

**FULL AUTHORITY MEETING
Wednesday March 23, 2016 9:30 am
Ball's Falls Centre for Conservation – Glen Elgin
3292 Sixth Avenue; Jordan, ON**

A G E N D A

9:30 am

Public Session

- ◆ **DECLARATION OF CONFLICT OF INTEREST**
- ◆ **ADOPTION OF AGENDA**
- ◆ **BUSINESS**

- (1) A. Full Authority Meeting -----Draft Minutes February 17, 2016
 B. Draft Committee Minutes
 - Cave Springs Steering Committee – February 23, 2016
 - *Watershed Floodplain Committee – March 2, 2016*
- (2) Business Arising From Minutes
- (3) Correspondence
- (4) Chairman's Remarks
- (5) Chief Administrative Officer Comments

Reports for Information

- (6) Project Status Reports:
 1. *Watershed Management* -----**Report No. 22-16**
Includes updates on:
 - Policy Review (Dillon Consulting);
 - Welland River (MMM Group)
 2. *Operations*-----**Report No. 23-16**
Includes updates on:
 - Gord Harry Trail - photos;
 - Staff Presentation on invasive species
 3. *Corporate Services*-----**Report No. 24-16**
- (7) 2015 Unaudited Year End (Draft) Operating & Capital Budget Summary-----**Report No. 25-16**
- (8) 2015 Annual Report-----**Report No. 26-16**
- (9) Conservation Act Review update -----**Report No. 27-16**
- (10) Forestry Update -----**Report No. 28-16**

Reports for Consideration

- (11) Niagara River Remedial Action Plan Coordination Agreement 2016/17 ----- **Report No. 29-16**
- (12) 2015 Capital Surplus / Reserve Status ----- **Report No. 30-16**
- (13) Management Compensation ----- **Report No. 31-16**
- (14) Other Business
 - Motion: City of Welland Representative (Bonnie Fokkens) for Watershed Floodplain Committee

Closed Session

- 1. ***Welland Land Transfer Update*** **Report No. CR-32-16**

Public Session

- ◆ **Resolution(s) from closed session**
 - ◆ **ADJOURNMENT**
-

CORRESPONDENCE

- NPCA Press Release dated March 11, 2016 – Niagara Peninsula Hawkwatch
 - Conservation Ontario letter dated March 14, 2016 & Lakehead Region
Conservation Authority letter dated March 1, 2016
- Conservation Ontario email dated March 2, 2016; RE: Voting Member list

March 23, 2016 Full Authority Meeting

March 11, 2016

For Immediate Release:

Birds of Prey will Soar at Niagara Peninsula Hawkwatch Event

Grimsby, ON – March 25 – One of the great educational family events will once again take place on Good Friday at Beamer Memorial Conservation Area when a stunning aerial show of birds of prey will soar over the skies of Niagara.

The Annual Open House for the Niagara Peninsula Hawkwatch, NPH, is being held at Beamer Conservation Area on Good Friday, March 25 from 10:00 am to 3:00 pm.

Throughout the day there will be displays from various naturalists clubs and plenty of opportunity for all to observe and learn about migrating hawks, eagles, vultures and ospreys that pass over Grimsby every spring. Visitors can also enjoy the trails throughout the Conservation Area and the fantastic views from the observation decks on the edge of the Niagara escarpment.

The NPH is providing 100 Field Guides to Birds free to families with youth. This has been made possible by the generous support from Station1 Coffeehouse and Tarbutt Construction.

Bruce Mackenzie of the NPH said that “The NPH is offering a \$500.00 scholarship to a high school student this year. The students are required to write essays and participate in the spring hawk count. The competition is underway and has brought a new dimension to the Hawkwatch. The winner will be announced in June.” Peninsula Ridge Estates Winery and Restaurant has generously provided the funds for the scholarship.

“The spring flight will be in high gear for the Easter Weekend and we are hoping for good numbers and a wide variety of migrating raptors for the Open House,” Bruce explained.

A Children’s Programme on hawks is being presented by Carla Carlson of Niagara Nature Tours from 11:00 am to 2:00 pm.

The Canadian Raptor Conservancy will be displaying live raptors and explaining about their biology and role in the environment from 1:00 pm to 3:00 pm.

“Beamer Memorial Conservation Area is one of the more spectacular properties of the Niagara Peninsula Conservation Authority. The Conservation Authority is delighted that the Hawkwatch is back at Beamer for its 42nd season of counting hawks and presenting its open house again and providing such a great educational event for families to enjoy,” said NPCA Ecologist, Kim Frohlich.

Jonny Blonde Food truck will be on site to provide beverages and food.

There is a voluntary admission fee of \$2.00 per adult and \$5.00 per family. All admission tickets will be entered into a draw for a number of wonderful door prizes provided by local businesses in Grimsby.

For more information contact:

Bruce Mackenzie

Director of Special Projects

905-643-4526

www.niagarapeninsulahawkwatch.org



March 14, 2016

Sent via email or mail

SEE DISTRIBUTION LIST

Conservation Ontario represents Ontario's 36 Conservation Authorities on matters of provincial, federal and binational interest. Conservation Authorities are local, watershed management agencies that deliver services and programs to protect and manage water and other natural resources in Ontario; including the quality and quantity of drinking water at its source. Staff from our member Toronto and Region Conservation Authority (TRCA) represented Conservation Ontario on Ontario's Stakeholder Advisory Panel during development of the *Great Lakes and St. Lawrence River Basin Sustainable Water Resources Agreement*. Conservation Ontario supports this Agreement.

Please be advised that Conservation Ontario supports the following resolution which was passed at the Executive Committee Meeting of TRCA, held on March 11, 2016:

WHEREAS on December 13, 2015, the Great Lakes Governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin, and the Premiers of Ontario and Québec signed the Great Lakes and St. Lawrence River Basin Sustainable Water Resources Agreement, and the Governors endorsed the companion Great Lakes and St. Lawrence River Basin Water Resources Compact (the Compact), which was later approved by the United States (US) Congress and signed by the President of the United States, banning new water diversions from the basin except in communities located in counties straddling the water diversion line between the Great Lakes and St. Lawrence Basin and other basins;

AND WHEREAS the City of Waukesha, WI, is located in Waukesha County, a county straddling the water diversion line;

AND WHEREAS the City of Waukesha has applied to use water from Lake Michigan as its source of drinking water to the Wisconsin Department of Natural Resources;

AND WHEREAS the Wisconsin Department of Natural Resources (DNR) has deemed the diversion application approvable and forwarded it to the Great Lakes and St. Lawrence River Water Resources Regional Body and Compact Council for its consensus and decision;

AND WHEREAS all eight Great Lakes states must vote in favour of the application for it to move forward to a special meeting of the Compact Council in late spring 2016;

AND WHEREAS the application does not meet the terms of the Compact, as there are significant questions about the necessity of the diversion to meet the drinking water quantity and quality needs of Waukesha and other concerns;

120 Bayview Parkway Newmarket Ontario L3Y 3W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

AND WHEREAS the City of Waukesha plans to provide water to its neighbouring communities which have not demonstrated a need for a new water supply, contrary to the terms of the Compact;

AND WHEREAS the precedent setting nature of the Waukesha water diversion application is of great concern to the residents of the Great Lakes and St. Lawrence River Basin;

AND WHEREAS the Regional Body review process is inadequate as it provides for only one meeting to be held in Waukesha, resulting in far too limited public engagement on a matter of great regional, national and international importance;

AND WHEREAS the Regional Body's decision on Wisconsin DNR's Declaration of Finding, expected on April 21, 2016, allows for input from the eight US Great Lakes states, Ontario and Québec, and will be key in the final Compact Council decision;

THEREFORE LET IT BE RESOLVED THAT due to the potential significant negative impacts to Great Lakes Basin, Toronto and Region Conservation Authority (TRCA) does not support the Waukesha Water Diversion Application in its current form and requests that the Great Lakes and St. Lawrence River Water Resources Regional Body and the Great Lakes and St. Lawrence River Water Resources Compact Council further investigate future implications of this application through transparent and full public engagement;

THAT this resolution be provided to the Governors of the eight Great Lakes states and the Premiers of Ontario and Québec to inform their decision process for this water diversion application;

AND FURTHER THAT this resolution be provided to Conservation Ontario and TRCA's municipal partners for action and support.

Additionally, Conservation Ontario supports the attached letter from our member Lakehead Region Conservation Authority on Lake Superior.

In summary, Conservation Ontario does not support this application.

Should you have any questions or require additional information please contact Bonnie Fox (Manager, Policy and Planning) at 905-895-0716 ext. 223.

Yours Truly,



Dick Hibma
Chair

c.c.: L'Honorable David Heurtel, Minister of Sustainable Development, the Environment and the Fight Against Climate Change, Sustainable Development, Province of Québec
The Honourable Bill Mauro, Minister of Natural Resources and Forestry, Province of Ontario
The Honourable Glen Murray, Minister of the Environment and Climate Change, Province of

Ontario Jason Travers, Ontario Designee, Regional Body, and Director, Natural Resources
Conservation Policy Branch, Ontario Ministry of Natural Resources and Forestry
CAOs, All Conservation Authorities

/Encl.

DISTRIBUTION LIST

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Tom Wolf, Governor of Pennsylvania (sent via mail)

Kathleen Wynne, Premier and Minister of Intergovernmental Affairs, Province of Ontario

comments@waukeshadiversion.org



LAKEHEAD REGION
CONSERVATION AUTHORITY

130 Conservation Road, PO Box 10427
Thunder Bay, ON P7B 6T8
Phone: (807) 344-5857

March 1, 2016

VIA EMAIL: comments@waukeshadiversion.org

Waukesha Diversion Comments

c/o Conference of Great Lakes and St. Lawrence Governors and Premiers
20 N. Wacker Drive
Suite 2700
Chicago, Illinois
60606

Re: City of Waukesha Diversion Application

The Lakehead Region Conservation Authority (LRCA) is one of 36 Conservation Authorities located in Ontario, and one of two located on Lake Superior. Conservation Authorities in Ontario are mandated to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that balance human, environmental and economic needs. Conservation Authorities also administer the Drinking Water Source Protection program on behalf of the Ontario Ministry of Environment and Climate Change, and therefore have a vested interest in the protection (i.e. quality and quantity) of drinking water at its source.

It is understood that the Great Lakes-St. Lawrence River Water Resources Regional Body and Great Lakes-St. Lawrence River Basin Water Resources Council are conducting Regional Review of a proposal from the City of Waukesha, Wisconsin, which would divert water outside the Great Lakes Basin to a county that straddles the Basin. The City of Waukesha, has applied for an exception to the Agreement, as out of Basin diversions are prohibited, without approval of an exception. The proposal would allow the diversion of 38.2 million litres per day of water from Lake Michigan, via the City of Oak Creek Water Utility to the City of Waukesha, which is located outside the Great Lakes Basin. The City is seeking an alternative source of drinking water as their current municipal groundwater supply contains levels of radium above drinking water standards.

As a Conservation Authority located on one of the Great Lakes, the Waukesha Diversion proposal, if approved, presents a great concern to the Board of the LRCA as a potentially precedent setting water diversion from the Great Lakes Basin.

www.lakeheadca.com

Careful consideration must be given to the potential impact to the integrity of the Great Lakes Basin ecosystem, and the cumulative impacts if this sets a precedent that results in the approval of future additional diversions outside the Basin. Due to the uncertainty associated with climate change, and potential significant changes to levels and flows on the Great Lakes, the impacts associated with this type of proposal cannot be quantified. The Straddling County Exception – Article 201(3) should be examined extensively to ensure that the proposal in fact meets all conditions. In particular, confirming that a reasonable water supply alternative within the basin in which the community is located does not exist, as a water supply within the same basin is the preferred option.

Due to the potential significant negative impacts to Great Lakes Basin, the Lakehead Region Conservation Authority does not support this application.

Yours truly,



Bill Bartley
Chair

c.c.: LRCA Member Municipalities
Conservation Ontario
All Conservation Authorities

Subject: FW: Updates to CA Chairs/ViceChairs, Voting Members & Email Distribution List

Importance: High

From: Kristin Bristow [mailto:kbristow@conservationontario.ca]

Sent: Wednesday, March 02, 2016 2:18 PM

To: Carmen D'Angelo <cdangelo@npca.ca>;

Cc: Lisa Conte <lconte@npca.ca>;

Subject: Updates to CA Chairs/ViceChairs, Voting Members & Email Distribution List

Importance: High

To: CAOs/General Managers

Cc: Administrative Staff

In preparation for the CO Annual General Meeting on April 11th, we are updating our CA Chairs and Vice Chairs List, Voting Members List, and email Distribution List. In order to complete these lists we are asking for your assistance in providing the information requested below. Please take a moment to provide the information and return it to us by Friday, March 18th.

Chair:

Vice Chair:

2nd Vice Chair (if applicable):

Please be reminded of the following action item from the October 20, 2015 General Manager's Meeting.

CAOs/General Managers are to be reminded that Voting Delegates must be appointed by their Conservation Authority (eg Board Resolution) as per our By-Laws. These Voting Delegates and both Alternates are registered with Conservation Ontario annually.

Voting Delegate & email address:

Alternate & email address:

2nd Alternate (if applicable) & email address:

(Optional) Administrative Contact & email address:

Please also include a list with your CA Board of Directors, including their names and an email address so that we can forward a copy of the Council E-Bulletin.

The E-Bulletin contains updates on key issues, primarily from Conservation Ontario Council meetings, and contains weblinks to specific CO reports, letters and presentations for their reference. Your members would receive the bulletin 4 times in 2016, and we would not use the distribution list for any other purpose.

Thanks for your time and assistance with this request.

Kristin Bristow

Source Water Protection Administrative Assistant

Conservation Ontario

120 Bayview Parkway

Newmarket, ON L3Y 3W3

Tel: (905) 895-0716 Ext: 232

Email: kbristow@conservationontario.ca

Consider the environment. Please don't print this e-mail unless you really need to.

REPORTS FOR INFORMATION

- ❖ **REPORT NO. 22-16** – *Project Status - Watershed Management*
- ❖ **REPORT NO. 23-16** – *Project Status - Operations*
- ❖ **REPORT NO. 24-16** – *Project Status - Corporate Services*
- ❖ **REPORT NO. 25-16** – *2015 Year End Draft Budget Summary Unaudited*
- ❖ **REPORT NO. 26-16** – *2015 Annual Report*
- ❖ **REPORT NO. 27-16** – *Conservation Act Review Update*
- ❖ **REPORT NO. 28-16** – *Forestry update*

March 23, 2016 Full Authority Meeting

Report To: Board of Directors

Subject: Watershed Management Status Report

Report No: 22-16

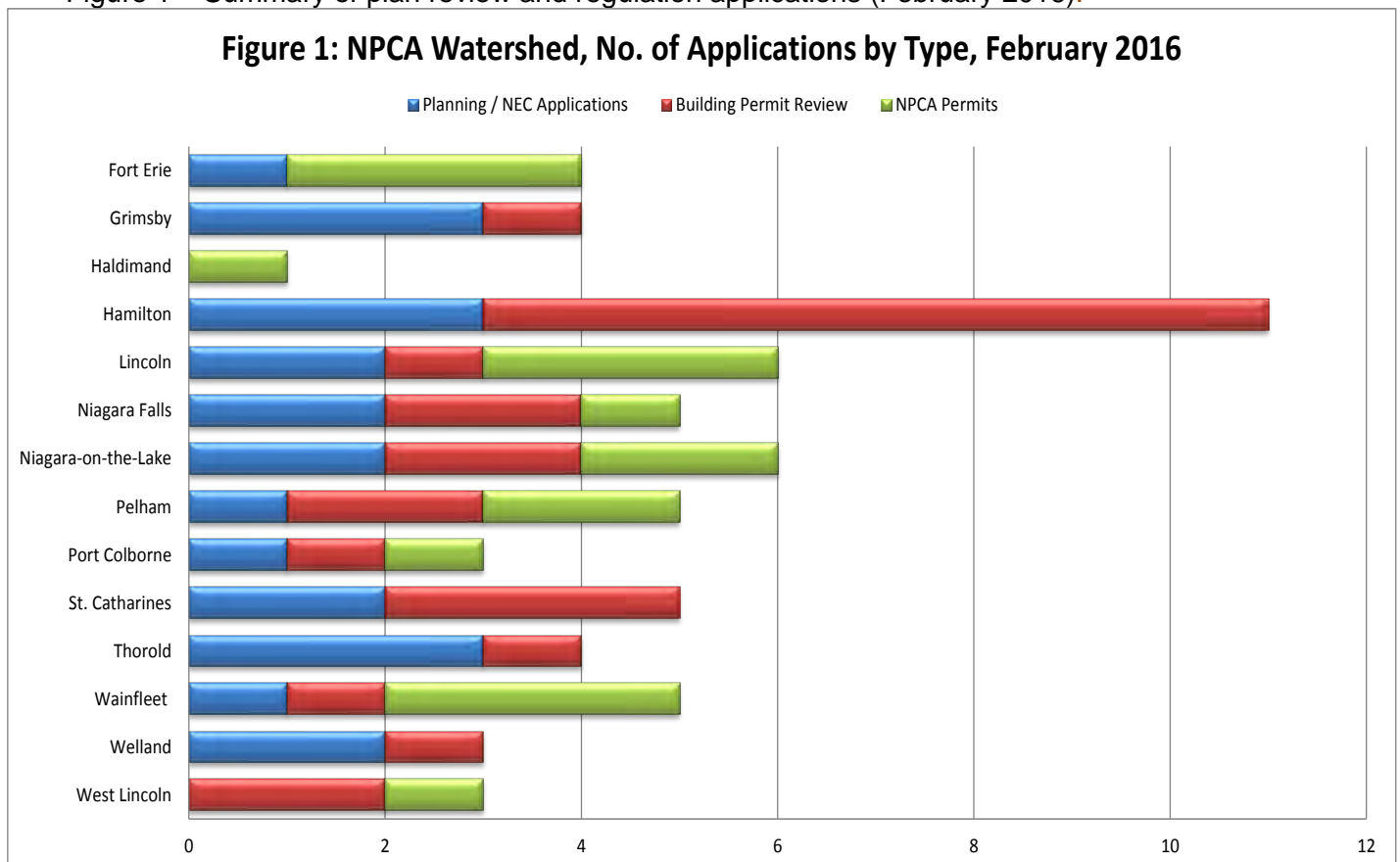
Date: March 23, 2016

RECOMMENDATION:
That Watershed Management Status Report No. 22-16 be received for information.

PURPOSE:
To update the Board on the Watershed Management Team's activities and achievements during February 2016.

BACKGROUND:
A. Plan Review & Regulations

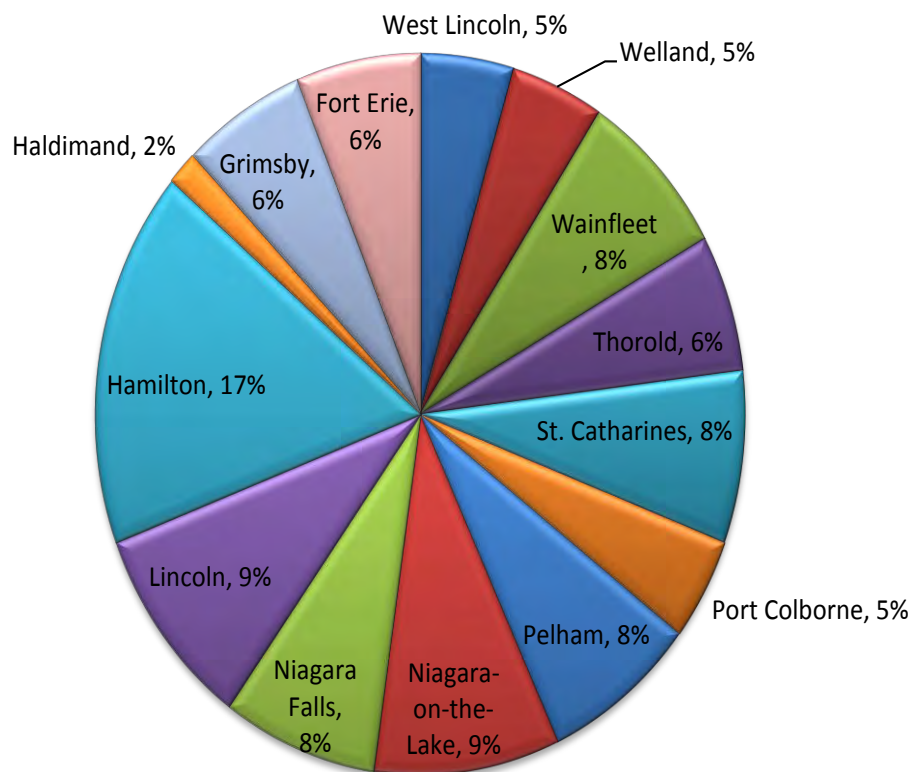
Figure 1 – Summary of plan review and regulation applications (February 2016).



	West Lincoln	Welland	Wainfleet	Thorold	St. Catharines	Port Colborne	Pelham	Niagara-on-the-Lake	Niagara Falls	Lincoln	Hamilton	Haldimand	Grimsby	Fort Erie	Totals
Planning / NEC Applications	0	2	1	3	2	1	1	2	2	2	3	0	3	1	23
Building Permit Review	2	1	1	1	3	1	2	2	2	1	8	0	1	0	25
NPCA Permits	1	0	3	0	0	1	2	2	1	3	0	1	0	3	17
Totals	3	3	5	4	5	3	5	6	5	6	11	1	4	4	65

Figure 2 – Summary of total number of planning & permit applications.

Figure 2: Total No. of Applications (%), February 2016



1) Municipal and Development Plan Input and Review

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 February 2016, the Watershed Management Department reviewed 23 Planning Act applications (various types and complexity) / Niagara Escarpment Commission Development Permit applications and 25 Building Permit applications (plus 3 property information requests). It is anticipated that application volumes will start to increase by the end of March. Staff also responded to various inquiries from the public and local municipalities, attended weekly consultation meetings with the local municipalities, and conducted various site inspections.

2) Construction Approvals (NPCA Permits)

During the month of February 2016, NPCA Permits and Compliance issued a total of 17 construction permits as per Section 28 of the Conservation Authorities Act. There was one proposed works that could not be supported under NPCA Regulations.

Summary of Construction Permits

	PERMIT	MUNICIPALITY	ADDRESS	WORKS PROPOSED/PURPOSE	REGULATED FEATURE	TOTAL DAYS	COMMENTS
1	3299	Lincoln	4509 Bartlett Road	Watercourse Realignment and Remediation	Watercourse Alteration	497	Complete Application not until January 20, 2016 therefore only 15 days to complete permit
2	NRWC-013A	Haldimand	PIN 38103-0098	Wind Energy Project	Various	2	Amended Permit
3	3724	Fort Erie	1882 Laur Road	Excavation of Fill	Floodplain	21	
4	3727	Lincoln	4970 Sann Road	Shorewall Maintenance	Lake Ontario Shoreline	28	
5	3728	Pelham	Across from 1451 Rice Road	Pelham	Floodplain	5	
6	3729	Wainfleet	11027 Lakeshore Road	Shorewall	Lake Erie Shoreline	18	
7	3730	Wainfleet	13019 Lakeshore Road	Home addition	Lake Erie Shoreline	2	
8	3731	Niagara Falls	11153 Niagara River Parkway	Septic Installation	PSW Buffer	2	

	PERMIT	MUNICIPALITY	ADDRESS	WORKS PROPOSED/PURPOSE	REGULATED FEATURE	TOTAL DAYS	COMMENTS
9	3733	Wainfleet	Elsie Road	Driveway Access	Floodplain	1	Note, have been working on file since January 4, 2016
10	3734	Lincoln	4320 Sann Road	Placement of Fill for Mobile Home	Floodplain	17	
11	3735	Pelham	Webber Road and Victoria Road	Channel Re-alignment	Watercourse Alteration	231	Complete Application not until February 10, 2016 therefore only 12 days to complete permit
12	3736	NOTL	769 Niagara Stone Road	Stormwater Discharge	Watercourse Alteration	80	Complete Application not until February 8, 2016 therefore only 3 days to complete permit
13	3739	Port Colborne	10 Bayview Lane	Pool Installation	PSW Buffer	5	
14	3740	West Lincoln	5882 Mud Street	New Home Construction	PSW Buffer	5	
15	3741	NOTL	1249 Niagara Stone Road	Secondary Crossing	Watercourse Alteration	31	Complete Application not until February 11, 2016 therefore only 7 days to complete permit
16	3742	Fort Erie	737 Kraft Road	Accessory Structure	Floodplain	6	
17	3744	Fort Erie	3785 Terrace Lane	Home Reconstruction, addition and Deck	Lake Erie Shoreline	11	

3) Watershed Biology

In the month of February the Watershed Ecological Technicians provided biology review for a variety of planning and regulations files, including conducting thirteen site visits for planning, pre-consultation or permit application review, including formal follow up with internal and external biology

comments. Projects requiring Environmental Impact Studies were also scoped and reviewed. Staff also assisted with the development of the Cave Springs Master Plan.

The Supervisor of Watershed Biology focused on testing of the CityView development tracking system, Thundering Waters development, the Canadian Motor Speedway and the Niagara-on-the-Lake Official Plan.

Biology staff attended a symposium on the American Chestnut tree which was hosted by the American Chestnut Council. The symposium provided an overview of the history, biology and blight affecting this species. An update was also provided on the research and conservation strategies aimed at its recovery.

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

B. Projects / Programs

1) Source Water Protection Plan

- Staff are currently preparing an annual progress report on the work that was undertaken to implement the source protection plan policies in 2015. The annual progress report will summarize the work that was done in 2015 by the provincial ministries, municipalities, and other implementing bodies. Staff have been liaising with these agencies to obtain the information for the report.
- Staff followed up on a number of information requests from the province.

2) Water Quality Monitoring Program

- The 2016 winter has been mild and this has allowed staff to begin collecting water quality samples at approximately 35 monitoring stations to assess watershed conditions in the winter season.
- Staff continue to update databases, complete benthic identification of biological samples from 2015 and analyze water chemistry data.
- Provincial Groundwater Monitoring Network (PGMN): Staff continue to visit monitoring wells for manual downloads and perform QA/QC check on groundwater level data as part of their routine data maintenance protocol.
- Staff provided two presentations for Environmental Sustainability Research Centre at Brock University graduate program. The presentations included “Macroinvertebrate Collection Methods” and “Tracking Watershed Health in Niagara”. Both presentations were well received.
- Staff continue to participate on MOECC committee responding to the Provincial Auditor General’s Source Protection Recommendation 5b on Public Notification of Naturally Occurring Groundwater Supply Chemical and Biological Concerns.

- To date, the NPCA has received five (5) applications under the Well Water Decommissioning Program for 2016.
- Staff have been processing data requests from other governmental agencies, consultants, and academic institutions.

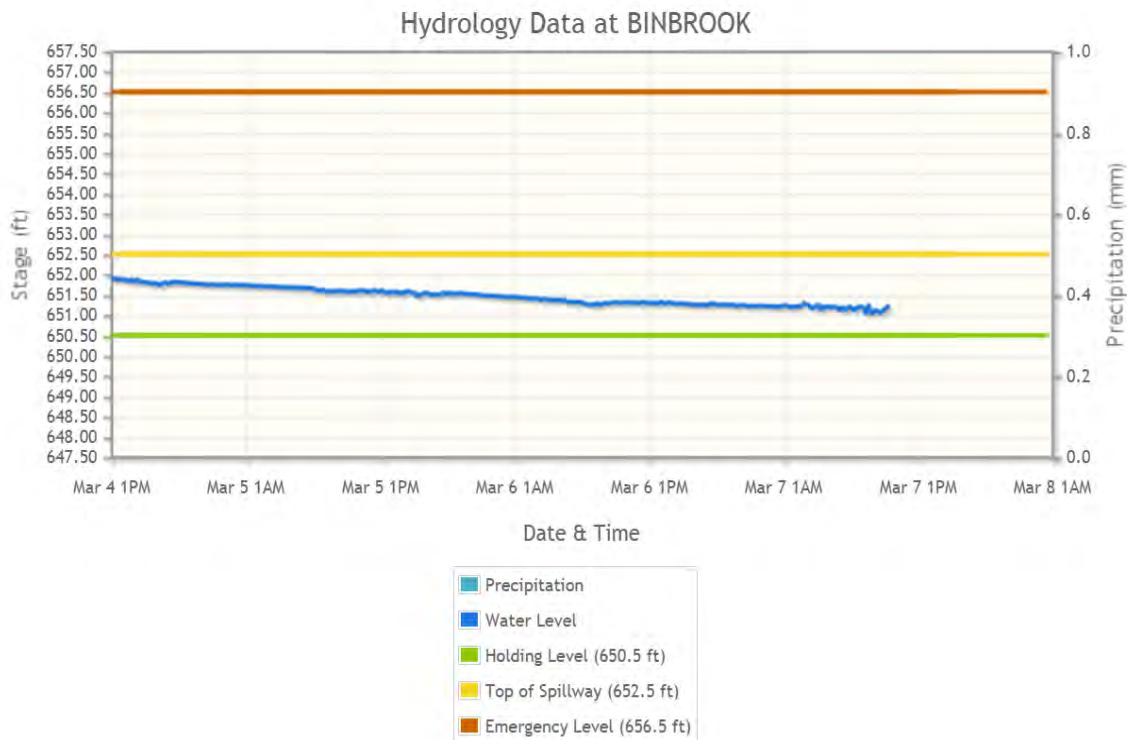
3) Flood Control

a) Flood Forecasting and Warning

- Binbrook Reservoir – The reservoir is currently free of ice. The water level is being drawn down and is presently sitting approximately 8 inches (200mm) above the normal operational holding level. Staff continue to monitor reservoir water levels on a daily basis and make adjustments as warranted.



Water Level & Precipitation Data



***CAUTION:** All data is Provisional.

Any data secured from the NPCA database that are identified as provisional have not received Director's approval and are subject to revision. The data are released on the condition that the NPCA may not be held liable for any damages resulting from their authorized or

- Staff continue to monitor daily the water levels at our 14 stream gauge stations, climatic data at our 15 climate stations, and undertake routine maintenance, calibration, and inspections at all 29 installations, as part of the NPCA's routine Flood Forecasting and Warning duties. The public may access this real-time water level and rainfall information through the NPCA's website.
- In support of the Flood Forecasting and Warning program, staff are undertaking the seasonal winter snow surveys. On the 1st and 15th of each month from November to April, NPCA staff measure the snowpack (should one exist) at seven set locations throughout the watershed. These measurements are then analyzed to determine the amount of water present on the ground in the snowpack and the associated potential flood risk should the watershed experience a rapid melt. The information from the NPCA's snow surveys are also routinely sent to the Ministry of Natural Resources' 'Surface Water Monitoring Centre' in Peterborough in an effort to help keep the Province apprised of local watershed conditions.

b) Water Resource Engineering

- NPCA staff organized and implemented four public Town Hall meetings in support of the 'Welland River Floodplain Mapping Update' study.
- Staff continue to provide daily support to the Planning and Regulations program with respect to the analysis of natural hazards and the review of stormwater management engineering designs.

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 are currently scheduling meetings with implementation committees and key stakeholder groups to plan collaboration opportunities for 2016.

Project Implementation – Voluntary Stewardship

Staff are currently implementing winter construction projects, utilizing flexible contractor schedules and pricing for this time of year. Staff are working with our 2016 project partners, finalizing project designs, stewardship plans, quotations and implementation schedules. To date we have approximately **65 stewardship projects** ready for implementation.

Ducks Unlimited Partnership

NPCA staff and Ducks Unlimited are completing the implementation of the five (5) 2015/16 partnership wetland projects. These projects have resulted in an additional 6 acres of wetland habitat and an additional 121 acres of naturalized area around the wetlands, including flowering trees, shrubs and wildflowers to support declining bee and butterfly populations.

Haldimand County Water Quality Program

Staff will continue to pursue project opportunities under this initiative.

Twelve Mile Creek Landowner Stewardship Guide

Staff are working with the local Niagara chapter of Trout Unlimited to tailor the guide to Twelve Mile Creek, projected to be completed by April 2016. A public event will be held to launch the guide.

Niagara River Remedial Action Plan (RAP)

- *Niagara River Contaminated Sediment and Nuisance Algae* - A review is required on the Niagara River RAP Technical Assessments for the Degradation of Benthos (historical contaminated sediment) and the Eutrophication (nuisance algae) Beneficial Use Impairments (BUI's). The conclusion of both these assessments recommends a re-designation of the BUI status from "impaired" to "unimpaired". In order to fulfill the re-designation process, stakeholder and public review of the assessments is required. Public friendly guidance documents of each technical assessment are nearing completion to assist with the facilitation of this process.
- *Niagara River RAP Website* - The Great Lakes Water Quality Agreement 2012 has outlined new requirements for public comment with respect to RAP stakeholder engagement and delisting of Area of Concerns. As reflected in our RAP governance agreements and RAP Project Charter, a separate stand-alone website is required to better meet the needs of stakeholders and the public. A domain has been secured: www.ourniagarariver.ca. Content for the site is currently being produced. The website is scheduled to be launched in late April 2016.

Ramsar Designation

- To date, endorsement has been received by Ontario Power Generation, the Niagara Peninsula Conservation Authority, the City of Niagara Falls, and the Town of Fort Erie. The Agriculture Committee of NOTL met on February 3rd and did not endorse the Ramsar designation. Town of Niagara-on-the-Lake Council deferred a decision on Ramsar at the February 29th Council meeting in order to collect more information.
- The Ramsar Steering Committee (US representatives) are hosting a public information meeting on March 22nd at the Atrium @ Rich's, Buffalo, New York. (Attachment #1)
- To help facilitate the stakeholder engagement, a *Frequently Asked Questions* (FAQs) document has been produced by the Ramsar Steering Committee. (Attachment #2)

5) Special Projects

- Staff provided comments on planning applications located for Niagara Region and local municipalities under the Planning Memorandum of Understanding.
- Staff assisted Operations with the (i) Ball's Falls Sewage System, (ii) the Cave Springs Water Resource investigation, and (iii) geotechnical investigations at the Wainfleet Bog and Binbrook Conservation Areas.

- Staff continued working on the Bedrock Aquifer Study tasks, including: (i) investigating new grant opportunities, (ii) 2016 work planning with the Ontario Geological Survey and Natural Resources Canada, (iii) liaising with MacMaster University on geochemical analyses, and (iv) limited monitoring.
- Staff provided review comments on the (i) draft report, “Establishing a Framework for Watershed Plans in the NPCA Watershed”, and (ii) the Brock Press Letter to the Editor on Biodiversity Offsetting
- Staff participated in the provincial working group that was formed to improve the public notification process when naturally occurring chemical or biological contaminants are identified in the groundwater. The working group will address Recommendation 5b of the Auditor General’s 2014 report on the provincial source protection program.
- Staff responded to water information requests from academia and consultants.
- Staff supported Source Water Protection annual reporting, including liaison with external agencies.

FINANCIAL IMPLICATIONS:

None


RELATED REPORTS AND APPENDICES:

1. World Water Day Public Meeting – Invitation
2. RAMSAR – Frequently Asked Questions

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.



Brock University, Environmental Sustainability Research Unit
Buffalo Niagara Riverkeeper•Niagara Parks Commission
Niagara Peninsula Conservation Authority•University at Buffalo Regional Institute
Western New York Land Conservancy

WORLD WATER DAY PUBLIC MEETING TUESDAY, MARCH 22, 2016

March 10, 2016

Dear: municipal leader, state agency, political representative, stakeholder;

On behalf of the Niagara River Corridor Ramsar Site Steering Committee and event co-host, the Niagara River Greenway Commission, I invite you to join us on *World Water Day*, Tuesday, March 22, to learn about a proposal to recognize and celebrate our greatest water resource, the mighty Niagara River!

Western New York and its waterfronts are being transformed from their blighted industrial past into thriving, economically vibrant communities, with waterfronts serving as our region's front doors. The mission of the Niagara River Greenway Commission is to enhance and redevelop our Niagara River waterfront, improving its ecological health while making the river and its shoreline more accessible and attractive to residents and visiting tourists.

Among the top Niagara River Greenway projects under consideration this year is the proposal to nominate the Niagara River Corridor as a Ramsar Site, or wetland of international importance. This would put the Niagara River on par with places like the Everglades and the Nile River delta. This honor is an opportunity for increased economic activity that we can't pass up. Rather than creating new restrictions, the Ramsar Site designation will support the conservation of the river's natural resources while also encouraging recreation like fishing and boating, promoting tourism of our natural wonders, and attracting outside funding. Pursued in partnership with our Canadian neighbors, this will be the first Transboundary Ramsar Site in North America, and South America (the Americas) an incredible accomplishment worth celebrating.

To learn more and to show your support, please join us for presentations about this exciting and important initiative.

Where: Rich's Atrium on Niagara St. & West Ferry St. in Buffalo
When: Tuesday, March 22, 2016, from 7:00 – 8:30 P.M.

Please RSVP to the event at this web link: ramsarniagara.eventbrite.com. Free parking is available in Rich's lots and on the street.

Look for more information on UB's Environmental Law and Policy Clinic website (www.law.buffalo.edu) or the Western New York Land Conservancy's website (www.wnyc.org). You can also contact me at (716) 687-1225 or jajeane.rose@wnyc.org.

Your participation and views are critical to the continued transformation of Western New York's waterfront.

We hope to see you there!



Jajeane Rose-Burney | Land Conservancy Development Director
U.S. Co-Chair, Ramsar Steering Committee
Western New York Land Conservancy
P.O. Box 471, East Aurora, NY 14052
email: jajeane.rose@wnyc.org Phone 716.687.1225

cc **Jocelyn Baker** | Project Manager, Niagara River Remedial Action Plan (RAP)
Canadian Co-Chair, Ramsar Steering Committee
Niagara Peninsula Conservation Authority



Brock University, Environmental Sustainability Research Unit
Buffalo Niagara Riverkeeper • Niagara Parks Commission
Niagara Peninsula Conservation Authority • University at Buffalo Regional Institute
Western New York Land Conservancy

Niagara River Proposed Ramsar Designation

FREQUENTLY ASKED QUESTIONS

What is a Ramsar designation?

The Ramsar Treaty is voluntary, committed to encouraging education and sustainability by acknowledging globally important wetlands through designation. The Convention on Wetlands of International importance, the Ramsar Convention / Treaty, was signed in Ramsar, Iran, February 1, 1971 (Ramsar is a place, not an acronym).

Why Ramsar for the Niagara River?

In the early part of the 19th century, the Niagara River was considered to be the most degraded place in North America. In 1972, Canada and the United States signed the Great Lakes Water Quality Agreement to clean-up the Great Lakes, including the Niagara River.

Major clean-up efforts in the Niagara River over the past 50 years have reduced discharges of pollution and toxic chemicals. To acknowledge this achievement of a cleaner, healthier river, a Ramsar designation for the Niagara River is being pursued.

For the Niagara River, a Ramsar designation would endorse the river's ecological significance and its global importance. It will strengthen local economies through increased tourism, recreation and increased funding opportunities through heightened international awareness of the river's global contribution to biodiversity and its role in building stronger, healthier and more resilient communities.

What are the benefits of a Ramsar designation for the Niagara River?

A Niagara River Ramsar designation will:

- Increase global awareness of the Niagara Region;
- Provide increased funding opportunities for commerce, tourism, recreation and heritage;
- Increase overnight and long-term "stay" tourism opportunities;
- Ensure continuous water quality improvement through binational pollution prevention;
- Affirm the goals of the Niagara River Remedial Action Plan by strengthening existing binational commitments and mechanisms to prevent backsliding of environmental accomplishments;
- Will solidify a new legacy for our Niagara River - Globally Significant

Is Canada a member of the Ramsar Convention / Treaty?

Yes, the Treaty was signed by Canada on January 5, 1981.

How many Ramsar sites does Canada have?

There are 37 Canadian sites.

What is a Ramsar wetland?

Different from that used in Ontario, the Treaty uses a much broader definition of wetlands, defined as any land that is occasionally wet, including lakes and rivers. The term is used in its widest application to apply to any water related feature, as the definition needs to translate across many languages and cultures to define water-based ecosystems globally.

Are Ramsar Treaty Rules the same for each country?

Yes. When a country signs the Ramsar Treaty, they agree to promote the conservation and wise use of water-based ecosystems through sustainable practices. How this principal is achieved is up to each individual country.

Canada achieves the objectives of Ramsar through its North American Waterfowl Management Plan and the Federal Wetland Conservation Policy. Canada's goal is to highlight the values of Ramsar sites without affecting their management regimes or resource use within them.

The United States achieves the objectives of Ramsar through the Federal Water Pollution Control Act which restricts the discharge of dredged / fill material over the "waters of the United States.", including Ramsar sites, as they are "wet lands". The goal of the United States is to also highlight the values of Ramsar sites without affecting their management regimes or resource use within them.

Is a Ramsar designation regulatory?

No. A Ramsar designation is not an instrument that creates or enhances regulatory rules. A Ramsar designation will not impose any regulatory measures or legally enforceable restrictions on landowners. The designation will not impact, restrict or limit the use of the Niagara River for recreation, business or commerce. A Ramsar designation will not take away anyone's rights and ability to enjoy their properties.

Can a Ramsar site have regulations?

Yes. Although Ramsar does not impose regulations on a site, the character of the site and the species found within it could be or become protected. These protections are not because of the Ramsar designation. For example:

- Point Pelee in Ontario is a Ramsar site. Because it is a National Park, the associated restrictions were already in place prior to Ramsar designation. These restrictions are not Ramsar restrictions.
- Mer Bleue Conservation Area in Ottawa is a Ramsar site. It was a Provincially Significant Wetland (PSW) prior to Ramsar designation and has the associated PSW regulations in place. These restrictions are not Ramsar restrictions.
- Delta Marsh in Manitoba is a Ramsar site. It was purchased from private landowners post Ramsar designation and is now a National Heritage Marsh and has associated restrictions in place. These restrictions are not Ramsar restrictions.

Important note: The use of the water in the Niagara River is governed by a Boundary Waters Treaty between Canada and the United States and is administered by the International Joint Commission, with oversight from the International Niagara Board of Control. It is the highest level of regulation the river could receive.

What obligations does a Ramsar designation bring?

The treaty imposes minimal rules. Site managers are encouraged to promote conservation and other beneficial uses of the site. The Treaty lists no sanctions for failure to do so. The Treaty is clear that these obligations cannot be legally enforced.

Ramsar is a "good faith" designation to encourage the maintenance of the ecological character of a site in the context of wise use. Typical activities include recreational activities such as boating, bird watching, consumptive activities such as hunting and fishing, and agriculture. The aim is not to prohibit activities, rather to encourage activities in the framework of "wise use".

Is the United States a member of the Ramsar Convention / Treaty?

Yes, the Convention was signed by the United States in 1987.

How many Ramsar sites does the United States have?

There are 36 U.S. sites.

How many countries have signed the Ramsar Convention / Treaty?

There are 169 member countries, known as Contracting Parties that have designated more than 2,227 Ramsar Sites (215,000,000 ha) around the world.

How does a site qualify for a Ramsar designation?

To qualify for Ramsar designation the site must meet at least one of the following nine criteria:

1. Is representative, rare, or unique.
2. Supports vulnerable, endangered or threatened species.
3. Supports keystone or endemic species.
4. Supports species at a critical stage in their life cycles (migration, breeding).
5. Supports 20,000 or more waterbirds.
6. Supports 1% of the individuals in a population of one species of waterbird.
7. Supports a significant proportion of indigenous fish species.
8. An important food source, spawning area, nursery or migration path for fish.
9. Supports 1% of the individuals in a population of one species or subspecies of wetland-dependent non-avian animal species. (Something that is not a bird).

Does the Niagara River qualify for Ramsar designation?

Yes. The Niagara River meets all 9 criteria. Only 35 (1%) of Ramsar sites meet all nine criteria.

The Niagara River is An Important Bird Area, does it need another designation?

Yes. The Important Bird Area (IBA) Program is an international program launched by Birdlife International in Europe in 1985. IBA focus is on birds. The Niagara River received IBA program recognition in 1996.

The Ramsar Treaty is an international instrument which obliges contracting parties (signatory countries) to fulfill Treaty commitments: to promote the conservation and wise use of water-based ecosystems through sustainable practices.

What is the Ramsar designation process?

Each signatory country to the Ramsar Treaty / Convention has its own procedure for Ramsar nomination. In Canada, Environment Canada, represented by the Canadian Wildlife Service (CWS), oversees the Ramsar nomination process through the Policy Document: *Guidelines and Procedures for nominating sites to the Ramsar "List" of Wetlands of International Importance*.

