
  - Jennifer Lawrence & Associates Inc. (Jennifer Lawrence)
  - Dillon Consulting Limited (Paddy Kennedy)
  - Sorenson Gravel Lowes Planning Consultants (Paul Lowes)

Please contact me for further information or if you have any questions.

Sincerely,

Peter Graham, MBA, P.Eng.  
Director, Watershed Management  
(905)788-3135 ext. 230

**Report To: Board of Directors**

**Subject: Approval for appropriation of Reserve Funds for December 31, 2014.**

**Report No: 37-15**

**Date: April 16, 2015**

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**RECOMMENDATION:**

That the NPCA Board APPROVE the appropriation of reserves funds of \$494,118.50 to the 2014 Operating and Capital budgets.

**PURPOSE:**

Approval from the NPCA Board is required for the allocation of reserve of \$494,118.50 for the 2014 Operating and Capital budgets. The use of reserves was anticipated in 2014 for the purpose of land acquisition and restructuring do to the strategic plan.

**DISCUSSION:**

A reserve amount of \$494,118.50 is required to be allocated to the 2014 Operating and Capital budget for the purpose of balancing the financial statement as of December 31, 2014. This action will close the financial statement for 2014 and allow for the Audited Statements to be finalized.

During the fiscal year 2014, the NPCA anticipated that expenses would be greater than revenue and that reserves would be required to balance the budget. For 2014, the reserve amount of \$494,118.50 is required to balance the Operations and Capital budgets.

For the 2015 budget, the NPCA Board has approved a budget that reduces dependency on reserves to balance the budget. This reduction in dependency in 2015 will continue for subsequent years.

Overall, accounting principles require that this deficit be funded by the use of reserves as approved by the NPCA Board. The reserve balance at the beginning of the fiscal year 2014 was \$5,748,876, the reserve balance at the end of 2014 is \$4,452,297, a reduction of \$1,296,579. The reduction of the reserve is primarily due to the shortfall in operating revenue in 2014 (\$494K), and the acquisition of land (\$1,128K) which will be mitigated by the offsetting amount resulting from the land acquisition reserve funding (\$600K).

**FINANCIAL IMPLICATIONS:**

This will allow for the closing of the 2014 Year End and the completion of Audited Financial Statements.



**RELATED REPORTS AND APPENDICES:**

- ◆ 2014 Year End Financial Statements
- ◆ Reserves Required for 2014 Year End
- ◆ Year End Reserve Balance

**Prepared by:**

  
\_\_\_\_\_  
**Jeff Long, Sr. Mgr., Corporate Services**

**Submitted by:**

  
\_\_\_\_\_  
**Carmen D'Angelo; CAO / Secretary Treasurer**

*This report was prepared in consultation with Cathy Kaufmann, Accounting Administrator*

**NIAGARA PENINSULA CONSERVATION AUTHORITY  
CURRENT BUDGET SUMMARY  
12 PERIODS ENDED 2014-12-31**

	Current Month	Current YTD	Approved Budget	% of Budget
<b>REVENUES</b> =====				
MNR TRANSFER PAYMENTS	0.00	174,496.00	174,500.00	100.00
PROVINCIAL GRANTS-MOE	0.00	59,706.04	58,300.00	102.41
PROVINCIAL GRANTS-OTHER	0.00	0.00	55,700.00	0.00
FEDERAL GRANTS	(18,716.47)	43,646.53	41,000.00	106.45
MUNICIPAL LEVY-GENERAL	0.00	3,599,867.00	3,599,868.00	100.00
LEVY-SPECIAL-NIAGARA	(8,639.87)	2,450,804.13	2,459,444.00	99.65
LEVY-SPECIAL-HAMILTON	0.00	101,528.00	101,528.00	100.00
LEVY-SPECIAL-HALDIMAND	0.00	(2,817.00)	(2,817.00)	100.00
LEVY-SPECIAL-OTHER	2,865.43	2,865.43	8,300.00	34.52
USER FEES	20,231.98	1,393,389.56	1,440,576.00	96.72
CONSERVATION FOUNDATION	0.00	0.00	0.00	0.00
ADMINISTRATION FEES	39,705.00	375,325.50	260,000.00	144.36
RESERVE FUNDS	345,296.00	648,506.00	411,227.00	157.70
MISCELLANEOUS	116,882.27	317,353.87	262,262.00	121.01

**497,624.34    9,164,671.06    8,869,888.00    103.32**

**EXPENDITURES**  
=====

CORPORATE SERVICES	440,434.81	2,766,105.48	2,415,603.00	114.51
RESOURCE INV. & ENV. MONITORING	80,658.89	570,078.09	501,417.00	113.69
FLOOD PROTECTION SERVICES	56,616.59	554,098.89	596,205.00	92.94
ENVIRONMENTAL ADVISORY SERVICES	86,959.56	710,571.34	691,171.00	102.81
CONSERVATION LAND MANAGEMENT	176,068.93	2,120,155.54	2,125,391.00	99.75
CONSERVATION LAND PROGRAMMING	182,194.43	2,297,979.74	2,378,660.00	96.61
VEHICLES & EQUIPMENT	11,443.62	145,681.98	164,940.00	88.32

**1,034,376.83    9,164,671.06    8,873,387.00    103.28**

**NIAGARA PENINSULA CONSERVATION AUTHORITY  
DRAFT STATEMENT OF CONTINUITY OF RESERVES AND RESERVE FUND  
FOR THE YEAR ENDED DECEMBER 31, 2014**

	Balance 31-Dec 2013	Realloca- tions	Approp. From Operations	Approp. To Operations	Balance 31-Dec 2014
	\$	\$	\$	\$	\$
<b>Unexpended capital reserves</b>					
Capital Assets					
Vehicle	214,789	-	15,508	(19,566)	210,731
Equipment	85,078	-	26,127	(31,623)	79,582
Computers & office equipment	79,522	-	-	-	79,522
	<u>379,389</u>	<u>-</u>	<u>41,635</u>	<u>(51,188)</u>	<u>369,836</u>
Conservation area capital reserve					
Niagara Region	544,053	-	164,156	-	708,209
City of Hamilton	41,034	-	61,615	-	102,649
Haldimand County	11,274	-	320	-	11,594
Jordan Harbour	86,286	-	-	(86,286)	-
Land acquisition-Hamilton	600,000	-	100,000	-	700,000
Land acquisition-Niagara	1,857,330	-	-	(1,127,614)	729,716
	<u>3,139,977</u>	<u>-</u>	<u>326,091</u>	<u>(1,213,900)</u>	<u>2,252,168</u>
Water management capital projects					
Welland River restoration - capital	5,153	-	-	(5,153)	-
Welland River restoration - Niagara	217,054	-	25,156	-	242,210
Welland River restoration - Hamilton	3,160	-	7,517	-	10,677
Water Management	94,472	-	-	(48,305)	46,167
Watershed Studies-Niagara	3,162	-	-	-	3,162
Watershed Studies-Hamilton	20,260	-	-	-	20,260
Watershed Studies-Haldimand	22,032	-	-	-	22,032
Flood Protection Services	414,642	-	69,336	-	483,978
Resource Inventory & Monitoring	397,657	-	-	-	397,657
	<u>1,177,592</u>	<u>-</u>	<u>102,009</u>	<u>(53,458)</u>	<u>1,226,143</u>
	<u>4,696,958</u>	<u>-</u>	<u>469,735</u>	<u>(1,318,547)</u>	<u>3,848,146</u>
<b>Operating reserves</b>					
Conservation Areas					
Niagara Region	90,274	-	-	-	90,274
City of Hamilton	205,989	-	-	(14,617)	191,372
Haldimand County	18,575	-	-	(3,644)	14,931
	<u>314,838</u>	<u>-</u>	<u>-</u>	<u>(18,261)</u>	<u>296,577</u>
Conservation Land Management					
Tree Bylaw	57,998	-	3,767	-	61,765
Agreement forest	20,606	-	-	-	20,606
Regulations & planning services	309,100	-	-	(100,000)	209,100
General operating contingency	303,210	-	-	(303,210)	-
Debt charge reserve	21,229	-	4,873	(26,102)	0
	<u>1,026,981</u>	<u>-</u>	<u>8,640</u>	<u>(447,573)</u>	<u>588,048</u>
<b>Reserve Fund</b>					
Accumulated sick leave	24,936	-	1,167	(10,000)	16,103
<b>Total Reserves</b>	<u><b>5,748,875</b></u>	<u><b>-</b></u>	<u><b>479,542</b></u>	<u><b>(1,776,120)</b></u>	<u><b>4,452,297</b></u>

