

**FULL AUTHORITY MEETING
Wednesday July 20, 2016 9:30 am
Woodend Conservation Area;
DSBN Building – Walker Living Campus
1 Taylor Road, NOTL, 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 June 15, 2016
 - B. Draft Committee Minutes
 - ◆ *Community Liaison Advisory Committee – June 20, 2016*
 - ◆ *Watershed Floodplain Committee – June 22, 2016*
 - ◆ *Cave Springs – June 28, 2016*
 - ◆ *Budget Committee – June 29, 2016*
 - (2) Business Arising from Minutes
 - (3) Correspondence
 - (4) Chairman’s Remarks
 - (5) Chief Administrative Officer Comments
 - ◆ *Wainfleet Bog Update*

Reports for Information

- (6) Project Status Reports:
 - 1. *Watershed Management*----- **Report No. 72-16**
 - 2. *Operations*----- **Report No. 73-16**
 - 3. *Corporate Services*----- **Report No. 74-16**

- (7) Financial Monthly Update – June 30, 2016----- **Report No. 75-16**
- (8) NPCA Q2 Draft Quarterly Update ----- **Report No. 76-16**
- (9) Q2 Capital Projects – Quarterly update ----- **Report No. 77-16**
- (10) Tree & Forest Conservation By-law Status ----- **Report No. 78-16**
- (11) 2016 Niagara Children’s Water Festival ----- **Report No. 79-16**
- (12) Prioritization of Best Management Practices to improve Water Quality ---- **Report No. 80-16**

Reports for Consideration

- (13) NPCA Policy Review - Living Landscape Project ----- **Report No. 81-16**
- (14) C. A. Act Review ----- **Report No. 82-16**
- (15) MOU (Memorandum of Understanding) for Plan Review Services ----- **Report No. 83-16**
- (16) Wainfleet Bog Fire Risk Mitigation ----- **Report No. 84-16**
- (17) Canada 150 Grant, Final Contribution Agreement (Binbrook CA) ---- **Report No. 85-16**
- (18) Other Business

Closed Session

- (1) Violations Status update----- **Verbal Report**
- (2) Treetop Trekking – Legal issues update----- **Verbal Report**

Public Session

- ◆ Resolution(s) from closed session
 - ◆ **DELEGATION** – Events Cube
 - ◆ **ADJOURNMENT**
-

CORRESPONDENCE

- ❖ Ministry of the Environment and Climate Change (June 2, 2016)
- ❖ Enbridge Pipelines Inc. Line 10 project information package (June 21, 2016)
- ❖ Niagara-on-the-Lake – Resolution, Controlling Invasive Phragmites (July 4, 2016)
 - ❖ Niagara Region – 2017 Budget Planning (July 5, 2016)

July 20, 2016 Full Authority Meeting

Ministry of the Environment
and Climate Change

Ministère de l'Environnement
et de l'Action en matière de
changement climatique

Office of the Minister

Bureau du ministre

77 Wellesley Street West
11th Floor, Ferguson Block
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Télééc. : 416-314-6748



A blue rectangular stamp with the word "RECEIVED" in large letters. To the right of the word is a signature in blue ink.	
DATE:	JUN 9 '16 PM 2:17
To:	<input type="checkbox"/> CHAIR, NPCA
<input checked="" type="checkbox"/> CAO OFFICE	<input type="checkbox"/> CORP. SERVICES
<input checked="" type="checkbox"/> WATERSHED	<input type="checkbox"/> OPERATIONS

JUN 02 2016

To: Conservation Authority General Managers and Chief Administrative Officers
Severn Sound Environmental Association
Municipality of Northern Bruce Peninsula
Conservation Ontario

I want to congratulate Ontario's 38 source protection authorities on the historical milestone we reached last November when we worked together to ensure the source protection plans were approved.

I would like to thank all of you, especially your source protection staff, for your significant contribution to the program. The commitment of these dedicated staff has been critical to fulfilling Justice O'Connor's recommendations for locally based source protection. Your support for the source protection committee, technical expertise, knowledge of your watersheds and management of public consultation is invaluable in ensuring the success of this program.

Now that the plans are approved, I am pleased to see that implementation is underway. Your ongoing support for implementing bodies is integral to ensuring their success. We also need you to continue to work with your local source protection committees to keep the plans current and to monitor progress during implementation.

These watershed-based source protection plans, based on sound science, are an important step in protecting public health and safety in Ontario over the long-term.

Thank you for your support in strengthening the safety net that helps make Ontario's drinking water among the best protected in the world.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glen Murray".

Glen Murray
Minister

Ken Hall
Senior Advisor, Public Affairs
Eastern Region
Enbridge Pipelines Inc.



June 21, 2016

Carmen D'Angelo

Chief Administrative Officer
Niagara Peninsula Conservation Authority
250 Thorold Road West; 3rd Floor
Welland, ON L3C 3W2

Mr. D'Angelo;

Further to our meeting on January 25, 2016 in Hamilton, and at the request of Kevin Vallier on May 12, please find attached a brief information package on Enbridge Pipeline's proposed Line 10 Westover Segment Replacement Project. Enbridge would be most appreciative if you would share this information with your staff and Board members.

In addition, more in-depth information on the project can be found online at:
<http://www.enbridge.com/projects-and-infrastructure/public-awareness/line-10>

At Enbridge, we are committed to operating safe and reliable infrastructure. We monitor and maintain all of our pipelines, on an ongoing basis, to ensure the safety and reliability standards that communities expect – and to ensure that any future concerns are identified and addressed well before they could pose a threat to the public or the environment.

Such assessment may require individual repairs to the line – or, where multiple repairs are required, pipe replacement as we propose with this project.

Should the NPCA have additional questions regarding the project, we remain available either in person or through correspondence. Feel free to contact me at any time.

Best regards and do enjoy the summer.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ken Hall', is positioned above the typed name.

Ken Hall
Senior Advisor, Public Affairs
Eastern Region
Enbridge Pipelines Inc.
519-339-0325
226-402-1366
ken.hall@enbridge.com

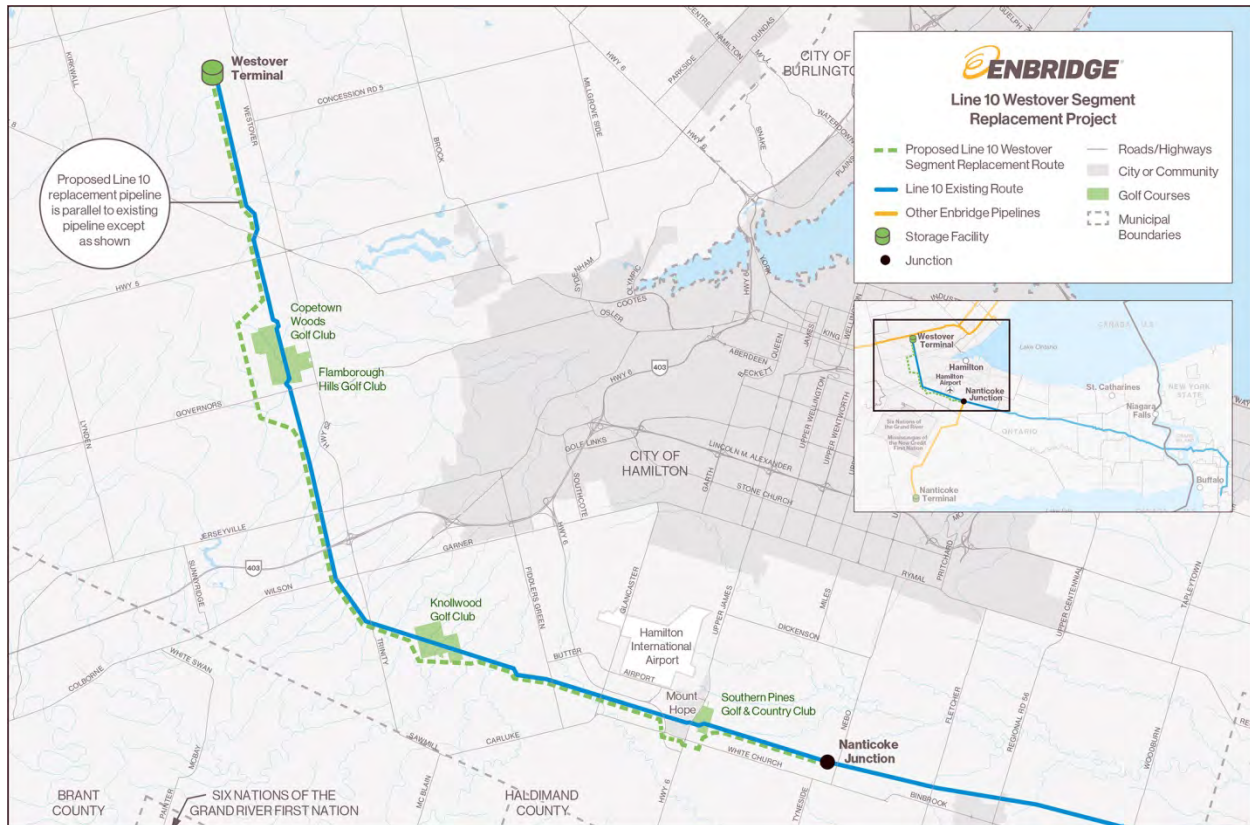
cc: Kevin Vallier, Manager – Communications/Development, NPCF

What is Line 10?

- Line 10 is a 143-kilometre (89-mile) pipeline that carries light and heavy crude oil from Enbridge's Westover Terminal in Hamilton, Ontario to a third-party pipeline in West Seneca, a suburb of Buffalo, New York. From there, the oil travels via the Kiantone Pipeline to the United Refining Company's refinery in Warren, Pennsylvania which produces gasoline, diesel, propane, butane and other essential petroleum products.
- Line 10 carries a variety of crude oils (light synthetics, sweet, light & high sour, medium, heavy) from Western Canada and the Bakken region. The line currently transports about 63,500 barrels per day under a voluntary pressure restriction; full capacity is 74,200 barrels of oil per day. The oil we transport must meet rigorous quality specifications as filed with the National Energy Board and the U.S. regulator. We can only carry products that meet these specifications. Enbridge maintains strict enforcement of quality standards for every batch of product entering our pipelines, including Line 10.
- Constructed in 1962, Line 10 has been operating safely and effectively for more than 50 years. In the 1970s, sections of the line from the Nanticoke Junction to the west bank of the Niagara River (on the Canadian side of the border) went through a series of changes to 508-mm (20-inch) diameter pipe.
- Line 10 is the sole source of feedstock for the United Refinery, which serves an important market in the integrated economy of Southern Ontario and Upstate New York and Pennsylvania, and is a vital provider of petroleum-based products for the region.

What is the Line 10 Westover Segment Replacement Project all about?

- The Line 10 Westover Segment Replacement Project focuses on an approximately 35-kilometre (21.7-mile) segment of Line 10 in southern Ontario, running from Enbridge's Westover Terminal to the Nanticoke Junction in the City of Hamilton. We plan to replace the existing 12" diameter pipe on this segment of the line with new 20" diameter pipe.
- The replacement segment will run parallel to the existing Line 10 right-of-way for the majority of its 35-kilometre length, with the exception of three reroutes proposed in our regulatory application, totalling approximately 11.5 kilometres, along new rights-of-way.
- The old Line 10 segment (approximately 32.5 kilometres, or 20 miles in length) will be decommissioned in place subject to regulatory approval. Following decommissioning, or permanent removal from service, the replaced segments of line will continue to be maintained and monitored in our existing right-of-way.



What is the need for this project?

- The project will proactively address pipeline maintenance requirements, improve reliability and safety of the system, and restore the pipeline to its original operating capacity.
- Investments like these in routine maintenance, technology and upkeep are critical to the ongoing safe operation of all Enbridge pipelines and infrastructure.
- Having conducted extensive and sophisticated inspections, we have determined that the Westover segment of Line 10 has reached our conservative threshold for replacement, rather than undergo a program of further inspection and routine preventative maintenance which have had considerable, repeated impacts to area landowners in recent years.

Who regulates the Line 10 Westover Segment Replacement Project?

- Line 10, like all Canadian oil and gas pipelines that cross provincial or federal borders, is regulated by the National Energy Board (NEB).
- Enbridge complies with all NEB legislation and regulations, such as the NEB Act and the Onshore Pipeline Regulations.
- For the Line 10 Westover Segment Replacement Project, Enbridge has submitted an application (Pursuant to Section 58 of the NEB Act, and 45.1 of the OPR) for all segments of the pipeline affected by the proposed replacement and decommissioning activities.
- During its review, the NEB considers all information that is relevant to the question of whether or not the application should be approved. Topics that will be considered include: project design; safety and security; environmental and socio-economic effects; impact on potentially affected Aboriginal interests, landowners and other communities; and economic feasibility.
- A public hearing will be held no earlier than Oct. 1, 2016. The NEB will then decide if the Enbridge Line 10 Westover Segment Replacement Project is in the public interest, inclusive of all

Canadians and supports a balance of economic, environmental and social interests. As a regulator, the NEB must estimate the overall public good a project may create and its potential negative aspects, weigh its various impacts, and make its decision.

Is this project in the public interest?

- Yes. We want to make a safe pipeline even safer. Because millions of North Americans count on the energy we deliver daily, there can be no compromise over the steps we take to ensure maximum safety and reliability, year-after-year.
- Replacing the identified segment of Line 10 is in the public interest because it:
 - Reduces the frequency and magnitude of the ongoing maintenance activities that would otherwise occur in order to maintain the safe operation of Line 10, thus providing significant benefits to landowners, local communities and the environment;
 - Restores the capacity of Line 10 to meet shippers' transportation requirements; and,
 - Would better serve the current and future petroleum requirements of the public, who depend on refineries to meet their refined petroleum product needs.

Protection of the environment

- A full environmental and socio-economic impact assessment is included in our regulatory application for this project. The assessment describes the predicted beneficial and potential adverse effects over the life of the project, including any mitigation measures that may be required.
- During construction, we take precautions to limit our environmental footprint. We work closely with the appropriate environmental agencies and where appropriate, may also put into action the following strategies:
 - Using existing access routes to and from construction sites;
 - Minimizing the amount of temporary workspace;
 - Use of Horizontal Directional Drilling;
 - Wildlife protection initiatives; and,
 - Restricting access to project areas.
- Our obligations and commitment don't end with construction. We work hard to minimize our long-term impact to land along our pipeline routes. After a line is constructed we follow up with:
 - Environmental monitoring
 - Landowner consultations with respect to restoration requirements and expectations; and,
 - Habitat restoration techniques, including tree planting and seeding.

How will Enbridge ensure protection of any sensitive species that you may encounter during construction?

- As with all of our projects, we will follow all applicable environmental and regulatory protocols. We do so by evaluating which sensitive species may be present and developing mitigation plans to avoid or minimize impact. Enbridge does this in consultation with the applicable regulatory agencies. These mitigation plans are included in our Environmental Protection Plan for implementation during construction.
- All aspects of the lifecycle of a pipeline— from design and construction, to operation, to decommissioning/deactivation—are strictly regulated by multiple agencies and government departments tasked to ensure pipelines are operated in the public interest.

How will you protect waterways in the region, during construction and operations, that may have environmental or species vulnerability?

- Prior to construction commencing, we conduct studies to evaluate the condition and sensitivity of each waterway, as well as to identify potentially sensitive species that may be present. We then use this information to develop mitigation plans that are included in our Environmental Protection Plan to avoid or to minimize impacts to waterways and their associated sensitive species during construction. Where applicable, Enbridge does this in consultation with the regulatory agencies.
- During the operational phase of the pipeline, we look carefully at sections of the pipeline with higher risk to waterways, for example, and we examine them for application of greater risk control or consideration in addition to the risk control already in place.

How does Enbridge ensure protection of water crossings before and during construction?

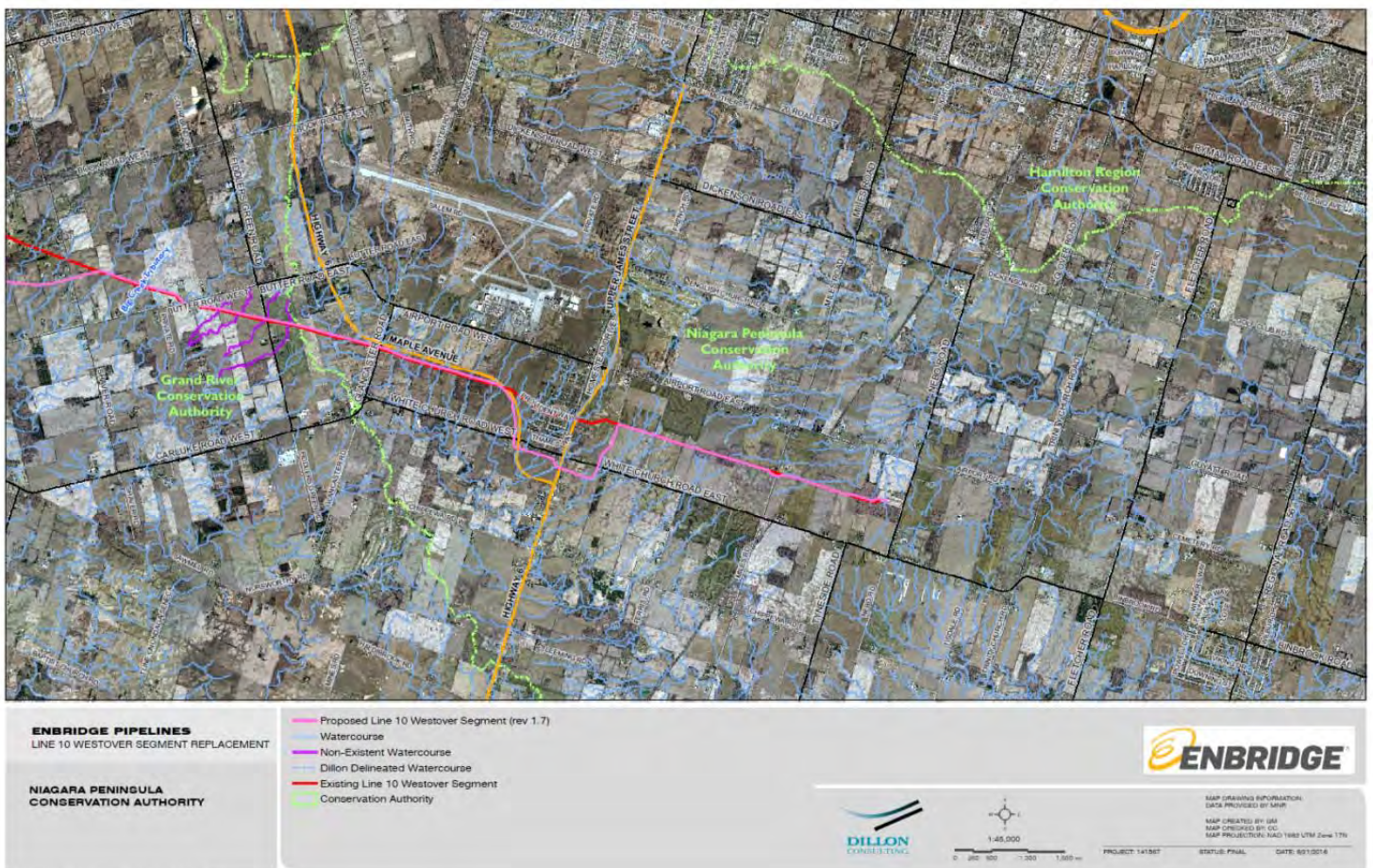
- Water crossings are a unique and complex component of pipeline construction projects which can require specific engineering, detailed planning and potentially extensive regulatory considerations.
- Enbridge carefully plans, designs and mitigates potential effects to the environment on all watercourse crossings during the project planning phase.
- Along the currently proposed pipeline route, there are approximately 70 small water crossings. Each of these has been considered in the company's Environmental and Socio-Economic Assessment (ESEA) which forms part of the project application to the NEB. The ESEA identifies the mitigation measures Enbridge plans to implement to ensure protection of the environment during the construction phase.
- Before construction begins, Enbridge must obtain all appropriate permits, approvals, authorizations and/or letters of advice and provide all required notifications to all levels of government.
- During construction, Enbridge will take special care to protect local waterways with the following two primary objectives:
 - To minimize siltation, protect fish habitat, maintain streamflow and prevent water pollution/contamination during construction of water crossings.
 - To restore disturbed watercourse beds and banks to preconstruction condition.
- To help meet these objectives, preliminary environmental field studies began in the summer of 2015 and will conclude in the fall of 2016. In addition to the ESEA, Enbridge will prepare a detailed Environmental Protection Plan, which will also be filed with the NEB.

How is Enbridge sharing information on the project with impacted Conservation Authorities?

- Enbridge has and continues to consult with the all three affected Conservation Authorities in regards to planning, construction practices and mitigation as it pertains to watercourses, wetlands and flood plains. Enbridge will continue to consult with all three CA's through the permitting process and into construction.
- Please see attached two maps showing where the proposed WSRP project will traverse property in the watershed managed by the Niagara Peninsula Conservation Authority.

What are your plans for future phases or segment replacements on Line 10?

- Current, in-depth analysis of Line 10—including in-line inspection data, aerial and ground surveys -- confirms that no other segments of Line 10 (downstream from the Nanticoke Junction) need to be replaced at the present time.
- We monitor and maintain all of our pipelines, on an ongoing basis, to ensure the safety and reliability standards that communities expect – and to ensure that any future concerns are identified and addressed well before they could pose a threat to the public or the environment. Such assessment may require individual repairs to the line – or, where multiple repairs are required, pipe replacement.
- For 2016, 11 field integrity excavations have been scheduled for Line 10 between West Lincoln and Niagara Falls, this maintenance work will occur between mid-July and end of September. Notification of planned work has been sent to the impacted Municipalities.



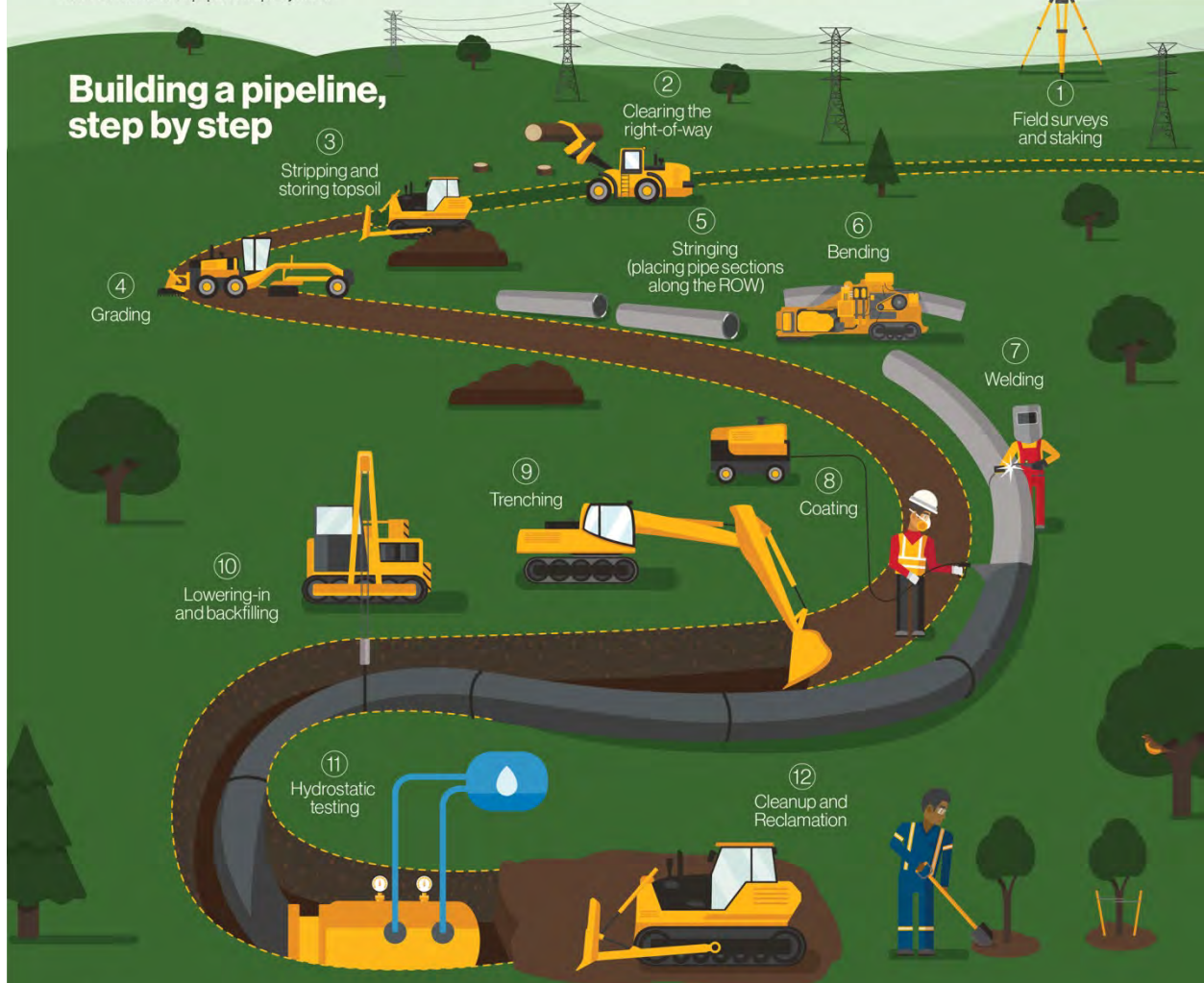
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Enbridge's Line 10

Pipeline construction: safety and the environment

Safety and reliability are built into Enbridge's energy infrastructure before, during, and after the construction phase. We take care to limit our footprint, and actively manage potential effects on communities and the environment, as we build our pipeline projects.

Building a pipeline, step by step



- 1 Field surveys and staking:** Construction footprint surveys and field surveys are conducted along the proposed right-of-way (ROW). Depending on the project, we may use environmental field survey crews to evaluate and reroute around environmentally sensitive areas. Once the route is final, the location is marked with stakes.
- 2 Clearing the right-of-way:** To prepare for construction, crews mulch and/or clear and salvage trees, where warranted, along the ROW and temporary workspace.
- 3 Stripping and storing topsoil:** Careful consideration is taken when removing topsoil from the right-of-way. For biosecurity reasons, we take special care in agricultural areas to separate and store the topsoil and subsoil so they don't mix.
- 4 Grading:** Once topsoil has been stripped and stored to meet specifications, the subsoil along the ROW is graded to enable a safe pipeline installation.
- 5 Stringing:** Crews re-stake the center of the trench, and place (or "string out") sections of the pipe along the ROW.
- 6 Bending:** Crews bend the sections of pipe to match engineering specifications and follow the contours of the land.
- 7 Welding:** The pipe is welded into sections, and eventually one long segment, with each weld inspected via either X-ray or ultrasound technology.
- 8 Coating:** Pipes are coated with a robust corrosion inhibitor.
- 9 Trenching:** Crews use backhoes or wheel ditchers to dig a trench.
- 10 Lowering-in and backfilling:** Using multiple sidebooms (cranes), the pipe is lowered into the trench, and the trench is carefully backfilled and compacted with subsoil.
- 11 Hydrostatic testing:** Each section of pipe is filled with water and subjected to extreme operating pressures to ensure the strength of the pipe and the welds.
- 12 Cleanup and Reclamation:** The ROW is restored to its original condition. Topsoil is replaced and reseeded; other restoration methods include tree planting and environmental monitoring.



Limiting our footprint

As we plan and build our pipeline projects, we make every effort to limit our construction footprint.

This includes:

- Using pre-existing rights-of-way, such as utility corridors, where possible
- Using horizontal directional drilling (HDD) technology, which involves drilling an underground arched tunnel, whenever possible to install underground pipelines across large rivers or sensitive crossings
- Working closely, and continuously, with regulatory agencies, and complying at all times with all environmental requirements
- Using existing access routes to and from construction sites, minimizing temporary workspace, and limiting ground disturbance

Staying safe on the roads

During construction, residents can expect to see an increase in Enbridge traffic — heavy-haul vehicles, buses and crew trucks—on highways, secondary highways and rural township roads. To manage traffic volume and ensure public and worker safety, we make sure to:

- Develop a traffic accommodation plan to minimize impacts to community residents
- Move heavy equipment across roads during off-peak hours
- Bus crews to and from the construction site where possible
- Actively communicate with the local community on any disruptions to normal traffic patterns
- Pay strict adherence to mandated noise limits
- Install and maintain proper signage at work sites, road and temporary access crossings
- Build protective structures to prevent damage to road surfaces and facilitate equipment and truck crossings



Habitat restoration

Following construction, we minimize our long-term impact to the land along our pipelines. Our habitat restoration methods include:

- Reclamation, including soil replacement, seeding, and tree planting
- Environmental monitoring and mitigation
- Follow-up landowner outreach



For more information, please visit
enbridge.com

For more information on the Line 10 Westover Segment Replacement Project please visit:

<http://www.enbridge.com/projects-and-infrastructure/public-awareness/line-10>

Questions or comments can be submitted by calling **1-888-263-3654** or sending an email to projects@enbridge.com



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

July 4, 2016

Ministry of Transportation
77 Wellesley Street West
Ferguson Block, 3rd Floor
Toronto, ON M7A 1Z8

Sent Electronically

Attention: The Honourable Steven Del Duca,
Minister of Transportation

Dear Mr. Del Duca,

Re: Resolution – Controlling Invasive Phragmites

Please be advised that the Council of the Corporation of the Town of Niagara-on-the-Lake, at its regular meeting held on June 27, 2016, supported the City of St. Catharines resolution regarding the controlling of Invasive Phragmites. Therefore be it resolved that:

“The Council of The Corporation of the Town of Niagara-on-the-Lake calls upon the Ontario Ministry of Transportation to implement measures to address the increased presence of Invasive Phragmites along provincial Highways;

AND FURTHER that a copy of Council’s support be forwarded to the Ontario Ministry of Transportation; Association of Municipalities on Ontario (AMO); Niagara Peninsula Conservation Authority; Niagara Region; and City of St. Catharines.”

On behalf of Council, I look forward to a favourable response.

Yours sincerely,

Holly Dowd,
Town Clerk

Encl.

copy: Association of Municipalities of Ontario (AMO)
Niagara Peninsula Conservation Authority
Niagara Region
City of St. Catharines



Department of Corporate Services
1593 Four Mile Creek Road
P.O. Box 100, Virgil, ON L0S 1T0
905-468-3266 • Fax: 905-468-2959

www.notl.org

**THE CORPORATION OF THE
TOWN OF NIAGARA-ON-THE-LAKE**
OFFICE OF THE TOWN CLERK

DATE: **JUNE 27, 2016**

RESOLUTION NO. 12

MOVED BY COUNCILLOR: Betty Diseno

SECONDED BY COUNCILLOR: J. Galland

WHEREAS the Council of the City of St. Catharines, at its meeting of May 2, 2016, unanimously supported a resolution with regard to "Controlling Invasive Phragmites" as attached;

AND WHEREAS the Council of The Corporation of the Town of Niagara-on-the-Lake (Council) supports the City of St. Catharines "Controlling Invasive Phragmites" resolution.

THEREFORE BE IT RESOLVED that the Council of The Corporation of the Town of Niagara-on-the-Lake calls upon the Ontario Ministry of Transportation to implement measures to address the increased presence of invasive Phragmites along provincial highways;

AND FURTHER that a copy of Council's support be forwarded to the Ontario Ministry of Transportation; Association of Municipalities of Ontario (AMO); Niagara Peninsula Conservation Authority; Niagara Region; and City of St. Catharines.

Approved



Legal and Clerks Services

Office of the City Clerk
PO Box 3012, 50 Church Street
St. Catharines, ON L2R 7C2

Phone: 905.688.5600
Fax: 905.682.3631
TTY: 905.688.4TTY (4889)

June 7, 2016

Provincial Minister of Transportation
Mr. Steven Del Duca
Ferguson Block, 3rd Floor, 77 Wellesley
Street West, Toronto, ON M7A 1Z8
minister.mto@ontario.ca

Re: Controlling Invasive Phragmites
Our File No.: 35.31.91

Please be advised that the Council of the City of St. Catharines, at the meeting of May 2, 2016, unanimously supported the following motion which was Moved by Councillor Phillips and Seconded by Councillor Siscoe:

“WHEREAS, Phragmites Australis is an invasive perennial grass that continues to cause severe damage to coastal wetlands and beaches in areas around the Great Lakes; and

WHEREAS, Phragmites Australis grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is an allelopathic plant that secretes toxins from its roots into the soil which impede the growth of neighboring plant species; and

WHEREAS, invasive Phragmites Australis is identified as a priority issue for Great Lakes communities through the Great Lakes St. Lawrence Cities initiative of which the City of St. Catharines is a member; and

WHEREAS, Phragmites Australis results in loss of biodiversity and species richness; loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture; and

WHEREAS, invasive Phragmites Australis should be distinguished from the native species, Phragmites Americanus, which does not require control as it rarely develops into monoculture stands, does not alter habitat, has limited impact on biodiversity and does not deter wildlife; and

WHEREAS, controlling invasive Phragmites before it becomes well established reduces environmental impacts, time, and costs; and

WHEREAS, the Ministry of Natural Resources and Forestry has Developed Best Management Practices to control invasive Phragmites; and

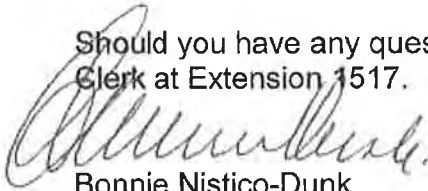
WHEREAS, significant stretches of Provincial Highways are infested with Phragmites which contribute to the continued spread of the plant to ecological areas.

NOW, THEREFORE, BE IT RESOLVED, that the City of St. Catharines call on the Ontario Ministry of Transportation to implement measures to address the increased presence of invasive Phragmites along provincial highways; and

BE IT FURTHER RESOLVED, that a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO), Niagara Peninsula Conservation Authority, Region of Niagara, and all local municipalities in the Niagara Region for their consideration.

Further, that staff be directed to prepare a report outlining what can be done within the city, where the phragmites are located, where the City should be concerned, and what, as a municipality, can be done locally to control this. FORTHWITH

Should you have any questions, please do not hesitate to contact the Office of the City Clerk at Extension 1517.



Bonnie Nistico-Dunk
City Clerk

cc: *(sent electronically via email)*
Association of Municipalities of Ontario (AMO)
Niagara Peninsula Conservation Authority
Regional Council
Niagara area municipalities
Parks, Recreation and Culture Services

Tuesday, July 5, 2016

Carmen D'Angelo
Chief Administrative Officer/Secretary-Treasurer
Niagara Peninsula Conservation Authority
250 Thorold Road West
3rd Floor
Welland, ON L3C 3W2

Sent via email to cdangelo@npca.ca

**RE: 2017 Budget Planning
Minute Item 11.2, CL 11-2016, June 30, 2016**

Dear Mr. D'Angelo:

Regional Council at its meeting held on Thursday, June 30, 2016 approved the following recommendations of the Budget Review Committee of the Whole (BRCOTW):

That Report CSD 40-2016, dated June 16, 2016, respecting 2017 Budget Planning, **BE RECEIVED** and the following recommendations **BE APPROVED** as amended:

1. That the 2017 budget schedule per Appendix A to Report CSD 40-2016 **BE APPROVED** as amended with the addition of at least two more budget meetings;
2. That the 2017 Department, and ABC Program guidance **BE APPROVED** as follows:
 - a. Tax Levy increase to support continuation of program service delivery of 1.0% be allocated proportionately between Departments and ABCs based on net expenditures (before net revenue budget)
3. That the Water & Wastewater Program guidance **BE APPROVED** as follows:
 - a. Net requisition not to exceed 1.0%
4. That the Waste Management Program guidance **BE APPROVED** as follows:
 - a. Net requisition not to exceed 1.0%
5. That this report be circulated to agencies, boards and commissions (ABC's) for information and action **BE APPROVED**.

6. That the labour relations strategy **BE CONSIDERED** as a possible mitigation strategy as part of the 2017 budget process.

Further, Council supported the BRCOTW's recommendation to defer the following parts of clause 2 until September to provide the opportunity to obtain more information on matters such as funding sources and governmental program changes:

b. Tax Levy increase related to growth operating costs and Council's strategic priorities not to exceed 1% to be funded from the estimated 1.0% assessment growth(estimated at \$3.2 million) for a net 0% increase.

c. That Social Assistance and Employment Opportunities uploading (estimated at \$3.1 million) be used to mitigate program service delivery costs.

A copy of Report CSD 40-2016 respecting 2017 Budget Planning has been attached for your information.

Yours truly,



Ralph Walton
Regional Clerk

cc: H. Chamberlain, Director, Financial Management & Planning/Deputy Treasurer,
Niagara Region
M. Murphy, Associate Director, Budget Planning & Strategy, Niagara Region
D. D'Amboise, Senior Budget Analyst, Niagara Region

ADDITIONAL CORRESPONDENCE

❖ Town of Lincoln (July 7, 2016); RE: Phragmites

July 20, 2016 Full Authority Meeting



TOWN OF LINCOLN

4800 South Service Road
Beamsville, ON L0R 1B1
TEL (905) 563-8205
FAX (905) 563-6566

July 7, 2016

The Honourable Steven Del Duca
Minister of Transportation
Ferguson Block, 3rd Floor
77 Wellesley Street West
Toronto, ON M7A 1Z8

Dear Honourable Minister:

RE: Resolution of Support, Controlling Invasive Phragmites

Please be advised that, at its meeting of July 4th, 2016 the Council of the Corporation of the Town of Lincoln ratified its support of the resolution from the City of St. Catharines re: Controlling Invasive Phragmites as follows:

WHEREAS, Phragmites Australis is an invasive perennial grass that continues to cause severe damage to coastal wetlands and beaches in areas around the Great Lakes; and

WHEREAS, Phragmites Australis grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is an allelopathic plant that secretes toxins from its roots into the soil which impede the growth of neighboring plant species; and

WHEREAS, invasive Phragmites Australis is identified as a priority issue for Great Lakes communities through the Great Lakes St. Lawrence Cities initiative of which the City of St. Catharines is a member; and

WHEREAS, Phragmites Australis results in loss of biodiversity and species richness; loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture; and

WHEREAS, invasive Phragmites Australis should be distinguished from the native species, Phragmites Americanus, which does not require control as it rarely develops into monoculture stands, does not alter habitat, has limited impact on biodiversity and does not deter wildlife; and

WHEREAS, controlling invasive Phragmites before it becomes well established reduces environmental impacts, time, and costs; and

WHEREAS, the Ministry of Natural Resources and Forestry has Developed Best Management Practices to control invasive Phragmites; and

WHEREAS, significant stretches of Provincial Highways are infested with Phragmites which contribute to the continued spread of the plant to ecological areas.

NOW, THEREFORE, BE IT RESOLVED, that the City of St. Catharines call on the Ontario Ministry of Transportation to implement measures to address the increased presence of invasive Phragmites along provincial highways; and

BE IT FURTHER RESOLVED, that a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO), Niagara Peninsula Conservation Authority, Region of Niagara, and all local municipalities in the Niagara Region for their consideration.

Further, that staff be directed to prepare a report outlining what can be done within the city, where the phragmites are located, where the City should be concerned, and what as a municipality, can be done locally to control this.
FORTHWITH

A copy of the above resolution is enclosed. Your favourable consideration of this matter is respectfully requested.

Sincerely,



William Kolasa
Director of Corporate Services/Clerk

cc: Association of Municipalities of Ontario
Niagara Peninsula Conservation Authority
Region of Niagara
Local Area Municipalities

REPORTS FOR INFORMATION

- ❖ **REPORT NO. 72-16** – *Project Status - Watershed Management*
- ❖ **REPORT NO. 73-16** – *Project Status - Operations*
- ❖ **REPORT NO. 74-16** – *Project Status - Corporate Services*
- ❖ **REPORT NO. 75-16** – *Financial & Reserve; Month ending June 30th*
- ❖ **REPORT NO. 76-16** – *NPCA 2016 Q2 Draft Quarterly Report*
- ❖ **REPORT NO. 77-16** – *2016 Q2 Capital Projects – Quarterly update*
- ❖ **REPORT NO. 78-16** – *Tree & Forest Conservation By-law Status*
- ❖ **REPORT NO. 79-16** – *2016 Niagara Children's Water Festival*
- ❖ **REPORT NO. 80-16** – *Prioritization of BMP's to Improve Water Quality*

July 20, 2016 Full Authority Meeting

Report To: Board of Directors
Subject: Watershed Management Status Report
Report No: 72-16
Date: July 20, 2016

RECOMMENDATION:

That Watershed Management Status Report No. 72-16 be received for information.

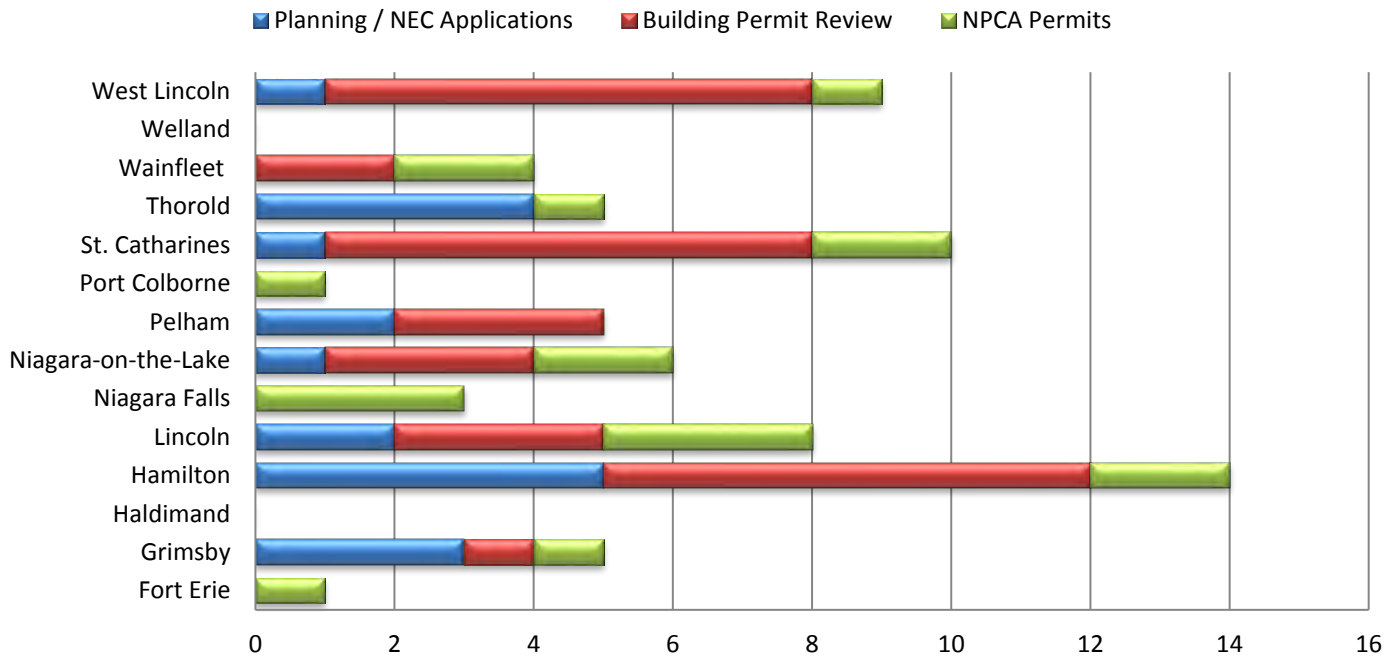
PURPOSE:

To update the Board on the Watershed Management Team’s activities and achievements during the month of June 2016.