The Procedures Manual provides guidelines for the nomination of sites in Canada, in accordance with the articles of the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat* (the Ramsar Convention) to which Canada is a full party. These guidelines are needed to: (1) assure that nominations for listing of sites in Canada are consistent with Convention criteria and obligations; and, (2) allow mechanisms for appropriate review of proposed site nominations.

Who is championing the Niagara River Ramsar designation?

A binational Niagara River Ramsar Steering Committee was established in 2013 to oversee the Ramsar designation application. The Steering Committee includes members from the Western New York Land Conservancy, The Niagara Parks Commission, the Niagara Peninsula Conservation Authority, the Regional Institute (SUNY Buffalo), the Environmental Sustainability Research Unit (Brock University), Niagara College, and the Buffalo Niagara Riverkeeper. This work is being supported by the University at Buffalo Environmental Law and Policy Clinic.

Although the Niagara River Ramsar Steering Committee is pursuing a transboundary Ramsar site designation, each country has different procedural requirements. The transboundary designation occurs at the end of the process once each country has met the procedural requirements for designation. It is possible to designate only one side (individual country) of the river. Dual designation is required for transboundary status.

The Niagara River would be the first bi-national / transboundary Ramsar site in North and South America (the America's).

Process for Niagara River Designation (Canada):

1) Selection of a site nominator:

- A site nominator is the appropriate administrative authority (parties holding title to land or water).

2) Completion of Canadian nomination package requirements:

Required:

- A completed Ramsar Information Sheet (RIS), verifying the site meets at least one of the nine criteria.
- Written endorsement from the province of Ontario, represented by the Ministry of Natural Resources and Forestry (MNR).
- Agreement from the landowner (The Niagara Parks Commission & Province).

Preferred:

- Letters of support from stakeholders (federal, provincial, regional municipalities, Aboriginal communities, river users, etc.) would strengthen the nomination.

Where is Canada in the designation process?

Selection of a site nominator:

- The Canadian bed of the Niagara River is owned by the Province of Ontario (“Crown”). The Niagara Parks Commission (NPC) holds title to several parts of the river bed as well. Both agencies would be an appropriate site nominator. The Niagara Parks Commission Board of Directors has approved the site nominator role in principal pending an acceptable legal review. The Province is required to provide an endorsement and is currently working through the Ministerial briefing process.

Completion of a Canadian nomination package:

- A completed Ramsar Information Sheet (RIS), verifying the site meets all nine criteria necessary for designation has been completed.
- Written endorsement from the province of Ontario, represented by the Ministry of Natural Resources and Forestry is forthcoming.
- Endorsement of site nominator from The Niagara Parks Commission. .
- The Ramsar Steering Committee developed a stakeholder engagement schedule, initiated in June 2015. Local federal, provincial, regional and municipal government support will advance the nomination. Once government support is achieved, Aboriginal communities will be engaged* (see footnote 1), followed by users of the river and other stakeholders* (see footnote 2). To date, endorsements (letters of support) have been received from Ontario Power Generation, the Niagara Peninsula Conservation Authority, the City of Niagara Falls (Ontario), and the Town of Fort Erie. Endorsements are pending from the Town of Niagara-on-the-Lake and the Regional Municipality of Niagara.

*Footnote 1: The Crown has the duty to consult with, and, where appropriate, accommodate Aboriginal communities when considering decisions or actions which have the potential to adversely affect Aboriginal and treaty rights, as recognized by section 35 of the Constitution Act, 1982. Although Ramsar designation does not impact on treaty rights, stakeholder engagement is required, as with all stakeholders.

*Footnote 2: As part of the feasibility study to determine if Ramsar nomination was achievable for the Niagara River, Ontario Power Generation as the biggest Canadian user of the river was consulted. They undertook a legal review of Ramsar and issued a letter of endorsement in 2014. The New York Power Authority was also engaged and issued a letter of endorsement soon after.

When does Canada expect to complete the designation process?

The Ramsar Information Sheet (RIS) has been reviewed by the Canadian Wildlife Services. Several revisions were requested and they are currently being addressed. The goal of completing stakeholder engagement is late spring of 2016.

After completion of the above steps, the Ramsar Steering Committee will submit the nomination package to the Director General, Canadian Wildlife Service, Ottawa. The Service will coordinate and facilitate the review of the nomination (approximately 2-4 months) with appropriate organizations. Once reviewed, and deemed to be complete, the nomination package will be submitted to the Ramsar Convention Bureau in Switzerland. The Director General of the Canadian Wildlife Service will forward the nomination to the Bureau through the office of the Minister of Environment for Canada. Acceptance or rejection of nominated sites is the responsibility of the Ramsar Bureau. All past Canadian and American nominations submitted to the Bureau have been “Listed” as Ramsar sites (i.e. no nominations have been rejected).

Formal announcements will follow designation.

What is the United States designation process?

As previously stated, each signatory country to the Ramsar Treaty has its own procedure for Ramsar nomination. In the United States, the Federal Government represented by Fish and Wildlife Services oversees the Ramsar nomination process.

Process for Niagara River Designation (United States):

1) Selection of a site nominator:

- A site nominator can be any federal agency, local government, group, community, private organization, or landowner.

2) Completion of a United States nomination package:

- A completed Ramsar Information Sheet ("RIS"), which verifies the site meets at least one of the nine criteria necessary for designation.
- Agreement / endorsement from all landowners and stakeholders.
- Endorsement from local or state wildlife or natural resource agency.
- Endorsement from a member of Congress.

Where is the United States in the designation process?

1) Selection of a site nominator:

- The proposed nominator is the Greenway Commission.

2) Completion of a United States nomination package:

- A completed Ramsar Information Sheet (RIS), verifying the site meets eight of the nine criteria necessary for designation has been completed*(see footnote 1)
- Agreement / endorsement from landowners and stakeholders are being pursued. Endorsements received from the New York Power Authority, Western New York Land Conservancy, Town of Grand Island, and Riverside-Salem United Church.
- Endorsements from the NYS Department of Environmental Conservation, the Niagara River Greenway Commission, Member of Congress and municipalities /counties adjacent to the river are being pursued.

*Footnote 1: The Northern Dusky Salamander meets criteria 9, it is only found in the Canadian gorge.

When does the United States expect to be completed the designation process?

The Ramsar Information Sheet (RIS) has been reviewed by the Canadian Wildlife Services. Several requested revisions are currently being addressed. These revisions will help facilitate an efficient review by the US Fish and Wildlife Service. The goal of completing stakeholder engagement is winter 2016/17.

The Fish and Wildlife Service (FWS) and the U.S. National Ramsar committee will review the completed nomination package. Following review, a decision for qualification for inclusion on the Ramsar List is determined. The FWS Director makes the final designation decision. The FWS communicates U.S. Ramsar site designation to the Ramsar Secretary General and delivers the designation package. The Ramsar Secretariat conducts a thorough review of the package and may request additional information or revisions to the Ramsar Information Sheet. When approved, the Ramsar site is added to the Ramsar List of Wetlands of International Importance. This process can take between 2-6 months.

Formal announcements will follow designation.

How can I get involved to show my support?

Contact:

Jocelyn Baker | Project Manager, Niagara River Remedial Action Plan (RAP) & Canadian Co-Chair, Ramsar Steering Committee

Niagara Peninsula Conservation Authority

250 Thorold Road West 3rd Floor, Welland, ON L3C 3W2

email: jbaker@npca.ca Phone 905.788.3135 ext. 243

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Western New York Land Conservancy

P.O. Box 471, East Aurora, NY 14052

email: jajeon.rose@wnylc.org Phone 716.687.1225

Show your support – www.law.buffalo.edu/ramsar

Report To: Board of Directors

Subject: Operations Status Report

Report No: 23-16

Date: March 23, 2016

RECOMMENDATION:

That the NPCA Board **RECEIVE** Report No.23-16 for information.

PURPOSE:

To provide the Board a summary of Conservation Area activity and projects.

DISCUSSION:

Ball's Falls CA

During February we were able to host the 2015 Achievement Awards which was a very successful evening that recognized the time and dedication given by volunteers.

Operationally we continue to take bookings and deposits for 2016 and 2017. We have started planning and collecting information and quotes for capital purchases and other projects. Finally, with this good weather, we have also been able to do some of the building maintenance that we don't get a chance to do during the prime operating season.

	February
Adults admissions	29
Seniors/students admissions	28
Children admissions	0
Maximum - vehicles admissions	2
Self-pay admissions	70
Regular membership pass	2
Senior membership pass	0
Membership renewals	0
Pavilion Rentals	0
Historical Tours given	0
Barn Wedding Receptions	0
Church Ceremonies	0
Centre for Conservation - wedding receptions	0
Centre for Conservation – non wedding rentals	0

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

Binbrook CA

Operations

- The Annual Binbrook Ice Fishing Derby at the park was cancelled as a result of unsafe ice conditions. The Ice Fishing program was also cancelled.
- Pavilion reservations for the season will be accepted beginning Monday March 7th on a first come, first serve basis. As per usual, staff anticipates a strong start with a number of recurring reservations.
- Senior park staff have started to review summer student applications with interviews to commence in early March.

Capital

There are a number of ongoing Capital Projects at the park.

- Splash Pad – Staff lead a Site Meeting with prospective bidders on Friday February 26th. There was a positive turnout of around 12 attendees representing a half dozen companies. The RFQ was placed on Biddingo and Merx.ca. It was also advertised on the NPCA website and in the Hamilton Spectator. Records from Biddingo suggest that the RFQ document was reviewed and downloaded 28 times.
- New picnic tables have been ordered for the park and staff is awaiting their delivery very shortly.
- Washroom/ Comfort Station upgrades will start at the beginning of March. These upgrades will include a new floor, new partitions, and some new fixtures.
- Staff has also met with Steve Murphy of the Niagara Region to scope out ways of making Binbrook Conservation Area more accessible. This will include designated parking, special picnic tables, a new trail route to the beach, and access across the beach to the water.

Respectfully submitted by Mike Boyko, Park Superintendent, Binbrook CA

Chippawa Creek CA & Long Beach CA

Staff at both campgrounds remain busy both with Capital Projects and in preparation for the upcoming camping season. Both campgrounds have Seasonal Camper Waiting Lists. Final payment for the 2016 camping season, for Seasonal Campers, is April 1st, 2016 after which we open the Reservation System up to the public for Transient Camping.

At Chippawa Creek Conservation Area staff have completed the plumbing and electrical systems for shower upgrades. They have also prepared the old showers for new tile and have installed a new high efficiency propane hot water tank. The campers will enjoy these long needed upgrades.

At Long Beach Conservation Area, staff are also completing upgrades to Comfort Station #2 and #3 which includes the tiling of shower stalls and some new fixtures. Staff have also been busy working with a subcontractor to take down the remaining, already identified, Ash Trees

throughout the park. This will be complete at the end of March. The remaining part of March and all of April will be spent completing necessary electrical upgrades to some campsites as well as overall drainage projects.

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

Central Workshop – Gainsborough CA

The crew at the Central Workshop has been busy preparing Beamer Memorial Conservation Area for the upcoming Annual Hawkwatch. The Niagara Peninsula Hawkwatch group does daily monitoring and data collection on all species of birds at Beamer Memorial Conservation Area throughout the month of March and April. On Good Friday, this year it is March 25th, the NPH will host an annual open house from 10am to 3pm. The event is very well attended by the community. There are a number of vendors that also set up and if the weather is good, it is a great day to go for a spring hike. NPCA Operations Staff will be on hand to help facilitate the event.

Otherwise, staff have been busy preparing some of the NPCA passive parks for a spring opening while doing trail inspections and maintenance at the same time. Often Central Workshop Staff are asked to help the Revenue parks with Capital Projects and general maintenance as everyone gears up for the upcoming season.

Respectfully Submitted by Mich Germain, Superintendent, Central Workshop

ECOLOGICAL STATUS REPORT

Cave Springs Conservation Area

- a) A 'Peer Review' was conducted for the Cave Springs Ecological Study and is now complete. The document was sent to relevant field professionals in OMNRF and internal staff to obtain a critique on the study and recommendations and ensure maintenance of the highest standards and quality. While no comments were received, the document has been updated and finalized.
- b) The salamander inventory continues at the site in 2016 and 2017, by the staff Ecologist. This is part of a three year study to assess all salamander species at the site and have a greater likelihood of determining presence of any rarer species. Inventories will start in March with suitable weather conditions.
- c) Monitoring equipment for the 2016 bat hibernacula and maternity roosting study has been installed at the site. Monitoring will continue through spring for hibernacula, and to fall for maternity roosts. This additional information will help to refine any further protection needs at the site.
- d) As part of the site Master Plan process, the park NEPOSS Zones have been drafted by staff, and included in the proposed plan.
- e) The Master Plan- public document is presently be completed, compiling all existing site studies and documents in a plain language for the public.

Gord Harry Trail Conservation Area

An update of the trail use under agreement with the NRWC will be provided by staff in mid-March.

Smith-Ness Conservation Area

The meadow component of the site restoration plan will be completed this year. Site preparation and seeding will be completed this spring, with monitoring in the fall. This will provide areas of tall grass, as well as cold season forbs and grasses for a variety of species (birds, insects, etc.).

St. Johns Conservation Area

- a) The stocking licence has been received and the fish has been ordered for the 2016 fishing season at the site.
- b) Resource inventory monitoring locations were installed by staff at the site's annex parcel. This will assist with obtaining the reptile and amphibian resource information for the site, and provide baseline information for site management and site use decisions.

Wainfleet Acquisition Property

Resource inventory monitoring locations were installed at the site by staff. This will assist with obtaining the reptile and amphibian resource information for the site, and provide baseline information for site management and site use decisions.

Wainfleet Bog Conservation Area

The salamander inventory continues in 2016 at the site, for the third and final year. This inventory is conducted by the staff Ecologist and is part of a three year study to assess all salamander species at the site, and have a greater likelihood of determining presence of any rarer species. The inventories will start in March with suitable weather conditions.

Other Conservation Area Ecological Activity

NPCA Hunting Program

- a) General: Hunting Permits
Staff has issued an additional 5 hunting permits for a total of 72 permits issued for the NPCA Conservation Areas for 2016, with 11 individual residing outside of our administrative area.

Species at Risk

- a) Staff Ecologist attended the biennial 'American Chestnut Symposium' by the Canadian Chestnut Council in February. Updated information on recovery methods for this endangered species was obtained, for application to our NPCA lands and staff.

Invasive Species

For a better understanding of invasive species found throughout the watershed and strategies used by NPCA to limit the impacts caused by these invasive species, see attached Appendix 1.

Respectfully Submitted by Kim Frohlich, NPCA Ecologist

COMMUNITY & VOLUNTEER REPORT

Conservation Achievement Awards

The Conservation Achievement Awards took place on Wednesday February 24th at the Ball's Falls Centre for Conservation. The Glen Elgin room was full of volunteers, restoration project landowners and community partners that worked with the NPCA in 2015. The NPCA had a list of over 270 people to receive a Conservation Achievement Award and nearly 175 showed up on February 24th. Award recipients received a moleskin journal for their efforts. On the same evening the NPCA also presented 4 Awards of Merit. The Award of Merit recipients for 2015 were:

- 1) Andy Fevez (Individual category)
- 2) Leo Trigatti (Individual category)
- 3) Niagara Handweavers and Spinners Guild (Community group category)
- 4) Gauld Nurseries (Business category)

Finally, the NPCA recognized a dedicated volunteer Marion Holman, who volunteered with the NPCA for over 30 years and passed away in April 2015. Marion volunteered at the Thanksgiving Festival for the last time in 2014, when she was 91 years old. Marion's family accepted the shadow box presented by the NPCA which included a photo of Marion, a cloth doll and a small quilt she had made. The shadow box will be hung in the Cabin where Marion did quilting demonstrations for many years as part of the Ball's Falls heritage programming.

Community Liaison Advisory Committee

The next CLAC meeting will take place on Thursday March 10th at 5:30PM at Ball's Falls Centre for Conservation. The agenda includes updates on the NPCA's Policy Review, the Welland River Floodplain mapping and the Cave Springs Management Plan. The Committee will also receive a presentation about the Niagara Peninsula Conservation Foundation.

Community Outreach/Volunteers

The writing for the Public Consultation part of the Cave Springs Master Plan has been submitted. The writing team is putting the document together before the next phase of public consultation in the spring 2016.

Approximately 10 volunteers have been recruited to assist in the delivery of the March Break camp at Ball's Falls. Volunteer recruitment for the Niagara Children's Water Festival and the Ball's Falls Thanksgiving Festival will ramp up in March. Staff will be targeting specific groups, including Scouts, Cadets and other community groups. The EcoDefenders have also been contacted to assist with recycling and waste diversion at this year's Thanksgiving Festival.

Niagara Envirothon

The first indoors session for the Niagara Envirothon will take place on March 9th at Ball's Falls Centre for Conservation. There are 13 teams from 10 different schools in our watershed that have signed up. Staff have recruited professionals to volunteer their time to assist in the delivery of this valuable program. An outdoor workshop will take place in April, followed by the competition in May. The winning team from the competition will represent Niagara at the Ontario Envirothon.

Respectfully Submitted by Kerry Royer, Community & Volunteer Coordinator

EVENTS STATUS REPORT

Children's Water Festival Update

Children's Water Festival volunteer recruitment has begun. Each partner is responsible for encouraging volunteers to register. The NPCA is responsible for recruitment of 200 volunteers to execute the event successfully. Minimal registrations have been received to date, however there are still 10 weeks before the event runs. In the coming weeks, scheduling, transportation, activity centre development and activity centre purchasing will occur. Event Dates are May 10th-13th with set up beginning on Thursday May 5th continuing until May 9th. The tent purchased by the NPCA will be utilized for this event.

Thanksgiving Festival Update

Festival applications for the 2016 event were made available on December 23rd. To date 113 applicants and 72 musical acts have applied to the event. Applications close on March 31st. Additional email reminders to apply were sent in February, with more to be delivered in March. We anticipate having a waiting list for this event. Permit applications, Special Licensing, and municipally significant event designations will be pursued through February. The Town of Lincoln is developing a Special Event Permit—should this permit be received by town staff, the NPCA will be required to submit an application for the event. In addition to the above, staff will be completing a cost analysis for festival staffing to determine the most cost effective and safe way to execute this event.

Christmas Village

Staff are currently investigating the details of the event, and determining the event's duration, format, budget and other logistical items.


Respectfully Submitted by Brianne Wilson, Events Coordinator

Prepared by:



Mark Brickell
Acting Director of Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

Invasive Species

March 23, 2016

At the February 17th Board Meeting, Board Members received a copy of the correspondence from Conservation Ontario to Premier Wynne (Appendix A) expressing concern about the invasive species, *Phragmites australis*. *Phragmites* is a rapidly spreading grass that can reach heights of five metres or more and is considered to be among the most aggressive invasive species of marsh ecosystems in North America. Conservation Ontario has taken the position that a large-scale, well-coordinated approach, involving all levels of government is required to keep this species under control and limit negative ecological impacts.

While *phragmites australis* is not yet prevalent on NPCA lands, NPCA supports the general thrust of the Conservation Ontario letter and its recommendations, however, this strategy is largely dependent upon significant provincial funding.

Below is a brief primer on invasive species, their impacts on biodiversity and habitat, the variety of species that exist throughout Niagara and strategies for limiting their impact.

Invasive species, such as *phragmites australis*, are an exotic or alien species of plant, animal or other organisms (i.e. fungi) that is introduced by humans to a particular location outside of its natural range, and is perceived to cause damage to the environment, human economy or human health. They are also known as foreign, introduced, non-indigenous, alien species.

Invasive species can threaten biodiversity and effect native species and habitat. This concern is due to the absence of its' natural predators for control, resulting in direct competition with native populations and ecosystems. These species can establish and naturalize, thereby competing with, or out-competing, native plants and animals for light, nutrients and food. They can also alter site conditions (i.e. with alleopathic chemicals) preventing native plants from growing there. As a result, the effect of invasive species on biodiversity and habitat loss is the second most destructive factor, after habitat destruction.

A variety of invasive species exist throughout the NPCA's administrative watershed, including plants, fish, insects, invertebrate, and pathogens, such as: *Phragmites australis*, Garlic mustard; Purple loosestrife, Japanese Knotweed, Buckthorn, Dog-Strangling Vine, Periwinkle, White Mulberry; Round Goby, Rudd, Eurasian Ruffee, Zebra Mussel, Sea Lamprey, Spiny Waterflea; Brown Marmorated Stink Bug; Spotted Wing Drosophila, Asian Longhorned Beetle, Emerald Ash Borer, Gypsy Moth; Butternut Canker, American Chestnut Disease, Oak Wilt fungus; White Nose Syndrome, and Chronic Wasting Disease, to name a few. Introduced by humans, these invasives exist outside of their original range, and can continue to spread by a number of

avenues from: water and wind transportation; gravel/road fill; garden plantings; recreation; to, livestock; contaminated seed/mulch or hay; and movement of uncleaned equipment. As a result, a number of invasive species exist, with priority of one invasive species over the other depending on the impact and the perception/view of a particular individual.

Given the number of invasives, and their difficulty and cost to control and eradicate, the most effective strategy is needed. Extent of an invasive's establishment and its effect to the environment/ecology, and the species' life cycle, are some of the primary factors in establishing an effective control. Strategies for addressing invasive species include:

- 1) **Prevention.** For species not known to occur in area but likely to establish.
- 2) **Eradication.** For species known to occur in limited distribution and low density.
- 3) **Containment.** For infestations established in portions of the region/area, where the existing infestation is contained and prevented from spreading to un-infested areas
- 4) **Controlling.** Where the established infestation is common and widespread through the region/ area. Control is focused in high value conservation/ habitat areas prevent new invaders from arriving and surviving, to slow and where possible reverse the spread of exiting invasive species and reduce the harmful impacts of the existing invasive species; and
- 5) **Education.** Informing the public of effects, prevention and what they can do. Education and collaboration are key with neighbouring properties, regions, provinces, countries to make it successful

Overall, smaller less pervasive populations are the easiest to control (i.e. outliers first, advancing front second, followed by core population). As a result, an effective strategy balances the ecological impact of allowing the invasive to spread, with the economic reality of the control measure.

DISCUSSION:

Given the concern of invasive species on the local biodiversity and economy, a number of efforts exists which the NPCA can build on. Of these, the federal and provincial government provide legislation, monitoring, research and control information for eradication. Other programs and agencies including 'Ontario's Invading Species Awareness Program', and 'Ontario Plant Invasive Council' also provide co-ordination and education of invasive species, their impacts and control measure for consideration.

The NPCA supports these initiatives and efforts of the *phragmites australis* letter, as well as other agencies, to assist in the protection of our native plants and animals. The provision of control tools of education, funding and chemical options assist the NPCA in achieving this. *Phragmites australis* is one of many invasive species (plants, animals and other organisms) which are of similar concern and in need of monitoring and related control. In light of this, and recognizing that invasive removal can be difficult and costly to remove or address,

the NPCAs approach to controlling invasive species is on an ecosystem and need to control basis which we would continue to endorse. For example:

On NPCA lands and in watershed landowner projects, invasive control is completed in areas of the greatest negative impact (i.e. where they are affecting a Species at Risk or sensitive vegetative community) and where new populations easily controlled are addressed; as well as assist in research for control (i.e. White Nose Syndrome and Eastern Flowering Dogwood-anthrachnose). In addition education and awareness of addressing land uses/ management, habitat destruction, in addition to any climate changes are other factors to address and consider in reducing invasives for an effective approach to invasive species control.

In light of the above, the NPCA strategy's considers: the invasive species life cycle, how the species spreads, goals and timelines, and adjacent co-ordinated efforts for reducing impacts. This activity assists us in providing effective communication with the stakeholders and public and address customer and community concerns, in support of the strategic plan and supporting the organization to achieve its mission, vision and values.

FINANCIAL IMPLICATIONS:

The cost of control or eradication of an invasive species is based primarily on the species life cycle, its' extent of establishment and the availability of funds. It is completed on a case by case basis in consideration of the surrounding area and watershed. Outside agency funding may be available for application, but subject to other agencies eligibility and priorities.

RELATED REPORTS AND APPENDICES:

Appendix A) Letter from Conservation Ontario to Premier Wynne



January 21, 2016

Honourable Kathleen Wynne, Premier
Legislative Building
Queens Park
Toronto, ON M7A 1A1

Dear Premier Wynne,

Re: Control of Invasive Species: *Phragmites australis* in Ontario

Conservation Ontario (CO) represents Ontario's 36 Conservation Authorities (CAs), which are local watershed management agencies that deliver services and programs to protect and manage water and other natural resources in partnership with government, landowners, and other organizations. As part of our mandate to conserve the environment for today and future generations, we have an interest in collaborating to facilitate effective, efficient and environmentally responsible management of European Common Reed or invasive *Phragmites australis* (here after referred to as *Phragmites*) in Ontario.

Phragmites is a rapidly spreading grass that can reach heights of five metres or more and is considered by reputable scientists to be the most aggressive invasive species of marsh ecosystems in North America and may be Canada's worst invasive plant. *Phragmites* poses a significant threat to biodiversity, society and the economy. It forms large, dense stands that negatively impact wildlife, block shoreline views and recreational access, pose fire risks, and impede drainage in roadside and agricultural ditches. There are no natural controls for *Phragmites* and therefore, human action is required to keep this plant in check. It is estimated that control projects in Ontario range between \$865 and \$1,112 per hectare (Ontario's Biodiversity Strategy, 2012) and that land managers in the United States spend over \$4.6 million per year restoring habitats impacted by *Phragmites* (Hazelton *et al.*, 2014). Because this plant grows so rapidly once established, the longer the plant is ignored the more effort and money is required to get it under control. Due to the significant, negative impact of this plant, non-action is not an option.

Invasive *Phragmites* has become so pervasive throughout southern Ontario that a large scale, well-coordinated effort is now required to achieve any meaningful results. To date, effective, efficient and environmentally responsible control efforts have been hampered by the lack of appropriate herbicides to deal with infestations in wet areas, the lack of a coordinated plan to stop continued spread, the lack of infrastructure to enable rapid response, the lack of financial and logistical support for community groups trying to deal with local invasions and the lack of an effective public education and awareness campaign.

During this past year the Ontario Ministry of Natural Resources and Forestry (MNRF) has been actively engaged in addressing the challenges stated above. Staff involved on this file are to be commended for their tireless efforts in the process of getting the much-needed herbicides available in Ontario. However, without Ontario Ministry of Environment and Climate Change (MOECC) support and commitment to obtaining the herbicides required to control *Phragmites* and allowing aerial application in specific locations, we will not be able to restore and protect these invaluable wetlands.

Further, the commitment and support of the Ontario Ministry of Transportation (MTO) is needed to address the increased presence of *Phragmites* along provincial highways. This must be dealt with in a timely fashion if we have any hope of dampening further spread into our natural areas.

We are requesting your support and assurance that all of our Provincial agencies will be supporting and working with MNRF on the following initiatives:

1. Expedited and streamlined approval of herbicides to enable control over water. Legal chemical treatment options in Canada are limited to two products, Weathermax® and Vision®. Although both products are glyphosate-based, neither can be applied over water because they also contain the surfactant polyethyloxyated tallowamine (POEA) which is harmful to aquatic life. The most safe, effective and efficient control of *Phragmites* thus far has been in the United States and has been achieved using glyphosate and imazapyr-based herbicides which do not contain surfactants. With the proper permits, these products can be legally used there and be applied over water and, when used in combination, have been shown to have a control efficacy of up to 100 percent after one treatment. The ability to use these water-safe herbicides to control *Phragmites* in sensitive habitats in Canada will significantly reduce potential harm to wildlife and be far more environmentally responsible than the use of the products currently available. Having access to these products will also allow for control in wet ditches which are major spread vectors and will significantly reduce control costs and improve efficacy for numerous *Phragmites* management programs already underway. Political assistance is requested to help expedite the regulatory approval process to allow for safe products in Canadian aquatic environments by the 2016 growing season so that control efforts can begin in earnest and in a responsible fashion to protect our biodiversity, reduce control costs and reduce negative impacts.
2. Expedited and streamlined approval of aerial treatments. There is also a need, on a restricted basis, for aerial herbicide application to enable the control of *Phragmites* in large, remote, and difficult to access locations. This control option is available in the United States and has been shown to be the best option for controlling large infestations in their coastal wetlands. Without this tool, control of *Phragmites* currently expanding throughout a number of large, provincially- significant coastal wetlands will not be feasible. Political assistance is requested to expedite the regulatory approval process to allow for this control tool at specific sites.
3. Establishing a province-wide *Phragmites* control program. *Phragmites* management is achievable, but only with a well-funded, well-coordinated *Phragmites* control program that will ensure effective, efficient and environmentally responsible locally driven efforts are initiated and supported. Funding to support this program should come from and be shared by federal, provincial and municipal governments, as well as concerned citizens

120 Bayview Parkway Newmarket Ontario L3Y 3W3
Tel: (905) 895-0716 Fax: (905) 895-0751 Email: info@conservationontario.ca

and environmental protection groups. Political assistance is required to financially and logistically support this initiative.

4. Controlling Phragmites along Provincial highways. Significant stretches of highways are infested with Phragmites which contributes to the continued spread of the plant to ecological areas. Control costs will only increase as *Phragmites* rapidly expands and therefore the sooner control efforts are implemented the more cost savings will incur. While substantial work is needed in southern Ontario, early control of *Phragmites* in northern Ontario and cottage country is important as well. Political assistance is required to make *Phragmites* control an annual priority within MTO.

Availability of the required tools, along with a large-scale, well-coordinated approach to this issue will help to protect biodiversity, reduce the impact on species at risk (SAR) and reduce the impact on Ontario's economy. This invasive plant can be dealt with effectively, efficiently and in an environmentally-responsible way but needs your support to make this happen. We are keen to collaborate on an effective control strategy. Without these efforts the loss of wetland habitat, reduction in biodiversity, impact on private landowners and impact on the economy will continue to increase.

Thank you for your consideration in supporting this issue. Please contact me at (519)376-6920 or Kim Gavine (General Manager, CO) ext. 231, if you would like to discuss this matter further.

Sincerely,



Dick Hibma, Chair Conservation Ontario

Cc: Honourable Bill Mauro, Minister of Natural Resources
Honourable, Glen R. Murray, Minister of Environment and Climate Change
Honourable Steven Del Duca Minister of Transportation
Conservation Authorities of Ontario (Chairs, CAOs)

Report To: Board of Directors
Subject: Corporate Services Project Status Report
Report No: 24-16
Date: March 23, 2016

RECOMMENDATION:

That Corporate Services Project Status Report No. 24-16 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.

Information Management & Technology Services:

- ❖ Validation of the custom configuration in CityView continues and is schedule through till the beginning of May. Several of the workflows have been refined and modified. The development tracking system implementation team is also focusing on making arrangements for the various training sessions that will take place immediately after with the go-live date scheduled for May 20th.
- ❖ In terms of GIS System Administration, staff has corrected a printing issue identified by the public with our online Watershed Explorer web mapping tool. A new cache for the City of Hamilton's 2014 Orthoimagery was created and added to our internal Watershed Manager web mapping tool. Staff anticipates delivery of the SWOOP 2015 orthoimagery for the entire watershed this month from the province.
- ❖ Staff attended the recent Ontario Flood Mapping Technical Workshop put on by the Ministry of Natural Resources and Forests, and Conservation Ontario in Peterborough.
- ❖ Substantial GIS support provided to the Cave Springs Master Plan as that initiative surges towards completion.

Communications and Foundation:

Communications

- ❖ The communications team is working with two Niagara College Students to create a short documentary on Mud Lake Conservation Area. The students will interview CAO, Carmen D'Angelo and NPCA ecologist Kim Frohlich.
- ❖ NPCA received various earned media articles over the past month, including coverage on Welland River Floodplain Mapping (PostMedia), Source Water Protection Signage on 406 (PostMedia), Flood Outlook Statement (PostMedia, CKTB), Conservation Achievement Awards (Niagara This Week, Voice of Pelham), and NPCA staff's Letter to the Editor regarding Biodiversity Offsetting (BrockPress).
- ❖ Through the Month of February, the Communications team executed advertising and promotions plans for Welland River Floodplain Mapping Information Sessions, March Break Camps at Ball's Falls Conservation Area, and the RFP for Binbrook Conservation Area.

Foundation

- ❖ Foundation staff has been busy preparing for its first Wild Game Dinner. Tickets sold quickly and the event is essentially sold out. Community support has been tremendous with meat, prizes and offers to help on the night of being offered to the Foundation. Country 89 and Giant FM have come on board as media partners and will be promoting the event as well as being there the night of.
- ❖ Preparations for the second annual Rt. Hon. John Turner Award for Water & Environmental Leadership are underway. This year's event will once again be held in September. New this year will be a keynote speaker who will be announced in the near future.
- ❖ Staff continue to research private foundations that may be a fit for funding certain NPCA projects. Funding proposals will be submitted throughout the year. A special thanks to Kim Frohlich for her great assistance in providing technical support for many of the proposals.
- ❖ The Foundation Board will receive a presentation at the next meeting about rebranding the Foundation with a new name and new logo.

Human Resources:

Recruitment

- ❖ Summer hiring has begun with resumes being forwarded to the parks and Operations team to begin screening and conducting interviews.
- ❖ HR is in the process of applying for the Canada Summer Jobs Program for Park Attendant positions at each park in hopes of securing wage subsidies for up to minimum wage for 3 hires per location. An application is being prepared for a Planning Technician position under this program to assist with implementation and development of tracking systems, which would be funded solely through the Canada Summer Jobs Program.

- ❖ A candidate for the Manager of Finance role was offered and accepted and the successful applicant – John Wallace – has started with the NPCA on March 7th. John brings 25+ years of finance experience from the Niagara Parks Commission and holds his CPA designation.

Training

- ❖ Superintendents and Park Assistants participated in an interview training seminar conducted by HR to review the job description and qualifications. Interview guides were provided based off input received to ensure consistent interviewing across candidates and sites. Approval process for all hires was communicated.
- ❖ Training for non-union staff on “Managing in a Unionized Environment” is being conducted by Niagara College on March 31st. The training will cover topics such as management rights, grievance management, managing performance and assisting staff in becoming familiar with the Collective Agreement.
- ❖ Staff have undergone First Aid and CPR/AED training and all required personnel are trained and certified in First Aid/CPR/AED.

Compensation

- ❖ As payroll will be transitioning to Human Resources in April, shadowing has begun in learning the payroll system. The link between the HRIS system and payroll is currently being constructed and will allow pay data to transfer between the programs for increased accuracy.

Prepared by:



David Barrick
Director of Corporate Services

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

This report was prepared in consultation with: Geoff Verkade, Manager, Information Management and Technology Services; Kevin Vallier, Manager, Development & Communications; and Misti Ferrusi, HR Generalist.

Report To: Board of Directors

**Subject: Financial Report – 2015 Year-End Draft Operating and Capital
Budget Summary (Unaudited)**

Report No: 25-16

Date: March 23, 2016

RECOMMENDATION:

That Report No. 25-16 be **RECEIVED** for information.

PURPOSE:

To provide the Board an update on the financial status of the NPCA for the 2015 Year-End.

This report aligns with the 2014-2017 NPCA Strategic Plan under 'Transparent Governance & Enhanced Accountability,' specifically, 'Budget process structures to reflect current operating and capital projects.'

BACKGROUND:

With the approval of the 2014-2017 Strategic Plan, staff was directed to ensure the budget more accurately reflected the reality of NPCA expenditures and program delivery. As such, from a budgetary perspective, 2014 was a period of review. The 2014 year-end saw a funding shortfall of approximately \$500,000. That deficit was funded through the use of additional reserves as approved by the NPCA Board (Report 37-15).

With lessons learned from 2014, 2015 was a correction year with further fine tuning done in the 2016 budget process. This Draft Budget Summary confirms the lines of business are within budget allocations identified during the 2015 budget preparation and approval cycle.

DISCUSSION:

This report discloses the NPCA operations and capital budget as reviewed within the business cycle following the close of December 31st, 2015. The report also confirms the general financial oversight and compliance with financial planning and reporting. Although this Budget summary is unaudited, the following confirms the approximate timeline for the 2015 Audited Statements:

Mar - 2016	Year End visit / audit completion	Ongoing
Apr – 2016	Audit Report, including Report to those charged with Governance. <ul style="list-style-type: none">• The accounting firm of Grant Thornton will provide an Audit Report on the Financial Statements as well as a report that provides observations and recommendation regarding internal controls.	

- Apr – 2016 Management Discussion and Analysis Letter
• the MD&A provides an overview of the previous year of operations and how the Authority fared in that time period. The letter will also touch on the upcoming year, outlining future goals and approaches to new projects.
- Apr – 2016 Approval of Audit Statements, Report to those charged with Governance, and MD&A letter by the Audit Committee.
- Apr – 2016 Presentation and Approval by NPCA Board
- May – 2016 Delivery of Audited Results to Funding Municipalities.

This will confirm the accuracy of NPCA accounting systems and allow for discussions regarding deficiencies within financial processes.

FINANCIAL IMPLICATIONS:

None

RELATED REPORTS AND APPENDICES:

Appendix 1 – 2015 Year-End Draft Budget Summary (unaudited)

Prepared by:



David Barrick
Director of Corporate Services

Submitted by:



Carmen D'Angelo
CAO / Secretary Treasurer

This report and appendix was prepared in consultation with Cathy Kaufmann, Accounting Administrator and John Wallace, Manager of Finance.

**NIAGARA PENINSULA CONSERVATION AUTHORITY
CONSOLIDATED NON CAPITAL INTERIM DRAFT YEAR END
JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	174,496.00	174,500.00	100.0%
PROVINCIAL GRANTS - MOE	61,206	95,000	64.4%
PROVINCIAL GRANTS - OTHER	164,211	250,000	65.7%
FEDERAL GRANTS	158,034	235,000	67.2%
MUNICIPAL LEVY - GENERAL	4,620,510	4,620,510	100.0%
LEVY - SPECIAL - NIAGARA	2,172,633	2,172,633	100.0%
LEVY - SPECIAL - HAMILTON	19,700	19,700	100.0%
ADMINISTRATION FEES	448,633	350,000	128.2%
USER FEES	1,196,917	1,199,000	99.8%
RESERVE FUNDS	396,203	480,000	82.5%
MISCELLANEOUS	610,250	486,100	125.5%
	10,022,793	10,082,443	99.4%

<u>EXPENDITURES</u>			
CAO/BOARD & CORP. SERVICES/EVENTS	4,360,978	4,245,828	102.7%
WATERSHED	3,089,258	3,189,956	96.8%
OPERATIONS	2,572,557	2,646,659	97.2%
	10,022,793	10,082,443	99.4%

**NIAGARA PENINSULA CONSERVATION AUTHORITY
CAO/BOARD AND CORPORATE SERVICE/EVENTS
JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	70,196	70,200	100.0%
MUNICIPAL LEVY - GENERAL	2,158,585	1,997,995	108.0%
LEVY - SPECIAL - NIAGARA	1,713,133	1,713,133	100.0%
INTEREST INCOME	88,334	98,000	90.1%
MISCELLANEOUS	32,767	-	100.0%
RESERVE FUNDS	42,760	-	100.0%
CORPORATE EVENTS	255,203	366,500	69.6%
	4,360,978	4,245,828	102.7%

EXPENDITURES

CAO & BOARD EXPENSES	341,283	323,251	105.6%
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CORPORATE SERVICES

CORPORATE MANAGEMENT	1,610,520	1,529,000	105.3%
OFFICE SERVICES	930,214	934,167	99.6%
FINANCIAL SERVICES	265,930	249,806	106.5%
HUMAN RESOURCES	68,964	85,911	80.3%
INFORMATION TECHNOLOGY	511,099	505,821	101.0%
CORPORATE COMMUNICATIONS	443,369	400,772	110.6%
	3,830,096	3,705,477	103.4%

CORPORATE EVENTS

BALLS FALLS CHRISTMAS PGM	7,002	6,600	106.1%
ENVIROTHON	6,450	5,500	117.3%
BINBROOK ICE FISHING	910	6,500	14.0%
THANKSGIVING FESTIVAL	105,847	108,500	97.6%
CHILDREN'S WATER FESTIVAL	69,390	90,000	77.1%
	189,599	217,100	87.3%

4,360,978	4,245,828	102.7%
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**NIAGARA PENINSULA CONSERVATION AUTHORITY
WATERSHED
JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	104,300	104,300	100.0%
PROVINCIAL GRANTS - MOE	61,206	95,000	64.4%
PROVINCIAL GRANTS - OTHER	164,211	250,000	65.7%
FEDERAL GRANTS	158,034	235,000	67.2%
MUNICIPAL LEVY - GENERAL	1,176,675	1,276,456	92.2%
LEVY - SPECIAL - NIAGARA	459,500	459,500	100.0%
LEVY - SPECIAL - HAMILTON	19,700	19,700	100.0%
ADMINISTRATION FEES	448,633	350,000	128.2%
RESERVE FUNDS	333,443	400,000	83.4%
MISCELLANEOUS	163,555	-	100.0%
	3,089,258	3,189,956	96.8%

<u>EXPENDITURES</u>			
WATERSHED MANAGEMENT	333,443	357,223	93.3%
PLAN REVIEW AND REGULATIONS	1,011,445	1,137,442	88.9%
WATERSHED PROJECTS	1,744,370	1,695,291	102.9%
	3,089,258	3,189,956	96.8%

NIAGARA PENINSULA CONSERVATION AUTHORITY
OPERATIONS
JANUARY 1, 2015 - DECEMBER 31, 2015

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	1,285,250	1,346,059	95.5%
USER FEES	1,196,917	1,199,000	99.8%
RESERVE FUNDS	20,000	80,000	25.0%
MISCELLANEOUS	70,391	21,600	325.9%
	<u>2,572,557</u>	<u>2,646,659</u>	<u>97.2%</u>

<u>EXPENDITURES</u>			
LAND MANAGEMENT	709,447	638,997	111.0%
LAND PROGRAMMING	1,754,659	1,785,462	98.3%
VEHICLES AND EQUIPMENT	108,452	222,200	48.8%
	<u>2,572,557</u>	<u>2,646,659</u>	<u>97.2%</u>

**NIAGARA PENINSULA CONSERVATION AUTHORITY
 CONSOLIDATED CAPITAL INTERIM DRAFT YEAR END
 JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	2,648	-	100.0%
MUNICIPAL LEVY - GENERAL	693,876	1,390,100	49.9%
LEVY - SPECIAL - NIAGARA	500,000	500,000	100.0%
RESERVE FUNDS	464,595	100,000	464.6%
MISCELLANEOUS	15,671	-	100.0%
	1,676,790	1,990,100	84.3%

EXPENDITURES

CORPORATE SERVICES	260,054	227,000	114.6%
WATERSHED	-	70,000	0.0%
LAND DEVELOPMENT	1,416,736	1,693,100	83.7%
	1,676,790	1,990,100	84.3%

NIAGARA PENINSULA CONSERVATION AUTHORITY
CORPORATE SERVICES - CAPITAL
JANUARY 1, 2015 - DECEMBER 31, 2015

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	227,000	227,000	100.0%
RESERVE FUNDS	33,054	-	100.0%
	260,054	227,000	114.6%

<u>EXPENDITURES</u>			
CORPORATE SERVICES	36,022	75,000	48.0%
CORPORATE COMMUNICATIONS	22,794	38,500	59.2%
GIS	201,238	113,500	177.3%
	260,054	227,000	114.6%

**NIAGARA PENINSULA CONSERVATION AUTHORITY
 WATERSHED CAPITAL
 JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	-	70,000	0.0%
	-	70,000	0.0%

<u>EXPENDITURES</u>			
BINBROOK DAM	-	30,000	0.0%
STREAM GUAGE & MONITORING NETWORK	-	30,000	0.0%
GENERAL OFFICE ENHANCEMENT/MISC.	-	10,000	0.0%
	-	70,000	0.0%

**NIAGARA PENINSULA CONSERVATION AUTHORITY
 CONSERVATION LAND DEVELOPMENT - CAPITAL
 JANUARY 1, 2015 - DECEMBER 31, 2015**

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	2,648	-	100.0%
MUNICIPAL LEVY - GENERAL	466,876	1,093,100	42.7%
LEVY - SPECIAL - NIAGARA	500,000	500,000	100.0%
RESERVE FUNDS	431,541	100,000	431.5%
MISCELLANEOUS	15,671		100.0%
	1,416,736	1,693,100	83.7%

<u>EXPENDITURES</u>			
LAND ACQUISITION	931,541	767,000	121.5%
BALL'S FALLS	72,385	69,600	104.0%
BINBROOK	56,467	90,500	62.4%
CHIPPAWA CREEK	53,850	194,500	27.7%
LONG BEACH	170,914	244,500	69.9%
ECOLOGICAL PROJECTS	13,893	-	100.0%
GAINSBOROUGH CENTRAL WORKSHOP	117,685	327,000	36.0%
	1,416,736	1,693,100	83.7%

Report To: Board of Directors

Subject: 2015 Draft Annual Report

Report No: 26-16

Date: March 23, 2016

RECOMMENDATION:

That the 2015 NPCA Annual Report be received and distributed to participating municipalities, community stakeholders, CLAC, and the public.