## RESERVES REQUIRED FOR 2014 YEAR END

### Reserves required for Strategic Plan

Sick bank reserve	10,000.00
Debt charge reserve (no longer required)	26,102.00
Jordan Harbour (PST rebate on Balls Falls Centre)	86,286.00
Regulations & planning services (excess planning fees)	100,000.00
Welland River Restoration (unspecified levy)	5,153.00
Water Management (unspecified levy)	<u>48,305.24</u>
	<b>275,846.24</b>

### Vehicle & Equipment Reserves Required

Vehicle Reserve	19,565.88
Equipment Reserve	<u>31,622.56</u>
	<b>51,188.44</b>

### Conservation Land Programming Reserves Required

Hamilton C.A.'s	14,616.90
Haldimand C.A.'s	<u>3,644.42</u>
	<b>18,261.32</b>

### Land Acquisition Reserves Required

Land Acquisition-Niagara	<u>148,822.50</u>
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<b>Total Reserves Required for 2014 Year End</b>	<b><u><u>494,118.50</u></u></b>
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**Report To:** Board of Directors

**Subject:** Niagara Region Wind Corporation (NRWC) Revised Request for NPCA Property Access – Gord Harry Trail

**Report No:** 38-15

**Date:** April 16, 2015

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**RECOMMENDATION:**

1. That the Niagara Region Wind Corporation (NRWC) revised request for use of the Gord Harry Trail be **RECEIVED**; and
2. In the event the appellant (Mothers Against Wind Turbines) is successful in their appeal to the Environmental Review Tribunal of the Ministry of Environment and Climate Change's (MOECC) approval of the Renewable Energy Project known as Niagara Region Wind Farm, that **NO FURTHER ACTION** is required; and
3. In the event the Environmental Review Tribunal upholds the MOECC's approval of the Renewable Energy Project known as Niagara Region Wind Farm, that the NPCA Board **AUTHORIZE** staff to enter into a Land Use Agreement granting NRWC access to the Gord Harry Trail as per Option 2 within this report.

**PURPOSE:**

NRWC has submitted a revised request (see Appendix 1) for the use of 635 m of the Gord Harry Trail for maintenance access and routing of underground collector and fibre optic lines. This request goes beyond the use approved by the NPCA Board, in July 2014 (see Appendix #2 and #3). The request includes additional funds of \$500,000 for the use by NPCA to offset impacts to the trail and trail-users, and for the implementation of conservation projects on NPCA properties in the community.

**BACKGROUND:**

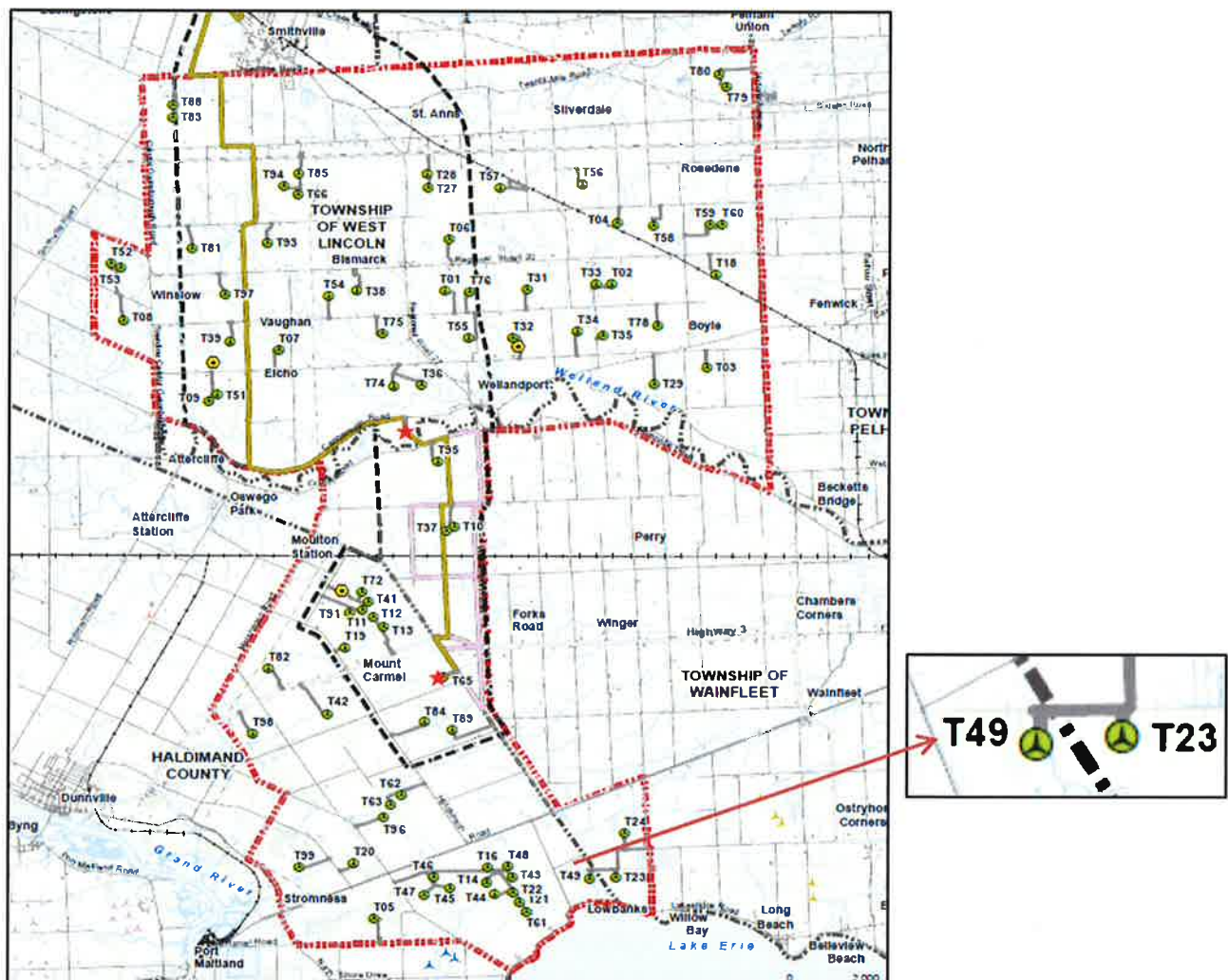
On November 6, 2014, the Ministry of the Environment and Climate Change (MOECC) approved a Renewable Energy Project (Number 4353- 9HMP2R) to the Niagara Region Wind Corporation (NRWC) under Section 47.5 of the *Environmental Protection Act*. This renewable energy project is known as the Niagara Region Wind Farm, consisting of the construction, installation, operation, use and retiring of a Class 4 Wind facility with a total name plate capacity of 230 megawatts, located in the Township of West Lincoln

Township of Wainfleet, Town of Lincoln, and Haldimand County. Overall, if the project proceeds, 77 wind turbines would be located in the four identified municipalities with transmission lines from Lake Erie to Lake Ontario (see Appendix #6).

The MOECC approval has been appealed by Mothers Against Wind Turbines (MAWT) on the parameters that the project will (1) cause serious and irreversible harm to plants, animals and the natural environment (the “Environmental Test”), (2) will cause serious harm to human health (the “Health Test”); and (3) that Sections 47.5 and 142.1 of the *Environmental Protection Act* violate rights to security of the person under Section 7 of the Canadian Charter of Rights and Freedoms.

The Niagara Peninsula Conservation Authority (NPCA) is not a participant with the Environmental Review Tribunal. The approval falls solely within the jurisdiction of the Ministry of Environment and Climate Change.

The request to use the Gord Harry Trail is based on connecting and maintaining wind turbines #T49 and #T23 as illustrated below:



The NRWC first approached NPCA late in 2013 regarding its proposed project and possible need for access via a portion of the Gord Harry Trail. Further discussions with NPCA staff resulted in a Report No. 25-14 on April 16, 2014 (see Appendix #4). Given that the Gord Harry Trail had been deeded to the NPCA by the Township of Wainfleet and that the Township maintained the right to install utilities along the trail corridor, the NPCA Board directed staff to consult with the Township and ensure that any works to be done along the trail would not conflict with the trail rights held by the municipality. The Township of Wainfleet considered the matter at its May 13, 2014 Council meeting and passed a resolution stating “the Township does not consent to the use of the Gord Harry Trail in its entirety, however...will consent to a single crossing of the Gord Harry Trail.” (see Appendix #5). Thereafter, on July 16, 2014 the NPCA Board supported the Wainfleet preferred option to allow NRWC trail access via a single crossing of the trail with a financial compensation of \$2,500 plus \$250 per annum for 20 years (\$7,500 in total).