BACKGROUND:

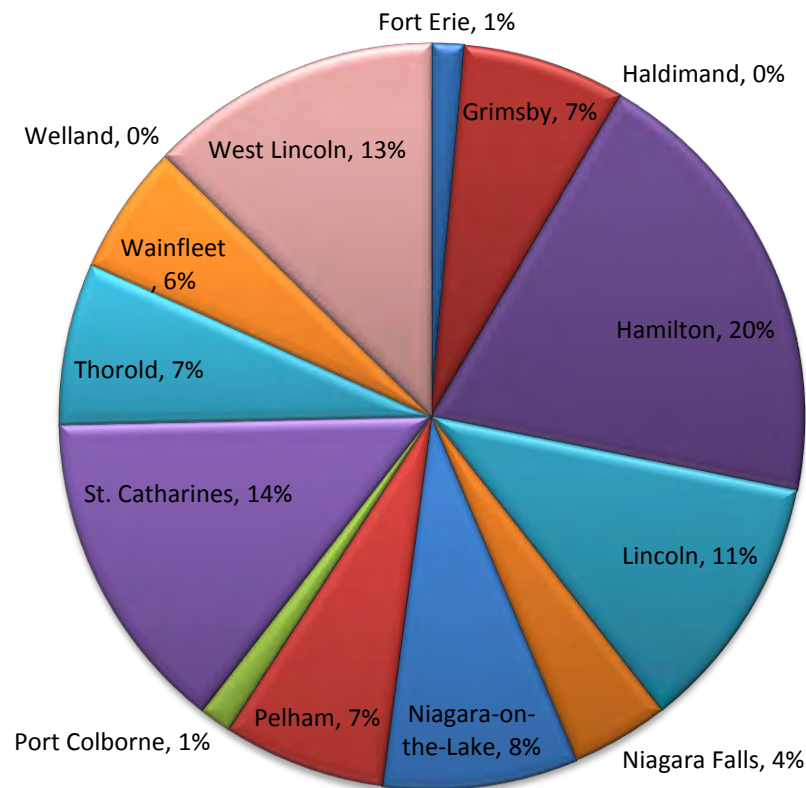
A. Plan Review & Regulations

Figure 1: NPCA Watershed, No. of Applications by Type, June 2016



	Fort Erie	Grimsby	Haldimand	Hamilton	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Welland	West Lincoln	Totals
Planning / NEC Applications	0	3	0	5	2	0	1	2	0	1	4	0	0	1	19
Building Permit Review	0	1	0	7	3	0	3	3	0	7	0	2	0	7	33
NPCA Permits	1	1	0	2	3	3	2	0	1	2	1	2	0	1	19
Totals	1	5	0	14	8	3	6	5	1	10	5	4	0	9	71

Figure 2: Total No. of Applications (%), June 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 June 2016, the Watershed Management Department reviewed 19 *Planning Act* applications (various type and complexity)/Niagara Escarpment Commission Development Permit applications, 33 Building Permit applications, and 7 property information requests. Staff note that application volume during June was similar to May. Staff also responded to various inquiries from the public and local municipalities, as well as attended weekly consultation meetings with the local municipalities and conducted various site inspections.

2) Construction Approvals (NPCA Permits)

No.	PERMIT #	MUNICIPALITY	ADDRESS	WORKS PROPOSED/PURPOSE	REGULATED FEATURE	TOTAL DAYS	COMMENTS
1	3239AR2	Niagara Falls	6424 Pinestone Road	Undertaking Works Within the Top of Slope Allowance	Slope Stability	8	Renewal
2	3745NF	Niagara Falls	Fernwood	Wetland Compensation	LSW	19	
3	3745T	Thorold	Fernwood	Wetland Compensation	LSW	19	
4	3753A	St. Catharines	1134 Lakeshore Road West	New Foundation Construction, Single Storey Home & Deck	Lake Ontario Shoreline	1	
5	3765	Lincoln	4362 Jordan Road	Demolish and Addition to Winery	Lands adjacent to watercourse	8	
6	3774	Port Colborne	Between 543 and 559 Lakeshore Road	New Home Construction	Lake Erie Shoreline	7	
7	3794	West Lincoln	South Grimsby Road 6	Bridge Replacement	Watercourse Alteration	7	
8	3797	NOTL	Queenston Road (Between Con 5 & 6)	Road Widening and Channel Work	Watercourse Alteration	13	
9	3799	Hamilton	Glanbrook Hills (City)	Park & Erosion Remediation	PSW Buffer/Slope	9	
10	3801	Niagara Falls	5553 Rexinger Road	Seasonal Dock Installation	Watercourse Alteration	13	
11	3802	Fort Erie	2594 Point Abino Road North	Demolish and Rebuild Garage	PSW Buffer	7	
12	3803	Grimsby	149 Lake Street	Covered Deck and Porch	Floodplain/Slope	13	
13	3805	Wainfleet	42554 Highway 3	Greenhouse Demolition and Addition	Lands adjacent to watercourse	22	
14	3806	Hamilton	Regional Road 56 Sanitary Sewer	Sanitary Sewer Installation	PSW Buffer/Lands adjacent to watercourse	14	
15	3807	Lincoln	2832 Bayview Blvd	New Storage Structure	Lake Ontario Shoreline	8	
16	3808	St. Catharines	14 Springbank Drive	Placement of fill in old pool	Slope Stability	22	
17	3809	Wainfleet	12317 Lakeshore Road	New Home Construction	Lake Erie Shoreline	13	
18	3810	NOTL	36 Princess Street	Retaining Wall	Slope Stability	8	
19	3812	Lincoln	3364 Dutch Lane	Replace Single Car Garage with Double	Floodplain	2	

3) Watershed Biology

In the month of June, the Watershed Ecological Technicians provided biology review for a variety of planning and regulations files. The spring season has increased the number of site visit requests related to both planning and permit files, completing thirty-two (32) site visits for planning pre-consultation or permit application review, and providing formal review and comment on twelve (12) permit application submissions.

The Ecological Technicians also scoped and reviewed Environmental Impact Studies, providing correspondence to a variety of consultants for information requests on natural heritage features mainly related to Environmental Assessments, and providing comments on multiple municipal projects related to culvert replacement and ditch maintenance.

The technicians also assisted the Ministry of Natural Resources and Forestry (MRNF) with a fish telemetry project in the Welland River, assisted the GIS department with a Niagara College Project which is defining potential Monarch Butterfly habitat in the watershed, completed several health and safety tasks as the worker representative Co-chair of the Joint Occupational Health and Safety Committee, and provided significant support and input into the administration and editing of the Cave Springs Management Plan.

The Supervisor of Watershed Biology participated in CityView validation, and has been working on several files including Thundering Waters (Niagara Falls), assisting with municipal Environmental Impact Study guidance for the Archery Club (Niagara Falls), and participating in NPCA's *Living Landscape* process to update its Policies.

4) Tree and Forest Conservation By-law – Forest By-Law Summary Report for June is included in a separate report.

5) NPCA Policy Review

Dillon will attend the July NPCA Board meeting to present the draft Discussion Paper. It outlines the issues and policy gaps that have been identified by stakeholders and the public, and will include some preliminary potential options to address them.

6) Welland River Floodplain Mapping Study

The Consultation Summary Report has been posted on the project website (www.wellandriver.ca).

During the month of June, Round #2 Public Information Sessions were held at four (4) different locations across the watershed to explain the technical aspects of the floodplain modelling. These meetings also addressed outstanding topics and additional public input on any new issues using the facilitated discussion format.

These information sessions were followed up with a Watershed Floodplain Committee (WFC) meeting on June 22, 2016 at Balls Falls Conservation Centre. Minutes of the June 22, 2016 WFC meeting are included in the July Board package.

B. Projects / Programs

1) Source Water Protection Plan

- Staff continued to answer enquiries on source water protection, and respond to requests from the Ministry of Environment and Climate Change. Staff participated in the south-central regional Project Managers' meeting in June.

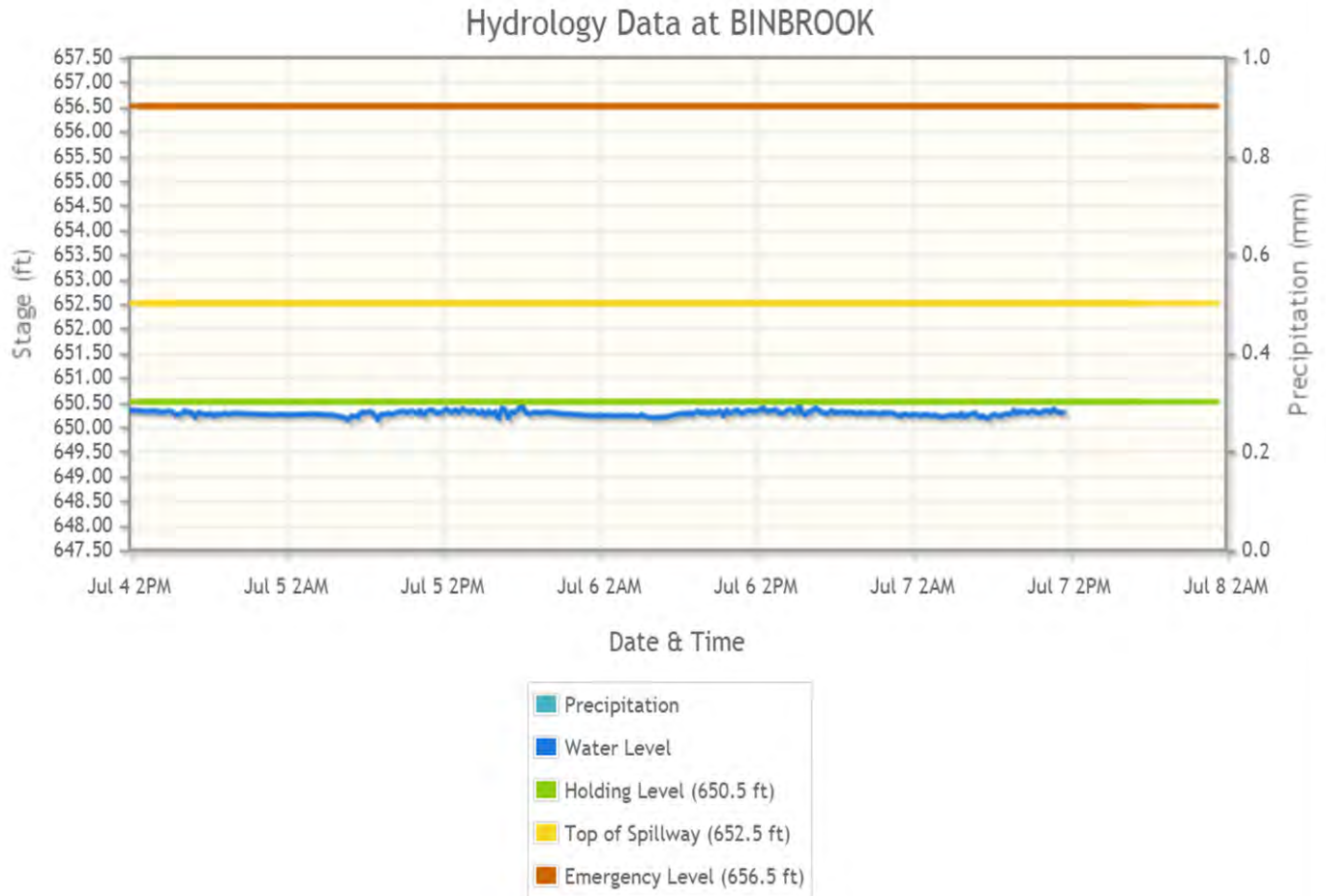
2) Water Quality Monitoring Program

- Staff continued routine monitoring at all NPCA 75 water quality monitoring stations. This will be performed monthly until November. Samples will be analyzed for general chemistry, nutrients, metals and bacteria.
- Staff completed the 2016 Annual Water Quality Monitoring Report and provided a report to the Board of Directors. As a follow-up action item, staff completed a Best Management Practices Watershed Priority Model that is included in this months' Board package as Board Report 80-16, July 2016.
- Provincial Groundwater Monitoring Network (PGMN): Staff continue to visit monitoring wells for manual downloads and perform QA/QC checks on groundwater level data as part of their routine data maintenance protocol.
- Staff provided a Technical Memo to the Operations Department for Cyanobacteria notification to Hamilton Public Health should Binbrook staff encounter a blue-green algae bloom in Lake Niapenco.
- Staff attended a training session for the new water quality multi-meter in Toronto at the MOECC office.
- To date, the NPCA has completed 9 projects under the Well Water Decommissioning Program for 2016. At this time 100% of the funding for this program has been allocated. The NPCA continue to receive applications for the program.
- Staff continue to process data requests from other governmental agencies, consultants, and academic institutions.

3) Flood Control

a) Flood Forecasting and Warning

- Binbrook Reservoir – The water level in the Reservoir is presently sitting just below (50mm) the normal operational holding level. (Please see Water Level and Precipitation Graph below.) Due to the dry weather over the past month, water discharge from the reservoir has been greatly reduced. Staff continue to monitor reservoir water levels on a daily basis and make adjustments as warranted.



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

- Staff continue to monitor daily 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.

b) Water Resource Engineering

- 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.

Watershed Plans have been developed for many of NPCA's watersheds. Each watershed plan identifies water quality/quantity and ecological objectives for that watershed, and details voluntary actions and activities that community partners and agencies can undertake to achieve those objectives.

The restoration program administers a cost-sharing program, offering local landowners financial incentives to implement water quality and habitat improvement projects on their properties. In addition to providing financial assistance to landowners, restoration staff will conduct one-on-one site visits providing technical advice.

Project Implementation – Voluntary Stewardship

Staff are working with our 2016 project partners to complete this year's stewardship projects. All restoration projects include Best Management Practices (BMP's) principals. A BMP is a practice, or combination of practices, that is determined to be an effective and practical means of preventing or reducing the amount of pollution generated by nonpoint sources. BMPs are not limited to the agricultural sector, and in most examples include a habitat component.

Typical BMP's are conservation farm practices, nutrient prevention and management projects, habitat naturalization, stream-bank stabilization, bioengineering, habitat diversification and rehabilitation such as wetland and riparian buffer restoration, etc.

Ducks Unlimited Partnership

Staff are negotiating the terms of the 2016/17 agreement, continuing its partnership that will see \$30,000.00 from Ducks Unlimited be put towards projects of mutual interest.

Haldimand County Water Quality Program

Staff have three (3) project opportunities under this initiative in 2016.

Niagara River Remedial Action Plan (RAP)

- *RAP Work Plan* – The RAP Coordination Team met to determine the remaining priority actions for delisting. The following priority items remain:
 - Determine binational fish community goals and objectives for the Niagara River, and finalize fish populations report.

- Determine whether all sources of PCB contamination on the Canadian side are no longer contributing to Fish Consumption restrictions. Finalize assessment report.
 - Determine if Queens Royal Beach in NOTL still contains E. Coli impairments from local sources (i.e. storm water systems)
 - Finalize wildlife population's assessment report.
 - Finalize Zooplankton Report.
 - Initiate Coastal Wetland projects in the Niagara River to assist with fish nursery habitat impairments.
- *RAP Redesignation Reports* – Seven Beneficial Use Impairment (BUI) assessment reports are remaining. Re-designation reports are required for each assessment to document the issues, describe the actions and present the results. These reports require extensive public and stakeholder engagement before the process for de-listing can commence.
 - *Communication Plan Development* – A RAP Communication Plan is being developed for public outreach and engagement activities which will be undertaken along with the re-designation of the remaining priority actions.
 - *The Niagara River RAP Website* - A separate stand-alone website (www.ourniagarariver.ca) is nearing completion. Review is currently underway by RAP communication departments.

5) Special Projects

- Staff provided comments on planning applications for Niagara Region and local municipalities under the Planning Memorandum of Understanding. Staff also provided comments on proposed updates to provincial plans (Greenbelt, Places to Grow and Niagara Escarpment), a proposed quarry expansion in the City of Hamilton and MOECC Permits to Take Water.
- Staff assisted Operations with the Ball's Falls Sewage System and the Cave Springs Master Plan.
- Staff continued work on Bedrock Aquifer Study tasks, including: 2016 project planning with the Ontario Geological Survey, external data collection, upgrades and repairs, data sharing with project partners, and 2016 capital purchases for long-term water level monitoring.
- Staff responded to information requests from consultants and the public and supported Source Water Protection implementation.
- Staff participated on the MOECC's provincial auditor's 5b Committee. This committee concerns notifying the public about naturally occurring groundwater concerns present in Niagara and other areas of the province. NPCA is the only conservation authority participating on the provincial committee.
- Staff began work on forecasting for the 2017 operational budget.

FINANCIAL IMPLICATIONS:

None

RELATED REPORTS AND APPENDICES:

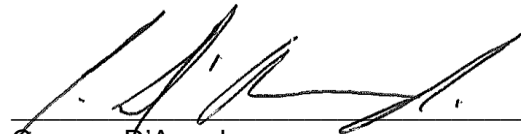
1. NPCA Board Report 67-16, 2016 NPCA Water Quality Report
2. NPCA Board Report 80-16, BMP's Update to Improve Water Quality

Prepared by:



Peter Graham, P.Eng.
Director, Watershed Management

Respectfully submitted by:



Carmen D'Angelo,
CAO/Secretary-Treasurer

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

Report To: Board of Directors
Subject: Operations Status Report
Report No: 73-16
Date: July 20, 2016

RECOMMENDATION:

That the NPCA Board **RECEIVE** Report No. 73-16 for information.

PURPOSE:

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

DISCUSSION:

❖ **Ball's Falls CA**

June has been a hot, dry month with above seasonal temperatures. Aside from School Camps, Class Trips, and wedding related bookings, general park attendance has risen, compared to past years.

Capital:

An inspection of our historical buildings has taken place and a preliminary inspection suggests that the buildings are in better condition than we had originally thought. The full report will be coming in the future outlining the work to be done and expenses associated with it.

	June
Adults admissions	714
Seniors/students admissions	364
Children admissions	40
Maximum - vehicles admissions	76
Membership renewals	0
Pavilion Rentals	4
Historical Tours given	0
Barn Wedding Receptions	16
Church Ceremonies	9
Centre for Conservation - wedding receptions	1
Centre for Conservation – non wedding rentals	10

School Education Programs

We have wrapped up our school programs for the 2015/2016 year.

Month of June		2016 Year-to-date	
Number of Students	Revenue	Number of Students	Revenue
594	\$4,669.65	1029	\$7,544.55

We have received excellent feedback from teachers:

“The students loved the hands on opportunity at the pond and hike”

“Super fantastic awesome! The kids loved every minute. They were so interested and curious!”

“Very Involved, great connections, making it memorable”

New programs are in development. These programs will increase the age range of school programs that we offer, as well as increase the programming that we offer into the fall to capitalize on the vacancy of class trips with the move of the Children’s Water Festival, to May.

Summer Camp

Enrollment for summer camp is very good. Many campers have enrolled for full weeks, and others have enrolled for certain days of the week. Camp registration is still open, and additional campers are being added daily.

Summer Camp registration as of June 30, 2016

Week	Number of Campers	Revenue
July 4-8	17	\$1575.00
July 11-15	16	\$1775.00
July 18-22	21	\$2511.00
July 25-29	15	\$1687.00
August 1-5	6	\$580.00
August 8-12	13	\$1268.00
August 15-19	16	\$2017.00
August 22-26	9	\$926.00
August 29-Sept 2	16	\$1879.00

Current Summer Camp **Total Revenue:**

\$14,198.00

Mini Adventure Camp

In addition to our summer camp, we also offer programs for other camps to do at our site. We have 5 mini adventure camps booked for the summer of 2016. Approximately 365 campers from other camps will attend these 5 sessions, generating a potential \$1,825.00.

Guided Tours

We had one guided historical tour for the month of June of approximately 7 participants. This generated \$45.00.

Other programming:

We had one church girl's group camp overnight and participated in our orienteering course. Approximately 15 girls participated generating \$75.00 revenue.

Programming Total - June:	\$4,789.65
2016 Current Programming Total	\$7,804.55

Building Maintenance

Throughout the course of the summer all of the floors of all of the buildings will be cleaned by summer staff. The second and third floor of the mill has been cleaned, as well as the main floor of all buildings. Remaining to be cleaned is the second floor of the display barn, the carpet runners in the Ball Home, and the second floor of the cabin.

Respectfully Submitted by Nathaniel Devos, Park Superintendent at Ball's Falls Conservation Area and Jill Walters-Klamer, Program Assistant

❖ Binbrook CA

Operations

All weekend and holiday pavilions are now fully booked through the Labour Day weekend. A total of 115 pavilion/group picnic area reservations have been made thus far. The Membership Pass total has reached 216. Total revenue as of July 4th, 2016 is sitting at \$115,000 and by comparison, revenue totals in 2015 were at approximately \$100,000 this time last year, up approximately 15%.

Ongoing PFOS testing by NPCA staff was conducted from the drilled well, drinking water retention tank and from the public beach area. Results are pending.

Special Events

Party in the Park took place Friday July 1st. Despite a slow start due to poor weather, traffic steadily increased throughout the day. Bouncy Castles, Touch a Fire Truck, the Outdoor Movie Night and Overnight Camping were all well attended.

Additional Revenue collected from 'Party in the Park'

Meal Tickets	\$500.00
Retail	\$675.00
Overnight Camping	\$480.00
TOTAL	\$1625.00

Capital

The Fishing Pier has now been completed located directly behind Pavilion#1.

This report was respectfully submitted by Mike Boyko, Park Superintendent

❖ **Chippawa Creek Conservation Area**

Seasonal Camping

We currently have 87 seasonal campers registered for the 2016 season.

Park Maintenance

Since grass cutting has slowed down staff are concentrating their efforts on picnic table repairs, painting of hydro and water posts, and tree pruning.

Camping

In the month of June, there were 109 camping transactions and 60 extra vehicle camping passes sold.

Gatehouse Store

In the gatehouse store there were 363 retail sales, 163 bags of ice sold, and 92 bags of firewood sold for the month of June.

Honey Wagon Service

The Honey Wagon service is averaging 13 trailer pump outs per week.

Capital Projects

The new fishing piers have been installed. Staff has received very positive feedback from campers regarding the new fishing piers.

The beach washroom roof has been replaced with a new metal roof.

The resurfacing of the walking trail around Dils Lake will begin shortly.

Respectfully Submitted by Rob Kuret, Park Superintendent, Chippawa Creek CA.

❖ Long Beach Conservation Area

With the great weather, came great visitation and revenue in the month of June. With the increased visitation, staff have been kept busy with day to day operations, both within the park and at the Wainfleet Access Beach property. Honey wagon revenues have doubled over last year as Seasonal Campers, especially, are now realizing the value of the service. Year to Date in June, the park has already exceeded its revenue budget. Staff have also been good in only spending 49% of its expense budget. The park is now at full staffing levels. On Saturday June 25th, staff conducted its first, for the season, Seasonal Camper's meeting. The feedback from Camper's was that they were overwhelmingly pleased with the park's state and staff.

Respectfully Submitted by Mike MacIntyre, Park Superintendent, Long Beach CA.

❖ Central Workshop – Gainsborough CA

With the warmer, drier weather, staff have slowed down on a lot of the area grass cutting. We expect that trend to follow into July. Central Workshop staff have spent a number of days in the Revenue parks aiding in various projects that include tree work, grass trimming, painting, etc.

Capital Projects continue in various stages of completion.

All Park Attendants have been hired and trained.

Respectfully Submitted by Mich Germain, Superintendent, Central Workshop

ECOLOGICAL STATUS REPORT

➤ **St. Johns Conservation Area**

On our annexed property, the reptile inventory continues through September at the site. This resource information is being completed by the staff Ecologist with the assistance of a volunteer. When completed it will provide baseline information for site management and site use decisions.

➤ **Mud Lake Conservation Area**

Annual site monitoring including Benthic and Vegetation Survey is to be completed by staff in July and August respectively. This information assists in assessing the restoration work and ensuring objectives are being met or if adaptation is required.

➤ **Wainfleet Acquisition Conservation Area**

As part of the site resource inventory being completed at the site, spring plants and reptiles are being assessed. To date the spring ephemeral plant inventory is complete, while the reptile survey continues through September. When completed this information will assist in providing baseline information for site management and site use decisions. The work is being completed by the staff Ecologist with the assistance of volunteers.

Other Conservation Area Ecological Activity

NPCA Hunting Program

a) General: Hunting Permits

Staff has issued an additional 9 hunting permits for a total of 163 permits issued for the NPCA Conservation Areas for 2016, with 24 individual residing outside of our administrative area.

b) The Waterfowl Hunting Season (duck season) will be announced mid July. Upon confirmation of the season, the NPCA Waterfowl Hunting Program letters and applications will be sent out a.s.a.p. The deadline for all applicants is August 31, 2016, with the hunting blind lottery to take place the next business day. All successful applicants will be notified by email/mail.

Bat Monitoring

Equipment failure delayed bat monitoring this summer. Equipment is to be borrowed and routes are to be completed once the equipment becomes available. This information will assist with species diversity for the area.

Resource Monitoring

The staff Ecologist continues to monitor the species at risk at our Conservation Areas throughout November. These include a variety of trees, flowers, grasses, moss as well as animals. Health assessment are completed, restoration needs determined and implemented to help ensure population are maintained or enhanced.

Two summer student positions will be starting late July to assist the staff Ecologist in completing this and other Ecological Projects this summer.

Prepared By Kim Frohlich

EVENTS STATUS REPORT

★ Niagara Children's Water Festival

The 14th annual Niagara Children's Water Festival planning is now underway. The 2017 festival will take place on May 9th to 12th 2017, at Ball's Falls Conservation Area. From the feedback received from the volunteers and steering committee, the top 5 areas for improvement have been deemed to be the following; Video of the Activity Centres, Increased Educational Signage in the Activity Centres, update all Activity Centre scripts to ensure their relevancy, creation of a volunteer video, creation of a teacher video. Identifying the first aid locations, volunteer check-in location and vegetarian section through new signage was suggested as a festival improvement. The committee recommends dealing with 1 bussing company to alleviate confusion and streamline the planning process.

A "save the date" will be sent to teachers in the fall, followed by recruitment for the 2017 event beginning in December.

★ **Thanksgiving Festival**

Thanksgiving Festival Applications for both Artisans, Concessionaires, and Farmer's Market vendors have been curated, work to process vendor deposits and balances took place through June and will continue into July. Artisans have been offered a vendor information package, which details their participation requirements at the event. A call for Thanksgiving Committee applications was distributed in June, with the intent to strengthen the event and attract new ideas and committed volunteers. All volunteers will be screen by SMT before being offered a position on the advisory committee. Special Occasion Permits are ready for submission to the AGCO, all parties have received their notification of the event as required by the AGCO. Event entertainment has begun to take shape with 9 of the 12 musical spaces filled. This year a portable stage will be offered to the musicians as well as a full backline of instruments. Considerations for staffing, parking, and historical demonstrations still need to be organized and finalized.

★ **Christmas Village**

Senior staff have provided the direction that the Christmas Village event will operate over two weekends for 4 days. Budget and staffing recommendations have been forwarded to senior staff. Event dates will logistics and planning will begin in July. Event components will include reindeer, Santa, theme characters, photos, food concessions, s'mores, holiday music and more!

Respectfully Submitted by Brianne Wilson, Events Coordinator

Prepared by:



Gregg Furtney
Acting Manager of Strategic Initiatives

Reviewed by:



Mark Brickell
Acting Director of Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer/
Secretary Treasurer

Report To: Board of Directors
Subject: Corporate Services Project Status Report
Report No: 74-16
Date: July 20, 2016

RECOMMENDATION:

That Corporate Services Project Status Report No. 74-16 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:

- ❖ The CityView development tracking system implementation team is working intensively on validating the remaining configuration issues ahead of the new go live date of August 15th. End User Training will occur for Plan Review and Regulations staff. Configuration training, which allow the NPCA to modify the system by itself, will also take place. Finally, Reporter training, which will allow the NPCA to create powerful custom reports and stats related to Key Performance Indicators using the CityView database, will take place in July.
- ❖ Complete update of the assessment and ownership parcel data including Property Information Report database update for new/modified parcels; numerous modifications to SQL code to handle new parcel change detection process.
- ❖ Ran full GIS database, web service and web mapping updates on production server.
- ❖ Created data model and feature layer for new Natural Heritage and Hazard Mapping update process for Watershed Planning (provides staff with a formal means to request updates to hazard data maintained by NPCA, and an indicator layer to highlight out of date data from maintained by municipal and provincial partners)

- ❖ Initial installation, setup and training for FME software, the automation software recently added to the NPCA enterprise GIS software stack.
- ❖ Participated in Source Water Protection Information Management teleconference to discuss short to medium range expectations of data management and updates
- ❖ Cave Springs Master Plan map creation, modification, and updates for background report.
- ❖ Attended of Conservation Authority GIS and IM community of practice CACIS conference, including a presentation to delegates on NPCA CityView development tracking system implementation.
- ❖ Bog Fire Map and data extraction
- ❖ Walker Living Campus data review
- ❖ Linked scanned surveys of Authority properties to the Acquisition Database.

Communications and Foundation:

Communications

- ❖ NPCA Board Meetings - Live-Stream Results (The live stream was promoted on local Postmedia websites, NPCA website and social media channels)

Month	Peak Viewers	Average Viewers	Average View Duration
March	18	97	18:47
April	22	81	22:29
May	14	88	12:55
June	8	80	12:01
Monthly Combined Average	15.5	86.5	16:33

- ❖ Communications team was on site for the crisis response at the Wainfleet Bog. Daily debrief sessions at 3 pm and media releases were issued when necessary.
- ❖ Marketing and promotion services were provided to the Operations team for two park-level events in July. Posters and online marketing support were provided for the Party in the Park at Binbrook Conservation Area, and the Douglas Elliott Memorial fishing derby at Chippawa Creek Conservation Area. Communications also attended the Bolerama event at Long Beach Conservation Area for photography for 2017 promotion.
- ❖ Advertising campaigns to promote camping at NPCA parks are currently in market. Online ads run through Niagara this Week have been active since early June. As well, a campaign launched the week of July 11 on Country 89 and GiantFM to promote camping.

Foundation

- ❖ Sales of the Comfort Maple Pen continue to be steady. To date more than 70 pens have been sold, generating more than \$2,000 for the Foundation. Buyers have been thrilled at the look and quality of the pens. They have been delivered to Newfoundland, Manitoba, Asia and Alberta to name just a few.
- ❖ Work continues on the Foundation's strategic plan and policy and procedure review. Liz Palmieri is assisting with the research in this project. She has interviewed several Conservation Authority Foundation Executive Directors as well as community members and stakeholders within the NPCA watershed. A SWOT analysis, strategic plan, environmental scan, policy recommendations and Foundation Board recruitment strategy will all be part of the final report.
- ❖ A grant submission of \$6,695 was submitted by the Foundation to the TD Friends of the Environment Foundation. If successful the funds would support improvements to the Ball's Falls Conservation Area children's education programs.
- ❖ The Foundation is preparing an application for Federal funding to improve accessibility at the Binbrook Conservation Area. The proposal will be submitted towards the end of this month in the amount of approximately \$50,000. The funding will help rebuild the sidewalk leading to the washroom facilities making it full accessible.

Human Resources:

Recruitment

- ❖ Administrative Assistant role
 - o Interviews conducted with a successful candidate identified and offered
 - o New employee to begin on July 18, 2016
- ❖ Student Planning Technician role
 - o Interviewed conducted with a successful candidate identified and offered
 - o New student employee to begin on July 11, 2016 to assist with the CityView launch
- ❖ Student Ecological Technician role posted and closed
 - o Interviews have been conducted with 2 successful candidates identified and offered
 - o New student employees to begin on July 18, 2016 to assist with Ecological survey's
- ❖ Manager, Strategic Initiatives role is posted until July 14, 2016

Training

To date, 2 training applications submitted and approval received through the Canada Ontario-Job Grant program

Human Resources Information System

Link between AccPac and Norming HRIS system set up and installed for testing; once testing is complete, employee information entered in the HR system will automatically be updated in AccPac allowing for more efficiencies

Community Outreach and Volunteer Report

Community Liaison Advisory Committee (CLAC)

- ❖ The Community Liaison Advisory Committee met on Monday June 20th at 5:30PM at Ball's Falls Centre for Conservation. The Committee received presentations and updates on the Living Landscape Project, the Coordinated Provincial Review and the Review of the Conservation Authorities Act. Draft minutes will be included in the Agenda package for July meeting. The next meeting will be planned for September 2016.

Volunteer Recruitment/Community Outreach

- ❖ On Saturday May 7th the NPCA partnered with the Glanbrook Conservation Committee to do a Garlic Mustard Removal along the Tyneside Trail at the Binbrook Conservation Area. A total of 20 volunteers from Glanbrook Conservation Committee, Binbrook Guides and the surrounding community assisted with the removal. A total of 17 garbage bags of garlic mustard were removed from the Tyneside Trail. The GCC provided a BBQ for volunteers after the event.
- ❖ Volunteer recruitment for the Ball's Falls educational programs and the summer camp is on-going. A number of volunteers have been assisting with the delivery of the Spring Awakening and Amphibians program at Ball's Falls. Staff has also been recruiting volunteers for the Ball's Falls Thanksgiving Festival. The NPCA is teaming up with ECO Defenders for this year's Festival to reduce the amount of garbage that is being put into the landfill during the four day event. Volunteers from Eco Defenders will host a waste station where discarded items will be properly sorted into organics, recycling and garbage, thereby reducing the overall garbage at our Festival. Air Cadets and Scouts are on-board to assist with this program.
- ❖ Volunteers have also been assisting staff to collect ecological information at various conservation areas including assistance with salamander studies, bat surveys, monitoring bluebird boxes, etc.
- ❖ Staff did an in-class presentation at St. Patrick's Catholic Elementary School. The school requested a presentation about the NPCA, water and how the fires in Fort McMurray affected the water infrastructure and the water in the creeks. Staff will also be doing a lecture on Habitat Restoration at Willowbank School on July 5th, this event is open to the public.
- ❖ The NPCA partnered with the Bert Miller Nature Club to host the Butterfly Festival at Stevensville Conservation Area on Sunday June 12th. A total of 16 volunteers assisted the NPCA in planting a pollinator garden at Stevensville funded by the Ontario Community Environment Fund Grant received in 2016. This is one of three gardens that will be planted across our watershed. A volunteer has kindly offered to water the Stevensville garden for the summer months.
- ❖ Monthly "Heritage Demonstration Days" have been planned for Ball's Falls Conservation Area. These days will include a blacksmithing demonstration, tours of the Ball Home, spinning and handweaving demonstration, nature hikes and a tour of the Grist Mill. Volunteers have been recruited to do the demonstrations and tours. The heritage demonstrations will take place on July 24th, August 14th and September 11th 2016.

- ❖ The NPCA has recorded 620 volunteer hours for the months of May and June, with a total of 259 volunteers.

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; Michael Reles, Communications Specialist; Kevin Vallier, Communications & Foundation Manager; Misti Ferrusi, HR Generalist; and, Kerry Royer, Community Outreach Coordinator.

Report To: Board of Directors

Subject: Financial and Reserve Report – Month Ending June 30, 2016

Report No: 75-16

Date: July 20, 2016

RECOMMENDATION:

That Report No. 75-16 be **RECEIVED** for information.

DISCUSSION:

To provide the Board a summary of operations & capital expenditures versus revenues and to provide a comparison of actual results to the budget as approved by the Board.

The report confirms the general financial oversight and compliance with Public Sector Accounting Board standards.

Further, for the Board's information, on July 12, 2016 Canada Revenue Agency (CRA) conducted an Audit to examine NPCA payroll remittances for the period of Jan. 1 to June 30, 2016. Finance staff had all related materials prepared in advance for the CRA Auditor which expedited the process. The audit was a success as no issues were identified. The CRA Auditor will be forwarding a letter confirming their work at the NPCA, detailing what was reviewed and that the NPCA is meeting its obligations.

FINANCIAL IMPLICATIONS:

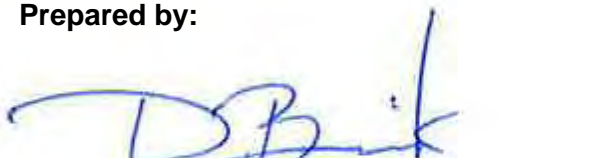
The lines of business are within budget allocations identified during the budget preparation and approval cycle.

RELATED REPORTS AND APPENDICES:

Appendix 1 – Budget Status Report: month ending June 30, 2016 (consolidated)

Appendix 2 - Statement of Reserves for month ending June 30, 2016

Prepared by:



**David Barrick
Director of Corporate Services**

Submitted by:



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

This report was prepared in consultation with John Wallace, Manager of Finance.

APPENDIX "1" CONSOLIDATED

Budget Status Report
Month Ending June 30, 2016

Presented at the Full Authority Meeting
July 20, 2016

NIAGARA PENINSULA CONSERVATION AUTHORITY
CONSOLIDATED NON CAPITAL
JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	174,496.00	174,500.00	100.0%
PROVINCIAL GRANTS - MOE	110,295	95,000	116.1%
PROVINCIAL GRANTS - OTHER	283,741	235,000	120.7%
FEDERAL GRANTS	187,061	235,000	79.6%
MUNICIPAL LEVY - GENERAL	2,572,883	5,145,765	50.0%
LEVY - SPECIAL - NIAGARA	1,086,316	2,172,633	50.0%
LEVY - SPECIAL - HAMILTON	9,850	19,700	50.0%
ADMINISTRATION FEES	200,086	355,000	56.4%
USER FEES	906,469	1,379,495	65.7%
RESERVE FUNDS	-	135,000	0.0%
LAND OWNER CONTRIBUTION	11,577	-	100.0%
MISCELLANEOUS	76,570	331,474	23.1%
	<u>5,619,343</u>	<u>10,278,567</u>	<u>54.7%</u>

EXPENDITURES

CAO/BOARD & CORPORATE SERVICES	1,702,552	4,149,598	41.0%
WATERSHED	1,519,643	3,225,585	47.1%
OPERATIONS	1,300,399	2,903,384	44.8%
	<u>4,522,594</u>	<u>10,278,567</u>	<u>44.0%</u>

NIAGARA PENINSULA CONSERVATION AUTHORITY
CAO/BOARD AND CORPORATE SERVICES
JANUARY 1, 2016 -JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	75,796	75,800	100.0%
MUNICIPAL LEVY - GENERAL	1,162,832	2,325,665	50.0%
LEVY - SPECIAL - NIAGARA	781,566	1,563,133	50.0%
INTEREST INCOME	10,146	60,000	16.9%
MISCELLANEOUS	641	-	100.0%
RESERVE FUNDS		55,000	100.0%
CONSERVATION FOUNDATION	13,364	70,000	19.1%
	2,044,346	4,149,598	49.3%

EXPENDITURES

CAO & BOARD EXPENSES	186,662	325,073	57.4%
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CORPORATE SERVICES

CORPORATE MANAGEMENT	450,649	1,828,842	24.6%
OFFICE SERVICES	469,467	767,094	61.2%
FINANCIAL SERVICES	164,212	273,937	59.9%
HUMAN RESOURCES	23,850	117,590	20.3%
INFORMATION TECHNOLOGY	256,736	511,324	50.2%
CORPORATE COMMUNICATIONS	150,975	325,738	46.3%
	1,515,890	3,824,525	39.6%

NIAGARA PENINSULA CONSERVATION AUTHORITY
WATERSHED
JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MNR TRANSFER PAYMENTS	98,700	98,700	100.0%
PROVINCIAL GRANTS - MOE	110,295	95,000	116.1%
PROVINCIAL GRANTS - OTHER	283,741	235,000	120.7%
FEDERAL GRANTS	187,061	235,000	79.6%
MUNICIPAL LEVY - GENERAL	814,221	1,628,441	50.0%
LEVY - SPECIAL - NIAGARA	238,750	477,500	50.0%
LEVY - SPECIAL - HAMILTON	9,850	19,700	50.0%
ADMINISTRATION FEES	200,086	355,000	56.4%
RESERVE FUNDS	-	-	0.0%
LAND OWNER CONTRIBUTION	11,577	-	100.0%
MISCELLANEOUS	16,484	81,244	20.3%
	<u>1,970,765</u>	<u>3,225,585</u>	<u>61.1%</u>
 <u>EXPENDITURES</u>			
WATERSHED MANAGEMENT	147,302	326,785	45.1%
PLAN REVIEW AND REGULATIONS	591,639	1,119,381	52.9%
WATERSHED PROJECTS	780,702	1,779,419	43.9%
	<u>1,519,643</u>	<u>3,225,585</u>	<u>47.1%</u>

NIAGARA PENINSULA CONSERVATION AUTHORITY
OPERATIONS
JANUARY 1, 2016 -JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>ANNUAL BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	595,830	1,191,659	50.0%
LEVY - SPECIAL - NIAGARA	66,000	132,000	50.0%
USER FEES	906,469	1,379,495	65.7%
RESERVE FUNDS	-	80,000	0.0%
MISCELLANEOUS	35,934	120,230	29.9%
	<u>1,604,233</u>	<u>2,903,384</u>	<u>55.3%</u>
<u>EXPENDITURES</u>			
OPERATIONS MANAGEMENT	215,769	457,673	47.1%
STRATEGIC INITIATIVES	240,063	599,348	40.1%
LAND PROGRAMMING	777,688	1,645,863	47.3%
VEHICLES AND EQUIPMENT	66,879	200,500	33.4%
	<u>1,300,399</u>	<u>2,903,384</u>	<u>44.8%</u>

NIAGARA PENINSULA CONSERVATION AUTHORITY
 CONSOLIDATED CAPITAL
 JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	-	245,000	100.0%
MUNICIPAL LEVY - GENERAL	432,423	864,845	50.0%
LEVY - SPECIAL - NIAGARA	250,000	500,000	50.0%
LEVY - SPECIAL - HAMILTON	50,000	100,000	50.0%
RESERVE FUNDS	-	694,500	0.0%
MISCELLANEOUS	-	29,000	100.0%
	732,423	2,433,345	30.1%

EXPENDITURES

CORPORATE SERVICES	58,644	182,500	32.1%
WATERSHED	20,337	112,500	18.1%
LAND DEVELOPMENT	247,812	1,710,876	14.5%
NIAGARA DIFFERENTIAL (RESERVE)	-	427,469	0.0%
	326,793	2,433,345	13.4%

NIAGARA PENINSULA CONSERVATION AUTHORITY
 CORPORATE SERVICES - CAPITAL
 JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
MUNICIPAL LEVY - GENERAL	91,250	182,500	50.0%
	91,250	182,500	50.0%
<u>EXPENDITURES</u>			
CORPORATE SERVICES	20,576	70,000	29.4%
GIS	38,068	112,500	33.8%
	58,644	182,500	32.1%

NIAGARA PENINSULA CONSERVATION AUTHORITY
 WATERSHED CAPITAL
 JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
RESERVE FUNDS	-	112,500	0.0%
	-	112,500	0.0%
<u>EXPENDITURES</u>			
BINBROOK DAM	-	10,000	0.0%
STREAM GUAGE & MONITORING NETWORK	20,337	92,500	22.0%
GENERAL OFFICE ENHANCEMENT/MISC.	-	10,000	0.0%
	20,337	112,500	18.1%

NIAGARA PENINSULA CONSERVATION AUTHORITY
 CONSERVATION LAND DEVELOPMENT - CAPITAL
 JANUARY 1, 2016 - JUNE 30, 2016

<u>REVENUES</u>	<u>YTD ACTUAL</u>	<u>YTD BUDGET</u>	<u>% OF BUDGET</u>
FEDERAL GRANTS	-	245,000	100.0%
MUNICIPAL LEVY - GENERAL	125,301	254,876	49.2%
LEVY - SPECIAL - NIAGARA	250,000	500,000	50.0%
LEVY - SPECIAL - HAMILTON	50,000	100,000	50.0%
RESERVE FUNDS	-	582,000	0.0%
MISCELLANEOUS	-	29,000	100.0%
	425,301	1,710,876	24.9%

EXPENDITURES

LAND ACQUISITION (RESERVE)	-	600,000	0.0%
BALL'S FALLS	56,068	65,000	86.3%
BINBROOK	54,434	645,499	8.4%
CHIPPAWA CREEK	55,175	130,000	42.4%
LONG BEACH	21,728	132,000	16.5%
ECOLOGICAL PROJECTS	-	29,000	100.0%
GAINSBOROUGH CENTRAL WORKSHOP	60,408	109,377	55.2%
	247,812	1,710,876	14.5%

APPENDIX “2”
Statement of Reserves
Month Ending June 30, 2016

Presented at the Full Authority Meeting
July 20, 2016

NIAGARA PENINSULA CONSERVATION AUTHORITY
STATEMENT OF CONTINUITY OF RESERVES AND RESERVE FUND
PROJECTION FOR THE YEAR ENDED DECEMBER 31, 2016

	Balance 31-Dec <u>2015</u>	Approved Budgeted <u>Inflows</u>	*Approved Budgeted <u>Outflows</u>	Projected 31-Dec <u>2016</u>
	\$	\$	\$	\$
Unexpended capital reserves				
Capital Assets				
Vehicle	210,731	0	60,000	150,731
Equipment	59,582	0	20,000	39,582
Computers & office equipment	79,522	0	0	79,522
	<u>349,835</u>	<u>0</u>	<u>80,000</u>	<u>269,835</u>
Conservation area capital reserve				
Niagara Region	1,209,346	0	804,569	404,777
City of Hamilton	136,682	0	292,250	(155,568)
Haldimand County	11,594	0	0	11,594
Niagara Levy Differential	347,000	427,469	0	774,469
Land acquisition-Hamilton	800,000	100,000	0	900,000
Land acquisition-Niagara	298,174	500,000	0	798,174
	<u>2,802,796</u>	<u>1,027,469</u>	<u>1,096,819</u>	<u>2,733,446</u>
Water management capital projects				
Welland River restoration - Niagara	242,210	0	0	242,210
Welland River restoration - Hamilton	10,676	0	0	10,676
Water Management	46,167	0	51,200	(5,033)
Watershed Studies-Niagara	3,162	0	0	3,162
Watershed Studies-Hamilton	20,260	0	0	20,260
Watershed Studies-Haldimand	22,032	0	0	22,032
Flood Protection Services	483,978	0	10,000	473,978
Resource Inventory & Monitoring	52,443	0	51,300	1,143
	<u>880,928</u>	<u>0</u>	<u>112,500</u>	<u>768,428</u>
	<u>4,033,559</u>	<u>1,027,469</u>	<u>1,289,319</u>	<u>3,771,709</u>
Operating reserves				
Conservation Areas				
Niagara Region	90,274	0	0	90,274
City of Hamilton	191,372	0	0	191,372
Haldimand County	14,931	0	0	14,931
	<u>296,577</u>	<u>0</u>	<u>0</u>	<u>296,577</u>
Conservation Land Management				
Tree Bylaw	61,765	0	0	61,765
Agreement forest				
	20,606	0	0	20,606
Regulations & planning services				
	181,647	0	0	181,647
General operating contingency				
	45,808	0	40,000	5,808
	<u>606,403</u>	<u>0</u>	<u>40,000</u>	<u>566,403</u>
Reserve Fund				
Accumulated sick leave	16,103	0	15,000	1,103
	<u>1,906,616</u>	<u>0</u>	<u>110,244</u>	<u>1,796,372</u>

* Approved outflows include: \$359,801 from 2015 carryover capital projects

Report To: Board of Directors
Subject: NPCA 2016 Q2 DRAFT Quarterly Report
Report No: 76-16
Date: July 20, 2016

RECOMMENDATION:

That the NPCA 2016 Q2 Quarterly 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 2016 Quarterly 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, 'Transparent Governance & Enhanced Accountability,' specifically, *"Improve NPCA profile and accountability to municipal governments by providing ongoing quarterly briefings to watershed member municipalities and local councils on activities and key issues being addressed by NPCA."*

DISCUSSION:

Subsequent to the NPCA Board receiving the 2016 Q2 Quarterly Report, the document will be distributed throughout the community in various media formats.