PURPOSE:

To provide the NPCA Board of Directors with a Draft 2015 Annual Report to be distributed among key stakeholders, and the public via various forms of media.

This report aligns with the 2014-2017 Strategic Plan under, 'Effective Communication with Stakeholders & Public.'

BACKGROUND:

Staff reviewed Annual Reports from within the sector (Conservation Authorities) and other sectors in developing an annual report, and have implemented various best-practices in preparing the 2015 report.

DISCUSSION:

The purpose of the NPCA Annual Report is to provide the community with a document that:

1. highlights major accomplishments of the organization;
2. communicates the legislative mandate, Mission, Vision and Values of the organization;
3. provides information on programs and services of the organization;
4. and specifically:
 - a. provides information on the Source Water Protection;
 - b. financial reporting; and
 - c. contact information.
 - d. provides an update on the Niagara Peninsula Conservation Foundation

The new formatted NPCA Annual Report is easy to read, sustains the purpose of the report as expressed above, and is significantly shorter than most of reports in our archives.

The 2015 Annual Report will be distributed throughout the community in various media formats.

FINANCIAL IMPLICATIONS:

Distribution of Annual Report is within 2016 budget allocations.

RELATED REPORTS AND APPENDICES:

1. 2015 Draft Annual Report

Prepared by:

A handwritten signature in blue ink, appearing to read 'DB', is written over a horizontal line.

David Barrick
Director of Corporate Services

Submitted by:

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

Carmen D'Angelo
CAO / Secretary Treasurer

This report was prepared with the consultative input from Michael Reles, Communication Specialist; and, the Senior Management Team.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

2015

ANNUAL REPORT

NPCA MISSION, VISION & VALUES STATEMENT

"The objects of an authority are 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."

R.S.O. 1990, c.C.27 s.20

Responsibilities of NPCA include;

- Floodplain Management (1970's)
- Hazard Land Management including the management of local areas susceptible to flood and erosion risks (1983)
- Great Lake Shoreline management (1988)
- Ontario Regulation 155/06 NPCA: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses (2006)
- Level II agreement with Fisheries and Oceans Canada to administer the review of projects under section 35(1) of the Fisheries Act (1998)

Mission

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

Vision

Balancing conservation and sustainable development for future generations by engaging landowners, stakeholders and communities through collaboration.

Values

To the landowners, stakeholders and communities affected by our actions, we value:

1. A sustainable balance between environmental conservation, economic growth and agricultural prosperity.
2. Clear and respectful communication.
3. Integrity, fairness and sensitivity to all impacted by our actions and decisions.
4. Creativity and innovation in service delivery to clients.
5. Transparency, accountability and quality in our services.
6. Pragmatic solution oriented approaches to decision making.
7. A respectful work environment and professional development.



It was an honour to be elected as Chair of the NPCA Board of Directors in 2015, which marked year two of NPCA's first-ever Strategic Plan. We have seen significant progress from staff at all levels delivering on the objectives of the plan. I am confident that the changes set forth are improving transparency, accountability and quality of services.

2015 was a critical year. Many pieces of provincial legislation came under review including the Conservation Authorities Act. The Board has been proactive in these files and has given a voice to our watershed at Queen's Park. The Board has also been active in many other areas, including a partnership with NCDSB at St. Johns Centre, the Cave Springs Management Plan, Binbrook's Blue Flag beach, and updating the Welland River/ Chippawa Creek floodplain mapping. NPCA also launched public consultation projects in 2015 with Welland River Floodplain Mapping and NPCA Policy Review. We have exhaustively engaged members of the public with these two projects to date, and I am happy to see many new faces interacting with the organization.

A handwritten signature in black ink, reading "D. Bruce Timms".

D. Bruce Timms
Chair, NPCA Board of Directors

The 2015 NPCA operating year has been very successful. Among the accomplishments were:

- Development and launch of a new NPCA website for improved customer service.
- Board approval to invest in a new development tracking software system for improved record retention, performance measurements, and streamlining permit approvals.
- Partnership agreements to enhance conservation and recreational programmes with the Fort Erie Conservation Club (Stevensville Conservation Area), Glanbrook Conservation Committee (Binbrook Conservation Area), and the Catholic Youth Organization (Binbrook Conservation Area).
- Initiated a review of the Welland River floodplain map based on modernized datasets and technology, and, a review of the Planning Policy Document for updated land use purposes.
- Record numbers at the Balls Falls Thanksgiving Festival, and
- The inaugural Rt. Hon. John Turner Water and Environmental Leadership Award that raised funds for local ecological programming and a university scholarship.

The above examples is just a brief glance of the many successes achieved at the NPCA, associated with a dedicated and professional workforce, the assistance of volunteers, the partnership with community groups, and the valuable support from the Board of Directors. As we commence 2016, the NPCA will be introducing a number of innovative initiatives to continuously meet the Mission "To manage our watershed's natural resources by balancing environmental, community, and economic needs.



A handwritten signature in black ink, reading "Carmen D'Angelo".

Carmen D'Angelo
CAO/Secretary Treasurer

VOLUNTEERING

Volunteers have worked with NPCA staff to plant trees in our Conservation Areas, participate in ecological studies, build bird boxes, deliver events, gather data, assist with educational programs, sit on NPCA Committees and assist with Conservation Area maintenance.

The Conservation Achievement Awards, now in their 24th year, were established to celebrate and recognize the efforts of numerous citizens and volunteers whose time, energy and resources help make the Niagara watershed a great place to live.

OVER
350
VOLUNTEERS

OVER
FIVE THOUSAND
VOLUNTEER HOURS



2015 Award of Merit Recipients

Leo Trigatti

Volunteer blacksmith for Ball's Falls heritage programming for over 15 years

Andy Fevez

Founding member of the Glanbrook Conservation Committee, works 2-4 hours weekly at Binbrook CA, habitat improvement at Binbrook CA, former member of NPCA Board of Directors

Niagara Handweavers and Spinners Guild

Volunteering at Ball's Falls CA for over 15 years, Thanksgiving Festival demonstrations

Gauld Nurseries

Implementation of the Canopies for Kids program 2010-2015



Left to Right: Vice-Chair Sandy Annunziata, Andy Fevez, Glanbrook Conservation Committee, Chair Bruce Timms

SOURCE WATER PROTECTION

NPCA appointed four new members to the Source Protection Committee in 2015, and re-appointed two existing members. The new members to the committee are:

- Paul Grenier, Regional Councillor representing Niagara Region and the 12 local municipalities.
- Tony Dalimonte, Haldimand County Councillor representing Haldimand County
- Carmen Ches, Senior Project Manager representing City of Hamilton
- Adrin Willems, representing the public-at-large

NPCA staff have been working closely with Niagara Region and the local municipalities to ensure the policies in Niagara's Source Protection Plan are implemented within the specified timelines. Some of the progress that has been made by the municipalities includes:

- Niagara Region's Official Plan was amended in April 2015 to comply with the Niagara Peninsula Source Protection Plan policies.
- City of Thorold recently adopted a new Official Plan that includes source water protection policies. The newly adopted Official Plan will be reviewed by the Niagara Region who is the approval agency for Thorold's Official Plan.
- The City of Port Colborne and the City of Niagara Falls are in the process of drafting their amendments and intend to begin the statutory process in 2016.
- After the Official Plan amendments are in place, updates will be made to the zoning by-laws at these municipalities.
- In January 2015, NPCA received the first Annual Progress Report from Niagara Region's Risk Management Official (RMO), as required under the legislation. The RMO's Annual Progress Report outlines what activities the RMO completed in 2014 to ensure our municipal drinking water sources are protected. The RMO's Annual Progress Report for 2015 activities was recently received in January 2016.

The municipalities are not the only ones who have made progress on implementing source protection policies and safeguards. The St. Lawrence Seaway Management Corporation (SLSMC) collaborated with Niagara Region to install hooks on the Welland Canal to hold spill containment buoys in place around the Port Colborne Water Treatment Plant intake. With the hooks installed, it will be much easier to deploy spill containment buoys to protect the intake from impacts of fuel spills on the canal if they were to occur.



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PLANNING/NEC
APPLICATIONS



I S S U E D

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NPCA PERMITS

PROCESSED

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WATER QUALITY
DATA REQUESTS

NIAGARA RIVER REMIDIAL ACTION PLAN

A Niagara River RAP Public Meeting was held at the Queens Landing Hotel in NOTL on Thursday, May 28th, 2015. The goal of the meeting was to provide a brief update on RAP progress to reignite the public engagement process. A number of "reporting to the public" sessions will be occurring over the next several years to communicate the accomplishments made for the river. In anticipation of the meetings, public engagement documents are being developed to assist with the communications of the technical / scientific work that has been undertaken. In addition, a stand-alone Niagara River RAP website is being developed (similar to the Source Water Protection website) to allow for public review and commenting on RAP related documents.

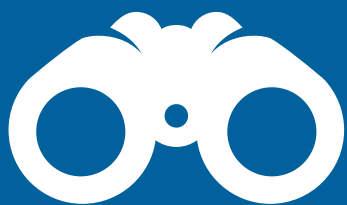
NEW NPCA CONSERVATION AREA GUIDE

The marketing and communications team has produced a new Conservation Area Guide in consultation with the Operations Department. The full colour brochure lays out the various activities that are available at the most active NPCA conservation areas. It also highlights the benefits of purchasing the new NaturePlus card, a redesigned annual membership pass. An electronic version is available for email distribution and posted on npca.ca. Hard copies will be distributed at our conservation areas and other tourist stops throughout the watershed and beyond.

WELLAND RIVER FLOODPLAIN MAPPING PROJECT

One of the responsibilities of the NPCA is to implement programs that contribute to public safety from flooding and erosion (including Floodplain Management). As such, the NPCA is updating and creating new floodplain mapping along the entire length of the Welland River. NPCA issued a request for proposal and MMM Group was selected to complete this work ensuring that all interested stakeholders remain connected and informed throughout the project.

Three rounds of public consultation will begin in early 2016, with the expectation of delivering a recommendation to the Board of Directors before the end of the year.



6 FLOOD OUTLOOK
STATEMENTS



92 RESTORATION
PROJECTS



28 NATURALIZATION
PROJECTS

PROVINCIAL PLAN REVIEWS

On February 27, 2015 the Province launched a co-ordinated review of Provincial Plans including; The Greenbelt Plan, The Growth Plan for the Greater Golden Horseshoe, and The Niagara Escarpment Plan. The co-ordinated review has two rounds of consultation. The first seeks input to inform the development of amendments to the plans, and the second is to consult on the proposed amendments, if any.

The Province hosted Town Hall meetings from March to May 2015 across southern Ontario. Two meetings took place within the NPCA Watershed (April 15th in St. Catharines and April 16th in Hamilton). Both meetings were well attended with well over 350 people at each. Each meeting had presentations by provincial staff followed by round table facilitated discussions. Staff and several Board members attended the meetings.

NPCA's Provincial Plan Review consultation with stakeholders took place from April 1-15, 2015. NPCA Board members, Community Liaison Advisory Committee (CLAC) members, NPCA staff and municipal planners were consulted. The intent was to inform participants of the Provincial Plans that are under review, invite participants to provide their perspective on the Plans in terms of their benefits, impacts, and implementation opportunities, as well as provide participants the opportunity to share their views on how the Plans can be improved to align with the needs of the NPCA. NPCA submitted board-approved responses to these plans, as well as *Wetland Conservation in Ontario: A Discussion Paper*.



POLICY REVIEW

In late 2015, NPCA initiated a review of their policy document. The objectives of this comprehensive policy review include:

- 1) A thorough background review of all relevant legislation, regulations and policies.
- 2) A review, validation, integration and/or establishment of guiding principles for the policy review (e.g. leveraging best practices from other 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, this updated Policy Document will also be referenced and utilized as a valuable reference and evaluative tool by the NPCA Board of Directors and Staff and by watershed municipalities, the development industry, agricultural community and the general public. Public consultation will continue in 2016 as the policy review continues throughout the year.

WATER QUALITY MONITORING

The NPCA collects and analyzes hundreds of water samples each year from the streams, rivers and groundwater resources within the watershed. From this information, the NPCA is able to identify sources of pollution, track water quality trends, and help assess and direct NPCA stewardship programs. The monitoring and reporting of watershed conditions is another important example of how the NPCA is delivering its programs with transparency and accountability. As well, the long term data collected serves as a baseline by which to compare the success of all the various water quality improvement initiatives being undertaken within the watershed.

In general, water quality monitoring data collected between 2001 and 2014 is summarized as follows; Based on the results of the 2010 to 2014 WQI, 60% of the NPCA surface water monitoring stations are rated as poor, 32% are rated as marginal, 5% are rated as fair and 3% are rated as good. None of the stations were able to achieve a WQI rating of excellent.

Generally, the WQI ratings at water quality stations were relatively stable when compared to historic NPCA data. However, water quality improvements were observed in Drapers Creek and the lower Welland River when comparing to previous water quality assessments. The Effingham tributary of upper Twelve Mile Creek, the lower section of Twelve Mile Creek in Port Dalhousie, the Welland Canal, Frenchman Creek (Fort Erie), Lyons Creek (Welland/Niagara Falls) and the Welland River downstream of Binbrook Conservation Area continue to achieve the highest water quality ratings in the NPCA watershed. WQI ratings decreased in the St. John's sections of Twelve Mile Creek, Lowbanks Drain, Kraft Drain, and in Eight Mile Creek (NOTL) because of increased exceedances of water quality parameters.

CAPITAL PROJECTS

By the end of Q4 2015, all but three planned capital projects were initiated by NPCA - one of which was delayed due to ecological considerations at the site. 95% of NPCA capital projects for 2015 were either completed or expected to be completed in early 2016. Some key improvements were:

- Washroom and electrical upgrades at Ball's Falls
- Splash pad health & safety improvements at Binbrook
- Updated/replaced the roof at Central Workshop
- Entry/Gate improvements at Chippawa Creek
- Chain link fence replacement at Long Beach

GROUNDWATER

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REVIEWS

NATIONAL WETLAND CONSERVATION FUND

The NPCA was successful in securing \$19,350.00 from the NWCF fund for the creation of a wetland project titled the Willoughby Marsh / Niagara River Corridor Wetland Improvement Project. The project is located on private lands beside the Willoughby Marsh Conservation Area.

Willoughby Marsh Conservation Area is a 232 hectare swamp ecosystem located in south Niagara Falls. Willoughby Marsh is a provincially significant wetland that supplies the headwaters of Black, Usher, and Tee Creeks. It is one of the largest forested wetlands in the Niagara Peninsula, and contains swamp, marsh and Carolinian Forest communities and associated species including Sandhill Crane, Red-headed Woodpecker, white tailed deer and numerous species of ducks. This natural area provides a wilderness setting with no formal trails. Bird watching, seasonal hunting and passive recreational activities can be enjoyed at this site.

The NPCA looks for opportunities to expand the habitat of existing protected areas. Increasing the protection of natural areas through additional "buffering" can limit adjacent human disturbance, serve as wildlife corridors, limit the spread of non-natives, and provide long-term benefits for wetland species and the public who enjoy these places for multiple uses including recreation and education.

Staff successfully negotiated the wetland restoration opportunity with a landowner adjacent to the Willoughby Marsh Conservation Area. The project site is also located within the Niagara River Remedial Action Plan (RAP) Area of Concern (AOC). The project goal is to construct a 2 acre marsh wetland with naturalization through the planting of wetland species including trees, shrubs, grasses, sedges, etc. The project was initiated in the summer of 2015 and completed by the fall of 2015.



ST. JOHN'S CENTRE AND NCDSB PARTNERSHIP

At the May 20th, 2015 Board meeting, staff was directed to issue a Request for Expressions of Interest (EOI) related to the use of the St. Johns Centre, in Thorold. A joint proposal from the Niagara Catholic District School Board (NCDSB) and Brock University was the successful proposal as chosen by the NPCA Board of Directors.

Brock University will provide an education coordinator who will lead Outdoor Education Activities for NCDSB students from Kindergarten to grade eight. The NCDSB is also working with the Niagara Native Centre and other aboriginal organizations to establish an alternative education program for disengaged aboriginal students. Further, the partnership of Brock University and NCDSB will establish summer camps at the St. Johns Centre.



FORMALIZED AGREEMENT WITH GCC

The Glanbrook Conservation Committee is a group of passionate and knowledgeable local community volunteers that was established in 1990. Its primary mandate is to work to improve the habitat for wildlife in what was previously Glanbrook Township; now part of the City of Hamilton. The GCC includes naturalists, environmentalists, bird watchers, hikers, canoeists, as well as fishermen and hunters.

The majority of GCC activities occur at Binbrook Conservation Area in cooperation with the NPCA staff. From helping to establish and maintain a number of hiking trails to a large aquatics planting program and tree planting program, the GCC has improved the natural habitat for both wildlife and visitors in and around the shores of Lake Niapenco.

The NPCA is grateful for the contributions made by the GCC over the years. The agreement will further open communication between the GCC and NPCA staff. This Agreement gives staff and volunteers a clearer direction and will help build a framework for other partnerships at Binbrook Conservation Area and other parks as the NPCA moves forward.



BINBROOK'S BLUE FLAG BEACH



The Blue Flag program is an international eco-label awarded to beaches and marinas. In Canada, Blue Flag is operated by Environmental Defence, a national charitable organization committed to protecting the environment and human health.

To date in Canada, there are 2 beaches designated with "Blue Flag" in Manitoba, two in Nova Scotia, nine in Ontario, and one in Quebec. The NPCA is the only Conservation Authority in Ontario to have a Blue Flag Beach Designation.



NEW LAND MANAGEMENT PLAN

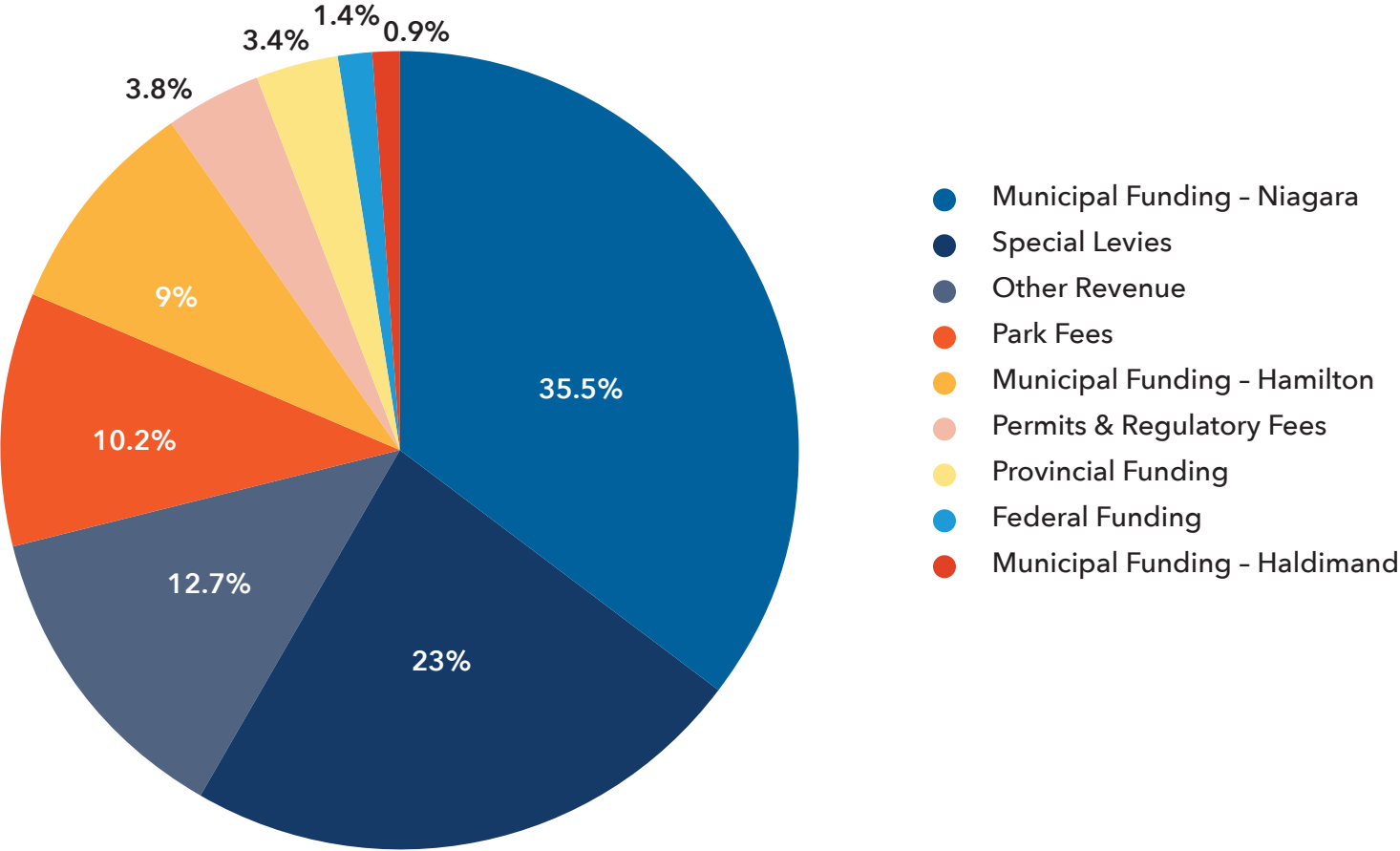
To meet the objectives of the 2014-2017 Strategic Plan, with a focus on new land acquisition criteria, NPCA staff prepared a new Land Management Plan. Much of the new plan adopts language from existing Ministry of Natural Resources Policies and Procedures, and captures the best practices of other Conservation Authorities in Ontario. The plan was presented to the Community Liaison Advisory Committee for their comments and feedback, and was approved by the Board in June 2015.

CAVE SPRINGS MANAGEMENT PLAN

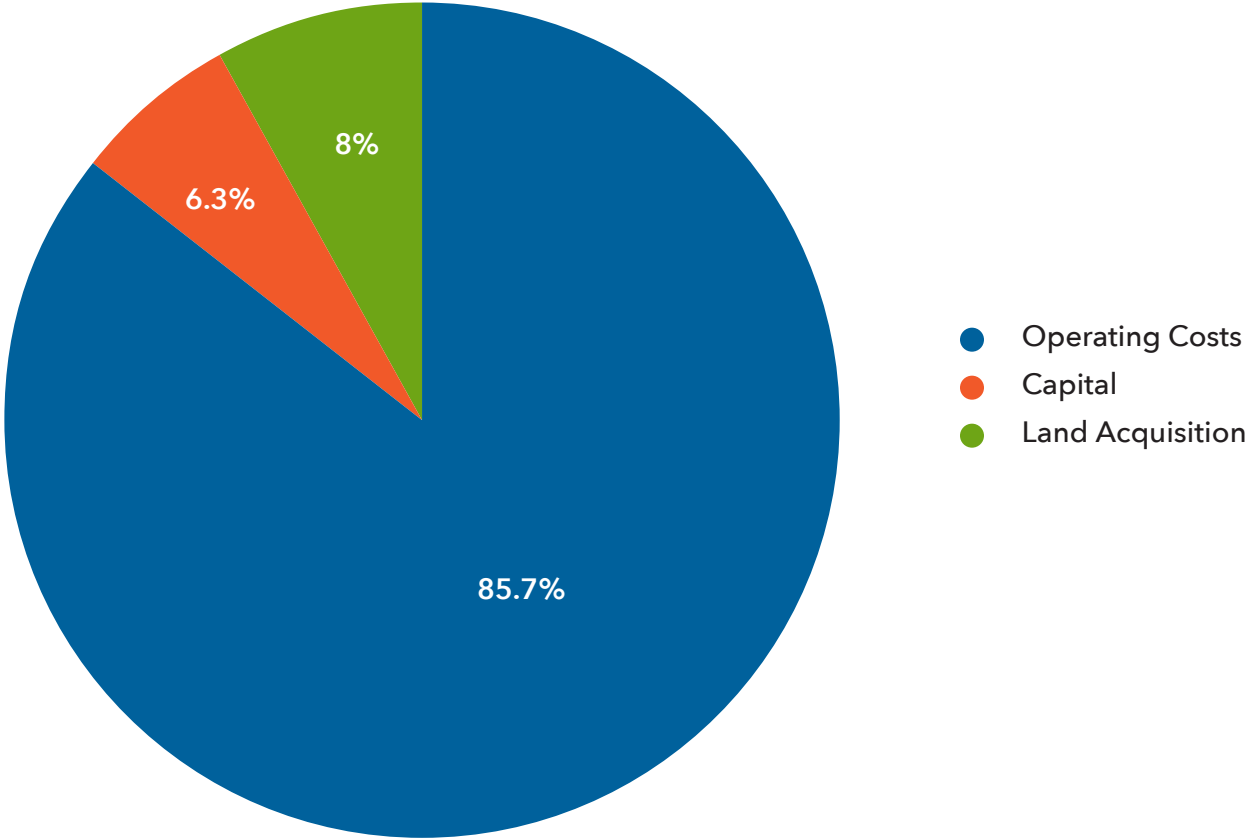
In early 2015, rather than outsource the Management Plan process, NPCA staff began planning their work schedules to internally create the Cave Springs Management Plan. Through extensive public consultation and tireless efforts of staff and volunteers, the Management Plan will be completed in the first-half of 2016. The plan examines many aspects of this property, which is located in a UNESCO Biosphere Reserve. The study looks at the geology, cultural heritage, and ecology of the property, and will capture how meaningful the property has been for several years.

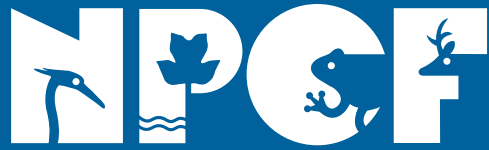


2015 REVENUES



2015 EXPENSES





— NIAGARA PENINSULA —
CONSERVATION FOUNDATION



Rt. Hon. John Turner

As the Foundation for the Niagara Peninsula Conservation Authority, we help raise funds for educational programs, restoration projects and capital and environmental improvements to our Conservation Areas. The NPCF shares the wonderful stories of the great work staff do every day at the NPCA. This work is often overshadowed by discussions about policy and regulation; important conversations that need to happen but sometimes make people forget about the actual, tangible work being done to help conserve and make more beautiful our Conservation Areas and natural areas throughout our watershed for all of us to enjoy now and for generations to come. This work and these improvements can't be done without the help of our many generous supporters.

This past year was very successful for the Niagara Peninsula Conservation Foundation. More than half a million dollars was raised to improve our conservation areas and our natural treasures throughout our watershed. In addition to the generous support from individuals we were very fortunate to receive significant grants and donations to help with some major improvement projects including \$245,000 from the Government of Canada to improve our recreational facilities at Binbrook Conservation Area; \$224,750 from the Niagara Lakefront Enhancement Strategy to provide significant improvement to our Long Beach Conservation Area; and a \$100,000 dollar gift from Niagara Region Wind Corporation to improve Conservation Areas specifically in Wainfleet.

In September, we hosted a successful gala fundraising dinner; the Rt. Hon. John Turner Award for Water & Environmental Leadership, which raised more than \$20,000. Those funds will go towards new, more accessible and safer outdoor stairs at Ball's Falls Conservation Area as well as fund ten \$1,000 annual scholarships for a second-year Brock University student studying environmental science.

We are grateful to all of the individuals, service clubs, private foundations, and businesses who recognize the value of the NPCA's work and the role the NPCA plays in providing beautiful natural areas to enjoy. Our donors' generous financial and in-kind contributions to the Foundation have allowed us to support many exciting and much-needed projects.



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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Phone: 905-788-3135
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Report To: Board of Directors

Subject: Conservation Authorities Act Review – Report from Province’s Consultant

Report No: 27-16

Date: March 23, 2016

RECOMMENDATION:

That the NPCA Board of Directors **RECEIVE** Report No. 27-16 relative to the *Conservation Authorities Act* Review as information.

PURPOSE:

To highlight the report recently released (February 26, 2016) by the province’s consultant *Ogilvie, Ogilvie & Company* entitled “Conservation Authorities Act Review: Summary of Stakeholder Engagement Sessions, August – October 2015”.

DISCUSSION:

In 2014, the Parliamentary Assistant to the Minister of Natural Resources was given a mandate to engage with ministries, municipalities and stakeholders to initiate a review of the *Conservation Authorities Act*. A Discussion Paper was posted on the Environmental Bill of Rights Registry (EBR) for public comment for a 91 day period, from July 20, 2015 to October 19, 2015. In addition, there was an engagement of provincial stakeholders through targeted meetings and sector based listening sessions, including: municipalities, conservation authorities, as well as environmental, development and agriculture sector representatives. Further, there was an engagement of Aboriginal communities and organizations through facilitated listening sessions.

The stakeholder listening sessions were independently facilitated by *Ogilvie, Ogilvie & Company*, with MNRF staff and staff of other ministries attending as observers. Each of the listening session were conducted in similar fashion, with a focus around the three main review areas:

- **Roles & Responsibilities:** In your view, what should be the role of conservation authorities in Ontario?
- **Governance:** In your view, how well is the current governance model as provided in the Conservation Authorities Act working?
- **Funding:** In your view, how are the programs and services delivered by conservation authorities best financed?

The consultant *Ogilvie, Ogilvie & Company* released their report to the province in January 2016, and this report was subsequently released to the public on February 26, 2016.

This NPCA staff report highlights some of the key aspects contained in the *Ogilvie, Ogilvie & Company*’s document, and, have included key associated activities of the NPCA:

Stakeholders	Summary	Associated NPCA Activities/Comments
1. Conservation Authorities	a. Need to clarify CA mandate roles and responsibilities.	<p>The NPCA completed a Strategic Plan to clarify their current role and responsibilities. Further legislated clarity would be welcomed.</p> <p>NPCA comments to the CA Review included the following: <i>It is therefore recommended that the provincial government continue utilizing conservation authorities for local programs, that when combined, enhances and protects Ontario's environment and natural resources.</i></p>
	b. There is duplication of effort and inefficient use of limited resources.	
	c. Provincial funding should reflect the work CAs are mandated to complete on behalf of the provincial ministries.	<p>NPCA comments to the CA Review included the following: <i>Currently, there is no consistency on how the province funds each of the 36 conservation authorities in Ontario. The current funding model was derived from individual based budgets over 25 years ago and does not reflect today's programming and services delivered by conservation authorities on behalf of the provincial government.</i> <i>It is therefore recommended that the provincial government increase their funding to conservation authorities specific to provincially mandated programs (Section 21 and 28 of the Conservation Authorities Act).</i></p>
2. Municipalities	a. Need to clarify CA mandate.	See reference above under "Conservation Authorities" 1.a.
	b. Need for a streamlined approval process	The NPCA streamlined the approval process via the Strategic Plan, and, via the Memorandum of Understandings (MOUs) with municipalities, such as scheduled pre-consultation meetings.
	c. Improve communication between CAs and municipalities, and, CAs and the public.	The NPCA addressed improved communications via the Strategic Plan.
	d. Municipal representation on CA Boards is valued as it is an important conduit between CAs and funding municipalities.	<p>NPCA comments to the CA Review included the following: <i>The NPCA is in agreement and advocates the provincial government's previous decision to allow local municipal councils the autonomy to appoint members to the conservation authorities Board, and thereby, allow local and accountable decision making on local issues pertaining to the watershed.</i></p>
	e. Need to review levy system.	<p>NPCA comments to the CA Review included the following: <i>The formula to calculate the apportionment of municipal levies is currently identified in Ontario Regulation 670/00. It is recommended that the province establish a task force of stakeholders to review and propose changes to the regulation.</i></p>

3. Agriculture	a. Agricultural interests not well represented on CA Boards.	
	b. Contributions of the agricultural sector towards conservation is undervalued by CAs.	
	c. Need increased involvement of the agricultural sector in decision-making, especially when the decisions impact agricultural issues.	<p>NPCA comments to the CA Review included the following: <i>There are a variety of local stakeholders and the general public, with diverse views, who are impacted by the decisions of a local conservation authority. To engage these groups and individuals, conservation authorities conduct public meeting where groups and individual may attend and participate via deputations.</i> <i>For increased community engagement, the NPCA has established a Community Liaison Advisory Committee (CLAC). The primary purpose of the CLAC is to deliberate on issues and provide recommendations to the NPCA Board to consider when making decisions.</i></p>
4. Development Sector	a. Need to clarify CA mandate, roles and responsibilities.	See reference above under "Conservation Authorities" 1.a.
	b. Lack of standards create unnecessary duplication of approvals.	
	c. Greater transparency and accountability of CA work and financials could be improved, possibly via annual reporting.	<p>NPCA budgets, financials and audits are reported to the Board publically, posted on the website, and distributed to funding municipalities.</p> <p>NPCA also issues annual report.</p>
5. Landowners	No input.	The NPCA includes the Niagara Landowners Association as a member of the Community Liaison Advisory Committee. See response under 3.c.
6. Environmental Sector	a. Need to clarify CA mandate, roles and responsibilities.	See reference above under "Conservation Authorities" 1.a.
	b. CAs could have a stronger role working with Aboriginal communities.	
	c. Need greater diverse representation on CA Boards and greater opportunities for public involvement in decision-making.	<p>Current NPCA Board members themselves originate from diverse personal and professional backgrounds.</p> <p>The NPCA includes diverse sectors as members of the Community Liaison Advisory Committee. See response under 3.c.</p>

Next Steps

The province has indicated they are considering the consultant's report and will be taking their next steps as follows... *"We are carefully considering all input received to date in response to the Ministry's review. As stated in the Ministry's discussion paper, the feedback received will be used to help the Ministry identify priority areas for review. If specific changes to the existing legislative, regulatory or policy framework are considered in the future, further public consultation will occur as appropriate, for example, through subsequent Environmental Bill of Rights Registry postings."*

Once there is an update from the province, NPCA will update the Board of Directors.

FINANCIAL IMPLICATIONS:

None at this time.

RELATED REPORTS AND APPENDICES:

1. *Ogilvie, Ogilvie & Company* entitled "Conservation Authorities Act Review: Summary of Stakeholder Engagement Sessions, August – October 2015".
2. Response to the Conservation Authorities Act Discussion Paper - Adopted by the Niagara Peninsula Conservation Authority, September 16, 2015

Prepared and Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

August – October 2015



January 2016

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Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

BACKGROUND

1. Context

The *Conservation Authorities Act* (the Act), enacted in 1946, allows municipalities in a common watershed to establish a conservation authority in conjunction with the province to deliver a local resource management program at the watershed scale for both provincial and municipal interests.

The Ministry of Natural Resources and Forestry (MNRF) has oversight and administration of the Act, regulations and associated policy and approval of MNRF funded projects under the Act. The Act is enabling and focuses on the process to establish, operate and fund a conservation authority as well as the general scope of objectives for the authority programs and the powers to achieve these objectives and programs.

In 2014, the Parliamentary Assistant to the Minister of Natural Resources was given a mandate to engage with ministries, municipalities and stakeholders to initiate a review of the *Conservation Authorities Act*, including addressing roles, responsibilities and governance of conservation authorities in resource management and environmental protection.

2. Objectives of the Review

The main objective of this review is to identify opportunities to improve the existing legislative, regulatory and policy framework that currently governs conservation authorities and the programs and services they deliver on behalf of the province, municipalities, and others. The review of individual conservation authorities, the specific programs and services they deliver, or any site-specific permit applications and permitting decisions are not within scope of the Ministry's review.

3. Engagement of Partners and Stakeholders

MNRF initiated the review of the *Conservation Authorities Act*, including addressing roles, responsibilities, funding and governance of conservation authorities in resource management and environmental protection through:

- Posting of the Conservation Authorities Act Review Discussion Paper to the Environmental Bill of Rights Registry for public comment for a 91 day period, from July 20, 2015 to October 19, 2015.
- Engagement of provincial stakeholders through targeted meetings and sector based listening sessions, including: municipalities, conservation authorities, as well as environmental, development and agriculture sector representatives. Sector specific

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

sessions were held in southwest, south-central, and southeast Ontario, as well as two all-sector sessions in northern Ontario.

- Engagement of Aboriginal communities and organizations through facilitated listening sessions.

Stakeholder listening sessions were independently facilitated by Ogilvie, Ogilvie & Company, with MNRF staff and staff of other ministries attending as observers. A list of the dates and locations of listening sessions and participating organizations is attached as Appendix A.

Each three-hour listening session was conducted in similar fashion, with a focus around the three main review areas:

- **Roles & Responsibilities:** In your view, what should be the role of conservation authorities in Ontario?
- **Governance:** In your view, how well is the current governance model as provided in the Conservation Authorities Act working?
- **Funding:** In your view, how are the programs and services delivered by conservation authorities best financed?

This report summarizes the feedback received in 15 stakeholder engagement sessions. The report includes a high-level overview of feedback by sector, and outlines the main themes that emerged for each of the three review areas. For each theme, specific examples of comments made at various sessions are provided with references to specific individuals or organizations removed.

Many of the organizations that participated in a listening session also sent in formal comments through the Environmental Registry posting for the Conservation Authorities Act Discussion Paper. This report does not reflect comments received through the Environmental Registry posting which will be summarized separately by the Ministry of Natural Resources and Forestry. Also not included is feedback from Aboriginal listening sessions, which were conducted and summarized by a separate independent facilitator.

4. Overview of Feedback

Conservation Authorities

Conservation authorities commented on virtually every theme. Key input related to the need to clarify CA mandate and the roles and responsibilities of CAs and government agencies at all levels. There was concern that without such clarity, there is duplication of effort and inefficient use of limited resources. CAs also felt that they play an important role in delivering provincial responsibilities at the watershed level, and that funding, possibly from multiple ministries, should reflect the work that CAs are asked to do on behalf of the province.

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

Municipalities

Municipalities shared the view that it would be beneficial to clarify the CA mandate, and the roles and responsibilities of CAs and government agencies. Several commented on the need to streamline approvals processes, perhaps through a one-window approach. They valued the work of CAs in watershed management, but expressed a wish for improved communication between CAs and municipalities, and between the CAs and the public. Municipalities also valued their voice on CA boards and felt that it was an important conduit for information between CAs and the municipalities that fund them. They did, however, express interest in a review of the levy system.

Agriculture

In general, agricultural representatives felt that their interests were not well represented on CA boards and that the contribution of agriculture to conservation goals was undervalued by CAs. They expressed a wish for increased involvement in decision making, especially in issues that could affect agriculture.

Development Sector

The development sector also spoke to the need to clarify CA mandate, roles and responsibilities. They emphasized the need for service standards and improved consistency, and felt that developers often had to endure unnecessary duplication of approvals and associated delays because such standards are currently lacking. They felt that the transparency and accountability of CA work and financials could be improved, possibly through annual reporting.

Landowners

Although an engagement session for landowners was scheduled, there were no attendees, and therefore no comments from this sector in the engagement process.

Environmental Sector

The environmental sector also spoke to the need for clarity in mandate, roles and responsibilities. They applauded the work of CAs at the watershed level, and felt that CAs could play a stronger role in working with Aboriginal communities. A key message was the need for more diverse representation on CA boards and more opportunities for public involvement in CA decision making.

Northern Ontario (All Sectors)

Many of the comments in Northern Ontario focused on the different challenges faced by CAs in the north, in particular the much smaller tax base and higher costs, in part because of much larger land areas and much longer travel distances, even for routine site visits. An additional issue raised in Northern Ontario engagement sessions was the challenge of managing land areas where adjacent lands may not be served by a CA or may be unincorporated.

The following tables provide an overview of feedback themes for each review area, and show which sectors provided comments related to each theme.

CAs – Conservation Authorities **Mun.** – Municipal Sector **Agr.** – Agricultural Sector **Dev.** – Development Sector **Env.** – Environmental Sector **N. Ont** – Northern Ontario (All Sectors)

ROLES AND RESPONSIBILITIES		CAs	Mun.	Agr.	Dev.	Env.	N. Ont
5.1.	The CA mandate is unclear and may be changing:	●	●	●	●	●	●
5.2.	There is a need to clarify roles and responsibilities, to reduce duplication of effort and fees	●	●	●	●	●	●
5.3.	There is a need to clarify and streamline process, possibly through a one-window approach	●	●	●	●	●	●
5.4.	There is a need to educate stakeholders and the public about roles and responsibilities	●	●	●		●	
5.5.	There is a need for service standards and improved consistency in programming	●	●	●	●	●	●
5.6.	There is a need for better communication between CAs and municipalities, and between CAs and the public	●	●	●	●	●	●
5.7.	CAs are the best entity to deal with watershed scale issues; a key partner in delivering provincial responsibilities	●	●	●	●	●	●
5.8.	There is value in having the flexibility to cope with local conditions	●	●	●	●		●
5.9.	CAs should have stop-work powers	●	●				●
5.10.	There is a need for a stronger science basis for decision making	●	●				
5.11.	Certain CAs could be reconfigured to improve effectiveness and efficiency		●				●
5.12.	May need a contract or updated MOUs with CAs for service delivery	●	●				
5.13.	Is it possible to withdraw from a CA?	●					●
5.14.	Farming is a resource to be valued and managed; CA contribution to this may be falling short			●			
5.15.	The CA role with respect to Aboriginal communities needs to be strengthened	●				●	●

GOVERNANCE		CAs	Mun.	Agr.	Dev.	Env.	N. Ont
6.1.	There is a need for improved or new governance structures to coordinate interactions with provincial ministries	●	●	●	●	●	
6.2.	There is a need for improved or new governance structures to facilitate sharing of CA resources and expertise	●					●
6.3.	There is a need for an improved mechanism for conflict resolution and/or appeal	●			●		
6.4.	The approval process for board per diems is inefficient	●	●				
6.5.	Governance is generally working well	●	●				●
6.6.	The three-year CA board term is out of sync with the four-year municipal term	●	●				
6.7.	Municipal representatives on CA boards ensure accountability	●	●		●		●
6.8.	CA boards benefit from diverse membership	●	●	●	●	●	●
6.9.	There is a need more opportunity for public input/involvement in decision making	●	●	●		●	
6.10.	Mixed views on the value of having provincial representatives on CA boards	●	●		●	●	●
6.11.	It is desirable to have a skills-based board		●	●		●	
6.12.	Turnover is beneficial for the chair and board	●					
6.13.	Board size is important	●	●	●			
6.14.	There may be a perceived conflict of interest in municipal representation on CA boards	●	●		●	●	●
6.15.	There is a need for improved transparency and accountability		●	●	●	●	
6.16.	Board members need training	●	●	●			
6.17.	“Pay for Say” can affect the quality of decision making	●	●				
6.18.	Upper-level vision is missing	●					
6.19.	There is a need for a provision to remove board members for poor performance or malfeasance	●					
6.20.	Governance may need to vary across the province depending on local CA needs				●		●

FUNDING		CAs	Mun.	Agr.	Dev.	Env.	N. Ont
7.1.	Funding should be tied to mandate	●	●	●	●	●	●
7.2.	Levy formula needs to be reviewed and revised	●	●	●			
7.3.	Funding should be shared across ministries and should involve the federal government	●		●			●
7.4.	There is a need for an equalization mechanism across the province	●	●	●			●
7.5.	There is a need for sustainable funding to retain qualified staff	●	●	●		●	●
7.6.	“Pay for say” creates expectations about a voice on the board	●	●		●		●
7.7.	CAs find themselves in competition for funding with NGOs and private sector	●					
7.8.	There is a need for education/outreach to ensure people understand the levy and how programs are funded	●	●				
7.9.	There are currently limited options for CA funding; CAs are required to be creative in seeking funding opportunities	●	●	●		●	●
7.10.	CAs do good work and provide good value for money	●	●				
7.11.	CAs need an annual adjustment for inflation	●					
7.12.	Funding sources should be local			●			
7.13.	There is a need for more accountability about how funds are raised and spent				●		
7.14.	Northern CAs have different funding challenges than southern CAs						●
7.15.	CAs could do much more if more funding were available	●					●
7.16.	Why do CAs pay property tax?						●

SUMMARY OF SESSION FEEDBACK

This section outlines the main themes that emerged for each of the three review areas. For each theme, specific examples of comments made at various sessions are provided with references to specific individuals or organizations removed.