In anticipation that the Environmental Review Tribunal will uphold the MOECC approval of the project, NRWC submitted a revised request for access via the Gord Harry Trail. The request is consistent with the original NRWC request, that being for access along the 635 meter portion of trail, and not restricted to a single point of crossing. However, this latest request includes additional funds (\$500,000) to be used by NPCA to offset impacts to the trail and trail users, and for the implementation of conservation projects on NPCA properties in the community.

#### **DISCUSSION:**

The overall project involves the construction, installation, operation, use and retiring of a Class 4 Wind facility within three municipalities. The project involves 77 wind turbines. This report only involves the construction, installation and maintenance of connector and optic lines between two wind turbines identified as Turbine #49 and Turbine #23.

The approval of the overall wind facility project has been appealed to the Environmental Review Tribunal (ERT) by Mothers Against Wind Turbines. Submissions to the appeal have been completed and a decision is anticipated by the end of May, 2015. In the event the appeal is successful, there is no further action required. On the other hand, if the ERT upholds the approval of the project, NPCA staff will require direction on how to proceed given that the proponents have significantly re-submitted a financial proposal. The direction to staff would not have any impact on the ERT or their pending decision as submissions are completed and a decision is pending.

On February 9, 2015 representatives from Mothers Against Wind Turbines (MAWT) met with NPCA staff to discuss their appeal and submissions to the ERT. The primary concerns of the MAWT are the irreversible environmental and health harm that would occur related to the overall wind facility project. The purpose of the meeting was the sharing of information to the NPCA as the jurisdiction of the project falls solely with the Ministry of Environment and Climate Change.

If the ERT upholds the approval of the project, there are two options in the connection of Turbine #49 and Turbine #23. One possibility is connecting the turbines via an access road between the two turbines that runs south parallel to the Gord Harry Trail, and eventually cross



the trail at a single point. The second option is constructing an access road from Turbine #49 to the Gord Harry Trail, travelling along the trail, and then constructing an access road from the trail to Turbine #23.

The two options are illustrated below.



Option #1 — Option #2 — Proposed Route —

With Option #1, an additional culvert crossing a watercourse is required and there is a larger environmental footprint in constructing an access road parallel and south to the Gord Harry Trail. This option also requires a single access point that crosses the trail. Option #2 offers a reduced environmental footprint, however would cause disruption to trail users during construction.

There are some community members who have expressed their concerns over the utilization of the trail. In a July 2014 letter to the NPCA Board, the Wainfleet Ratepayers Association wrote, "...The statement that the options using the Gord Harry Trail for the collector and fibre optic lines would be the least disturbing to the environment and natural habitats does not take into account that the trail itself is an integral part of the natural habitat and is used as a trail by deer, ducks and numerous other wild life" (see Appendix #7).

Concerns to the environment, wild life and plants were assessed by NPCA staff. With both options, there are staff concerns over species at risk (such as snapping and blanding's turtle, bobolink and bald eagle). Noise construction may also have an impact on breeding birds. Further, there are concerns related to the maintenance of hydrology for the wetland and ground recharge. However, with both options, staff has identified mitigation measures that can be implemented to reduce these concerns. These mitigation efforts would be addressed with the proponent prior to any construction.

There are other local community concerns that the construction along the trail would disturb or impose a safety risk to the trail users. The proponent would address this concern by notifying adjacent landowners and trail users of the project schedule along the trail at least two weeks prior to the construction. Further, appropriate signs would be posted along the trail and monitored by the proponent and NPCA staff.



With all options, the proponent proposes to remove all non-native plants and re-vegetate to pre-disturbance conditions utilizing species native to the Eco region.

In exchange for the usage of the trail, the proponent has re-submitted their offer to the NPCA with the following financial compensation:

- \$100,000 donation to the Niagara Peninsula Conservation Foundation for the implementation of restoration, enhancement and other improvement projects associated with the NPCA properties and/or Lake Erie shoreline within the Township of Wainfleet; and
- \$20,000 annually for the duration of the permission granted (20 years, with an option to extend) to the NPCA towards trail improvements for continued access of the 2 turbines.

In total, the overall compensation offers the NPCA \$500,000 in total financial compensation.

**FINANCIAL IMPLICATIONS:**

Option #1     Single access point across the Gord Harry Trail  
                     = \$ 7,500 (over 20 years)

Option #2     Access to 635 m of the Gord Harry Trail  
                     = \$ 500,000 (over 20 years)

As identified in the 2015 budget deliberations, total estimated capital costs for NPCA properties equaled approximately \$5 million, however only 1.3 million was budgeted in order to reduce the pressure on municipal levies. NPCA staff is focused on seeking alternative revenue streams in order to further reduce municipal levies and create sustainable recreational programs that promote conservation principles.

**RELATED REPORTS AND APPENDICES:**

1. NRWC request received February 24, 2015
2. NPCA Board Report No. 56-14
3. NPCA Board Resolution No. FA-141-14
4. NPCA Board Report No. 25-14
5. Township of Wainfleet Resolution No. CM-008-2014
6. NRWC Wind Turbine Facility Map
7. Wainfleet Ratepayers Association Letter – July 2014

*This report was prepared with the consultative input from: Kevin Vallier, Manager, Development & Communications; Kim Frolich, Ecologist and Lee-Anne Hamilton, Supervisor, Biologist.*

Prepared by:

  
Mark Brickell, Project Manager

Reviewed by:

  
David Barrick, Sr Manager of Operations

Submitted by:

  
Carmen D'Angelo  
Chief Administrative Officer/Secretary Treasurer



## MEMO

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To:	David Barrick	From:	Chris Powell, Stantec
	Niagara Peninsula Conservation Authority		Peter Daniels, NRWC
File:	NRWC (160950269)	Date:	February 24, 2015

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**Reference: Niagara Region Wind Farm - Request for NPCA Property Access to the Gord Harry Trail**

The Niagara Region Wind Corporation (NRWC) is requesting consideration by the Niagara Peninsula Conservation Authority (NPCA) to allow NRWC to use a 635 m section of the Gord Harry Trail for the construction and maintenance of a portion of the proposed Niagara Region Wind Farm (Alternative A1 on the attached figure).

Discussions between NRWC and the NPCA have occurred on several occasions in the past to discuss various alternatives for the use and/or crossing of the Gord Harry Trail, including presentations to the NPCA Board on May 13, 2014 and June 18, 2014. During the June 18, 2014 meeting, the NPCA Board approved an alternative that included collector / fibre lines and a construction / permanent access road at a single crossing of the Gord Harry Trail (Alternative A2 on the attached figure).

New partners involved in the project wish to once again explore the opportunity of using a 635 m section of the Gord Harry Trail as a construction / permanent access road and to install the collector and fibre optic lines. The purpose of this request is to avoid the need, cost and additional environmental impact associated with the construction of a new access road and tributary crossing parallel and immediately south of existing trail.

The merits of this alignment, as well as the proposed mitigation, restoration and enhancement measures have been presented in previous correspondence dated April 16, 2014 and June 6, 2014. To further offset concerns regarding impacts to the Gord Harry Trail, and to provide sufficient funding for the implementation of such measures, specifically conservation projects in the area, NRWC is proposing that additional funds be provided to the NPCA as follows:

- \$100,000 donation to the Niagara Peninsula Conservation Foundation for the implementation of restoration, enhancement and other improvement projects associated with the NPCA properties and/or Lake Erie shoreline within the Township of Wainfleet;
- \$20,000 annually for the duration of the permission granted (20 years, with an option to extend) to the NPCA towards trail improvements for continued access of the 2 turbines.

The measures proposed to be implemented to mitigate potential impacts of Alternative A1 are outlined in the attached table, which compares the proposed mitigation, restoration and enhancement measures to the approved use as presented to the NPCA on June 18, 2014.