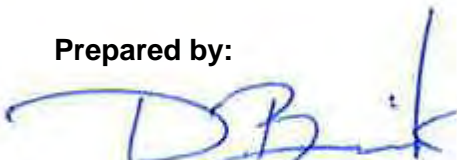
FINANCIAL IMPLICATIONS:

Distribution of Quarterly Report is within 2016 budget allocations.

RELATED REPORTS AND APPENDICES:

Appendix 1: DRAFT 2016 Q2 Quarterly Report

Prepared by:



David Barrick
Director of Corporate Services

Submitted by:



Carmen D'Angelo
CAO / Secretary Treasurer

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

Vol. 3: Apr-June 2016

QUARTERLY REPORT Q2 2016



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

NPCA MISSION, VISION & VALUE STATEMENTS

“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)

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 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.

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Research & Science	6
Community	7
Our Land	9
The Numbers	10



Welcome to our Quarterly Report. Each year we will endeavour to produce quarterly reports for our funders, stakeholders and communities we are proud to serve. As laid out in our Strategic Plan, we are making a concerted effort to be more transparent and hope that these reports are helpful in your understanding of our work.



Carmen D'Angelo, BSc, MPA
Chief Administrative Officer



Bruce Timms, P.Eng
Chair, Board of Directors

ABOUT US

The Niagara Peninsula Conservation Authority (NPCA) was established on April 30, 1959, under the Conservation Authorities Act, and serves approximately half a million people in the Niagara Peninsula Watershed, encompassing the entire Niagara Region and portions of the City of Hamilton and Haldimand County. The NPCA strives to manage the impact of human activities, urban growth and rural activities on its watershed.

The Niagara Peninsula is one of the most complex watersheds in the Province. It includes lands drained by the Niagara River, Twenty Mile Creek, the Welland River, the Welland Canal, Lake Erie and Lake Ontario. NPCA programs focus on the conservation and preservation of the unique environment, and initiatives that help keep people and their property safe from flooding and erosion while keeping our drinking water clean and safe.

The NPCA's ongoing commitment to land stewardship is reflected in the management of over 2,870 hectares of unique natural areas. These lands are held in public trust, allowing the people of Niagara, Hamilton, and Haldimand County to enjoy its distinctive natural heritage at 39 Conservation Areas, each offering diverse recreational and educational opportunities and a place for both children and adults to experience nature's beauty.



ADMINISTRATION

Staff attended the **Conservation Authorities Act Review** session in London where NPCA was recognized for implementing best management practices that meet the objective of open, transparent and accountable administration. NPCA identified the best management practices as:

1. Community Liaison Advisory Committee
2. Customer Service Charter
3. Dispute Resolution System
4. Budget: financial statements and monthly expenses posted on the website and Board for review
5. Quarterly communications reports distributed to all local municipalities
6. Live streaming of Board meetings
7. Orientation for Board Members at the start of the term
8. Streamline permit processing with a 30-day benchmark
9. Open door policy of the CAO and Chair for all community members who wish to meet with NPCA in partnership with non-government organizations
10. Memorandum of Understanding with the three funding Municipalities: Niagara Region, Haldimand County and the City of Hamilton

This reflects that the NPCA is ahead of the mark. In fact, NPCA's best management practices are amongst the priorities currently being communicated by the Province as part of the Conservation Authorities Act Review.

The Corporate Services team unveiled a new internal brand to aide in bringing teams together for the common goal of the organization. As well, a newly developed **Customer Service Charter** to formalize customer service excellence throughout the organization. The charter aligns with the NPCA Strategic Plan, which states that the NPCA "will deliver a pragmatic customer-friendly feel in resolving complex regulatory issues, a refocused conservation/sustainable growth mandate, and an ambitious change agenda moving forward."

NIAGARA PENINSULA CONSERVATION AUTHORITY





RESEARCH & SCIENCE

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 can identify sources of pollution, track water quality trends, and help to assess and direct NPCA programs. The monitoring and reporting of watershed conditions is a critical component of the NPCA. 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. The **NPCA Water Quality Monitoring Program 2016 Annual Report** is available on the NPCA website at: npca.ca/water-quality

In mid-May, NPCA staff gave a presentation to a Chinese government delegation from the province of Shanghai. These gentlemen were from the provincial ministry responsible for water quality, treatment, pollution abatement, and flood control.

As a result of rapid development in their province, they were in Southern Ontario on a fact-finding tour to speak with various Ontario provincial ministries (including the NPCA) to discuss our local regulations, processes, governance, and funding models. The ultimate goal is to improve how they conduct their operations by learning from the experience of other water resource managers.

The 2015 **Hamilton International Airport (HIA) Biological Assessment of Water Quality** was submitted to staff of the HIA on May 4, 2015. This annual study continues to demonstrate East HIA Creek is more impacted than West HIA Creek. The main stressors are likely stormwater runoff containing road salt and a mixture of contaminants which are adversely affecting the aquatic ecosystems of these creeks.



COMMUNITY

The Niagara Peninsula Conservation Foundation media release about the **Comfort Maple pens** for sale was picked up nationally and featured in papers from Winnipeg, Kelowna, Waterloo, national newspapers and throughout our watershed. The response thus far has been very positive with nearly 100 pen orders occurring. Marv Ens, the volunteer handcrafts each pen, has graciously dedicated more time to producing them as sales have been overwhelming. Net proceeds go to the Foundation and in-turn support conservation projects.

At the June Board of Directors meeting, the NPCA was presented with funding grants from the **RBC Blue Water Fund** for the Niagara Children's Water Festival, and from **Ontario Power Generation** for Niagara Envirothon and the Niagara Children's Water Festival. Also in attendance was **Marv Ens** who presented Chairman Bruce Timms with a gavel made from the wood of the Comfort Maple.

On May 7, 2016, the **Glanbrook Conservation Committee** held a volunteer public opportunity to remove the invasive **Garlic Mustard** from 9 a.m. to 12 noon. The staff Ecologist assisted at the event, providing an overview of the species

and ecosystem and technique for removal. 19 volunteers assisted removing 17 garbage bags full of garlic mustard, to assist in maintaining a more native environment. The GCC also provided a BBQ for all the participating volunteers follow the garlic mustard removal.

Central Public School in Grimsby participated in the **Yellow Fish Road** Program on April 19th. A total of 143 students engaged in painting yellow fish next to storm drains to remind the public that what goes down storm water drains goes into local water bodies untreated. Volunteers also distribute fish-shaped hangers to neighbours to explain the program.

Volunteers have been recruited to monitor the **bluebird boxes at Ball's Falls Conservation Area**. A small group of five to six volunteers have agreed to monitor them on a weekly basis to discourage house sparrows from building nests in these homes. Volunteers will record bluebird nests, number of eggs, etc. This information will be shared with the NPCA Ecologist for future management decisions.



COMMUNITY (CONTINUED)

The **Welland River Floodplain Mapping** Consultation Summary Report is posted on the project website (www.wellandriver.ca). During the month of June, Round #2 Public Information Sessions were held across the watershed to explain the technical aspects of the floodplain modelling. These meetings addressed any outstanding topics and sought public input on any new issues. As was the case for the first round, notifications were sent by direct mail to all landowners within 500 metres on either side of the Welland River. Also, notifications were included in a half-page newspaper advertisement in Niagara This Week, forwarded to all municipal offices, emailed to those who registered at previous events or added their contact information on the project website, and included on NPCA's website and the project homepage

In May, the NPCA hosted the **Children's Water Festival**. It was an incredible display of cooperation between organizations and volunteers to teach local children about water conservation, science, protection, and technology. The Water Festival

saw **over 100 volunteers** per day come to support this event including area high school students were bused into Ball's Falls to assist with the event. Volunteers assisted with the set-up and tear down of the Water Festival, being lead presenters, lunch tent coordinators, registration desk, and safety.

After winning the local event at the **Niagara Envirothon** on May 4th, five students from Sir Winston Churchill High School in St. Catharines represented Niagara at the Ontario Envirothon Championship from May 29-June 1, 2016, at Fleming College. The team had a great experience over the four days but has not received their final ranking at this time.

Stratus Vineyards partnered with the NPCA to plant trees on one of their restoration properties in Niagara-on-the-Lake. Stratus brought 20 of their staff to assist the restoration team to plant over 500 bare-root trees on private property on Concession 7. This event marked the third year that Stratus has participated in volunteer activities with the NPCA.



OUR LAND

On National Aboriginal Day, June 21, the Niagara Regional Native Centre (NRNC) and the Niagara Catholic District School Board (NCDSB) marked the day, with the NPCA, by signing a historic partnership on an innovative outdoor high school program conducted at **St. Johns Valley Centre Conservation Area**. Students presented on how the unique learning environment had helped them better themselves and how thankful they are for the opportunity. The NPCA is proud to support these initiatives and accredited outdoor educational programming with the NCDSB and the NRNC at its Conservation lands.

At noon on April 23, the **St. Johns Conservation Area** pond opened for fishing. Over 100 people attended the first few hours of opening day. The site remains open for fishing during daylight hours until the fishing season closes on September 30. Ontario fishing regulations apply at the conservation area where all anglers must have a fishing licence and follow the Ontario fishing regulations.

Capital Projects at both **Long Beach and Chippawa Creek Conservation Areas** have been completed. The Refurbishment of the Main Comfort Station and the new fence around the Bio-Filter is now complete at Chippawa Creek. Tree trimming and

dead branch removal have been completed at Long Beach. Staff commenced Ash Tree stump removal in April. The building of the new compound is underway on the North side of Chippawa Creek, around the workshop area.

Staff have finalized a funding agreement for **Smith-Ness Conservation Area**, to cover a portion of the meadow site restoration plan to be completed this year. This agreement includes 1.6 hectares of tall grass areas to be maintained for five years. The tall grass and the remaining meadow area will provide areas of tall grass, as well as cold season forbs and grasses for a variety of species (birds, insects, etc.) over the long term.

Ducks Unlimited have installed a new water-control structure at **Mud Lake Conservation Area**. Their contractor took out the old structure and installed the new one in approximately five days. The water level in Mud Lake has not been affected. Everything is working properly and this project was fully-funded by Ducks Unlimited. There was little to no effect on the property or its ability to be enjoyed by the public.

THE NUMBERS

\$12,711,912 2016 Gross Approved
Budget

Total Expenditure to
Date **\$4,849,400**

157

Planning Act
Applications (YTD)

155

Building Permit
Applications (YTD)

112

Building Permits
Issued (YTD)

163 Hunting Permits
Issued (YTD)

127 Site Visits by Watershed
Ecological Technicians (YTD)

48 Property Information
Requests (YTD)



published by the NPCA communications office



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Report To: Board of Directors
Subject: 2016 Q2 Capital Projects Quarterly Update
Report No: 77-16
Date: July 20, 2016

RECOMMENDATION:

That Report No. 77-16 be **RECEIVED** for information.

PURPOSE:

To provide Board members with a quarterly report on the 2016 Capital Projects, Operations Department.

BACKGROUND:

A detailed Projects Calendar is attached as Appendix 1.

Asset Inventory data collection work that was completed in 2015 has been uploaded to the new asset management software. Maintenance/ Condition Reports are submitted to Field Staff Monthly and updated in the system the next month. New assets in 2016 are currently being uploaded.

DISCUSSION:

The Operations Team has a Draft 15-Year Capital Budget completed.

Park and Senior Staff have done the first of two Seasonal Campers' meetings at both Chippawa Creek and Long Beach. They took place on Saturday June 11, 2016. Both meetings were well attended. Campers have commented that they have appreciated the opportunity to provide input and feedback with respect to their camping experience. Campers have seen some significant capital improvements as they returned to the campgrounds this season.

FINANCIAL IMPLICATIONS:

Financial Totals are for money already spent or money committed to spend that may not have been processed at the time of the creation of this report.

RELATED REPORTS AND APPENDICES:

1. Appendix 1: Updated 2016 Capital Projects Calendar

Prepared by:



Gregg Furtney
Acting Manager of Strategic Initiatives

Reviewed by:



Mark Brickell
Acting Director of Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

Projects Calendar for 2016

Conservation Area	Project Description	Reference No.	B U D G E T	Pr. Lead	Project Schedule												ACTUAL EXPENSES
					Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
Ball's Falls CA	Zero Turn Lawn Mower	BF - 2016 - 01	\$ 25,000.00	J.F.			Completed										27,683.87
	Fury Cabin Refurbishment	BF - 2016 - 02	\$ 20,000.00	N.D.									Initiated				-
	Replace Footbridge to Lower Falls	BF - 2016 - 03	\$ 5,000.00	N.D.													891.57
	Re-roof the Cabin - Cedar Shingles/Church Roof Repair	BF - 2015 - 04	\$ 7,000.00	N.D.												Initiated	-
	Enclosed Cargo Trailer	BF - 2016 - 04	\$ 15,000.00	N.D.					Completed								14,823.53
	WI-FI Enhancements (Streaming)	BF - 2016 - 05	\$ 16,980.00	J.F.					Completed								16,980.00
	Additional Audio System Microphones	BF - 2016 - 06	\$ 18,855.18	J.F.					Completed								18,855.18
	TOTAL:		\$ 107,835.18														
Binbrook CA	Canada 150 Splash Pad	BB - 2016 - 01	\$ 500,000.00	R.S.													7,139.64
	Fishing Pier/ Dock	BB - 2016 - 02	\$ 45,724.00	R.S.													38,988.50
		BB - 2015 - 01	\$ 28,000.00														4,639.13
	Lifeguard Station	BB - 2016 - 03	\$ 2,500.00	M.B.													-
	Scoping of Water System Upgrades	BB - 2016 - 04	\$ 5,000.00	M.B.													6,647.06
	Comfort Station Upgrades/ Improvements	BB - 2016 - 05	\$ 25,000.00	R.S.													24,789.65
	Splash Pad System Building	BB - 2016 - 06	\$ 25,000.00	R.S.													-
	Scoping of Proposed Electrical Upgrades	BB - 2016 - 07	\$ 3,000.00	M.B.													2,825.00
	Trail Network Improvements	BB - 2016 - 08	\$ 20,000.00	M.B.													-
	Replacement Picnic Table Frames	BB - 2016 - 09	\$ 10,000.00	M.B.													9,915.75
	POS System	BB - 2016 - 10	\$ 5,000.00	M.B.													-
	Comfort Station Roof	BB - 2016 - 11	\$ 10,000.00	R.S.													7,206.16
	Scoping of Wastewater System	BB - 2016 - 12	\$ 20,000.00	M.B.													-
	Metal Roof - Pavilion 2	BB - 2015 - 02	\$ 15,000.00	R.S.													9,116.71
	Splashpad Health and Safety Improvements	BB - 2015 - 03	\$ 30,000.00	M.B.													14,235.13
	Water Softening System for Splashpad	BB - 2015 - 05	\$ 7,500.00	M.B.													6,633.10
	Kubota Salt Spreader	BB - 2015 - 06	\$ 2,500.00	M.B.													2,079.20
	Kubota Cab Enclosure	BB - 2015 - 07	\$ 2,500.00	M.B.													2,194.10
	Wind Curtain - Pavilion #2	BB - 2015 - 08	\$ 5,000.00	M.B.													6,768.70
	Kayak Condo	BB - 2015 - 09	\$ 25,000.00	M.B.													20,897.80
Gazebo - Fall of 2016 to coincide with Splashpad	BB - 2015 - 10	\$ 35,000.00	M.B.													1,130.00	
TOTAL:		\$ 821,724.00															165,205.63



■ Initiated
 ■ Not Initiated
 ■ On Hold
 ■ Completed

Report To: Board of Directors

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

Report No: 78-16

Date: July 7, 2016

RECOMMENDATION:

THAT Report No. 78-16 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 June 6, 2016 include:

- Harvest operations approved under Good Forestry Practices (GFP) permits in woodlots located in Niagara Falls and Fort Erie are in progress. Operations are being routinely monitored by the NPCA Forester to ensure conformance with permit conditions and operating conditions are suitable.
- Conducted a site visit with a woodlot owner in Thorold interested in managing/harvesting their forest. Provided forestry advice on what steps could be taken and gave them instructions on how to obtain a Good Forestry Practices permit
- Dealt with two tree cutting complaints associated with woodlands in Lincoln and St. Catharines. The complaint in Lincoln is still being investigated. The works in St. Catharines were halted before a Bylaw non-compliance was created.
- Completing 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 July 31, 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.

- Responded to complaints from property owners adjacent to CA properties in Grimsby and Lincoln. The complaints involve potential hazard tree damage from declining ash trees located on authority property. These trees pose a risk as individual ash trees decline from Emerald Ash Borer (EAB) infestation. Hazardous trees are being marked by the NPCA Forester and then assigned to operations staff to remove.
- Received a summons to attend an OMB hearing on June 29 related to a property with proposed development in Grimsby. The property has woodland that is covered by the Bylaw. Did not provide any testimony as the hearing was adjourned until November 2016.

FINANCIAL IMPLICATIONS:

None

RELATED REPORTS AND APPENDICES:

None

Prepared by:

Dan Drennan

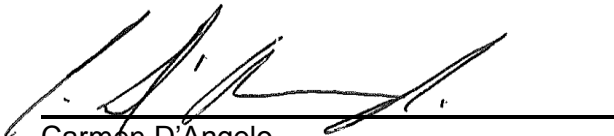
Dan Drennan,
R.P.F; Forester

Reviewed by:



Peter Graham
Director, Watershed Management

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer

Report To: Board of Directors
Subject: 2016 Niagara Children's Water Festival
Report No: 79-16
Date: July 20, 2016

RECOMMENDATION:

That Report No. 79-16 be **RECEIVED** for information.

PURPOSE:

To provide Board members with an overview of the 2016 Niagara Children's Water Festival held at Ball's Falls.

BACKGROUND:

The Niagara Children's Water Festival was established in 2003 as the result of the shared vision between the Niagara Peninsula Conservation Authority, Niagara Region, City of St. Catharines, and Ontario Power Generation.

The partner organizations recognized the significance of teaching children about the importance and diversity of water and how they can make informed decisions that will affect future generations. The result was the creation of a fresh approach to promote and develop an outdoor educational program that would stimulate public understanding and change.

DISCUSSION:

The 13th annual Niagara Children's Water Festival took place May 10th through 13th at Ball's Falls Conservation Area in Jordan, Ontario. The event was directed to grade 3 and 4 students. More than 4,700 children, along with teachers and parents, attended this year's festival. It's important to note that 100 volunteers were required each day to make this event a great success.

The festival is based on five components: science, technology, conservation, protection and attitude. Through discovery and learning participants explore the past, present and future environments of water in Niagara through interactive discovery centres. Each participant is encouraged to take the knowledge gained at the festival and share it with others to act for a sustainable future.

New partnerships with Trout Unlimited Canada and Land Care Niagara were forged in relation to activity centre development.

In addition to the already great 33 activities--3 new activity centres were developed for the event, Duck Race, Go Fish and Water Recreation. All were greatly enjoyed by the students!

This year saw new investments in overall event signage, new activity centre educational aids, and class size colourable, reusable banners.

Great strides were also made to the waste management side of the event—completely compostable forks, knives, spoons and plates were introduced—making lunch time a waste free environment!

Much positive feedback was received from teachers and volunteers about the shift in the festival to the month of May.

Media coverage for the day included an article in the St. Catharine's Standard and a video by CogecoTV

<http://www.stcatharinesstandard.ca/2016/05/13/water-fest-makes-splash-with-students>

<http://www.tvcogeco.com/niagara/gallery/the-source/7937-may-2016/108026-npca-water-festival>

FINANCIAL IMPLICATIONS:

Within the 2016 Operating Budget.

ATTACHMENTS:

2016 Niagara Children's Water Festival Summary Report

Prepared by:

Brianne Wilson
Events Coordinator

Reviewed by:



Mark Brickell
Acting Director of Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer
Secretary Treasurer



2016 Niagara Children's Water Festival

This summary report provides detailed information on the execution and success of the 2016 Niagara Children's Water Festival. Contained within, you will find detailed tables, charts, photos of the event, recommendations and feedback.

Niagara Peninsula Conservation
Authority
250 Thorold Road West, 3rd
Floor
905.788.3135
905.788.1121
2016-06-30

Prepared by: Brianne Wilson

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Executive Summary

The 2016 Niagara Children's Water Festival (NCWF) was held during the second week of May from the 10th to the 13th at the picturesque Ball's Falls Conservation Area in Jordan, Ontario. This was the 13th annual festival which was hosted in partnership by the Niagara Peninsula Conservation Authority, Niagara Region, City of St. Catharine's and Ontario Power Generation. The NCWF was developed to educate school aged children about the importance of our freshwater resources. Now in its 14th year of planning, changes to increase the number of children attending are being discussed along with ways to continue to improve the Festival content itself. This was the first year the event was moved to the spring season, and was widely approved by stakeholders, volunteers and teachers.

The 2016 Festival ran 51 activity centres that are based on five themes of learning. Each theme is related and connected to the Ontario School Curriculum. Additionally, many of the activity centres have a Niagara based context and will relate directly to the unique geography of this region.

The NCWF attracts more than 200 volunteers to participate over the 4-day time frame to successfully engage more than 4700 students, 220 teachers and 660 parents in water themed related activity centres. As with all popular events, waiting lists are inevitable. This year approximately 300 students were waitlisted for the event.

In order to transport the children to and from this remote site, considerations for transportation are taken into account to address mobility and access issues. More than 30 school buses were arranged per day to transport the students on and off site. Accessible buses also were booked to ensure event inclusivity. All transportation costs are funded through the Festival budget, which maintains inclusivity for this event.

Considerations into site logistics, i.e. festival timing, activity centre location, are all taken into account. Discussions surrounding tent locations, activity locations, lunch tent locations, signage and site mapping occur during the months leading up to the festival. Discussions continue to take place after the festival and leading up to the next festival to determine what will work best for the event. All logistical issues are taken into account and contingencies are put into place to ensure a smoothly run event.

The 2016 NCWF attracted volunteers from many different environmental organizations from both the public and private sectors. The festival was able to attract volunteers from education institutions, financial institutions as well as unaffiliated individuals. Each day more than 85 adult volunteers were required to ensure the festival ran smoothly. An additional 40 high school student volunteers were recruited to assist with the smooth running of the festival.

The 2016 NCWF was successful in attracting several media outlets to our event. TV Cogeco, the local TV organization spent an entire morning on site and put together a great piece of advertising. The piece was aired on local television as well as uploaded to the internet on YouTube. The St. Catharine's Standard, Niagara-this-week as well as the Welland Tribune all contacted the festival to discuss the addition of articles in their respective newspapers. A partnership with Science Odyssey also led to increased visibility.

The budget to run an event of this magnitude is significant. The fundraising required to ensure the bottom line target is met is substantial. With the costs of the festival always increasing, and the dollars of funding organizations becoming scarcer, it becomes increasingly difficult to operate a fiscally responsible event. Information related to the budgeting of this event is attached within the appropriately titled section of this

report. It should be noted that the most significant portion of this event is funded through the Niagara Region's Water and Wastewater Budget.

In the past, the NCWF has reached out to many local organizations to encourage them to financially participate in this very worthwhile event. Again this year, the NCWF was lucky to receive funding and sponsorship from several sources. The largest financial contributor at this year's event was the RBC foundation. \$5000 was received from the foundation and two separate activity centres were sponsored by that particular organization. Other sponsorship was derived from the Walker's Industries, City of St. Catharine's and Ontario Power Generation.

In an effort to continually improve our festival we have asked all volunteers and teachers to submit a survey which allows an opportunity for them to comment on areas where they believe we need improvement. Contained within this report are the comments and suggestions from these surveys. The Festival Committee believes that this feedback is crucially important in moving our festival forward and allowing us to make necessary changes where need be.

Over all the NCWF Committee is proud to have produced another successful festival and is proud to have influenced the water decisions of close to 6000 people over a 4-day period. Some of the recommendations from the feedback received and deliberations of Festival Committee include; increasing the number of days in which the festival runs, increasing the event sponsorship to offset the additional cost of operation, revisiting the logistics of the site in terms of bus transportation and tent locations.

At the end of the day the Festival Committee and all of the partners involved want to see the youth of today educated about the water resources they will be in charge of protecting in the future. This festival is accomplishing this and has come full circle as we have learned that some of the students who attended some of our first festivals are now coming back as lead volunteers who have chosen water related career paths in their post-secondary education choices.



Introduction

Now in its 14th year of operation the Niagara Children's Water Festival is considered one of the most successful festival's in the Province of Ontario. For the first time in its history, the event was held during the second week of May. This festival aims to educate grade 3 & 4 children about the importance of our precious freshwater resources.

This May, more than 4700 students descended upon Ball's Falls Conservation Area in Jordan, Ontario to be immersed in activities related to water conservation, attitude, protection, science, technology. Each activity is directly linked to the Ontario Elementary Curriculum and presented by professionals working in that field of business.



Figure 1: Ontario Power Generation Activity Centre

The festival is run by a steering committee comprised of members from the four major partners; Niagara Peninsula Conservation Authority, Niagara Region, City of St. Catharine's, and Ontario Power Generation. This committee is responsible for the planning and execution of the festival. Each partner organization has several members which sit on the committee and all are responsible for a major aspect of the festival from the logistics/scheduling, student transportation & safety, activity centre content and volunteer recruitment. The festival committee meets on a monthly basis to discuss challenges and ways to improve the festival.

Immediately upon the culmination of the NCWF, the next planning cycle begins by reviewing activity centres, volunteer and teacher feedback, and discussing site logistics.

Activity Centres

Activity centres are hosted by 14 different partnering organizations which are highlighted in Table 1 below.

Partnering Organizations	
Niagara Peninsula Conservation Authority	Niagara Region-Water and Wastewater
City of St. Catharine's	Ontario Power Generation
Niagara Region- Public Health; Environmental	Trout Unlimited
Niagara Region-Waste Management	Outdoors Oriented
Walker's Industries	Town of Lincoln-Fire Department
Land Care Niagara	Scientists in Schools
Niagara Restoration Council	and Mad Science of Niagara

Table 1: Partnering Organizations

Several organizations that graciously allowed the NCWF to modify their programs despite being able to send volunteers to run those activity centres. Ducks Unlimited Canada, Ontario Federation of Anglers and Hunters and Trout Unlimited Canada all have modified versions of their programs being implemented at the NCWF.



Figure 2: Earth First Activity Centre, Presented by Walker's Industries

In 2016, 51 activity centres were run and 216 individual school groups attended the festival each day. Table 2 below, lists each activity and its corresponding map number. The activity numbers identified by a letter represent a 30 minute station, while the remaining stations are all 15 minutes long.

Table 2: Activity Centres

Activity Number	Activity Centre Name	Activity Number	Activity Centre Name
BC	Beachy Clean	17	Great Niagara Taste Test
BG	BOG	18	Flush the Kids
E1	Earth First	19	Lock it up
FF	Fire	20	Alien Invasion
ML	Down at the Mill	21	Wet N Wild
MS	Mad Science	22	Rolling to the River
NN	Nuts about Nature Hike	23	The Power of Water
SS	Scientists in School	24	Duck Race
ST	Simply Treemendous	25	2 for 2
WR	Water Rec!	26	Keep it Clean
1	Lock it Up	27	Go Fish
2	To and Fro with H2O	28	Puddle Pictures
3	World Water Monitoring	29	Global Water Race
4	From Your Lake to Your Tap	30	Rolling to the River
5	2 for 2	31	Water Whirl
6	The Power of Water	32	Yellow Fish Road
7	Alien Invasion	33	Waste Water Recycle
8	Water Whirl	34	Duck Detectives
9	Yellow Fish Road	35	Climate Change
10	Climate Change	36	Wet N' Wild
11	Water Recycle	37	Great Niagara Taste Test
12	Duck Detectives	38	Great Lakes
13	Flush the Kids	39	The Incredible Journey
14	Great Lakes	40	Keep it Clean
15	Duck Detectives	41	Global Water Race
16	The Incredible Journey		

Registration

Registration for the 2016 NCWF began as a pre-registration in December of 2015, with teachers who initially registered for the cancelled 2015 event. From the initial distribution of the pre-registration, nearly half of the spaces within the event were filled.

An open call for registrations was advertised in January of 2016 with registration filling to capacity at the end of that month.



Figure 3: Global Water Race Activity Centre

in 2016 Cognito Forms was utilized collecting registration for both teachers and volunteers. This tool is effective, however there are now better solutions that would meet upgraded technological components such as SMS communications tools which are important for event communications as they are deployed immediately.

In 2016 a total of 4651 children attended the 2016 Niagara Children’s Water Festival. 220 teachers accompanied these children along with 465 parents for a total attendance of **5336** people over the four day time frame.

The breakdown of students per day is as follows:

- 1180 Students attended on Tuesday, May 10th along with 54 teachers and 118 parents.
- 1206 Students attended on Wednesday, May 11th with 54 teachers and 120 parents.
- 1141 Students attended on Thursday, May 12th, with 54 teachers and 114 parents.
- 1174 Students attended on Friday, May 13th, with 54 teachers and 132 parents.

Table 3: Water Festival Schools and Attendance Date

School	Date Confirmed to Attend		
St. Michael-Dunville	Tuesday May 10th	Covenant Christian School	Thursday May 12th
St. Therese	Tuesday May 10th	St. Peter	Thursday May 12th
Mother Teresa	Tuesday May 10th	Trail Ridge Montessori	Thursday May 12th

St. Mary-Welland	Tuesday May 10th	Fitch Street School	Thursday May 12th
ACRES	Tuesday May 10th	Senator Gibson	Thursday May 12th
Calvary Christian	Tuesday May 10th	Our Lady of Mt. Carmel	Thursday May 12th
Heritage Christian School	Tuesday May 10th	Saint Joseph	Thursday May 12th
Westmount	Tuesday May 10th	Winger	Thursday May 12th
John Marshall	Tuesday May 10th	Crystal Beach	Thursday May 12th
St. Ann (Fenwick)	Tuesday May 10th	St. Christopher	Thursday May 12th
Thompson Creek	Tuesday May 10th	Harriet Tubman	Thursday May 12th
St. Mary-NF	Tuesday May 10th	St. Alfred	Thursday May 12th
St. Joseph Snyder	Tuesday May 10th	St. Patrick (Port Colborne)	Thursday May 12th
McKay	Tuesday May 10th	Quaker Road	Thursday May 12th
Winona	Tuesday May 10th	Carleton	Thursday May 12th
Kate S Durdan	Tuesday May 10th	St. Patrick(Niagara Falls)	Thursday May 12th
AK Wigg- A	Tuesday May 10th	Park	Thursday May 12th
E.I. McCulley	Tuesday May 10th	Prince Philip	Thursday May 12th
Edith Cavell	Tuesday May 10th	Port Weller	Thursday May 12th
Gainsborough	Tuesday May 10th	Woodland	Thursday May 12th
Lincoln Centennial	Tuesday May 10th	EW Farr Memorial	Thursday May 12th
St. Kevin	Wednesday May 11th	St. Martin	Thursday May 12th
St Denis	Wednesday May 11th	Burleigh Hill	Thursday May 12th
Nelles	Wednesday May 11th	Cherrywood Acres	Thursday May 12th
Jeanne Sauve	Wednesday May 11th	Richmond Street	Friday May 13th
St. Elizabeth	Wednesday May 11th	St. Joesph(Grimsby)	Friday May 13th
Grapeview	Wednesday May 11th	Crossroads	Friday May 13th
St. Edward	Wednesday May 11th	Orchard Park	Friday May 13th
St. John School (Beamsville)	Wednesday May 11th	Connaught	Friday May 13th
Victoria Public School	Wednesday May 11th	St. Anthony	Friday May 13th
Valley Way School	Wednesday May 11th	Westdale	Friday May 13th
St. Nicholas	Wednesday May 11th	Lakeview	Friday May 13th
Applewood	Wednesday May 11th	Our Lady of Fatima	Friday May 13th
Martha Cullimore	Wednesday May 11th	St. Mark	Friday May 13th
St. Michael(NOTL)	Wednesday May 11th	Ecole LaMarsh	Friday May 13th
DeWitt Carter	Wednesday May 11th	W.H. Merritt	Friday May 13th
Jacob Beam	Wednesday May 11th	Holy Name	Friday May 13th
Heximer	Wednesday May 11th	James Morden	Friday May 13th
Seneca Central Public School	Wednesday May 11th	Garrison Road	Friday May 13th
Oakwood Public School	Wednesday May 11th	St. Philomena	Friday May 13th
Greendale Public School	Wednesday May 11th		

By far the largest majority of class types attending the Niagara Children’s Water Festival are straight Grade 3 classes. They represented 32% of the class type at the 2016 festival followed by Grade 3/4 and 4 classes. Overall students in Grade 3 & 4 represent over 85% of the students in attendance. The remaining 15% is divided evenly between Grades 2 and 5 students. Table 4 below represents the number of classes which attended by type for the 2016 NCWF



Table 4: Class Attendance by Grade Level

Class Type	Number Attended
Grade 2/3	37
Grade 3	69
Grade 3/4	38
Grade 4	42
Grade 4/5	30
Total	216

Figure 4 below provides a visual breakdown of the class types and their associated numbers that attended the 2016 Niagara Children’s Water Festival.

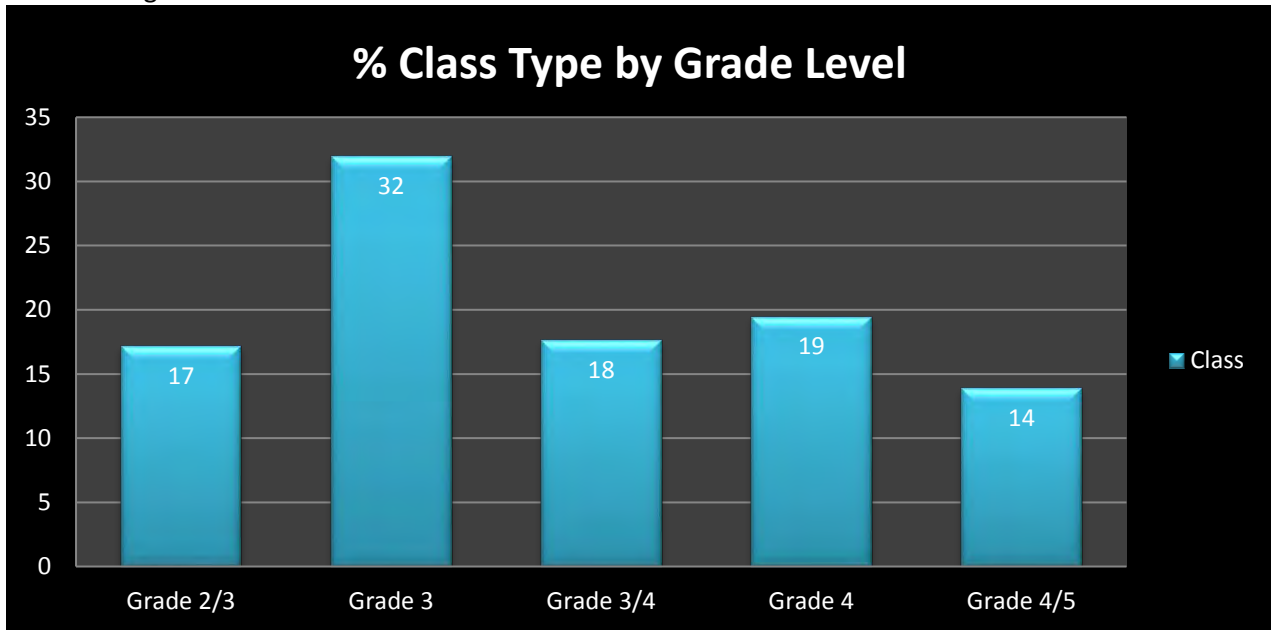


Figure 4: Class Breakdown by Grade Level

Volunteers

Volunteers play a vital role in the successful execution of the Niagara Children’s Water Festival. Without the generous help of all of the dedicated volunteers, every aspect of the Water Festival just wouldn’t run as smoothly and efficiently as it does.

Volunteer recruitment for the NCWF never ends. As one festival culminates the recruitment for the next begins. Determining new ways to attract volunteers, and new organizations to reach out to for volunteers is an ongoing task.

Volunteers are required in every aspect of the festival. Volunteer duties include:

- Run activity centres,
- Provide information to festival registrants,
- Coordinate and organize the transportation requirements,
- Ensure efficient operation of activity centre by distributing power and water,

- Food distribution and handling,
- Crossing guards and student safety,
- Recycling and Refuse Attendants,
- Teacher package assembly,
- Timing and Logistics,
- Lunch tent coordinators,
- Festival Set up and Tear Down,
- High school Volunteer Coordinator,
- Parent and Volunteer Parking Assistants.
- First Aid Attendants

In 2016 NCWF volunteers were recruited from the following organizations;

- Niagara Peninsula Conservation Authority
- Niagara Region-Water and Wastewater
- Niagara Region-Public Health-Environment Unit
- Niagara Region-Transportation
- Niagara Region-Waste Management
- City of St. Catharine's
- Ontario Power Generation
- Walker's Industries
- Town of Lincoln Fire Department
- Niagara College
- Niagara Restoration Council
- Land Care Niagara
- Trout Unlimited-Niagara Chapter
- Royal Bank of Canada-Fonthill Branch
- Ministry of the Environment
- Private Consulting Firms
- Independent Volunteers

The volunteer breakdown for adult volunteers by day is as follows;

74 Volunteers on Tuesday
 79 Volunteers on Wednesday
 81 Volunteers on Thursday
 78 Volunteers on Friday

In total there were 312 lead volunteer positions filled at the 2016 Niagara Children's Water Festival

In addition to the many adult volunteers that assist with running the Niagara Children's Water Festival, there are many secondary school student volunteers that donate their time not only during the school day, but also on the weekend prior to the event.

On Sunday, May 8th, 8 Secondary School volunteers from assisted with the set-up of the Niagara Children's Water Festival Event.



Figure 5: High School Volunteers

During the course of the school program, secondary school students from; Samford Secondary School, Sir Winston Churchill School, Denis Morris Secondary School and Niagara Christian College assisted with the execution of the activities centres, acted as recycling/refuse attendant and assisted with registration.

The following is a breakdown of which schools and how many students attended the Niagara Children’s water Festival.

Date	Number of Students	Secondary School
Tuesday, May 10 th	43	Sir Winston Churchill
Wednesday, May 11 th		Stamford Secondary School
Thursday, May 12 th		Denis Morris & NCC
Friday, May 13 th		Sir Winston Churchill

Table 5: Secondary School Volunteer Numbers

In total there were 176 Secondary School Students who assisted with the successful execution of the Niagara Children’s Water Festival.

In 2016 the Niagara Children’s Water Festival saw a total of **508** volunteer positions filled over the course of the 4-day event.

Transportation

Transportation to and from the Water Festival is one of the largest considerations in terms of budget dollars. School bus transportation was ordered from two different transportation companies throughout the Niagara Watershed which numbered **136** busses for the event. This year there was a change in the way transportation was handled, by offering two distinct bussing zones for student pick up and drop off. This was

implemented to alleviate the distance the young students would need to travel to their first activity centres. Bus zones were set up on both the east and west sides of twenty-mile creek.

The breakdown of buses ordered by company is as follows;

Bus Company	Buses Ordered
DanNel bus lines	63
STC Bus lines	73

Table 6: Bus Breakdown by Company

The table below indicates the number of buses required each day of the festival to transport students to and from the Festival Site at Ball’s Falls Conservation Area.

Date	Number of Buses	Number of Schools	Wheelchair Buses
Tuesday, September 17 th	33	21	0
Wednesday, September 18 th	36	25	1
Thursday, September 19 th	36	26	0
Friday, September 20 th	31	16	0

Table 7: Number of buses by company and date of attendance

In addition to school bus transportation, students with mobility issues were offered transportation from their buses to the lunch tents via electric golf carts.



Figure 6: Making the Trip from the Buses

Two Transportation Coordinators were utilized to ensure busing safety on site. Transportation coordinators helped direct traffic flow, and ensured teachers were aware of where their first activity centre was located. Transportation coordinators would be made aware of any late arriving buses as well as and wheelchair buses to the site.

Logistics

A new 40'x120' marquis tent was erected for the first time by NPCA staff for its use at the NCWF. The purchase of this tent was funded through the 2015 carried over budget. New signage was also purchased for the event from the carry over budget, as well as new colourable banners.

In order to ensure the smooth operation of the Festival many “behind the scenes” staff were responsible for ensuring activity centres had an adequate supply of water, power and material required for the day.

A Team, affectionately named the “go to guys” was responsible for the distribution of water and electrical resources to activity centres as required. The same individuals were also called upon in the event that an activity centre needed onsite repairs or caretaking.

In terms of the daily schedule, 10, fifteen minute sessions take place over the course of the day beginning at 10:05 a.m. and ending at 1:20 p.m. A forty-minute lunch is included within this schedule. Students begin to arrive on site anywhere from 9:20 a.m. until 10:15 a.m. with the large majority arriving between 9:40 a.m. and 9:55 a.m.

Each class remains in one “learning area” for the duration of their time at the festival. This helps to alleviate large amounts of walking and helps to ensure students arrive at activity centres in a timely fashion.

This year, the addition of large colourable banners at each lunch tent was deemed to be very helpful while trying to ensure students were kept busy during their longer than normal lunch period.