5. Roles and Responsibilities

5.1. The CA mandate is unclear and may be changing

The question of CA mandate was raised in virtually every session and by every stakeholder group. Some participants spoke of “mandate creep”, while others noted that broad-scale issues such as climate change may require CAs to take on new roles in the future. Example comments are provided below.

Conservation Authorities

- [T]he notion was raised earlier about the core mandate of CAs. Many look at [IWM] as a core mandate; some look at flood management as core. This may have led to much of the confusion and angst around this issue. The objects of the authorities are to be the hub, the nexus, of watershed management, by virtue of their jurisdiction – that seems obvious – but it’s also the inclusion of those aspects in watershed management that needs to be more explicit. August 25
- [The] original CA mandate was protection of people and property, now it seems there is a new program every year. September 1
- Today, the CAs are looking for a restatement from the province about roles and responsibilities to clear up some of these questions about mandate creep. The province needs CAs to help them deliver many kinds of programs, from climate change to basic stream health. This is a big responsibility. The long term fix is to restore the partnership. September 4

Municipalities

- Another participant noted the importance of climate change, and how it is coming to dominate the agenda, with CAs trying to project impacts and figure out how to deal with them. If the ministry believes climate change is a core mandate for CAs, they need to make that clear... The province has to decide who is driving the bus, and if the CAs aren’t driving it, that’s fine. But if they are, they have to be given the authority to lead that discussion. This is an ongoing debate about this in every region and council, and we need some clear direction from the ministry on it. It could be municipalities, or it could be CAs, but it shouldn’t be both. September 2

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

- MOECC needs a stronger role and a better defined relationship with CAs since climate change is likely to be a large concern of CAs in the future. September 8
- [T]he roles of the CAs have expanded since he was first involved in 1998, mainly by downloading from the province, for instance about wetlands. His municipality gets a lot of comments about scope creep by CAs, but it's the province who is forcing the scope creep. September 24

Agriculture

- CAs have expanded into a vacuum as the province has backed away from programs...; CAs now have a need [to] offer programs that are not part of their core mandate (i.e. flood control & water quality management). Lots of room for CAs to move into water management such as up north into lakes and drinking water would be roles there... The CA mandate is too broad and uses farmers' lands to serve non-farming interests. September 3
- One effect of the diversity of CA funding is that CAs have lost a provincial (wide) view and focus of their work. Another is that CAs have got away from their original mandate – flood control – (which started with Hurricane Hazel). Another similar hurricane could be a disaster since flood plains have been built on and this sort of (disaster) planning seems to have been diminished. September 3

Development Sector

- Scope creep: CAs are moving away from their core functions (water resource management) and CAs are commenting outside their area; roles and responsibilities need to be reviewed... More clarity of roles and responsibilities is needed. In general there is a lack of understanding of what CAs (should) do and also lack of clarity over what CAs should do... but CAs should not branch out into non-core areas on their own initiative. September 14
- Another participant spoke about the challenge of mandate creep. With each CA having multiple MOUs, it's clear that it is a vastly different playing field in each CA and municipality. The current process is a much-needed opportunity to modernize the CAs. September 22
- [C]larifying those roles and responsibilities is certainly key. In clarifying those, there may need to be some weeding out of some of the issues that CAs don't necessarily need to deal with, so they can focus on priorities, like wetland protection, aggregate issues, development review processes, and so on. Managing recreational and heritage facilities as a means to generate revenue often doesn't make money for the CA but consumes staff time and fiscal resources. It's a double negative. Another opportunity might be to prioritize activities so CAs can focus on their core mandate and not get into what is not suited. September 22

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

- Another participant added that there's the scope of what they *can* do, under the Act, but not what is out of scope. Some legislation requires permitting by the ministry, for example for endangered species. Sometimes it's not clear how much the CA can or should be involved in those issues. Why are CAs getting involved? Why are municipalities getting involved? Those issues need clarification. September 22

Environmental Sector

- [I]t would be helpful to have a more explicit mandate for CAs. September 18
- MNRF has to supply stable funding and overall policy direction to CAs. [The participant] is frustrated with gaps in the CA mandates and how they relate to approvals for things like infrastructure. There are many things that the CAs aren't allowed to speak to but which nevertheless affect the watershed. September 18

Northern Ontario All Sectors

- We get conflicting information from different agencies. Now the CA mandate has been expanded, but without funding to follow... His township believe[s] that the roles currently delivered by the CAs could be better delivered by others. They...are concerned about scope creep, and the CA taking on roles beyond flood control, roles beyond their mandate. If the roles and responsibilities were more clearly defined, it would become a more acceptable entity in the maintenance of the environment. September 30
- [W]ith respect to climate change, how can a CA identify its role? Should it be coordination? mitigation? ... The ability of a CA to take on extra things like this depends on more funding (more people needed and more equipment); [our CA] has a very small staff which makes linking with other organizations vital and taking on new responsibilities problematic. October 2

5.2. There is a need to clarify roles and responsibilities, to reduce duplication of effort and fees

The question of roles and responsibilities was also raised in virtually every session and by every stakeholder group, and is closely tied to the question of mandate. Participants wanted more clarity about which level of government has responsibility for which kinds of actions. In some cases, participants noted that confusion may have arisen as a result of differing interpretations of policy and legislation. Several comments suggested that clarifying roles and responsibilities would help to reduce duplication of effort and cost (fees). Example comments are provided below.

Conservation Authorities

- [W]e need to avoid the duplication of effort that currently exists. August 25

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

- We have to agree to a certain process or objectives, and a means of getting there, and that will involve municipal decision making, provincial legislation, and operational capacity, so we're not working independently. August 25
- Relationships with and between ministries are very important too. Sometimes there is an assumption that everybody knows what everybody else is doing, but it's important to share that information intentionally to make sure that they have a view of what CAs are doing and trying to do. September 10
- We need the province to provide interpretation of policies, and oversight of municipal planning activities in light of the PPS and so on. That's not a CA role. September 10
- There are multiple pieces of legislation that deal with [water], and the role of the CA is to bring those together in the context of a particular watershed system, for the benefit of the local resource. It's finding a way to use the available legislation and programs to manage the resource at the local level, so it's sustainable. The Act currently allows that, but there are challenges with resources, and in finding appropriate ways to collaborate with the province, the federal government, and municipalities to manage water resources in a sustainable manner. September 10

Municipalities

- [C]larification of roles and responsibilities is very much needed, especially roles under legislation like the Clean Water Act and other legislation. September 2
- It would also be useful to have some clarification on the roles of CAs vs. municipalities on natural heritage planning. There might be an opportunity to clarify lead roles in these kinds of activities. September 2
- There is a lot of duplication and perhaps double-dipping. A plan of subdivision is all reviewed by the CA and then somebody wants a minor variance; the proponent has to pay again for a review. That extra fee could be eliminated. It's a deterrent and it's an economic development deterrent. September 2
- [W]hat exactly are the CA's roles and responsibilities concerning site planning? These seem to be unclear both to the municipality, the consultant and even the CA. There can be confusion over what *minimal design standards* are. September 8
- There seem to be different levels of understanding about roles and responsibilities. Let's get a clear definition of who is supposed to be doing what, and eliminate this picking and choosing. Half of the things that CAs are mandated to do aren't even happening. September 24

Agriculture

- Flood control and erosion issues should be the primary function - going back to the reasons CAs were created - and this suggests that other activities should be discontinued. Municipalities, counties, province, CAs as well, all trying to expand their

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

roles, muddles who is really responsible? All have reasons for their existence and roles in land stewardship but this fragmentation of responsibility leads to lack of cohesion and lessened effectiveness. Need to more clearly define who does what. September 3

- Permitting (the range of permits required for any development) is an example of how things are more complicated than they need to be...[We should] sit down all the ministries, [learn] what the ministries think CAs are. MNRF should give a view of how they see the role of CAs in conjunction with other ministries (e.g, how are MOECC and MNRF going to act together on climate change?). September 3
- CAs have moved from being stewards to being regulators. They were originally flood plain managers and stewards, but now CAs have become, since the 1960s, provincial regulators and enforcers simply because they have been available. As implementers of the Clean Water Act they are dealing with Planning Act measures and CAs are in a jurisdictional mess. But now people who fund them as conservers are being given short shrift. They act both as the landowner's friend (steward) and their master (regulator), a conflict between public and private interest. Separation of CA authority would be one thing to start resolving this conflict. September 9
- [T]he CAs need to address how they charge for what they do to ensure they aren't gouging the landowner; avoid double dipping and double paying. Why should the landowner pay for an environmental feature that is in practice unnecessary? September 17

Development Sector

- CAs vary in their responsiveness to development needs which is challenging because of their diversity. From a stormwater perspective a number of approvals are required from different levels (of government, municipality and provincial ministry) and this could be cleaned up. September 14
- Not all CAs are on the same page with respect to climate change; they have different views of the urgency and what needs to be done (e.g. Low Impact Development); lack of understanding by (especially smaller) CAs of technology available, and also even less understanding by municipalities. This tends towards the chaotic. September 14
- The other issue is scope creep, duplication of work: let's be clear what CAs do, what should reside with the ministry, and what should reside with municipalities, so you don't have three groups all doing the same work...Trying to stick handle your way through... duplicate responsibilities and unclear timelines is challenging. September 22
- Maybe you can take away 30% of their workload and allow them to focus more on what really matters to them... Is there a way to specify the mandate so that the CA is involved in certain kinds of approvals only? Or that the municipality doesn't have to issue a permit for the same thing. It goes back to the duplication issue. It might be a case of "if...then..." September 22

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

- Another participant asked how it might be possible to deal with overlapping mandates through legislation. There are multiple statutes in play, with differing definitions. Duplication with various plans with different requirements, i.e. the Greenbelt, the meander belt (of a stream), and the top of bank, may all have different buffers depending on the plan or agency. September 22

Environmental Sector

- There is also the issue of municipal influence overlapping with CAs. Following the current process, [the participant] hopes that there will be a briefing so that CAs can be given an explicit role in climate change adaptation planning. September 18
- [W]e need more direction from the ministry about how the CA should implement the provincial planning framework. What is the role of the CA vs. the ministry? September 18
- [I]n the broadest sense, there are huge gaps in roles and responsibilities. CAs are responsible for natural heritage, which is evolving into natural heritage systems and inventories. But the funding for that is disparate, and there is little provincial guidance to provide broad guidelines within a watershed. That's complicated by the PPS, which contains no requirement for planning authorities to have watershed or sub-watershed plans. That's a loophole [my] organization has been identifying for several years. September 18

Northern Ontario All Sectors

- A participant commented about overlapping and contradicting advice across multiple ministries, including MNDM and OMAFRA. Landowners are getting conflicting advice. There needs to be more communication among siloes, among those who are writing regulations... It's not so much about governance, but about better communication, everyone on the same page, among government agencies and between different levels of government. September 30
- There is lack of communication and coordination between the various (e.g. municipal, Aboriginal, provincial) bodies and stakeholders regarding authority and problem solving across a watershed. We need clearer identification of roles and responsibilities amongst these bodies. October 2
- The roles and responsibilities of MOECC, MNRF and CAs should be specified and promulgated. CA autonomy, which should be maintained, is important with respect to water quality (MOECC) and quantity (MNRF), which should remain the key focus of local CAs; guidelines are needed for this. October 2

Conservation Authorities Act Review

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5.3. There is a need to clarify and streamline process, possibly through a one-window approach

Many participants acknowledged the fact that some issues involve several levels of government and touch on multiple statutes. For that reason, many believe that it is important to reduce the complexity and overlap of permitting and approvals processes, possibly by creating a one-window approach or “one-stop shop”. Appeal processes can also be unclear where several different processes are underway. Example comments are provided below.

Conservation Authorities

- Another participant noted that CAs have major issues looming with climate change and other broad-scale stressors. We need to develop a model such that the CAs can bring the players together on land use issues, water quality, water quantity... We need to work together on local issues and find a way to bridge the gap between provincial and municipal issues that help us resolve problems at the local scale. We have to agree to a certain process or objectives, and a means of getting there, and that will involve municipal decision making, provincial legislation, and operational capacity, so we’re not working independently. August 25
- Dealing with different tiers of government is also cumbersome. September 1
- [I]t would be good to consider some of the municipality’s concerns in the CA’s permitting process. Currently, they can only issue a permit based on the limits of the CA’s mandate. For instance, it’s not reasonable to put road restrictions on a septic system permit, but the mayor is asking how you can let these trucks roll down through his town. In the longer term, an issue is the delegation of authority for natural hazards and natural heritage management. Most CAs have signed MOU^{*}s with their municipalities around natural heritage management, but don’t have the necessary tools to do that work. Right now, the CA lacks the mandate to deal with the whole environment. September 4
- [W]e have started to get into how the CAs can serve not only the municipalities and their residents, but also the province and the federal government...CAs work with many ministries, often on interrelated issues like water quality and rural landowners. We have done a reasonable job of bringing people to the table, but it would be helpful to do something on the provincial side to make it easier for CAs to work with the province through a one window approach. September 10
- We need a one-window approach, for climate change and other issues. It’s an internationally recognized approach and a sound one. You need to be able to deal with multiple agencies at different levels of government. Roles and responsibilities are

* Memorandum of Understanding.

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currently fragmented and unclear. If we are going to move to a one-window approach, we need to clarify those points. September 10

Municipalities

- Maybe there needs to be a delegation of authority to municipalities, so they can manage a one-window approach for permitting. The province should have the ability to delegate some authority to municipalities to streamline the system. September 2
- Conflict with other provincial Acts – increased regulatory requirements for CAs through PPS - e.g. natural heritage/wetlands. There appears to be a disconnect between the Drainage Act and CA regulations. Which Act takes precedence and what is the appeal(s) process? Through a Drainage Tribunal or through appeals to a permit (Ontario Mining and Lands Commissioner)? September 8
- [T]here might be an opportunity for the CA to move to a one-window approach where they manage the multi-agency permit application process and streamline the interface with other affected ministries or organizations. September 2
- One of the things that could be beneficial is streamlining the variety of water resource issues addressed by other agencies and levels of government. It might be worth looking at the CAs as the body to deliver those services, to streamline the approach, so you aren't dealing with MNRF on one issue, and DFO on another. September 2
- The ministries should play a stronger role to create a one-stop shop to deal with legislation, funding, climate change – larger issues that go beyond individual watersheds. September 24
- Another point is the problem of dealing with multiple agencies on local issues on an ad hoc basis. You have to deal with various provincial ministries, Parks Canada, DFO, and other agencies, even international agencies – there isn't a good framework to guide how those interactions should occur. How do you go to Parks Canada from a municipality without some kind of municipal interface, if the municipalities are the children of the province? There's a gap in the governance when you have to deal with some of these broader issues. September 24

Agriculture

- Section 28 should not be removed from the CA Act but its powers could be managed differently. Giving more power to municipalities would not work; what is needed is more of a one stop process for permits, approvals, and such. September 9

Development Sector

- Could CAs streamline their processes (e.g. have a well-documented set of standard processes and dispense with some requirements if the project is minor) and publish what they are? September 14

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- In terms of short term fixes, a few years ago the CA Liaison Committee developed a policies and procedures document for the development and permitting process, and that was accompanied by an extensive education process. It was a very helpful process. In the current context, one of the short-term issues is the need for that kind of education process to clarify roles, responsibilities, pre-submission consultation procedures, timelines, how the principle of development is established through the planning process, and so on. Education is especially important as staff turns over. September 22
- Timelines are important and there needs to be a way to keep these approvals on track in terms of timelines. September 22
- [T]he subjectivity involved in these approvals has been a huge time sink. The municipality may not have the technical expertise to trump the CA, and you reach an impasse. It can take years. You end up in these quagmires with one professional arguing with another... Getting the CA to provide a clear list of terms of reference for study requirements is a way of getting through some of that subjectivity. Your biologist knows that they have to look for, what they have to recommend, to satisfy the CA. It helps to get past some of the delays that have occurred in the past. September 22

Environmental Sector

- Even our agenda today is partitioned into thirds, so you're really teasing out, artificially, things that should be considered together. When you take the parts apart, sometimes it's harder to see what the problems are. It's a lack of sticking to the knitting, to ensure that water is conserved, that nature is conserved. That's where we should be aggressive. September 18
- Another participant added that water management, drought management, flood management are all things that are best suited to a watershed scale, and the CA is at the obvious level for that role. How do we do better collectively in integrating natural heritage systems planning and watershed management planning? They are integrated to some degree, but many aspects are done separately. There is a need for better synchronization. September 18

Northern Ontario All Sectors

- With respect to watershed management, it's hard to manage a watershed when part of it lies outside your boundaries. In [t]his township, the watershed of the main waterway through the town is one-third to one-half outside the CA boundaries. The CA is downstream; MNRF manages the upstream portion. Managing flooding and similar issues needs better pre-planning and a clearer process for communicating flood warnings. September 30
- MNRF and MOECC responsibilities sometimes conflict; a CA can bridge and resolve the differing interests - this could be written into the Act - and enable it to do so more quickly than at present. October 2

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Summary of Stakeholder Engagement Sessions

5.4. There is a need to educate stakeholders and the public about roles and responsibilities

Several sectors commented on the need to educate the public and stakeholders about the roles and responsibilities of CAs and other agencies and levels of government. Expectations of CAs are high in many cases, but may be unrealistic. Example comments are provided below.

Conservation Authorities

- The public doesn't understand [the] roles and responsibilities [of CAs, MNRF, and other government agencies]. We need to clarify and educate stakeholders on those, and separate the roles of different agencies. September 4
- Another participant commented that there may not be a fix in the short term, but rather an opportunity for education about roles and responsibilities. The root of it is "what do you guys do? Are you giving me suggestions, or are you telling me what to do?" September 4

Municipalities

- In the short term people (those who deal with CAs and the general public) need educating as to what CAs can and should do (e.g., Why do we not allow building on a flood plain?) Municipalities are subject to pressures to build – and thereby get an increased tax base – but this may conflict with CA goals in watershed management. September 8
- [A participant] is still ill at ease with the services the CA provides, and recommends that they get into some kind of education program to educate people about what the CA does and doesn't provide. September 24

Agriculture

- There seems to be a lack of public awareness as to the abilities and knowledge base of CAs (as well as municipal ignorance); their knowledge could be better used by others such as municipalities. September 3

Environmental Sector

- There's a lot of politics and personalities at every level. The best way to overcome that is education of the general public, including the politicians, who should have an orientation session. We have to find a way to bring the various provincial interests together. Everybody wants to do a good job and give good value for the tax dollar; they just have to find better ways of working together. September 18

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5.5. There is a need for service standards and improved consistency in programming

All sectors commented on the need for service standards and improved consistency in programming, although many participants noted that available resources are often a key factor in this, especially for smaller CAs and those in rural areas. Participants saw a role for the province in providing guidance on policy interpretation and definitions of terms such as “wetland”. Example comments are provided below.

Conservation Authorities

- Opportunities to improve consistency probably relate to the municipal front lines, and that CAs require more effective communications between the ministries and local authorities to do their job well. It’s deference for how the front lines work, in other words, for instance in pre-consultation. It’s about understanding how local responses are framed and are responsive and appropriate for the local watershed, and may in fact avoid more adversarial responses. September 10

Municipalities

- The [local] CA is currently under-resourced, and often unable to respond within the time frames that the municipality requires. Generally speaking, there is a need for timelines that better reflect the needs of the full range of stakeholders. Currently it’s 21 days, but that can be a challenge for industrial and agricultural stakeholders. September 2
- There needs to be some levelling of regulations, some consistency, in the process, whether it’s application fees, resources, or whatever. There should be a standard for what CAs are expected to do and how they are funded. You can’t say that this CA does this over here, but that one doesn’t do it over there. September 2
- It would be helpful to have more consistency around [buffer] requirements. Sometimes, the inconsistencies come from different levels of resources. But for a developer or the public, it can be hard to know what is expected. September 2
- Out of 44 applications sent to a local CA, only one comment came back, but each applicant was still charged \$300. September 2
- Another participant agreed with earlier comments about the need for consistency, especially in application fees, when the application falls across two jurisdictions. In terms of the CA’s responsibilities, the municipality must meet specific timelines under applicable legislation, and the CA isn’t always able to meet those time lines. September 2
- Another participant described a committee at the county level that was looking at governance. In some cases, application fees were triple in one organization what they were in another, and there were three separate permit systems in place... The system isn’t working for the people we are trying to service. September 2
- Delays in permitting directly reflect the CA staff numbers and capability. September 8

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Agriculture

- Lack of consistency is a major issue. Municipalities and counties have overlapping or inconsistent bylaws which could be resolved if they got together. September 9
- Farmers may have to deal with more than one CA, perhaps as many as four, each acting differently. The effects are difficulty in working with them and also losing respect for the CAs because they do not act together. The CAs could get together and standardise how they operate. September 9
- There are inequities across CAs, because of funding, which leads to differences in the programs they offer. Some CAs serve their customer base better than others, so more consistency in delivery is needed. September 9
- There is much variety in both support and effectiveness of the work CAs do. They have lots of good and valuable expertise in engineering, biology and similar areas, but delivery is hit and miss. [As an organization], we prefer to work with Conservation Ontario (CO) as a broker rather than deal with 36 CAs directly and perhaps there is more that CO could do in this regard. September 9
- There is inconsistency in the responses CAs give to things such as permit applications. The CAs need to be more uniformly accountable and consistent in their responses to the demands on them (and it is acknowledged that poor funding influences this). A short term response would be to have standardised times across Ontario in which things such as information requests are dealt with. September 9
- It's difficult to get a consistent message as to how things are done across various agricultural communities; particularly when a farmer's main goal is to get the job done. One local CA interprets its mandate, with reference to its own watershed, differently from another... 1. Decide what the CA role should be. 2. Decide what the interpretation [of legislation] should be 3. Publish these so that the interpretation and role become standard [across the province]. September 17
- Different CAs have different fees for the same thing: why should they be different? September 17

Development Sector

- [There are] differences between CAs in how they interpret, apply and monitor regulations...It appears there is a lot of duplication and lack of consistency. September 14
- CAs do not guarantee review times - they are generally too long and generally times are not guaranteed...CAs spend incredible time reviewing and commenting; there are too many go-arounds in the planning and approvals process even for relatively straightforward applications. September 14
- Lack of consistency across CAs in [the time and cost required for review and comment.] September 14

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- One is the need for consistency in service standards: perhaps a stakeholder bill of rights, something that would guarantee that the CA provides services within guaranteed timelines. Businesses cannot operate without that kind of thing. There needs to be a defined period of time within which CAs do their work. September 22
- It may be that staff at a given CA are just too busy to deal with these kinds of issues in a timely manner, with the result that approvals are delayed for months, sometimes even into the next year. It's a simple permit application. Why does it have to take three months to get back to us and tell us that you have no issues with it? September 22
- Another participant commented that personal relationships are very valuable. When there is a good relationship, you can call the approval authority and reach a resolution quickly. Perhaps training or setting out priorities for staff could help to move things forward smoothly. September 22

Environmental Sector

- The PPS should be fully implemented and the province should provide specific goals. S.28 is being delivered differently everywhere. Some time ago, the province established standard procedures and fees for CAs to deal with permits, but different CAs have different guidelines for dealing with wetlands and so on...The roles and responsibilities of CAs have to be guided by the province. September 18

Northern Ontario All Sectors

- [W]etland definition should be made more consistent. October 2
- CAs deliver a range of programs but do not necessarily have the capacity to deliver them well, consistently and sustainably. This is also a provincial issue (i.e., there is also inadequate staff capacity in ministries), so the Province also needs to be able to change itself in order to reliably deliver water quality. October 2

5.6. There is a need for better communication between CAs and municipalities, and between CAs and the public

All sectors commented on the need for improved communication between CAs and municipalities, and between CAs and the public. Example comments are provided below.

Conservation Authorities

- Source water protection is a good example of how CAs can work together to administer programs. In terms of multiple partners, reporting requirements can become intense and work-heavy...[The participant] likes the flexible and adaptive structure at present, but would like to see a better bridge between the local level and the ministry. September 10

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Municipalities

- Little information comes back from the CA boards to the municipal councils. There needs to be better communication around issues at the local level; at present it seems to be mainly around enforcement and property owners' complaints. September 2
- Another thing is the issue of communication, for instance around reporting of certain species, like species at risk. CAs sometimes communicate directly with MNRF without sharing information with the affected municipality. September 2
- Another participant noted that CA boards are largely made up of municipal councillors, and are making the policies for those municipalities, so it would be desirable to have more communication between CAs and municipalities, to avoid conflicts. Right now the board goes with a recommendation from the CA staff, but there doesn't seem to be a lot of communication back to municipal staff. And there is a lack of consistency in approach among the 36 CAs. September 24

Agriculture

- Different CAs handle their affairs differently (for example, some are more confrontational and litigious than others) which can translate into a lot of expense. Largely this is because they take a firm stance on an issue rather than negotiate an outcome, fight rather than deal with people. Improved communication would alleviate such confrontation. September 17
- Clarify and distinguish the roles of CAs across the province. We need better understanding and communication between CAs and farmers and agricultural communities and a need for standard operating procedures. September 17

Development Sector

- Lack of communication between MNRF and CA and municipality can increase time taken from planning to digging - perhaps a pre-application meeting? [The] MOECC–MNRF–CA relationship [has] impacts on climate change requirements for stormwater management approvals. September 14

Environmental Sector

- With respect to other provincial ministries, there's a need to break down siloes. There needs to be more open communication among ministries and between the province and the CAs; more cross-fertilization; more team work. That's long term, but it should be started in the short term. September 18

Northern Ontario All Sectors

- [I]t would be desirable to have municipalities hear the kinds of information currently under discussion about water level fluctuations and wetland management, and associated climate change concerns... In last night's meeting (about the wetland policy

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review), it was clear that people's concerns were reduced once they had heard those presentations. September 30

- We need to look at watersheds as a whole and establish communications protocols between the authorities and stakeholders involved in their oversight. We need to sit down to identify everyone's concerns and determine how to address them. CAs cannot pass bylaws as such, and have limited enforcement powers, but as adjuncts to municipalities they can have some influence. October 2

5.7. CAs are the best entity to deal with watershed scale issues; a key partner in delivering provincial responsibilities

All sectors felt that many issues and activities are best managed on a watershed basis, and that in most cases CAs are the best entity to do that work. For that reason, CAs were seen by many participants as a key partner in delivering provincial responsibilities across the landscape. Example comments are provided below.

Conservation Authorities

- There is a real opportunity for CAs to support local interests but also to collaborate with various provincial ministries to deliver in partnership key provincial responsibilities touching on watershed management. August 25
- Another participant agreed, adding that the role of CAs is increasingly in integrated watershed management (IWM), working with MOECC and MNRF. One opportunity is to provide better assistance at the district level with MNRF. They don't have the resources they used to either; CAs can help with this and it might be a better fit for the province going forward, especially in areas with fast-growing municipalities. Strong partnerships can help with this. August 25
- Another participant supported these comments and summed them up by saying CAs are catalysts and integrators in the community, helping to achieve a common vision. August 25
- [Integrated watershed management is] looking at the issues facing the region, looking ahead in terms of considerations such as climate, and finding a way to integrate the IWM plan with the municipal plan. It's understanding on the ground what the issues and challenges are, and finding ways to implement the plan through the OP or similar municipal-level instruments. It's integrating the plan and the partners in implementing the plan. August 25
- [T]he IWM model is one that is widespread now. The value of CAs is partly in bringing together different agencies at different levels of government. We're not just integrating issues on the ground – it's not just IWM – it's the integrating role of bringing all the agencies and partners together. August 25

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- What's working well is the broad objects of CAs under the CA Act. They have the flexibility to deal with issues at the local, watershed scale. They do a good job acting as local coordinators among municipalities in a watershed. By having governance based in the watershed, we transcend local political boundaries and help build local capacity in our municipal planning context, and assist municipalities in the environmental protection of features that are valued locally, at the watershed level. September 4
- Implementation of integrated watershed management is CA strength. September 1
- [T]here are many good examples of programs delivered at a watershed scale. When we look at development approvals for things like stormwater management actions, the CA provides an opportunity to integrate and coordinate information across the watershed or sub-watershed. Surface and groundwater should also be managed on a watershed scale, along with wetlands and similar systems that extend beyond municipal boundaries. There is a lot of value in natural resources being managed at the watershed scale. Current roles and responsibilities are appropriate, flexible, and responsive. That's working well. Local counties have come to her CA to talk about drainage features like tile drains, their sizing, and their impacts on and by the local environment. The CA's team of experts can tackle those questions better than an individual municipality. September 10

Municipalities

- [A participant's] municipality has had great success with its CA as its environmental and natural heritage "consultant", for example in a recent flood event. They were very important in the flood control master planning process. September 2
- A participant[s]... municipality looks at CAs in terms of integrated watershed management; they are the go-to experts. They work with three CAs in the region, interacting with the CA planners and other staff on a weekly if not daily basis on a sub-watershed planning process. They see the CAs as partners and as an important provider of plan input and review; they are a major commenting partner in Planning Act applications. September 24
- Conservation authorities are the middleman facilitating provincial, federal priorities to deliver programs. CAs can bring that program locally, deliver locally, with local partnerships, important role. Good relationship, boards from local government work with people already creating value for local environment. September 1
- Ministry programs may not reflect local needs particularly well and so the variety of responses available, the local partnerships, community contacts and municipalities enable CAs to translate such programs into good value for localities. September 1
- CAs provide multiple services: [The] municipality looks at CAs in terms of integrated watershed management; they are the go-to experts. They work with three CAs in the region, interacting with the CA planners and other staff on a weekly if not daily basis on a sub-watershed planning process. They see the CAs as partners and as an important

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provider of plan input and review; they are a major commenting partner in Planning Act applications. The municipality also relies on the CAs for enforcement of their regulatory regime, especially site alteration situations. Even though the city has many resources in terms of staff and expertise, the CA provides on-the-ground expertise in areas like hazard management. They also pick up the gaps in programming, whether monitoring, forestry, planting, or good work in the community. September 24

- [T]he watershed boundaries are the most important in terms of water monitoring and species health monitoring – it makes more sense to manage on a watershed basis than within political boundaries. For small municipalities, however, it can seem that it is a very complex system, so any kind of guidance or process mapping would be very helpful. Her sense is that experts from the CAs are the most trusted by residents and by councils; they seem to have the best technical knowledge and the best local knowledge. They have integrity but it's clear that they have had cutbacks and don't have the same heft they once had. That is missed, especially in light of the need for science-based decision-making. September 24

Agriculture

- [T]he one size fits all will not work; we need to operate locally; the agricultural community is held to a higher standard than the urban community... We need to consider what is happening to the landscape together with the water resources as they are inseparable. Localised processes to develop standards to manage the resources are needed. September 17
- We need the input of local CAs and organizations to make decisions that have local impact such as municipal decisions regarding planning, development and industry. September 17

Development Sector

- There is support for an entity/authority based on the watershed. September 14
- Generally speaking, ... a local watershed management [entity] of some form is appropriate to regulate and govern water resources and associated environmental features. September 22

Environmental Sector

- [T]he CAs are the best organizations to develop and monitor watershed plans, but the provincial government should be responsible for the county and regional scale government response. There is no protection for areas like Simcoe County, which is currently under significant development pressure. Money should be provided to do a countywide landscape ecology plan, in the context of a watershed or sub-watershed plan. That would also deal with some aspects like climate change. That would be a longer-term initiative. September 18

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- One part of the watershed will affect another. That's one way that the CAs bring added value to the province: you're getting groupings of municipalities, not just a narrow view. September 30

5.8. There is value in having the flexibility to cope with local conditions

Most sectors valued the flexibility currently offered by S.20 and S.21 of the Act, allowing CAs to respond to local issues in ways that are appropriate for the local environment and socio-economic conditions. Example comments are provided below.

Conservation Authorities

- [W]e need flexibility in our roles and responsibilities. One CA is dealing with an issue with First Nations; [another] is dealing with farmers with specialty crops. Both need flexibility to deal with social, economic, and environmental issues and get the good work done. August 25
- Another participant added that an advantage of the current CA Act is the emphasis on partnerships and science that is based on community needs: to be able to identify what is needed, and act on it. A policy framework is needed, but CAs need the ability to integrate IWM with other community influences, whether social or economic. We need an overall game plan, but we also need the flexibility to adapt to local conditions. August 25
- The CA Act Section 20 is a beautiful thing: need its broad (legislated) scope to allow CAs to each have its own programs, not standardized, act locally and work for local priorities and gives them a lot of latitude in terms of how they achieve their objectives. September 1
- When you look at S.20 and S.21, they are very broad, and the CA can interpret them very broadly. That conversation is happening at the right place, at the CA board table. No watershed is the same, and the Act lets us manage water resources at the local, watershed scale, in response to local stressors and needs. She would not want to see the legislation become more prescriptive. September 10

Municipalities

- Some CAs find themselves caught between the get-off-my-land groups, versus the hard-core environmental groups that criticize the CA for not doing enough. It's important to keep a good, open conversation going with all of the parties in the watershed. September 2
- Consistency may not be the right word in the context of resource allocation, because every CA and every watershed is different. There is value in the flexibility currently offered under the CA Act, to step outside the box. September 2

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Agriculture

- It is good that the CA is local and locally driven (not a blanket approach across the province). September 3
- One size doesn't fit all. Flexibility is needed in CA governance for it to be effective. The levels of government (federal, provincial, regional, and municipal) involved in CAs are too many. If we can't make CA governance flexible and responsive, we will just end up with more bureaucracy. September 17
- The one size fits all approach is undesirable. Under Greenbelt legislation the Niagara Peninsula should be treated differently; for example different dimensions for buffer strips, swales or setbacks because the farms tend to be small – 5 or 10 acres perhaps – and so global rules have a disproportionate effect. Niagara is different from areas where farms tend to be large. September 17

Development Sector

- Where they act as a technical resource to the municipality, CAs need greater flexibility, resources and tools to be able to manage local needs well. CAs have lots of expertise to support municipalities and on the whole their present roles and responsibilities are appropriate but perhaps they lack the authority to implement things. September 14

Northern Ontario All Sectors

- Another participant commented that the manner in which the Act is written, especially S.20 and 21, was very intelligent. It encompasses a wide range of things at the local, regional, and even provincial level. That has provided CAs with the flexibility to undertake a variety of kinds of projects, for example related to fisheries...That flexibility is critical for the CA to be able to address issues. And there are issues. September 30
- Another participant added that the Act is very permissive and gives CAs the wherewithal to be nimble, to address certain issues. When it comes to getting permits and so on, there is a wide window through which you can apply, but sometimes there are reasons why the CA doesn't permit certain activities in certain areas. You need only look at places like Alberta, where damage has occurred because of inadequate regulation of flood protection... The Act is permissive and broad; why fix it if it is not broken? September 30

5.9. CAs should have stop-work powers

Conservation authorities and municipalities in particular pointed to the need for CAs to have strengthened authority to stop undesired activities. The current system was seen as cumbersome and time-consuming. Example comments are provided below.

Conservation Authorities

- Stop-work is the crux. The regulation is a very powerful tool, but a regulation is only as good as your ability to enforce it. [The] CA does enforce it actively, but without the

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power to stop work, they must seek an injunction and incur delays, during which the damage gets done. September 4

- Another participant noted that a challenge is that CAs lack the tools to manage fill dumping appropriately. There are a variety of tools that might be available, from the ability to lay charges to property tax instruments. September 4

Municipalities

- [S]ometimes the regulations under the CA Act differ from those that municipalities work with under the Municipal Act; an example is disposal of excess fill in fill dumps. If it's outside of a CA regulated area, the municipality can put a stop-work order on disposal, but if it's in a CA regulated area, the CA doesn't have that power. There needs to be synergy between the CAs and the municipalities. September 2
- For roles and responsibilities, [the participant] would like to see changes in the Act ..., especially orders to comply and stop-work orders, to assist the municipality and increase the flexibility of the current system. Currently there is no mechanism between dealing with a permit and dealing with a site alteration. September 24

Northern Ontario All Sectors

- There are occasions where problems are caused by people who do not understand environmental permitting and so [our CA] at times would be in the position to respond to an occurrence it discovers (such as someone digging in a river), but it lacks powers to order cessation or otherwise control the activity (such as issuing a stop work order). October 2

5.10. There is a need for a stronger science basis for decision making

Conservation authorities and municipalities drew attention to the need for a strong scientific basis for decision making. Some participants commented that the province used to provide core monitoring and reporting but that capacity has now been lost, and CAs and municipalities are unable to fill that gap without significant additional resources. Participants varied in their views about how that issue could be addressed. Example comments are provided below.

Conservation Authorities

- Another participant added that what works well is CA implementation and delivery of responsibilities that are officially delegated by the province, such as flood forecasting and source water protection. If there is concern about inconsistency, we have had the opportunity to work through the CA Liaison Committee to address those issues. We may have an opportunity to broaden that oversight across broader program areas, perhaps about delivery of science. Maybe it's not just about local adaptation but also at a provincial level. With further provincial oversight we may be able to deliver more at a local level while contributing to provincial objectives. August 25

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- [Integrated watershed management] serves to balance the needs of people and a healthy natural environment... Mandate touches on many ministries, constrained by the silo approach of the province. Not diminish the Act; there is more need to do on a watershed basis, science, knowledge, living in balance with ecosystem. September 1

Municipalities

- In this review of roles and responsibilities, where is the province stepping up to provide that core capacity for [science], monitoring and reporting? CAs and municipalities just don't have the ability to do that work. If the province will develop that core capacity, it will help to answer the questions that CAs are raising. The province can tag the issue, and the CAs and municipalities can advise on how to manage it. September 24
- ...[T]he need for science-based decision making...[is] a big gap. The province used to do that, but not any longer...The CA is the only agency that knows the whole river system – it can't be managed out of a single local municipality. It's very important that the support be there for that kind of work, especially in light of climate change and increased frequency of extreme storm events. This is becoming a bigger and bigger issue with undersized infrastructure. September 24
- Another point relates to water quality monitoring. This is clearly a gap throughout the province and in the municipalities. Lake associations are having difficulty getting appropriate data and information to assist them in planning. It would be relevant if the CA had the mandate to do that work, but there must be funding to support that. September 24
- Maybe CAs should be moving toward being a primary research body with good data. We need to be sure that the decisions that are being made are founded in good science. The role would then move to looking at climate change adaptation and flooding management. Right now there's a long list of what they should do in the Act, but primarily there should be the science behind local decision making. September 24
- Another participant said that if you are thinking about society at large, you may need to think about a model that isn't based on assessment. The science, and the monitoring and tracking and expertise functions discussed earlier, the places you do that are not necessarily aligned with areas of high population. That's an area where the province might step up. We can't keep sustaining all those activities, especially in smaller municipalities. It just makes sense to do some of those activities across a wider area with a provincial funding base. September 24

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5.11. Certain CAs could be reconfigured to improve effectiveness and efficiency

Municipalities commented that in some cases, existing CA configurations are not working as well as they might. Reconfiguring CA boundaries could improve efficiency. Example comments are provided below.

Municipalities

- Should there be a separate CA responsible for lakelands such as the Lake Erie shoreline? September 8
- A municipality can have a good relationship with a CA and be helpful in municipal matters even though they (CAs) are under-resourced. Perhaps some of the smaller CAs could be consolidated so they have better resources to serve the municipalities in areas where there is a municipality–multi CA relationship. September 8
- There may be opportunities to look at boundaries – for example, perhaps we should look at the entire Rideau Canal system as a continuous system. There is always room for continuous improvement, even if you are doing something well. September 24
- Some comments were made re small watersheds that have problems delivering programs. Should we be considering amalgamating some watersheds? This has happened in some areas. September 24
- Expand to all watersheds; e.g., [a particular lake] has pollution issues... [but is] not in [a nearby] CA. [There are] three other townships on the lake; two counties. MNR in Peterborough: only being dealt with by lake association that meets quarterly. Why not a [regional] CA? September 24

Northern Ontario All Sectors

- Not all CAs were formed based on watershed boundaries because of political and municipal organisation. This is an issue because such CAs attempt to work on a watershed basis but are practically unable to do so. October 2
- For the smaller communities we should return to the stewardship model where a local conservation group was assigned an MNR(F)/MOE(CC) coordinator to supply links to administrative and technical assistance. This would be a cheap program and probably cost two weeks of wages and benefits to greatly increase effort and results. October 2

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5.12. May need a contract or updated MOUs with CAs for service delivery

Conservation authorities and municipalities suggested that expectations of CAs could be clarified through updated MOUs or other contractual arrangements. Example comments are provided below.

Conservation Authorities

- Short term fixes could include tools that facilitate that relationship [between planning objectives and environmental protection]. We have them through MOUs. Maybe it would be helpful to have efforts to point those out and encourage the development and maintenance of MOUs that are advantageous to all partners. September 4
- Another participant said that the partnership with the province may be the quick fix. But CAs do more than that. Do we expand the MOUs to deal with a broader range of issues? September 4

Municipalities

- There is a perception of duplication of services and authority at different levels of government. Perhaps updated MOUs could be used to clarify these roles and responsibilities, for example for flood prevention and stormwater management plan review. September 2
- A participant noted that a contractual arrangement could be appropriate, for instance a fee-for-services arrangement. The municipality sometimes sees the CA as an agency of the municipality. September 2
- Another participant said that CAs are responsible for the health of headwater lakes. An example is [a particular] Provincial Park. It has 150,000 visitors a summer, but one CA looks after the headwaters that feed into it. Maybe we need to charge the province for the service the CA provides to the province in that regard. There is a small population in his area and they don't pay much for the services they receive. He thinks there should be more money coming from the province as a user fee. September 24

5.13. Is it possible to withdraw from a CA?

Questions were raised at two sessions about whether a municipality is required to work with, and fund, a local CA. Example comments are provided below.

Conservation Authorities

- [A participant wanted] to mention the elephant in the room: there are a lot of places in Ontario that don't like the CAs. What can we do about that? September 10

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- Another participant spoke as a councillor for his township. If they had the option, they would withdraw from the CA. But his personal view is that CAs are here to stay.
September 30

5.14. Farming is a resource to be valued and managed; CA contribution to this may be falling short

Agricultural representatives expressed concern about the degree to which CAs recognize the contribution of agriculture, and how accountable CAs are with respect to flood management and flood control activities that directly affect agricultural lands. Example comments are provided below.

Agriculture

- Recognition is required by the Conservation Authorities Act, the local conservation board and their staff, all provincial ministries and their staff about the environmental benefits currently provided by farm land, farmed land and the best management practices used by farmers today before developing and adopting policies that will impact the economic viability of the farms like the Greenbelt policies did. September 17
- Flooding and drainage are important issues. Farmers' concerns are sometimes ignored because of flooding issues. Also there is a perception that CAs put cottager issues ahead of farming issues around flooding. In some areas farmland has been flooded as a result of CA activity. The latter need a better and faster response. An example of this was given by another participant. Farmland adjacent to CA land has been flooded by CAs. 100 + 60 acres farmland have been lost to flooding because the CA did not maintain their adjacent property. September 3
- Farmland is also a resource to be managed and protected thus the importance of cleaning up ditches and drains and use for drainage; Canada imports 30% of its food but with global population increasing and the need to feed the same there will be more competition for food. CAs have some responsibility to get things drained, and so increasing agricultural production. September 3

5.15. The CA role with respect to Aboriginal communities needs to be strengthened

Several sectors spoke to the growing importance of partnerships with First Nations on a variety of projects and issues. Some suggested that First Nations should always have a seat on the CA board. Example comments are provided below.