**Reference: Niagara Region Wind Farm - Request for NPCA Property Access to the Gord Harry Trail**

It is acknowledged that the Township of Wainfleet opposed the use of the trail in its entirety, but supported Alternative A2 through their Council Resolution (dated May 13, 2014). Upon issuance of the REA by the MOECC, the Township of Wainfleet agreed to consult with the NRWC. Consultation has continued in regards to obtaining local permits and approvals, as well as securing a Road Use Agreement with the municipality. These discussions are on-going, and it is NRWC's opinion that mutually resolution of any outstanding concerns will be obtained.

**Conclusion**

NRWC requests that the NPCA grant approval for the implementation of Alternative A1 from an environmental perspective and grant NRWC approval for construction access, installation of project components and periodic maintenance along the 635 m section of the Gord Harry Trail.

Details regarding the specific commitments associated with obtaining approval from the NPCA for access to the Gord Harry Trail during construction and maintenance activities will be reviewed and discussed with NPCA staff pending a decision by the NPCA Board. NRWC wishes to continue working with the NPCA to confirm that any concerns associated with the temporary and long-term use of the Trail can be addressed.

We trust that the above information will be of assistance. If you have any questions or wish to discuss this further, please do not hesitate to contact either of the above.

Attachment: Figure 1 – Gord Harry Trail Route Alternatives  
Table: NRWC Proposed Mitigation and Compensation – A Comparison



V:\01609\Active\160950269\planning\drawing\mxd\20140310\_Gord\_Harry\_Alt\_Routes\160950269\_Fig\_1\_AltRoutes\_Agency.mxd  
Revised: 2014-03-12 By: pworsell



- Legend
- Proposed Turbine Location
  - Potential Access Road
  - Blue Heron Trail
  - Gord Harry Trail
  - Road
  - Abandoned Railway
  - Watercourse
  - Municipality Lower Tier
  - Property Boundary
  - Waterbody
  - Wooded Area
- Alternate Access Routes
- A1/A2
  - B1/B2
  - C1/C2
- Alternative Truck Routes
- Route 1
  - Route 2



- Notes
- Coordinate System: NAD 1983 UTM Zone 17N
  - Base features produced under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2014.
  - Orthoimagery © First Base Solutions, 2014.

March 2014  
160950269

Client/Project  
Niagara Region Wind Corporation  
Niagara Region Wind Farm

Figure No.  
**1**

Title  
**Gord Harry Trail  
Route Alternatives**



### NRWC Proposed Mitigation and Compensation – A Comparison

In recognition of the disturbance to the existing trail and permission required from the NPCA for the temporary use (construction) and on-going access (20 years post-construction with option to extend) required along a section of the Gord Harry Trail, the following commitments are proposed by the NRWC to minimize, restore and offset impacts to the trail and NPCA:

<b>Alternative A1</b> (635 m section of the Trail)	<b>Alternative A2</b> (Crossing of the Trail – as approved June 18, 2014)
1. Notify adjacent landowners and trail users of the Project Schedule regarding construction activities along the Gord Harry Trail, including signage at trail heads notifying trail users 2 weeks in advance of temporary closures;	1. Notify adjacent landowners and trail users of the Project Schedule regarding construction activities along the Gord Harry Trail, including signage at trail heads notifying trail users 2 weeks in advance of temporary closures;
2. Schedule construction activities along the Gord Harry trail to avoid periods of high use to the extent possible and in consultation with the NPCA (i.e. late fall or winter construction when ground is frozen – in consultation with the NPCA);	2. Schedule construction activities along the Gord Harry trail to avoid periods of high use to the extent possible and in consultation with the NPCA (i.e. late fall or winter construction when ground is frozen – in consultation with the NPCA);
3. To the extent possible, vegetation removal along the trail will avoid the core nesting season for migratory birds (May 1 to July 31). Where removal is required during this period, surveys will be undertaken by a qualified biologist to identify the presence/absence of nesting birds and to identify appropriate protection measures where observed;	3. To the extent possible, vegetation removal along the trail will avoid the core nesting season for migratory birds (May 1 to July 31). Where removal is required during this period, surveys will be undertaken by a qualified biologist to identify the presence/absence of nesting birds and to identify appropriate protection measures where observed;
4. All disturbed areas of the Trail will be restored and re-vegetated to pre-disturbance conditions (or as planned conditions) as soon as possible following construction activities;	4. All disturbed areas of the Trail will be restored and re-vegetated to pre-disturbance conditions (or as planned conditions) as soon as possible following construction activities;
5. All re-vegetation activities will utilize species native to Ecoregion 7E;	5. All re-vegetation activities will utilize species native to Ecoregion 7E;
6. Appropriate erosion and sediment control measures will be installed, monitored and maintained during all phases of construction;	6. Appropriate erosion and sediment control measures will be installed, monitored and maintained during all phases of construction;
7. No excess gravel will be available given only a crossing of the trail is required; and	7. No excess gravel will be available given only a crossing of the trail is required; and
8. \$100,000 plus \$20,000 annually for the duration of the permission granted will be provided to the NPCA towards trail improvements, naturalization and/or educational efforts associated with the TransCanada Trail, such as the installation of benches, trail signage, etc. ((\$500,000 total contribution over 20 years)	8. \$2,500 plus \$250 annually for the duration of the permission granted will be provided to the NPCA towards trail improvements, naturalization and/or educational efforts associated with the TransCanada Trail, such as the installation of benches, trail signage, etc. (\$7,500 total contribution over 20 years)



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**Report To:** Board of Directors

**Subject:** NRWC Request for NPCA Property Access- Gord Harry Trail  
(Follow-up Report)

**Report No:** 56-14

**Date:** June 18, 2014

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**RECOMMENDATION:**

1. That the NPCA Board **RECEIVES** Report No. 56-14 for information.
2. That the NPCA Board **AUTHORIZE** staff to enter into a Land Use agreement granting NRWC access to the Gord Harry Trail as per Option 3 as outlined in this report.

**PURPOSE:**

For the NPCA Board to consider granting property access to Niagara Region Wind Corp. (NRWC) for use of a portion (635m) of the Gord Harry Trail.

This report aligns with the 2014-2017 Strategic Plan through the NPCA Mission:

*'To manage our watershed's natural resources by balancing environmental, community, and economic needs.'*

**BACKGROUND:**

NRWC approached the NPCA late in 2013 regarding their proposed Wind Farm and possible access to the Gord Harry Trail. Further discussions with NPCA staff resulted in a report to the NPCA Board (as attached: Report No. 25-14) at its April Board meeting. As noted in the April report, "The trail was deeded from Wainfleet and there was a reservation of the right to install utilities along the trail. That being the case, the NPCA cannot grant access rights to others without consulting the Township of Wainfleet." Therefore, the Board requested staff to consult the Township of Wainfleet 'to ensure that any works constructed are not in conflict with the Trail rights held by them.'

**DISCUSSION:**

The Township of Wainfleet considered the matter at its May 13, 2014 Council meeting and passed a Resolution (Appendix 1) stating they 'do not consent to the use of the Gord Harry Trail in its entirety,' however, they would consent to a 'single crossing.'

With consideration to the Wainfleet Resolution, Stantec proposes an additional option as per its Memo dated June 6, 2014 (Appendix 2). All of the options include:

- 1) NRWC Preferred Option: Stantec notes the NRWC preference to move forward with its original request to use the Trail as per A1 (Appendix 3 map). This would include collector and fibre optic lines installed beneath the trail running over half a kilometer. It also includes a temporary construction access road and a permanent access route along a portion of the trail.

This option was rejected by the Township of Wainfleet in its Resolution. Therefore, it is not in alignment with NPCA legal and staff recommendations.

- 2) Township of Wainfleet Preferred Option: The Township noted its preference for option A2 (Appendix 3 map) in its Resolution. This would include collector/fibre lines and a construction/permanent access road at a single crossing of the trail.

This option would necessitate additional environmental impacts as an additional access road would be required running parallel to the existing trail corridor. These environmental impacts can be avoided or minimized in either option 1 or 3.

- 3) NPCA staff Recommended Option: Option A3 (Appendix 4 map), proposed by Stantec, is a hybrid of the first two options. It includes a single crossing for the collector/fibre lines AND the use of a 635m of trail for a construction/permanent access road.

This option meets NPCA obligations to the Township of Wainfleet while mitigating the environmental impacts of Option 2. This option best meets the NPCA Mission by balancing environmental (conservation authority), community (Wainfleet), and economic (NRWC) needs.