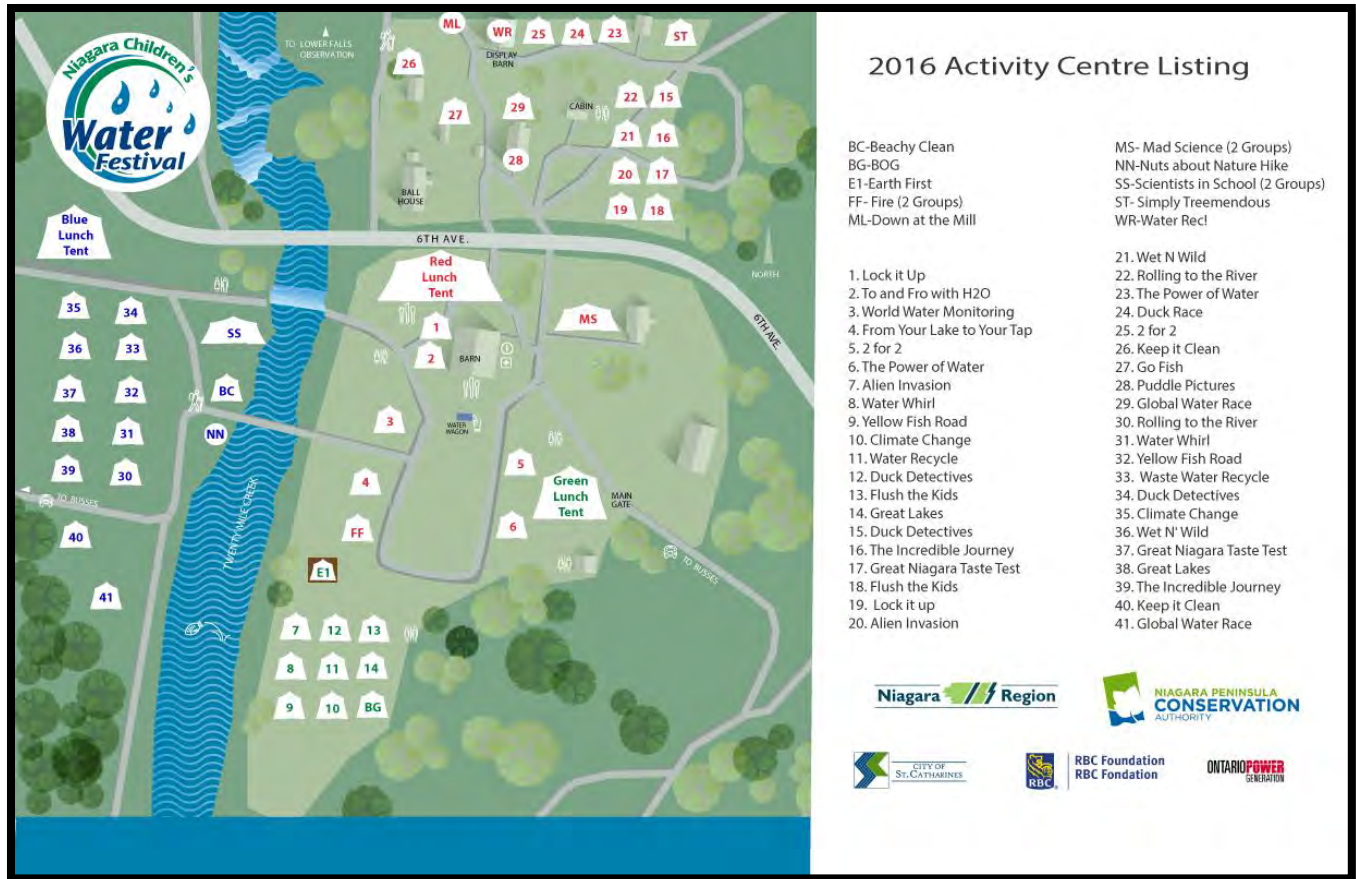


Figure 7: Niagara Children's Water Festival Site Map

The timing of the event was taking care of by the logistics team, who would move the students from centre by center by signaling the end of the activity by blowing an air horn. The appropriate timing of this signal is crucial as the entire event's timeline and schedule is dependent upon it.

Media

The Water Festival received a good amount of media coverage for the event. The St. Catharine's Standard and TV Cogeco both covered the event.

St. Catharine's Standard Link:

<http://www.stcatharinesstandard.ca/2016/05/13/water-fest-makes-splash-with-students>

TV Cogeco link

<https://www.youtube.com/watch?v=AGHaICriCCU>

A photographer from Science Odyssey, a program run by Natural Sciences and Engineering Research Council of Canada, also attended the event.

Sponsorship

The 2016 Niagara Children’s Water Festival was fortunate enough to successfully attract sponsorship dollars to the event.

Sponsorship dollars were received from the Royal Bank of Canada’s Blue Water Grant, Ontario Power Generation, Children’s Water Education Council, and Modern Corporation.

Not only did these sponsor provide much needed financial support, they also sent volunteers to the event to lead activity centres and present to the children who attended the festival. Without the generous support of these sponsors, our event would not be the success that it is.

Operations Budget

It takes a significant amount of funding to ensure a successful Water Festival event. The budget for this event is \$90,900. A significant amount of that budget is derived from Niagara Region’s Water and Wastewater Rates.

Note: Budget does not include staff wages and benefits

STAFF MILEAGE	1,000.00
STAFF EXPENSES	1,000.00
VEHICLE CHARGEBACK	0.00
EQUIPMENT PURCHASE	9,100.00
EQUIPMENT RENTAL	6,000.00
MATERIALS & SUPPLIES	8,100.00
CONSULTING SERVICES	5,100.00
BUS RENTALS	30,300.00
TENT RENTAL	25,000.00
CATERING	4,100.00
MISCELLANEOUS	1,200.00
	90,900.00

Table 8: Budget Resources

Conclusions

The 2016 Niagara Children’s Water Festival overall was a very successful event that educated many different levels of participants. All of the children, teachers and parents left Ball’s Falls with more knowledge surrounding our precious freshwater resources than they came with, and that in itself makes the festival a successful one! Knowing that the information they learned will be retained, because of the hands on and interactive nature of the event, makes the event that much more successful. The inclusivity of the event means that everyone, regardless of any limitation, has the opportunity to be engaged in a vitally important topic, our freshwater resources. The community partners that support this event through financial and human resources, should be very proud of the influence and knowledge they have provided to the next generation of community leaders.

Report To: Board of Directors

Subject: Prioritization of BMPs to Improve Water Quality

Report No: 80-16

Date: July 20, 2016

RECOMMENDATION:

That Report No. 80-16 regarding the prioritization of Best Management Practices to improve water quality be received for information.

PURPOSE:

The purpose of this report is to provide an update on the implementation of best management practices (BMPs) and initial recommendations on how best to improve the water quality in NPCA's watercourses. This report aligns with NPCA's mandate to advocate and implement programs that "improve the quality of lands and water within its jurisdiction".

BACKGROUND:

The 2016 NPCA Annual Water Quality Monitoring Report was presented to the NPCA board in June 2016. It summarizes the results of the water quality monitoring program for 2015. The report indicated that water quality in watercourses across the NPCA is generally poor and has shown only minimal improvement since the program's inception in 2001. As a result, staff were directed to provide an update on current BMPs and recommendations on how to improve the water quality in NPCA's watercourses.

Improving the quality of water in NPCA's watercourses is a challenging and complex task. There are many factors, such as human activities, soil conditions, land cover, types of pollutants, etc. that affect water quality.

In order to provide context, a brief overview of the key pollutants and their causes is provided below, followed by a description of NPCA's Restoration Program aimed at improving water quality within its watershed. Finally, some initial strategies for improving the water quality are considered.

Non-Point Sources of Pollutants

The degradation of water quality in the NPCA watershed is mainly due to Non-Point Source (NPS) pollution. Providing controls for NPS pollution can be challenging because there is no single identifiable source. In the NPCA watershed, NPS pollution from agriculture is the primary stressor of water quality. Pollutants from agriculture that degrade water quality include nutrients, sediment, and bacteria.

For example:

- Increased nutrient loads (phosphorus and nitrogen) accelerate eutrophication (the over-enrichment of nutrients in water) resulting in low dissolved oxygen in water (which can kill fish), odour problems from rotting algae and reduced aesthetic value.
- Excessive sediment loads degrade wildlife habitat, elevate dredging cost, and reduce storage capacity within the watercourse.
- Bacteria loading results in beach closing and potential contamination of water sources.

Point-Sources of Pollutants

While the poor water quality across NPCA is mainly due to non-point sources, some water quality impairment is due to point sources of pollution. NPCA water quality staff have been undertaking track-down studies and working with municipalities to determine these point sources. For example, a recent track-down study indicated the cause of high bacteria counts in one particular stream was likely due to an illegal sanitary sewer connection to the storm water system. The municipality is following up to pinpoint the location or property of concern so they can correct the problem.

WHAT CAN WE DO ABOUT THE WATER QUALITY?

Best Management Practices (BMPs) are well-known and are used extensively and successfully to improve water quality from NPS pollution. The success of BMPs is based upon minimizing the entry of pollutants to waterbodies generated from land-use activities. For example, riparian buffers along watercourses help to decrease the amount of nutrient entering the watercourse from adjacent fields/properties.

NPCA Restoration Efforts

The Watershed Restoration Program is responsible for improving water quality, water quantity and natural habitat within the NPCA Watershed. The Restoration Program advances these areas in part through the implementation of NPCA's comprehensive watershed plans. Three key functions of the Restoration Program are:

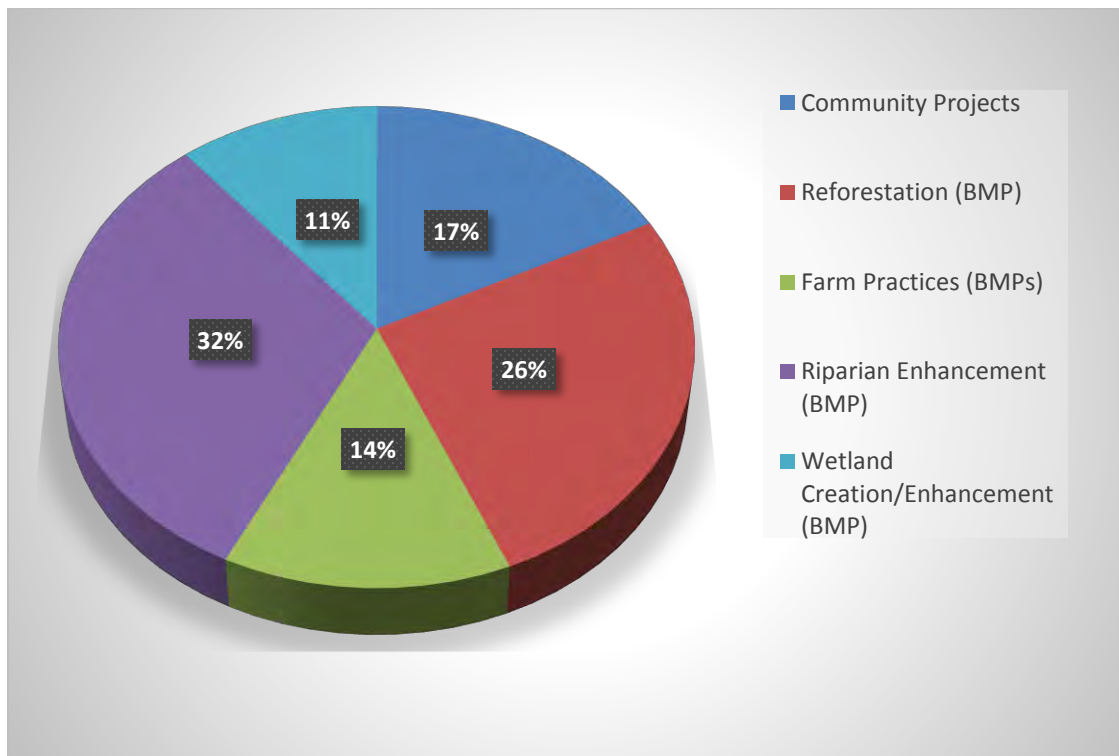
1. Water quality and habitat improvement
2. Landowner / stakeholder outreach & engagement
3. Technical advice and support

Over the last 25 years, the NPCA Restoration program has undertaken many projects to help protect and improve water quality in Niagara. These include projects such as:

- Restricting livestock from watercourses and providing alternate watering systems and crossings
- Implementing nutrient management best practices for manure storage and handling
- Implementing nutrient management wastewater improvements ((i.e. milkhouse wash-water)
- Implementing other Conservation Farm Practices including erosion control structures, sediment control structures, sediment basins, trickle irrigation
- Constructing buffer strips, creating riparian habitat, etc.

Figure 1 below shows the different types of projects that have been carried out since the inception of NPCA's Restoration Program.

Figure 1 – Restoration Projects by Type (1991 – 2014)



A map showing Restoration Projects by project type by location is included as **Attachment #1**.

The current criteria used to evaluate projects for funding Restoration projects includes:

- Landowner participation and cooperation
- Projects that have a direct link to water quality or habitat improvement
- Project cost is reasonable for the expected benefits. (i.e. cost / benefit analysis)
- Does the project offer educational opportunities?

While it is difficult to attribute water quality improvements to a specific restoration project, positive trends in water quality parameters, where restoration was a contributing factor, include decreases in total suspended solids in some Twelve Mile Creek tributaries (i.e. at monitoring stations; TW001, TW002, TW005, and TW008).

Prioritization of Watersheds based on Water Quality Impairment

The following is a fairly simple yet effective approach to prioritize BMPs by Watershed Planning Area. A map showing these Watershed Planning Areas (WPAs) is provided in **Attachment 2**. The following four key water quality parameters that are indicative of NPS pollution were used initially to rank watersheds across NPCA:

- Total Phosphorus,
- Total Suspended Solids,
- *E. coli*, and
- Nitrate

More detailed descriptions of these parameters are provided in **Attachment 3**.

Median concentrations for each of the above-noted four parameters were calculated using NPCA monitoring data from 2011 to 2015. Each Watershed Planning Area was then ranked using these results. Rankings were calculated by first sorting (highest to lowest) the median concentrations of Total Phosphorus, then Total Suspended Solids, then *E. coli* and finally Nitrate for all WPAs. This calculation gave the most weight to Total Phosphorus and the least to Nitrate with the weight given to each parameter reflecting its relative contribution to NPS pollution.

Based strictly on these four parameters the watershed planning areas can be prioritized as shown in Table 1 (below). This is not to infer that restoration efforts in other WPAs should be ignored or abandoned. For example, Twelve Mile Creek is NPCA's only stream able to sustain cold-water brook trout. The long term sustainability of this fish species in Niagara could be jeopardized if Upper 12 Mile Creek is not treated as a priority and water quality is allowed to decline.

Table 1. BMP Priority Level based on the Watershed Planning Areas

Watershed Planning Areas	BMP Priority Level	Median Concentrations 2011-2015			
		TP (mg/L)	TSS (mg/L)	E. coli (cfu)	NO3-N (µg/L)
Big Forks Creek	1	330	10	82	860
South Niagara Falls	2	189	15	141	500
Central Welland River	3	184	20	161	367
Upper Welland Creek	4	167	25	137	226
15-16-18 Mile Creek	5	167	16	117	1053
Twenty Mile Creek	6	156	13	190	476
Beaver Dams and Shriners Creek	7	157	7	118	355
Lake Erie North Shore	8	143	8	241	280
Grimsby	9	130	6	392	457
Fort Erie	10	112	15	174	164
St. Catharines Urban	11	107	4	1200	560
One Mile Creek	12	100	5	525	830
Niagara-on-the-Lake	13	94	9	561	394
Lower Welland River	14	90	8	90	339
Twelve Mile Creek	15	50	10	184	1174
Water Quality Guideline/Objective		30	25	100	2300

In addition, it should be noted that this method used to rank WPAs represents only a first step in the prioritization process. Advanced modelling software such as the Soil and Water Assessment Tool (SWAT) or Agricultural Nonpoint Source Pollution Models (AGNPS), that incorporate additional parameters such as water quality parameters, land-use, forest conditions, wetland conditions, habitat type and water quantity, provide a much more robust analysis of the water quality issues. It is recommended that this type of computer analyses be used in fine-tuning BMP restoration initiatives in NPCA's watershed.

The Use of Watershed Plans

The difficulty of improving water quality is too immense for the Restoration Program to correct on its own. Watershed plans and sub-watershed plans are first needed to developed an overall strategy in each watershed planning area.

Watershed plans are developed to help protect the long term health of the ecosystem within the watershed, as land uses change over time. The Watershed Plans do this by managing the land/water interactions, aquatic life and other water resource elements within the watershed. Water quality is a central part of this watershed management planning process.

The main elements of a watershed management plan include:

- Goals and objectives
- Watershed issues and stressors
- Hydraulics and hydrology,
- Terrestrial and aquatic biology
- Fluvial geomorphology
- Hydrogeology, and
- **Water quality**

Watershed Plans provide a framework and structure to systematically address issues in the watershed including water quality. They provide direction and specific recommendations on how best to meet the goals and objectives of the watershed plan. For instance, if one of the goals of the Twelve Mile Creek Watershed Plan is to sustain cold water Brook trout, then the plan will contain recommended actions to accomplish this goal. The same would be true for water quality goals/objectives in the watershed.

An integrated and comprehensive approach to water management has consistently shown to be the best approach when dealing with such a complex topic. It is subsequently not surprising that Twelve Mile Creek, which has had a watershed plan in place for 10 years, has some of the best water quality in the NPCA. Conversely, Big Forks Creek, which has never had a watershed plan, contains some of the poorest water quality (based on Table 1 results above).

The use of watershed plans is critically important and highly recommended to provide a structured, scientific and systematic approach to improving water quality in NPCA watersheds. In 2012, NPCA discontinued its watershed planning program before plans for all watersheds were completed. NPCA is currently completing a study (gap analysis) to establish a framework for Watershed Planning with prioritized recommendations on what should be completed, in the event watershed planning process is restarted. The study is also looking at what updates are needed to existing plans, considering changes in provincial legislation since the original watershed plans were developed. The study report is expected to be completed by the end of the year.

SUMMARY

Water quality in NPCA's watercourses is generally poor and has improved little since the water quality monitoring program commenced in 2001. NPCA's Restoration Program promotes the use of BMPs to help improve the water quality. BMPs are most effective in areas where watershed plans are in place to provide the framework and direction for improving water quality.

As a first step, this report has identified which watershed planning areas are most in need of BMPs, based on water quality results. However, a comprehensive approach to addressing water quality issues caused by non-point sources of pollutants is needed. An integrated watershed approach using watershed plans and software modelling programs is strongly recommended as the preferred approach.

NEXT STEPS

Staff will be preparing a more comprehensive strategy to address non-point-source water quality problems in NPCA. The detailed strategy will include an integrated approach to addressing water quality issues, using the watershed planning process as the basic framework.

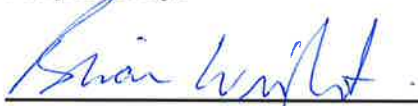
The Water Quality team will continue to undertake track-down studies to identify and help correct point-sources of pollutants (such as illegal sewer connections).

An updated report with an integrated strategy and estimated resources and costs for completing these next steps will be provided to the board before the end of the year.

RELATED REPORTS AND APPENDICES:

1. Attachment 1: Map showing Restorations projects by project type and location
2. Attachment 2: Table showing descriptions of the water quality parameters; Total Phosphorus, Total Suspended Solids, *E. coli*, and Nitrate.
3. Attachment 3: Map showing Watersheds Planning Areas
4. NPCA Board Report 67-16 including the 2016 NPCA Annual Water Quality Report

Prepared by:



Brian Wright, P.Eng.
Manager, Watershed Projects

Reviewed by:



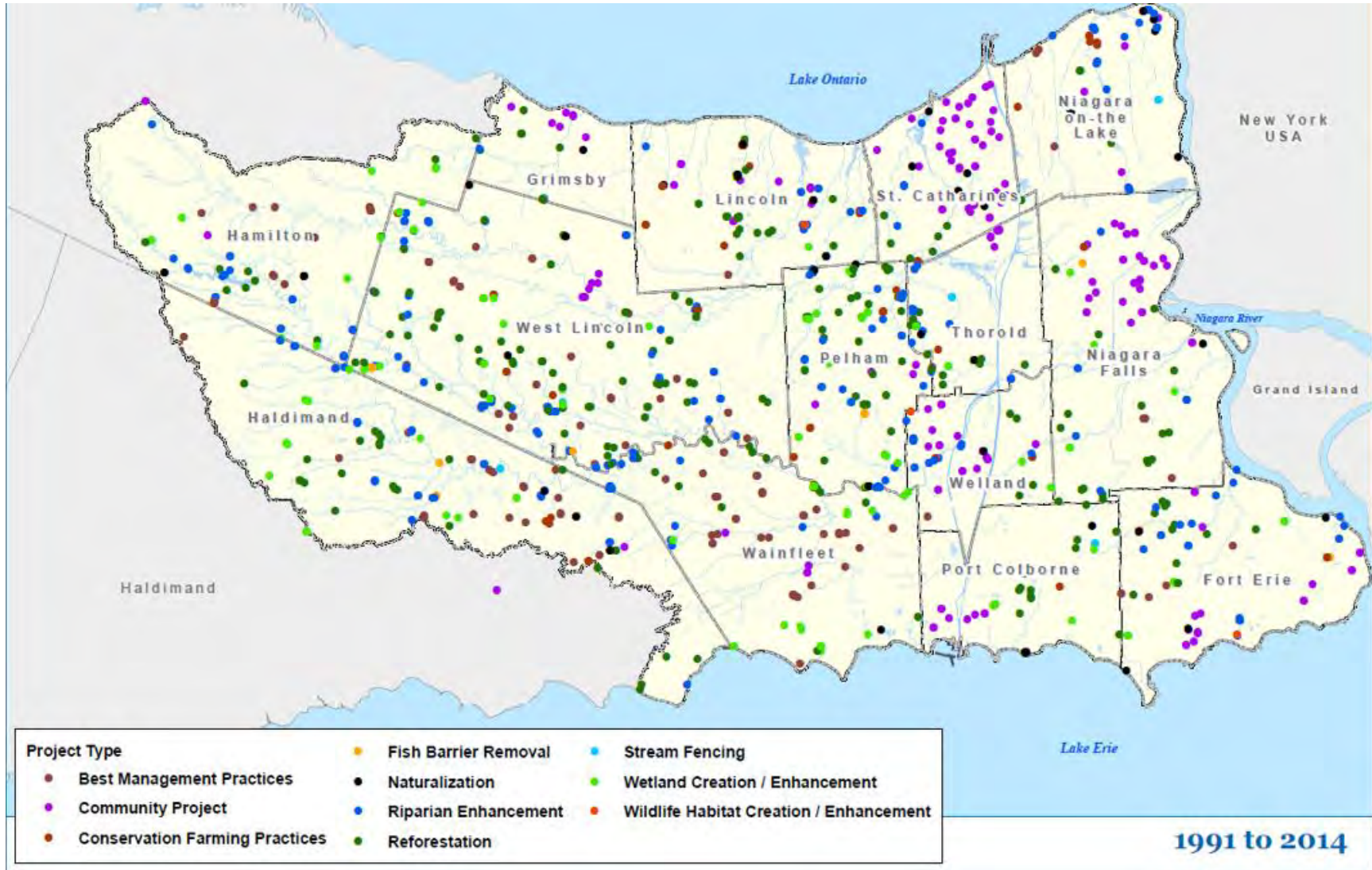
Peter Graham, P.Eng.
Director, Watershed Management

Submitted by:



Carmen D'Angelo
Chief Administrative Officer / Secretary Treasurer

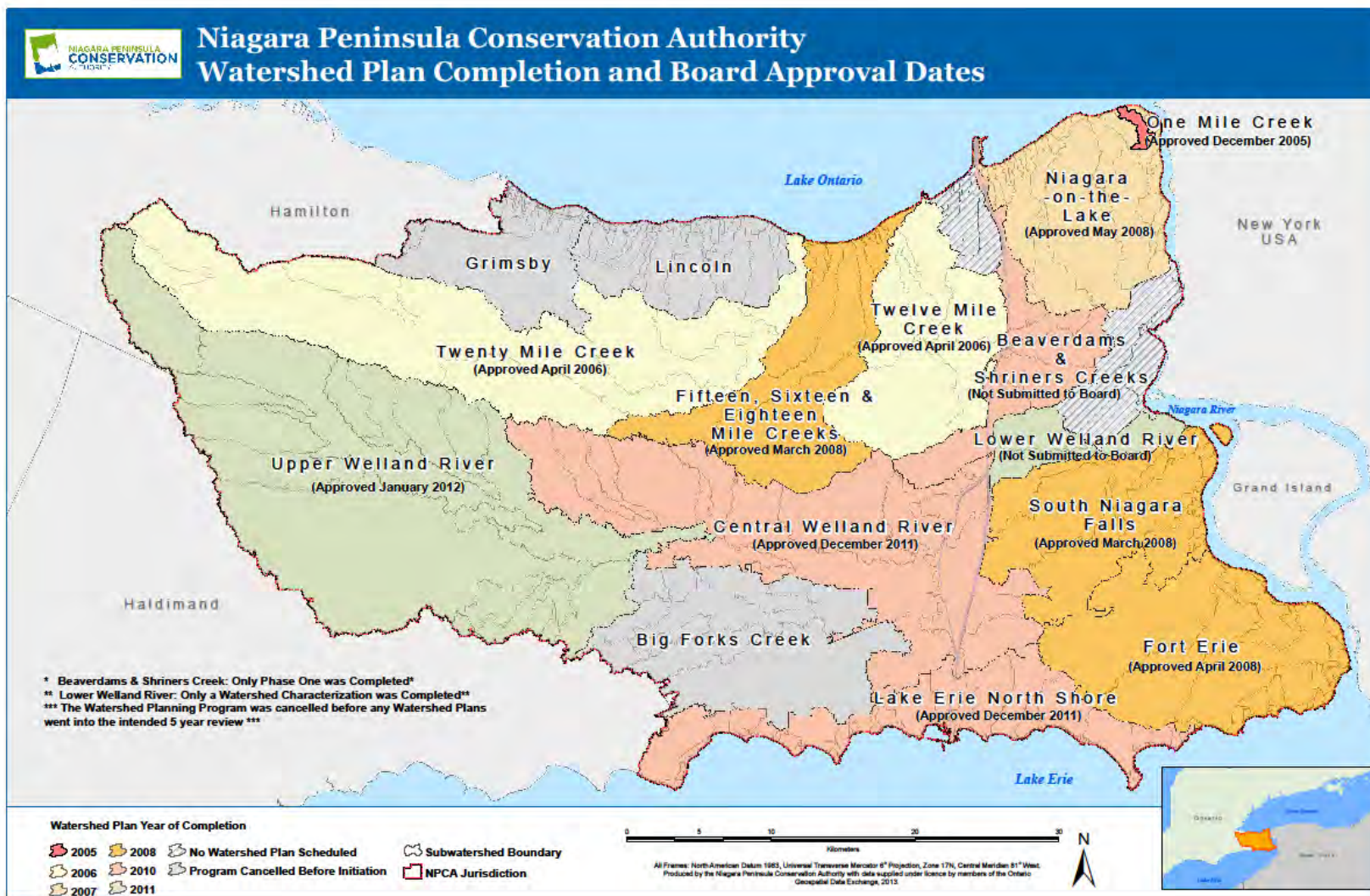
ATTACHMENT 1: RESTORATION PROJECTS BY TYPE: 1991-2014



DESCRIPTION OF WATER QUALITY PARAMETERS

Parameter	Description	Guideline
Total Phosphorus (TP)	Phosphorus is a natural element found in rocks, soils and organic material and is an essential nutrient for plant growth. Excessive phosphorus concentrations stimulate the overgrowth and decomposition of plants and algae. The decomposition of organic matter in turn depletes dissolved oxygen concentrations and stresses aquatic organisms. Anthropogenic sources of phosphorus include fertilizers, pesticides, and sewage discharges.	30 ug/L Provincial Water Quality Objective
Total Suspended Solids (TSS)	Suspended solids are a measure of undissolved solid material in surface water and usually consist of silt, clay, plankton, and fine particles of organic and inorganic matter. Sources of suspended solids include soil erosion, stormwater, wastewater, and industrial effluent. Fine particles are significant carriers of contaminants. Concentrations of suspended solids vary seasonally and often peak during rain events. High concentrations of suspended solids in surface water can negatively impact aquatic organisms.	25 mg/L BC Ministry of Environment
Escherichia coli (E.coli)	Escherichia coli (<i>E. coli</i>) is a type of fecal coliform bacteria that is commonly found in the intestines of warm-blooded animals and humans. <i>E. coli</i> is used as an indicator for the presence of sewage or animal waste in surface water, and the possible presence of pathogens.	100 CFU/100mL Provincial Water Quality Objective
Nitrate (NO ₃ -N)	Nitrate is the most common form of nitrogen that occurs in surface water. Nitrate can be toxic to aquatic organisms and elevated concentrations contribute to excessive plant and algae growth in surface water. Anthropogenic sources of nitrate include sewage discharges, animal waste, fertilizers and pesticides.	2900 ug/L Canadian Water Quality Guideline

ATTACHMENT 3: WATERSHED PLANNING AREA IN NPCA



REPORTS FOR CONSIDERATION

- ❖ **REPORT NO. 81-16** – *NPCA Policy Review – Living Landscape Project*
- ❖ **REPORT NO. 82-16** – *C.A. Act Review*
- ❖ **REPORT NO. 83-16** – *MOU for Plan Review Services*
- ❖ **REPORT NO. 84-16** – *Wainfleet Bog Fire Risk Mitigation*
- ❖ **REPORT NO. 85-16** – *Canada 150 Grant, Final Contribution Agreement
(Binbrook CA)*

July 20, 2016 Full Authority Meeting

Report To: Board of Directors
Subject: NPCA Policy Review – Living Landscape Project
Report No: 81-16
Date: July 20, 2016

RECOMMENDATION:

1. That Report No. 81-16 be RECEIVED for information, and
2. That the Board APPROVE the release for public consumption of this staff report, which includes the draft Discussion Paper and Dillon presentation (July 20 2016).

PURPOSE:

To update the Board on the *Living Landscape* Project, with its objective to review and complete a fundamental rewrite of NPCA's primary development guidance document titled *Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document*.

BACKGROUND:

The following provides a brief summary of activities for this initiative, highlighting the parties that have been informed and consulted at various stages in the process.

Summary of Activities

December 17, 2014

Staff report updated the **Board** on the proposed workplan (including consultation) and associated process to update the NPCA's primary development guidance document titled "Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document". Formed an NPCA Staff Advisory Group and obtained initial feedback from staff on pertinent policy sections.

April 16, 2015

Staff report updated the **Board** and requested approval for the NPCA to send out a Request for Proposal and associated Terms of Reference. Three (3) consulting firms, who are known to have proven experience in completing this type of work, were invited to submit proposals. The RFP and ToR was also posted on the NPCA website for other interested parties to submit proposals.

June 17, 2015

Staff report updated the **Board** and requested approval to award Dillon Consulting Limited, in accordance with its Consultant Selection policies, with a services contract to assist the NPCA with the public consultation process and fundamental rewrite of its Policy Document.

September 16, 2015

Dillon Consulting made a presentation to the **Board** (Attachment #1) updating the Board on:

- Project Purpose
- Function of the Policy Document
- Key Factors
- Consultation and Engagement Tools, and
- Next Steps

September 2015

Project Team developed a comprehensive draft key stakeholder list, which includes members of the **Watershed Floodplain Committee (WFC)**.

Project Branding – team decided on calling the project *The Living Landscape*

Project Website - established and is updated on a regular basis (www.livinglandscape.ca)

October-December 2015

Between October and December of 2015, the NPCA had the opportunity to engage the **general public** in the first phase of the *Living Landscape* Policy Project. A series of seven (7) pop-up style consultation booths were set-up at various community events across the watershed with the objective of sharing information with the public and gathering initial feedback through a community visioning survey. This first phase of community consultation was developed in order to inform residents across the NPCA watershed and to gather information from the public to inform the NPCA's review of their land management policies. A detailed summary is provided on the project website: <http://www.livinglandscape.ca/news/>

November 2015

Formed a **Core Working Group (CWG)** comprised of representation from a cross-section of Niagara Region municipalities, City of Hamilton, Haldimand County, MNRF, NEC, and Niagara Region.

November 19, 2015

Presented to **Community Liaison Advisory Committee (CLAC)** to introduce the project and obtain initial feedback and comments.

December 9, 2015

Director of Watershed Management provided an update to staff at an **All Staff Meeting**.

March 21, 2016

CWG Meeting - Provided **CWG** with overview of project and process and obtained initial feedback on functional areas as well as input on:

- Overall Goals & Objectives
- Implementation
- Document Structure / Organization

March 31, 2016

Met with **Mississaugas of the New Credit First Nation** (MNCFN) to advise and gain insights on how best to consult with them on the policy review.

April, May and June 2016

Monthly **Watershed Status Reports** were included in staff's updates to the NPCA Board.

June 2, 2016

Staff Visioning Session held with **Staff Advisory Group** to develop draft Guiding Principles.

June 20, 2016

Provided the **CLAC** with an update on the project and initial feedback on draft Discussion Paper.

Project Team meetings have been conducted throughout the duration of the project.

July 20, 2016

Staff report is provided to the **Board** that includes a presentation by Dillon Consulting on the key aspects of the draft Discussion Paper (Attachment #2).

The purpose of the Discussion Paper "is to present the themes, issues and opportunities to be addressed in the *Living Landscape* Policy Project. The Paper is intended to provide direction for the broad range of policy changes and modifications to be considered for updating the NPCA's Policy Document. The items discussed in this paper are not intended to be an exhaustive list of all issues and opportunities, rather, they are intended to form a starting point for understanding some of the aspects of the NPCA's policies which need to be revised or enhanced. The expectation is that further consultation with stakeholders, agencies and the public will identify further opportunities for improvement."

The Discussion Paper will also include Guiding Principles that will be used as a screening tool through which we can filter proposed changes to NPCA policies, and they will assist us in determining the fairness or correctness (or vice versa) of proposed changes or actions.

It is recommended that this draft Discussion Paper be distributed for public consumption through various sources, including but not necessarily limited to: project website (www.livinglandscape.ca); weblink on NPCA website, email distribution list, CWG, CLAC, Watershed Floodplain Committee, Municipalities, and other social media outlets).

NEXT STEPS:

July/August 2016

A consultation/engagement plan is being developed for rollout in Fall 2016. The purpose of the Fall 2016 consultation/engagement activities in Phase 3 is to get feedback on the draft Policy Document. In the work program Dillon Consulting will plan for several activities which will include engagement with the **Core Working Group, Community Liaison Advisory Committee** and the **public-at-large**.

The following provides a brief overview of the community consultation and engagement activities:

- **Website:** Draft Policy Document would be uploaded to the website for feedback. Several forms/questions will be used to obtain feedback and comments.
- **Public Events:** Two (2) pop-up style events will be scheduled to promote the open house events, raise awareness about the draft Policy Document and drive traffic to the website. A specific meeting will be held with the Watershed Floodplain Committee to gather feedback and comments on floodplain policies.
- **Open House Events:** Two (2) formal public open house events will be held. These events will be approximately 2 hours in the evening, and include a short presentation, along with display panels and some facilitated workshop activities designed to obtain feedback on the Policy Document.

The consultation program will describe each event and outline the purpose, format and details for each planned activity.

FINANCIAL IMPLICATIONS:

None

RELATED REPORTS AND APPENDICES:

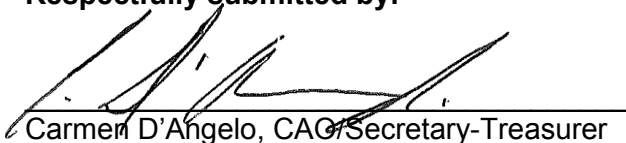
1. Dillon Presentation to Board (Sept 16, 2015)
2. Draft Discussion Paper

Prepared by:



Peter Graham, P.Eng. Director, Watershed Management

Respectfully submitted by:



Carmen D'Angelo, CAG/Secretary-Treasurer

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



POLICY DOCUMENT REVIEW

NPCA BOARD PRESENTATION #1

September 16th 2015



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

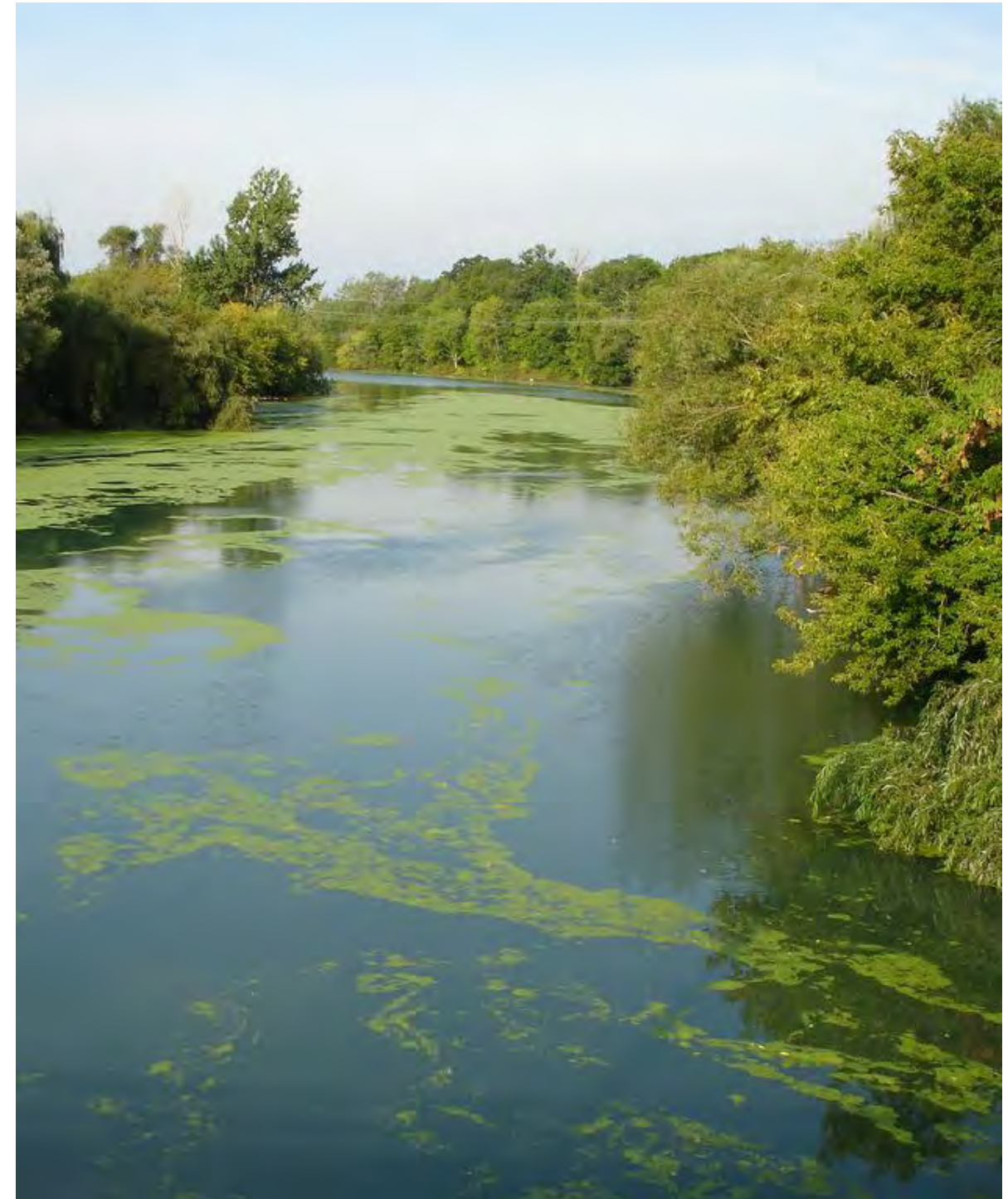
PURPOSE

- The purpose of the assignment is to update the **NPCA's Policy Document** called, "Policies, Procedures and Guidelines for the Administration of Ont. Reg. 155/06 and Land Use Planning Document"



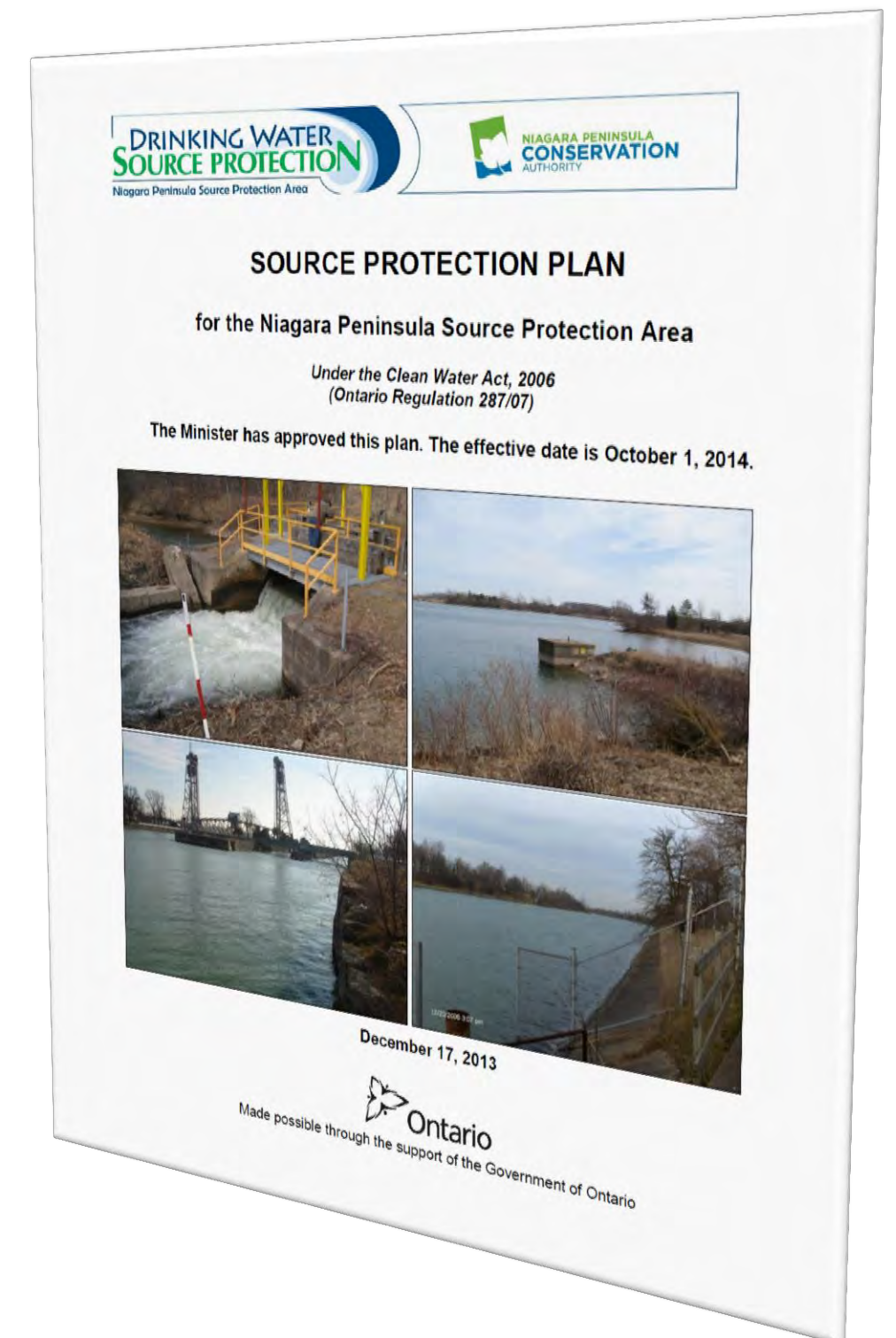
FUNCTION OF THE POLICY DOCUMENT

- Sets out the general policies for managing development in/around regulated areas:
 - Watercourses
 - Floodplains
 - Valleylands and hazardous lands
 - Wetlands and shorelines
- Also provides direction for:
 - Fish habitat
 - Significant wildlife habitat
 - Sensitive ground water features
 - Environmental Impact Studies
 - NPCA Land acquisition
 - Design considerations for erosion control, stormwater, natural channel design, etc.