Conservation Authorities

- A participant added that his CA is partnering with First Nations on specific projects and issues. That journey has just begun and the CA has had to learn quite a bit. The CA board

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has proposed having an ex officio member from the First Nation sit on the Board of Directors. They see us now more as a partner than a delivery agency. That's a relationship that is new for us and for them. August 25

- [A participant] would also be interested in further discussion about First Nations. His board is moving in that direction, to become more inclusive of those interests, and he would like to see more exploration of how that might work. August 25
- Another participant responded that his CA is dealing with issues around harvesting of wild rice. Some property owners want to remove it, and the federal government has issued permits for removal of wild rice without consultation with First Nations. The CA's role has been to bring the groups together and try to facilitate resolution of the conflict. The CA is now being seen as the one organization that can effectively bring together the various groups in a facilitation role. August 25
- Another participant noted that his CA has good working relationships with local First Nations, where there are significant land claim issues. At various times, they have proposed having a voice on the CA board. The suggestion has been discussed, with the idea of an ex officio member, and there seems to be some support for this kind of arrangement. August 25

Environmental Sector

- Another participant noted that he has worked with many elders in the First Nations communities...Every day, more issues pop up with environmental protection, waters, forests, and he knows from his elders that they feel they were never talked to about those things... Aboriginal peoples and the CAs aren't working together...You need the elders and chiefs to sit with you, the ones that are peaceful and knowledgeable, to help you integrate that thinking into your work, so there's something that's brighter, more real. September 18
- First Nations have worked with CAs on significant issues, such as an unsuccessful proposal to channelize the Grand River, and replacing stream bank buffers, and so on. That all changed once the provincial appointees were gone. The Harris government has been gone for a long time, and it's only now that we're having this discussion about that important point. Another point is that there should be Aboriginal representation on the CA boards. [In some CA areas], there has been significant deforestation, with considerable impact on First Nations lifestyle and culture, such as traditional fishing activities. Those interests should be reflected in the CA Act... We need reestablishment of the provincial role on the CA boards, reinforced with Aboriginal representation on CA boards. September 18
- We all have concerns, and they all relate to the protection of Mother Earth, the protection of the watersheds. It's the most important things that should be in our minds. It's a gift to be doing this work, and we need to be good at it, and strategize, and we need to do the things that will protect the wetlands and expand the Greenbelt.

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When these proposals come forward to destroy habitat with new development, we need to put our energy together to find solutions. We shouldn't give up our dreams, our concerns... We can mobilize scientists and bring teachers and doctors and elders and farmers together. You have the most honest job that there is, the conservationists, the highest honour job there is. September 18

Northern Ontario All Sectors

- Working together – as we are today – is important but an essential partner is missing; there are no First Nation representatives here... A lot of people and bodies, governed by various acts and regulations, are required for water management, in particular First Nations, and their participation in this particular meeting is absent. There is a great need to talk with them in order to get an acceptable way to manage the river system. (The MNRF has held meetings with Aboriginal and First Nations representatives, but the participant felt strongly that they should be specifically invited to be present at meetings such as this.) October 2

6. Governance

6.1. There is a need for improved or new governance structures to coordinate CA interactions with ministries

Several sectors commented that the activities and resources of CAs could be coordinated more effectively, possibly through a strengthened role for Conservation Ontario or through a new governance structure. This coordination is especially important in light of activities that cross CAs, provincial ministries, and multiple levels of government. Example comments are provided below.

Conservation Authorities

- [I]t might be desirable to have a provincial watershed governance body that would enable municipalities to best utilize the agency to deal with issues like climate change, sustainable funding, and administration of the Act. August 25
- Longer term, it would be good to have some kind of interface, not an agency, not a level of government, not another piece of bureaucracy, but a forum, so everyone dealing with environmental issues within the CA's mandate can come together. Putting into law won't make that happen automatically, but it would be good to set out explicitly the expectation of that kind of coordination and information sharing. September 4
- Longer term, there is definitely a need for a multi-ministry interface, whether it's a secretariat or a working group, and delivered through Conservation Ontario or another mechanism. There needs to be a way to work across these various siloes in a more coordinated way. September 4
- A final challenge is the ability to focus involvement across a variety of ministries. Some kind of coordinating body could be helpful to deal with funding, with MOECC re source water protection, with MNRF and MMAH around the planning function (one window). Just a mechanism to streamline and sort out who does what. September 4

Municipalities

- Another participant agreed with the need for governance structures that transcend individual boards. Climate change has now been added to the mandate of MOE, and that extends beyond the watershed. There is a need for multi-ministry involvement, whether at the Conservation Ontario level with ministry representation, or at individual CAs, by setting up steering committees with local reps from ministries. September 24
- CAs have too many bosses to keep happy and the province needs to sort this out by giving more long term direction. Maybe changes in ministry realignment and prioritization demand a different structure and reporting role for CAs (or whatever agency replaces them). September 8

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Agriculture

- Conservation Ontario should have a coordination role (not MNRF) to ensure consistency of program delivery. MNRF pulled out of the work it used to do. In many ways the Ministry is absent from CA work. If [they are] not going to be there with money [they should] not have the whip. September 3

Development Sector

- The province has backed off from CA board appointment oversight. CAs are technical and scientific organizations, and the boards of CAs, largely municipal appointees, may not be able to get unbiased advice (because they get advice from their CAs) in order to judge how well their CA operates (thus there is lack of oversight). Could there be some source of expertise available to CA boards? In technical matters boards tend to defer to their (CA) staff, which may not be the best source of advice. Is it feasible to have some overarching advisory board? September 14
- Maybe Conservation Ontario has a role... as a source of knowledge and advice. September 14
- It sometimes happens that when municipal comments and CA comments on a development are incompatible (a not uncommon occurrence) there is no simple way of resolving this. It becomes a duel between the two, to the disadvantage of developers. September 14
- The other thing is that the CA should oversee the activities of staff, but it's the role of the province to ensure that CAs are doing the things they should be doing and not doing the things they shouldn't. The province needs to provide oversight for CA activities. September 22

Environmental Sector

- We have to find a way to bring the various provincial interests together. Everybody wants to do a good job and give good value for the tax dollar; they just have to find better ways of working together. September 18
- CAs are the best organizations to develop and monitor watershed plans, but the provincial government should be responsible for the county and regional scale government response. There is no protection for areas [that are] currently under significant development pressure. Money should be provided to do a countywide landscape ecology plan, in the context of a watershed or sub-watershed plan. That would also deal with some aspects like climate change. September 18

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6.2. There is a need for improved or new governance structures to facilitate sharing of CA resources and expertise

Some sectors felt that it would be valuable to have governance structures that allow two or more CAs to work together through a joint administrative arrangement, or share resources or expertise for a specific purpose. Example comments are provided below.

Conservation Authorities

- Source water protection activities under [the Clean Water Act] really worked well. Sharing of staff and expertise across CAs was really positive, but we have let that go. There are good parts about S.11 (amalgamation) and S.13 (dissolution). Maybe there is some middle ground where we could allow a vote between two or more CAs to form a joint administration. It would allow a simple vote where local people can increase the expertise, the boots on the ground through a simple mechanism. It keeps the individual CAs separate but you form a joint administration to work together. September 10
- Sometimes there are working relationships with a neighbouring CA that would benefit from a joint administration. September 10

Northern Ontario All Sectors

- Different CAs have different resources concerning watershed health but it would be good if such resources could be shared more and be centrally available (e.g. different types of watershed can draw on different types of expertise more readily). October 2

6.3. There is a need for an improved mechanism for conflict resolution and/or appeal

A number of participants spoke to the need for a more effective and transparent mechanism to resolve conflicts, for example with respect to board behaviour or membership. Example comments are provided below.

Conservation Authorities

- CO currently spends a lot of time as if it already had that [ombudsman/conflict resolution] responsibility. There is no other entity that can provide a response to a citizen or other party with a complaint about a CA. You can go to the Minister with a complaint, but there's a process to be followed that is less than perfect. It would indeed be beneficial to have an arm's length entity to deal with those kinds of questions. August 25
- [T]here needs to be some mechanism to address issues or concerns such as board behaviour or membership. An ombudsman or other similar arm's length role might be appropriate. That mechanism does not currently seem to be in place. August 25

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- Apparently there is no mechanism for appealing a positive decision of the CA (e.g. a CA observes due process and decides on a particular course of action; how can the decision/action be appealed – e.g. by a third party?). September 1
- The governance model works well because it has stepped away from the Province. Perhaps some third party (ombudsman-like) would be beneficial in resolving controversy (e.g. [by recommending compromises, such as] wetland fill-in [being offset] by creating a wetland in some other CA's jurisdiction). September 1
- [T]here should be a better interaction between Conservation Ontario (CO) and individual CAs. September 10
- An ombudsman approach (not the provincial Ombudsman, however) could also help to improve accountability. September 10

Development Sector

- We have talked about mandate and jurisdictional creep; the appeals process (to Commissioner of Mines) does not appear to be independent or impartial (as is the OMB) so perhaps a different appeal mechanism is needed. September 14
- Maybe the OMB is a better place than the Commissioner of Mines to direct appeals towards for things such as planning related fees or permitting. Having an established appeals mechanism omnipresent helps to keep everyone honest and encourages transparency and accountability; for example, CAs might have to justify their comments and recommendations to an appeals board. September 14
- A participant commented on the role of the OMB versus the MLC in terms of process to get to a planning decision. Typically the OMB comes first, but a decision at that level may still be subject to alteration because of an MLC decision may occur later on. It might go to a CA permit and then a CA permit appeal to the MLC. Maybe one thing that could be addressed is that where there is an OMB decision that has been made or something going through that stream, that there not be a second stream of appeal required. A consolidated review can be requested but that isn't always done by the developer or a municipality. But maybe there's a way to deal with that in the Act: a provision that the two streams can be consolidated. September 22
- Generally speaking, with the increased mandate and authority of CAs, there needs to be greater transparency/clarity and appeal mechanisms. Is the MLC the appropriate tribunal to deal with CA issues? His preference would be a more impartial body such as the OMB. September 22

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6.4. The approval process for board per diems is inefficient

Conservation authorities and municipalities commented that the current process for approving board per diems (through the Ontario Municipal Board) is onerous and unnecessary. Example comments are provided below.

Conservation Authorities

- Is OMB involvement overkill in getting per diems changed? Provincial oversight, strong in the 1990s, has become eclipsed by municipal oversight and so the Province could revamp and so balance its oversight (although this is a multi-ministry activity) and thus increase the accountability of CAs. September 1
- Another is that every year, their CAO had to submit applications for per diem increases for board members to the Ontario Municipal Board, who either wouldn't approve it or would delay approval for years – even if it was just a 2% increase. It seems ridiculous to do the approvals in that way. September 4

Municipalities

- The other is the need for the OMB to approve per diems. One year his CA sent the application in and a year later it still wasn't approved, so they went ahead and did it anyway. It wasn't a priority for the OMB. It seems irrelevant to require OMB approval for per diem payments. September 24

6.5. Governance is generally working well

Participants at a number of sessions commented that existing governance is working well for them. Example comments are provided below.

Conservation Authorities

- [A] participant said that she has found the current model to be beneficial and wouldn't like to see it changed. September 10
- Another participant agreed that governance at the board table is excellent. Governance above that, at the provincial level, is a mish-mash of programs as different ministries download programs without sufficient funding accompanying those new responsibilities. The issue is above the board table, at the provincial level. September 10

Municipalities

- [A] participant observed that the current governance model works fairly well, but the comments in this discussion about the variety of CA roles reveals some challenges in the governance and funding model. September 2
- The CA roles and responsibilities as currently laid out meet [this municipality's] needs very well. They need to communicate well, to share information, to be available. Board members are asked to be honest and say that they are following the rules that are set

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out, and are encouraged to be problem solvers, working with people to reach satisfactory solutions. Some municipalities have asked to increase their participation in particular CAs because they are doing such a good job. They believe strongly that people make the difference: communication, problem-solving, follow-through, doing what is right. September 24

- [A] participant observed that the governance generally seems to be working well. Discussions are informative and members come back to the municipality with useful information. September 24

Northern Ontario All Sectors

- It's a model of direct representation. Everyone is brought up to speed on the issues that affect us all, whether it's septic systems or the floodway in the city. That personal knowledge is much better than a remote system telling us what should be done. The mandate here, as a district organization, is clear and specified. Everybody knows exactly what the CA role is. The obfuscations come mainly from confusion about the roles of various provincial ministries, not the role of the CA...[U]nder the model we have, the board is probably just the right size. What it manages to do with its staff is extraordinarily well managed... There's no waste, no fat... The municipalities understand that if we don't get along, we won't succeed. There have been tussles over the years, but in general the model works well. We have good attendance, good participation, good communication. As someone who studies and teaches governance, [this participant] has trouble seeing ways of improving it much more. September 30
- Emergency management works well with the CA in unorganised areas, and the CA is good at seeing the bigger picture to prevent bad (short-sighted) local decisions from being made without an appreciation of the larger picture, for which it needs its autonomy. October 2
- The governance model we have at present seems to work well overall. Municipal politicians on CA boards are accountable, something that would be lost in other forms of representation. CA boards make decisions based on the advice (based on knowledge and expertise) of staff. A variety of stakeholders are brought in as advisory groups to provide input and have dialogue with CA staff. This works. If some larger multi-ministry oversight body for CAs is developed it must include the various multiple interest stakeholders. October 2

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6.6. The three-year CA board term is out of sync with the four-year municipal term

Conservation authorities and municipalities commented on the challenges of a three-year CA board term, when the municipal term of office is four years. Example comments are provided below.

Conservation Authorities

- One issue is the aspect of the Act that speaks to the term (the three- and four-year issue, which is out of sync with municipal elections). The first meeting after a municipal election is always a challenge. Continuity [through the transition to a new chair] is important. Perhaps there should be some cross-reference with the Municipal Act to make that transition work better. August 25
- The three-year vs. four-year issue has caused administrative challenges. A suggestion has been to do three-plus-one. August 25
- [M]embers are currently appointed for a three-year term when municipal terms are four years. And there's also the issue that a member remains a member until the next AGM, but if they are no longer on municipal council, they probably won't show up. Fixing these issues would let us direct our time and energy elsewhere. September 10

Municipalities

- Another participant added that another issue is the 3-year term cited in the CA Act, which is out of sync with 4-year municipal terms. September 2
- Another participant said that an easy fix would be to switch the term from three to four years to match the term of municipal council. September 24

6.7. Municipal representatives on CA boards ensure accountability

Participants from several sectors noted that having municipal representatives on the CA board improves accountability. Example comments are provided below.

Conservation Authorities

- [A] participant noted that his board is 100% municipal representatives, and he advocates that approach. It provides a good channel of communication back to municipal boards and staff. He likes the accountability model of elected representatives. His board has very clearly articulated bylaws that guide the board's roles and responsibilities. They work well and help the board and GM stick to their roles. August 25
- The model is working well. A point of concern is how accountable CAs are. If the board is largely political then there is representation through elections. Accountability also exists, through funding, to the Province, but that is not formalised. September 1

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- In the past, the province had membership on the boards, and that may or may not be a good thing. But having strong partnerships with municipalities is critical, because they are making many of the decisions. September 4
- It's helpful for municipal reps to know that they have a stake with their own municipal government in CA activities. September 10

Municipalities

- [Another participant] likes the idea of local accountability for decision making, through elected officials, to communicate back to municipal councils. September 24

Development Sector

- CAs are a commenting authority, not an approval body. Contra preceding comments, politicians may be the best suited to sit on boards because the political skill lies in resolving conflict and making things work together; CAs have a great local role and the issues dealt with in commenting, permitting, approving, etc. are all seen at a local level. Since these decisions require balancing interests, politicians may be better board appointments than representatives of interested groups or citizen appointees (who have no accountability). And if they abuse their power they can be removed. September 14
- Another participant commented on non-municipal representatives on the CA boards. There's an issue of accountability. Most of the board members are elected officials, but there is the odd person who isn't. How do you ensure accountability if all members aren't elected officials or provincial reps? September 22
- A participant noted that membership should be elected representatives, but those reps should reflect local interests/sectors. Collective understanding is balanced approach to regional decisions. Elected official creates more accountability at the CA board level, can be voted out. September 22

Northern Ontario All Sectors

- [A] participant noted that there is feeling that there should be oversight of what the CA does. The board is made up of all the member municipalities within its jurisdiction. Each municipality has at least one member on the board. The oversight exists that way, because they have to report back to their respective councils. If there's a misunderstanding, they can bring it back to the CA board where it can be clarified or explained. September 30

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6.8. CA boards benefit from diverse membership

All sectors expressed support for diverse membership to reflect the full range of activities and interests in the watershed. In cases where all members are elected officials, participants suggested that diversity could be achieved by establishing criteria for municipal nominations to CA boards. Some participants made the point that the CA's needs may change over time, so it is helpful to have the flexibility to adopt different board structures to suit particular circumstances. In several cases, CAs spoke to the need to represent county interests on the CA board. Example comments are provided below.

Conservation Authorities

- [A] participant observed that his CA has worked with municipal representatives as advisors, outside the Board of Directors. The emphasis has shifted over the years, as the organization grew and changed. It's been an advantage to have that flexibility to include that expertise. His CA has had different board formats, and has valued the flexibility to do that. August 25
- [A] participant agreed that the governance model works well. His board has 28 members with councillors and citizen members. There have also been academic members and other more diverse interests in the past, but current membership reflects where the money is coming from. They mainly play well together. August 25
- [A participant] would also like to see some discussion of counties and representation of county interests on the CA board. Why do lower tier municipalities have a decision making role on the board, but counties don't? That issue will be particularly important in certain CAs. Right now it's working okay, but it's going to be an issue that will be raised over the next few months. August 25
- Boards work despite the governance model or the board constitution; however, political appointees have different objectives to non-political board appointees; it is not desirable to make a CA a political body - perhaps the Province should limit political appointments; although a CA may be – by agreement of the appointers – balanced. Perhaps the Ministry could provide more direction on this issue. September 1
- A larger board can be more representative of all diverse interests (e.g. rural–urban). The board has broad representation and members tend to regulate themselves with respect to their own interests. There is no good way of representing external interests. September 1
- Longer term, the issue is representation at the board. In [t]his CA, there are several counties, but none have a seat on the board; the regional municipality is, however. Lower tier municipalities always have a seat, and funding is negotiated through them. The province is also a major player, but again is not represented on the board. September 4

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Municipalities

- Much of the direction given by those boards fails to reflect the full range of activities across the watershed. A more representative approach to board membership is desirable. September 2
- CA board members should represent the sector they come from. When all the representation comes from a large municipality with a large population, you have lost the ability to represent what is going on across the landscape. September 2
- Another participant said his board is 100% elected representatives, and he feels members should be a cross section of interests in the watershed. September 24

Agriculture

- More agricultural representation on CA boards is required... [F]armers in aggregate are the largest landowner (after the Crown) in the province and so should have more say. So it is important the agriculture is well represented on CA boards. September 3
- CA authority can rub farmers the wrong way; perhaps direct board representation would limit this. Perhaps some local committee similar to a Committee of Adjustment for landowner–CA matters would also increase consistency between CAs. An example was given in which tiling changes, leading to increased water level and flow, were not understood by the CA. This, coupled with a lack of communication, led to inactivity on the problem. September 9
- We would very much support the idea of an agricultural representative becoming a member of a CA board. This does not happen at present as board membership is effectively based on who pays the most taxes and this misses out a greater watershed view of what is going on in the landscape because of lack of knowledgeable board membership. Only agriculture and forestry are active in landscape management to deal with water recycling and carbon sequestration. Agriculture is the principal industry in Ontario and is not well served by lack of competence on CA boards. September 9
- Municipalities choose CA board members but farmers own and manage most of the lands under CA jurisdiction so they should be formally represented on CA boards; at least two farmers on a CA board. A lot of what farmers do are in sync with what CAs want and do: air quality, plant trees, carbon sequestration, biodiversity, nutrient cycling, pollination, soil erosion control, water retention on or in land, wildlife habitat maintenance. Farmers and CAs could work together better, as happens in other parts of Ontario, to resolve farmers' problems. September 17

Development Sector

- Board appointments are opaque: how are appointees determined and appointments made and who has representation? How can there be uniformity of CA direction within a hodgepodge of board selection? Intensification (by provincial objectives) gives an

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example of how the municipal process and interests (neighbours may unite against infill and intensification) can operate against provincial goals. September 14

- He likes the idea of boards being composed of local reps, rather than provincial reps, but local reps do not necessarily have to be elected representatives. Not the only way to increase transparency but better than nothing. Public appointees have little awareness of who they are, not accountable to citizens. September 22

Environmental Sector

- [A]t one time, the ministry did have criteria for membership on the CA boards, and nominations were reviewed by the ministry in advance of appointment. That diversity of expertise and viewpoints is now missing from the boards. September 18
- He's not sure about provincial membership on CA board. Some activities remain the responsibility of MNRF, but others fall under MOECC, for example climate change. You can still have municipal people on the boards, but you need quality people, not just people who represent development interests. September 18

Northern Ontario All Sectors

- More diverse representation provides a wider spectrum of backgrounds, including agricultural representation. The diversity is there, although maybe not in the same manner in each watershed. If you narrow the membership too much, and specify representation too much, you may take away individual rights to participate in decision making. September 30
- The [CA] board has councillors (5) from various backgrounds but also there are citizen appointments (4) from a range of backgrounds which leads to a synergy across the board. This seems to work well in terms of the activities undertaken by [our CA]. October 2
- It's critically important that a board member is there because of their interests in the work of the CA and that the decisions they make support the best interest of the watershed because the case-by-case decisions they make impact the entire watershed. October 2

6.9. There is a need more opportunity for public input/involvement in decision making

A number of participants spoke to the need to have more public input and/or involvement in decision making, including at the CA board level. Example comments are provided below.

Conservation Authorities

- [A] participant commented that it is very rare for his board not to be able to reach consensus on an issue. The model works very well for them. What they are working on now is improved outreach for stakeholders, providing them with a voice on issues and

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solutions, to decide how much of a voice they have in shaping the CA's activities. An example is lake associations, which have a strong local voice, fish and game associations, and so on. August 25

Municipalities

- [A] participant commented that there may be opportunities to engage the public more, for instance around permits... There needs to be a better experience from a customer service perspective. September 2
- Another participant added that in his municipality the circulation of planning applications is through an MOU with a local CA. It says that only applications within the CA's area of interest will be sent for their review. In other cases, regulations are put online so landowners can see what's in and what's out. September 2

Agriculture

- Landowners should be more involved and informed in the decisions that affect them. For example, changes in land classification, such as to a significant wetland, can have significant impact on what a landowner can do. September 17
- Consultation and stakeholder engagement are critically important. To ensure that this is done, it needs to be included in the CA governance model. September 17
- Maybe CA sessions could be run along municipal council lines, with minutes published and meetings open to the public. There must be more and better ways of engaging stakeholders... lack of communication ("communication falls apart") leads to delay and frustration. September 17
- Notification to individual property owners must be required prior to the adoption of new floodplain or wetland mapping and an appeal process should be provided. September 17

Environmental Sector

- There are also issues with closed session meetings and confidential reports. CAs are not bound by the same rules as municipalities with respect to the need for open meetings. The citizen has little recourse in the event of a closed meeting. September 18
- [I]t is important to have a mandated opportunity at every board meeting, during which the public can speak, and question the agenda. Currently those opportunities are very rare. September 18
- Another issue is reporting. Watershed report cards are one thing, but there is no public input. There is no standard set of indicators around things like hardened shorelines, underground streams, alterations to the landscape. There needs to be public input at the implementation level. September 18

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6.10. Mixed views on the value of having provincial representatives on CA boards

Participants were divided in their views on the importance of having provincial representation on CA boards. Even among CAs, there were differing opinions on the value of a provincial presence at the CA board table.

Conservation Authorities

- The province may want to consider providing for appointment of provincial representatives and NGOs to CA board, to address concerns about inclusivity. August 25
- [A participant] would be supportive of returning to a required provincial appointee. It might help to strengthen the relationship with the province. If there is a renewed scale of interest and involvement, including financial support, from the province, the notion of a provincial appointee to a CA board could be important. There would have to be something very clear laid out about that person's role on the board. August 25
- Other than MNRF, provincial interests are not represented on CA boards and this is a drawback. September 1
- While there have been some provincial appointees [on this CA board], those individuals seem to have represented mainly the provincial "party line" rather than local interests. August 25
- Provincial appointments would be of no benefit. September 1
- There should not be provincial reps on the CA boards. We had those years ago, when the province was paying 70% of our programs. But under the current circumstances, [the participant] can't see any case where provincial reps would not create conflict with municipal representatives. September 10

Municipalities

- One point is the need for provincial reps on the boards. [The participant] would argue against that, because in the past provincial reps gradually lost interest in the CA boards and just stopped attending. September 24

Development Sector

- Another participant noted that from a development perspective, it may not be a good thing to have more provincial involvement at the CA board level, it depends on the CA. Local contacts may be more beneficial because they have better understanding of features on the ground than the province has. Technical skills the CAs are more sophisticated, better mapping, clearer policy etc. than the Province. They often have more reasonable and flexible positions than the province has. September 22

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Environmental Sector

- Another observation is the loss of provincial appointees on CA boards. They brought a science-based background and expertise to CA board decision making. Now, many municipal reps choose to ignore technical reports and CA decisions are often made without that information. September 18
- With changes in government, especially the government cuts of the mid-1990s, changes were made to expel provincial appointees before the end of their terms. ...Another benefit of provincial appointments is that they have to go through the legislature, so there is a vetting of nominations. We need reestablishment of the provincial role on the CA boards, reinforced with Aboriginal representation on CA boards. September 18
- We need reestablishment of the provincial role on the CA boards, reinforced with Aboriginal representation on CA boards. September 18

Northern Ontario All Sectors

- It would be beneficial to have MNRF sitting at the CA board table, even if only in an ex officio capacity... It might be another way of enhancing the model, perhaps not through funding but through expertise. September 30

6.11. It is desirable to have a skills-based board

Participants at several sessions spoke about the importance of appointing board members based on the skills they can bring to the table, rather than simply on the basis of the sector or interest they represent. Example comments are provided below.

Municipalities

- Introducing other ministries may increase the skills-based composition of the board. CA work may be onerous for individuals who may have to represent a municipality on more than one CA board (because a municipality may be situated in more than one watershed). September 8
- Another participant said that most CAs have a combination of elected board members and other members who aren't on council. He thinks it may be better to go to a skills-based board: you say that we need skills in these eight areas. We don't need eight politicians, or eight members of the public. You need those groups represented, but you need a broader perspective... It does take some of the control away from the municipalities who make the appointments. We got around that by asking municipalities to make recommendations based on a list of criteria; please suggest three people. Then we would interview them and select one. That's something from the governance perspective that would make CAs stronger in the long run. September 24
- Another participant ... agrees with a skills-based board or a larger geographic representation; they don't necessary exist at present. The province needs to look at what

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the purpose of CAs is and how representation on the boards should follow. September 24

Agriculture

- Different roles require different expertise. E.g. surface water control. Board members do not have knowledge or education in such matters and therefore don't know how to deal with them; board members need expertise in what the CA deals with. September 9
- Another participant picked up on the comment about elected officials serving on CA boards. He is not a big fan of this. Yes, it provides accountability, but chances are that councillors will lose their seat on council depending on how they serve council. You could be completely dysfunctional on a board but be serving your council very well. In addition to elected officials, there should be additional reps chosen based on specified criteria. September 22

Environmental Sector

- The appointments to CA boards are too politically driven. There needs to be more of a technical and professional component at the table. Staff are doing a good job, but how does the CA board manage that same level of technical understanding if they aren't trained in those areas? September 18
- Another participant agreed that municipalities have to come off the CA boards, and the boards need more scientific expertise; criteria need to be established to ensure that the necessary skills are available. It doesn't help to have science-illiterate municipal reps on the boards. It's the technical staff of CAs that currently support decision making. September 18

6.12. Turnover is beneficial for the chair and board

Conservation authorities commented that turnover on the board, including the chair, is healthy for the organization. Example comments are provided below

Conservation Authorities

- [T]he CA voluntarily imposes a term on the chair (maximum of five years). In the past, some chairs have stayed on for many years, and it may not be the best approach for the organization. August 25
- Another participant suggested that term limits of 8 years, or 12 if you move to an executive position, would be desirable. September 10
- It's very important to have terms for the officers on your boards. Some people have 20 years of experience, and some have the same experience 20 times over; it's different. September 10

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6.13. Board size is important

A number of participants commented that larger board sizes allow for more diverse membership, but can make decision-making more difficult. On the other hand, too small a board creates challenges with representation. Example comments are provided below.

Conservation Authorities

- The number of board members varies by agreement but maybe the Province should set guidelines. September 1
- CAs should also look at Section 14 of the Act, which allows for reduction of board size. By doing that, his CA has reduced its board from 24 to 12, and cut costs significantly. Decision making hasn't suffered. September 10

Municipalities

- Another participant noted that one of his municipality's CA board members believes that board is too large. September 24
- [A participant reported on his experience with a medical school board that] originally had 34 members. It was a difficult board because of the size and broad representation requirements. It took two years to get the board down to 17 members, and move it from an appointed board to a much more effective skills-based board. That's one of the things the province needs to consider. It does take some of the control away from the municipalities who make the appointments. We got around that by asking municipalities to make recommendations based on a list of criteria; please suggest three people. Then we would interview them and select one. That's something from the governance perspective that would make CAs stronger in the long run. September 24

Agriculture

- A CA can do good work in the recreational field but not so in its regulatory work. A board quorum of three people is too small; could it be increased to five? Is representation by population adequate? Would representation by the land mass in the watershed be fairer? Perhaps boards should hire more professionals (e.g. planners) to deal with some of the work they are called on to do. September 9

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6.14. There may be a perceived conflict of interest in municipal representation on CA boards

A number of participants commented that the current governance structure, which emphasizes municipal representation on CA boards, can create a perceived conflict of interest. Example comments are provided below.

Conservation Authorities

- In a small CA that needs capacity in a certain area, they are beholden to the local municipality for their funding. If that municipality doesn't want to pursue that issue, a challenge will arise, the funding may not be provided, and you may not be able to get the work done. There's a certain level of funding that is required to meet a minimum standard of service and support. August 25
- There is potentially a political conflict between the governance/financing of CAs and the needs of ever-growing municipalities. September 1
- Municipalities may resist increasing CA funding because they are under pressure to avoid tax increases. September 1
- [M]unicipal board members are valuable, but they tend to gravitate toward issues that are of interest in their local municipality, for example in permit applications and hazard and flood plain issues; they aren't wearing their CA hat...He's not sure if there is anything you can do in the Act to ensure that if you're a member of the CA board, you have to put your CA hat on. September 4
- One of the challenges CAs have is board members who drive CA board decisions through financial influence (pay for say). September 4
- Another participant said that when you have multiple municipalities affected as part of a CA region, funding becomes an issue in assigning priorities. Funding is probably the single most important factor. If we don't have the funds in place, we can't accomplish the goal, even if it's our number one environmental priority. Then you have the issue of multiple municipalities with different perspectives. Each one wants to be able to go back to council and say that they represented their municipality well, and will benefit their local residents. September 10

Municipalities

- [T]here may in fact be a perceived conflict of interest in municipal representation on CA boards. As a result, the CA board may reflect more watershed interests than environmental protection principles, for example in source protection. There may be other governance models available that are more satisfactory and balanced. September 2
- CAs act as consultants to other ministries and so have to do what they are paid to do. But this may not be what the local taxpayers need or want. Additionally, board members

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have roles as municipal representatives which may cause tension with their CA board membership role - some initial education or induction program for new CA board members may improve this. A better understanding of the roles and relationships of CAs with various stakeholders would help to improve governance. September 8

- The example of a single (amalgamated) municipality having enough voting power to determine the course of a CA suggests that such a situation may lead to bad outcomes. But it can also (and does, in the example given) work well. September 8
- Too often, [a participant's] councillors end up at CA board meetings fighting the budget, just because funds are tight. They might seem to be anti-CA, but it's more about tiny municipalities and tiny budgets. The CA is a much appreciated resource, especially for those smaller municipalities. They do seem like the perpetual whipping boy for private lands activists, however, a point that speaks to the importance of their education function. September 24

Development Sector

- A participant commented that one desired long term fix is more sustainable funding. At present, municipalities pay too much, and some councils bludgeon their CAs into inappropriate decisions. The CA can be muzzled by council, because their funding can be cut off. The way to fix that is to restore provincial funding that was taken away in the 1990s. CAs need to be able to do their job without fear of losing their funding. September 18

Environmental Sector

- [A] participant added that some comments have related to the role of municipalities vis-à-vis CAs, and the potential for conflict of interest. But the most important thing is the other side. When the budget of the CA gets crafted, it's put to the municipality for support of the levy. The municipality won't fund what some CAs need, because it's not a municipal priority. It's a conflict of interest for municipalities not to fund something that is needed, just to keep the tax bill low. September 18
- A participant added that municipal politicians on CA boards cause issues and problems. Municipal funding is 80% of CA funding – just follow the money. Municipal politicians are very well aware of who is paying the piper. In many cases, activities are sponsored by developers. In one case, dirt was dumped on Class 1A farmland because the CA gets money for accepting developer dirt, and they have rubber stamped a development that goes through. So they are approving a development but also being compensated for activities related to that development. It's potential malfeasance. There's a conflict of interest that the regulator is also the beneficiary of the decision. It's self-dealing. It could ultimately be corrupt. It's people being compensated for activities that are under the table and might be shady. The issue is the self-dealing... People on the public payroll should know that if things aren't done right, there will be consequences. September 18

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- The present governance structure is OK although sometimes there is a blur between a person voting as a municipal representative and as a CA board member. An individual can be conflicted between the CA side of an issue and the municipal side. Municipal Freedom of Information and Personal Privacy Act also comes into play as does conflict of interest legislation because municipal appointees are covered by these in their CA activities as well as their municipal role. October 2

6.15. There is a need for improved transparency and accountability

A number of participants expressed concern about the need for improved transparency and accountability for CA operations and funding. Example comments are provided below.

Municipalities

- Councils also need to know what is being done with the funding they provide, and that the priorities they have identified are reflected in CA activities. That transparency in reporting is very important. Earlier, we discussed the increased role of CAs in hazard land issues. When those issues get “crunchy” in terms of compliance, CAs are often left to their own devices in enforcement. September 2
- There is not a satisfactory or adequate feedback mechanism for municipalities to see how the CA has performed (using the levy funds provided) and so to assess the benefit the municipality has gotten for its money (i.e, there is not a performance management approach). Benefits are not only financial and may be tangible or intangible, such as environmental benefits, so we need a means of seeing how well municipalities' goals are met through the work of CAs. September 8

Agriculture

- We need to know in terms of people and land (and progress reports) how well CAs are doing their jobs so that we are better informed as to what people are getting for their money. Perhaps CAs should have to refund money such as fees (for permits) if they don't do an adequate job. September 9
- More money is needed and the taxpayer forks out. This requires more accountability...But it also requires more representation. CAs do a lot of things and this leads to a complicated funding model. What they do under the Act (flood control, regulation, conservation areas) also requires a complex governance and accountability setup as these three activities are related. September 9
- How well do CAs meet their required functions? Some sort of report card assessment would help to determine this and also to determine where future funds should be spent. Healthy working relationships between landowners and CAs are essential (for example, activities involve working together in programs, or providing land). How do we ensure these? September 9

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- Questions needing answers before decisions can be made are: How much revenue comes from permit fees? Do all CAs aim for cost recovery? Also CAs should apply for grants more (although it's not clear what grants they are eligible to apply for). September 17

Development Sector

The development sector in particular felt strongly and provided a large number of comments on this topic. Only a sample are given here.

- In relationship to transparency and accountability, all CAs should post their financial statements and annual reports (for example the annual budget of [one of the largest CAs] is \$100 million in 2014) so that people can get a picture of what they do and how well they do it and how effectively they use their money (for example, we can see the [CA] spends about a third of its money on water related matters; we can also judge how well its organizational structure matches its activity; and its mandate). And so judge whether they are doing what they ought to do, and whether they are well structured to do that. September 14
- Regarding self-generated funds of CAs, do CAs match revenue (fees) with expenses and outcomes? A developer study showed that CA fees exceed the costs of having consultants create reports. September 14
- Are self-generated revenues matched with expenses? We need to be able to see that this is so (accountability). For example, a CA has 40% of its revenue self-generated; how well is it managing its assets? Should they be managing the assets that they control? A school board or a municipality could manage something such as Black Creek Pioneer Village (for example). Is a ski hill or a golf course the right asset for a CA to manage, and is a CA the best body to manage it? If these assets were divested the CA would be able to focus on its core function and mandate. September 14
- The development industry is seen as a source of funds and the money provided should be spent on development related activities. Money spent on ski hills should not be drawn from other sources. There's not enough transparency around source and use of funds. If CAs are benefiting from development charges, then they should show how that money is spent only on development related activity and not on ski hills and golf courses. (It was noted that some CA fees have been appealed to the OMB.) September 14
- Another participant added that the establishment of community stakeholder advisory committee for CAs can help to improve communication, transparency, and accountability. A lot of the stakeholders at the local levels can work through the kinds of misunderstandings we are talking about. The establishment of those kinds of committees could be a recommendation arising from this process. September 22
- Another participant added that some CAs do consultation when they want to change their fees, and that's very desirable. Several such processes are underway right now. In

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one, the development industry brought up the question of tying the fee to the actual time spent. But it's difficult for CAs. They don't track the time they spend on each activity; they aren't a consulting firm. September 22

Environmental Sector

- CAs should also establish an open and transparent process for input from members of the public. Once they have made a decision, the public should have a right to appeal the decision to the Mining and Lands Commissioner. The participant responded that he [would like this kind of process on other issues]. It should not be an opaque, "rigged" process. September 18
- Transparency is critical. Under the EBR, S.28 permits should be appealable to the Environmental Review Tribunal, which has environmental expertise. September 18
- If you have pro-development members of the municipal council on the board, it is difficult for staff to enforce the regulations that they have at their disposal. Things should be done more openly and transparently. Progress has been made as much at the ballot box as elsewhere. September 18
- Another participant noted that governance is related to outreach, for which many CAs have good, targeted programs. But many CAs don't do a good job of this, for example with daytime meetings. There isn't a lot of outreach that encourages accountability. We need to do a better job of that. September 18
- The report cards are important. There needs to be more of a review about how they are developed. September 18

6.16. Board members need training

A number of participants felt that CA board members need training about their role and expectations of them. Example comments are provided below.

Conservation Authorities

- Board members should be made aware of the expectations the CA and staff have of them. In order for good governance to occur, people's roles should be made clear at (project) inception. Ad hoc expectations does not work - it gets messy and confusing. September 1
- Governance requires that policies be regularly reviewed and updated and they provide part of the expectations of board members (above); perhaps every 4 years. September 1
- Another participant suggested that a short-term fix should be around training...We need to train people to equip them to understand fiduciary responsibility and put it in context, whether you're a municipal councillor or on a CA board: here's what your role in governance is. CAs have a broad mandate and board members need training so

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people understand that when you come to a CA board you have a different hat on and may need to act in a different way. September 4

- Another participant ... added that it would have been nice if he had had a better introduction to the role and scope of the CA board. He didn't fully understand that role when he joined the board. Having that information early would have helped. September 10
- [A participant] would also like to see the kind of continuing education credits required in professions like engineering and accounting be required for CAOs. Perhaps incentives, funding, or peer pressure could be used to encourage that; it might be difficult to require it under the Act. We should be like every other profession. We should be able to show that we continue to educate ourselves. September 10

Municipalities

- Another participant challenged this: what is the core responsibility of the board member? Should they be a champion? Or just a reporter? Should they be bringing municipal messages to the board? September 2
- A participant said that he sometimes finds problems, not with accountability, because financially that's okay, but with the changing structure. Every three or four years, the structure changes, new people come on to the CA boards and don't understand their operation. It takes years to learn that. That's the problem he sees with governance. Many CA boards are large and cumbersome, so it's hard to get things done. But he sees people coming to meetings who are just nodding their heads. They're newly elected and don't understand process or the working of the CA. That's a bad thing, but he's not sure how to change it. September 24
- People who are not elected officials should understand the kind of liability they assume if they are appointed to a CA board. It can be a deterrent to involvement on those boards. Another participant said that in his municipality, anyone who is appointed by council is covered by the municipality's insurance. The first commenter said that nevertheless a legal challenge can tie things up in the courts for years. It would be simpler if the matter were made clear in the legislation. September 24

Agriculture

- CA boards are not good for overseeing the regulatory process; there's no attempt to select board members with knowledge of the process. Official plans are created or modified and board members do not provide adequate governance and oversight. They often do not know what authority they possess (e.g. to distinguish between acting in a regulatory role and making a choice of how to act). CAs also have authority under the Fisheries Act but board members, despite having a role in the appeals process, do not know what to do. Boards cannot distinguish between mandatory and optional comments. September 9

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6.17. “Pay for Say” can affect the quality of decision making

Some participants felt that paying for a seat at the CA board table can affect the quality of decision making, especially when one large municipality dominates. Example comments are provided below.

Conservation Authorities

- On a CA board smaller municipalities may not be able to exert as much power (and so not get their needs met) as the larger ones. September 1

Municipalities

- [A participant] noted that since municipalities are paying CAs, they need to be at the table in CA decision making. If they put a double digit increase on the tax bill to enable a CA project, the phone will ring in the municipality, not the CA. Some municipalities allocate one seat for a general public member, for that reason. In some bases, the municipality pays a tiny amount but still takes up an equal vote and equal time on the CA board, even though their contribution to the CA is tiny. On the other hand, upper tier municipalities can overpower small local municipalities – it’s push and pull. Some are going through governance reviews now. Getting council members out to CA events, making sure the CA board member knows that they are accountable to their municipal council for their activity on the board. The CA members should be championing with the municipal council whatever they are doing on the CA board. September 2

6.18. Upper-level vision is missing

A participant from a conservation authority commented that the system would benefit from upper level vision.

Conservation Authorities

- [A] participant agreed that the current model is working well, but one area that is missing is establishing the vision. His fear is that CAs haven’t received much guidance from senior government about water management, for instance. There’s an opportunity with Great Lakes planning, for instance, where senior government can establish the vision and utilize existing authorities to meet objectives that are articulated through broader planning activities. How are we going to get there? The CAs are an excellent model for program delivery, but they need that upper level vision. September 10

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6.19. There is a need for a provision to remove board members for poor performance or malfeasance

Conservation authorities drew attention to the need for a provision to remove underperforming board members or those who have been found guilty of malfeasance.

Conservation Authorities

- [T]he Act does not provide for removal of a current member, even when malfeasance is involved. Other pieces of legislation have impact on the CAs, for example the Municipal Conflict of Interest Act. It's not always clear when we should have a closed meeting; we just say we will follow the Municipal Act guidelines. When it comes time for board members to vote, it seems that some think they are municipal watchdogs, while others understand that they are directors of an organization and must keep the interests of the organization foremost in their decision making. August 25
- A participant responded to an earlier point that there is a mechanism for a judicial review of a CA board's operation, in the event of concern or criticism, for example around the sale of CA lands where there is perception of conflict of interest. August 25

6.20. Governance may need to vary across the province depending on local CA needs

In a few cases, participants commented that governance may need to be tailored to the needs of the local community or environment. Example comments are provided below.

Development Sector

- Governance depends on where you are. How do you find that one size fits all approach when the CAs are so different? It's a question of the detail and the level of involvement of different industries in different parts of the province, related to the level of growth and the interaction with development proposals. In other jurisdictions, the issues are different. September 22

Northern Ontario All Sectors

- Another participant noted that all of the northern authorities are "standalone" and therefore face different issues from southern authorities. It's difficult to incorporate an entire watershed in this region, but at the same time they don't have to deal with issues that come with having bordering CAs. September 30

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7. Funding

7.1. Funding should be tied to mandate

Every sector, in virtually every session, said that CA funding should be tied to mandate. Example comments are provided below.