- 4) Do nothing

### **FINANCIAL IMPLICATIONS:**

There are no direct costs to the NPCA associated with this project. However, NRWC has outlined Proposed Mitigation and Compensation measures as attached in Appendix 5. For the staff recommended option 3, NRWC is willing to make improvements to a portion of the Trail. Further, NRWC would provide \$5000 to the NPCA towards naturalization and/or educational efforts associated with the Trail as well as an annual contribution of \$2000 for the duration of the permission granted (\$45,000 over 20 years).

### **RELATED REPORTS AND APPENDICES:**

1. Related report attached: April 16, 2014 Report No. 25-14
2. Appendix 1: Township of Wainfleet Resolution No. CM-008-2014
3. Appendix 2: Stantec Memo dated June 6, 2014
4. Appendix 3: Stantec Map of Alternate A1 and A2
5. Appendix 4: Stantec Map of Alternative A3
6. Appendix 5: NRWC Proposed Mitigation and Compensation



**Prepared by:**



**Name: David Barrick**

**Title: Senior Manager, Operations**

**Submitted by:**



**Carmen D'Angelo**

**Chief Administrative Officer**

**Secretary Treasurer**



**Resolution No. FA- 141 -14**

**FULL AUTHORITY MEETING**

The 16<sup>th</sup> day of July, 2014

Moved by: A. JEFFS

Seconded by: B. BATY

**THAT:** the NPCA Board RECEIVES Report No. 56-14 for information, and

that the NPCA Board AUTHORIZE staff to enter into a Land Use agreement granting NRWC access to cross the Gord Harry Trail as per Option 2 outlined in this report.

*OPTION 2: Township of Wainfleet Preferred Option: The Township noted its preference for option A2 (Appendix 3 map) in its Resolution. This would include collector/fibre lines and a construction/permanent access road at a single crossing of the trail.*

  
Chairman

☒ CARRIED

☐ LOST

☐ AMENDED

☒ RECORDED VOTE

8 in favour

3 opposed





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

**DATE: April 16, 2014**

**RE: Niagara Region Wind Corp. Request for NPCA Property Access Gord Harry Trail - REPORT NO. 25-14**

### **Executive Summary**

- Niagara Region Wind Corporation is requesting NPCA property access along a 1km stretch of the Gord Harry Trail, located in the southwest corner of the Township of Wainfleet
- Property access is being sought to enable construction and access to a portion of the proposed Niagara Region Wind Farm
- When assessed against other options, the use of the Gord Harry Trail better limits negative environmental impacts, avoids construction and traffic-related inconveniences, and is also the most cost-efficient option
- In consideration of the cost savings associated with this option, the proponent has indicated a willingness to make improvements to the Trail, consistent with NPCA's plans.

### **Background**

Niagara Region Wind Corporation (NRWC) is proposing to develop, construct, and operate a 230 Megawatt Niagara Region Wind Farm within the Townships of West Lincoln and Wainfleet, and the Town of Lincoln, within the Niagara Region and within Haldimand County, in Southern Ontario, in response to the Government of Ontario's initiative to promote the development of renewable electricity in the province.

The basic components of the project include the installation of wind turbine generators. A collection system connects each turbine to one of two transformer substations. Access roads to each turbine will be necessary during construction of the turbines and for maintenance during turbine operation.

The proposed work on NPCA property includes:

- Underground collector lines and fibre optic lines being installed beneath the Trail (or overhead if underground installation is not feasible)
- The construction of a temporary construction access road to provide access to the two wind turbines located on private property to the south of the Gord Harry Trail
- Removal of vegetation growing along the former railway
- The establishment of a permanent access route

The permanent project components (access road, collector and fibre optic lines) are proposed to be installed for the duration of the project, which is 20 years, in accordance with the Ontario Power Authority Feed-in Tariff contract. Following the term of this agreement, a decision would be made to extend the life of, or decommission the project.

It is envisioned that work will commence in November, 2014 and will be completed within approximately 40 days.

**Financial/Program/Business Implications**

The trail was deeded from Wainfleet and there was a reservation of the right to install utilities along the trail. That being the case, the NPCA cannot grant access rights to others without consulting the Township of Wainfleet.

There are no direct costs associated with this project. However, the project proponent has indicated a willingness to make improvements to portions of the Trail, consistent with NPCA plans, already in place. Further, the proponent would provide \$5000 to the NPCA towards naturalization and/or educational efforts associated with the Trail.

*Attachments: Memo from NRWC & Stantec dated March 13, 2014 Stantec Map*

**RECOMMENDATION**

**That Report No. 25-14 be received for information; and  
That the Township of Wainfleet be consulted to ensure that any works constructed are not in conflict with the Trail rights held by them.**

Prepared by: David Barrick, Senior Manager- Operations

Respectfully Submitted By:

  
\_\_\_\_\_  
Tony D'Amario, CAO/ Secretary-Treasurer



## RESOLUTION

Moved by David Wyatt

No. CM-008-2014

Seconded by Richard DykstraDate: May 13<sup>th</sup>, 2014

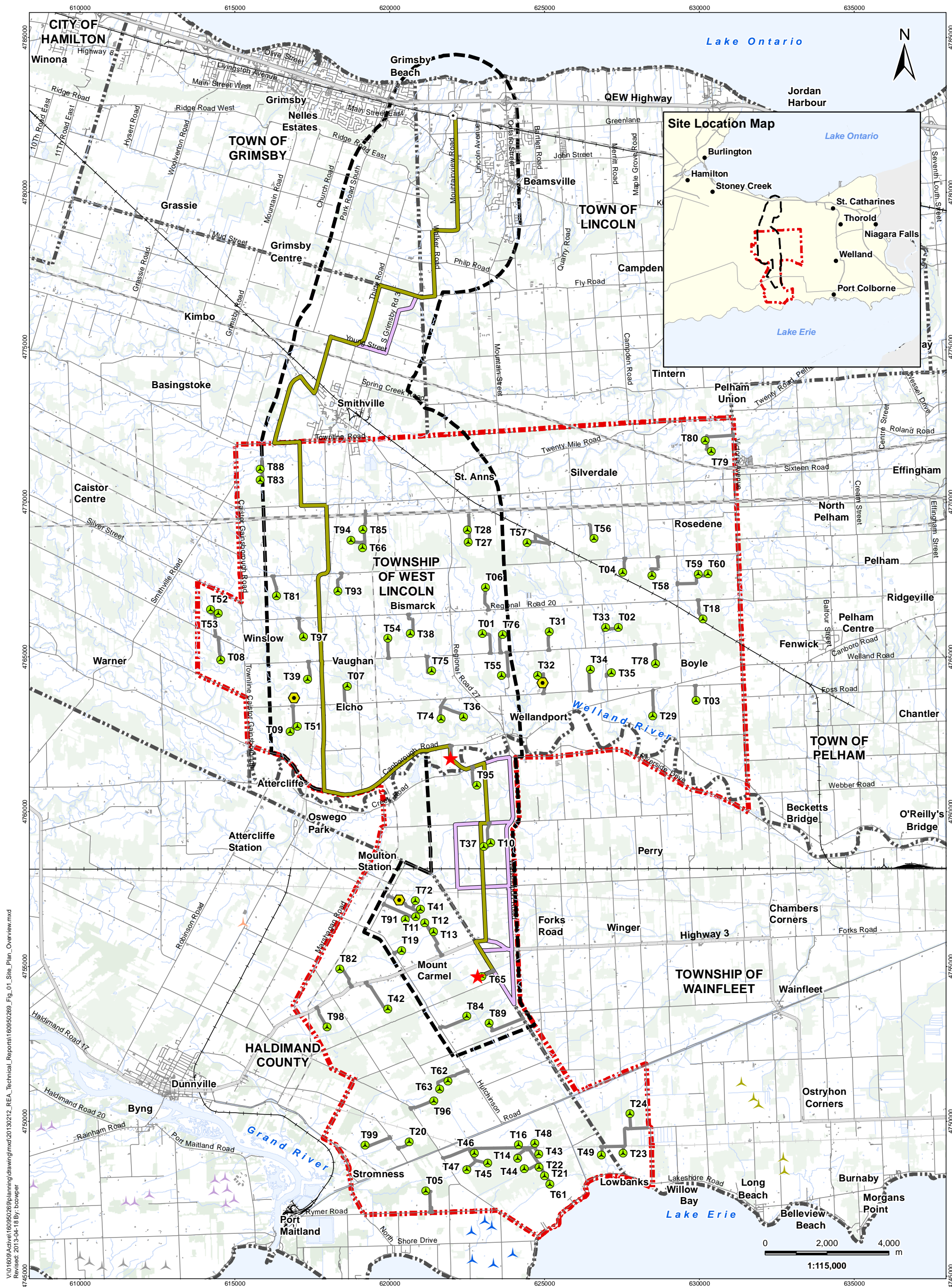
**THAT** staff be directed to advise the NPCA Board of Directors that with regard to the Niagara Region Wind Corporation Project, the Township does not consent to the use of the Gord Harry Trail in its entirety; however,

**THAT** the Township of Wainfleet will consent to a single crossing of the Gord Harry Trail as depicted in option "A2" on the mapping provided by Stantec Consulting.





