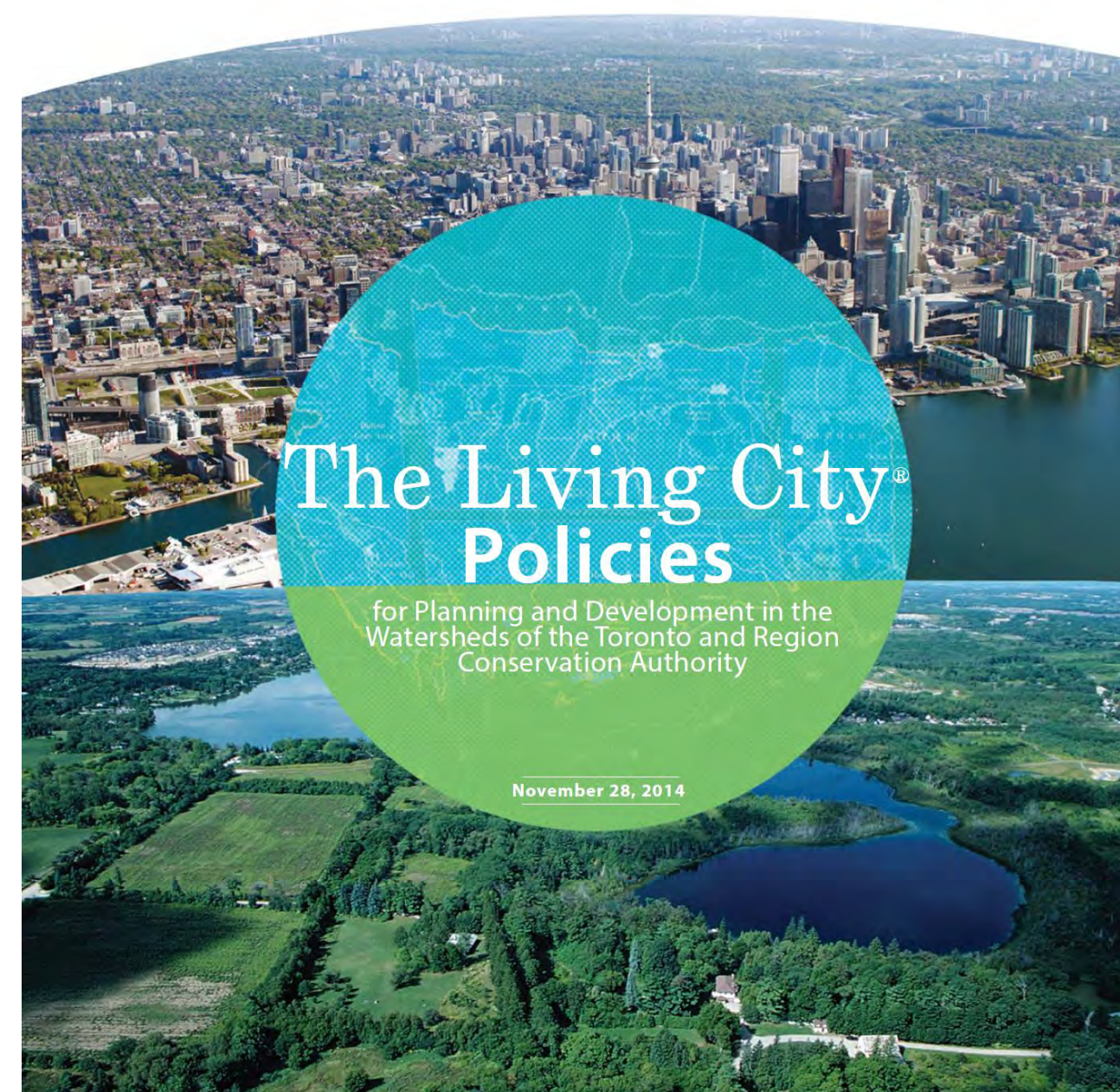
KEY DRIVERS

- Provincial planning and legislative changes
 - Provincial Policy Statement (2014)
 - Recently approved Source Water Protection Plan (2014)
 - Recent amendments to the Fisheries Act
- The Conservation Authorities Act is also being reviewed at this time
- Emerging considerations for climate change, resiliency and sustainable development

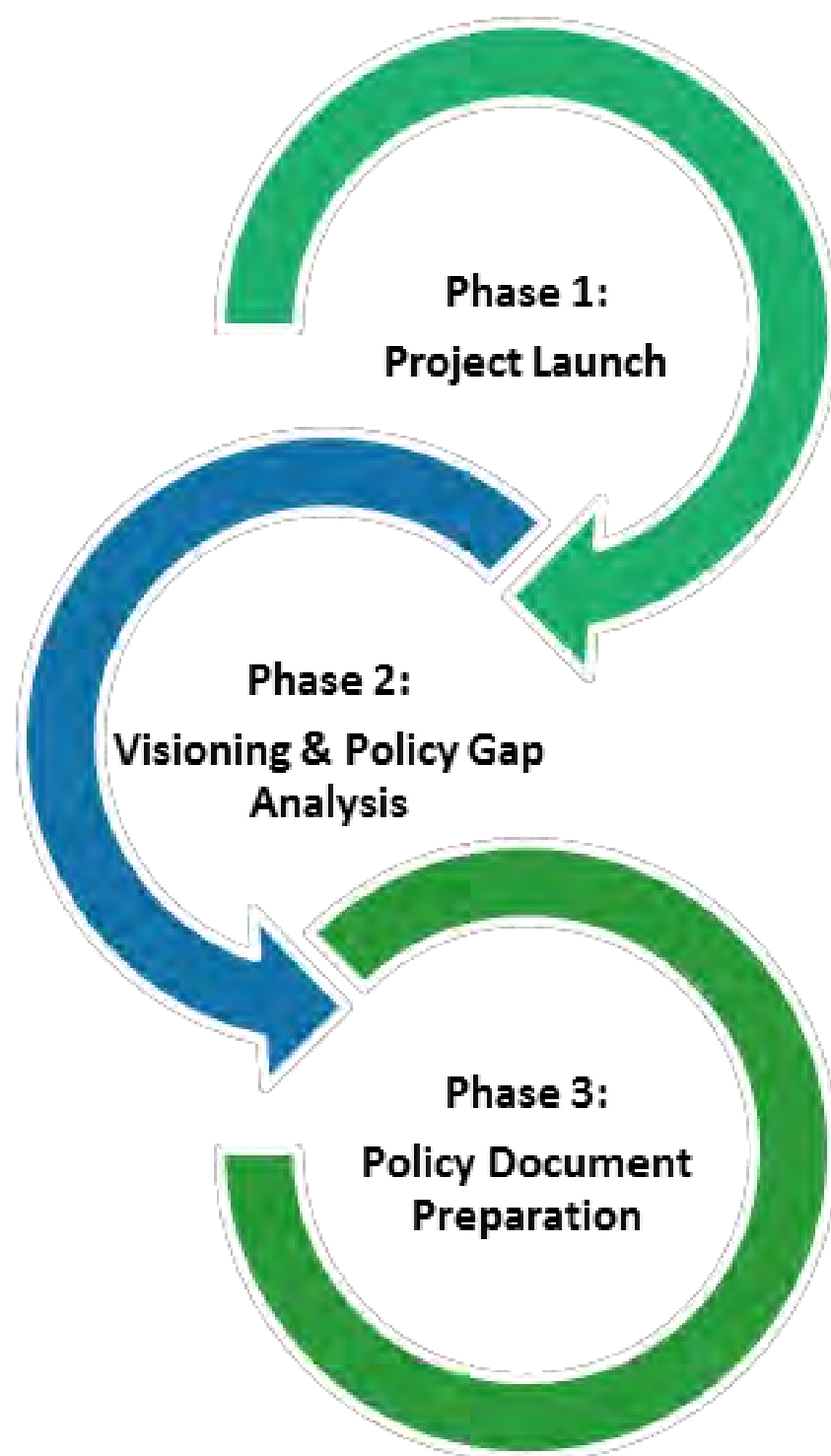


KEY DRIVERS

- There are also a number of improvement opportunities, including:
 - **Policy interpretation** (use of clear language, alignment of definitions)
 - **Decision-making** (in some circumstances, there may be opportunities to allow for greater flexibility in decision-making)
 - **Overall communication** (use of visuals/graphics and language)



OUR PROCESS



- **PHASE 1:**
 - Consultation program & work plan finalization
 - Data collection
 - Website launch
 - Project brand development
 - Formal project launch
- **PHASE 2:**
 - Background review (plans, policies, etc.)
 - Issues and gap policy analysis
 - Community Vision survey
 - Public Roadshow #1
 - Series of workshops with agencies and stakeholders
- **PHASE 3:**
 - Draft 1 of Policy Document
 - Public Roadshow #2 & Open House
 - Series of workshops with agencies and stakeholders
 - Finalization of Policy Document
 - Consultation Report
 - NPCA Board Approval

CONSULTATION & ENGAGEMENT



- **Transparency** in documenting and reporting on the results of consultations through a dedicated NPCA project website
- **Wide dissemination** of information and feedback channels through the project website, various forums, and face-to-face discussions at other consultation sessions
- **Broad participation** by reaching diverse stakeholders, including the general public, local and provincial government representatives, First Nations, special interest groups, and private industry
- **Accessibility** of information

ENGAGEMENT TOOLS

- Project website
- Pop-up/road show sessions
- Stakeholder interviews
- Variety of workshops with agencies, NPCA Board, CLAC and CWG



PROJECT SCHEDULE

- TO BE COMPLETED

IMMEDIATE NEXT STEPS

- Project Branding Exercise
- Website Launch
- Visioning Survey



NPCA POLICY DOCUMENT REVIEW

**Board Presentation #2
July 20th, 2016**



PRESENTATION OUTLINE



1. Provide a status update on the Living Landscape Policy Document Project
2. Highlight some of the key findings from Phase 2 (Discussion Paper)
3. Next steps



PART ONE

CONTEXT

THE CURRENT POLICY DOCUMENT



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

December 12, 2007 (Original NPCA Board Approval)
December 9, 2009 (Housekeeping Amendments)
September 15, 2010 (Housekeeping Amendments)
October 19, 2011 (Housekeeping Amendments)



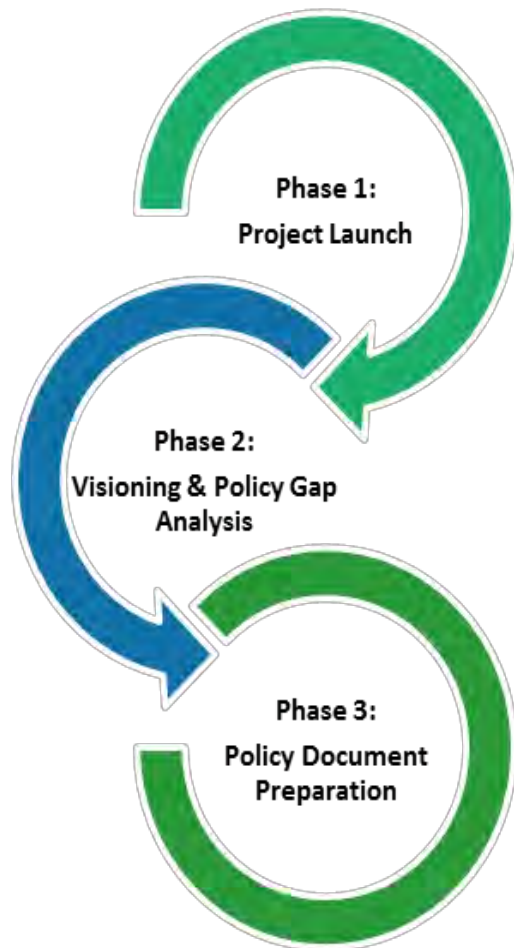
- The Policy Document is a decision-making tool used by the NPCA Staff
- The policies are intended to cover a broad range of site alteration and development scenarios
- The purpose of our work is to update the NPCA's current Policy Document

WHY DO THE POLICIES NEED UPDATING?

- NPCA recently updated its **Strategic Plan** and identified the need to update Policy Document
- There have been a number of **recent Provincial planning and legislative changes**
 - Provincial Policy Statement (2014)
 - Recently approved Source Protection Plan for the Niagara Peninsula Source Protection Area (2014)
 - Recent amendments to the Fisheries Act
- The **Conservation Authorities Act**, as well as various provincial plans are also being reviewed at this time
- A number of Official Plans have been updated recently
- Emerging considerations for **climate change**, resiliency and sustainable development
- Document will also benefit from some basic improvements to enhance the understanding of the policies

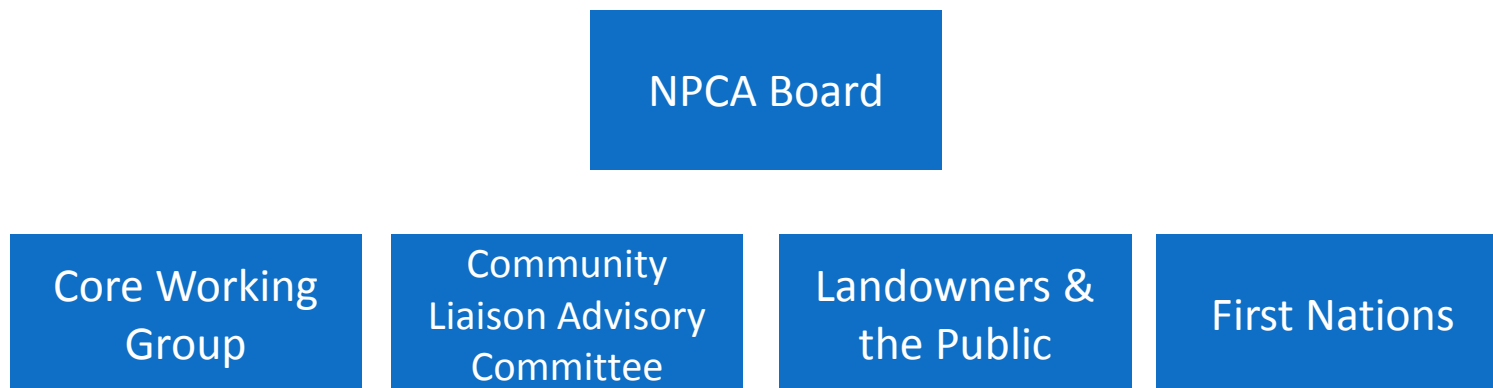


OUR PROCESS



- **PHASE 1:**
 - ✓ Consultation program & workplan finalization
 - ✓ Data collection
 - ✓ Website launch
 - ✓ Project brand development
 - ✓ Formal project launch (NPCA Board, CLAC #1 & Area Planners session)
- **PHASE 2:**
 - ✓ Background review (plans, policies, etc.)
 - ✓ Community Vision survey
 - ✓ Public Roadshow Series #1
 - ✓ Issues and gap policy analysis
 - ✓ Staff workshop
 - ✓ Core Working Group #1
 - ✓ CLAC #2
 - ✓ Discussion Paper ← *We are here*
- **PHASE 3:**
 - Draft 1 of Policy Document
 - Public Roadshow Series #2 & Open Houses
 - Series of workshops with agencies and stakeholders (CLAC #3, CWG #2 & 3)
 - Finalization of Policy Document
 - Consultation Summary Report
 - NPCA Board Approval

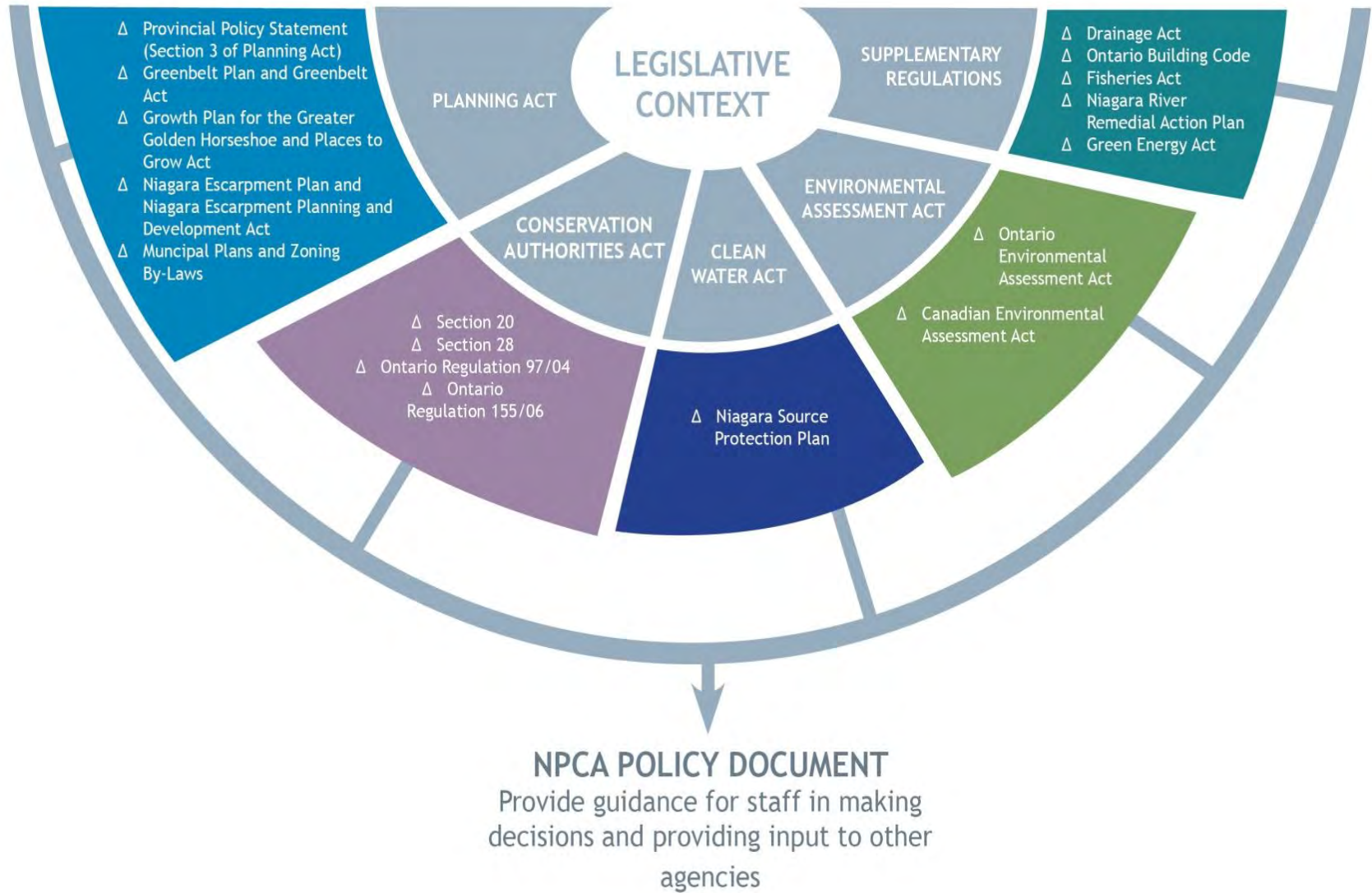
CONSULTATION & ENGAGEMENT



Highlights of the Consultation/Engagement Program:

- Four (4) presentations to the Board
- Three (3) rounds of meetings and workshops with CWG and CLAC
- Two (2) rounds of public engagement (open house events / community events)
- Staff are reaching out to First Nations as part of the Duty to Consult
- Website provides regular project updates

POLICY CONTEXT



FUNCTION OF THE POLICY DOCUMENT

- Speaks to several roles played by the NPCA:
 1. **Regulator:** Under Section 28 of the CA Act (development approvals within regulated areas)
 2. **Delegated Provincial Interest:** Under Section 3.1 of the PPS
 3. **Public commenting body:** Under the Planning Act
 4. **Resource management agency:** Under section 20 and 21 of the CA Act (authority to develop programs that reflect local resource management needs)
 5. **Service provider:** technical advisory role determined through various MOUs with municipalities in the watershed





PART TWO

DISCUSSION PAPER HIGHLIGHTS

DISCUSSION PAPER HIGHLIGHTS

- Purpose of the Paper is to provide a technical basis and direction for updating the Policy Document



WATERSHED POLICIES

- The Discussion Paper covers the following aspects watershed policy
 - General organization (structure/format, etc.)
 - Floodplains and watercourses
 - Valleylands
 - Groundwater and source water protection
 - Shoreline hazards
 - Wetlands
 - Natural heritage
 - Hazardous sites
 - Stormwater management
 - Fish habitat
 - Climate change

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- As a general observation, the current policies are mostly reflective of current Provincial policy/legislation, with some exceptions (source protection/fish habitat and water policies of the PPS)
- *Organization and Format:*
 - **Clear articulation of NPCA’s specific role and function**
 - **Inclusion of underlying principles** which provide the basis for the policies is needed
 - **Increase use of graphics/visuals**
 - **Use of consistent terminology** (“Shall vs. Should” / “Must vs. May”)
 - **Implementation section** would help to explain/articulate the cross jurisdictional nature of the NPCA’s role, the various tools for implementation and the appropriate time frame for updating the document on a regular cycle

ASSESSMENT OF CURRENT POLICIES: PRINCIPLES

1. Recognize that healthy communities require a sustainable balance between environmental, social and economic priorities, interests and uses.
2. Acknowledge that protecting natural systems over the long term is best achieved through a science-based approach that manages human activities and natural resources across the watershed.
3. Consider the impacts of climate change on the people, property and the environment.
4. Avoid the potential for negative impacts to people, property and the environment by directing development and site alterations away from natural features.

ASSESSMENT OF CURRENT POLICIES: PRINCIPLES

5. Work with landowners, stakeholders and municipal, provincial and federal partners to develop appropriate policies that meet the requirements of all relevant legislation.
6. Continuously pursue practical approaches to the management of water and natural resources based on the application of sound science, creativity, and innovation.
7. Learn from and inform watershed residents, member municipalities, partners and clients about the value of the watershed, its features and functions.
8. Minimize the potential for risk of harm to people and property resulting from flooding, erosion and slope instability.

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Floodplains:*
 - Current policies generally align with Ontario Regulation 155/06 and PPS
 - Some further enhancement of permitted uses section could be provided to better explain the types of activities which are permitted within the floodplain



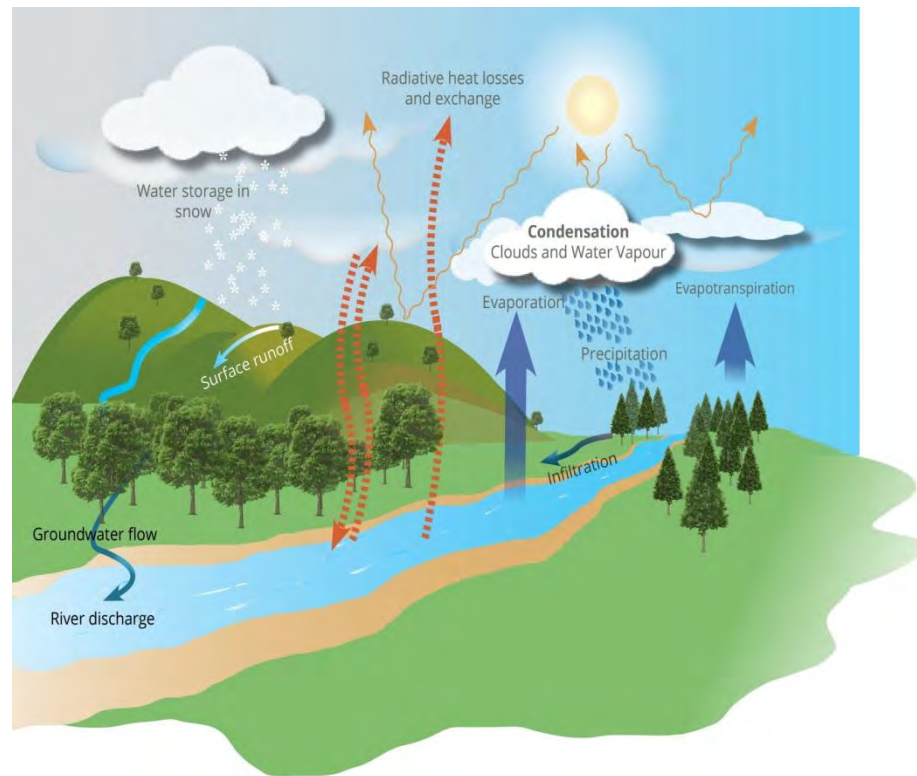
ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Valleylands*
 - Policy framework should differentiate between valleyland areas which need to be regulated solely for risk of slope failure and valleylands which have a significant natural heritage function and require habitat protection measures
 - Some flexibility for development and site alteration for passive uses could be considered
 - More detailed policies to address intensification development in urban areas



ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Groundwater and Source Water Protection:*
 - Current policies do not articulate the current water policies of the PPS
 - There is an opportunity to provide the appropriate amount of cross-references to ensure public awareness for the Niagara Source Protection Plan



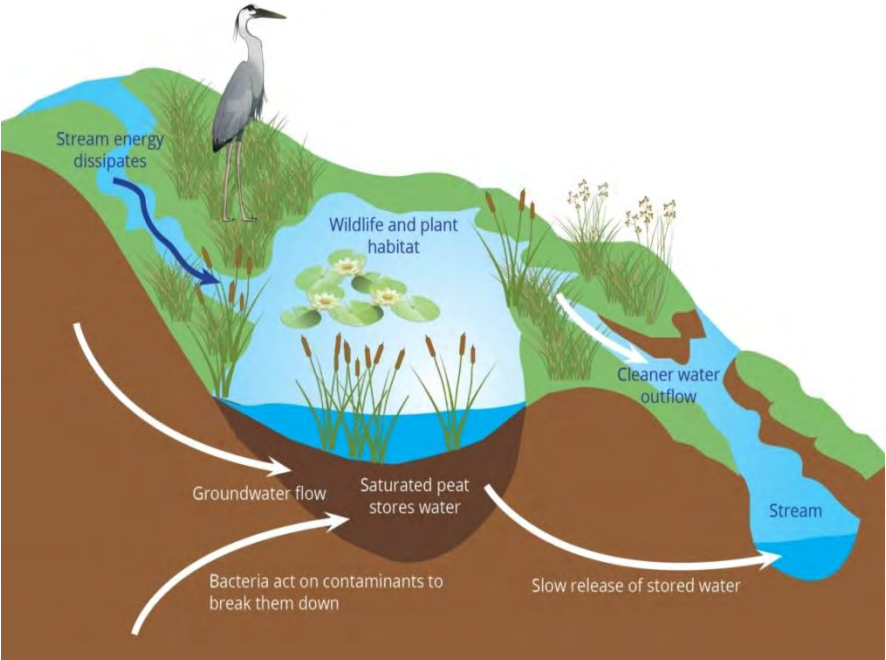
ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Great Lakes Shorelines*
 - Policy framework could benefit from a number of improvements/enhancements
 - Direction needed on how to address changes to existing developments in a hazard area
 - Opportunities to encourage natural forms of shoreline protection



ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Wetlands*
 - Some **guidance on NPCA's role** related to wetlands would help to increase public awareness on roles/responsibilities
 - Update wetland **definitions** (PSW vs. non-PSW)
 - Further guidance on passive recreational uses required



ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Natural Heritage*
 - Current document generally reflects the inter-related nature of natural heritage planning
 - Some definitions/terms in the PPS (2014) have changed and need to be reflected in the current policies
 - Further, material used to identify and assess the significance of natural heritage features has been updated
 - The EIS policies within the Policy Document should be updated to align with municipal EIS guidelines

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Hazardous Sites*
 - The NPCA's current policies reference the most up to date planning standards for hazardous sites (MNRF's Understanding Natural Hazards, 2001), although policies could be further expanded to elaborate on the different types of hazardous sites.
 - It is recommended that further analysis be conducted to determine whether any additional hazardous sites are located within the NPCA's jurisdiction (beyond those associated with the Niagara Escarpment, namely valley slopes within the Niagara Escarpment Plan Area, and backshore dunes that are not currently part of active coastal processes).
 - For any site, a technical study needs to be completed by a qualified professional to determine the extent of the hazardous site. This would be done in order to ensure that any development complies with provincial and municipal policies.

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Stormwater Management*
 - Policy Document should be updated to include a detailed section on stormwater management, particularly as it relates to development. While Policy 5.5 briefly discusses stormwater management practices under Ontario Regulation 155/06 as part of approval of an outlet to a watercourse, the policies could be substantially enhanced to reflect the key aspects of the NPCA's Stormwater Management Guidelines.
 - The policies could also include recommendations for subwatershed studies and guidance for the location of storm water management facilities.
 - The policies could include a brief sub-section on low impact development options which are sensitive to Niagara's context (e.g. clay soils).
 - The stormwater management policies would also need to include a number of cross-references to other policies in the Policy Document, including links to wetlands, watercourses, valleylands, etc. .

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Fish Habitat*
 - The Policy Document currently refers to the previous NPCA agreement with DFO in the administration of the Fisheries Act
 - Given the changes to the Act, it is appropriate to remove references in the Policy Document to NPCA's role with respect to fish habitat and the Fisheries Act.
 - It is further suggested that references to fish habitat types be removed, given that they do not align with DFO's definition of fish or fish habitat.

ASSESSMENT OF CURRENT POLICIES: HIGHLIGHTS

- *Climate Change*
 - The current policy document is silent on climate change
 - The PPS directs planning authorities to address climate change
 - The NCPA currently undertakes a variety of activities/programs which help to make the watershed more resilient to the threats of climate change (floodplain management, protecting/enhancing natural areas, education, etc.) and the Policy Document should reflect these initiatives
 - In addition to this, the NPCA should examine additional opportunities to plan for changing climate change (either through this study or a future study)



PART THREE

NEXT STEPS

NEXT STEPS

- Release the Discussion Paper on website
- Document and incorporate additional feedback into First Draft of Policy Document
- Complete 1st Draft of Policy Document
- Launch Phase 3 engagement activities in Fall 2016:
 - 2 Open House Events
 - 2 Roadshow events planned
 - Web-based engagement





NIAGARA PENINSULA
CONSERVATION
AUTHORITY



THE **LIVING**
LANDSCAPE

DISCUSSION PAPER



DILLON
CONSULTING

July 2016

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- Appendix A: Summary of Consultation Activities

1.0 INTRODUCTION

1.1 Purpose of this Paper

The purpose of the following Discussion Paper is to present the themes, issues and opportunities to be addressed in the Living Landscape Policy Project. This Paper is intended to provide direction for the broad range of policy changes and modifications to be considered for updating the NPCA's Policy Document. The items discussed in this paper are not intended to be an exhaustive list of all issues and opportunities; rather, they are intended to form a starting point for understanding some of the aspects of the NPCA's policies which need be revised or enhanced. The expectation is that further consultation with stakeholders, agencies and the public will identify further opportunities for improvement.

The Paper is organized into four main sections. This first section provides an introduction, explaining the context and process for the Living Landscape. The second section describes the legislative framework for this assignment, outlining the legislation and provincial policies which are of relevance to the NPCA's Policy Document. The third section covers a range of policy themes, describing specific policies, gaps, issues and opportunities related to the resources which fall within the jurisdiction of the NPCA. The final section provides a summary of key policy issues and opportunities.

1.2 The Living Landscape

The Living Landscape Policy Project is an initiative to update and improve the Niagara Peninsula Conservation Authority's (NPCA) primary land use planning policy document – known as the "Policies Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document" (hereafter referred to as the Policy Document). The Policy Document is used by NPCA staff on a day-to-day basis to make decisions related to proposed development within the Niagara/Hamilton/Haldimand watershed area (hereafter referred to as the Niagara watershed) and contains policies on a variety of topics and themes which fall under the jurisdiction of the NPCA. The

current Policy Document was approved by the NPCA Board back in 2007 under the authority of the *Conservation Authorities Act*, and has subsequently been amended several times to address minor modifications¹. Since its inception, there have been a number of major policy changes at the Provincial level, as well as a number of new plans that have come into effect within the watershed area, including municipal Official Plans, zoning by-laws and the NPCA's new Source Protection Plan for the Niagara Peninsula Source Protection Area (October 2014).

The purpose of the Living Landscape Policy Project is to comprehensively update the NPCA's Policy Document to address legislative gaps in the current Policy Document and to also implement a number of enhancements which will help to improve transparency and decision-making. In addition to the legislative drivers behind the Policy Document review, the NPCA's Strategic Plan also identified a number of opportunities for improving the current Policy Document.

1.3 About the NPCA

1.3.1 Who is the NPCA?

The NPCA was formed in 1959 under the authority of the *Conservation Authorities Act*, and is responsible for undertaking a variety of responsibilities under the Act. As one of 36

conservation authorities across the Province, the NPCA's mandate under Section 20 of the Act is to establish and undertake programs designed to further the conservation, restoration, development and management of natural resources across the watershed.

NPCA 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.*

Excerpt from the NPCA Board's 2014-2017 Strategic Plan

¹ The current version of the Policy Document was approved in 2007 and amended three times, in 2009, 2010 and 2011. Earlier versions of the document date back to 1993 and 2005.

1.3.2 What does the NPCA do?

The NPCA fulfills its mandate by implementing programs that:

- Improve the quality of lands and waters;
- Contribute to public safety from flooding and erosion;
- Provide for the acquisition of conservation and hazard lands; and,
- Enhance the quality of life in its watershed by using its lands for recreation, heritage preservation and conservation education.

The Niagara Peninsula Conservation Authority is a corporate body created through provincial legislation as well as registered charitable organizations with several different roles and functions, which can be broadly categorized as the following:

1. **Regulatory Authority:** Section 28 of the Conservation Authorities Act empowers conservation authorities to prohibit, restrict, regulate or give permission for certain activities in and adjacent to watercourses, including valleylands, wetlands, shorelines and other hazardous lands. In this capacity, the NPCA acts as an approval authority for development within its regulated areas.
2. **Representative of the Province of Ontario:** Conservation Authorities have delegated provincial interest for Section 3.1 of the Provincial Policy Statement (Natural Hazards) and act on behalf of the Province. In this capacity, the NPCA is responsible for providing comments on municipal policies (Official Plans) and zoning by-laws, as well as development applications submitted under the Planning Act.
3. **Resource Management Agency:** Sections 20 and 21 of the Conservation Authorities Act empower conservation authorities to develop programs that reflect local resource management needs within the watershed. These programs and/or policies are approved by the conservation authority board.
4. **Public Commenting Body:** Under the Planning Act, conservation authorities are considered a public commenting body and, as such, are to be notified of municipal policy plan changes and development applications. The NPCA provides comments within the context of their board-approved policies (Policy Document).
5. **Service Provider:** Conservation authorities may enter into agreements with other levels of government to undertake regulatory or approval responsibilities. The NPCA acts as a service

provider to a number of area municipalities within the watershed through Memoranda of Understanding signed with Niagara Region, the City of Hamilton, and Haldimand County respectively.

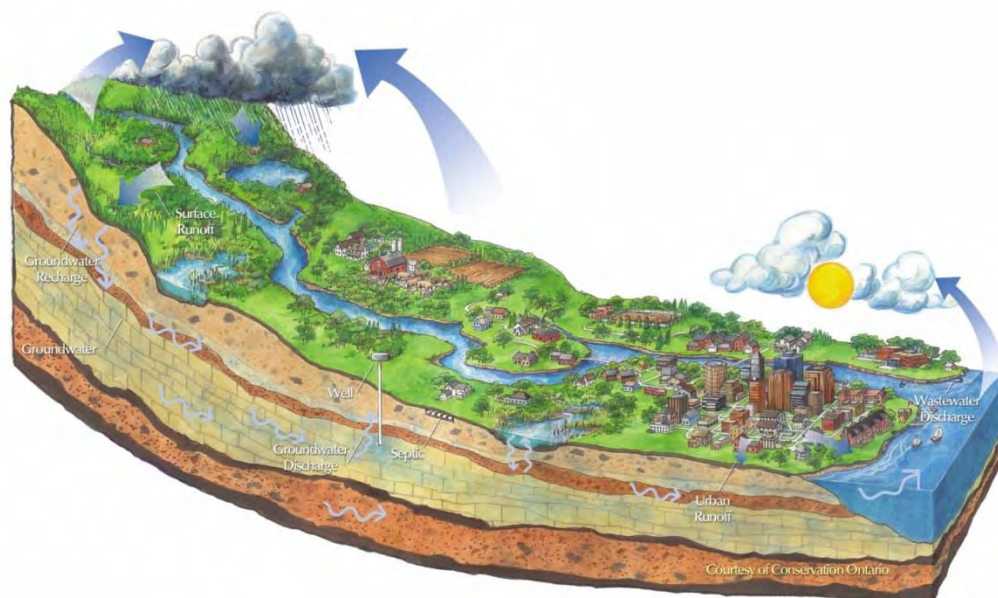
6. **Landowner:** Conservation authorities are also landowners, and can be involved in the planning and development process as either a proponent or as a landowner impacted by adjacent development.

Chapter 2 provides a more in-depth discussion of the NPCA's legislative authority for undertaking the above-noted roles and functions.

1.3.3 The Niagara Peninsula Watershed

A watershed is an area of land that catches rain and snow and drains or seeps into a marsh, stream, river, lake or groundwater. Watersheds include farms, cottages, forests, small towns, big cities, forests, rivers, lakes and a host of other physical elements. Some watersheds cross municipal, provincial and international borders. They come in all shapes and sizes and can vary from millions of acres, like the land that drains into the Great Lakes, to a few acres that drain into a pond (adapted from Conservation Ontario). **Figure 1.1** below provides a simple illustration showing how the different elements within a watershed function.

Figure 1.1: Watershed Diagram



The Niagara Peninsula watershed is bounded by Lake Ontario to the north, Lake Erie to the south, the Niagara River to east and Grand River and Hamilton watersheds to the west. The Niagara Peninsula watershed area covers an area of over 2,430 square kilometers and includes lands in the Region of Niagara, as well as portions within the City of Hamilton and the County of Haldimand. **Figure 1.2** shows the limits of the Niagara Peninsula watershed. The watershed area is incredibly diverse, and is home to a complex interconnected system of environmental, social and economic networks. There are over 460,000 people living in over 30 cities and small towns. The area includes a number of well-known unique features, including the Niagara Escarpment, the Wainfleet Bog and the Willoughby Marsh, as well as a variety of other significant landforms (such as the Fonthill Kame) and plant communities (alvars, prairies, Great Lakes shorelines, bogs and fens, etc.). The Niagara Peninsula watershed features a number of micro-climates, which has improved its biodiversity and also provides a rich environment for farmers. The area boasts one of the Province's most productive agricultural systems, including vineyards, tender fruit orchards, livestock and a variety of specialty crops (greenhouses for flowers, vegetables, sod farms and mushroom farms). From a land use perspective, approximately 64% of the watershed is estimated to be used for agricultural activities; 21% is estimated to be wooded or in a natural state; the remaining 15% is comprised of urban uses (Niagara Source Protection Assessment Report, 2013).

The dynamic nature of the various systems within the watershed means that there will be conflicts and issues to address. Historic growth and urbanization patterns across the watershed's dispersed settlement areas have placed pressure on the natural and agricultural systems. These pressures manifest themselves in a variety of ways, such as degraded water quality from urban and agricultural run-off, decreased infiltration and groundwater recharge resulting from increases in impermeable surfaces (i.e. more pavement), poorer air quality from increased emissions and degraded natural areas. At the same time, these natural and agricultural systems pose a challenge for communities and developers, as fragmentation of urban lands lengthens the development process and raises construction costs (which are ultimately passed onto consumers). Flood risks pose a major challenge as, on the one hand, concerns over climate change impacts suggest the need for more robust policies to protect private property and ensure human health and safety – and yet, on the other hand, strengthening flood policies may increase insurance and development costs. The Living Landscape initiative recognizes that the Niagara watershed encompasses a broad range of interconnected systems, including environmental, economic and social systems. These systems are not independent, and

changes in one realm can have impacts on other systems. With this in mind, the goal of the Living Landscape project is to prepare an updated set of policies which not only addresses legislative gaps, but also recognizes environmental, economic and social connections and provides a fair and balanced approach to watershed policy.



Wainfleet Bog. Photo Credit: NPCA

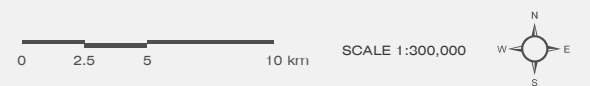


**NIAGARA PENINSULA
CONSERVATION AUTHORITY**

**WATERSHED PLANNING AREAS
AND SUBWATERSHEDS**

FIGURE 1.2

- FREEWAY / EXPRESSWAY / HIGHWAY
- ▭ WATERSHED PLANNING AREA BOUNDARY
- ▭ SUBWATERSHED BOUNDARY
- ▭ LOCAL MUNICIPAL BOUNDARY
- ▭ WATERBODY



MAP DRAWING INFORMATION:
DATA PROVIDED BY NPCA, MNR AND ESRI

MAP CREATED BY: PFM
MAP CHECKED BY: CF
MAP PROJECTION: NAD 1983 UTM Zone 17N

London --> G:\GIS\Proposals\NPCA Proposal\NPCA Watershed Planning Areas.mxd

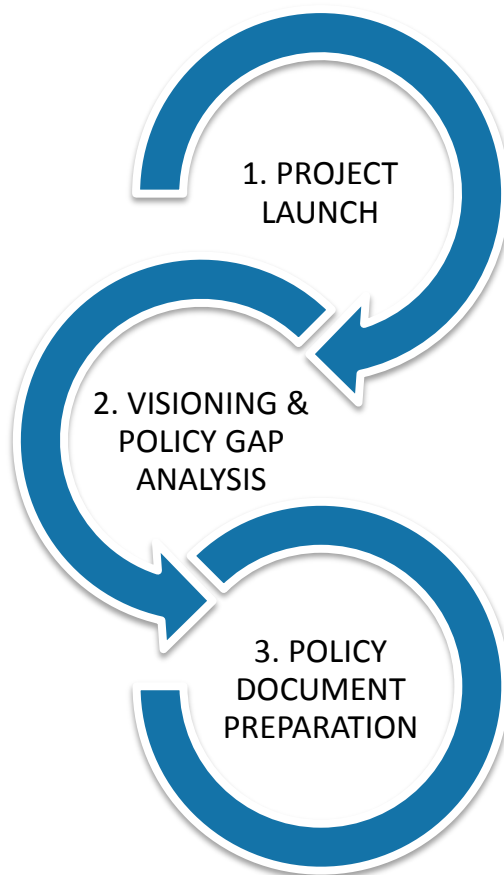


PROPOSAL
STATUS: FINAL
DATE: 4/1/2016

1.4 Living Landscape Process

The Living Landscape process is being undertaken in a three-phased process (**Figure 1.3**). This Discussion Paper represents the main deliverable resulting from Phase 2 of the overall process.

Figure 1.3: Living Landscape Process



1. PROJECT LAUNCH

- Consultation program & work plan finalization
- Data collection
- Website launch
- Project brand development
- Formal project launch (NPCA Board, CLAC & Area Planners sessions)

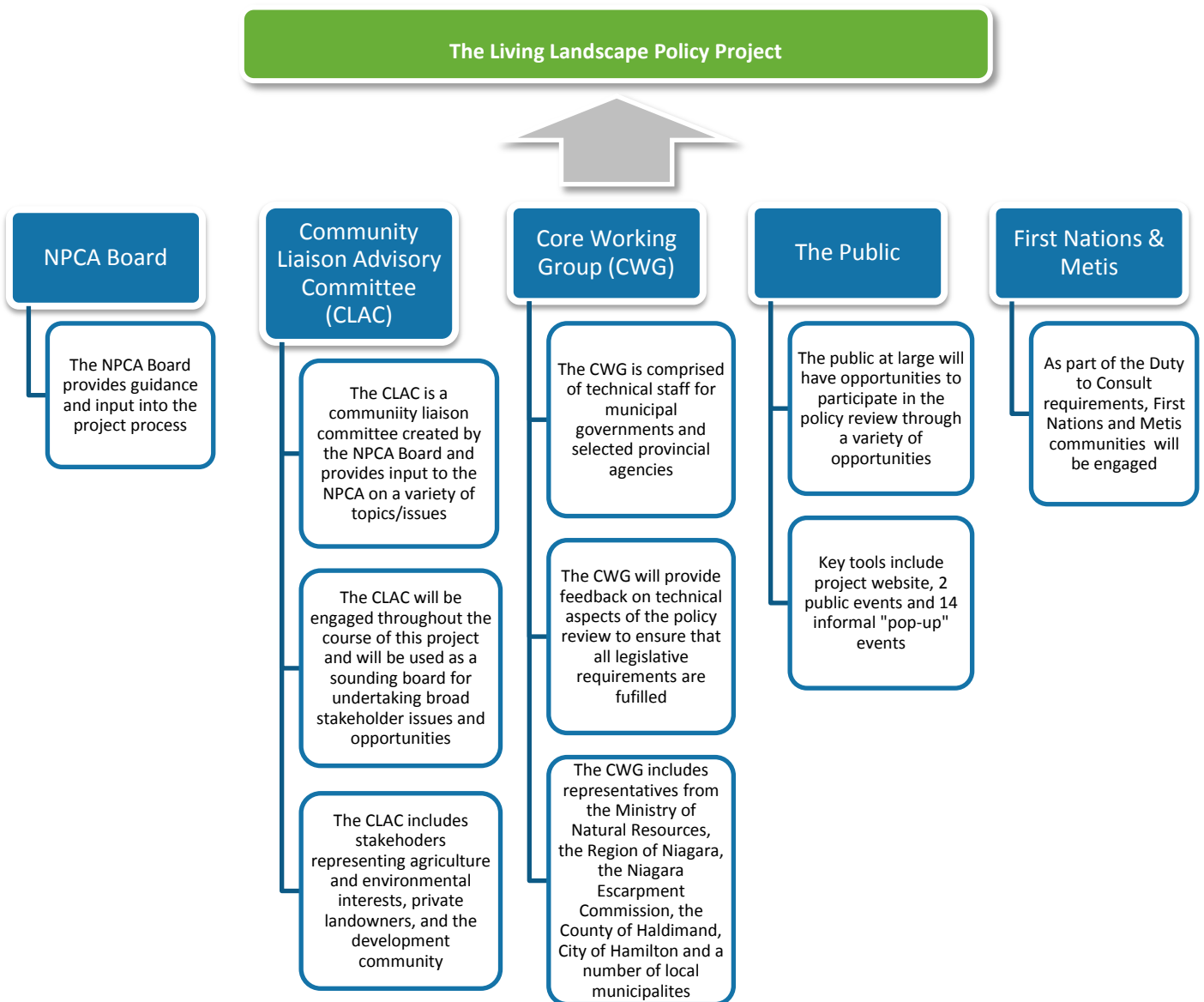
2. VISIONING & POLICY GAP ANALYSIS

- Background review (plans, policies, etc.)
- Community Vision survey
- Public Roadshow Series #1
- Issues and gap policy analysis
- Staff workshop
- CWG Meeting
- CLAC#2 Meeting
- Draft & Final Discussion Paper

3. POLICY DOCUMENT PREPARATION

The Living Landscape process includes a robust public and stakeholder engagement program. While a wide ranging consultation program was not mandated through any particular legislative requirement, as part of the Living Landscape process, the NPCA recognizes the importance of broad-based consultation and engagement. The overall consultation and engagement program for the Living Landscape project is illustrated below in **Figure 1.4**. Appendix A includes summaries from some of the consultation activities undertaken to date.