Conservation Authorities

- You can't analyze this unless you look at what we should be doing, and what it should cost, and what is the right level of effort, and how should we pay for it?... What would it take, watershed by watershed, to get to a certain goal? What would or should it cost, and what are the range of mechanisms you could use to pay for that? August 25
- The fee structure has to be re-evaluated and must match the costs that are around you. Funding is inextricably linked to roles and responsibilities. September 10
- When you get into delegated responsibilities, however, it will be important to have clarity in the legislation about what is to be delivered, by whom, and how – and how it will be funded. September 10
- Another participant noted that program consistency may be a major item. If half the township is getting one level of service from one CA, and the other half a different level from another CA, that's a problem. There may be a need for a base level of programming. September 10
- Another participant said that she remembers the cuts of the 1990s, and noted that her CA began to be more efficient right then. There was a time when CAs had to report all of their capital assets, and we do that now. But now we have to continue to fund those assets. CAs are finding ways to do that, and municipalities have come up with considerably more funding. It's the provincial funding that hasn't kept up. In her CA, the budget line item has been the same since the 1990s. The CAs have done as much as they can, and continue to hammer away at it. The municipalities are coming up with more and more. It's the province that needs to step up now. September 10

Municipalities

- Another participant noted that under the current funding model, municipalities pay according to the programs they support. But the province is adding responsibilities without adding resources. September 2
- The funding formula is based on assessment and does not deal with areas that have low population but a large land area, and where there may be significant issues related to source water protection or similar concerns. There are therefore disparities in who pays the costs and who reaps the benefits of CA programs and services. If there are spillover benefits, those parties should be stepping up to fill the gaps. If there are baseline activities that need to happen, they need to have secure funding that is there, year after

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year, and that can deal with inflation. It's unacceptable to see more and more responsibilities dumped through legislation without acknowledgement of the additional costs. If you're going to put it in legislation, you'd better stand up with some money. There needs to be a model to ensure that the revenue is there for those core activities. Paying a fee for service is not the answer. People may say they don't want to pay the fee, and they don't want the program. Sometimes you're going to have to subsidize the cost of the program to get it done. There's no enforcement if there's no funding for enforcement. September 2

- The Act is 20 years old and funding is not straightforward. Fee for service seems to be a fair way to go, but the whole area of how CAs are funded needs revisiting because what CAs do and are expected to do have changed over this period. September 8
- The problem is that the province has left the table in what they continue to mandate. September 24
- Another participant added that 30 or 40 years ago, the province paid 50% of the freight for CAs; now they're down to 10%. After source water protection, it's 5%. The challenges are going to be cross-watershed issues - health and safety related, flood management, climate change. There needs to be a new deal with the province to reflect these responsibilities. September 24

Agriculture

- Core funding should come from the province for core mandate... September 3
- MOECC should be putting money into CA work re climate change. Maybe other ministries should pay. September 3
- CAs have been given short shrift by provincial downloading without getting adequate funding to do what downloading entails... Such ad hoc funding must be replaced with better core funding. September 9
- Long term projects for the public good deserve committed financial support from the province. September 9
- [The pie chart, Figure 3 on page 12 of the discussion paper], shows that the province isn't paying a share appropriate for the benefits it gets...The province funds programs as if they were projects so funding for programs dries up. This needs to be changed so that programs are adequately funded. All of the preceding suggests that we review the whole financial structure. September 9
- Downloading was not accompanied by funding. SWP work was. If CAs do provincial work, particularly if it is somehow downloaded, they should be provincially funded. If CAs charge fees for comments, they are duplicating a charge already borne by the municipality; such costs should be funded by the province. CAs should not have to scrounge for fees. September 17

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Development Sector

- Federal and provincial funding does not reflect how the CA directs its effort. It's possible that some people subsidize others. It's not fair that if a CA spends a lot of effort supporting provincial goals, the province only provides 10% of the CA's income because this results in some income providers paying more than they should to support the shortfall. September 14
- CAs have been increasing fees charged to developers, but the province has been paying less since its payments were effectively frozen (in part also by downloading) so we need to reevaluate CA core responsibilities and provincial funding. September 14
- Over the last several years, CAs have had to rely on municipal levies to do the work they want to do – sometimes getting out of their areas of expertise, just to generate some cash. MOUs take on [responsibilities that] are outside their expertise...CAs are too busy looking at ways to bring money into the system. Sometimes, they are seeking funding for activities when other activities would be closer to their core mandate. September 22
- [T]he funding formula is a little out of date and should probably be brought closer to maintaining the CAs' mandate and increasing transparency with municipalities and stakeholders in the watershed. September 22

Environmental Sector

- What we aren't seeing is the appropriate funding for the core stuff: natural heritage permitting and land ownership. September 18
- The province used to be a major funder, but now it's mainly the municipalities, and it's too political, with too much leverage effect on budgets. CAs have to be more accountable for how they are doing with respect to water health (e.g., in light of provincial water quality objectives). We have to draw a straighter line between what they are doing and what the outcomes are, and the public has to understand that. September 18
- MNRF has to supply stable funding and overall policy direction to CAs. September 18
- [A] minimum level of programming should be stipulated in the Act, and CAs should have sufficient resources to deliver on those responsibilities. September 18

Northern Ontario All Sectors

- The very large land base in the north, and the large amount of travel, increases costs for CAs to do that work. They do a good job of permitting and so on, but there isn't sufficient funding to do the follow-up work that is necessary, to make sure that work is done properly and that disasters don't occur. September 30
- Another participant said that there was some startling information in this process. One point was that CAs raise something like \$305 million per year, where the province now

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stands up and boasts that they have contributed \$200 million over ten years. That's only \$20 million per year. The vast majority of that, he suspects, is the 100% funding of the source protection program, which CAs did as contractors to MOECC. That should be a red flag to anybody within the provincial government who is reading these reports. That told me right there how much the ministries are contributing toward keeping this province safe from flooding, water source contamination, you name it. We are the best deal going. The sooner they recognize that fact, the better we will be. They had better start stepping up and paying their fair share of the costs of keeping the province safe from flooding and other hazards. The transfer payments from the province must be revisited. And please stop telling us to do more and more and not giving us a plugged nickel to do it. September 30

- CAs need more funding to support the core work they do; fines for watershed malfeasance should be directed towards funding CA work... a CA needs to be able to prevent work that impacts local water quality; funding needs to be dependable and centrally sourced as well as more equitable. October 2
- CAs have a role to play in dealing with climate change, but should be funded adequately and sustainably by the province for that role. In the context of the Clean Water Act and as SWP moves from planning to implementation, there needs to be more clarity and definition of the roles CAs have in making SWP work, and how they will be funded, and what resources they will get, to do that. October 2

7.2. Levy formula needs to be reviewed and revised

Conservation authorities, municipalities, and agriculture drew attention to the need for review and revision of the current levy formula. Example comments are provided below.

Conservation Authorities

- [T] here are some problems with the levy at present. There are two different formulas, and it is causing his CA a lot of pain. Many CAs are putting all of that stuff into one levy and using a single assessment method, which isn't what the Act tells us to do. We would benefit from clarification about how to allocate the levy to municipalities. Those levies have become a very important source of funds for all of us, and we have to be really clear about how it is calculated. August 25
- If we go to a georeferencing model, it puts some CAs on a different playing field, and they won't be able to deliver on what some municipalities expect. But if we are able to establish a "special benefit" levy, those issues would be resolved. The challenge is to identify the program you are trying to deliver, and how the benefits are distributed, and enable the CA to have the flexibility to address those issues. August 25
- Section 27(6) of the Act (Levy Apportionment) is in conflict with Regulation 670. The formula in that regulation needs to be reviewed and revised. September 1

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- Maybe it's time to revisit the business models, the financial models we are now using to support the system. That could relate to a different approach, where you don't just say here's a bunch of money, do what you want. Instead, we could be saying if you do this, and you recover this, and achieve that, you'll get this much money. There's an opportunity to look at that in a more performance-based model. That model gets rid of complaints: you're doing this, you get that. September 4
- [I]t would be helpful to clarify the language in the Act about the funding model, including definitions of what is general levy and how it relates to maintenance costs, or capital, or special benefitting, and how it is derived, or similar language. Watershed wide programs can be under special capital programs, and even if the work isn't done in a given municipality, the benefit is across the watershed and all member municipalities should pay. September 4

Municipalities

- [I]t is interesting to see that the Discussion Paper comments on representation by population size, but watersheds are geographic features. Some municipalities may have a small tax base and little ability to contribute financially. There may be a need to revisit the funding formula to reflect the area of land that is managed, not just population. September 2
- The apportionment of maintenance costs is currently done according to the assessment of the municipality; if a municipality spans watersheds it's not clear whether that assessment should be for the whole municipality or simply that part that falls within the particular watershed (*i.e. how should municipal money be allocated to CAs if a municipality supports more than one CA?*). September 8
- CA funding is essentially based on property taxes, but we cannot keep funding things that CAs do from property taxes. The province needs to provide alternatives. September 8
- The Drainage Act suggests a model: pay for how much water runs off (a property, a municipality, a watershed). Examples of different CAs show that they are not all as effective as each other in providing the services needed. September 8
- Another participant said that the funding mechanism, and the representation of members of CA boards with respect to the CA levy, needs to be looked at. It's not consistent about who sits on the board and the size of the levy that that municipality provides. September 24
- There is tension around funding with municipalities. Unless the province steps in to help resolve the issues, we may have to move to a cost-cutting scenario. September 24
- If the funding was based on land area rather than population, it might lead to dissolution of a lot of CAs, where others might be very large. The CAs should be looking at what they do and do they have to do it. Maybe some of the things they are doing are unnecessary

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and could relieve some of the stress on budgets. If the province continues to take their funding away, it makes it increasingly difficult on the local taxpayer. September 24

Agriculture

- More feasible or effective would be funding based on land rather than population but the mechanics of doing this fairly (acceptably) might be difficult (e.g. how acceptable would some form of equalization be?). September 3
- Funding should be based on land area. Land based concept and should include ecological goods and services such as wetlands that hold water for floods. September 3
- Basing funding on land mass would improve the funding of rural CAs but not adversely impact cities too much (smaller, rural CAs have suffered more than other CAs from funding cuts). Lack of core funding leads to the ad hoc project funded activities rather than acting according to a mandated program. Without a large urban community, more money, rural CAs will continually struggle to be effective. The whole community benefits from CAs, and should not be on 'pay for say' basis, but funding is uneven and those who provide the funds (municipalities) it is pay for say. We must not lose sight of the fact that CA work is good for all. September 3
- This disparity in turn affects the municipal levy contribution to CAs, which is also unbalanced (a CA with good conservation area income won't need so much from the municipalities). September 17

7.3. Funding should be shared across ministries and should involve the federal government

A number of participants noted that many issues are now regional or provincial in scale, and touch on the mandates of several ministries, who should therefore be sharing in funding for CAs. Some also felt that federal government also has a role to play in funding. Example comments are provided below.

Conservation Authorities

- A participant... sees an opportunity to look at the multi-ministry approach to partnership enhancements. They now have significant involvement with other ministries and if those relationships could be formalized, there might be an opportunity to move delivery of some activities to the CAs, setting policies and procedures as appropriate, and bringing to the CAs the current investment for those activities that is currently made by ministries. It's moving those activities to the watershed level, where we can really facilitate program delivery for the province at the cost the province is already investing. August 25
- Another participant added that some municipalities feel that they are contributing more than their fair share. The reality is that we need some kind of support provided to

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balance that out, if at all possible. Looking at multiple ministries might help with that, because we are already providing benefits to several ministries. August 25

- Canada is a country of urban communities, and there needs to be a federal role there. Maybe the province should be thinking about how you bring the federal government to the partnership. There should be an ongoing federal/provincial/municipal partnership to sustain these watersheds. August 25
- [Certain kinds of programs] need funding mechanisms and sources from multi-ministry because they [serve] the broader public interest [and go] beyond MNRF. Shared Transfer Payment among several not just MNRF. September 1
- Another participant said that in his CA, 70% of the relationship is with MOECC, then MMAH, and MNRF is third. Most of their work is around stormwater management, climate change, it's mainly MOECC. September 4

Agriculture

- CAs do the work of many ministries (and work as environmental departments for municipalities) and those ministries should pay. September 3

Northern Ontario All Sectors

- Another participant added that the federal government also has a role to play in funding. They're part of the bigger picture. September 30
- Perhaps CAs should be (formally) part of a multi-ministry funding program initiative. October 2
- CAs have a unique position in government: they are credible. The work of CAs benefits ministries other than MNRF so other ministries should recognise this (in the Act) and fund CAs appropriately. October 2

7.4. There is a need for an equalization mechanism across the province

A number of participants suggested that it might benefit the system to have an “equalization” mechanism across the province, so that funding for CAs can be redistributed on the basis of need. Example comments are provided below.

Conservation Authorities

- [A] participant noted the need for an equalization mechanism...Authority programs have evolved to be mainly non-project based, so there needs to be a category [of operations] that allows apportionment of administration and maintenance costs in an appropriate way. That wouldn't cost the province anything. August 25
- There's a huge disparity in CA funding if it is based on municipal rates or taxes; there used to be some sort of topping up for smaller CAs, but that no longer exists – although

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this is not a big cost for the province. Programs seem to be funded by ability to pay rather than need. September 1

- Some CAs can deal with the funding model now, but some can't. There has to be something around supporting the 2/3 of CAs that are at the bottom end. If we're going to deliver programs, and the larger ministries aren't doing the field stuff, those CAs that don't have the wherewithal have to be supported. September 4
- In between, we have the issue of municipal levies based on assessment. So you end up with a system where some CAs have a huge assessment and a small land area, while others have a small assessment and a large land area. It doesn't reflect the pressures across the landscape. Maybe we should be looking at some equalization mechanism to enable a minimum level of capacity. The way we deal with the municipal levy needs to be re-examined; the provincial portion also needs to be reconsidered. September 4

Municipalities

- Larger CAs can afford to hire more staff and offer more programs, but smaller CAs may have only one planner on staff and may not be able to offer the same level of programming. Throughout the province, they are setting an unrealistic expectation, setting standards (for example with low impact development), and creating expectations that those services will be available everywhere. But for many CAs, it's just beyond their capacity. Those are the extra things that the Act provides flexibility for, beyond the core mandate. You have to recognize that it can't all be the same across the province. You can share resources through Conservation Ontario. September 24

Agriculture

- CAs should be able to act and react within their watershed/region in areas of water management with appropriate programming...Part of this is due to the lack of centralised funding for CAs: lack of funding equals lack of control. September 3
- Levy funding is related to population size (in effect, larger populations = more money = more and better programming). Poorer CAs need more money for core programs. No easy solution. Is some form of equalization feasible between/among the CAs? September 3
- There's an issue of haves and have-nots. Many ministries use CAs to deliver programs without adequately funding them (and thus do not ensure adequate completion or even any completion). So there are issues within the provincial government. MOECC and others need to agree in determining what needs to be done and how. MNRF has to oversee crown land as well as interacting with landowners. Because the provincial government does not use CAs in a consistent way, there's a mis-focus in what CAs do. September 9
- Richer CAs are better able to grow but smaller ones are constrained in the resources they can get to manage their responsibilities (one person doing many jobs). This reduces the

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services that can be offered but everyone should be entitled to the same (level of) service. What is the accountability in this? How do we know that CAs are providing the best bang for the buck? Do CAs have adequate plans and goals (which they work towards through their daily activities) or are they simply reactionary? September 9

Northern Ontario All Sectors

- In the south, it's nothing to raise money if you have millions of people in your tax base, but it's more difficult in the north. Maybe that funding should be put into a big pool and divided equally among the CAs. Here in the north, there may be greater challenges, for instance there are more wetlands, more lakes here, but we don't have the money they have in the south, where they are loaded with cash. Don't just provide the money for source water protection. The expectation is that this is a provincial issue. The money is there – it just needs to be divvied up in a better way. September 30

7.5. There is a need for sustainable funding to retain qualified staff

A number of participants from a variety of sectors noted that it is difficult for CAs to retain qualified staff without sustainable funding. This is particularly difficult in light of ongoing program responsibilities (or at least expectations). Example comments are provided below.

Conservation Authorities

- Another participant noted that CAs are inherently creative, and there are many challenges around funding they have tried to tackle. One is the challenge of maintaining expertise where future funding is uncertain, and might rely on year-by-year grant applications. August 25
- Another participant emphasized the need for reinvestment in CAs. His CA only has one major municipality, but this year has been a challenge. One outcome has been a direction from the regional municipality to have 100% cost recovery of fees. The problem is that that is not sustainable, and can never be. You're faced with the issues raised earlier, about having to lay off staff for a year because of uncertain funding. August 25
- You build this experience and expertise, but if you let them go you won't get them back... If we had more sustainable funding from the province, we wouldn't have to rely so much on the plan review aspect. September 4

Municipalities

- In terms of hiring good staff, it all comes down to the funding available. There is the expectation that if you are competing against a large urban area where good salaries are paid, you risk having your staff poached. What's the expertise, the experience of your staff, what's the confidence of the general manager in the staff – it all depends on money. In a small CA, there is a small amount of budget. How many staff can you actually hire? September 24

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Agriculture

- Maintaining shorelines, water quality, septic systems - some CAs do a good job but others don't because they have different programs and different funding sources. The goal of CAs is water quality but the implementation is patchy because of funding and local priorities. Because of the differences in CAs, neighbours can be subject to different CA programs (or not!). September 3
- "If you don't fill the gas tank you won't be able to get there." September 3

Environmental Sector

- [A particular piece of land in Southern Ontario] was designated as a provincially significant wetland. CA staff were responsible for building the case for that designation, and they were the ones who gave data to MNR, and did field work demonstrating the presence of endangered species like black gum and spotted blue salamander. That work resulted in a higher rating of that property and led to designation as a provincially significant wetland. And then those people were later fired by the CA board! So it's also related to the problem of retaining a critical mass of technical staff within CAs. It was a misuse of CA funds, simply to avoid political controversy. September 18

Northern Ontario All Sectors

- A lot of effort is required to develop CA personnel to be able to handle the things they do; a challenge CAs have is to engage with the people they serve. October 2
- SWP plans have been approved and now the staff may well not be employed in implementation because of short-term and unstable funding. October 2

7.6. "Pay for say" creates expectations about a voice on the board

A number of participants expressed concern about the current "pay for say" system (also referenced in Section 6.17 as a potential conflict of interest), noting that if funding changes, board composition will also have to change. Similarly, if the composition of the board changes, there should be an expectation that the board member will "bring their chequebook." Example comments are provided below.

Conservation Authorities

- Perhaps there is a mismatch between representation on the CA board and the amount of funding provided by a particular municipality. [The] relationship between MNRF and CAs has been constrained by lack of provincial funding to MNRF (and thus attention paid to CAs). Project and program based funding is not an efficient way of funding (e.g. time wasted in proposals which aren't successful). September 1
- The long term issue is board membership if the funding formula changes. If funding changes, the board will need to change, but it should always represent the local population. September 4

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Municipalities

- If the CA board is working, leave it alone. The problem of introducing other ministries is that they will (expect to) determine what CAs do because of the funding they provide. And this may be detrimental to what the municipality or CA board, with responsibility for the stewardship of the watershed, wants or needs or does. We need to be clear as to whose interests are being represented on a CA board. September 8
- CA work can be broken down according to who it benefits (e.g. individuals, municipalities, the province) but the beneficiaries may not pay a fair cost (particularly the province). September 8

Development Sector

- Board composition is based on population but this doesn't necessarily take account of how much a municipality is contributing; the sway on the board should reflect the financial contribution to the CA budget. September 14

Northern Ontario All Sectors

- [I]f you expect to join the board, you should also be expected to pay, to support the costs of running the organization. Provincial funding pales in comparison to what it actually costs the CA to run. September 30
- [A] participant acknowledged the earlier comment about if you want to be at the table, bring your cheque book, but he thinks the province nevertheless has an important role in funding. Perhaps they should have a seat at the CA board table, so they understand the challenges the CA has in doing its job. September 30

7.7. CAs find themselves in competition for funding with NGOs and private sector

Several CAs noted that the current funding arrangements often put them in competition with NGOs and the private sector, even though they are neither. Example comments are provided below.

Conservation Authorities

- The problem is that the private sector is now complaining about direct competition, as we try to move to a business model. You're quasi-government, they say, and it's unfair. We should be self-sustaining where we do our recreational programs but there is an element of the private sector that argues against that. August 25
- A participant clarified that under the current system, CAs must compete with other agencies to get the funds to do what the ministry wants them to do. It's inefficient, ineffective, wasteful, and it doesn't help us achieve our objectives. September 4
- A key issue is competition for funding. CAs seem to be perceived as just another NGO. That's not a CA. CAs are a complicated governance structure; they aren't municipalities

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or the “Friends of ...” But that’s where CAs are being positioned in competing for funding. That’s an unfortunate loss of opportunity to achieve what people want to achieve by more creative public-private partnerships around shared goals. September 4

7.8. There is a need for education/outreach to ensure people understand the levy and how programs are funded

As with the earlier point about the need for education to ensure that stakeholders and the public understand the roles and responsibilities of CAs, in this case CAs and municipalities emphasized the need for education to ensure that stakeholders and the public understand the levy system and how CAs are funded, and why. Example comments are provided below.

Conservation Authorities

- CAs deliver a variety of programs with member municipalities, not just with the province. The sustainable funding question is something that must be addressed. There are differences between the north and the south in terms of pressures, such as development pressures, but also in terms of local partners and stakeholder groups. CAs have been around for a long time, but people still aren’t aware of changes that occurred in the 1970s, when they were fully funded, and in the 1990s, when funding was reduced. Many people are shocked to learn that things have changed. It’s imperative that we educate our watershed members. Maybe we need different programs to reach out to those individuals. August 25

Municipalities

- [D]ollars are always a concern, with the municipality, with the CA, and even in individual households... When it comes to levy dollars, the municipality tries to make sure that people understand what that means. You pay this much on your tax bill, and this is what you get for it. September 24

7.9. There are currently limited options for CA funding; CAs are required to be creative in seeking funding opportunities

In many sessions, participants spoke about the limited funding options for CAs, and the need to be creative in seeking funding. A broad range of suggestions were received along these lines. Example comments are provided below.

Conservation Authorities

- Another participant noted that the levy is a challenge. His own board is able to generate 60% of its own revenue, but that is unusual in the system. It does create some angst among the municipal representatives on the board. They are very limited in other revenue generation tools, especially what the public would be willing to pay for vs. what they would expect government to provide. Development charges for CAs were recently discussed and rejected as not part of the CA’s core mandate, but maybe that’s

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something else that could be looked at. Trillium grants are another issue – CAs are excluded, even from partnering on a grant application. Another potential revenue source is infrastructure grants, which CAs don't qualify for. Those kinds of funding sources could be re-examined – they wouldn't raise the levy. Another option is Administrative Monetary Penalties (AMPs). If we could access those kinds of funds, it would alleviate some funding pressure, and has in fact been recommended by the Law Society. August 25

- CAs need more and better revenue generating tools. Development charges benefit municipalities and so cannot be used for CAs. CAs are unable to tap into many sources of funding. It may not be feasible for CAs to charge for everything they provide. This may be exacerbated by the lack of a firmly defined relationship between CAs and ministry/ies. September 1
- Funding suggestions: Fee for service? Assessment? Multi-ministry work funded by one ministry? Disaster recovery assistance? CAs seem to be excluded/ineligible from more funding sources than those they are eligible for and this is due to lack of clarity in the CA Act and the uncertainty of the meaning of partnership. September 1
- There is public goodwill towards conservation authorities; perhaps this could be monetized (e.g. The Conservation Lottery – similar to the type of lottery run by the Heart & Stroke?). September 1
- Fines for the violation of CA regulations should go directly to the CA. September 1
- CAs and environmental orgs should benefit from cap and trade/carbon tax initiatives as they can see opportunities in these. Carbon sequestration seems to be an area that CAs could work well in. "The province could not do what CAs do." Would Ontario consider a water tax/charge specifically to finance CAs? Such as we would pay if we lived in Northern Canada. September 1
- How do we deal with risk managers, like the insurance industry, to bring about change? There's a whole range of [funding] opportunities there that we haven't explored. September 4
- Fees for service are important in his CA and help to generate as much funding as possible internally. Developers are paying, but they aren't saying, and you have to be careful in managing that. One opportunity may be the recent Development Charges Act, especially in CAs where there is a lot of new development. Development charges could be used for flood mitigation, for instance...An opportunity may lie with the proposed cap and trade system in Ontario. Trading funds could go to environmental protection activities. September 4
- An opportunity may be to allow CA costs under other avenues, for example through infrastructure funding programs (currently we have to work through municipalities). It

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would be great if CAs could apply directly to those programs, or to the Ontario Trillium Foundation. It's not a level playing field. September 10

- Where there may be some potential is in green infrastructure, and how we approach wetlands and more innovative tax policies and funding mechanisms. If we can target a gas tax, we can do something creative around green infrastructure. You get what you pay for. September 10

Municipalities

- CAs in [the participant's] area rely on a variety of funding sources for different activities, and the principles and high level statements about the watershed are not necessarily translated to specific infrastructure decisions. It's a complex and unusual relationship. September 2
- I do not know a lot about this, however it is my opinion that the charitable arm/foundation should be separated from the administration of the CAs (if it already isn't this way – doesn't appear to be). The funds raised cannot be placed directly into the op or cap budget. Hospital foundation model: fund certain projects and reporting/accountability for foundation. September 2
- Another participant noted that there may be an opportunity for a public-private partnership around insurance, for hazard management and climate change. There may be an interesting opportunity there. Revenue sharing may also be possible, where big guys help the little guys, and the province could step up their own contribution. September 2
- Another participant noted that his municipality is looking at how they can protect themselves against further funding demands from CAs. They are looking at the provincial funding mechanism and consistent underfunding for CAs, which is continually pushed back onto municipalities through the tax base. They also looked at areas that may not be delegated at present but which are of provincial interest, and thought about how development charges and similar approaches might be used. They are trying to address the funding shortfall with improved funding mechanisms. A formal report on these issues will come from his council. September 2
- There is little core funding from the province, as a result of downloading. This is problematic as CAs must struggle to get adequate funds for even their core activities. September 8
- CAs work within their budgets and do good work. Why should the province give more funding? Especially when CAs can do a good job of attracting funds. The fact is they can and do create their own revenue. The province can make CAs more effective. Perhaps the province could underwrite insurance; CAs could gain advantage from more volunteer and stewardship work; there are a lot of opportunities for CAs to get funding. September 8

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- An example was given in which a municipality imposed a storm tax based on the impermeable area of a property. This money was used to fund runoff clean-up. Is something along these lines feasible for funding CA work? September 8
- [A] participant said that financing includes looking for new sources of money, and might include what the province comes up with for a carbon credit system. The other might be to leverage some of the asset values they have, in terms of land holdings and waterfront property. It could include exposing people to nature, using it as an incubator for best practices. That's not counter to conservation principles but could generate some revenues, for instance from long term leases. It adds value to the land without increasing associated infrastructure costs of roads and so on. You choose to prioritize certain activities over others through the carbon credit system, and CAs could get involved in that. It would be important to clarify the role of the CA in that. September 24
- [In his CA, T]hey also have an expectation that every staff member looks for grants and uses them in the organization, and not just grants from the province. That kind of grant funding has been very important in certain program areas. In one case, they received a grant of \$800,000 over three years. They try to talk to municipalities to hear what they need and how the CA can provide those services. September 24
- A[] participant noted that provincial funding has remained fairly flat over the last several years, so the levies charged by CAs are higher than most agencies and boards that the municipalities are responsible for. He doesn't know if this is a model that is sustainable. The CA levy is relatively small per household, but people should be aware of the percentage increase each year, and that may be increasingly difficult to sustain over time. He likes the concept of consistent work across the province. September 24

Agriculture

- Priorities have changed but CAs seem to be chasing funding dollars rather than attending to priorities. This results in accommodating the wishes of funders and reduces CA focus on essential activities. Too many bosses, pay for say. September 3
- The CA has to produce tangible results and deliverables but is not funded adequately to do this. They provide technical services to landowners (on a cost recovery basis). The payment for service model would be acceptable but is not used as widely as it might be. September 9
- Some CAs are not-for-profits and could more aggressively get grant funding (for example, from the Greenbelt Foundation). September 9

Environmental Sector

- Another participant noted that we need to look at different models. Carbon pricing, cap and trade, more of those kinds of funds need to flow to land securement and other conservation activities. Years ago, it was the ministry that flowed those funds to those activities. September 18

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Northern Ontario All Sectors

- CAs are not included in some provincial infrastructure programs that they should be such as the Trillium Foundation. Money like this should be available to CAs, particularly smaller ones and those in the North. September 30
- Another participant noted that he recently realized that he could make a donation to the CA. If the CA were able to up the ante on the proportion of a donation that could be claimed by the donor, equivalent to the federal or provincial political donations (75%), that would generate an important revenue stream. September 30
- When a CA does pursue a legal remedy, it would be good if resultant fines could be directed towards local activity rather than disappearing into the Ontario pot; the money could be invested locally in (e.g.) educational programs, tree planting, university research or other community beneficial activity. The definition of wetlands in the Act needs bringing up to date and needs to be in line with other wetland definitions. These are mainly short term suggestions but they would have long term impact. October 2

7.10. CAs do good work and provide good value for money

Participants in a number of sessions commented on the high quality of work done by CAs, the efficiency of the CA system, and the value CAs provide for the current level of funding. Example comments are provided below.

Conservation Authorities

- CAs are multipliers of provincial funding in terms of their effectiveness and provide lots of benefits. Thus a relatively small increase in CA funding would have far greater benefits than would be paid for. September 1
- [T]he ministries [don't] appreciate the work CAs do for local residents, work that used to be done by the province. It's important to have an open dialogue about that, to show them what we're doing. Examples include flood forecasting, forestry, fisheries, source water protection – work that they used to do years ago but no longer do. Don't come in and try to control what we do, without understanding what we do. September 10
- Another participant added that there is a need to recognize the value that CA programs provide in protecting resources that people rely on. Currently, most of our funding comes off the property tax base. But there's a value to the resource also. When you can't use that clean resource, that's when its value escalates. We need to get to a place where the CA programs to protect that resource are recognized. September 10
- Another participant agreed that green infrastructure is not valued by the province in the same way as a bridge or a road...We need the ministries to get us in the Development Charges Act, the dams and floodplain mapping, we don't want Trillium to continue to block us. If you took 1% of Trillium funding, it would be a huge boon to CAs. The last

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thing is that we do not value water in this province. If you pulled a ton of gravel out of the earth, you have to pay for that. But if you pull a ton of water out, it's free. We have to change that. We have to look at what is going on in the Okanagan, in California. Maybe in 10 years we can get to where we need to be. If we can place a value on water, those funds can be directed to protecting water. September 10

Municipalities

- [A participant's municipality] looks at CAs in terms of integrated watershed management; they are the go-to experts. They work with three CAs in the region, interacting with the CA planners and other staff on a weekly if not daily basis on a sub-watershed planning process. They see the CAs as partners and as an important provider of plan input and review; they are a major commenting partner in Planning Act applications. The municipality also relies on the CAs for enforcement of their regulatory regime, especially site alteration situations. Even though the city has many resources in terms of staff and expertise, the CA provides on-the-ground expertise in areas like hazard management.
- The problem is that [a participant's municipality] has such a small population, and they don't contribute much money to the CA. The CA has a much greater value than is currently reflected in the payment they receive from the municipality. Every time the municipality does a severance or creates a lot, they await comments from the CA – they're of huge importance. But there's a serious funding problem. The municipality simply can't do the work themselves; they must rely on the CA.

7.11. CAs need an annual adjustment for inflation

Conservation authorities commented on the difficulty of managing staff and other costs without an annual adjustment for inflation for provincial funding. Example comments are provided below.

Conservation Authorities

- Another participant added a new point, tying back to provincial funding: the need for an annual adjustment for inflation. We are looking to use assessment information, and to get a small amount of money from the province to offset those additional costs. It would help to have some additional support around the CA tables. August 25
- Transfer payments have been adjusted downward over the last 20 years. A short term fix would be to adjust those payments, even just on the basis of CPI, so we don't continue to lose ground. We are currently paid in 1995 dollars for an agenda that was set in 1995. Provincially we have a model in the health units that establishes a much better balance of funding; it works for that system. Health units are about preventive medicine. CAs are every bit as much about preventive medicine in terms of watershed health and watershed function. Maybe that's a model that needs to be explored in the longer term. September 4

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- Funding isn't even keeping pace with cost of living increases. We are very staff heavy, and the fact that that funding envelope doesn't keep pace with cost of living means that municipalities have to make up the gap. It's a small thing but an important one, to see that small increase every year. September 10

7.12. Funding sources should be local

Agricultural representatives commented that funding through a central organization would not be effective. Rather, it is important to have local funding sources.

Agriculture

- Funding is related to governance. Hard for funding formula if more governance to Conservation Ontario, who will give money to a central agency like CO?- doesn't have funding authority then there is conflict and confusion (e.g. since the funding comes from municipalities, they are unlikely to defer to some central authority as they want to spend their own money on their own projects). It is hard to bring governance and funding together. September 3
- Funding sources should be local: Funding differs across CAs. As a particular example the amount of self-generated funding can vary between CAs. The closer to home you need to get your funding the more accountable you have to be so a recommendation is that CA funding be more local. September 17

7.13. There is a need for more accountability about how funds are raised and spent

The development sector made several comments about the need for improved transparency and accountability about how CA funds are raised and spent.

Development Sector

- A participant noted that discussions between developers and CAs only relate to fee increases, which seem to happen on an annual basis. That's part of why there is this issue on transparency. You're not quite sure how it fits into the overall funding framework for the CA, or the reporting of those fees other than through those requests. Transparency needs to be increased, whether it's through an annual report or some other mechanism, to say here's where we are versus our target. And then every five years you might have a review and opportunity to question. It's putting it in that context that is needed. It's not that we have to fund, but that we need to understand that what we fund gives us the broad spectrum of what we think we are paying for. September 22
- Part of the issue of funding is that you have one staff member involved in a development application but also some of the academic initiatives or EA review. You are competing in time with the various objectives, but the developers are funding only one specific objective within those interests. How is the person's time used relative to funding of the fee and trying to fit that into getting an approval in a timely way, there is sometimes a

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disconnect. If you had staff that are assigned just to reviews, based on this funding structure, not multiple jobs, it would be simpler. It would create a sense of clarity if you knew that that person wasn't also engaged in other competing activities. September 22

7.14. Northern CAs have different funding challenges than southern CAs

Participants at Northern Ontario sessions made a number of comments about how the north is different from the south. In particular, the large land areas and long travel distances create additional cost burdens, while the tax base is often much smaller than in Southern Ontario. Example comments are provided below.

Northern Ontario All Sectors

- CAs are value-added agencies to the provincial government and other organizations in the province. Ability to pay has to be examined across the province. It's more difficult in the north than in the south. The provincial government already takes that into account for some funding programs, but they forget about it with the CAs. In the north, the distances are greater, the travel is greater...[There are also] unorganized territories or Crown land and there is no mechanism to levy those areas for the costs of flood protection and similar programs. Yet the city is often the last (most downstream) receiver of impacts that arise in those upstream areas...There are differences between the north and the south. For example, provincial parks in the north are subsidized; they couldn't survive without that subsidy....[P]eople here have an attitude, for example to enter a conservation area – people think that because it's in the north, they shouldn't have to pay. There's a limit to how much money the CA can raise. September 30
- [Our CA] needs to make people aware of the natural resource available to them, but cannot charge (e.g.) what could be charged in Toronto. Northern Ontario lacks the funding available to Southern Ontario. October 2
- Funding for CAs is inadequate (especially from a Northern perspective) because the municipal funding source (small) cannot match the need (large) and this is something needs to be adjusted; more money? A different way of allocating funding? October 2
- The municipality supports the CA and the board members are enthusiastic about the CA, but the municipality feels it overfunds the CA because it has limited ability to fund due to the sparse taxation base. This restrains the activities of the CA. October 2

7.15. CAs could do much more if more funding were available

Conservation authorities commented that their activities are currently constrained by limited funding, otherwise they could provide a wider range of services to a wider audience.

Conservation Authorities

- The CAs are continually trying to force their activities into areas where funding is available. If we got another \$1, 5, 10 million, imagine what we could do, the positive

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benefits to municipalities and watersheds. That's what we need to look at. If we're trying to manage watersheds and create healthy places to live, imagine what a little more money could do for us. August 25

- [F]unding is important for everything we do. The province used to fund 70% of CA programs, but now they don't have that cash flow. We can work together and expand the authority. In areas where you don't have CAs, you depend on ministry staff. How cost-efficient is that? If you are looking to open the Act and amend it, some areas where there is currently a vacuum could have a significant impact on downstream municipalities. We need to look at the full picture. Conservation is just as important as public health, the library board. People need to think about that. People ask where the accountability is, but we have that accountability. We have too many people on the accountability side; we need to streamline it. Even on the ROMA side, we feel it. September 10

Northern Ontario All Sectors

- The core programs are standard across Ontario but individual CAs have introduced other programs within their mandate as needed. It is a challenge to deliver these non-core services and programs (both in terms of finance and human resources). October 2
- [Recent stakeholder feedback showed that a Northern CA] did well on core issues (flood forecasting and control, erosion control), but not as well in areas extending beyond the core of our mandate. October 2

7.16. Why do CAs pay property tax?

Some participants asked why CAs are required to pay property taxes when some other public sector organizations, like schools and hospitals, do not.

Northern Ontario All Sectors

- If others aren't paying property taxes on environmentally important lands, but CAs are, even though their lands are relevant to conservation, that seems an uneven playing field. September 30
- CA lands should not be taxed (for example school boards and hospitals are not taxed) – although there are some exemptions for conservation lands that are considered on a case-by-case basis – but taxation is a burden on CAs and odd way of transferring money basically from taxes anyway. October 2

Appendix A: List of Stakeholder Engagement Sessions and Participants

I. Conservation Authorities

Sessions

- August 25 – Newmarket
- September 1 – London
- September 4 – Newmarket
- September 10 – Smiths Falls

Participants

Cataraqui Region CA	Mississippi Valley CA
Central Lake Ontario CA	Niagara Peninsula CA
Conservation Ontario	Nickel District CA
Credit Valley CA	North Bay-Mattawa CA
Essex Region CA	Nottawasaga Valley CA
Ganaraska Region CA	Rideau Valley CA
Grand River CA	Sault Ste. Marie Region CA
Kettle Creek CA	South Nation River CA
Lake Simcoe Region CA	St. Clair Region CA
Lower Thames CA	Toronto Region CA
Maitland Valley CA	Upper Thames Valley CA
Mattagami Region CA	

II. Municipalities

Sessions

- September 2 – Newmarket
- September 8 – London
- September 24 – Ottawa

Participants

Association of Municipalities of Ontario	City of Kitchener
City of Brantford	City of London
City of Brockton	City of Mississauga
City of Greater Sudbury	City of Ottawa
City of Hamilton	City of Pickering

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City of Peterborough	Township of Drummond-North Elmsley
City of Toronto	Township of Edwardsburgh/Cardinal
County of Norfolk	Township of Gillies
County of Perth	Township of King
County of Simcoe	Township of Leeds & Thousand Islands
Municipality of Central Elgin	Township of Loyalist
Municipality of French River	Township of North Frontenac
Municipality of Killarney	Township of North Stormont
Municipality of Oliver Paipoonge	Township of Perth South
Municipality of Southwest Middlesex	Township of Puslinch
Municipality of Thames Centre	Township of Rideau Lakes
Municipality of West Elgin	Township of Springwater
Municipality of West Perth	Township of Southgate
Town of Bradford West Gwillimbury	Township of South Frontenac
Town of Caledon	Township of Tay Valley
Town of Mississippi Mills	Township of Uxbridge
Town of Niagara on the Lake	Township of Wellington North
Town of Oakville	Region of Durham
Town of Whitby	Region of York
Township of Clearview	Village of Westport

III. Agriculture

Sessions

- September 3 – Kingston
- September 9 – Guelph
- September 17 – Niagara on the Lake

Participants

Beef Farmers of Ontario	Niagara South Federation of Agriculture
Bruce County Federation of Agriculture	Niagara-on-the-Lake Agricultural Committee
Dundas Federation of Agriculture	Ontario Farm Environmental Coalition
Frontenac Federation of Agriculture	Ontario Federation of Agriculture
Halton Region Federation of Agriculture	Ontario Soil and Crop Improvement Association
Niagara North Federation of Agriculture	

Conservation Authorities Act Review

Summary of Stakeholder Engagement Sessions

IV. Development Sector

Sessions

- September 14 – Guelph
- September 22 – Aurora

Participants

Building Industry and Land Development Association

Dillon Consulting

Fieldgate Development & Construction Ltd.

Fusion Homes

GM Blue Plan Engineering

GSP Group

Guelph & District Home Builders' Association

Hamilton Halton Home Builders' Association

Niagara Home Builders' Association

Ontario Home Builders' Association

Ontario Stone, Sand and Gravel Association

Savanta Inc.

Sifton Properties

Sloot Construction

Waterloo Region Home Builders' Association

V. Landowner Groups

Sessions

- September 15 – Madoc

Participants

No participants attended this session.

VI. Environmental Sector

Sessions

- September 18 – Newmarket

Participants

AWARE Simcoe

Ducks Unlimited

Ecojustice

Environmental Defence

Friends of the Rouge Watershed

Friends of the Greenbelt Foundation

Midhurst Ratepayers' Association

North Gwillimbury Forest Alliance

Ontario Headwaters Institute

PALS Sierra Club of Canada

Conservation Authorities Act Review Summary of Stakeholder Engagement Sessions

VII. Northern Ontario (All Sectors)

Sessions

- September 30 – Thunder Bay
- October 2 – Sudbury

Participants

Participants included representatives from all-sectors listed above and are included in those lists.



Response to the
Conservation Authorities Act
Discussion Paper

Adopted by the Niagara Peninsula Conservation Authority

September 16, 2015

Resolution FA-97-15

That the NPCA Board of Directors adopt the attached Response to the Conservation Authorities Act Review Discussion Paper with the noted changes, and, that the Response be submitted to the province; distributed to participating municipalities within the watershed (Region of Niagara, City of Hamilton, Haldimand County), local municipalities, stakeholders, and posted on the NPCA web site.

Executive Summary

The Niagara Peninsula Conservation Authority (NPCA) Board of Directors would like to thank the Government of Ontario in engaging stakeholders in a review of the *Conservation Authorities Act*.

Since 1959, the NPCA has been delivering local resource management in the watershed for both municipal and provincial interests. The new 2014-2017 NPCA Strategic Plan embraces this responsibility with the implementation of the Mission: *To manage our watershed's natural resources by balancing environmental, community, and economic needs.*

In alignment with this Mission, the NPCA offers the following responses and recommendations regarding the *Conservation Authorities Act* Discussion Paper:

1. Governance

The NPCA is in agreement with the evolution of less provincial oversight and greater municipal autonomy of decisions impacting designated watersheds. The NPCA concurs with the statement from the Discussion Paper that changes providing greater municipal autonomy has "...provided conservation authorities with greater autonomy to direct their own operations and have given municipal representatives who comprise the authority board a greater role in deciding and overseeing authority activities. It has also afforded conservation authority staff greater freedom to make proposals for programming and research for the board's collective review."

It is therefore recommended that the provincial government adhere to the current governance model that maintains local municipal autonomy on decisions. The concept of local municipalities appointing representatives to local conservation authority boards should continue.

2. Funding

The NPCA attempts to reduce pressure on municipal levies by maximizing self-generated revenues such as service and user fees, resource development and fundraising. However, these revenues are difficult to apply to specific programs and services mandated by the province. As a result, conservation authorities are reliant on municipal levies to balance budgets.

It is therefore recommended that the province recognize that provincial transfer payments to conservation authorities were significantly reduced in 2000 and has generally remained status quo with no increases in the past decade. Thus, greater provincial grant funding for the provision of provincially mandated programs is paramount to the future success of conservation authorities.

3. Roles and Responsibilities

Overall, the provincial government implements legislative instruments in order to mandate conservation authorities to undertake programs that “...further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.” The NPCA agrees with this provincial mandate and the flexibility provided to local boards in determining local resource management programs which are tailored to meet local geography, needs and priorities.

It is therefore recommended that the provincial government continue utilizing conservation authorities for local programs, that when combined, enhances and protects Ontario’s environment and natural resources.

4. Other Areas of Interest

a. Provincial Offences

The NPCA strives to work with all stakeholders in the implementation of regulations pertaining to the watershed. Although rare, at times, the NPCA is required to prosecute those who are in violation of the Regulations. In this regards, the NPCA recommends changes in the administration of provincial offences. In specific:

- i. The Justice of the Peace presiding over matters involving conservation authorities should be supported by provincially appointed legal counsel to ensure decisions adhere to the intent of the legislation; and
- ii. Conservation Authorities should have the authority to issue “Stop Work Orders” on matters involving Section 28 of *the Conservation Authorities Act*.

b. Infrastructure Funding

As with many other conservation authorities, the NPCA owns a variety of lands for conservation and preservation. In addition, the NPCA hosts many education and recreational programs for Ontario families to celebrate and enjoy the outdoors. These programs also provide the opportunity for the NPCA to promote conservation, education and generate revenues.

The NPCA recommends that Ontario government, in partnership with the federal government, provide funding for infrastructure projects specific to conservation authorities.

Responses to questions contained in the Discussion Paper:**1. Governance:****a. What aspects of the current governance model are working well?**

The NPCA is in agreement and advocates the provincial government's previous decision to allow local municipal councils the autonomy to appoint members to the conservation authorities Board, and thereby, allow local and accountable decision making on local issues pertaining to the watershed.

b. What aspects of the current governance model are in need of improvement?

Section 14. (4) of the *Conservation Authorities Act* should be changed where municipal appointments to the conservation authorities Board be changed from the current three (3) year term to a (4) year term in alignment with municipal elections.