Carried ☒  
Mayor (Chairman)☐ LostRecorded on  
Request of: \_\_\_\_\_

Councilor / Staff Member	Yeas	Nays
Alderman Dykstra		
Alderman Hessels		
Alderman Konc		
Alderman Wyatt		
Mayor Jeffs		

Carried ☐\_\_\_\_\_  
Clerk☐ Lost

**Stantec**

## Legend

- |   |                              |   |                            |   |  |
|---|------------------------------|---|----------------------------|---|--|
|  | Project Study Area           |  | Road                       |  | Mohawk Wind Farm (Existing)              |
|  | Interconnector Study Area    |  | Expressway / Highway       |  | Rosa Flora Turbine (Existing)            |
|  | Proposed Turbine Location    |  | Active Railway             |  | Wainfleet Wind Energy Project (Proposed) |
|  | Potential Access Road        |  | Abandoned Railway          |  | HAF Wind Energy Project (Proposed)       |
|  | Transformer Substation       |  | Existing Structures        |  | Grand Renewable Energy Project           |
|  | Tap-in Location              |  | Existing Transmission Line |  | Other Wind Farm Projects                 |
|  | Existing Met Tower           |  | Watercourse                |   |  |
|  | Preferred Transmission Route |  | Waterbody                  |   |  |
|  | Alternate Transmission Route |  | Wooded Area                |   |  |
|   |                              |  | Municipality Lower Tier    |   |  |
- Notes**

## Notes

1. Coordinate System: NAD 1983 UTM Zone 17N  
2. Base features produced under license with the Ontario  
Ministry of Natural Resources © Queen's Printer for Ontario, 2012.

Client/Project  
Niagara Region Wind Corporation  
Niagara Region Wind Farm

Figure No.  
1

---

Title

## Overview Site Plan





July 2, 2014

Board of Directors,  
Niagara Peninsula Conservation Authority,  
250 Thorold Rd. W., 3<sup>rd</sup> Floor,  
Welland, ON L3C 3W2

Dear Chairman Timms, Vice-Chairwoman Jeffs and Directors,

I am writing on behalf of the members of the Wainfleet Ratepayers Association.

I was at the last Township of Wainfleet Council meeting and was present for Mr. D'Angelo's presentation of the NPCA report 56-14 to Council on the proposed use by Niagara Region Wind Corporation of the Gord Harry Trail and the revised alternatives.

We have now had a chance to review the report and examine the accompanying maps with the proposed locations. Our conclusion is that Option 2 is the best alternative, i.e., the option that crosses over the Trail but does not run along it. The statement that the options using the Gord Harry Trail for the collectors and fibre optic lines would be the least disturbing to the environment and natural habitats does not take into account that the trail itself is an integral part of the natural habitat and is used as a trail by deer, ducks and numerous other wild life. It makes much more sense to "disturb" the "agricultural land" on the property of the person who is hosting the turbines and who is, therefore, invested in the project.

We note that the proposal indicates work to begin November, 2014 and last for 40 days. We would like to remind you that the trail is used by hunters in the fall and that Hunting Season falls in that time frame of early November and the beginning of December. We request that appropriate signage be posted prior to the hunting season, so that hunters can adjust their plans and that NPCA workers avoid the area during hunting season if at all possible or wear orange vests and caps so that they are visible.

We also request that we be kept in the loop regarding the timing of the closures of the trail for this work, so that we can inform our members, many of whom use the trail on a regular basis.

We were somewhat alarmed that your staff would recommend the disruption and use of Conservation land over the use of private property which is already connected to the NRW project. We note that Option 2 was also the recommendation of Wainfleet Council and, therefore, urge the NPCA to choose for Option 2 and support the position of Wainfleet Council's choice in this matter.

Yours truly,

Terry Maxner,  
President, Wainfleet Ratepayers Association

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**Report To: Board of Directors**

**Subject: Morningstar Mill Discussions with City of St. Catharines  
RE: Potential Land Transfer**

**Report No: 39-15**

**Date: April 16, 2015**

---

**RECOMMENDATION:**

1. That Report No. 39-15 be **RECEIVED**;
2. That the NPCA Board **AUTHORIZE** staff to enter into in-depth discussions with the City of St. Catharines for the purpose of negotiating and determining the terms and conditions under which the acquisition of the Morningstar Mill could occur; and,
3. That staff report back to the Board at a future Board meeting.

**PURPOSE:**

To determine whether the Board has an interest in furthering discussions with the City of St. Catharines to assess the opportunities, challenges and risks associated with the potential transfer of the Morningstar Mill to the NPCA.

This report aligns with the NPCA 2014-2017 Strategic Plan under 'Effective Communication with Stakeholders & Public. This report further aligns with the Strategic Plan under 'Improved Capacity for Managing Assets & Land Program.' The NPCA fulfills this mandate by using its lands for regional recreation, heritage preservation and conservation education.

**BACKGROUND:**

At its February 23, 2015 meeting, the St. Catharines Ad Hoc Budget Review Committee passed the following motion:

"That staff examine and report back to Council the potential sales possibilities and partnerships of the facilities listed."

Among the properties listed was the Morningstar Mill. Following the resolution, in February, 2015, City staff approached NPCA staff to determine whether NPCA would be interested in acquiring the property. A meeting of the two staff groups was held to determine next steps and information needs. Shortly thereafter, NPCA staff members were invited to tour the Morningstar Mill property. This is a particularly unique and



interesting property, on Decew Road in St. Catharines, nestled along the Bruce Trail. The Mill itself has heritage designation.

While the property appears to be well-suited to the NPCA portfolio of land holdings, preliminary findings suggest the financial considerations may be significant.

**DISCUSSION:**

Much like the St. Johns Centre, this property offers both significant challenges and significant opportunities. The strong heritage elements combined with the dynamic water features and proximity to the Bruce Trail, appear to make this property a natural conservation site. However, the operating and particularly the capital costs associated with this property are significant.

Lessons can be learned from the St. Johns experience. It is important that a rigorous due diligence process be followed prior to any decision being made. Should the Board eventually decide to acquire this property, it is important that it does so with 'eyes wide open' and that all challenges and risks be understood.

As such, staff is seeking Board approval to enter into in-depth discussions with the City of St. Catharines for the purpose of negotiating and determining the terms and conditions under which such a transfer of property could occur; and, report back to the Board.

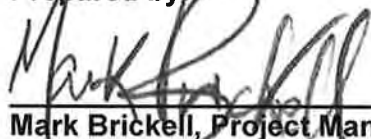
**FINANCIAL IMPLICATIONS:**

There are no direct costs associated with this report. However, should the Board eventually decide to move forward with the acquisition of the Morningstar Mill property, there will be significant financial implications and a detailed plan will need to be developed.