Figure 1.4: Public Consultation and Engagement Program



2.0 LEGISLATIVE CONTEXT

2.1 Integrated Watershed Management

The NPCA has adopted an ‘Integrated Watershed Management’ (IWM) approach to watershed planning. The IWM approach recognizes that water is a valuable resource which should be managed in a sustainable manner. Conservation Ontario defines Integrated Watershed Management as “the process of managing human activities and natural resources on a watershed basis, taking into account social, economic, and environmental issues, as well as community interests in order to manage water resources sustainably” (Conservation Ontario, 2012). For the NPCA, this means adopting the IWM lens when it acts as a land owner, resource management agency, regulator, delegated provincial responsibility, commenting body and a service provider. **Figure 2.1** provides a snapshot of the Integrated Watershed Management approach as adopted by the NPCA, and the various roles that the NPCA holds.

The NPCA derives its authority from several pieces of provincial legislation (see **Figure 2.2**). The following section builds upon the overview provided in Section 1.3.2, outlining the NPCA’s roles and responsibilities under the various pieces of Provincial legislation, policies and plans.

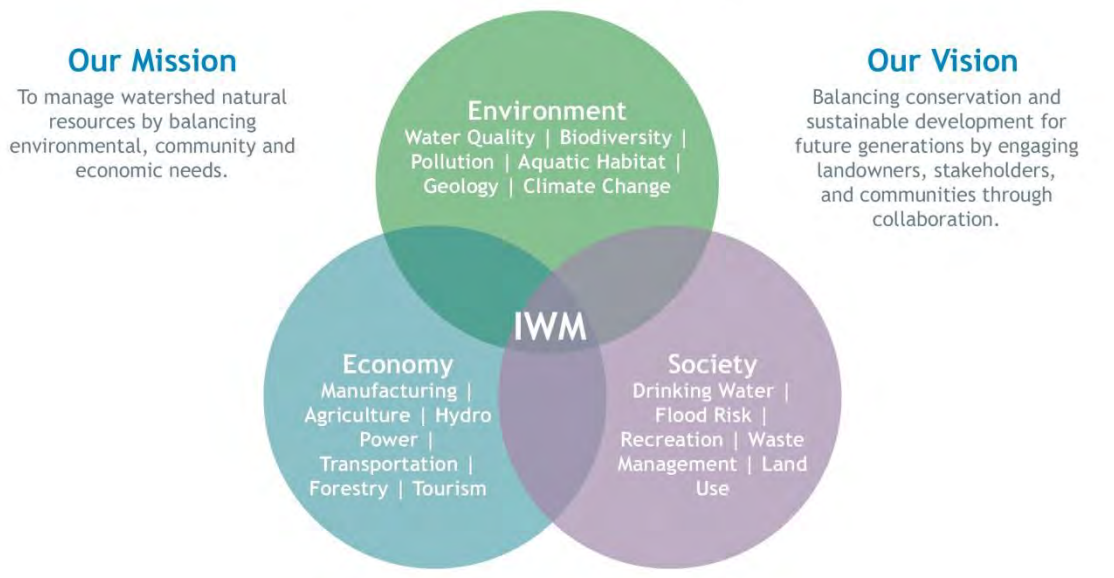
Figure 2.1: Integrated Watershed Management and Roles of the NPCA

NIAGARA PENINSULA CONSERVATION AUTHORITY

The objects of an Authority (under the CA Act, Section 20) 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.

INTEGRATED WATERSHED MANAGEMENT

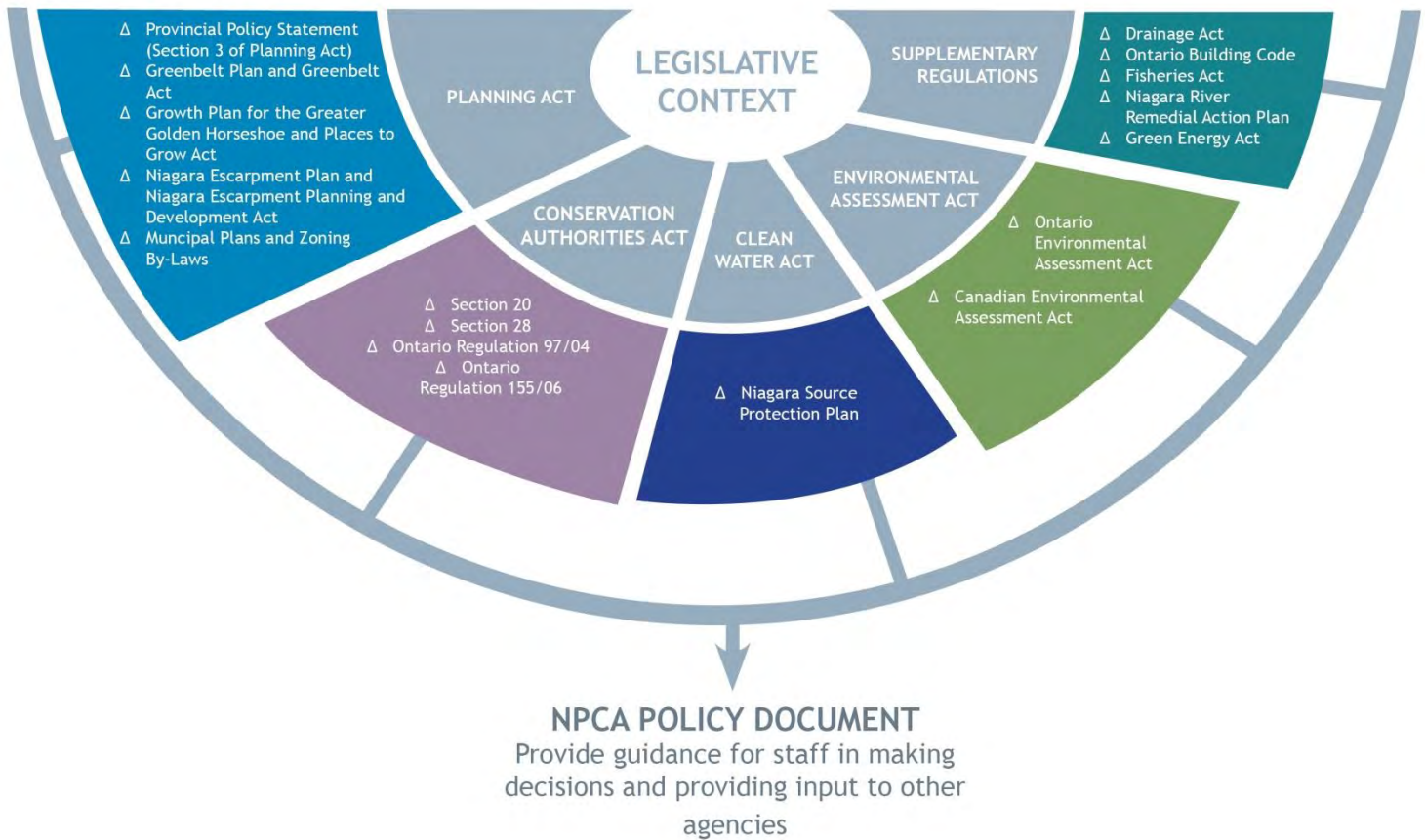
“The process of managing human activities and natural resources on a watershed basis, taking into account social, economic, and environmental issues, as well as community interests in order to manage water resources sustainably” (Conservation Ontario, 2012).



NPCA Roles Through the IWM Lens

Land Owner	Resource Management Agency <i>CA Act, Section 20</i>	Regulator <i>CA Act, Section 28 Regulation 97/04 Regulation 155/06</i>	Provincial Delegated Responsibility <i>Planning Act PPS, Section 3.1</i>	Service Provider <i>MOUs</i>
Property Management	Conservation, Restoration, Natural Resource Management, Development, Application of Science & Tools	Regulation	Environmental Planning	Environmental Planning
<ul style="list-style-type: none"> Management of NPCA-owned properties 	<ul style="list-style-type: none"> Source Water Planning Watershed Planning Ground- and Surface Water Quality Program Flood Protection Conservation Lands Stewardship Environmental Information: GIS/NAI 	<ul style="list-style-type: none"> Flooding Erosion Pollution Dynamic Beach Conservation of Land 	<ul style="list-style-type: none"> Flooding Erosion Hazardous Lands Great Lakes Shoreline Climate Change 	<ul style="list-style-type: none"> Niagara MOU <ul style="list-style-type: none"> - Natural Hazards - Natural Heritage & Water Hamilton MOU <ul style="list-style-type: none"> - Natural Hazards - Water Haldimand MOU <ul style="list-style-type: none"> - Under Review

Figure 2.2: Legislative Context for the Policy Document



2.2 Conservation Authorities Act

The Conservation Authorities (CA) Act was passed in 1946 in order to provide direction on how to manage issues of erosion and flooding from a watershed perspective. The CA Act was revised on August 2, 2002, and it is now under provincial review by the Ministry of Natural Resources and Forestry. Section 20 of the Act states:

The objects of an authority are to establish and undertake, in an area over which it has jurisdiction, a program designed to further conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.

Section 21 of the Act empowers conservation authorities to undertake a variety of initiatives, including the power to “study and investigate the watershed and to determine a program whereby natural resources of the watershed may be conserved, restored, developed and managed” (21a). Sections 20

and 21a form the broad basis for the NPCA's policy document. In addition, Section 28 of the Act provides the basis for the NPCA's development permitting function, stating that conservation authorities may (subject to approval from the Minister) create regulations within its jurisdiction:

- a) *Restricting and regulating the use of water in or from rivers, streams, inland lakes, ponds, wetlands and natural or artificially constructed depressions in rivers or streams;*
- b) *Prohibiting, regulating or requiring the permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;*
- c) *Prohibiting, regulating or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development;*
- d) *Providing for the appointment of officers to enforce any regulation made under this section or section 29;*
- e) *Providing for the appointment of persons to act as officers with all of the powers and duties of officers to enforce any regulation made under this section. 1998, c. 18, Sched. I, s. 12.*

It is also worth noting the Conservation Authorities Act provides the following definition of development, which is different than the definition of development under the Planning Act (accordingly, this definition is applied when the NPCA is acting under the authority of the CA Act and the Planning Act definition is used when the NPCA is acting under the authority of the Planning Act):

- a) *The construction, reconstruction, erection or placing of a building or structure of any kind.*
- b) *Any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.*
- c) *Site grading.*
- d) *The temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.*

Finally, the Act also includes several explicit limitations on the power of conservation authorities. These limitations are provided under Section 28.10 and state that no regulation shall be made/applied which:

- Limits the use of water for domestic or livestock purposes;
- Interferes with any rights or powers conferred upon a municipality in respect of the use of water for municipal purposes;
- Interferes with any rights or powers of any board or commission that is performing its functions for or on behalf of the Government of Ontario; and,
- Interferes with any rights or powers under the Electricity Act or the Public Utilities Act.

Section 28.11 also limits the role of conservation authorities in regards to aggregate resource extraction, stating that “a requirement for permission of an authority in a regulation made under clause 28(1) (b) or (c) does not apply to an activity approved under the Aggregate Resources Act”.

2.3 The Planning Act

The purpose of the Planning Act is to promote sustainable economic development in a healthy natural environment through a policy-led system whose processes are fair, open, cooperative and efficient. The Planning Act is designed to recognize

Part 1, Section 2A of the Planning Act identifies the following matters of provincial interest:

- a) *The protection of ecological systems, including natural areas, features and functions.*
- b) *The protection of agricultural resources of the Province.*
- c) *The conservation and management of natural resources and mineral resource base.*
- d) *The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.*
- e) *The supply, efficient use and conservation of energy and water.*
- f) *The adequate provision and efficient use of communication, transportation, sewage and waster services and waste management systems.*
- g) *The minimization of waste.*
- h) *The orderly development of safe and healthy communities.*
- i) *The adequate provision and distribution of educational, health, social, cultural and recreational facilities.*
- j) *The adequate provision of a full range of housing, including affordable housing.*
- k) *The adequate provision of employment opportunities*
- l) *The protection of the financial and economic well-being of the Province and its municipalities.*
- m) *The co-ordination of planning activities of public bodies.*
- n) *The resolution of planning conflicts involving public and private interests.*
- o) *The protection of public health and safety.*
- p) *The appropriate location of growth and development.*
- q) *The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians*
- r) *The promotion of built form that is well designed, encourages a sense of place and provides for public spaces that are high quality, safe, accessible attractive and vibrant.*

the decision-making authority and accountability of municipal councils in planning. The Planning Act provides the basis for land use planning in Ontario, identifying tools for managing how, where and when land use change occurs. Generally speaking, the Planning Act provides for a top-down system, where-by the Province sets the planning framework, identifies matters of provincial interest and delegates various responsibilities and permissions to municipalities. Of particular importance are a number of matters of provincial interest which reinforce the principles of the Conservation Authorities Act, such as the protection or enhancement of ecological systems, features and functions (Part 1, item 2a), the conservation and management of natural resources (item 2c), the protection of public health and safety (item 2o), the appropriate location of growth and development (item 2p) and the promotion of development that is designed to be sustainable (item q). Municipalities are responsible for preparing Official Plans and zoning by-laws and are also responsible for approving new development. Within this system, the Province's principle tool for ensuring that matters of provincial interests are implemented across the Province is the Provincial Policy Statement.

Specific responsibilities under the Planning Act have been delegated to conservation authorities. In 1995, the Province of Ontario delegated responsibility for floodplain management, hazardous slopes, Great Lakes shorelines, unstable soils and erosion – which are now covered in Section 3.1 of the Provincial Policy Statement. This means that the NPCA is responsible for representing the provincial interest on the above-noted matters:

- Conservation authorities review policy documents and development proposals which are processed under the Planning Act to ensure that the proposal is consistent with Section 3.1 of the PPS (see next section for more details on the PPS).
- Upon request from the Ministry of Municipal Affairs and Housing, conservation authorities provide comments to the Ministry on planning matters as part of the one-window review process.
- Where required, conservation authorities will initiate appeals under the Ontario Municipal Board.

2.4 The Provincial Policy Statement

The Provincial Policy Statement (PPS, 2014) is of particular relevance for conservation authorities, as the Planning Act states that all decisions and advice shall be consistent with PPS and provincial plans. The Niagara Peninsula Conservation Authority also extends this consistency to comments provided under Service Agreements on development applications within its jurisdiction. Any comments provided by the NPCA need to be consistent with the PPS. The PPS includes a variety of policies related to Natural Heritage (Policy 2.1), Water (Policy 2.2) and Natural Hazards (Policy 3.1). The Niagara Peninsula Conservation Authority is responsible for providing comments on planning applications through the vehicle of a Memorandum of Understanding (MOU). The Niagara Peninsula Conservation Authority is bound by two different types of MOUs:

1. MOU between the Ministry of Natural Resources and Forestry, and Conservation Authorities in Ontario CAs (January 2001) regarding delegated Provincial Responsibility.
2. MOUs between the Niagara Peninsula Conservation Authority and the three main upper tier/single tier municipalities within our watershed, namely the City of Hamilton, Haldimand County, and Niagara Region. Each individual MOU is specific to the area and context it applies to. In general, these three MOUs identify the NPCA's role and function for implementing the above-noted sections of the PPS through the development review process.

Section 3 provides a more expansive discussion on some of the specific policies within the PPS which are of relevance to watershed planning.

2.5 Provincial Plans

2.5.1 Greenbelt Act and Greenbelt Plan

The Greenbelt Plan came into effect in 2005 and provides a policy framework for protecting the natural and agricultural systems in the Greater Golden Horseshoe by identifying where urbanization should not occur. The Greenbelt Plan was prepared under the authority of the Greenbelt Act (2005), which designates the Greenbelt Area that the Plan applies to, and lays out the key components and objectives for the Greenbelt area as described in the Plan. The Greenbelt Plan lays out a strategy and policies for protecting natural and agricultural resources and framework builds on the framework established in

the PPS (and other provincial plans such as the Oak Ridges Moraine Plan and the Niagara Escarpment Plan). The Greenbelt Plan identifies policies for lands identified as Protected Countryside which includes lands identified as:

- Agricultural System
 - Speciality Crop;
 - Prime Agricultural Lands; and,
 - Rural Areas.
- Natural System
 - Key Natural Heritage Features (significant habitats of endangered species, threatened species and special concern species, fish habitat, wetlands, Life Science Areas of Natural and Scientific Interest, significant valleylands, significant woodlands, significant wildlife habitats, sand barrens, savannahs and tallgrass prairie and alvars); and,
 - Key Hydrologic Features (permanent and intermittent streams, lakes, seepage areas and springs and wetlands).

The Greenbelt Plan is of particular relevance as the northern portion of the NPCA's watershed falls within the limits of the Plan Area. The Plan is intended to be read and applied in conjunction with a range of other applicable plans, policies and legislation, including regulations under the Conservation Authorities Act. In instances where there is a conflict between a particular policy in the Greenbelt Plan and a policy in the NPCA's Policy Document, the Greenbelt Plan states that the more restrictive policy shall apply.

2.5.2 Places to Grow: The Growth Plan for the Greater Golden Horseshoe

Places to Grow: The Growth Plan for the Greater Golden Horseshoe (2005) works in parallel with the Greenbelt Plan (and other provincial plans). The Growth Plan was developed as a means to strategically direct and coordinate growth across the 118 municipalities which make up the mega-region known as the Greater Golden Horseshoe and was prepared under the authority of the Places to Grow Act (2005). The Growth Plan provides policies to support compact, transit-supportive and pedestrian friendly forms of intensification and greenfield development. Generally speaking, municipalities are primarily responsible for implementing the policies of the Growth Plan through Official Plans and zoning by laws.

The Growth Plan is of relevance for the Living Landscape, as the NPCA needs to consider the policies of the Growth Plan when issuing permits and/or commenting on development applications².

2.5.3 Niagara Escarpment Plan

The Niagara Escarpment Plan (2012) was created to protect and preserve the Niagara Escarpment, one of twelve UNESCO World Biosphere Reserves in Canada. The Plan was prepared under the authority of the Niagara Escarpment Planning and Development Act (1973) and includes policies for seven designations within the Escarpment: Natural, Protection, Rural, Recreation, Urban, Minor Urban and Mineral Resource Extraction. The Niagara Escarpment Commission is responsible for regulating development in the Plan Area, which skirts the northern portion of the NPCA's watershed. The NPCA is responsible for reviewing and providing comments on development proposals which fall within the Plan Area and the NPCA's regulations also apply within the Niagara Escarpment Plan Area³. **Figure 2.3** highlights the areas within the NPCA jurisdiction that are designated under the Niagara Escarpment Plan and the Greenbelt Plan.

2.6 Environmental Assessment Acts

2.6.1 Ontario Environmental Assessment Act

The purpose of the Environmental Assessment Act is “the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment” (2). The Act applies to provincial ministries and agencies, municipalities such as towns, cities, and counties, as well as public bodies such as conservation authorities for infrastructure projects such as (but not limited to):

² In instances where there is a potential conflict between a policy within the Growth Plan and other provincial plans/policies, Section 1.4 states that the Growth Plan shall prevail, except for policies related to the natural environment and public safety (in those matters, the policies of the PPS prevail). Notwithstanding the fact that the PPS and the Conservation Authorities Act direct development away from hazard lands and that Section 1.4 clearly outlines the policy hierarchy, there has been occasional confusion about how to manage conflicts between infill development and natural hazards.

³ Note that the NEC does not maintain specific EIS guidelines and accordingly the NPCA relies on municipal EIS guidelines when reviewing NEC permits.

- Public roads and highways;
- Transit projects;
- Waste management projects;
- Water and wastewater works;
- Resource management;
- Flood protection projects.

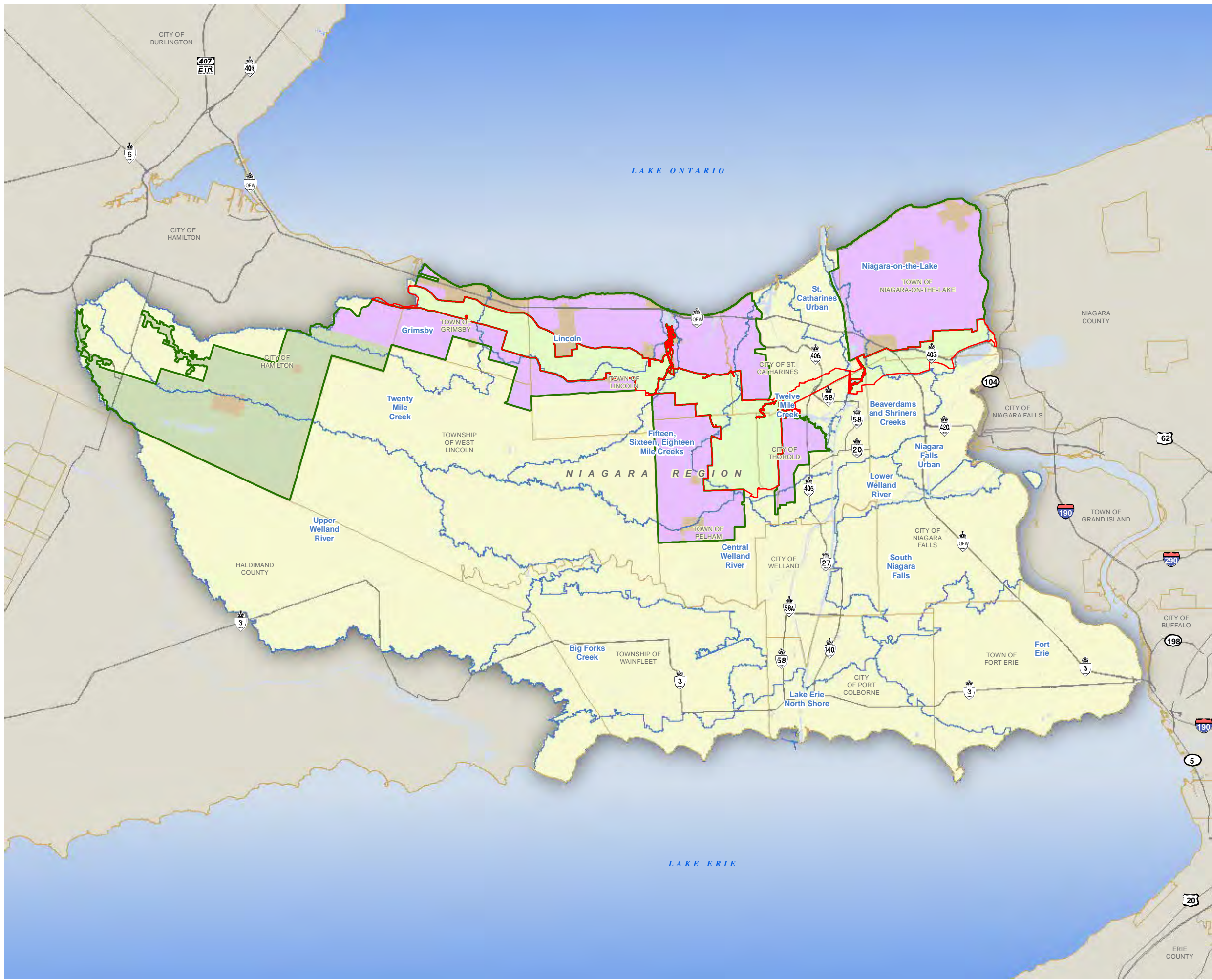
The NPCA is responsible for commenting on infrastructure projects within the watershed led by public or private sector proponents. The NPCA is also responsible for adhering to the Act when it acts as the proponent under the act (e.g. undertaking flood protection projects). When acting as a proponent for certain types of projects, the NPCA is subject to the Conservation Ontario's Class Environmental Assessment for Remedial Flood and Erosion Control Projects.

2.6.2 Canadian Environmental Assessment Act

The Canadian Environmental Assessment Act (CEAA 2012) is generally similar to the Ontario Environmental Assessment Act, focusing on potentially adverse environmental effects within federal jurisdiction, including:

- Fish and fish habitat;
- Other aquatic species;
- Migratory birds;
- Federal lands;
- Effects that cross provincial or international boundaries;
- Effects that impact on Aboriginal peoples, such as their use of lands and resources for traditional purposes;
- Changes to the environment that are directly linked to or necessarily incidental to any federal decisions about a project.

Where Federal EAs are undertaken within the Niagara Peninsula watershed, the NPCA provides comments through the CEAA process.

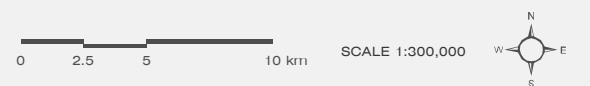


NIAGARA PENINSULA CONSERVATION AUTHORITY

PROVINCIAL PLAN DESIGNATED AREAS WITHIN THE NPCA WATERSHED

FIGURE 2.3

- HAMLETS
- TOWNS AND VILLAGES
- TENDER FRUIT AND GRAPE LANDS
- NIAGARA ESCARPMENT PLAN
- PROTECTED COUNTRYSIDE
- FREEWAY / EXPRESSWAY / HIGHWAY
- WATERSHED PLANNING AREA BOUNDARY
- LOCAL MUNICIPAL BOUNDARY



MAP DRAWING INFORMATION:
DATA PROVIDED BY NPCA, MNR AND ESRI

MAP CREATED BY: PFM
MAP CHECKED BY: CF
MAP PROJECTION: NAD 1983 UTM Zone 17N

London --> G:\GIS\Proposals\NPCA Proposal\Greenbelt Plan Designations.mxd



PROPOSAL _____
STATUS: FINAL _____
DATE: 7/4/2016 _____

2.7 Niagara River Remedial Action Plan

The Great Lakes Water Quality Agreement (1972) was signed by Canada and the U.S. to restore and maintain the integrity of the Great Lakes Basin ecosystem, which had come under significant pressure from a variety of sources (mainly the effects of extensive urbanization and industrialization). In 1987, an amendment to the Agreement allowed for the implementation of Remedial Action Plans (RAPs) to restore ecosystem health in 43 identified Areas of Concern (AOCs) located within the Great Lakes Basin. The Niagara River was designated as one of the 43 AOCs.

The purpose of the Niagara River RAP is to identify significant water quality concerns and take actions to resolve them, within the context of a three-step process:

- 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.

Upon completion of the three-stage process, the Niagara River AOC will be considered remediated and will be “delisted” as an AOC. The Niagara River RAP is currently in the third and final stage of the RAP process, with a target delisting date of 2020. The NPCA acts as the Coordinator for the Niagara River Remedial Action Plan on behalf of the Province of Ontario and the Federal Government.

2.8 Other Relevant Legislation

In addition to the above, there are a number of additional acts and legislation that the NPCA needs to consider when making decisions related to development and site alteration. These include:

- The Building Code Act, which governs the structural, safety, and liability characteristics of developments. For development applications within its regulated areas, the Building Code recognizes the conservation authority regulations that are applicable by law. The Building Code Act requires NPCA permission to be provided prior to issuance of development approvals in accordance with any applicable regulations under the Conservation Authorities Act. The NPCA provides location approval and/or recommends technical investigations and site control measures in line with conservation best practices.

- The Drainage Act provides direction to municipalities for the maintenance and repair of municipal drainage works and, under certain circumstances, municipalities can be held liable where prescribed duties are not performed. Under the Conservation Authorities Act, conservation authorities are responsible for regulating works within watercourses and wetlands. The Ontario Ministry of Agriculture, Food and Rural Affairs maintains a DART (Drainage Act and Regulations Team) protocol which provides guidance to municipalities and conservation authorities on how to ensure the objectives of both acts are met. The DART protocol identifies the circumstances where a full permit is required under the Conservation Authorities Act and where a standard compliance requirement (SCRs) is recommended⁴.
- The Federal Fisheries Act provides provisions for the prevention of serious harm to fish as a result of human activity. In 2013, the Act was updated and, as a result of the update, Conservation Authorities no longer provide regulatory review for works under the federal Fisheries Act. Any previous agreements between DFO and conservation authorities are no longer in effect (additional commentary on the Fisheries Act is provided in Section 3.10 of this report).
- The Federal Migratory Birds Act provides protection for over 450 species of migratory birds through a series of regulations.
- The Ontario Water Resources Act covers both groundwater and surface resources. The Act regulates sewage disposal and “sewage works” and includes regulations which prohibit the discharge of polluting materials that may negatively impact water quality. In addition to this, the Act also requires permits from the Ministry of Environment and Climate Change to take more than 50,000 liters of water per day from ground or surface water sources. The NPCA is notified of any applications to take water within the watershed and provides comments on permit requests.
- The Ontario Clean Water Act is concerned with the protection of drinking water through a multi-pronged approach to source water protection. The issue of drinking water protection within the NPCA watershed is addressed through the establishment of the Niagara Peninsula

⁴ Standard Compliance Requirements under the DART protocol are activities which can proceed without a full permit under the Conservation Authorities Act.

Source Protection Area (NPSPA), which was established in 2007 and covers the same geographic extent as the NPCA Watershed. The NPSPA implemented a Source Protection Plan in 2014 to provide a zone within which all municipal drinking water is derived from surface water resources, thereby protecting groundwater sources.

- The Federal Species at Risk Act (SARA), which prevents species from disappearing, promotes the recovery of species that have been extirpated, provides protection for species that are endangered or threatened as a result of human activity, and prevents species of special concern from becoming endangered or threatened. SARA is integrated into the NPCA's review of development applications particularly where the modification of wetland boundaries are concerned.

It is also worth noting that a Natural Areas Inventory (NAI) was completed for the NPCA Watershed from 2006-2009. The NAI was developed using the Province's "Ecological Land Classification" system protocol. The NAI project created 1:2,000 mapping of natural features in the watershed as well as species checklists, and a master plant list (including, a list of local rarity compiled by the Natural Heritage Information Centre of the Ministry of Natural Resources). This information can be used by staff, municipalities and other stakeholders to map natural features and areas in planning documents and used as background information to prepare Environmental Impacts Assessment reports for development applications. The Policy Document will recognize the NAI mapping and how it is to be used by staff, stakeholders and the public.

3.0 WATERSHED POLICIES

The following section provides a review of the existing policies within the NPCA Policy Document and identifies key issues, opportunities and gaps which should be addressed in the update. The first section provides a brief discussion on the structure, organization and format of the Policy Document. The remaining sections cover a range of policy topics:

- Floodplains;
- Valleylands;
- Groundwater and Source water protection;
- Shoreline hazards;
- Wetlands;
- Natural heritage;
- Hazardous sites;
- Stormwater management; and,
- Fish habitat.

3.1 Policy Document Structure and Organization

3.1.1 Context

As noted earlier, the Policy Document is used by NPCA Staff when making decisions (issuance of development permits under Ontario Regulation 155/06) or when commenting on a particular proposal or project. The stated purpose of the Policy Document is “to provide local NPCA watershed policies which will guide development and site alteration while protecting, preserving and enhancing the natural environment within the legislative mandate of the NPCA” (page 6).

3.1.2 Current Framework

The current Policy Document is organized into seven main sections. The first section is the introduction and lays out the legislative basis for watershed policy and also provides a few organizational notes for the reader (including the purpose of the document and a brief overview of the NPCA’s ecosystems-approach to watershed planning). The second section documents the process and procedures for permits required under Section 28(1) of the Conservation Authorities Act. Section 3 provides the policies for decision-making associated with Ontario Regulation 155/06 and includes policies for watercourses, floodplains, valleylands, hazardous lands, wetlands and shorelines, with both general policies and specific policies. Section 4 generally covers the same policy themes; however, the policy guidance is directed towards the NPCA’s role as a review agency under the Planning Act and other relevant pieces of legislation. The fifth section provides some additional reference materials to support decision making and policy interpretation for both Sections 3 and 4. Section 6 contains the definitions and Section 7 includes appendices which are intended to assist with some aspects of implementation (e.g. Hearing Guidelines under the Conservation Authorities Act and some additional background on the delegation of natural hazard review).



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

December 12, 2007 (Original NPCA Board Approval)
 December 9, 2009 (Housekeeping Amendments)
 September 15, 2010 (Housekeeping Amendments)
 October 19, 2011 (Housekeeping Amendments)



2010-09-15

Page 1

3.1.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and gaps related to the Policy Document’s current structure, organization and formatting:

- The introductory section should include a more clearly defined set of principles which recognize both local/community values, as well those articulated in the various Provincial plans and policies. A clearly articulated set of principles and objectives should help to better explain the rationale for the various policies contained within the Policy Document. The identification of principles should be informed by input from the public, stakeholders and the NPCA.

- The discussion on legislation could be enhanced to better reflect the different roles played by the NPCA.
- There are opportunities to improve the structure and organization of the Policy Document, with a few alternatives which can be further explored. For instance, the NPCA could consider re-organizing Sections 2-5 to focus on policy themes (e.g. floodplains, valleylands, wetlands, etc.) to avoid confusion and redundancy within the policies. Each policy theme would need to recognize nuances between permits issued under Regulation 155/06 and Planning Act proposals. Alternatively, the document could be arranged around themes related to the various roles that the NPCA holds, for example Natural Hazards (Delegated Authority), Natural Heritage (MOUs), etc.
- There are opportunities to introduce some additional visualizations, diagrams, photos and other color graphics to enhance the legibility of the Policy Document.
- The document does not include an implementation section – although aspects of implementation are woven throughout the Document. One suggestion would be to include an implementation section at the end of the Document, where procedures and processes are explained separately from policy interpretation. The implementation section could be subdivided to recognize the different protocols followed by the NPCA (permit approval, comments on plans, comments on EA, acquisition of land, etc.). This section might also expand upon the interaction between the NPCA’s tools (stormwater management guidelines, watershed plans, etc.), municipal planning tools (Official Plans, Zoning by-law, site plans, Community Improvement Plans, Secondary Plans, etc.) and other tools/processes (such as EAs). The implementation section would also contain procedures for how the policy document would be updated on an ongoing basis.
- The Definitions section needs to be reviewed and updated to reflect changes in provincial policy. This section could also benefit from a few explanatory notes to address some of the “quirks” and nuances within the Provincial planning framework. It is important to note there may be different definitions used for different plans/legislation, for example, the term “Development” has two different definitions (Planning Act vs. Conservation Authorities Act).
- The Policy Document should be prepared as a web-friendly and accessible electronic document (i.e. minimum 12 point fonts, inclusion of document tags for accessibility.).

- The Hearing Guidelines which are attached as Appendix 1 to the Policy Document are out of date, as the NPCA Board adopted new hearing guidelines in 2015. The new Policy Document should include the recently adopted hearing guidelines which are now in force and effect.

3.2 Floodplains and Watercourses

3.2.1 Context

Generally speaking, floodplains are low lying lands which are adjacent to watercourses and/or in-land lakes and are subject to periodic flooding. To mitigate the potential risks to public health, safety and property, the Province of Ontario has enacted a number of regulations intended to limit the amount of development that occurs in floodplains⁵. The policy framework directs development away from areas of hazards (natural or man-made) where the risk associated with the development is shown to be unacceptable to the public health or safety, or will result in property damage, create a new hazard or aggravate an existing hazards.

The primary objective for the identification of floodplains is the identification of potential risk

Flooding hazard: means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:

- a) *Along the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;*
- b) *Along river, stream and small inland lake systems, the flooding hazard limit is the greater of:*
 - i. *The flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;*
 - ii. *The one hundred year flood; or*
 - iii. *A flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources.*

Except where the use of the one hundred year flood or the actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

⁵ The PPS (Planning Act) and the Conservation Authorities Act (specifically Ontario Regulation 97/04 and Regulation 155/06 under the CA Act) are the main legislative tools which provide direction to municipalities and conservation authorities for regulating development in floodplains.

to public health and safety, in addition to mitigating damage to property from the impacts of a significant storm event. One of the key tools for managing the risks associated with flooding is floodplain mapping based on significant storm events. The measure used by the NPCA for a significant storm event is the 100-Year Storm (some other Conservation Authorities use the 1954 Hurricane Hazel storm and others use the 1961 Timmins flood event). During a large storm event, the floodplains and valley lands fill up with water causing water levels to rise significantly within the floodplain. Accordingly, conservation authorities use floodplain mapping to manage the risks associated with development which may be subject to flooding.

In Ontario, there are two generally accepted approaches to floodplain policy, known as the one-zone and two-zone approaches. A floodway is the portion of the floodplain where development would cause significant risk to public health, safety or property damage (**Figure 3.1**). A one-zone concept is where the entire floodplain is the floodway, as illustrated in areas where the Hurricane Hazel Flood level is taken as the baseline for floodplain mapping. A two-zone policy provides a separation of the floodplain and the 'flood fringe', which is an area that allows development based on the type of storm that is considered as the baseline for floodplain mapping. For example, the flood fringe might be the land area between the Hurricane Hazel flood level and the 100-year storm flood level, where the 100-year storm flood level is closer to the shoreline⁶. Under the two-zone policy, development is still prohibited within the floodway where there is active conveyance, but within the flood fringe and outside of the floodway, conditional development is allowed with the correct type of flood protection measures.

Typically, where there is a two-zone policy approach in place, the onus is on local municipalities to demonstrate that the one-zone approach is too onerous and would have a negative impact on the community. The two-zone approach is usually applied in urban areas where demand for development can offset the costs associated with flood-proofing requirements. Also, municipalities play an important role in implementing floodplain policy, as they are responsible for incorporating floodplain mapping in local official plans and zoning by-laws.

⁶ Note that the Ministry of Natural Resource's technical guidelines for floodplains do not address a two zone system where floodplain is based on the 100 year flood event.

In addition to the one-zone/two-zone approach, the floodplain policy framework in Ontario also makes provision for historic built-up areas where development patterns pre-date the emergence of provincial flood risk management. A special policy area (SPA) is an area within an existing community where historically it existed within the floodplain. These are areas where both the MNRF and the MMAH have approved for the continued viability of existing uses and for some limited development. Development can continue and is allowed in these areas if it can be shown that significant hardships to the community would occur with strict adherence to the provincial policies and development was prohibited. The SPA does not allow for new or intensified development and site alteration if opportunities for development outside of the floodplain exist. There is one SPA in the NPCA Watershed, located in the Town of Fort Erie.

3.2.2 Policy Framework

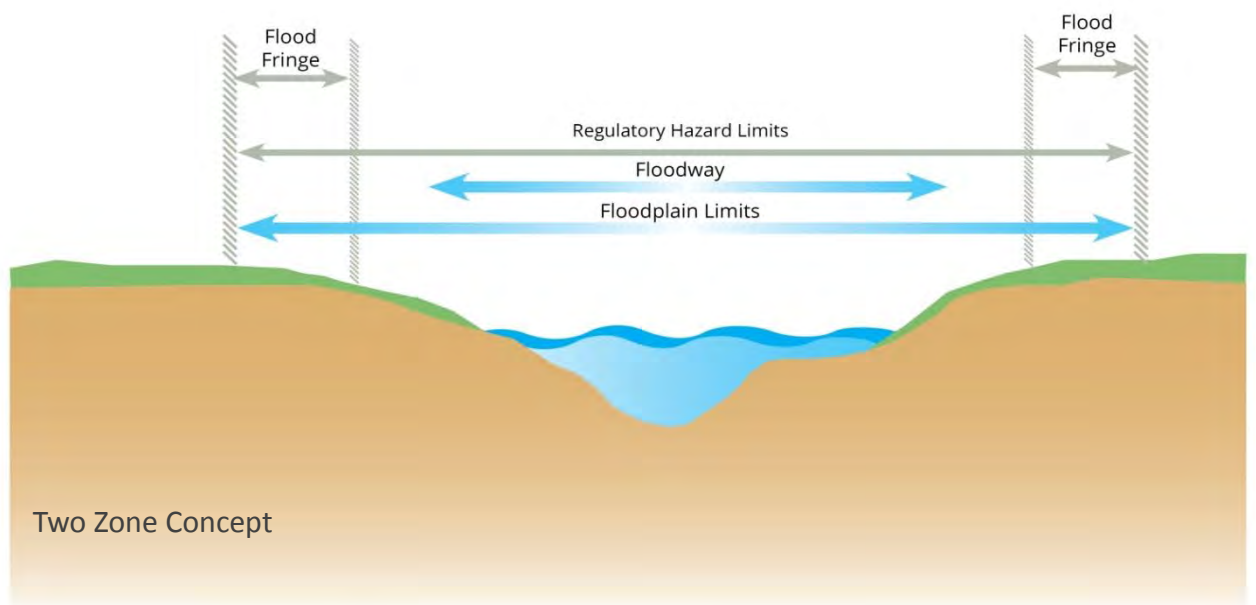
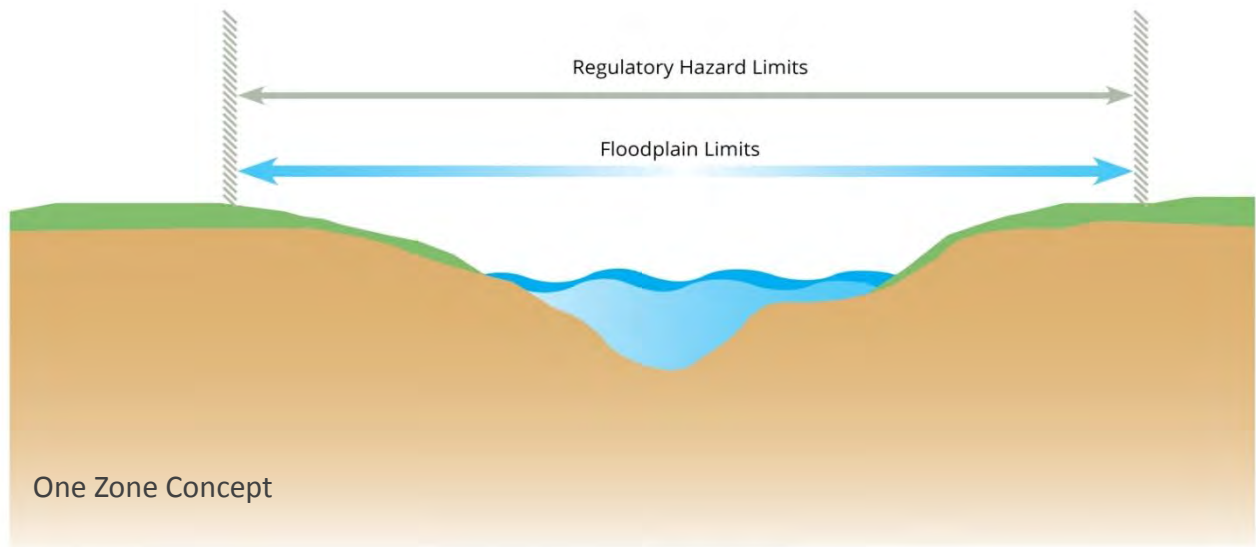
The NPCA's Policy Document aligns with Ontario Regulation 155/06, as Policy 3.1 states that development is prohibited within watercourses, regulatory floodplain, valleyland, hazardous land, wetlands and along the shoreline of the Great Lakes. However, some development may be permitted within a floodplain if it is demonstrated that *the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be impacted by development.*

The majority of the NPCA jurisdiction is categorized as a one zone area. There are no identified two zone areas within the NPCA jurisdiction. As mentioned previously, currently there is only one SPA within the NPCA's jurisdiction, located in the Town of Fort Erie in the Fort Erie Industrial Park. Generally, the NPCA uses the 100 year flood for identifying the limits of the floodplain (Policy 3.3); although in several locations in Niagara Falls, the Hurricane Hazel standard is used to define the floodplain limits (Beaverdams Creek, Shriner's Creek, Ten Mile Creek and Tributary W-6-5).