Further, Section 17. (1) of the *Conservation Authorities Act* should be changed to allow the election of a Board Chair and Vice-Chair to serve greater than one year increments. Currently, there is a legislative requirement to elect the Chair and Vice-Chair at the first meeting of each year.

c. In terms of governance, what should be expected of:**a. The board and its members?**

Upon municipal appointment to the Board, members should focus on a holistic basis, matters that pertain to the local watershed boundaries and not necessarily along municipal boundaries. In addition, Board members should be providing their respective municipalities periodic updates.

b. The general manager or chief administrative officer?

That the role of the Chief Administrative Officer (CAO) should not be prescribed in legislation (such as Executive Directors of School Boards, Police Chiefs, etc.) thereby making the CAO fully accountable to the Conservation Authority Board.

c. Municipalities?

Municipalities need to continue appointing members to conservation authority Boards, with diverse backgrounds and expertise, who are committed to the mandate of conservation authorities.

d. The Ministry of Natural Resources and Forestry?

The MNRF should continue their role in providing legislation (the Act and its Regulations and Standards) in order that individual conservation authorities follow a general mandate that recognizes local decisions, but collectively decisions are working towards an integrated and systemic watershed management impacting Ontario's natural heritage features.

e. Other provincial ministries?

Other provincial ministries have utilized conservation authorities in implementing provincial programs. This practice should continue with appropriate collaboration and funding.

To ensure effective inter-ministry cooperation, the province should establish a multi-stakeholder consultative group consisting of representatives from ministries, conservation authorities, Association of Municipalities of Ontario, Ontario Federation of Agriculture, and other stakeholders impacted by watershed decisions.

f. Others?

There are a variety of local stakeholders and the general public, with diverse views, who are impacted by the decisions of a local conservation authority. To engage these groups and individuals, conservation authorities conduct public meeting where groups and individual may attend and participate via deputations.

For increased community engagement, the NPCA has established a Community Liaison Advisory Committee (CLAC). The primary purpose of the CLAC is to deliberate on issues and provide recommendations to the NPCA Board to consider when making decisions.

The province should consider assigning provincial representatives (local MNRF staff) participate on local advisory committees as non-voting members. MNRF can provide advisory committee members with information as they deliberate issues and make recommendations to the Board of the conversation authority.

- d. How should the responsibility for oversight of conservation authorities be shared between the province and municipalities?

The province should continue providing conservation authorities with a legislative mandate as directed by the *Conservation Authorities Act* and its associated Regulations and Standards.

Conservation authorities should continue applying the legislative mandate.

Give the involvement and interactions between several provincial ministries and the conservation authorities, the NPCA recommends the province establish a provincial committee of stakeholders in order to promote an integrated watershed management plan in Ontario.

- e. Are there other governance practices or tools that could be used to enhance the existing governance model?

The provincial government should commit to conducting a subsequent review of the governance model in 10 years to ensure current successes continue.

2. Funding

- a. How well are the existing funding mechanisms outlined within the Act working?

The existing funding mechanisms are challenging and needs to be addressed. There are different interpretations in the application of Section 27. (2) and (3) of the *Conservation Authorities Act* and the associated Regulation 670/00. Further, Ontario Regulation 139/96 should be reviewed.

- b. What changes to existing funding mechanisms would you like to see if any?

The NPCA proposes the following recommendations to the existing funding mechanisms:

- i. Provincial Funding

Currently, there is no consistency on how the province funds each of the 36 conservation authorities in Ontario. The current funding model was derived from individual based budgets over 25 years ago and does not reflect today's programming and services delivered by conservation authorities on behalf of the provincial government.

It is therefore recommended that the provincial government increase their funding to conservation authorities specific to provincially mandated programs (Section 21 and 28 of the Conservation Authorities Act). One model is to fund conservation authorities similar to other sectors, such as:

Public Health	75% provincial funding
Land Ambulance Services	50% provincial funding
Ontario Works Benefits	57% provincial funding (current 2015 phased in amount)

ii. Infrastructure Funding

As identified in the Discussion Paper, conservation authorities consists of 73,645 hectares conservation areas; 2,491 kilometers of trails and 8,422 campsites in the delivery of programs and services to over 6.8 million visitors.

In order to maintain and grow this level of programming, conservation authorities need provincial funding support for water and wastewater systems, buildings, trail development, and other infrastructure needs.

With adequate infrastructure funding, conservation authorities can increase self-generated revenues and thereby reduce funding pressures on the provincial and municipal governments.

iii. Municipal Levies

Once a conservation authority determines provincial funding, self-generated revenues, and foundation revenues; the balance of the budget is funded by municipal levies.

The formula to calculate the apportionment of municipal levies is currently identified in Ontario Regulation 670/00. It is recommended that the province establish a task force of stakeholders to review and propose changes to the regulation.

c. Which funding mechanisms, or combination of funding mechanisms, are best able to support the long term sustainability of conservation authorities?

Every conservation authority should strive to achieve self-generated revenues to a level that sustains recreational programming at a net revenue basis and thereby needing no subsidy from provincial and municipal sources. (Note: This needs to be initially supported by investment in infrastructure as identified above).

In regards to provincially mandated programs, the province is recommended to increase their share of funding. Municipal levies should also continue as local decisions should continue to be made by local Boards whose members are appointed by municipalities.

d. Are there other revenue generation tools that should be considered?

The province should explore the use of carbon tax revenues to fund provincially mandated programs delivered by conservation authorities.

There is some discussion that conservation authorities receive a portion of development charges. The use of development charges for a conservation authority within a defined watershed should be permitted pending approval of the watershed's municipalities.

3. Roles and Responsibilities

a. What resource management programs and activities may be best delivered at the watershed scale?

It is recommended that the response to this question be forwarded to a multi-stakeholder consultative group consisting of representatives from ministries, conservation authorities, Association of Municipalities of Ontario, Ontario Federation of Agriculture, and other stakeholders impacted by watershed decisions.

b. Are current roles and responsibilities authorized by the Conservation Authorities Act appropriate? Why or why not? What changes, if any, would you like to see?

i. Designation of Provincially Significant Wetlands

Currently, the district office of the Ministry of Natural Resources and Forestry (MNRF) designates Provincially Significant Wetlands (PSWs), and in turn, conservation authorities regulate the PSWs based on the designation. This often creates difficulties when the conservation authority is discussing issues with landowners and municipalities on a designation conducted by MNRF (who are not part of these discussions). Often, critics of this process claim that the PSW designation are based on aerial maps and/or by MNRF who are distant from discussing options based on evidence and science.

It is recommended that a designation protocol be established between conservation authorities, whereby the MNRF enables conservation authorities to conduct the field work in identifying PSWs and submitting to the MNRF for approval. Thereafter, when engaged in meeting with landowners/municipalities/stakeholders, conservation authorities are well positioned to make regulatory decisions.

ii. Biodiversity Offsetting (Compensation of Lands)

At times, given the layers of regulatory instruments (such as Places to Grow, Greenbelt Plan, Niagara Escarpment Plan and the Conservation Authorities Act), municipalities are challenged in managing their growth. There is an opportunity when growth impacts a regulated area that the concept of biodiversity offsetting can be implemented to ensure no net loss of wetlands. In fact, biodiversity offsetting can be implemented to increase wetlands in addition to connecting natural features for integrated ecosystems.

In this regard, conservation authorities should be given the opportunity to introduce biodiversity offsetting.

iii. Preventing Environmental Damage

Section 28 of the *Conservation Authorities Act* allows a conservation authority to make regulations within its jurisdiction. Further, Section 28 (20) permits a conservation authority officer the power of entry to investigate and enforce its regulations.

It is recommended that the conservation authority's officer be empowered to issue "stop work orders" on activity that is in direct violation of the regulations, and in the opinion of the conservation authority, the continued activity would cause further environmental damage.

iv. Provincial Offences Court

Currently, any violations of a conservation authority regulation are heard in provincial offences court. The court proceedings is presided by a Justice of the Peace who may or may not be familiar with the *Conservation Authority Act* and its associated Regulations.

The Justice of the Peace presiding over matters involving conservation authorities should be supported by provincially appointed legal counsel to ensure decisions adhere to the intent of the *Conservation Authorities Act*.

b. How may the impacts of climate change affect the programs and activities delivered by conservation authorities? Are conservation authorities equipped to deal with these effects?

Climate change is significantly impacting the current regulatory role of conservation authorities. One example is floodplain mapping, where the changing climate is causing the need for conservation authorities to re-assess current benchmarks and maps.

However, some conservation authorities face financial challenges in conducting appropriate floodplain mapping to address climate change. It is recommended that the province provide multi-year funding to conservation authorities to implement an integrated floodplain mapping system.

Further, although the impacts of climate change are based on scientific evidence, there is a continued need for conservation authorities to educate stakeholders and the general public on climate change. This education should be coordinated with educational programs initiated by the provincial government.

Changes to the climate also creates invasive species causing serious, and at times, irreversible harm to the environment. Conservation authorities are not currently positioned to address the management of invasive species, however, there is a general expectation from the general community that conservation authorities should be involved.

- c. [Is the variability in conservation authorities' capacity and resourcing to offer a range of programs and services a concern? Should there be a standard program for all authorities to deliver? Why or why not?](#)

A standardized approach to watershed management is appropriate; with the condition that local autonomy on decision making is recognized. For example, the Provincial Policy Statement under the *Planning Act* provides direction on matters of provincial interest related to land use planning and development. As a regulatory body, conservation authorities reference these statements when making local decisions.

Another example is Source Water Protection. Conservation authorities are leading standardized source water protection programs. However, local source water protection authorities (and their associated committees) are designing deliverables that meets the needs of local communities.

Overall, each watershed is unique. For example, Niagara Peninsula is bordered by three bodies of water (Niagara River, Lake Ontario and Lake Erie) whereas another conservation authority may not have any bordering waters. These unique qualities are recognized with the current autonomy of local Boards making local decisions on programs and services.

- d. What are some of the challenges facing conservation authorities in balancing their various roles and responsibilities? Are there tools or other changes that would help with this?

When reviewing the NPCA's Mission Statement, one would read *"To manage our watershed's natural resources by balancing environmental, community, and economic needs"*.

The challenge for conservation authorities is finding the right "balance" amid an atmosphere of diverse stakeholder and public opinions, an environment of climate change, municipal official plans, and provincially mandated programs. It is understandable that decisions made by a conservation authority may not be achieved by consensus amongst the interests of dissenting views of either environment, community or economic interests.

This is why "informed" decisions of a conservation authority is paramount. To make informed decisions, conservation authorities need to be appropriately resourced (funding) and have the flexibility to implement solutions for the benefit of the watershed's environment.

- e. Are there opportunities to improve consistency in service standards, timelines and fee structures? What are the means by which consistency can be improved? What are some of the challenges in achieving greater consistency in these areas?

It is recommended that the response to this question be forwarded to a multi-stakeholder consultative group consisting of representatives from ministries, conservation authorities, Association of Municipalities of Ontario, Ontario Federation of Agriculture, and other stakeholders impacted by watershed decisions.

Report To: Board of Directors

Subject: NPCA Forestry and Tree and Forest Conservation By-law Status

Report No: 28-16

Date: March 23, 2016

RECOMMENDATION:

THAT Report No. 28-16 regarding the status of NPCA Forestry activities and 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 and forestry activities being conducted by the NPCA Forester.

BACKGROUND:

By-law issues/main activities since February 3, 2016 include:

- Harvest operations approved under Good Forestry Practices (GFP) permits in woodlots located in Thorold and Pelham were either completed or suspended in early March due to unfavourable ground conditions because of the mild weather. Operations will recommence in the late spring depending on weather conditions and will be routinely monitored by the NPCA Forester to ensure conformance with permit conditions and operating conditions are suitable.
- Conducted inspections in two woodlots located in Pelham and Grimsby harvested under GFP permits. Operations were conducted during the favourable weather conditions in late February. Soil disturbance was minimal throughout the woodland and was confined to main skid trails. Operations were well conducted in accordance with Good Forestry Practices as outlined in the permit.
- Conducted site visits with two woodlot owners in Grimsby interested in managing their forests. Provided forestry advice on what steps could be taken and gave them instructions on how to obtain a Good Forestry Practices permit.
- Commenced work on Managed Forest Plans (MFP) for five Conservation Authority properties (Chippawa Creek, Balls Falls, Stevensville, Willoughby Marsh and Long Beach). The plans must be submitted to the MNRF by June 30, 2016. The purpose of a MFP is to guide the land owner in the management of their forest and values found within it. The intent of the Managed Forest Program is to foster ecologically sound forest management on private lands while providing a reduction in property taxes to landowners of forested land who prepare a plan and agree to be good stewards of their property.

- Participated in the Niagara Enviro-thon as a presenter in the Forestry module.
- Provided comment after a site visit regarding the removal of roadside trees in the Mountain View CA being effected by construction associated with transmission line installation for the wind turbines.
- Received and provided advice to persons calling about declining ash trees located in urban areas not covered by the By-law. Some inquired if 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, or contact the adjacent owner if they are located on their land.
- Conducted a site visit and provided comments on a planning issue related to a property with proposed development in Grimsby. The assessment determined there are no woodlands on the property that would be covered by the Bylaw. Comments were provided to the land owner and NPCA planning staff.

FINANCIAL IMPLICATIONS:

None

RELATED REPORTS AND APPENDICES:

None

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

REPORTS FOR CONSIDERATION

- ❖ **REPORT NO. 29-16** – *RAP Agreement 2016-17*
- ❖ **REPORT NO. 30-16** – *2015 Capital Surplus / Reserve Status*
- ❖ **REPORT NO. 31-16** – *Management Compensation*

March 23, 2016 Full Authority Meeting

Report To: Board of Directors

Subject: Niagara River Remedial Action Plan Coordination Agreement 2016/17

Report No: 29-16

Date: March 23, 2016

RECOMMENDATION

That the Board APPROVE the NPCA to continue to provide the Ministry of the Environment and Climate Change (MOECC) with project management and coordination services for the implementation of the Niagara River Remedial Action Plan (RAP) through the approval of the 2016/17 RAP Agreement.

PURPOSE

The purpose of this report is to:

- Present the RAP agreement between MOECC and the NPCA (Attachment #1), to confirm the RAP coordination work plan, and obtain MOECC funding (\$99,500.00) for the delivery of this client services agreement (Note: this agreement has been reviewed by legal counsel).
- Request NPCA Board approval to enter into the agreement with MOECC for the NPCA to continue to fulfill the role of RAP Coordinator.

BACKGROUND

The Great Lakes Water Quality Agreement was first signed in 1972 between Canada and the U.S. in order to restore and maintain the overall integrity of the Great Lakes Basin ecosystem. In 1987, an amendment to the Agreement called for the development and implementation of Remedial Action Plans (RAPs) to restore ecosystem health at 43 identified Areas of Concern (AOCs) located within the Great Lakes Basin. The Niagara River was designated as one of the 43 AOCs, and thus required a Remedial Action Plan. The Niagara River received this designation owing to its degraded water quality, which limits the river's ability to provide beneficial uses to both humans and wildlife. Examples of beneficial uses include recreational uses such as swimming at local beaches, and ecological uses such as fish and wildlife habitat.

The purpose of the Niagara River RAP is to identify major water quality concerns and take actions to resolve them. A RAP is developed in the following three stages:

- Stage 1 identifies and assesses use impairments;
- Stage 2 identifies proposed remedial actions and their method of implementation; and
- Stage 3 documents evidence that uses have been restored and communicates these results through extensive public engagement.

Once Stages 1 through 3 have been completed and the issues identified in the RAP have been addressed, the Niagara River AOC will be considered remediated or “delisted”. The Niagara River RAP is currently in the third and final stage of the RAP process, with a delisting goal of 2020.

DISCUSSION

The lead government agencies guiding the development of the Niagara River RAP in Ontario are Environment Canada and the Ontario Ministry of the Environment and Climate Change (MOECC). On April 14, 1999, the NPCA assumed the role of Coordinator for the Niagara River Remedial Action Plan on behalf of the Province of Ontario and the Federal Government. The NPCA’s role as coordinator is that of providing project management, secretariat support, and coordinating stakeholder involvement and remedial actions for the Niagara River AOC.

Funding for RAP Coordination is shared jointly by both government agencies and they each have their own individual Client Services Agreement with the NPCA. The agreement between the NPCA and Environment Canada expires on March 31st, 2020 as it was a five year agreement signed March 31st, 2015. The agreement value is \$100,000.00 annually.

The successes to date of the Niagara River RAP would not be possible without the cooperation of all government agencies and the active involvement of the public. Strong inter-agency partnerships and community commitment will continue to play an essential role as the Niagara River RAP advances through its third and final stage. It is anticipated that Stage 3 of the Niagara River RAP will be completed in 2020, at which time the AOC will be delisted. Long-term monitoring will continue beyond 2020 to ensure that the environmental health of the Niagara River and its tributaries continues to improve over time.

Addressing the remaining environmental issues facing the Niagara River will require the commitment and cooperation of all levels of governments, with the Niagara Peninsula Conservation Authority fulfilling its key role as RAP Coordinator.

FINANCIAL IMPLICATIONS

The requested funding contribution from MOECC is included in the 2016/17 budget.

ALIGNMENT TO NPCA’s 2014-2017 STRATEGIC PLAN

The NPCA fulfills its mandate by implementing programs that improve the quality of lands and waters within its jurisdiction, and balancing conservation and sustainable development for future generations by engaging landowners, stakeholders and communities through collaboration.

RELATED REPORTS AND APPENDICES

1. 2016/17 Remedial Action Plan Funding Agreement

Prepared by:



Jocelyn Baker
Supervisor, Watershed Restoration

Reviewed by:



Peter Graham P.Eng.
Director, Watershed Management

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

*This report was prepared with the consultative input from:
Brian Wright, Manager, Watershed Projects*

ONTARIO TRANSFER PAYMENT AGREEMENT

File No. 4022C-16/17

THE AGREEMENT, effective as of March 24, 2016 (the “**Effective Date**”),

B E T W E E N:

**Her Majesty the Queen in right of Ontario as represented by
the Minister of the Environment and Climate Change**

(the “**Province**”)

- and -

Niagara Peninsula Conservation Authority (NPCA)

(the “**Recipient**”)

BACKGROUND

The Recipient intends to carry out the Project.

The Province wishes to provide Funds to the Recipient for the Project.

CONSIDERATION

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which is expressly acknowledged, the Province and the Recipient (the “**Parties**”) agree as follows:

ENTIRE AGREEMENT

This agreement (the “**Agreement**”), including:

Schedule “A” - General Terms and Conditions

Schedule “B” - Project Specific Information and Additional Provisions

Schedule “C” - Project Description and Timelines

Schedule “D” - Budget

Schedule “E” - Payment Plan

Schedule “F” - Reporting, and

any amending agreement entered into as provided for below,

constitutes the entire agreement between the Parties with respect to the subject matter contained in this Agreement and supersedes all prior oral or written representations and agreements.

COUNTERPARTS

The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

AMENDING THE AGREEMENT

The Agreement may only be amended by a written agreement duly executed by the Parties.

ACKNOWLEDGEMENT

The Recipient:

- (a) acknowledges that it has read and understands the provisions contained in the entire Agreement;
and
- (b) agrees to be bound by the terms and conditions contained in the entire Agreement.

IN WITNESS WHEREOF, the Parties have executed the Agreement on the dates set out below.

HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
as represented by the Minister of the Environment and Climate Change

per:

Date

Name: Trevor Dagilis
Title: Assistant Director (A), Eastern Region

Authorized Signing Officer

Niagara Peninsula Conservation Authority

per:

Date

Name: Carmen D'Angelo
Title: Chief Administrative Officer

I have authority to bind the Recipient.

SCHEDULE “A”
GENERAL TERMS AND CONDITIONS

1.0 INTERPRETATION AND DEFINITIONS

1.1 Interpretation. For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) “include”, “includes” and “including” denote that the subsequent list is not exhaustive.

1.2 Definitions. In the Agreement, the following terms will have the following meanings:

“Additional Provisions” means the terms and conditions referred to in section 9.1 and as specified in Schedule “B”.

“BPSAA” means the *Broader Public Sector Accountability Act, 2010* (Ontario).

“Budget” means the budget attached to the Agreement as Schedule “D”.

“Business Day” means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

“Event of Default” has the meaning ascribed to it in section 15.1.

“Expiration Date” means the date on which this Agreement will expire and is the date set out in Schedule “B”.

“Funding Year” means:

- (a) in the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31; and
- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees and employees.

“Maximum Funds” means the maximum amount the Province will provide the Recipient under

the Agreement as set out in Schedule “B”.

“**Notice**” means any communication given or required to be given pursuant to the Agreement.

“**Notice Period**” means the period of time within which the Recipient is required to remedy an Event of Default, and includes any such period or periods of time by which the Province considers it reasonable to extend that time.

“**Party**” means either the Province or the Recipient.

“**Project**” means the undertaking described in Schedule “C”.

“**PSSDA**” means the *Public Sector Salary Disclosure Act, 1996* (Ontario).

“**Reports**” means the reports described in Schedule “F”.

“**Timelines**” means the Project schedule set out in Schedule “C”.

2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS

2.1 General. The Recipient represents, warrants and covenants that:

- (a) it is, and will continue to be for the term of the Agreement, a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has, and will continue to have for the term of the Agreement, the experience and expertise necessary to carry out the Project;
- (c) it is in compliance with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the Project, the Funds or both; and
- (d) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds (including information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete for the term of the Agreement.

2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement.

2.3 Governance. The Recipient represents, warrants and covenants that it has, and will maintain, in writing for the period during which the Agreement is in effect:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient’s organization;
- (b) procedures to ensure the ongoing effective functioning of the Recipient;
- (c) decision-making mechanisms for the Recipient;

- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the Project successfully;
- (f) procedures to enable the Recipient, in a timely manner, to identify risks to the completion of the Project, and strategies to address the identified risks;
- (g) procedures to enable the preparation and delivery of all Reports required pursuant to Article 7.0; and
- (h) procedures to enable the Recipient to deal with such other matters as the Recipient considers necessary to ensure that the Recipient carries out its obligations under the Agreement.

2.4 **Supporting Documentation.** Upon request, the Recipient will provide the Province with proof of the matters referred to in this Article 2.0.

3.0 TERM OF THE AGREEMENT

3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiration Date unless terminated earlier pursuant to Article 13.0, Article 14.0 or Article 15.0.

4.0 FUNDS AND CARRYING OUT THE PROJECT

4.1 **Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds for the purpose of carrying out the Project;
- (b) provide the Funds to the Recipient in accordance with the Payment Plan attached to the Agreement as Schedule "E"; and
- (c) deposit the Funds into an account designated by the Recipient provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

4.2 **Limitation on Payment of Funds.** Despite section 4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides the insurance certificate or other proof as the Province may request pursuant to section 12.2;
- (b) the Province is not obligated to provide instalments of Funds until it is satisfied with the progress of the Project;
- (c) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province's assessment of the information provided by the Recipient pursuant to section 7.1; and
- (d) if, pursuant to the *Financial Administration Act* (Ontario), the Province does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement,

the Province is not obligated to make any such payment, and, as a consequence, the Province may:

- (i) reduce the amount of Funds and, in consultation with the Recipient, change the Project; or
- (ii) terminate the Agreement pursuant to section 14.1.

4.3 Use of Funds and Project. The Recipient will:

- (a) carry out the Project in accordance with the terms and conditions of the Agreement;
- (b) use the Funds only for the purpose of carrying out the Project;
- (c) spend the Funds only in accordance with the Budget; and
- (d) not use the Funds to cover any specific cost that has or will be funded or reimbursed by any third party, including other ministries, agencies and organizations of the Government of Ontario.

4.4 Province's Role Limited to Providing Funds. For greater clarity, the Province's role under the Agreement is limited to providing Funds to the Recipient for the purposes of the Project and the Province is not responsible for carrying out the Project.

4.5 No Changes. The Recipient will not make any changes to the Project, the Timelines, or the Budget without the prior written consent of the Province.

4.6 Interest Bearing Account. If the Province provides Funds to the Recipient before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

4.7 Interest. If the Recipient earns any interest on the Funds, the Province may:

- (a) deduct an amount equal to the interest from any further instalments of Funds; or
- (b) demand from the Recipient the repayment of an amount equal to the interest.

4.8 Maximum Funds. The Recipient acknowledges that the Funds available to it pursuant to the Agreement will not exceed the Maximum Funds.

4.9 Rebates, Credits and Refunds. The Recipient acknowledges that the amount of Funds available to it pursuant to the Agreement is based on the actual costs to the Recipient, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit or refund.

4.10 Funding, Not Procurement. For greater clarity, the Recipient acknowledges that:

- (a) it is receiving funding from the Province for the Project and is not providing goods or services to the Province; and
- (b) the funding the Province is providing under the Agreement is funding for the purposes of the PSSDA.

5.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

5.1 **Acquisition.** If the Recipient acquires goods, services, or both with the Funds, it will:

- (a) do so through a process that promotes the best value for money; and
- (b) comply with the BPSAA, including any procurement directive issued thereunder, to the extent applicable.

5.2 **Disposal.** The Recipient will not, without the Province's prior written consent, sell, lease or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceeded the amount as set out in Schedule "B" at the time of purchase.

6.0 CONFLICT OF INTEREST

6.1 **No Conflict of Interest.** The Recipient will carry out the Project and use the Funds without an actual, potential or perceived conflict of interest.

6.2 **Conflict of Interest Includes.** For the purposes of this Article, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased and impartial judgment relating to the Project, the use of the Funds, or both.

6.3 **Disclosure to Province.** The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

7.0 REPORTING, ACCOUNTING AND REVIEW

7.1 **Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in section 19.1, all Reports in accordance with the timelines and content requirements set out in Schedule "F", or in a form as specified by the Province from time to time;
- (b) submit to the Province at the address referred to in section 19.1, any other reports as may be requested by the Province in accordance with the timelines and content requirements specified by the Province;
- (c) ensure that all Reports and other reports are completed to the satisfaction of the Province; and

- (d) ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

7.2 **Record Maintenance.** The Recipient will keep and maintain:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the Project.

7.3 **Inspection.** The Province, its authorized representatives or an independent auditor identified by the Province may, at its own expense, upon twenty-four hours' Notice to the Recipient and during normal business hours, enter upon the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, its authorized representatives or an independent auditor identified by the Province may take one or more of the following actions:

- (a) inspect and copy the records and documents referred to in section 7.2;
- (b) remove any copies made pursuant to section 7.3(a) from the Recipient's premises; and
- (c) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project, or both.

7.4 **Disclosure.** To assist in respect of the rights set out in section 7.3, the Recipient will disclose any information requested by the Province, its authorized representatives or an independent auditor identified by the Province, and will do so in the form requested by the Province, its authorized representatives or an independent auditor identified by the Province, as the case may be.

7.5 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

7.6 **Auditor General.** For greater certainty, the Province's rights under this Article are in addition to any rights provided to the Auditor General pursuant to section 9.1 of the *Auditor General Act* (Ontario).

8.0 COMMUNICATIONS REQUIREMENTS

8.1 **Acknowledge Support.** Unless otherwise directed by the Province, the Recipient will acknowledge the support of the Province in a form and manner as directed by the Province.

8.2 **Publication.** The Recipient will indicate, in any of its Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

9.0 FURTHER CONDITIONS

- 9.1 **Additional Provisions.** The Recipient will comply with any Additional Provisions. In the event of a conflict or inconsistency between any of the requirements of the Additional Provisions and any requirements of this Schedule “A”, the Additional Provisions will prevail.

10.0 FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY

- 10.1 **FIPPA.** The Recipient acknowledges that the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

11.0 INDEMNITY

- 11.1 **Indemnification.** The Recipient hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits or other proceedings, by whomever made, sustained, incurred, brought or prosecuted, in any way arising out of or in connection with the Project or otherwise in connection with the Agreement, unless solely caused by the negligence or wilful misconduct of the Province.
- 11.2 **Recipient’s Participation.** The Recipient will, at its expense, to the extent requested by the Province, participate in or conduct the defence of any proceeding against any Indemnified Parties and any negotiations for their settlement.
- 11.3 **Province’s Election.** The Province may elect to participate in or conduct the defence of any proceeding by providing Notice to the Recipient of such election without prejudice to any other rights or remedies of Province under the Agreement, at law or in equity. Each Party participating in the defence will do so by actively participating with the other’s counsel.
- 11.4 **Settlement Authority.** The Recipient will not enter into a settlement of any proceeding against any Indemnified Parties unless the Recipient has obtained the prior written approval of Province. If the Recipient is requested by the Province to participate in or conduct the defence of any proceeding, the Province will co-operate with and assist the Recipient to the fullest extent possible in the proceeding and any related settlement negotiations.
- 11.5 **Recipient’s Co-operation.** If the Province conducts the defence of any proceedings, the Recipient will co-operate with and assist the Province to the fullest extent possible in the proceedings and any related settlement negotiations

12.0 INSURANCE

- 12.1 **Recipient’s Insurance.** The Recipient represents and warrants that it has, and will maintain for the term of the Agreement, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury and property damage, to an inclusive limit of not less than the amount set out in Schedule “B” per

occurrence. The policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30 day written notice of cancellation.

12.2 **Proof of Insurance.** The Recipient will provide the Province with certificates of insurance, or other proof as may be requested by the Province, that confirms the insurance coverage as provided for in section 12.1. Upon the request of the Province, the Recipient will make available to the Province a copy of each insurance policy.

13.0 TERMINATION ON NOTICE

13.1 **Termination on Notice.** The Province may terminate the Agreement at any time without liability, penalty or costs upon giving at least 30 days' Notice to the Recipient.

13.2 **Consequences of Termination on Notice by the Province.** If the Province terminates the Agreement pursuant to section 13.1, the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds;
- (b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) permit the Recipient to offset such costs against the amount owing pursuant to section 13.2(b); and
 - (ii) subject to section 4.8, provide Funds to the Recipient to cover such costs.

14.0 TERMINATION WHERE NO APPROPRIATION

14.1 **Termination Where No Appropriation.** If, as provided for in section 4.2(d), the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to the Agreement, the Province may terminate the Agreement immediately without liability, penalty or costs by giving Notice to the Recipient.

14.2 **Consequences of Termination Where No Appropriation.** If the Province terminates the Agreement pursuant to section 14.1, the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds;
- (b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient; and

- (c) determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section 14.2(b).

14.3 **No Additional Funds.** For greater clarity, if the costs determined pursuant to section 14.2(c) exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

15.0 **EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT**

15.1 **Events of Default.** Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:
 - (i) carry out the Project;
 - (ii) use or spend Funds; or
 - (iii) provide, in accordance with section 7.1, Reports or such other reports as may have been requested pursuant to section 7.1(b);
- (b) the Recipient's operations, or its organizational structure, changes such that it no longer meets one or more of the eligibility requirements of the program under which the Province provides the Funds;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver; or
- (d) the Recipient ceases to operate.

15.2 **Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel all further instalments of Funds;
- (f) demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand the repayment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand the repayment of an amount equal to any Funds the Province provided to the

Recipient; and

- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

15.3 **Opportunity to Remedy.** If, in accordance with section 15.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

15.4 **Recipient not Remediating.** If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to section 15.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in sections 15.2(a), (c), (d), (e), (f), (g), (h) and (i).

15.5 **When Termination Effective.** Termination under this Article will take effect as set out in the Notice.

16.0 FUNDS AT THE END OF A FUNDING YEAR

16.1 **Funds at the End of a Funding Year.** Without limiting any rights of the Province under Article 15.0, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may take one or both of the following actions:

- (a) demand the return of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

17.0 FUNDS UPON EXPIRY

17.1 **Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, return to the Province any Funds remaining in its possession or under its control.

18.0 REPAYMENT

18.1 **Repayment of Overpayment.** If at any time during the term of the Agreement the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

18.2 Debt Due. If, pursuant to the Agreement:

- (a) the Province demands the payment of any Funds or an amount equal to any Funds from the Recipient; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not their return or repayment has been demanded by the Province,

such Funds or other amount will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay or return the amount to the Province immediately, unless the Province directs otherwise.

18.3 Interest Rate. The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

18.4 Payment of Money to Province. The Recipient will pay any money owing to the Province by cheque payable to the “Ontario Minister of Finance” and delivered to the Province at the address referred to in section 19.1.

18.5 Failure to Repay. Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to repay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

19.0 NOTICE

19.1 Notice in Writing and Addressed. Notice will be in writing and will be delivered by email, postage-prepaid mail, personal delivery or fax, and will be addressed to the Province and the Recipient respectively as set out in Schedule “B”, or as either Party later designates to the other by Notice.

19.2 Notice Given. Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of email, personal delivery or fax, one Business Day after the Notice is delivered.

19.3 Postal Disruption. Despite section 19.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be received; and
- (b) the Party giving Notice will provide Notice by email, personal delivery or by fax.

20.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

20.1 Consent. When the Province provides its consent pursuant to the Agreement, it may impose any

terms and conditions on such consent and the Recipient will comply with such terms and conditions.

21.0 SEVERABILITY OF PROVISIONS

- 21.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

22.0 WAIVER

- 22.1 **Waivers in Writing.** If a Party fails to comply with any term of the Agreement, that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article 19.0. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

23.0 INDEPENDENT PARTIES

- 23.1 **Parties Independent.** The Recipient acknowledges that it is not an agent, joint venturer, partner or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

24.0 ASSIGNMENT OF AGREEMENT OR FUNDS

- 24.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights, or obligations under the Agreement.
- 24.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors and permitted assigns.

25.0 GOVERNING LAW

- 25.1 **Governing Law.** The Agreement and the rights, obligations and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

26.0 FURTHER ASSURANCES

- 26.1 **Agreement into Effect.** The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

27.0 JOINT AND SEVERAL LIABILITY

27.1 Joint and Several Liability. Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

28.0 RIGHTS AND REMEDIES CUMULATIVE

28.1 Rights and Remedies Cumulative. The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

29.0 ACKNOWLEDGEMENT OF OTHER LEGISLATION AND DIRECTIVES

29.1 Recipient Acknowledges. The Recipient:

- (a) acknowledges that by receiving Funds it may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the BPSAA, the PSSDA, and the *Auditor General Act* (Ontario);
- (b) acknowledges that Her Majesty the Queen in right of Ontario has issued expenses, perquisites, and procurement directives and guidelines pursuant to the BPSAA; and
- (c) will comply with any such legislation, including directives issued thereunder, to the extent applicable.

30.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

30.1 Other Agreements. If the Recipient:

- (a) has failed to comply (a "**Failure**") with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies;
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

31.0 SURVIVAL

31.1 Survival. The following Articles and sections, and all applicable cross-referenced sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0 and any other applicable definitions, section 4.2(d), 4.7, section 5.2, section 7.1 (to the extent that the Recipient has not provided the Reports to the satisfaction of the Province), sections 7.2, 7.3, 7.4, 7.5, 7.6, Article 8.0, Article 11.0, section 13.2,

sections 14.2 and 14.3, sections 15.1, 15.2(d), (e), (f), (g) and (h), Article 17.0, Article 18.0, Article 19.0, Article 21.0, section 24.2, Article 25.0, Article 27.0, Article 28.0, Article 29.0, Article 30.0, and Article 31.0.

- END OF GENERAL TERMS AND CONDITIONS -

SCHEDULE "B"

PROJECT SPECIFIC INFORMATION AND ADDITIONAL PROVISIONS

Maximum Funds	\$99,500 (ninety-nine thousand and five hundred dollars)
Expiration Date	90 days after the final report due date in Schedule "F"
Amount for the purposes of section 5.2 of Schedule "A"	\$1,000.00
Insurance	\$ 2,000,000.00
Contact information for the purposes of Notice to the Province	<p>Name: Ministry of the Environment and Climate Change West Central Region</p> <p>Address: 119 King Street West, 12th Floor, Hamilton ON L9P 4Y7</p> <p>Attention: Cora Sheppard</p> <p>Fax: 905-521-7820</p> <p>Email: cora.sheppard@ontario.ca</p> <p>Telephone: 905-521-7826</p>
Contact information for the purposes of Notice to the Recipient	<p>Name: Jocelyn Baker</p> <p>Address: 250 Thorold Road West, 3rd Floor, Welland ON L3C 3W2</p> <p>Attention: Jocelyn Baker</p> <p>Fax: 905-788-1121</p> <p>Email: jbaker@npca.ca</p> <p>Telephone: 905-788-3135 x 243</p>
Contact information for the senior financial person in the Recipient organization (e.g., CFO, CAO) to respond as required to requests from the Province related to the Agreement	<p>Name: Carmen D'Angelo</p> <p>Position: Chief Administrative Officer & Secretary Treasurer</p> <p>Fax: 905-788-1121</p> <p>Email: cdangelo@npca.ca</p> <p>Telephone: 905-788-3135 x 251</p>

Additional Provisions:

B.1 The following definition is added to section 1.2 of Schedule “A” in alphabetical order:

“NPCA” means the **Niagara Peninsula Conservation Authority**

B.2 Article 4 of Schedule “A” is amended by adding the following new sections:

4.11 **Project Over Budget.** The Recipient acknowledges that should Project expenses exceed the amounts in the Budget, the Province is not responsible for any additional funding and the Recipient undertakes to incur all further costs necessary to complete the Project.

4.12 **Moving Funds.** Despite section 4.5, the Recipient may move Funds equaling up to ten percent (10%) of the allocation in one line within a Budget category in Schedule “D” to another line within the same Budget category, except for expenses listed under the Budget category “Other” (if any) in Schedule “D” which may not be moved without approval from the Province. In moving Funds under this section 4.12, the Recipient may not reduce any Budget line by more than ten percent (10%) of its original allocation or increase any Budget line by more than twenty percent (20%) of its original allocation.

4.13 **Intellectual Property.** The Province is not the owner of any intellectual property generated as a result of the Agreement.

4.14 **Cash Flow Management.** Despite subsection 4.1(b), in order to more accurately reflect the Recipient’s anticipated cash flow needs, the Province may divide any instalment of the Funds set out in Schedule “E” into two or more smaller instalments based upon the monthly spending forecast submitted by the Recipient pursuant to section 7.1. If the instalment amount is so divided by the Province, the Recipient may request payment of another instalment by confirming to the Province in a further report pursuant to section 7.1(b) that said instalment will be required in one month’s time.

B.3 Article 8 of Schedule “A” is amended by adding the following new sections:

8.3 **Open Data.** The Recipient agrees that the Province may publicly release the following information, whether in hard copy or in electronic form, on the internet or otherwise: Recipient name, Recipient contact information, Recipient address or general location, amount of Maximum Funds and/or Funds, Project description, Project objectives/goals, Project location, Project results reported by the Recipient and Budget. However, the Province and the Recipient agree that such permission does not apply to the following: NIL.

8.4 **Announcements.** The Recipient shall not publicly announce receiving the Funds or anything to do with the Agreement, including requesting the presence of the Minister of the Environment and Climate Change at one or more Project events, until permitted by the Province.

B.4 **Conjunctions.** Where, pursuant to section 9.1 of Schedule “A”, any sections have been modified to add or delete an item from a list, the “and” or “or” conjunction used before the last item on the list shall be deemed to have been moved to the penultimate item on the modified list.

B.5 [intentionally deleted]

B.6 The following event is added to section 15.1 of Schedule “A”:

(e) the Recipient fails to respond to any inquiry of the Province pertaining to the PSSDA.

B.7 Article 19 of Schedule “A” is amended by adding the following new section:

19.4 **Notice by Telephone.** For clarity, Notice may not be given or received by telephone, despite the inclusion of a telephone number (if any) in the table in Schedule “B”.

B.8 The following sections are added to section 31.1, Survival, in chronological order: section 4.11, section 4.13, section 8.3 and Article 34.

B.9 The following new provisions are added following Article 31.0 Survival of Schedule “A”:

32.0 ACCESSIBILITY

32.1 Meetings and Events. In using the Funds for meetings, events or similar, the Recipient will consider the accessibility needs of attendees with disabilities, both in terms of physical access to the event/meeting space, as well as access to the event/meeting contents and proceedings. The Recipient will use best efforts to accommodate these needs.

32.2 Meetings and Events Examples. For assistance with the Recipient’s obligations under section 32.1, examples of areas where accessibility should be considered include: refreshment and dietary arrangements; communications (e.g. alternate formats – large print, screen readers, Braille, audio format; assistive technologies); and venue selection. Materials to assist in these considerations may be found on the website of the [Ministry of Economic Development, Employment & Infrastructure](#)

32.3 Venues. In using the Funds for venues, the Recipient will consider the accessibility needs of attendees with disabilities when selecting a venue, both in terms of exterior and interior access. The Recipient will use best efforts to accommodate these needs.

32.4 Venue Examples. For assistance with the Recipient’s obligations under section 32.3, examples of areas where accessibility should be considered include: parking, sidewalks/paths of travel, accessible transit, entrances and lobbies, elevators, accessible washrooms, hallways and corridors, and meeting and conference rooms. Materials to assist in these considerations may be found on the website of the [Ministry of Economic Development, Employment & Infrastructure](#).

33.0 ENVIRONMENTAL INITIATIVES

33.1 Meetings. In using the Funds for meetings, the Recipient will use best efforts to hold virtual meetings instead of requiring attendees to travel to meetings in person.

33.2 Printing. In using the Funds for printing, the Recipient will use best efforts to:

- (a) minimize the need to print documents by scanning and e-mailing documents that might otherwise be printed;
- (b) print or copy double-sided and in black and white when printing or copying is necessary; and
- (c) purchase paper from environmentally responsible sources.

33.3 Environmentally Responsible Sources. For assistance with the Recipient’s obligations under section 33.2(c), environmentally responsible sources provide virgin bulk paper certified by third party verified forest certification systems such as Forest Stewardship

Council (FSC), Canadian Standards Association (CSA) or Sustainable Forest Initiative (SFI).

34.0 PERSONAL INFORMATION and PARTICIPATION BY MINORS

34.1 Permissions. The Recipient represents, warrants and covenants that it has or will receive permission to disclose the personal information of all individuals whose personal information is disclosed in the Agreement or during the Project, Reports or other reports, and, in the case of minors, the legal guardian or parent has provided such permission on behalf of the minor.

34.2 Consent of Legal Guardian. The Recipient acknowledges that it is the responsibility of the Recipient to obtain express written consent from the legal guardian of any minors who are involved in any way with the Project.

35.0 [intentionally deleted]

- END OF ADDITIONAL PROVISIONS -

SCHEDULE “C”

PROJECT DESCRIPTION AND TIMELINES

C.1 BACKGROUND

The Province has made commitments under the Canada Ontario Agreement to complete priority actions for the Niagara River Remedial Action Plan (RAP) and prepare the RAP for delisting as an Area of Concern. In order to meet these commitments, key programs and projects are delivered by local authorities and final reports are developed on the Beneficial Use Impairments.

C.2 PROJECT OBJECTIVE

The purpose of this project is to identify concerns and improve water quality in the Niagara River Area of Concern (AOC), moving towards delisting under the bi-national Great Lakes Water Quality Agreement.

C.3 SCOPE OF PROJECT

The Recipient will oversee and report on the implementation of the Niagara River RAP. The Project will mainly be conducted by the Recipient.

Specifically the Recipient's full project responsibilities will include the following:

- Provide project management and oversight of Niagara River RAP implementation:
 - Provide project management / coordination of Niagara River RAP work plan activities.
 - Act as the secretariat to Niagara River RAP Coordinating Committee and Steering Committee.
 - Update the Niagara River RAP work plan, to be approved by the Steering Committee.
 - Manage partnerships with agencies involved in the implementation of Niagara River RAP work plan projects / activities.
 - Manage expenditures against Niagara River RAP work plan and budget.
 - Coordinate and collaborate with Niagara River RAP partners, including the U.S. Niagara River RAP.
 - Provide support to the Ramsar Convention designation.
 - Serve as the primary point of contact for the Niagara River RAP.
 - Maintain Niagara River RAP office, files, project website and public library.
 - Serve as coordinator for implementation of the Lyons Creek East Contaminated Sediment Management Protocol.
- Outreach and Community Engagement / Public Relations
 - Continue the implementation of the outreach/engagement strategy.
- Writing and reporting materials related to the Niagara River RAP.

Specifically this funding will support the following:

- C.3.1 The Recipient will hold 12 monthly Niagara River RAP Steering Committee meetings via teleconference to report and discuss the progress on deliverables identified in the work plan.
- C.3.2 The Recipient will hold quarterly Niagara River RAP Coordinating Committee meetings to discuss the implementation of the Niagara River RAP including substantive AOC issues.
- C.3.3 Prepare summary reports and technical Beneficial Use Impairments re-designation reports.
- C.3.4. Update the Niagara River RAP work plan and present to the Niagara River RAP Steering Committee for approval.