**RELATED REPORTS AND APPENDICES:**

1. Appendix 1: Outstanding Projects at Morningstar Mill
2. Appendix 2: City of St. Catharines, 2014 Morningstar Mill Operating Budget


Prepared by:

  
Mark Brickell, Project Manager

Reviewed by:

  
David Barrick, Sr. Manager of Operations

Submitted by:

  
Carmen D'Angelo; CAO / Secretary Treasurer

**Outstanding Projects at Morningstar Mill**

Miller's House – Waterproofing/structural repairs	\$75,000
Miller's House - Replace roof	\$40,000
Miller's House - Roof repairs on porches	\$5,000
Miller's House - Install Emergency Lighting	\$20,000
Miller's House - Install Fire Alarm	\$30,000
Garage - Replace electric heaters and wiring	\$5,000
Regional Barn - Structural repairs	\$55,000
Regional Barn - Repairs to the electrical	\$5,000
Saw Mill - Replace roof	\$30,000
Grist Mill - Water ponding issue at faucet	\$5,000
Grist Mill - Gas Service	\$35,000
Grist Mill - Wood repairs to structure and floor	\$5,000
Grist Mill - Install Emergency Lighting	\$15,000
Grist Mill - Install Fire Alarm	\$25,000
Grist Mill - Structural assessment	\$10,000
Dam - Continual Maintenance	
Dam - Install Fall Arrest	\$50,000
Build New Washroom	\$400,000
Implement accessibility	\$60,000
New Water Service	\$150,000
<b>Total:</b>	<b>\$1,020,000.00</b>

**Previous budgets or approved funding are as follows:**

Fire Alarm and Emergency Lighting in the house and mill - \$85,000 (Complete)

Oil furnace and tank replacement - \$15,000 (Complete)

Lead removal and Painting of House - \$120,000 (Complete)

Replacement of bridge – \$300,000 (Complete)

Extend Gas service to house - \$20,000 (Complete)

Gristmill Roof Replacement - \$50,000 (Complete)

Protective Fencing and observation area - \$140,000 (design completed, project not completed)

























































































Gristmill Repointing and structural repairs - \$300,000 (not completed)

Dam Rehabilitation - \$300,000 (not completed, will require additional funding for dam safety review)

Turbine shaft replacement - \$40,000 (not completed)

Version Council Approved  
 Year 2015  
 View Budget Input by Organization  
 Selection 752.125 Morningstar Mill

Date: March 11, 2015

		2015 Budget	2014 Revised Budget	2014 Actuals	2013 Budget	2013 Actuals	Comments	% to 2014 Budget	% to 2014 Actual	% to 2013 Budget	% to 2013 Actual	
		752.125.001	Salaries/Wages-Regular	40,502	41,365	38,599	38,703	(100.00%)	(100)	(100)	(100)	
		752.125.003	Salaries/Wages-Extra									
		752.125.007	Holiday/Vacation Pay									
		752.125.030	Pensions	6,105	5,828	5,726	5,217	(100.00%)	(100)	(100)	(100)	
		752.125.031	Other Benefits	6,858	6,413	6,595	5,830	(100.00%)	(100)	(100)	(100)	
		752.125.032	Workers Compensation	191	155	183	139	(100.00%)	(100)	(100)	(100)	
		752.125.033	Employment Insurance	1,105	1,031	1,014	916	(100.00%)	(100)	(100)	(100)	
		752.125.050	Rentals	500		500		(100.00%)		(100)		
		752.125.053	Service Contracts	3,995	3,255	3,305	3,594	(100.00%)	(100)	(100)	(100)	
		752.125.067	Mileage		515		487		(100)		(100)	
		752.125.102	Small Tools and Equipment				242				(100)	
		752.125.152	Gen Bldg Mntce Supplies	500		1,045	114	(100.00%)		(100)	(100)	
		752.125.162	Repairs	7,000	11,009	7,000	8,024	(100.00%)	(100)	(100)	(100)	
		752.125.163	Heat,Light,Power,Water	7,200	6,557	7,200	5,738	(100.00%)	(100)	(100)	(100)	
		752.125.173	Insurance-Bldg,Contents	1,000	979	910	953	(100.00%)	(100)	(100)	(100)	
		752.125.180	Improvements - Non TCA			5,000				(100)		
		752.125.210	Portable Toilets	2,400	2,450	2,400	2,200	(100.00%)	(100)	(100)	(100)	
		752.125.235	Contract-Pest Control		60				(100)			
		752.125.307	Printing									
		752.125.309	Advertising & Promotion				299				(100)	
		752.125.356	Buildings/Improvements	20,000	(1,000)	20,000	16,580	(100.00%)	(100)	(100)	(100)	
		752.125.380	Capitalized Assets		(27,530)				(100)			
		752.125.382	Change in WIP		27,530		(31,580)		(100)		(100)	
		752.125.384	TCA - Current Year Deprec		25,359		24,911		(100)		(100)	
		752.125.389	TCA Offset		(25,359)		6,669		(100)		(100)	
		752.125.417	Study/Consulting Fees									
		752.125.438	Honorarium-Guide									
		752.125.439	Volunteer Projects	16,000	11,898	15,071	10,050	(100.00%)	(100)	(100)	(100)	
		752.125.805	Donations	(5,000)		(5,000)		(100.00%)		(100)		
		<b>TOTAL 752.125 Morningstar Mill</b>		<b>108,356</b>	<b>90,514</b>	<b>109,548</b>	<b>99,086</b>	<b>(100.00%)</b>	<b>(100)</b>	<b>(100)</b>	<b>(100)</b>	



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**Report To:** Board of Directors

**Subject:** Proposed Lake Access Agreement- Catholic Youth Organization (Camp Marydale) at Binbrook CA

**Report No:** 40-15

**Date:** April 16, 2015

---

**RECOMMENDATION:**

1. That Report No. 40-15 be **RECEIVED** for information; and
2. That the NPCA Board **AUTHORIZE** staff to enter into an Access Agreement with the Catholic Youth Organization (CYO) to utilize a dock on Lake Niapenco within the Binbrook Conservation Area.

**PURPOSE:**

For the Board to consider entering into an agreement with CYO, specifically Camp Marydale, so they can utilize Lake Niapenco for their programming.

This report aligns with the NPCA Strategic Plan under 'Effective Communication with Stakeholders & Public.

**BACKGROUND:**

CYO, Camp Marydale, is a property owner adjacent to the Binbrook Conservation Area. Their mission, partly, is to serve children, teens and families through programs. Some of their programs include fishing, swimming, kayaking, canoeing, etc. Camp Marydale and the NPCA have had several agreements in the past several years relating to accessing Lake Niapenco.

With the most recent agreement expired, NPCA staff met with CYO staff to discuss the formulation of a new agreement. These meetings were held in June and August, 2014 and more recently through email/phone correspondence this Spring. Although previous agreements mentioned trails, reservoirs, etc. There was consensus that any new agreement would focus solely on CYO having access to a dock on NPCA property.

According to CYO, approx. 2000 guests accessed the Camp Marydale dock for Outdoor Education programming in 2014.

**DISCUSSION:**

NPCA staff have come to a consensus regarding a new draft agreement (Appendix 1) with CYO staff, neither one has yet been ratified by their respective Boards. The new draft agreement is proposed to be 3 years allowing CYO access to Lake Niapenco. CYO must provide proof of insurance with NPCA named as additional insured.

The Board may also choose to pass on entering into any agreement with CYO for Lake access.

As this draft agreement has yet to be ratified, the request is for the Board to authorize staff to enter into an agreement, either the draft agreement as it stands or a variation thereof, depending on how the CYO Board responds.

**FINANCIAL IMPLICATIONS:**

The draft agreement is currently set as to capture \$2000/2015, \$3000/2016 and \$4000/2017. This allows CYO to continue offering several of their outdoor programs.

However, with the Binbrook CA Masterplan in place, the intent is to allow for Binbrook to become more self-sustaining. Allowing access at the opposite end of the Lake may cause a loss of revenue due to a potential loss of gate fees as well as Corporate events.

**RELATED REPORTS AND APPENDICES:**

1. Appendix 1: DRAFT Lake Niapenco Access Agreement
2. Map 1- Location of proposed access on entire Lake
3. Map 2- Camp Marydale Access location close-up

Prepared by:



David Barrick  
Senior Manager of Operations

Submitted by:



Carmen D'Angelo  
Chief Administrative Officer  
Secretary Treasurer

**LAKE NIAPENCO ACCESS AGREEMENT**

**B E T W E E N :**

**NIAGARA PENINSULA CONSERVATION AUTHORITY ("AUTHORITY")**

**-and-**

**CATHOLIC YOUTH ORGANIZATION ("LICENCEE")**

**WHEREAS** the Licencee owns land adjacent to the Authority's Binbrook Conservation Area ("Lands" and/or "Waters").

**AND WHEREAS** the Licencee has requested permission to install and maintain a dock for programming use on the Lands of the Authority.

**AND WHEREAS** the Authority has agreed to grant such permission on an annual basis, up to three years, upon certain terms and conditions.