Section 3 includes both General and Specific Policies which apply to floodplains. The General Policies cover a range of items such as fencing, public safety, vegetation protection zones, design flows, as-built drawings, fish habitat setbacks, etc. (these General Policies are intended to apply to a variety of features within the NPCA's regulated areas). All works under the Specific Policies (Policies 3.15 – 3.26) must meet the requirements of the General Policies. Permits are required for all works under the Specific Policies. Specific policies include: Watercourses and floodplains, alterations to watercourses and floodplains, permitted uses within floodplains, existing floodplain development (including

replacement/relocation of buildings and structures and minor additions), balanced cut and fill (including policies, requirements, and hydraulic analysis requirements) , floodplain spill areas, minor works within a floodplain where permits are not required (fill not exceeding 25 m³ of material,

Figure 3.1: Comparing the One-Zone and Two-Zone Approaches to Floodplain Policy



landscaping, pipeline crossings), special policy areas, municipal drains, wetlands, valleylands, and shorelines.

Table 3.1 provides a summary of the NPCA’s current floodplain policies.

Table 3.1: NPCA Floodplain Policy

Policy No.	Topic	Key Policy Directions
3.1	Watercourses, floodplains, valleylands, hazardous lands, wetlands and shorelines	<ul style="list-style-type: none"> • Except where permitted elsewhere in this Policy, this blanket policy prohibits development within floodplains (and other areas).
3.3	One Zone Concept	<ul style="list-style-type: none"> • States that the NPCA shall implement a one zone concept, which is defined as: <ul style="list-style-type: none"> ○ 100 year Flood line, where the 100 year flood information is available; ○ The Regional Flood where the 100 year flood is not available; and, ○ Where information is not available, the landowner will be required to determine the 100 year level. • Policy notes three exceptions in Niagara Falls where the Regional Flood applies.
3.15	Watercourses and Floodplains	<ul style="list-style-type: none"> • Floodplain mapping and modelling may be required to support an application.
3.16	Alterations to watercourses and floodplains	<ul style="list-style-type: none"> • Provides conditions and criteria where alterations may be permitted.
3.17	Permitted uses within the floodplain	<ul style="list-style-type: none"> • Notwithstanding the previously-noted policies, Section 3.17 lays out the criteria for allowing some limited activities within the floodplain (reconstruction or minor additions to existing structures, certain agricultural structures, in ground swimming pools, open space uses, parking lots, driveways, access roads, material and equipment storage, certain types of infrastructure, works under the Drainage Act and uses not likely to incur damages from floodwaters).

Policy No.	Topic	Key Policy Directions
3.18.1	Replacement/relocation of buildings and structures	<ul style="list-style-type: none"> Provides criteria allowing for the replacement of existing structures already located within the floodplain, provided the structure cannot be relocated outside the floodplain area.
3.18.2	Minor additions	<ul style="list-style-type: none"> Provides additional direction for minor additions. Minor additions must be peripheral in nature (decks, patios, open porches) and are properly secured. The addition shall not exceed 20% of the original gross floor area or 300 square feet (whichever is lesser) and that the existing flood depths do not exceed 0.8 metres, velocity does not exceed 1.7 metres/second.
3.19	Balanced cut and fill	<ul style="list-style-type: none"> Outlines detailed policies for where and how cut and fill proposal may be approved. Requires the submission of a cut and fill plan which demonstrates how the various criteria have been met.
3.20	Floodplain spill areas	<ul style="list-style-type: none"> Identifies potential mitigation measures for spill areas.
3.21	Minor works within a floodplain for which not permits are required	<ul style="list-style-type: none"> Identifies minor works not subject to a permit, including certain types of agricultural activities, filling that does not exceed 25 cubic metres, landscaping and pipeline crossing.
3.22	Special Policy Areas	<ul style="list-style-type: none"> Includes a site specific policy for Fort Erie Industrial Park.

3.2.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues and opportunities to be considered in the policy review with respect to floodplain policy:

- Policy 3.3 deals with the one-zone floodplain concept. There may be opportunities to examine the use of a two-zone concept in specific circumstances. For example, there may be opportunities to examine the applicability of the two-zone concept for the watercourses in Niagara Falls (where the floodplain is derived from Hurricane Hazel). With the consideration of development within the floodplain, consideration should also be given to special policy areas where development can occur; however, in the consideration of SPA's, it requires the approval

of the province (MNRF, MMAH). This also requires the local municipal official plan and zoning regulations to be incorporated into the SPA's. However, it should be noted that it is not the intent of the Policy Document review exercise to update flood plain mapping or conduct flood plain analysis. The Policy Document should include general policies which provide direction for the NPCA as to the overall policy framework and general implementation.

- Policy 3.11 deals with fencing, covering a range of possible circumstances. Specific fencing policies should be included in new sub-sections specific to each topic/themes (e.g. floodplains, wetlands, etc.)
- Policy 3.13 provides direction for certain works to be completed at certain times of the year. This section should reference the fact that there are certain timing requirements for works established by, for example, the MNRF or DFO. The updated policy does not need to include the specific time-frames, as they may change from time to time; however, they could reference the type of work and appropriate agency responsible.
- Policy 3.16 links both watercourse alterations with floodplain policy. For clarity reasons, there may be an opportunity to separate out these topics into different sub-sections.
- Policy 3.17 provides guidance for permitted uses in floodplains and generally provides a sufficient amount of direction for decision-making. However, there are several areas which could benefit from further clarification. Discussions with NPCA staff suggest that some policies within this section have been misinterpreted and some further refinement may be required.
- Some watercourses within the watershed have been altered and there are opportunities for the updated Policy Document to encourage restoration and natural channel design.
- Most of the NPCA's floodplain mapping is based on the 100-year storm event, intended to provide a conservative estimate of the anticipated level of flooding for a major storm that would occur on average every 100 years. However, there have been a number of heavy precipitation events over the past decade that have either achieved or surpassed the 100-year storm level, thus providing an impetus for a review of the storm level utilized for floodplain mapping.
- Changes in climate and increased high-intensity short-duration storms as described above, have the potential to result in larger overland floods from rivers swollen by prolonged rainfall, sudden snowmelt or ice jams, damaging buildings and other structures within or adjacent to floodplains. Consideration should be given to the potential impacts of climate change and increased rainfall on floodplain limits and there is an opportunity for the Policy Document (or a

future study) to provide some guidance on how potential climate change impacts are to be handled (additional commentary on climate change is provided in section 3.11 of this report).

3.3 Valleylands

3.3.1 Context

Valleylands are natural areas that occur “in a valley or other landform depression that has water flowing through or standing for some period of the year” (PPS, 2014). Valleylands are of particular importance for watershed planning for several reasons. Firstly, valleylands are dynamic places and are susceptible to slope failure and the loss of land which can result in extensive damage to property, roadways and buildings. Slope failure can be triggered by human modifications on or near the slope (construction activity) as well as atmospheric (heavy rainfall) and geologic (freeze-thaw soil action) processes or a combination of these three processes. Valleylands can also provide an important function for natural heritage systems, promoting biodiversity and connectivity. For these reasons, development controls in and adjacent to valleylands are regulated (e.g. adjacent lands where an EIS would be required are all lands within 15 metres of a valleyland feature).



Twelve Mile Creek. Photo Credit: Julie Jocsak/ St. Catharines Standard/QMI Agency

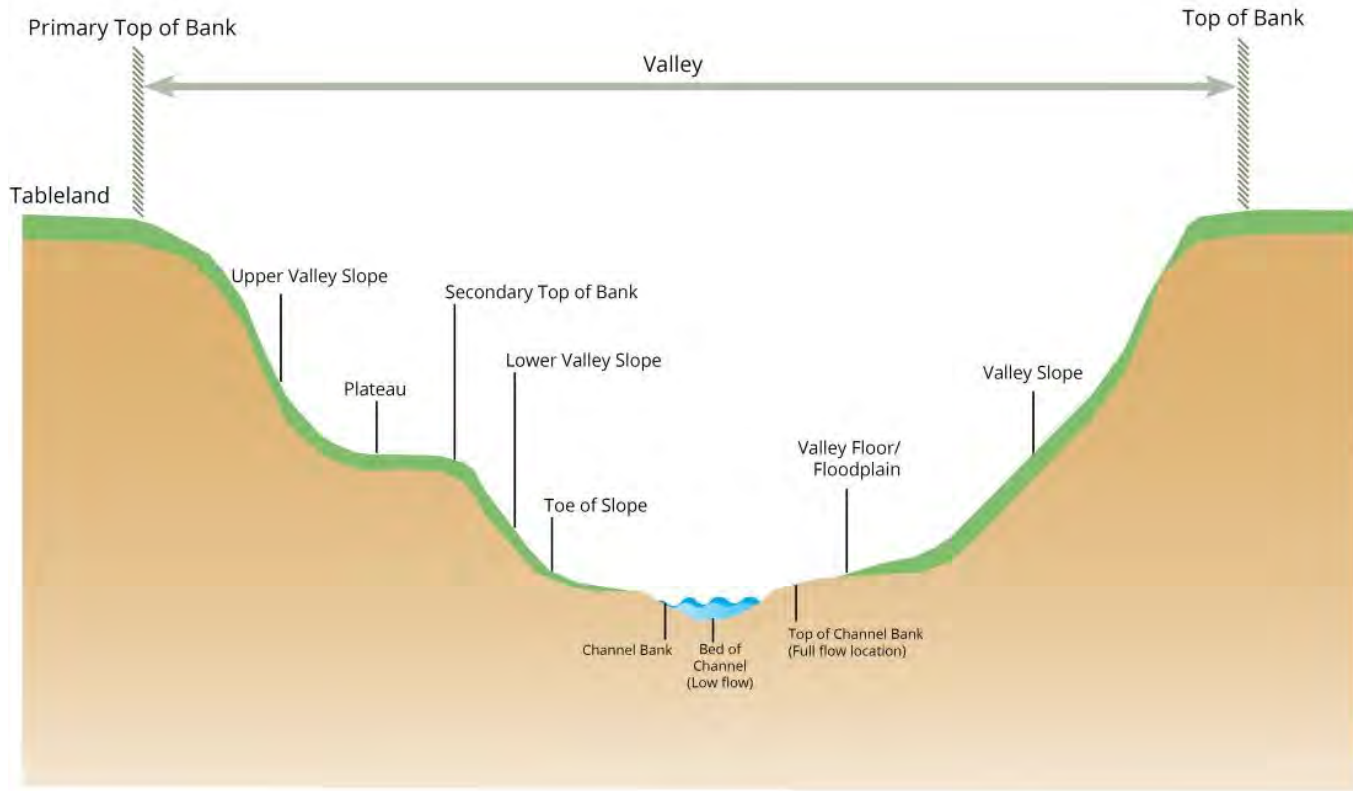
3.3.2 Policy Framework

Both the PPS and Ontario Regulation 155/06 provide direction for planning in and around valleylands. Policy 2.1.5 of the PPS states that development and site alteration shall not be permitted in the natural heritage features listed in PPS policy 2.1.5, unless it has been demonstrated that there will be no negative impacts on the natural features or their functions; this policy prohibits development in significant valleylands (2.1.5c). Ontario Regulation 155/06 provides additional direction, as regulation 2B prohibits development in valleylands:

- i. Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side;
- ii. Where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100-year period, plus 15 metres, to a similar point on the opposite side;
- iii. Where the river or stream valley is not apparent, the valley extends the greater of,
 - a. The distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, to a similar point on the opposite side, and
 - b. The distance of a predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood standard, to a similar point on the opposite side.

The water features within a valleyland may be either permanent or intermittent. The limits of the valley land are defined by the primary top of bank on each side of the landform as illustrated below on **Figure 3.2**.

Figure 3.2: The Physical Features of a Valleyland



In addition to the PPS and Ontario Regulation 155/06, the Greenbelt Plan includes several policies for valleylands which merit consideration. Within the Greenbelt Plan Area, significant valleylands are considered to be a key natural heritage feature within the Greenbelt Natural Heritage System and development and site alteration is prohibited (Policy 3.2.4.1). Policy 3.2.5 provides direction to municipalities and conservation authorities encouraging connections between significant valleylands outside of the Greenbelt, stating that “in recognition of the function of the urban river valleys, municipalities and conservation authorities should:

1. *Continue with stewardship, remediation and appropriate park and trail initiatives which maintain and, to the extent possible, enhance the ecological features and functions found within these valley systems;*
2. *In considering land conversions or redevelopments in or abutting an urban river valley, strive for planning approaches that:*

- a) *Establish or increase the extent or width of vegetation protection zones in natural self-sustaining vegetation, especially in the most ecologically sensitive areas (i.e. near the stream and below the stable top of bank);*
 - b) *Increase or improve fish habitat in streams and in the adjacent riparian lands;*
 - c) *Include landscaping and habitat restoration that increase the ability of native plants and animals to use valley systems as both wildlife habitat and movement corridors; and*
 - d) *Seek to avoid, minimize and/or mitigate impacts associated with the quality and quantity of urban run-off into the valley systems; and*
3. *Integrate watershed planning and management approaches for lands both within and beyond the Greenbelt.*

The NPCA's current policy framework for valleylands is covered in several sections. Policy 3.1 and 3.2 prohibit development in valleylands and on lands within 15 metres from the stable top of bank, which is consistent with Ontario Regulation 155/06. Section 3.25 provides a more detailed policy framework for development in and adjacent to valleylands. Table 3.2 summarizes the current policy framework for valleylands.

Table 3.2: NPCA Valleyland Policies

Policy No.	Topic	Key Policy Directions
3.25.1 and 3.25.2	Defining the physical top of slope and stable top of slope	<ul style="list-style-type: none"> Physical top of slope shall be defined in the field by NPCA staff and applicant, with drawings submitted to NPCA for review. Stable top of slope shall be established by a professional geotechnical engineer using NPCA guidelines in Section 5 of Policy Document.
3.25.3.1	Development policies for stable slopes	<ul style="list-style-type: none"> Minimum setback of 7.5 metres from the physical top of slope for all development. Lot creation is subject to a 7.5 metre setback from the physical top of slope.
3.25.2	Development policies for unstable slopes	<ul style="list-style-type: none"> Geotechnical investigation is required. A minimum setback from the stable top of slope is require for all

Policy No.	Topic	Key Policy Directions
		development. <ul style="list-style-type: none"> • Lot creation is subject to a 7.5 metre setback from the physical top of slope. • Geotechnical investigation may require greater setbacks.
3.25.4	Existing development within and adjacent to valleylands	<ul style="list-style-type: none"> • Where development already exists within a valleyland or on adjacent lands, replacement of existing structures and buildings are permitted subject to a number of conditions.
3.25.5	Construction practices for valleylands	<ul style="list-style-type: none"> • Overland flow is to be directed away from valley slopes. • Fencing may be required 3 metres from the top of slope. • Re-vegetation is required where vegetation has been disturbed as a result of construction.
4.3	Application of valleyland policies through Planning Act processes	<ul style="list-style-type: none"> • Policies in section 3.25 form the basis of NPCA policy on valleylands. • Through the planning application process, NPCA will encourage protection of valleyland and tablelands through the site plan process (through the dedication of land to the municipality). • Development setbacks to range from 7.5 metres up to 30 metres where valleylands include a stream corridor to ensure protection of Type 1 Fish Habitat. • Local municipalities are encouraged to zone all valleylands in local zoning by laws. • Lands within setback areas should be zoned as open space, greenlands or hazard land in zoning by laws. • Existing vegetation should be maintained in setback areas. • Enhancement/establishment of vegetative buffers of native species may be required. • Bioengineering may be used to stabilize erosion prone areas. • Warning clauses may be required in the Agreements of Purchase and Sale and registered on the title of affected lots and/or blocks. • NPCA may require the identification of a suitable building envelope within the lot for consents. • Reductions in valleyland setbacks may be considered to accommodate smart-growth development in urban areas .

Policy No.	Topic	Key Policy Directions
4.3	Slopes where bank height is less than 3 metres	<ul style="list-style-type: none"> For valley slopes less than 3 metres, setbacks shall be determined based on the need to protect fish habitat and riparian vegetation. Setbacks to be the greater metric (floodplain limit, 15 metre vegetative buffer from channel bank where Type 2 or Type 3 Fish Habitat is present or 30 metre vegetative buffer for Type 1 fish habitat). Reductions in setbacks may be considered through an EIS.

3.3.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps to be addressed for valleyland policy:

- There is a need to harmonize the policies in Section 3 and Section 4 – both in style and content. For example, the policies in Section 3 are short, clear and precise. By contrast, the policies contained in Section 4 are not numbered and include few headings, making the policies difficult to identify and read.
- The policies generally represent the requirements of Ontario Regulation 155/05 and the 2014 PPS; however, there is a need to more explicitly address and implement Policy 3.2.5 of the Greenbelt Plan (where it applies).
- There is an opportunity to articulate the overall objectives of valleyland policies. The current policies include a brief narrative to explain the context for the policies, which could be enhanced by stating the main objectives of the policies (i.e. protect public safety and property, protect and enhance natural areas, reduce risk of slope failure, reduce potential for impacts on fish habitat, etc.).
- There is an opportunity to modify the policy framework to differentiate between valleyland areas which need to be regulated solely for risk of slope failure, and valleylands which have a significant natural heritage function and require habitat protection measures. Accordingly, the policies should provide guidance for valleylands which have an ecological corridor function.
- The current policy framework treats all forms of development equally and some flexibility for development and site alteration for passive uses could be considered. There are opportunities to provide direction for certain forms of low-intensity development, such as municipal trails and

resource related uses. There are also opportunities to provide additional clarity on the types of development which are not permitted. The term passive uses should be a defined term in the Document.

- There are opportunities to provide more detailed policies to address intensification development in urban areas. Enhanced policies could speak to different forms of intensification (low density, medium density, high density, non-residential development, etc.) and offer different strategies depending on the intensity and form of development.
- A number of the policies in Section 4 are targeted to municipalities (e.g. consideration for how to treat valleylands in zoning by-laws). To improve the overall organization of the policies, the updated Policy Document could include a short implementation sub-section within the valleylands section. This implementation sub-section would provide valleyland policy direction for municipalities at the site plan/plan of subdivision/consent level, zoning by-law level and official plan level. This section could also provide direction for any study/investigation requirements (geotechnical investigations, cost of any peer reviews, etc.).
- Policy 4.3 states that, in some cases, restoration within the valleyland vegetative buffer area may be required. Some minor additions to this policy could be included to clarify the requirements for plantings which are native to the watershed and that restoration could also be required within the valleyland.
- The Policy Document could be updated to include additional guidance on how to define a setback from a watercourse where there is no apparent valley, effectively providing a more clear definition of the key terms used to define a valleyland (e.g. stable top of bank).
- The Policy Document uses the terms “setback” and “vegetative buffer” interchangeably. This is apparent in the valleyland section (but can also be found elsewhere) of the Policy Document and the revised policies should more clearly distinguish between these two terms. Setbacks which are required for public safety reasons due to the existence of a hazard are different than a vegetative buffer which is required to protect and maintain the ecological function of a natural feature. With this framework clearly established, the Policy Document could also provide

greater clarity about the distances required and types of development which may be permitted within buffers and setbacks⁷.

- The current Policy Document includes a valleyland figure/diagram which could be updated and modified to better represent the policy framework, including development setbacks, vegetative buffers, overland flow, etc.

⁷ Note that this observation applies to a number of topics throughout the Policy Document – including wetlands, shorelines, natural heritage features, etc.

3.4 Groundwater and Source Water Protection

3.4.1 Context

Groundwater plays a vital role in both the wetland's ecological function, and provides an important source of potable water for people. It forms part of the hydrologic cycle (see **Figure 3.3**), which is the continued recycling of water between the oceans and lakes, precipitation, plants, surface water and aquifers. Groundwater is stored in aquifers, which consist of fractured bedrock or permeable overburden deposits such as sands and gravel. In the Niagara Peninsula watershed, groundwater from the aquifers is used for potable water primarily from individual private water wells. Where aquifers come to surface and intercept surface water features, they can provide baseflow to support these features and to moderate the surface water temperature.

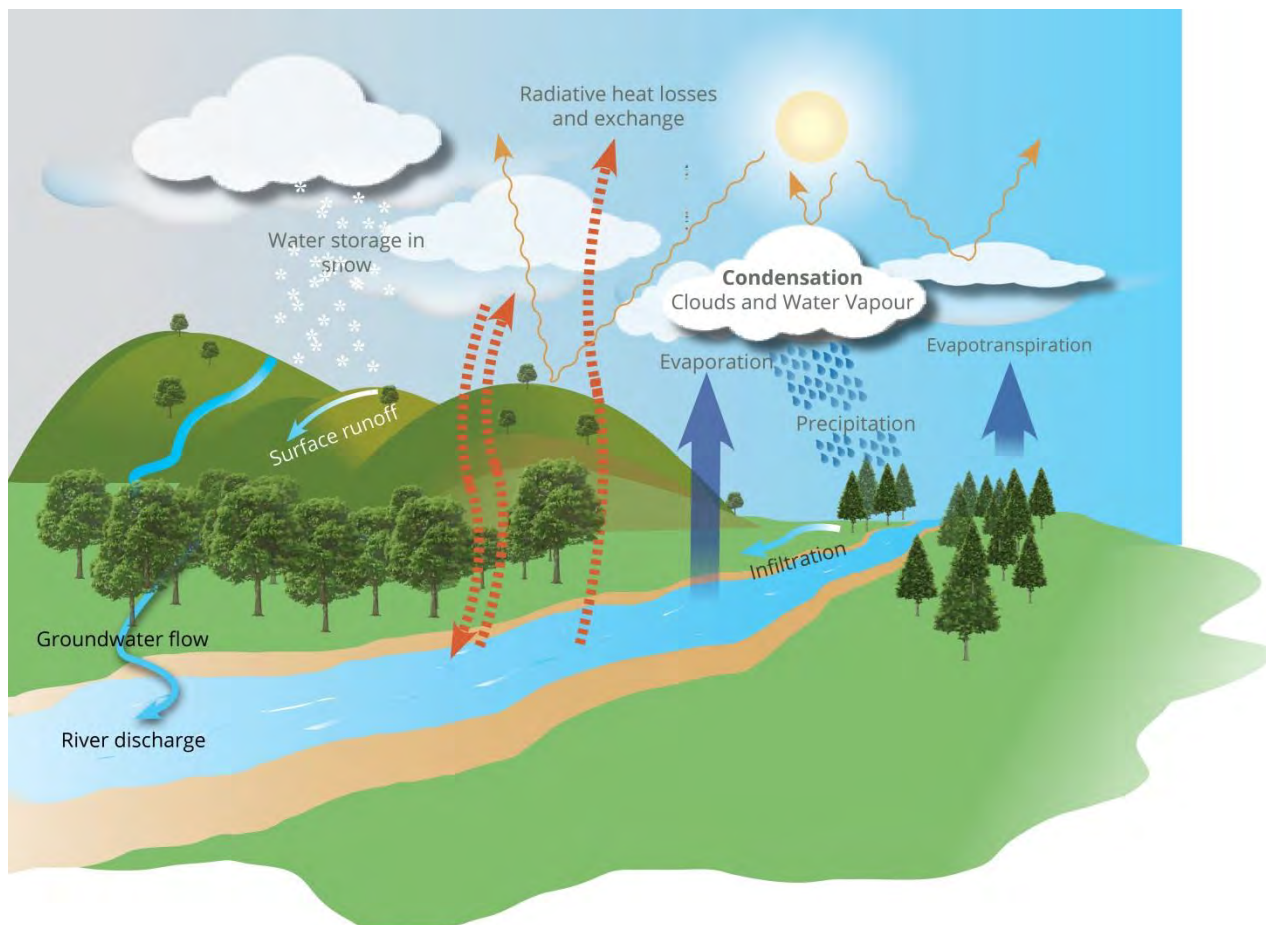


Figure 3.3: The Hydrologic Cycle

Groundwater is susceptible to contamination, especially in vulnerable areas where the aquifer is not overlain by lower permeable deposits such as clay and till that would restrict the vertical movement of contaminants. Chemicals released to the ground from spillage or leaks can dissolve within the groundwater and migrate far away from the original impact source. Detection and clean-up of groundwater impacts is difficult and expensive. For these reasons, the Province of Ontario provides a robust and multi-layered policy framework to protect vulnerable groundwater areas.

3.4.2 Current Policy Framework

The Clean Water Act (CWA, 2006) provides the basis for source water protection planning in Ontario. The purpose of the CWA is to protect Ontario's existing and future drinking water sources, as part of an overall commitment to safeguard human health and the environment. The CWA authorizes the creation of Source Protection Committees who are responsible for preparing Assessment Reports and Source Protection Plans. The CWA also allows for the creation of Source Protection Authorities (SPA) who are responsible for providing administrative, scientific and technical support to the Source Protection Committee (SPC). The Niagara Peninsula Conservation Authority is the Source Protection Authority in the watershed and is responsible for working with municipalities, stakeholders, other government agencies and the public to ensure that the policies of the Niagara Source Protection Plan are implemented.

Vulnerable areas were identified in the NPCA Assessment Report, and included significant groundwater recharge areas, high vulnerability areas and intake protection zones. The Source Protection Plan was completed in 2013 and included policies for four of the six surface water in-take protection zones (Welland; DeCew Falls; Port Colborne; City of Niagara Falls⁸). While the Assessment Report identified risks associated with groundwater, no formal policies were implemented through the Source Protection Plan. However, a few municipalities within the watershed, such as Hamilton and Welland have used the technical information in the Assessment Report and include specific policies and mapping in their

⁸ Note the Source Protection Plan did not include specific policies for the Grimsby and Rosehill water treatment plants as these facilities had lower vulnerability scores.

official plans for significant groundwater recharge areas and highly vulnerable aquifers. The purpose of these policies is intended to address the threats associated with groundwater, such as:

- Land development resulting in decreases of the infiltration capacity of shallow soils as a result of construction of an impervious surface, changes to land grading, loss of agricultural land cover etc. Decreases in infiltration result in high levels of runoff, limiting the amount of water that can enter the groundwater system which, in turn, may affect baseflow to surface water features.
- Land use activities resulting from contaminants being released into the environment that can potentially infiltrate into shallow aquifers. Common sources of area-wide contamination in the NPCA include nitrates from individual septic systems and agricultural activities, and salt impacts from de-icing activities. Individual sources of contamination include releases of chemicals associated with commercial and industrial properties.

In addition to the CWA, both the PPS and Greenbelt Plan provide planning direction for groundwater features. The PPS reinforces a number of the directions from the CWA and the Source Protection Plans. For example, Policy 2.2.2 states that “development and site alteration shall be restricted in or near sensitive surface water features and sensitive groundwater features such that these features and their related hydrologic functions will be protected, improved or restored”. The PPS also recognizes that groundwater features are part of a healthy and diverse natural heritage system and that sensitive features should be protected (by maintaining linkages, protecting and improving vulnerable and sensitive groundwater areas, Policy 2.2.1).

The Greenbelt Plan considers groundwater features to be a component of the Water Resources System within the Greenbelt Plan area and accordingly the policies which apply to entire Water Resources System would also apply to groundwater areas (see Policy 3.2.3).

The NPCA’s current Policy Document predates the completion of the Source Protection Plan and accordingly does not reference any the plans, policies and initiatives which apply to wellhead protection areas, intake protection zones and highly vulnerable aquifers. The current groundwater policies contained within the Policy Document are summarized in **Table 3.3**.

Table 3.3: Groundwater Protection Policies

Policy No.	Topic	Key Policy Directions
3.7	Conservation and Land Pollution	<ul style="list-style-type: none"> Policy 3.7 relates to assessing the proposed development’s potential to cause adverse environmental effects. In particular, the policy requires that any proposed development be evaluated to determine the potential effect to the conservation of land and/or pollution. Together, the broad terms “conservation of land and pollution” also encompasses the requirement to protect groundwater and surface water quality and quantity, as well as protection of the natural ecology.
3.24, 4.4	Wetlands	<ul style="list-style-type: none"> This policy requires that the hydrologic function of the wetland be maintained, and establishes minimum setbacks for development based on the wetlands size and significance. The setback provides both a buffer to the function of the natural feature as well as aids in maintaining the hydrologic regime of the wetland. Since some wetlands are supported by groundwater discharge, this policy places restrictions on development within adjacent areas that provide hydrologic support to the wetland via groundwater infiltration. Policy 4.4 states that, in addition to the hydrologic evaluation that may be required for development near a wetland as part of Permit application, an Environmental Impact Study (EIS) may be required to determine if the minimum setbacks are adequate. Policy 4.11 provides a general description of the objectives and content of an EIS, while Additional Reference 5.2 provides a summary of the scope of a hydrological evaluation. Overall, under the current policy, groundwater inputs into the wetland should be considered in EIS studies.
4.5	Fish Habitat	<ul style="list-style-type: none"> Policy states that the development or alteration of lands adjacent to a fish habitat shall not be allowed unless it can be demonstrated that there is no negative impacts on the natural features or their ecological function. Considering that sensitive fish habitats are often supported by groundwater discharge from adjacent areas, evaluation of the potential affects to groundwater infiltration from the development would be

Policy No.	Topic	Key Policy Directions
		captured in this policy.
4.9	Sensitive Groundwater Features	<ul style="list-style-type: none"> • Policy states that development and site alteration shall be restricted in or near sensitive surface water and groundwater features such that these features are protected, improved or restored. • The current policy references that the location of the sensitive groundwater features would be determined by NPCA staff based on available watershed/subwatershed studies and aquifer management plans.

3.4.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps to be addressed for source water protection and groundwater:

- The NPCA’s current policies do not explicitly mention the source water protection planning framework. The legislative context section should be updated to recognize the Source Protection Plan for Niagara and articulate the linkage between the Policy Document, the Source Protection Plan and the areas which the NPCA regulates. The legislative context should also recognize the mutually supporting framework for groundwater and source water protection through the Clean Water Act, the Provincial Policy Statement, the Greenbelt Plan, local official plans and other tools/processes.
- While there are several policies within the Document which address groundwater impacts associated with development proposals, it is suggested that the NPCA include a set of policies which promote the protection of the quality and quantity of groundwater in the watershed. Furthermore, a more explicit policy stating that development and site alteration in or near sensitive groundwater features should be restricted such that these features and their related hydrological functions will be protected.
- The NPCA should consider expanding the need for hydrological assessment reports by extending it to cover any developments which have the potential to affect groundwater quality or quantity (the current policy framework requires hydrological assessments for development in proximity to wetlands). The hydrological assessment report, which is to be prepared by a qualified Professional Geoscientist or Professional Engineer, is to demonstrate that development will not

significantly alter groundwater recharge/discharge in the area of the development, and that groundwater quality will not be impaired. The report should also identify mitigative measures to maintain pre-development infiltration rates, and improve or restore sensitive groundwater features and their hydrologic functions. A number of Conservation Authorities in the Province have implemented a requirement for hydrological or hydrogeological assessments (for example Halton Conservation) or components thereof to be integrated into environmental assessments or detailed design documents (for example as required by the TRCA) as part of development review applications. Such assessments typically apply to impacts on groundwater and sensitive features within the watershed in question, and include a desktop review of existing and potential future conditions as well as a field investigation to characterize site conditions, reporting on potential impacts, and provision of a plan to mitigate these impacts.

- The cumulative impacts of development is an area that is not sufficiently addressed within the Policy Document, and the NPCA may consider providing guidance on the evaluation of cumulative impacts on groundwater resources.

3.5 Shoreline Hazards

3.5.1 Context

The shorelines along Lake Ontario, Lake Erie, and the Niagara River can be very dynamic in nature. This is a result of the fact that shorelines are made up of an accumulation of detritus material such as sediment that is continually being transported and deposited by wave action, currents, and wind. The composition of the sediment varies from clay and silt to sand and gravel, to cobbles or even boulders. As a result, the composition of shorelines is very dynamic in nature where they are being shaped and reshaped. These changes can range from a period of a few hours to days or even years and decades in response to the changes in the waves, winds, water levels, currents as well as movement and accumulation of ice.

Morgan's Point. Photo Credit: NPCA



3.5.2 Current Policy Framework

The Conservation Authorities Act, through Ontario Regulations 97/04 and 155/06, grants the NPCA the authority to regulate development within shoreline hazard areas. The NPCA may grant permission for development in hazard areas “...if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development”. The current NPCA shoreline policies are described in the Lake Erie and Lake Ontario Shoreline Management Plans, which were commissioned in 1992 and 1994, respectively. Updates to these Shoreline Management Plans were completed in 2010, and 2009, respectively. The policies and requirements in these Shoreline Management Plans are generally consistent with the Provincial Policies and the policies described in the MNRF Technical Guide for the Great Lakes – St. Lawrence River System and Large Inland Lakes.

Shoreline policies are in place to minimize risk to life, property damage, social disruption and adverse environmental impacts. In the watershed, hazardous lands adjacent to the shorelines of the Lake Ontario or Lake Erie are comprised of three types of hazard:

- Flooding;
- Erosion; and/or,
- Dynamic beach hazards.

The current policies also recognize that the Niagara River is a unique shoreline area which links the two Great Lakes and, accordingly, jurisdiction along the Niagara River is a shared responsibility between various levels of government. The NPCA is responsible for regulating development at the mouths of the Niagara River where it connects to Lake Ontario and Lake Erie.

The following subsections provide a brief overview of the policy context for erosion hazards, flooding hazards, dynamic beach hazards associated with the Lake Erie and Lake Ontario shorelines. A separate discussion on the Niagara River shoreline's policy framework is also provided.

3.5.2.1 Shoreline Erosion Hazard

Policy 3.26.1 in the NPCA's Policy Document describes the approach for managing development which may be subject to shoreline hazards. The erosion hazard is the portion of land that may be subject to erosion and is determined by the sum of the erosion allowance and the stable slope allowance. The erosion allowance is defined by consideration of the long-term recession of the unprotected shoreline. NPCA policies require a planning horizon of 100 years with respect to any shoreline development. The erosion allowance can be reduced if shore protection is constructed. The stable slope allowance is defined by consideration of the geotechnical conditions at a site and the appropriate factors of safety. The generic stable slope allowance is 3H:1V; however, a site specific geotechnical analysis may be completed to determine the stable slope allowance. Essentially, the identification of the erosion hazard limits along the Great Lakes is assessed on a site specific basis.

3.5.2.2 Shoreline Flood Hazard

Policy 3.26.2 describes the NPCA's shoreline flood hazard policies. Shoreline areas may experience a considerable range in flood levels, as a variety of factors can impact the potential for flooding such as

higher seasonal lake levels, storms, high winds, wave action, ice jamming and piling. The flood hazard is a result of the 100-year lake level and an allowance for wave uprush onto the shore. The 100-year flood level is the combined mean lake level plus storm surge with a return period of 100 years (i.e., on average there is 1% chance in any given year that the lake will reach that level). The generic allowance for wave uprush is 15 metres measured horizontally from the 100-year flood level; however, a site-specific analysis can be completed to determine the wave-uprush allowance.

Policy 3.26.2 includes 100 year lake levels for Lake Erie and Lake Ontario, which are listed below in Table 3.4.

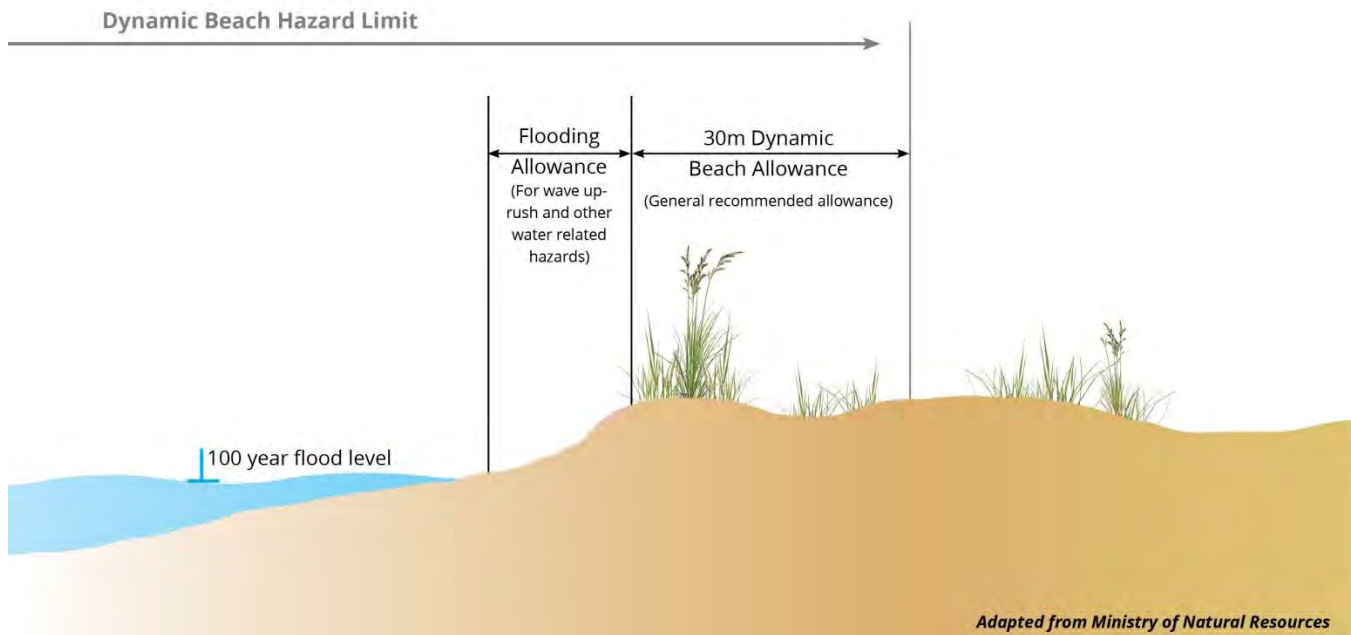
Table 3.4: 100 Year Flood Levels for Lake Erie and Lake Ontario

Location	100 Year Flood Level
Lake Erie – Mohawk Bay to Mohawk Point	• 176.65 metres
Lake Erie – Mohawk Point to Cassidy Point	• 176.77 metres
Lake Erie – Cassidy Point to Point Abino	• 176.89 metres
Lake Erie - Point Abino to Windmill Point	• 176.97 metres
Lake Erie - Windmill Point to Niagara River	• 177.11 metres
Lake Ontario - Fifty Point to Cherry Avenue (Grimsby)	• 76.01
Lake Ontario - Cherry Avenue to Mississauga Point (NOTL)	• 76.15

3.5.2.3 Dynamic Beach Hazard

The dynamic beach hazard is the area of unstable accumulations of sediment along the Great Lakes (see **Figure 3.4**). A dynamic beach is defined where the beach deposit is at least 30 cm in thickness, 10 metres in width, and 100 metres in length. These are identified by provincial standards and amended from time to time. The dynamic beach hazard limits consists of the flooding hazard limit plus a dynamic beach allowance. The generic allowance for a dynamic beach is a 30 m horizontal setback from the flood hazard limit; however, a site-specific analysis can be completed to determine both the flood hazard limit, and the dynamic beach hazard.

Figure 3.4: Dynamic Beach Hazard



3.5.2.4 Niagara River

Along the shoreline of the Niagara River, the regulatory floodplain is defined as the area impacted by the 1:100 year flood level. As with the shoreline hazards on the Great Lakes, the primary objective of the regulatory floodplain is to minimize risk to life, property damage and adverse environmental impacts. The Niagara River is recognized as a *“unique shoreline management interest relative to the potential impact on the Great Lakes resulting from New Development along the shoreline”*

The NPCA regulates only 350 m of the Niagara River, from the mouth of the Niagara River at Lake Ontario and an area at the head of the Niagara River within the 100 year flood elevation of 177.11, m IGLD’85 of Lake Erie. The Boundary of Waters Treaty of 1909 requires that the USA and Canada together approve projects that impact the levels and flows of water along their common boundary including the Niagara River.

The policy framework does not restrict the repair or maintenance of existing buildings and structures within the shoreline areas. For new buildings, or redevelopment or additions, development is not permitted within the flood allowance, the erosion allowance, the stable slope allowance or the dynamic beach allowance. The NPCA is responsible for reviewing development proposals and policy

documents to ensure they have considered Hazard Lands along the shoreline that are prone to flooding, erosion and areas with dynamic beaches.

3.5.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps to be addressed for shoreline hazards:

- The policy documents should clearly state that shoreline hazards on the Great Lakes shall be mitigated.
- The wording “stable shore allowance” in Section 3.26.4 should be revised to indicate a specific point or setback, rather than a buffer, which is what it seems to imply.
- There are discrepancies between the NPCA policy and the mapping provided in the shoreline management plans with respect to the 100-year flood levels for the Great Lakes. The tables with the 100-year flood levels should be revised to include a descriptive location reference and the flood proofing elevation should be added to Table 1 (Table 3.4 in this report).
- It would be beneficial to include a more detailed description of the Dynamic Beach Hazard itself, as well as identifying methods for the mitigation of the Dynamic Beach Hazard.
- The current policies are somewhat unclear on the management of shoreline hazards for existing situations. There is an opportunity to add or revise clauses to the policies which can allow owners of existing properties to improve their shore protection without replacing it. These additional and revised clauses should provide a level of openness, and should be permitted at the discretion of the NPCA based on the physical conditions of the individual site.
- The current policies are somewhat unclear on the shore protection requirements for adjacent and nearby properties. It may be to the Owner’s benefit to add shore protection to adjacent or nearby lots in order to protect their own property from future flanking erosion. There is an opportunity to revise the policies to accommodate this; however, this could be problematic to implement and enforce, especially with hostile neighbours.
- The current policies do not address an increase in the number of dwelling units as long as there is no expansion of the existing footprint. There is an opportunity to allow an increase in the number of dwelling units and habitable space as long as the overall footprint does not increase. A septic expansion may be required if the number of dwelling units is increased. Lastly, the

name of Section 3.26.4.3 should be revised to reference additions not increasing the existing footprint.

- New septic systems should not be allowed within the hazard limits. Replacement septic systems within hazardous lands may be permitted pending a review by the NPCA; however, this is not currently addressed in the policies. Lastly, the addition to existing septic systems as opposed to replacing the entire system should be addressed in the policies.
- The current policies are unclear whether or not new or upgraded shore protection is required if an existing dwelling within the hazard limit is being replaced. The policy is also unclear on the requirements for shore protection in cases where an existing dwelling is moved further landward. There is an opportunity to add a clause which would allow owners to replace a dwelling located within the hazard limits with a new dwelling over or landward of the footprint of the previous dwelling without the construction of shore protection. This should be permitted at the discretion of the NPCA based on the physical conditions of the individual site, any impacts on adjacent properties and should be reviewed by a qualified coastal engineer (which could also be defined in the Document).
- There is an opportunity to provide some additional guidance around shorelines and dynamic beach hazard areas which have an ecological function. While it is acknowledged that the policy framework requires shoreline hazards to be mitigated, the form of mitigation should be sensitive to the broader ecological function of the zone – for example a number of species depend on the changing dynamic beach processes and shoreline protection alternatives which allow for these beach processes to continue should be encouraged (where appropriate).
- There is an opportunity to provide greater clarity around the NPCA's regulatory role along the Niagara River. This section of the Policy Document could include some description of the NPCA's role, as well as other agency responsibilities, for example procedures on information sharing and updating municipalities with respect to development permit applications.