C.4 TIMELINES

The following are the timelines for the Project:

Project Initiative (Work)	Start-Finish Date
C.3.1 The Recipient will hold 12 monthly Niagara River RAP Steering Committee meetings via teleconference to report and discuss the progress on deliverables identified in the work plan.	Monthly April 2016 – March 2017
C.3.2 The Recipient will hold quarterly Niagara River RAP Coordinating Committee meetings to discuss the implementation of the Niagara River RAP including substantive AOC issues.	Quarterly April 2016 – March 2017
C.3.3 Prepare summary reports and technical Beneficial Use Impairments re-designation reports.	April 2016 – March 2017
C.3.4. Update the Niagara River RAP work plan and present to the Niagara River RAP Steering Committee for approval.	April 2016 – March 2017

C.5 PROJECT PARTICIPANTS

The Project will be undertaken by the following Project team members:

Organization	Participant Name and Title	Role and responsibility of the participant/ organization in the Project
Niagara Peninsula Conservation Authority	Jocelyn Baker Restoration Supervisor	Primary for the projects, engages with scientists and members of committees to gather information necessary to prepare reports. Liaises with Niagara River RAP implementation agencies.

Should there be any changes to the above-noted Project team members, the Recipient will advise the Province forthwith. Changes include additions, replacements and vacancies.

C.6 PERFORMANCE MEASURES AND TARGETS

In carrying out the Project, the Recipient will use the following measures and aim to meet the following targets to assess its success in meeting the Project objective:

Performance Measures	Performance Targets
Updated work plan for Niagara River RAP.	Work plan approved and distributed to partner Niagara River RAP Steering Committee and Coordinating Committee.
Technical reports for Niagara River RAP provided to Steering Committee.	Finalize technical reports to the Niagara River RAP Steering Committee's satisfaction.

- END OF PROJECT DESCRIPTION AND TIMELINES -

SCHEDULE "D"
BUDGET

Project Expenditures	Budgeted Cost	Amount from the Funds	Cash confirmed from other sources	Value of confirmed in-kind support	Sources of Other Funding or In-Kind Support
STAFF					
RAP Project Manager—Salaries and benefits	\$122,000.00	\$61,000.00	\$61,000.00	\$0.00	
GOODS					
Materials and supplies (report production and printing, communication materials, fact sheets, displays, office supplies)	\$30,000.00	\$15,000.00	\$15,000.00	\$0.00	
CONSULTANTS					
Consultants for project implementation and monitoring	\$43,000.00	\$21,500.00	\$21,500.00	\$0.00	
TRAVEL AND HOSPITALITY					
Registration fees (Conferences, Workshops)	\$2,000.00	\$1,000.00	\$1000.00	\$0.00	
Travel and field expenses	\$2,500.00	\$1,000.00	\$1500.00	\$0.00	
OTHER					
Administrative expenses and accommodation	\$50,000.00	\$0.00	\$0.00	\$50,000.00	NPCA
TOTALS	\$249,500.00	\$99,500.00	\$100,000.00 Environment Canada	\$50,000.00 NPCA	

D.1 BUDGET NOTES

- (a) **Ineligible costs** – For clarity, in addition to any other costs identified or described as ineligible in the Agreement, the following is a non-exhaustive list of costs for which the Province will not provide any Funds:
- (i) **Fundraising** – any costs related to developing a business case, funding proposal or other activity with a similar aim;
 - (ii) **Lobbying** – any costs related to activities undertaken with the actual or perceived intention of lobbying;
 - (iii) **Non-Project costs** – any costs not directly related to the Project;
 - (iv) **Pre-Project costs** – any costs incurred prior to the Effective Date, unless explicitly stated otherwise in this Agreement;
 - (v) **Refundable expenses** – costs deemed ineligible in accordance with section 4.9 of Schedule “A”; and
 - (vi) Any costs which are an inappropriate use of public funds in the sole opinion of the Province.
- (b) **Consultants** – Consultant costs may include reasonable disbursements in addition to fees. However, the Funds may not be used for the following: None.
- (c) **Accommodation and Transportation** (under “Travel and Hospitality”) – Accommodation and transportation refer to the provision of accommodation or transportation for meetings or events to the Recipient’s staff or contractors or other meeting/event attendees. The amount from the Funds used for accommodation and transportation will be calculated according to the rates in the [Ontario Government’s Travel, Meal and Hospitality Expenses Directive](#) that is current as of the date that the expense is incurred. Transportation will be by the most practical and economical method; tickets (e.g. train, airplane) purchased must be for economy/coach class and when renting a vehicle, the Funds may only be used for a compact model or its equivalent unless approval for a different model is obtained from the Province prior to rental. Accommodation will be in a standard room; the Funds may not be used for hotel suites, executive floors or concierge levels. **The Funds under this Budget line may not be used for:**
- accommodation for the Recipient’s staff or contractors when the distance to the meeting or event venue is less than 20 km;
 - transportation or accommodation for meeting/event attendees when the distance to the meeting or event venue is less than 20 km; or
 - penalties incurred for non-cancellation of guaranteed hotel reservations.
- (d) **Food and Beverage - Travel** (under “Travel and Hospitality”) – Food and beverage – travel refers to the provision of food or beverages to the Recipient’s staff or contractors when travelling for Project-related work. The Funds may only be used for meals during such travel periods, subject to the limitations below. The amount from the Funds used for food or beverage will be calculated according to the rates in the [Ontario Government’s Travel, Meal and Hospitality Expenses Directive](#) that is current as of the date that the expense is incurred. **The Recipient may only use the Funds for food and beverage if it is collecting and retaining itemized receipts that verify the expenditure.** In addition, the Funds under this Budget line may not be used for:
- non-meal food and beverages;
 - alcohol;
 - meals when the travel period is less than 5 hours, calculated from the time the Recipient’s staff or contractor leaves their normal place of business (or reasonable

alternative origin) to the time the Recipient's staff or contractor returns to the normal place of business (or reasonable alternative destination); or

- meals during travel when travel is a part of the Recipient's staff's or contractor's regular job duties.

- (e) **Food and Beverage - Hospitality** (under "Travel and Hospitality") – Food and beverage - hospitality refers to the provision of food or beverages during Project meetings/events held with the public. If the Funds are being used to pay for meals during public Project meetings or events, the amount from the Funds used for these meals will be calculated according to the rates in the [Ontario Government's Travel, Meal and Hospitality Expenses Directive](#) that is current as of the date that the expense is incurred. If the Funds are being used to pay for non-meal food and beverages (e.g. coffee, water, snacks) during public Project meetings or events the amount from the Funds used for these non-meal expenses can be up to the following maximums: \$5/day per person for a half-day public Project meeting/event or \$10/day per person for a full day public Project meeting/event. **The Recipient may only use the Funds for food and beverage if it is collecting and retaining itemized receipts that verify the expenditure.** In addition, **the Funds under this Budget line may not be used for:**

- alcohol;
- meals (breakfast, lunch and dinner) or non-meal food and beverages outside of public Project meetings/events; or
- food and beverages already covered under the "Food and Beverage – Travel" budget line.

D.2 ADDITIONAL FUNDING

The Recipient has requested, but not received confirmation of, additional funding or in-kind support for the Project from the following:

POTENTIAL FUNDER (CASH OR IN-KIND)	PROJECT EXPENDITURES TO BE COVERED	AMOUNT
NIL		\$0.00
TOTAL		\$0.00

- END OF BUDGET -

**SCHEDULE “E”
PAYMENT PLAN**

Criteria	Amount
Following Province execution of Agreement evidencing approval of Recipient Project proposal	\$55,000.00
Following Province approval of interim progress report and financial progress report as set out in Schedule “F”	\$35,000.00
Following Province approval of final report as set out in Schedule “F”	\$9,500.00
TOTAL	\$99,500.00

- END OF PAYMENT PLAN -

SCHEDULE “F” REPORTING

Name of Report	Due Date
1. Additional Funding Report(s)	An on-going obligation of the Recipient following the Recipient's receipt of notification that it will be receiving additional funding for the Project
2. Procurement Report(s)	Immediately following selection of preferred proponent if applicable
3. Interim Progress Report(s)	September 30, 2016
4. Financial Progress Report(s)	September 30, 2016
5. Final Report	March 1, 2017
6. Reports as specified from time to time	On a date or dates specified by the Province.

Report Due Date

Except as noted below, if the due date of any Report falls on a non-Business Day, the due date is deemed to be the next Business Day.

For any Report due on March 31 in a year when March 31 is not on a Business Day, the due date of such report is deemed to be the Business Day immediately prior to March 31.

Reporting Templates

When reporting to the Province, the Recipient will use the templates provided by the Province (if any).

Report Details

1. The Additional Funding Reports will set out:

- (i) an accounting of any other funding received or to be received by the Recipient, including the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding is supporting;
- (ii) confirmation that there is no overlap of funding from the Province and from the other funding entities.

2. The Procurement Reports will set out:

- (i) a description of the procurement process followed by the Recipient to acquire goods or services required to perform the Project;

- (ii) a justification for the selection of the preferred proponent or good which evidences value for money, including, if applicable, confirmation from the supplier that they are the sole supplier of the goods.

3. The Interim Progress Reports will set out:

- (i) actions undertaken to the date of the report and how they relate to the objectives of the Project;
- (ii) any Project milestones achieved within the reporting period and show how Project objectives / expectations have been met;
- (iii) for any staff position covered in whole or in part by the some or all of the Funds, confirmation of the time spent by the staff person on the Project;
- (iv) set out any variances from the Timelines, the reasons for such variances and the strategy used to correct the variances and achieve the Project objectives; and
- (v) a statement confirming the Recipient is in compliance with the terms and conditions of the Agreement except as disclosed in the interim progress report, signed by the Chief Operating Officer, the Board chair or equivalent unless otherwise agreed to by the Province.

4. The Financial Progress Reports will set out:

- (i) an interim accounting of all Project expenditures to date signed by the Chief Financial Officer, the Board chair or equivalent unless otherwise agreed to by the province, if applicable, confirming actual Project expenditures and providing an explanation for any variances from the Budget;
- (ii) an accounting of any other funding received by the Recipient, the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding is supporting as well as a statement confirming that there is no overlap of funding from the Province and from any other organization;
- (iii) a monthly spending forecast for the time period between the date of the financial progress report and the date two months beyond the next financial progress report (or date of the final report if no further financial progress reports); and
- (iii) whether or not the Project as described in the Agreement can be completed.

5. The Final Report will:

- (i) describe actions undertaken in carrying out the Project and how they relate to the objectives of the Project;
- (ii) discuss Project objectives / expectations, confirming that Project objectives / expectations were met, setting out lessons learned;
- (iii) for any staff position covered in whole or in part by the some or all of the Funds, confirmation of the time spent by the staff person on the Project;
- (iv) include a final accounting of all Project expenditures signed by the Chief Financial Officer, and the Board chair or equivalent unless otherwise agreed to by the province, if applicable, confirming actual Project expenditures and providing an explanation for any variances from the Budget;

- (v) include an accounting of any unspent Funds and an explanation as to why there are remaining Funds;
- (vi) include a final accounting of the other funding received by the Recipient, the identification of the funding organization, the amount and the specific aspect of the Project that the additional funding supported as well as a statement confirming that there has been no overlap of funding from the Province and from any other organization; and
- (vii) include a statement signed by the Chief Operating Officer, the Board chair or equivalent unless otherwise agreed to by the province confirming Recipient compliance with the terms and conditions of the Agreement, except as disclosed in the final report.

6. Other Reports:

- (i) the Province will specify the timing and content of any other Reports as may be necessary.

- END OF REPORTING -

Report To: Board of Directors

Subject: Financial Report – 2015 Capital Surplus/Reserve Status

Report No: 30-16

Date: March 23, 2016

RECOMMENDATION:

- 1) That Report No. 30 -16 be **RECEIVED** for information.
- 2) That the Board **APPROVE** \$68,500 from the 2015 Year-End Capital surplus for the purchase of 2 galvanized trailers and the creation of a trailer storage compound at Long Beach.
- 3) That the NPCA Board **APPROVE** \$21,696 from the 2015 Year-End Capital surplus for the purchase of 8 Defibrillators from Heart Niagara Inc.
- 4) That the Board **APPROVE** the balance of 2015 Year-End capital surplus in the amount of \$46,172 be transferred to the Conservation Area Capital Reserve.
- 5) That the NPCA Board **APPROVE** \$45,569.82 from the Niagara Land Acquisition reserve to pay for the Land Transfer Tax issued by the Ministry of Finance for four assessments which occurred in 2015.

PURPOSE:

For the Board to provide direction on how it would like to utilize the 2015 Year-end Capital surplus of \$136,368 and to finalize any reserve transactions. This will allow for the closing of the 2015 Year End and the completion of Audited Financial Statements.

This report aligns with the 2014-2017 NPCA Strategic Plan under 'Transparent Governance & Enhanced Accountability,' specifically, 'Budget process structures to reflect current operating and capital projects.'

BACKGROUND:

As part of the 2015 Budget process, the Board approved over 80 capital projects totaling \$1,258,000; of that, \$731,000 was spent in 2015 with approx. \$391,000 being carried over to 2016 for the completion of approx. 17 of the 80 projects. \$136,368 has been identified as the 2015 Capital surplus as a result of projects being completed/closed out.

DISCUSSION:

Recommendation #2: the Board may recall that during the 2016 Budget deliberations, staff was directed to reduce the levy to zero percent by deferring \$68,500 in capital projects 'until the Spring of 2016,' (Full Authority Meeting Minutes October 21, 2015) when an anticipated 2015 surplus report would be considered.

Staff brings this report forward for consideration as directed and recommends funding the \$68,500 that was previously deferred for the completion of two projects. Specifically, \$17,000 for the purchase of two galvanized trailers; and, \$51,500 for the creation of a trailer storage compound at Long Beach. The trailer storage compound would allow Long Beach to generate additional revenue by offering trailer storage, in the off-season, as a service for campers.

Recommendation #3: On January 7, 2016, Corporate Services staff made a purchase of 8 defibrillators in the amount of \$21,696 from Heart Niagara Inc. with no funding source or approved budget. Staff is now recommending Board approval to fund the defibrillators using monies from the 2015 Capital surplus. The defibrillators have been distributed to various properties across the NPCA watershed and staff has received the relevant training for their proper use. These defibrillators replace and enhance previously expired equipment.

Recommendation #4: Staff recommend placing the balance of the 2015 Year-End Capital surplus of \$46,172 into the Conservation Area Capital Reserve. Recognizing there is a substantial capital need moving forward, this will allow the Board additional funding options when considering future capital project requests.

Recommendation #5: The Board may recall, as part of the 2015 Budget process, staff was authorized to utilize \$480,000 from reserves (\$400,000 from operating reserves/\$60,000 from the vehicle reserve/\$20,000 from the equipment reserve). As of Dec. 31st, 2015, \$376,000 was used from operating reserves; zero was used from the vehicle reserve; and, \$20,000 was used from the equipment reserve. Therefore, \$396,000 was used of the \$480,000 that was authorized.

In the staying within the \$480,000 reserve limit, staff is asking the Board to approve using \$45,569.82 from the Niagara Land Acquisition reserve to pay for Land Transfer Tax on four properties the Ministry of Finance has assessed. The tax was paid in 2015, however, NPCA staff is appealing the Land Transfer Tax assessments to the Ministry of Finance. Although the Land Transfer Tax has already been paid, the Board needs to approve where the funding is coming from.

FINANCIAL IMPLICATIONS:

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. Further, this report allows for the closing of the 2015 Year End and the completion of Audited Financial Statements.

RELATED REPORTS AND APPENDICES:

RELATED REPORTS AND APPENDICES:

Appendix 1 – 2015 Year-End Draft Reserve Status

Appendix 2 – OPG Expenditures (2007-2015)

Prepared by:



David Barrick
Director of Corporate Services

Submitted by:



Carmen D'Angelo
CAO / Secretary Treasurer

The report and appendices were prepared in consultation with Cathy Kaufmann, Accounting Administrator; John Wallace, Manager of Finance; and, Mark Brickell, Director of Operations.

NIAGARA PENINSULA CONSERVATION AUTHORITY
DRAFT STATEMENT OF CONTINUITY OF RESERVES AND RESERVE FUND
FOR THE YEAR ENDED DECEMBER 31, 2015

	Balance 31-Dec <u>2014</u>	Realloca- tions	Approp. From <u>Operations</u>	Approp. To <u>Operations</u>	Balance 31-Dec <u>2015</u>
	\$	\$	\$	\$	\$
Unexpended capital reserves					
Capital Assets					
Vehicle	210,731	0	0	0	210,731
Equipment	79,582	0	0	(20,000)	59,582
Computers & office equipment	79,522	0	0	0	79,522
	<u>369,835</u>	<u>0</u>	<u>0</u>	<u>(20,000)</u>	<u>349,835</u>
Conservation area capital reserve					
Niagara Region	708,209	0	501,136	0	1,209,345
City of Hamilton	102,649	0	34,033	0	136,682
Haldimand County	11,594	0	0	0	11,594
Niagara Levy Differential	0	0	347,000	0	347,000
Land acquisition-Hamilton	700,000	0	100,000	0	800,000
Land acquisition-Niagara	729,715	0	0	(431,541)	298,174
	<u>2,252,167</u>	<u>0</u>	<u>982,169</u>	<u>(431,541)</u>	<u>2,802,795</u>
Water management capital projects					
Welland River restoration - Niagara	242,210	0	0	0	242,210
Welland River restoration - Hamilton	10,676	0	0	0	10,676
Water Management	46,167	0	0	0	46,167
Watershed Studies-Niagara	3,162	0	0	0	3,162
Watershed Studies-Hamilton	20,260	0	0	0	20,260
Watershed Studies-Haldimand	22,032	0	0	0	22,032
Flood Protection Services	483,978	0	0	0	483,978
Resource Inventory & Monitoring	385,886	0	0	(333,443)	52,443
	<u>1,214,371</u>	<u>0</u>	<u>0</u>	<u>(333,443)</u>	<u>880,928</u>
	<u>3,836,373</u>	<u>0</u>	<u>982,169</u>	<u>(784,984)</u>	<u>4,033,558</u>
Operating reserves					
Conservation Areas					
Niagara Region	90,274	0	0	0	90,274
City of Hamilton	191,372	0	0	0	191,372
Haldimand County	14,931	0	0	0	14,931
	<u>296,577</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>296,577</u>
Conservation Land Management					
Tree Bylaw	61,765	0	0	0	61,765
Agreement forest	20,606	0	0	0	20,606
Regulations & planning services	209,100	0	15,307	(42,760)	181,647
General operating contingency	53,588	0	0	0	53,588
	<u>641,636</u>	<u>0</u>	<u>15,307</u>	<u>(42,760)</u>	<u>614,183</u>
Reserve Fund					
Accumulated sick leave	16,103	0	0	0	16,103

OPG EXPENDITURES

		<u>E.C. Brown</u>	<u>Lyons Creek</u>	<u>OPG Projects</u>	<u>General Rest</u>	<u>Eco.Projects</u>
	3,000,000.00					
2007	(233,665.52)	233,665.52	-	-	-	-
2008	(85,874.47)	85,874.47	-	-	-	-
2009	(80,333.19)	41,473.92	20,000.00	18,859.27	-	-
2010	(115,700.41)	-	20,000.00	95,700.41	-	-
2011	(89,879.64)	17,754.87	-	72,124.77	-	-
2012	(176,860.68)	13,650.69	-	163,209.99	-	-
2013	(141,543.02)	7,973.01	-	133,570.01	-	-
2014	(136,440.68)	4,502.84	-	43,505.13	88,432.71	-
2015	<u>(33,086.08)</u>	<u>-</u>	<u>-</u>	<u>21,841.00</u>	<u>-</u>	<u>11,245.08</u>
Dec.31/15	1,906,616.31	404,895.32	40,000.00	548,810.58	88,432.71	11,245.08

Report To: Board of Directors

Subject: Management Compensation

Report No: 31-16

Date: March 23, 2016

RECOMMENDATION:

That the NPCA Board of Directors APPROVE the issuance of a Request For Proposal (RFP) in order to determine management compensation levels, and

That the NPCA award the RFP in accordance with the parameters established within the document, and

That a subsequent Board report and associated presentation be prepared at a meeting of the Board in Fall 2016.

PURPOSE:

To issue and award an RFP in the review of management compensation.

DISCUSSION:

On January 20, 2016 the NPCA Board of Directors considered Report Number CR-12-16 entitled "Compensation 2016" for the purpose of establishing wages of all non-unionized employees.

In addition, the NPCA Board of Directors received a recommendation to increase the Director level compensation by creating a new compensation Grade. It was proposed that the compensation level increases for Directors would be phased-in over a two-year period. This recommendation was based on a meeting held on January 11, 2016 attended by NPCA Chair Timms, Vice-Chair Annunziata, Budget Steering Committee Chair Quirk and the CAO.

In response, the NPCA Board of Directors directed the Chief Administrative Officer to prepare a Request for Proposal (RFP) for the Board's consideration. Attached is a draft RFP. The document is based on a similar document issued by the Region of Niagara, however has been modified uniquely to the NPCA.

In lieu of issuing an RFP, the NPCA Board of Directors may also consider:

1. Maintaining status quo in regards to management compensation; or
2. Adopting the recommendation contained in Report CR-12-16 regarding compensation for Directors.

FINANCIAL IMPLICATIONS:

The issuance of the RFP would have an upset cost of approximately \$30,000 and would be funded from General Reserves.

Maintaining status quo would have no financial implications.

Adopting the recommendation contained within report CR-12-16 would cost approximately \$9,000 (2016) amongst the Directors and is within current budget allocations.

RELATED REPORTS AND APPENDICES:

1. Draft RFP.

Prepared and Submitted by:

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

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

Niagara Peninsula Conservation Authority (NPCA)

Management Compensation System Review & Market Survey of Unionized Positions

CONTENTS

(All Being Part of This Request for Proposal)

Section

- 1. Introduction**
- 2. Information to Proponents and General Conditions**
- 3. Project Tasks**
- 4. Appendix A: Sample Agreement**

1. Introduction

Background

The current management compensation system was last updated in 2007, and due to program changes and organizational restructuring, has undergone a variety of modifications.

The current environment and challenges:

- The NPCA's union base pay is compressing on direct supervisor base pay and further on total compensation.
- There is some evidence that the Director's pay requires a proper methodology to account for the differences in compensation principles percentile of the comparator market (public sector).
- With compression on front-line supervisors, and Director's pay requiring proper methodology, the mid-management level needs to be aligned appropriately.
- The organization has management positions with small spans of control with direct reports.
- There exists management positions requiring "speciality" designations as a job requirement, operational necessity and/or added value, where current compensation levels may impact recruitment and retention.

Objectives

- 25 Non Union Employees
 - 5 Salary Grades, 5 Steps within each Grade
1. Modify the salary structure design as to number of salary grades with increased differential between levels, appropriate % spread between bottom and top and introduce a mid-point.
 2. Establish overall salary market target survey strategy of agreed upon comparators and survey source.
 3. Maintain internal equity and ensure pay equity compliance
 4. Establish sound principles to enable a fair, flexible, affordable and sustainable compensation system.
 5. Ensure understanding by employees of the principles and environment of their compensation treatment.
 6. Establish an implement plan as part of the annual budget cycle to fund the resulting changes within the context of multi-year compensation planning.

2. Information to Proponents & General Conditions

1. Intent of this Request for Proposal

It is the intention of the Niagara Peninsula Conservation Authority (the “NPCA”) to retain a qualified consulting firm to provide services as detailed herein.

2. Date & Place for Receiving Proposal

All submissions must be sealed and be received by the Office of the Chief Administrative Officer, Niagara Peninsula Conservation Authority, 250 Thorold Road, Welland, Ontario, L3C 3W2 no later than 2 p.m. local time, Wednesday, April 13, 2016.

Submissions received after this deadline will not be accepted and will be returned unopened to the Proponent. Please note that Proponents are solely responsible to ensure that their submissions are received by Purchasing Services on or before the deadline. Purchasing Services will not accept any submission after this deadline notwithstanding the reason for its late receipt.

Please also note that, in the event of any question regarding the timely receipt of any submission, the time on the clock designated by Purchasing Services will absolutely prevail over any other time piece regardless of any discrepancies between the time on Purchasing Services’ designated clock and actual time.

Bids will be opened for REGISTRATION OF BIDS RECEIVED only, at a public meeting at 2:15 p.m. local time, Wednesday, April 13, 2016.

NO FURTHER INFORMATION WILL BE MADE AVAILABLE AT THIS TIME.

3. Submission Requirements

Proposals shall be submitted in a professional format providing the following information:

- Describe in detail your company’s experience in providing compensation consulting services. For example, company history, length of years in operation, mission statement and philosophy of service delivery, etc.
- Who is your company would be main point of contact for this project. Who would be assisting in the project and your service level commitments throughout the project. Provide background and skills of project team.
- Provide complete project plan outlining step by step approach to the management compensation project including key milestones and timelines.
- Provide complete project plan outlining approach to obtain benchmark market data for management positions.
- Identify available databases that would support this project.
- Identify any custom surveys (including methodology) that may be conducted as part of this project.
- Provide samples of analytics, methodologies, market data and other tools and resources that may be used to complete this project.
- Provide summary of data that would be required from the NPCA to complete this project.

Management Compensation System Review &
Market Survey of Unionized Positions

- Provide summary of time required by NPCA Employees (including any proposed meetings with Senior Management) that would be required to complete this project.
- Provide confirmation that this project can be completed within specified timelines (September or October 2016 presentation to NPCA Board of Directors).
- Provide recommended touch point meetings with Senior Management, Project Team, Stakeholders during the project.
- Provide the names of two reference organizations (with contact names) that can attest to your ability to provide this service to the NPCA.
- Provide a complete pricing quotation of the management compensation project, broken down by key milestones and timelines.
- Please include a complete cost breakdown for consulting, administration and travel.
- Provide a payment schedule.

4. Documentation

Two (2) sets of documents are required for each Proposal. At least one set must carry original signatures and be marked as "MASTER". Additional sets may be photocopied and marked as "DUPLICATE".

5. Additional Recommendations

Proponents are encouraged to submit any value added recommendations for consideration by the NPCA.

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 Proponent(s) to arrive at a mutually satisfactory arrangement with respect to any modifications to the proposal.

6. Compliance

Alternative proposals may be considered however, any deviations to the NPCA's RFP document must be clearly defined and are subject to acceptance or rejection by the NPCA in its discretion. Absence of comment will be assumed to indicate full compliance. Proponents are encouraged to offer comments that clarify the content and intent of their Proposal

7. 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.

8. Withdrawal of Proposal

A Proposal may be withdrawn unopened after it has been deposited, if such request is received in writing by the NPCA prior to the time specified for the opening of Proposals.

9. Clarification

It will be the bidder's responsibility to clarify any details in question before submitting a bid. All official correspondence in regard to the specifications should be directed to and will be issued by Carmen D'Angelo, CAO, 905-788-3135 x 250. cdangelo@npca.ca

Any questions must be received in writing no later than Thursday, April 7, 2016.

10. Acceptance or Rejection of Proposal

The NPCA reserves the right in its total discretion to accept or reject any Proposal, for any location, for any reason whatever and to accept or reject any bid if considered in its best interest, and to award by location to one or more bidders. The lowest or any Proposal will not necessarily be accepted.

11. Informal Proposals

Proposals which are incomplete, conditional or obscure, or which contain additives not called for, erasures, alterations or irregularities of any kind may be rejected as informal. The NPCA reserves the right to waive informalities at its discretion.

12. Proposal Expiry Date

Proponents hereby acknowledge that offers contained within their Proposal shall remain open for acceptance by the NPCA for a period of not less than ninety (90) days from the closing date established for Proposals.

13. Announcement

No announcement concerning the successful proposal will be made until a complete report is prepared and approved by the NPCA.

14. Intent of Scope of Work

It is the intent of the attached scope of work to describe specific details of services required. It is the responsibility of the successful Proponent to supply any service not described in the scope of work but which may be reasonably implied to discharge the scope of work covered in this Request for Proposal.

15. Harmonized Sales Tax (HST)

All base prices shall exclude HST. Payment under the Contract shall be subject to value added taxes in effect at the time of invoicing.

16. Liability Insurance Policy

The Proponent and all sub-Proponents shall purchase and maintain at all times during the term of this Agreement, or as otherwise set out in this Agreement, the insurance coverage listed below:

(a) Comprehensive General Liability Insurance

Commercial General Liability insurance insuring the Proponent and covering all Services as described in the Agreement. The policy will be extended to include bodily injury and property damage, personal and advertising injury, products and completed operations, blanket contractual, a severability of interest and cross liability clause to a limit of not less than TWO MILLION DOLLARS (\$2,000,000) per occurrence. A commercial general liability policy that has an aggregate limit will be acceptable. The policy shall be endorsed to include the Owner as an additional insured. The policy shall include a cross liability clause written as follows:

The insurance as is afforded by this policy shall apply in respect to any claim or action brought against anyone insured by any other insured. The coverage shall apply in the same manner and to the same extent as though a separate policy had been issued to each insured. Any breach of a condition of this policy by any insured shall not affect the protection given by this policy to the owner.

(b) Non-owned Automobile to a limit of no less than TWO MILLION DOLLARS (\$2,000,000).

(c) Errors and Omissions Liability

Errors and Omissions liability insurance insuring the Proponent in an amount not less than TWO MILLIONS DOLLARS (\$2,000,000) per claim and in the aggregate. The coverage under the policy shall be maintained continuously during the term of this Agreement and for two (2) years after the termination or expiration of this Agreement and shall cover insurable losses arising out of or in association with an error or omission in the rendering of or failure to render the Services.

(d) Automobile Insurance

Automobile Insurance (OAP1) for both owned and leased vehicles with inclusive limits of not less than TWO MILLION DOLLARS (\$2,000,000).

(e) Other Insurance

Any other type (e.g. Environmental), form or as otherwise may be required from time to time as identified at any time by either party.

All policies of insurance shall: (a) be written with an insurer licensed to do business in Ontario; (b) be non-contributing with, and will apply only as primary and not excess to any other insurance or self-insurance available to the Proponent; and (c) contain an undertaking by the insurers to notify the Owner in writing within thirty (30) days before any material change in risk or cancellation of coverage.

If coverage under the Errors and Omissions policy is cancelled within the two (2) year period after the termination or expiration of this Agreement, the Proponent shall provide the Owner with

notice within thirty (30) days of cancellation and shall be required to purchase an extended reporting endorsement to confirm that coverage is maintained.

Certificates of insurance originally signed by authorized insurance representatives, or if required by the Owner, certified copies of all the above-mentioned policies, shall be delivered to the Owner prior to the commencement of the Services. All subsequent policy renewals and certificates of insurance thereafter, during the time that this Agreement is in force, shall be forwarded to the Owner within sixty (60) days of their renewal date.

17. Insurance Certificate

Immediately upon Award, the successful Proponent shall provide the NPCA with a Certificate of Insurance acceptable to the NPCA and, if requested by the NPCA, certified copies of the insurance policies.

18. Failure to Perform

Failure to comply with all terms and conditions of this Proposal, and failure to supply all documentation as required herein, within the specified time period, shall be just cause for cancellation of the award. The NPCA shall then have the right to award to any other Proponent, or call new Proposals.

19. Disqualification of Proponents

If more than one Proposal is received from an individual, firm, partnership, corporation or n under the same or different names all such Proposals will be rejected. Any evidence of collusion between Proponents will be sufficient to reject all Proposals so affected.

20. Error and Correction

The NPCA reserves the right in its total discretion to make all necessary corrections to any Proposal which contains mathematical errors and may refer to the unit price in making such corrections.

21. Firm Prices

Prices proposed are to be in Canadian Funds, and to include all necessary labour, material and equipment required for the execution of the work, and are to remain firm for acceptance for a period of ninety (90) days after closing date.

22. Ability and Experience of the Proponents

Each Proponent shall satisfy the NPCA, as to their ability and experience in supplying the services offered in their Proposal. The NPCA will not award a contract to any company that cannot furnish evidence satisfactory to the NPCA, in its sole discretion, that they have the necessary ability, dedication, equipment, capital and experience to provide the services required.

23. Incurred Costs

The NPCA will not be liable nor reimburse any Proponents for costs incurred in the preparation of Proposals, attendance at meetings/related travel costs, or any other services that may be requested as part of the evaluation process.

24. Conflict of Interest

The Proponent shall disclose to the NPCA prior to award of the agreement, any potential conflict of interest. If such a conflict of interest does exist, the NPCA may, at its discretion, withhold the award until the matter is resolved or refuse to award.

25. Access to Information/Confidentiality of Information

- The disclosure of information received relevant to Bid Solicitations or Awards shall be made by the appropriate officers in accordance with the provisions of all relevant privacy legislation including primarily the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, as amended.
- All Suppliers who contract with the Corporation 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, Sched. 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 Corporation as relates to the confidential and secure treatment, including collection, use, disclosure or retention, of personal (health) information, other confidential information of the Corporation, and all records thereof which they come into contact with in the course of performing Services or providing Goods to the Corporation.

26. Agreement on Internal Trade

Proponents should note that procurements falling within the scope of Chapter 5, Procurement, of the Agreement on Internal Trade are subject to that chapter but that the rights and obligations of the parties shall be governed by the specific terms of each particular Proposal. For further reference please see the Internal Trade Secretariat website at www.ic.gc.ca/eic/site.

27. The NPCA may, in its sole discretion, reject a Bid if a bidder:

Vendor Performance

- has, at any time, threatened, commenced or engaged in legal claims or litigation against the NPCA;
- is involved in a claim or litigation initiated by the NPCA;
- previously provided goods or services to the NPCA in an unsatisfactory manner;
- has failed to satisfy an outstanding debt to the NPCA;
- has a history of illegitimate, frivolous, unreasonable or invalid claims;
- provides incomplete, unrepresentative or unsatisfactory references; or
- has engaged in conduct that leads the Corporation to determine that it would not be in the Corporation's best interests to accept the Bid.

28. Assignment of Contract

The Contractor shall not make any assignment, or any sub-contract for the supply of material or the execution of any of the work hereby tendered on, nor engage in brokering or franchising or any other such practice, unless the NPCA in its' own absolute discretion, expressly consents in writing.

Failure of the contractor to obtain the express written consent of the NPCA, prior to engaging in any of the practices noted in the above paragraph, shall constitute a fundamental breach of the contract, and in such circumstance the NPCA may, in its' own absolute discretion, cancel the contract and award to any other bidder, or re-Tender.

Further, the Contractor shall be liable for all damages sustained by the NPCA as a result of the Contractor's breach of the contract, regardless of whether or not the NPCA chooses to cancel the contract. Any contract payments outstanding at the time of the Contractor's breach will be forfeited to the NPCA in full or partial payment of said damages.

Any outside costs associated with making a decision on whether to assign a contract will be the responsibility of the Contractor.

29. Indemnification

The successful Proponent shall indemnify and save harmless the NPCA, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or willful misconduct of the successful Proponent, its officers, employees, agents and subcontractors, or any of them, attributable to or in connection with the delivery or performance of the goods and services contemplated in this Request for Proposal, except to the extent that same is attributable to or caused by the negligence of the NPCA, its officers, employees and agents, or any of them. This indemnity shall be in addition to and not in lieu of any insurance to be provided by the successful Proponent in accordance with this Request for Proposal.

30. Evaluation

i) Method

Proposals received on time will be reviewed and deviations and/or exceptions to the requirements of this RFP will be noted and assessed. Proponents may be contacted to explain or clarify their Proposals, however, they will not be permitted to alter information as submitted. The Proposals will be evaluated and scored based on the listed criteria. Each criteria will be scored between 0 and 10 and multiplied by the weight to establish the weighted score. The total technical weighted scores for each bid will be tabulated

ii) Criteria

Proposals will be scored based on the following parameters, where each parameter can receive 1-10 ranking score:

1. Company experience, expertise and resources available
2. Service level commitments – ability to meet required time commitments
3. Available data bases for market comparisons
4. Past Performance Record (Budget/Schedule/Project Success)
5. Project Understanding
6. Methodology (Work Plan, Innovation, Client Administrative Input, Workload, Schedule, Etc.)
7. Interview Result (optional)
8. Two references provided based on project of similar scope and scale.

Total Score Maximum = $8 \times 10 = 80$ points

31. Award

Negotiations, if any, must be successfully concluded and documented before a final recommendation is made. The first ranked Proponent, having acceptable terms and conditions, will be recommended for award. If approved, the NPCA will notify the successful Proponent in writing of the acceptance of its Proposal. The successful Proponent shall be bound to execute an agreement with the NPCA within fourteen (14) days of contract award. The date of the contract award shall be taken as the date on which the Proponent is notified of the acceptance of its Proposal.

The successful Proponent must submit the following to the NPCA within fourteen (14) days of the Contract award:

- (a) A fully executed agreement in triplicate;
- (c) A Certificate of Insurance, which complies with the insurance requirements set out in Clause 16 of this Section.

32. Contract Award Document

The issue of a Purchase Order or an Agreement by the NPCA gives rise to a Contract between the NPCA and the successful Bidder in accordance with the terms and conditions set out in these Instructions, the Specifications, any applicable Addenda and any other related documents.

33. Negotiations

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 bidder(s) to arrive at a mutually satisfactory arrangement with respect to any modifications to the Proposal.

34. Written Agreement

A written agreement shall be executed by the successful bidder and the NPCA. See sample agreement Appendix A. The final terms and conditions of the agreement will be negotiated between the successful bidder and the NPCA in accordance to clause #38, Negotiations.

35. Performance Unsatisfactory

The contract will be deemed to be in default when the Proponent fails to:

- Perform any specification, term or requirement included herein, in a good and proper manner.
- Provide any deliverable(s) in accordance with the requirements incorporated in the contract.
- Adhere to specified delivery requirements and/or dates.

36. Force Majeure

Neither party shall be responsible for delays or non-performance of this Agreement resulting directly or indirectly from impediments beyond its reasonable control (other than financial inability or by application of Applicable Law), including, without limitation, any delay caused by fire or other impediment beyond the reasonable control of such party and not caused by an act or omission of such party, provided in the event of such delay or non-performance, the party continues to act reasonably to resolve such delay or non-performance.

37. Exclusion

Except as expressly and specifically permitted herein, no Proponent shall have any claim for any compensation of any kind whatsoever, as a result of participating in this RFP, and by submitting a proposal each Proponent shall be deemed to have agreed that it has no claim.

38. Minor Non-Compliance

Bids which fail to conform to the requirements of this invitation in form or content may be disqualified as non-compliant. However, the NPCA may, in its sole discretion, waive minor non-compliance and retain, for consideration and possible award, bids which do not conform to the requirements of the invitation in form or content, where such bids appear to offer the best value to the NPCA. Proponents are cautioned that any such retention of non-conforming bids for evaluation and possible award will be a rare event and solely at the NPCA's discretion. Proponents are urged to ensure their bid is fully compliant with all requirements of the invitation.

39. Accessibility Regulations for Contracted Services

Contracted employees, third party employees, agents and others that provide customer service on behalf of the NPCA is legally responsible with the provisions outlined in Section 6 of the Ontario Regulation 429/07 with respect to training. The Contractor shall ensure that such training includes, without limitation, a review of the purposes of the Act and the requirements of the Regulation, as well as instruction regarding all matters set out in Section 6 of the Regulation. By signing the Form of Proposal), the Contractor has agreed to be in full compliance with this regulation.

40. Unbalanced or Unreasonable Cost Estimates

Bids that contain costs which appear to be unbalanced or unreasonable as likely to adversely affect the interests of the Owner may be rejected.

3. Project Tasks

This assignment will include, but not be limited to, the following:

1. Review current compensation policies and practices
2. Establish Pay philosophy that is affordable and sustainable
3. Meet with Senior Management as required
4. Evaluate/Market price benchmark jobs
5. Validate job levels
6. Establish comparator group for market comparisons
7. Develop salary structure
8. Review issues and opportunities
9. Develop policies and procedures to implement and sustain plan
10. Develop implementation plan and multi-year compensation strategy
11. Prepare recommendation and presentation
12. Gain approval from Senior Management and NPCA Board of Directors
13. Recommend considerations/alternatives for current Job Evaluation methodology
14. Update Pay equity plan as required

Timeline

The Project must be completed, at the latest, by September 30, 2016 for presentation to the NPCA Board of Directors Council in November 2016. There will be a requirement for a formal presentation to the Board as well as the Senior Management Team.

I/We, the undersigned, having the authority to bind the company, certify that I/We have examined all Sections of this Request for Proposal (Introduction, Information to Proponents & General Conditions, Scope of Work, Form of Proposal, and all Appendices), do hereby submit a proposal to enter into an Agreement with the NPCA, in accordance with the Terms and Conditions specified in this Request for Proposal document, subject to amendment by any addendum/addenda which are acknowledged below:

ADDENDUM/ADDENDA (If applicable must be filled in by bidder.)

Management Compensation System Review &
Market Survey of Unionized Positions

I/We, the undersigned, acknowledge that I/We have received addendum/addenda

Numbers * to * inclusive, and that all changes specified therein have been included in the prices submitted.

COMPANY:

CONTACT NAME:

ADDRESS:

SIGNATURE: _____

(I/We have the authority to bind the Corporation)

TITLE:

EMAIL:

DRAFT

4. APPENDIX "A"

SAMPLE AGREEMENT

THIS AGREEMENT made in triplicate this _____ day of _____ 2011.

- BETWEEN -

Niagara Peninsula Conservation Authority

Hereinafter called the "NPCA" (of the first part)

- AND -

CONSULTANT NAME

Hereinafter called the "Consultant" (of the second part)

WHEREAS on (date), the NPCA issued Request for Proposal # (insert number) (if applicable and Addendum # (insert number) dated (date) [repeat for each Addendum]) for (enter the description of work) (the "RFP");

AND WHEREAS on (enter date of Consultant's proposal) the Consultant submitted a bid in response to the RFP (the "Bid");

AND WHEREAS the NPCA wishes to enter into an agreement with the Consultant for the services, as more particularly described in the RFP and the Bid, attached hereto as Schedule "A" and forming part of this Agreement (the "Services");

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and other good and valuable consideration, the sufficiency whereof is acknowledged hereby by the parties, the parties hereto agree with each other as follows:

1. The Consultant shall provide the Services pursuant to all the terms and specifications set out in Schedule "A". If there should be any conflict between the provisions of this Agreement and the provisions of Schedule "A", the provisions of this Agreement shall prevail.
2. The term of this Agreement shall commence _____.
3. The NPCA shall pay the Consultant for Services as outlined in Schedule "A".
4. If either party, acting reasonably, determines that the other party has failed to perform its obligations pursuant to this Agreement, then such party may terminate this Agreement upon giving at least thirty (30) days' written notice to the other party.
5. The Consultant shall indemnify and save harmless the NPCA, its elected officials, officers, employees and agents from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest, or damages of every nature and kind whatsoever arising out of the negligence, errors, omissions, fraud or willful misconduct of the Consultant its officers, employees, agents and sub-consultants, or any of them, attributable to or connected with the performance, non-performance or purported performance of the Consultant obligations pursuant to this Agreement, except to the extent that same is attributable or caused by the negligence of the NPCA,

its officers, employees and agents, or any of them. Further, this indemnity shall survive the expiration or early termination of this Agreement and continue in full force and effect.

6. This Agreement together with its schedule constitutes the entire understanding between the parties. Any change, addition to, or waiver of the terms hereof must be specifically agreed upon, in writing, and signed by both parties. Failure on the part of either party to insist upon the strict observance of any of the terms and/or conditions herein shall not operate as a waiver of such party's right to require the future observance of any such terms or conditions.

7. This Agreement shall not be assigned, in whole or in part, by either party hereto without the prior written consent of the other party. This Agreement, all its covenants, promises and conditions shall ensure to the benefit of and be binding upon the parties hereto and their respective permitted successors and assigns.

8. Either party may terminate this Agreement at any time, without notice, for just cause which shall include, without limitation, dishonesty, fraud, willful deceit or failure to properly fulfill the obligations hereunder where such failure is not remedied within ten (10) days after notice of same is given.

9. This Agreement shall be construed and interpreted in accordance with the laws of the Province of Ontario, Canada.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

(CONSULTANT NAME)

Per: _____

Name:

Position:

Per: _____

Name:

Position:

I/We have authority to bind the Corporation.

Niagara Peninsula Conservation Authority

Per: _____

Name:

Position:

Per: _____

Name:

Position:

I/We have authority to bind the Corporation