**NOW THEREFORE IN CONSIDERATION** of the mutual promises and covenants herein contained, the parties hereto, hereby, agree as follows: --

**LICENCE**

1. The Authority hereby grants permission to the Licencee to install and maintain in the Waters of the Conservation Area a dock to be *no more than 3.7 metres in length and 2.5 metres in width and to be constructed with a frame and floats and which may have wood decking*. Plans for the dock and its location shall be approved by the Authority prior to installation and no deviation therefrom shall be permitted without prior approval.
2. Authority hereby grants permission to the Licencee, guests and invitees to cross the Lands lying between the property of the Licencee and the shore of the Conservation Area, for the purposes of access to a dock.
3. The permission hereby granted shall be for a period of one year from the date hereof subject to automatic renewal upon payment of the annual fee which may, from time to time, be amended by the Authority and subject always to cancellation by the Authority for any of the following reasons: –
  - (i) The desire of the Authority to create a right in the Lands, which its sole opinion, is inconsistent with the continued existence of the dock;
  - (ii) Use by the Licencee of the dock or Lands and Waters of the Conservation Area in a manner unacceptable to the Authority.
  - (iii) Breach of any term hereof.
  - (iv) The sale of some, or all, of the Lands by the Authority.

The dock shall be removed and access to the water terminated ten (10) days after notice under this paragraph has been given; failing which, the Authority may remove the dock

without further notice. Such removal to be at the expense of the Licencee.

4. Neither this Agreement nor any Notice thereof shall be registered on the title of the Authority.
5. The Authority shall have the right to inspect the dock and the surrounding Lands at any time.

#### **PAYMENTS**

6. The Licencee shall pay to the Authority an annual fee on or before the 1st day of May in each Year: 2015- 2000 (two thousand) dollars  
2016- 3000 (three thousand) dollars  
2017- 4000 (four thousand) dollars
7. At the time of payment of the fee, the Licencee shall provide to the Authority a copy of a Public Liability Insurance Policy in favour of the Licencee, naming the Authority as an insured herein, in the amount of Two Million (\$2,000,000.00) Dollars.
8. The Licencee shall be responsible for municipal taxes that may be imposed as a result of this Agreement.

#### **REGULATIONS**

9. No boat used on the Waters of the Authority shall be powered by any means other than human and/or wind power.
10. No damage by the Licencee, guests and invitees to the Lands nor Waters of the Authority shall occur and the Licencee shall be responsible for any repair, maintenance or restoration that may be required. The Authority shall be entitled to register against the lands of the Licencee a lien for any costs expended by the Authority to repair, maintain or restore its Lands or Waters as a result of the actions of the Licencee, guests and invitees.
11. All persons using the dock shall comply with all Federal, Provincial and Municipal laws and regulations including any rules of the Authority regarding the operation of watercraft, the protection of the environment and the management of wildlife and natural resources.
12. No drugs or alcoholic beverages shall be used on the Lands or Waters of the Authority.

#### **GENERAL**

13. This Agreement may not be assigned. Any assignee or transferee of the Licencee shall be required to make a new application to the Authority for permission to maintain a dock.
14. Any notice required to be sent, may be sent by pre-paid, ordinary mail:

To the Authority at : 250 Thorold Road West  
Welland, Ontario  
L3C 3W2

To the Licencee at: 5999 Chippewa Road.  
Mount Hope, Ontario  
L0R 1W0



15. The parties hereto agree that the headings inserted in this licence are inserted merely for the purpose of convenience and form no part of the provisions of this licence.
16. This agreement constitutes the entire understanding between the parties relating to the subject matter of this agreement.
17. Notwithstanding that the Licencee is referred to as being singular, this agreement shall be binding upon and enure to the benefit of the Licencee whether singular, plural, male, female or corporate entity.

**IN WITNESS WHEREOF** the parties hereto have hereunder set their hands and seals  
this \_\_\_\_ day of \_\_\_\_\_, 2015.

**THE NIAGARA PENINSULA  
CONSERVATION AUTHORITY**

Per: \_\_\_\_\_

Witness

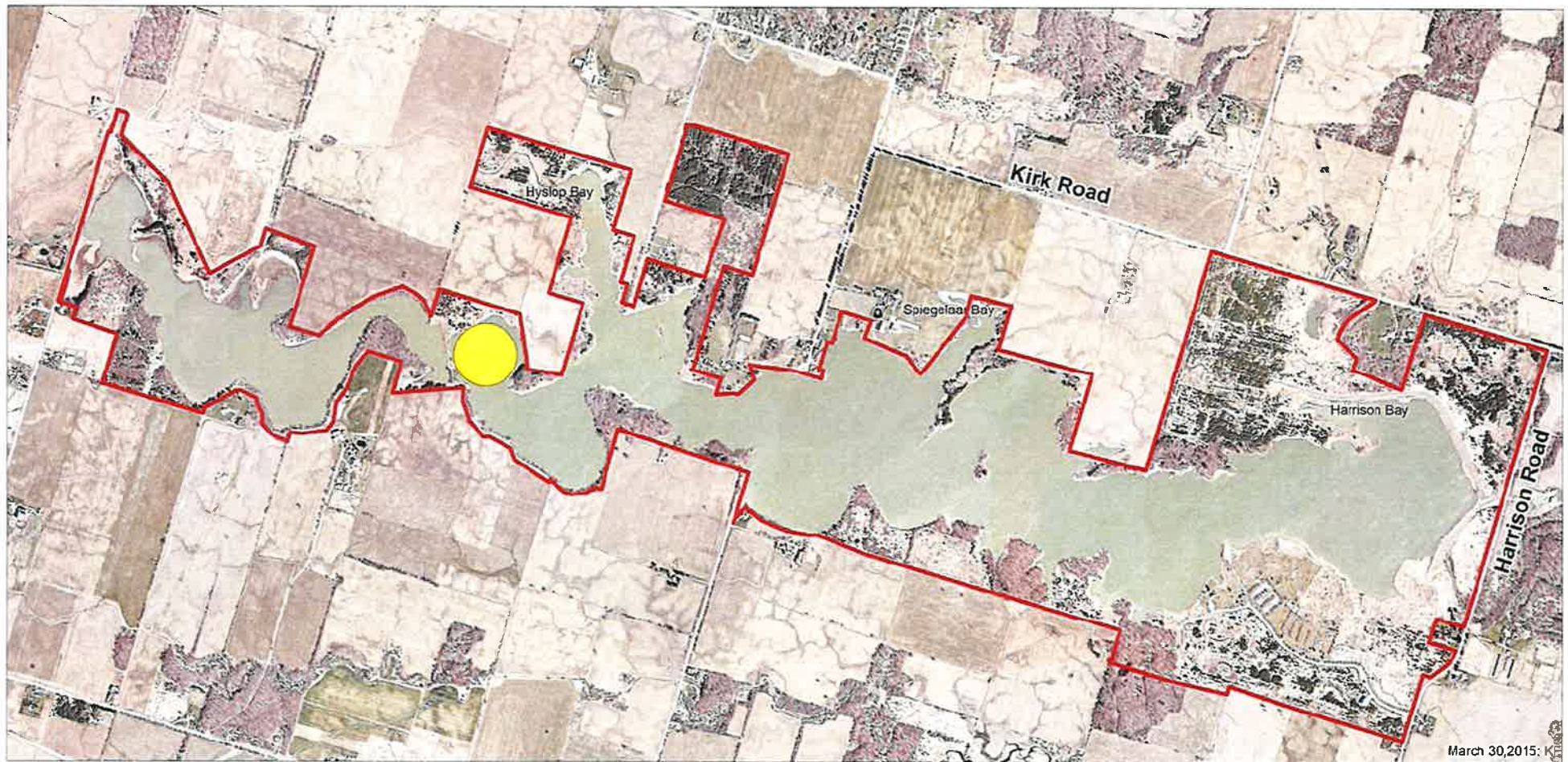
I/We have the authority to bind  
the Conservation Authority

**CATHOLIC YOUTH ORGANIZATION  
("LICENCEE")**

Per: \_\_\_\_\_



Witness

I/We have the authority to bind  
the Catholic Youth Organization



## Binbrook Conservation Area - Camp Marydale Proposed Dock

### Legend

-  Conservation Area Boundary
-  Proposed Dock and Area Location

0 250 500 1,000  
Meters