3.6 Wetlands

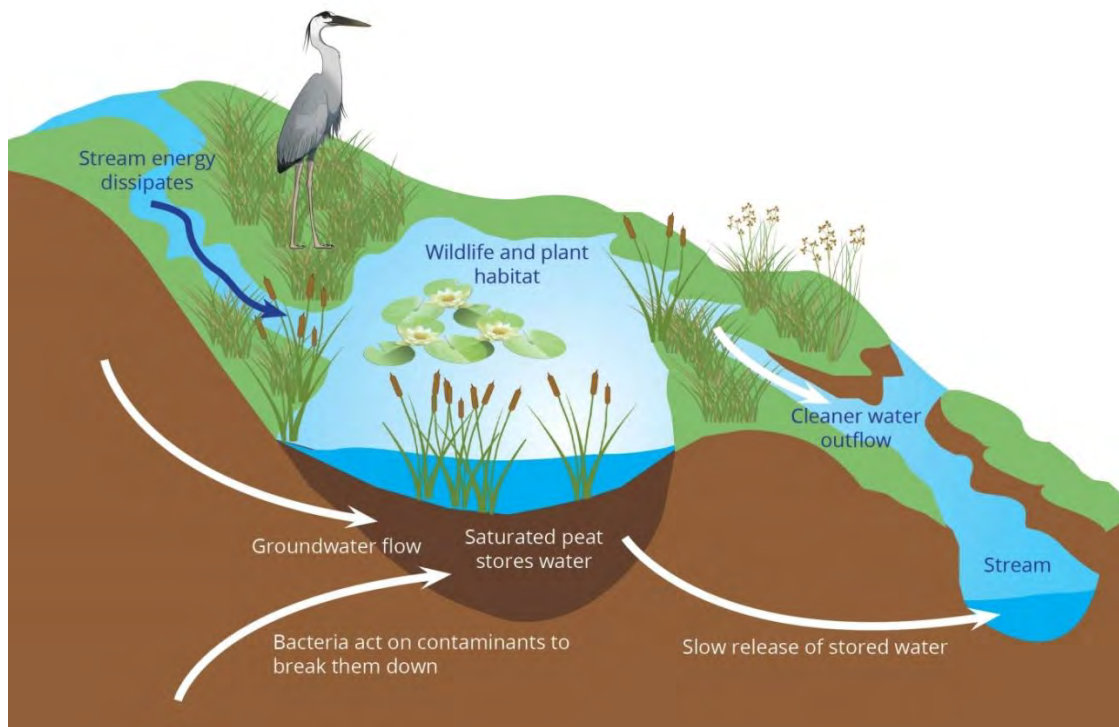
3.6.1 Context

Wetlands are defined in the PPS as “lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case, the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens” (PPS, 2014). While the Conservation Authorities Act provides a similar definition for wetlands, it does, however, use slightly different wording⁹. Regardless of the language used to precisely define the term, wetlands are widely recognized as an important part of the ecosystem. They play a multi-dimension role in the hydrologic cycle acting as a source for flood attenuation, groundwater recharge and the improvement of water quality (see **Figure 3.5**). Wetlands are also an incredible source of biodiversity, offering a multitude of habitats for plants, birds, reptiles, amphibians, fish and other species. They also provide opportunities for recreation and have the potential to play a significant role in climate adaptation strategies. As an important component of a healthy natural environment, wetlands are protected through Provincial policy and accordingly, development in and adjacent to wetlands is subject to regulation (adjacent lands where an EIS shall be required includes all lands within 120 metres of a wetland that is greater than 2 ha in area).

⁹ Note that the Conservation Authorities Act provides a different definition for wetlands, stating that a wetland is land which:

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse,
- (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and
- (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (“terre marécageuse”) 1998, c. 18, Sched. I, s. 12.

Figure 3.5: Wetland Function



3.6.2 Current Policy Framework

The current Provincial policy framework for wetlands is administered through four main sources: the PPS, the Greenbelt Plan, the Ontario Wetland Evaluation System and Ontario Regulation 155/06. The PPS provides the broad policy framework, identifying where development should and should not occur with respect to wetlands and the Greenbelt Plan has specific policies which apply to wetlands which are more detailed than those within the PPS. The Ministry of Natural Resources and Forestry (MNRF) is responsible for administering protocols and procedures for identifying wetlands that have value at the provincial scale and is commonly known as the Ontario Wetland Evaluation System (OWES, MNRF 2013).

Section 2.1 of the PPS identifies minimum protection requirements for provincially significant wetlands, with the level of protection varying depending on geography. Policy 2.1.4 states that development and site alteration is not permitted in significant wetlands and significant coastal wetlands. Also, all wetlands within the Greenbelt Plan are protected as Key Natural Heritage Features within the

Greenbelt Natural Heritage System, and as Key Hydrologic Features within the NHS anywhere within the Protected Countryside designation.

Wetlands not identified to be significant are protected as part of the natural heritage system (sometimes referred to as local wetlands). Policy 2.1.2 states that “natural heritage systems (which includes wetlands) should be maintained, restored, or where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features”. The Province has a recommended approach for identifying natural heritage systems, but municipal approaches (in conjunction with relevant agencies) that achieve or exceed the same objective may also be used. The Natural Heritage Reference Manual (MNRF 2010) provides provincial direction regarding the identification of natural heritage systems.

It is important to note that the policies within Section 2.1 of the PPS were updated in 2014 to include new protection specific to coastal wetlands. The revised language includes the following text (changes are noted in italics):

- Section 2.1.4 - *Development and site alteration* shall not be permitted in:
 - a) *significant wetlands* in Ecoregions 5E, 6E and 7E; and,
 - b) *significant coastal wetlands*”.
- Section 2.1.5(f) – (ADDED) Development and site alteration shall not be permitted in: *coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b),*” unless it has been demonstrated that there will be no negative impacts on the natural feature or their ecological functions.

In addition to the above-noted policy framework, Ontario 155/06 allows for conservation authorities to regulate development in and adjacent to wetlands. Through this regulation, the NPCA has the authority to prohibit or approve development.

Table 3.5 summarizes the NPCA's current wetland policies.

Table 3.5: Wetland Policies

Policy No.	Topic	Key Policy Directions
3.24.1a	Wetland Boundary	<ul style="list-style-type: none"> Wetland limit to be established by applicant in conjunction with MNRF or NPCA staff, based on the most up-to-date version of the MNRF's Southern Ontario Wetland Evaluation Manual. Wetland boundary will be established where less than 50% of the plant community consists of upland species. Wetlands must be evaluated as a PSW or Locally Significant Wetland to be subject to the policies. Where wetland has not been evaluated, policy 3.24 provides criteria
3.24.1b	Development	<ul style="list-style-type: none"> Policy does not apply to instances where development has been approved pursuant to an application made under the Planning Act. Development and site alteration is not permitted within a PSW or Locally Significant Wetland or wetland greater than 2 hectares in size (restricted uses are permitted subject to an EIS). Replacement structures may be permitted subject to criteria. Additions, accessory structures, decks or swimming pools will generally not be permitted within any wetland. Ponds are generally not permitted within any wetland. Public infrastructure and private roads are permitted subject to development criteria.
3.24.1c	Development within 30 metres	<ul style="list-style-type: none"> Development within 30 metres of any wetland is not permitted, unless it can be demonstrated that there will be no negative impacts on natural features or their ecological functions. Where buildings and structures already exist within 30 metres of a wetland, replacement structure or additions are permitted subject to specific criteria.
3.24.1d	Development between 30 metres and 120 metres	<ul style="list-style-type: none"> Certain types of development between 30 metres and 120 metres is permitted without a permit, provided no significant fill or site alterations is proposed (such as swimming pools, single detached dwellings, minor additions, etc.).

Policy No.	Topic	Key Policy Directions
		<ul style="list-style-type: none"> If in the opinion of the NPCA that the proposed development or site alteration within 120 metres of a PSW or a wetland greater than 2 hectares may have an impact on the hydrological function, then the NPCA may require a development permit under Ontario Regulation 155/06.
3.24.1e	Wetland compensation	<ul style="list-style-type: none"> Policy provides direction for wetland compensation, where there is no other alternative location for the proposed development (excluding PSWs where no development is permitted). Compensation may require final approval by NPCA Board.
3.24.1f	Wetland conservation	<ul style="list-style-type: none"> Policy encourages local municipalities to promote conservation by identifying wetlands in Official Plans and zoning by-laws and develop conservation policies. Encourages municipalities to use plan of sub-division process to have wetlands dedicated to public agencies.
3.24.1.g	Agriculture	<ul style="list-style-type: none"> Policy states that none of the wetland policies are intended to limit the ability of existing agricultural uses to continue.
3.24.2	Existing lots of record	<ul style="list-style-type: none"> Policy provides guidance for development on existing lots of record.

The NPCA's Policy Document does not make specific reference to coastal wetlands in a manner that is consistent with the revised PPS language. The protection of natural heritage systems, which is further explored in the Natural Heritage Section of this Discussion Paper, provides for additional protection of wetlands that are not deemed significant by the OWES, but may play an important role supporting natural process that are necessary to maintain biological diversity, natural functions, viable populations of indigenous species and ecosystems and support hydrologic functions. It is important that the Policy Document includes a statement regarding the protection of non-provincially significant wetlands which form part of the natural heritage system.

3.6.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps for wetlands:

- In general, the wetland section would benefit from the inclusion of different definitions for the different classifications of wetland (Provincially Significant vs. non-PSW, coastal, etc.). There is also a need to further articulate the NPCA's role in wetlands (responsible for regulating development) compared with that of the MNRF (responsible for confirming PSWs).
- It is recommended that the Policy Document make specific reference to the protection of coastal wetlands and differentiate between the protection afforded to significant coastal wetlands versus coastal wetlands not deemed significant, in a manner that is consistent with PPS 2014.
- It is further recommended that language be added to the Policy Document to establish a clear policy framework for non-Provincially significant wetlands, including situations where a non-Provincially significant wetland forms part of the natural heritage system.
- Some further refinement of the development policies may be required to address passive recreational uses in buffer areas, such as trails, tree-top canopy trails, etc. As noted earlier, a clear definition of passive uses will need to be included in the Policy Document.
- It is not clear what constitutes a locally significant wetland within the Policy Document. Previous versions of the OWES made a distinction between provincially significant and locally significant wetlands. This is no longer the case. It would be helpful to provide some language surrounding what constitutes a locally significant wetland and specific NPCA guidelines for undertaking this evaluation process. Alternatively, the Policy Document could also consider using a more simplified terminology for wetlands (PSWs and Non-PSWs).
- The current policies in 3.24 imply that, in some circumstances, a hydrologic assessment may be required for development which hydrologically impacts adjacent wetlands. Policy 3.24 (and Policy 5.2) should be modified to provide greater clarity around the circumstances where a water budget assessment could be required. The policy could also provide some general guidance on methodology.
- There should be guidance on the steps or requirements that follow should an EIS identify a possible wetland, outlining the criteria as to the type of documentation and mapping required, and steps to undertake an assessment of impacts and mitigation thereof.
- Note that the Province is currently in the process of reviewing its wetland policy framework. Any revisions/modifications to the Provincial framework would need to be incorporated into the NPCA's Policy Document.

3.7 Natural Heritage

3.7.1 Context

The PPS provides the framework for natural heritage systems planning in Ontario. Within the framework of the PPS, natural heritage refers broadly to a variety of ecologically important components that make up defined terms such as *natural heritage features and areas* as well as a *natural heritage system*.

Natural Heritage Features and Areas is defined as “features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands in Ecoregions 5E, 6E and 7E, fish habitat, significant woodlands and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River), habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.”

The definition of a Natural Heritage System is more inclusive and refers to “a system made up of natural heritage features and areas, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include natural heritage features and areas, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support hydrologic functions, and working landscapes that enable ecological functions to continue.”

The PPS also includes protection for the diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, their maintenance, restoration, improvement, recognizing linkages between and among natural heritage features and areas, surface water features and groundwater features.

3.7.2 Current Policy Framework

The NPCA’s mandate for natural heritage systems planning can be understood in several ways. Firstly, a number of features within the NPCA’s regulated areas are part of the watershed’s natural heritage

system. Secondly, as an agency responsible for reviewing and commenting on environmental aspects of planning applications, the NPCA plays an important role in assessing potential impacts on the watershed's natural heritage system. The NPCA is responsible for providing technical review of Environmental Impact Studies (EIS) and works with area municipalities in this capacity. In cases where an EIS is required for lands adjacent to a component of the Natural Heritage System, and where the component lies within the Provincial Greenbelt Plan, adjacent lands mean all lands within 120 metres of the component.

The current Policy Document recognizes the above-noted function and includes a number of policies which are intended to provide guidance for natural heritage systems planning. The majority of natural heritage systems policies are included in section 4. **Table 3.6** summarizes the NPCA's current natural heritage system policies.

Table 3.6: Natural Heritage System Policies

Policy No.	Topic	Key Policy Directions
4.4	Wetlands	<ul style="list-style-type: none"> See table 3.5 for details.
4.6	Significant wildlife habitat	<ul style="list-style-type: none"> Policy references the PPS and MNR's Significant Wildlife Habitat Technical Guide (2000) and states that development and site alternation shall not be permitted in or adjacent to significant wildlife habitat areas. Relies on EIS as the key tool for evaluating impacts. Encourages local municipalities to include policies in Official Plans and zoning by-laws to identify habitat as part of greenlands/conservation zones.
4.7	Significant Areas of Natural and Scientific Interest (ANSI)	<ul style="list-style-type: none"> Policy references the PPS and the MNR's Natural Heritage Reference Manual (1999) and states that development and site alternation shall not be permitted within or adjacent to ANSIs unless it can be demonstrated that no negative impacts on the natural features or functions. Considers adjacent lands to be 50 metres. Relies on EIS as the key tool for evaluating impacts. Encourages local municipalities to include policies in Official Plans and zoning by-laws to identify habitat as part of greenlands/conservation zones.
4.8	Diversity and connectivity	<ul style="list-style-type: none"> Policy references the PPS and states that the diversity and connectivity of natural features and their long term ecological function and biodiversity of natural heritage systems should be maintained, restored and where possible improved. States that linkages should be recognized between and among features in the watershed. The key tools for implementing this policy directive will be watershed and subwatershed studies, as well as the review of development applications.
4.11	Environmental Impact Studies	<ul style="list-style-type: none"> Policies provide the framework for EIS. Includes a brief description of the contents of an EIS. Includes Table 3 which explains when an EIS is required.

The current Policy Document draws heavily on the direction provided through the PPS for natural heritage systems planning. It is important to note that some of the policies within the PPS have been revised which influence how natural heritage features are protected, including the following:

- Section 2.1.3 - (ADDED) “Natural heritage systems shall be identified in Ecoregions 6E & 7E, recognizing that natural heritage systems will vary in size and form in settlement areas, rural areas, and prime agricultural areas.”
- Section 2.1.5 (b) – (REVISED) significant woodlands “south and east of the Canadian Shield” changed to “Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River.”

3.7.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps for Natural Heritage:

- The organization of the Policy Document content should be reviewed and possibly ordered in a manner more consistent with other provincial guiding documents such as the PPS and Natural Heritage Reference Manual (MNRF 2010).
- There should be the addition of another section that discusses the natural heritage system and its relevance to the development, interference with wetlands and alterations to shorelines and watercourses.
- As part of the PPS update, some additions, deletions and reordering of policies occurred and the Policy Document needs to be revised to reflect these changes. Further, material used to identify and assess the significance of natural heritage features has been updated. As an example, the MNRF has updated supporting material for the Significant Wildlife Habitat Guide and its appendices, which provides guidance for the identification of significant wildlife habitat. Ecoregion Criteria Tables - Significant Wildlife Habitat Criteria Schedules For Ecoregion 7E (MNRF 2015) is the appropriate material for defining wildlife habitat significance. Accordingly, the literature sources identified in the Policy Document which are to be used to identify and assess the significance of natural heritage features and system should be updated and made consistent with the current documents being used. There should also be the addition of a clearer statement that these guideline documents are updated from time to time and the most current version should be used. In addition, the MNRF’s Significant Wildlife Habitat Mitigation Support Tool (Version 2014) should be referenced as a resource for planners.

- Any update to the language of the significant wildlife habitat should include flexible language which will allow for changes to the criteria schedules and what constitutes significance.
- The EIS policies within the Policy Document should be updated to align with municipal EIS guidelines (if required, this section of the Policy Document may need to reference slightly different standards between the Region of Niagara, City of Hamilton and County of Haldimand).
- The Policy Document should acknowledge that various municipalities within NPCA jurisdiction may have recognized Natural Heritage Systems within their Official Plans, and work with municipalities in developing policies related to such features.
- Within the current NPCA Planning Document (Page 31), the concept of a Vegetation Protection Zone (VPZ) has been discussed. This discussion should be expanded to provide guidance on how VPZs may be implemented to provide protection for natural features from the impacts of construction and activities involved on the site following construction.

3.8 Hazardous Sites

3.8.1 Context

Hazardous sites are “property or lands that could be unsafe for development and site alteration due to naturally occurring hazards, including unstable soils, such as sensitive marine clays (lead clays) and organic soils and unstable bedrock, such as karst formations”, as defined under the PPS . Hazardous geology is also included in the definition of hazardous sites. Unstable bedrock (karst topography) is known to occur in the City of Hamilton along the Niagara Escarpment. Hazardous sites are distinct from hazardous lands, where the latter is defined under the PPS as “property or lands that could be unsafe for development due to naturally occurring processes”, and typically relates to lands along the shorelines of the Great Lakes – St. Lawrence River System, shorelines of large inland lakes, and along river, stream, and small inland lake systems (refer to earlier chapter for more details on hazardous lands).

3.8.2 Policy Framework

Section 3.1 of the PPS provides the policy foundation for planning around hazardous sites. Policy 3.1.5 expressly prohibits the following uses from locating on hazardous lands or hazardous sites, including:

- a) Institutional uses, including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares and schools;

- b) Essential emergency services such as that provided by fire, police and ambulance stations and electrical substations; or
- c) Associated with the disposal, manufacture, treatment or storage of hazardous substances.

The PPS provides further guidance in 3.1.7 stating that some forms of development and site alteration may be permitted on hazardous sites and hazardous lands where the effects and risks to public safety are minor and can be mitigated with provincial standards.

The NPCA's Policy Document includes a short section addressing hazardous lands in Section 3.2 which references the PPS prohibitions for development on hazardous lands. In addition to this, Policy 4.10 addresses hazardous sites and acknowledges that the NPCA provides peer review to the City of Hamilton under a Memorandum of Understanding for hazardous geology. The NPCA utilizes the Ministry of Natural Resources and Forestry's Understanding Natural Hazards (2001) for direction when reviewing applications that are proposed on or near hazardous sites.

3.8.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps for hazardous lands and hazardous sites:

- The NPCA's current policies reference the most up-to-date planning standards for hazardous sites (MNR's Understanding Natural Hazards, 2001). It is recommended that further analysis be conducted to determine whether any additional natural hazards (hazardous lands or hazardous sites) are located within the NPCA's jurisdiction (beyond those associated with Niagara Escarpment). Policy 3.2 could be further expanded to elaborate on the different types of natural hazards.
- For any site, a technical study needs to be completed by a qualified professional to determine the extent of the hazardous site. This would be done in order to ensure that any development complies with provincial and municipal policies.

3.9 Stormwater Management

3.9.1 Context

Urbanization has the effect of impacting the quality and quantity of water that is discharged from a site or development. The increase in impervious areas increases the amount of surface runoff to a receiving water body such as a lake or river system. Untreated, this surface runoff can negatively impact downstream conditions if it is not controlled. The MOE 2003 stormwater management manual provides an outline for the management of the quality of stormwater runoff. It recommends various types of stormwater management features that provide methods for cleaning of stormwater prior to being discharged to receiving water.

Depending upon the type of stormwater management technique, the runoff can be cleaned to a level based on a removal efficiency of Total Suspended Solids (TSS). The TSS removal efficiency is based on the following removal levels:

- 80% Removal Efficiency – Enhanced Protection
- 70% Removal Efficiency – Normal Protection
- 60% Removal Efficiency – Basic Protection

Enhanced protection should be used when sensitive aquatic habitat will be impacted by end of pipe discharge. This normally includes receiving waters that have aquatic communities that require a low TSS environment. Normal protection is only considered when enhanced protection conditions do not exist. This includes areas with moderate natural sediment loads and fish spawning habitat that is less sensitive to TSS loadings. Basic protection is only acceptable when the receiving quality habitat is shown to be insensitive to stormwater impacts and has little to no potential for any rehabilitation.

Stormwater management techniques include the use of Low Impact Developments (LIDs) (formerly Best Management Practices (BMPs) to mitigate of stormwater runoff. A typical stormwater management facility is a stormwater management pond which allows for settling of TSS prior to discharge to the receiving water. In addition, the SWM pond can control the flow and volume of water runoff.

Under Regulation 155/06, any proposed SWM facility normally requires a permit as part of the approval to outlet to a watercourse. This impacts the quantity of water to a watercourse and, as a result, the proposed stormwater works need to consider mitigating the peak and total flows to the watercourse. This results in the need to provide storage within the SWM facility and release the flows at a controlled flow rate.

3.9.2 Current Policy Framework

The NPCA is responsible for providing comments to municipalities on the implications of development proposals from a surface water management perspective¹¹. The current Policy Document does not include a comprehensive section on stormwater management; however, there are a number of policies included throughout the Document.

The current NPCA guidelines require any development to meet the standards as set out in the MOE 2003 SWM manual. Therefore, the requirement is that a SWM facility would be needed for any development to ensure the quality of discharge to a watercourse is not having a negative impact on the watercourse. These facilities require a permit under Ontario Regulation 155/06 as part of the approval to outlet to a watercourse.

From the NPCA Stormwater Management Guidelines (2010), The NPCA does not support the following SWM practices:

1. On-line SWM facilities for water quality;
2. Using natural wetlands as a SWM facility;
3. Locating SWM facilities in natural hazard areas, such as floodplains or erosion hazards, except outlets; and
4. Locating SWM facilities in Significant Natural Heritage Features.

¹¹ Note that the NPCA reviews stormwater management primarily on behalf of Niagara Region through the MOU with Niagara (and select functions with the City of Hamilton), and accordingly the content of this section is largely directed at the role the NPCA plays in this process.

For large scale stormwater planning, the planning and implementation of SWM systems are encouraged by the NPCA. This would be performed on a catchment basis, and completed through Subwatershed Plans, Master Drainage Plans or other strategies.

Based on the Adaptions to Climate Change for Niagara (2012), implementation of a number of stormwater management measures to mitigate impacts of climate change include:

- Stormwater Management Master Plans;
- Stormwater Infiltration Systems;
- Downspout Disconnection, Weeping Tile Disconnection and Rain Barrel Programs;
- Backflow prevention and Flood Alleviation Programs;
- Combined Sewer Separation and treatment for combined sewer overflows;
- Actions that facilitate the adaptation of natural Systems in Niagara to climate change; and
- Emergency Management Planning.

Up until recently, Niagara Region offered incentives through its WaterSmart program, which was intended to support the development of local watershed-based stormwater management master plans¹².

3.9.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps for hazardous sites:

- The NPCA Land Use Policy should be updated to include a detailed section on stormwater management, particularly as it relates to development. While Policy 5.5 briefly discusses stormwater management practices under Ontario Regulation 155/06 as part of approval of an outlet to a watercourse, the policies could be substantially enhanced to reflect the key aspects of the NPCA's Stormwater Management Guidelines.

¹² Note that Regional Council discontinued the incentive programs for the Niagara WaterSmart program in 2016.

- The 2010 NPCA Stormwater Management Guidelines provide a basis to reduce and, if possible, eliminate the undesirable impacts of stormwater, erosion and sediment on the built and natural environment, re-establish the benefits of precipitation, and protect and enhance water quality in the watershed. Some examples could include policy recommendations for official plans, the role of subwatershed studies (and requirements/expectations), examples of best management practices for intensification and greenfield development, policies to ensure municipal drains under the drainage act are designed, constructed and maintained in accordance with BMPs to avoid detrimental impacts on farmland, water resources, natural areas and wildlife habitat.
- The policies could also include water quality and quantity targets, recommendations for subwatershed studies and guidance for the location of storm water management facilities. The policies could include a brief sub-section on low impact development options which are sensitive to Niagara's context (e.g. clay soils).
- The stormwater management policies would also need to include a number of cross-references to other policies in the Policy Document, including links to wetlands, watercourses, valleylands, etc.
- The policy could also be framed around climate change trends and identify future studies, programs and targets intended to address climate change.

3.10 Fish Habitat

3.10.1 Context

Fish habitat refers to spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes (Fisheries Protection Policy Statement, 2013). A key aspect of this definition is that a waterbody does not necessarily need to have fish residing in it, for the waterbody to be considered fish habitat.

3.10.2 Current Policy Framework

The protection of fish habitat in Canada is the responsibility of the Government of Canada through the Department of Fisheries and Oceans (DFO) and its partners. Fish Habitat is listed as a Key Natural Heritage Feature protected within the Greenbelt Plan Natural Heritage System. The main piece of legislation governing fish habitat is the federal *Fisheries Act*, which was last amended in 2012, with

amendments coming into effect in November 2013. As described in the Fisheries Protection Policy Statement (2013), changes to the *Fisheries Act* include a prohibition against causing *serious harm to fish* that are part of or support a commercial, recreational or Aboriginal fishery (Section 35), provisions for flow and passage (Section 20 and 21) and a framework for regulatory decision making.

Serious harm to fish is defined by DFO as:

- The death of fish;
- A permanent alteration to fish habitat of a spatial scale, duration or intensity that limits or diminishes the ability of fish to use such habitats as spawning grounds, or as nursery, rearing or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes;
- The destruction of fish habitat of a spatial scale, duration or intensity that fish can no longer rely upon such habitats for use as spawning grounds, or as nursery, rearing or food supply areas, or as a migration corridor, or any other area in order to carry out one or more of their life processes.

Prior to the latest *Fisheries Act* amendments, some Conservation Authorities, including NPCA, had agreements in place with DFO to assist in administering the review of projects under Section 35(1) of the *Fisheries Act*. Under the amended *Act*, these agreements are no longer in place, and the term “harmful alteration, disruption or destruction (HADD) of fish habitat” is no longer used.

Together, the above noted *Fisheries Act* changes reflect DFO’s strengthened ability to manage sustainability and productivity threats to Canada’s fisheries, while enabling a new approach and focus on commercial, recreational and Aboriginal fisheries.

The NPCA’s Policy Document refers to the previous NPCA agreement with DFO in the administration of the *Fisheries Act*, and refers to the management of fish habitat under NPCA’s jurisdiction. For example, in the introduction (Section 1) there is a section entitled “The Federal Fisheries Act,” which describes the previous NPCA agreement with DFO, and uses language that is not aligned with the amended *Fisheries Act*. There are also references to fish habitat development setbacks, and reference to outdated terms with respect to fish habitat types (e.g., Type 1, Type 2, Type 3). The PPS also articulates policies that relate to fish habitat protection (Policy 2.1.6 and Policy 2.1.8).

3.10.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues, opportunities and policy gaps for fish habitat:

- The Policy Document currently refers to the previous NPCA agreement with DFO in the administration of the Fisheries Act, and refers to the management of fish habitat under NPCA's jurisdiction. Given the changes to the Act noted above, it is appropriate to remove references in the Policy Document to NPCA's role with respect to fish habitat and the Fisheries Act.
- It is further suggested that references to fish habitat types be removed, given that they do not align with DFO's definition of fish or fish habitat. Rather than set watercourse setbacks based on fish habitat types, Policy 4.3 should be based on ecological and hydrologic function which would be determined through an appropriate planning mechanism, such as a watershed/subwatershed study and further refined through secondary planning and Environmental Impact Studies.
- Since the DFO has changed its regulatory framework, it would be useful for the Policy Document to include a reference to the Fisheries and Oceans Canada (DFO) "Projects Near Water" website for guidance on activities that may impact fish and fish habitat.
- The outdated terminology utilized to identify watercourses in the current policy document (Type 2, Type 3) should be modified to reflect current classifications from the Ministry of Natural Resources and Forestry.
- It would be beneficial for the Policy Document to integrate context on the type and sources of mapping that will be used for fish habitat and wetland delineation in order to identify areas subject to NPCA policies and regulations.

3.11 Climate Change

3.11.1 Context

Climate change is defined by the Government of Canada (2013) as “changes in long-term weather patterns caused by natural phenomena and human activities that alter the chemical composition of the atmosphere through the build-up of greenhouse gases which trap heat and reflect it back to the earth's surface”. The impacts on the ecosystems, agriculture, infrastructure, water supply, stormwater management, energy, transportation, tourism and recreation, human health and well-being, and

ultimately the economy are front-centre in federal and provincial policies supporting climate change action and adaptation plans for many first and second tier municipalities.

In 2012, Brock University's Environmental Sustainability Research Centre published a report outlining local climate change predictions and their impacts on the region's social, economic and environmental resources. Niagara Region has already experienced changes in the climate including (Penney, 2012):

- 1.3°C increase in annual average temperature in the last 40 years;
- Trend towards more days with temperatures over 30°C and more heat waves of 3 or more consecutive hot days;
- Longer growing season, with May and September significantly warmer;
- Increase in average number of frost-free days with 10 more per year compared to 1970;
- Small increase in annual precipitation, with most of the increase coming in winter;
- More rain and less snow in winter;
- More summer droughts and dry spells;
- Increased numbers of freeze-thaw cycles; and
- And increase in heavy rain events.

It is projected that by 2050, average annual temperatures in Niagara Region will increase 3-4°C, freeze-free days will increase by 30 days, summer rainfall will decrease by 20%, an increase in freeze-thaw cycles and likely an increase in heavy rains, lightning strikes, high winds, hailstorms and tornados (Penney, 2012). Further, the Hamilton area is also expected to see warmer and wetter seasons, except in the winter, with prolonged periods of drought and intense precipitation events that lead to high flows and increased bank erosion (Conservation Hamilton, 2012).

Conservation authorities, as local natural resource management agencies, have an opportunity to contribute to Ontario's climate change strategy (Ontario Centre for Climate Impacts and Adaptation Resources, 2011). Climate change impacts can be addressed through adaptation and mitigation measures, with long-range planning policies and strategies to achieve overall resiliency.

Adaptation efforts minimize the level of damage, hazard and risks associated with climate change, while also recognizing new opportunities presented with our changing climate (Conservation Ontario, 2015), including: flood management programs, ecosystem enhancements, water quality and quantity, municipal plan review/input, local climate change monitoring and modelling, information management, green infrastructure/stormwater management, low water, carbon and water trading and offsets.

Mitigation efforts are focused on reducing greenhouse gas emissions and other causes that negatively and rapidly influence weather patterns and climatic conditions (Conservation Ontario, 2015). They include: green building technologies and retrofits (e.g., LEED), energy conservation, renewable energy, reforestation, carbon sequestration (e.g., wetlands), low impact development and sustainable transportation.

Adaptation: Conservation Authority watershed management programs address the impacts of climate change as well as protect the ecosystem benefits we regularly rely on such as for drinking water, food, and support for manufacturing and other industries.

Conservation Authorities monitor, track, and report on local conditions in Ontario's watersheds which can be used for climate change modelling and monitoring. Watershed programs build local natural resource resiliency by protecting and improving water quality, ensuring sustainable water supplies, restoring and protecting biodiversity, and addressing low water issues.

Conservation Authorities also protect people and property from increased flooding and other natural hazards, as well as work with agencies, businesses and residents to implement a wide variety of green infrastructure and stormwater management strategies and practices.

Mitigation: Conservation Authorities contribute to greenhouse gas mitigation through their operations through increasing use of sustainable transportation within their fleet operations, identifying and applying energy conservation technologies and practices, and incorporating or implementing renewable energy systems (e.g. water power). Where possible, green building technologies, low impact development, and retrofits are also being implemented or promoted. Additional Conservation Authority program areas that mitigate greenhouse gases include reforestation, carbon sequestration (e.g. wetlands), low impact development, and the use of offsets (reforestation, habitat enhancement, carbon sequestration).

Conservation Authorities Addressing Climate Change Impacts (Conservation Ontario, 2015)

Adaptation and mitigation measures are used in the development of climate change strategies, land use planning and regulations, watershed plans, and education and outreach programs. Further, climate change resilience is defined by the International Institute for Sustainable Development as "ability of a

system and its counterparts to anticipate, absorb or recover from the effects of a hazardous event in a timely and efficient manner” (2013).

3.11.2 Current Policy Framework

The current Provincial policy framework for climate change is embedded through the Provincial Policy Statement 2014 (PPS), provincial plans (e.g., Greenbelt Plan, Growth Plan for the Greater Horseshoe, etc.) and Planning Act tools. The PPS states in Section 1.8.1 that *“planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns”* and in Section 3.1.3 that *“planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards”*. The NPCA has regulatory authority to issue and approve development within its regulated limits; therefore, as the governing authority, it shall make decisions that support climate change adaptation duly caused by its stressors and rapid growth that challenge the natural ecosystem balance in achieving environmental integrity and economic growth.

3.11.3 Key Issues, Opportunities and Policy Gaps

The following summarizes some of the key issues identified in the Adapting to Climate Change: Challenges for Niagara report (Penney, 2012):

- Seven of Niagara’s watershed have a ‘high sensitivity’ rating, meaning that the watersheds are highly vulnerable to climate change, where vulnerability is a combination of sensitivity to climate change and the capacity of the system to adapt to climate change impacts;
- Predicted hotter and dryer summers are likely to require increased irrigation in vineyards and further impact groundwater quality and stress levels;
- Predicted additional decline in water quality;
- Impacts on Great Lakes shipping due to water level decline, passing through the Welland Canal;
- Intense rainfall or rain-on-snow events can overwhelm the capacity of soils, water courses and stormwater systems causing overland flooding;
- Impacts to electricity demand, supply and distribution – water level decrease has already impacted Niagara River flows with a decreased average of 7% between 1970 and 2000;
- Impacts to office buildings, infrastructure service buildings, bridges, culverts, tunnels, etc;
- Predicted increase in insect and disease outbreaks in trees and other vegetation, heat stress for trees and woodlands, decline in wetlands due to lower water levels, decline in water levels in

lakes and rivers, threats to fish from higher water temperatures, unbalanced expansions and outbreaks of certain species and increased stress on urban ecosystems; and,

- Tourism and recreational activities may see impacts resulting from reduced boat access, change in desirable fish species, beach closures and extreme weather event damage.

The following summarizes opportunities and policy gaps addressing climate change adaptation and mitigation of potential impacts:

- Updating floodplain mapping and policies in response to increased high-intensity short duration storms, including the IDF curves, flood forecasting and detection/communication;
- Assess risks and vulnerabilities based on new floodplain mapping to protect people, built infrastructure and the natural environment; develop risk management framework;
- Develop watershed plans that address climate change and adaptive management, prioritizing 'high sensitivity' rating watersheds;
- Develop enhanced policies and programs to promote water conservation;
- Update policies on floodplains, valleylands, groundwater and source water protection, wetlands, shoreline hazards, natural heritage, hazardous sites, stormwater management and fish habitat to reflect adaptations for climate change;
- Consider developing a Climate Change Action Plan, as well as evaluation and monitoring programs;
- Develop policies on the use of Low Impact Development and encourage sustainable building and operation practices to conserve resources such as through the application of the LEED rating system on buildings and sites within the regulatory boundaries;
- Develop policies on the role of green infrastructure for mitigating and adapting to climate change – *e.g., afforestation and reforestation in response to tree loss due to severe storms, disease, drought, insect infestations, etc.; establishing natural cover targets and monitoring plans;*
- Develop policies that protect and adapt the valleylands from climate change impacts - *e.g., erosion, development, heat-stress, etc;*
- Educate public on climate change and how they can help adapt and mitigate the impacts – *e.g., behavioural changes, home adaptations, growing own food, etc;*
- Integrate climate change into existing and new programs – *e.g., Canopies for Kids and Niagara Children's Water Festival, as well as new programs that enhance green spaces, urban agriculture, LEED infrastructure, etc;* and,
- Identify critical partners and seek funding mechanisms to support climate change readiness – *e.g., federal and provincial government programs, Federation of Canadian Municipalities' Green Municipal Fund, etc.*

4.0 SUMMARY OF KEY ISSUES & OPPORTUNITIES

Key policy issues and opportunities to be addressed in the NPCA's updated Policy Document are summarized below in **Table 4.1**. The items noted in this table are not intended to be an exhaustive list of all possible changes and modifications. Rather, these items are intended to act as a starting point for the update. The expectation is that additional consultation and engagement with interested stakeholders, agencies, landowners and the public will yield additional opportunities for improvement.

Table 4.1: Summary of Key Issues and Opportunities

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
<p>Document structure and organization</p>	<ul style="list-style-type: none"> • The introductory section should include a more clearly defined set of principles which recognize both local/community values, as well those articulated in the various Provincial plans and policies. A clearly articulated set of principles and objectives should help to better explain the rationale for the various policies contained within the Policy Document. The identification of principles should be informed by input from the public, stakeholders and the NPCA. • The discussion on legislation could be enhanced to better reflect the different roles played by the NPCA. • There are opportunities to improve the structure and organization of the Policy Document, with a few alternatives which can be further explored. For instance, the NPCA could consider re-organizing Sections 2-5 to focus on policy themes (e.g. floodplains, valleylands, wetlands, etc.) to avoid confusion and redundancy within the policies. Each policy theme would need to recognize nuances between permits issued under Regulation 155/06 and Planning Act proposals. Alternatively, the document could be arranged around themes related to the various roles that the NPCA holds, for example Natural Hazards (Delegated Authority), Natural Heritage (MOUs), etc. • There are opportunities to introduce some additional visualizations, diagrams, photos and other color graphics to enhance the legibility of the Policy Document. • The document does not include an implementation section – although aspects of implementation are woven throughout the Document. One suggestion would be to include an implementation section at end of the Document, where procedures and processes are explained separately from policy interpretation. The implementation section could be sub-divided to recognize the different protocols followed by the NPCA (permit approval, comments on plans, comments on EA, acquisition of land, etc.). This

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>section might also expand upon the interaction between the NPCA’s tools (stormwater management guidelines, watershed plans, etc.), municipal planning tools (Official Plans, Zoning by-law, site plans, Community Improvement Plans, Secondary Plans, etc.) and other tools/processes (such as EAs). The implementation section would also contain procedures for how the policy document would be updated on an ongoing basis.</p> <ul style="list-style-type: none"> • The Definitions section needs to be reviewed and updated to reflect changes in provincial policy. This section could also benefit from a few explanatory notes to address some of the “quirks” and nuances within the Provincial planning framework. It is important to note there may be different definitions used for different plans/legislation, for example, the term “Development” has two different definitions (Planning Act vs. Conservation Authorities Act). • The Policy Document should be prepared as a web-friendly and accessible electronic document (i.e. minimum 12 point fonts, inclusion of document tags for accessibility). • The Hearing Guidelines which are attached as Appendix 1 to the Policy Document are out of date, as the NPCA Board adopted new hearing guidelines in 2015. The new Policy Document should include the recently adopted hearing guidelines which are now in force and effect.
<p>Floodplains</p>	<ul style="list-style-type: none"> • Policy 3.3 deals with the one-zone floodplain concept. There may be opportunities to examine the use of a two-zone concept in specific circumstances. For example, there may be opportunities to examine the applicability of the two-zone concept for the watercourses in Niagara Falls (where the floodplain is derived from Hurricane Hazel). With the consideration of development within the floodplain, consideration should also be given to special policy areas where development can occur; however, in the consideration of SPA’s, it requires the approval of the province (MNRF, MMAH). This also requires the local municipal official plan and zoning regulations to be incorporated into the SPA’s. However, it should be noted that it is not the intent of the Policy Document review exercise to update flood plain mapping or conduct flood plain analysis. The Policy Document should include general policies which provide direction for the NPCA as to the overall policy framework and general implementation. • Policy 3.11 deals with fencing, covering a range of possible circumstances. Specific fencing policies should be included in new sub-sections specific to each topic/themes (e.g. floodplains, wetlands, etc.). • Policy 3.13 provides direction for certain works to be completed at certain times of the

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>year. This section should reference the fact that there are certain timing requirements for works established by, for example, the MNRF or DFO. The updated policy does not need to include the specific time-frames, as they may change from time to time; however, they could reference the type of work and appropriate agency responsible.</p> <ul style="list-style-type: none"> • Policy 3.16 links both watercourse alterations with floodplain policy. For clarity reasons, there may be an opportunity to separate out these topics into different sub-sections. • Policy 3.17 provides guidance for permitted uses in floodplains and generally provides a sufficient amount of direction for decision-making. However, there are several areas which could benefit from further clarification. Discussions with NPCA staff suggest that some policies within this section have been misinterpreted and some further refinement may be required. • Some watercourses within the watershed have been altered and there are opportunities for the updated Policy Document to encourage restoration and natural channel design. • Most of the NPCA’s floodplain mapping is based on the 100-year storm event, intended to provide a conservative estimate of the anticipated level of flooding for a major storm that would occur on average every 100 years. However, there have been a number of heavy precipitation events over the past decade that have either achieved or surpassed the 100-year storm level, thus providing an impetus for a review of the storm level utilized for floodplain mapping. • Changes in climate and increased high-intensity short-duration storms, as described above, have the potential to result in larger overland floods from rivers swollen by prolonged rainfall, sudden snowmelt or ice jams, damaging buildings and other structures within or adjacent to floodplains. Consideration should be given to the potential impacts of climate change and increased rainfall on floodplain limits and there is an opportunity for the Policy Document (or a future study) to provide some guidance on how potential climate change impacts are to be (additional commentary on climate change is provided in section 3.11 of this report).
<p>Valleylands</p>	<ul style="list-style-type: none"> • There is a need to harmonize the policies in Section 3 and Section 4 – both in style and content. For example, the policies in Section 3 are short, clear and precise. By contrast, the policies contained in Section 4 are not numbered and include few headings, making the policies difficult to identify and read. • The policies generally represent the requirements of Ontario Regulation 155/05 and

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>the 2014 PPS; however there is a need to more explicitly address and implement Policy 3.2.5 of the Greenbelt Plan (where it applies).</p> <ul style="list-style-type: none"> • There is an opportunity to articulate the overall objectives of valleyland policies. The current policies include a brief narrative to explain the context for the policies, which could be enhanced by stating the main objectives of the policies (i.e. protect public safety and property, protect and enhance natural areas, reduce risk of slope failure, reduce potential for impacts on fish habitat, etc.). • There is an opportunity to modify the policy framework to differentiate between valleyland areas which need to be regulated solely for risk of slope failure and valleylands which have a significant natural heritage function and require habitat protection measures. Accordingly, the policies should provide guidance for valleylands which have an ecological corridor function. • The current policy framework treats all forms of development equally and some flexibility for development and site alteration for passive uses could be considered. There are opportunities to provide direction for certain forms of low-intensity development, such as municipal trails and resource related uses. There are also opportunities to provide additional clarity on the types of development which are not permitted. The term passive uses should be a defined term in the Document. • There are opportunities to provide more detailed policies to address intensification development in urban areas. Enhanced policies could speak to different forms of intensification (low density, medium density, high density, non-residential development, etc.) and offer different strategies depending on the intensity and form of development. • A number of the policies in Section 4 are targeted to municipalities (e.g. consideration for how to treat valleylands in zoning by-laws). To improve the overall organization of the policies, the updated Policy Document could include a short implementation sub-section within the valleylands section. This implementation sub-section would provide valleyland policy direction for municipalities at the site plan/plan of subdivision/consent level, zoning by-law level and official plan level. This section could also provide direction for any study/investigation requirements (geotechnical investigations, cost of any peer reviews, etc.). • Policy 4.3 states that, in some cases, restoration within the valleyland vegetative buffer area may be required. Some minor additions to this policy could be included to clarify the requirements for plantings which are native to the watershed and that restoration could also be required within the valleyland.

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<ul style="list-style-type: none"> • The Policy Document could be updated to include additional guidance on how to define a setback from a watercourse where there is no apparent valley, effectively providing a more clear definition of the key terms used to define a valleyland (e.g. stable top of bank). • The Policy Document uses the terms “setback” and “vegetative buffer” interchangeably. This is apparent in the valleyland section (but can also be found elsewhere) of the Policy Document and the revised policies should more clearly distinguish between these two terms. Setbacks which are required for public safety reasons due to the existence of a hazard is different than a vegetative buffer which is required to protect and maintain the ecological function of a natural feature. With this framework clearly established, the Policy Document could also provide greater clarity about the distances required and types of development which may be permitted within buffers and setbacks¹³. • The current Policy Document includes a valleyland figure/diagram which could be updated and modified to better represent the policy framework, including development setbacks, vegetative buffers, overland flow, etc.
<p>Groundwater and source water protection</p>	<ul style="list-style-type: none"> • The NPCA’s current policies do not explicitly mention the source water protection planning framework. The legislative context section should be updated to recognize the Source Protection Plan for Niagara and articulate the linkage between the Policy Document, the Source Protection Plan and the areas which the NPCA regulates. The legislative context should also recognize the mutually supporting framework for groundwater and source water protection through the Clean Water Act, the Provincial Policy Statement, the Greenbelt Plan, local official plans and other tools/processes. • While there are several policies within the Document which address groundwater impacts associated with development proposals, it is suggested that the NPCA include a set of policies which promote the protection of the quality and quantity of groundwater in the watershed. Furthermore, a more explicit policy stating that development and site alteration in or near sensitive groundwater features should be restricted such that these features and their related hydrological functions will be

¹³ Note that this observation applies to a number of topics throughout the Policy Document – including wetlands, shorelines, natural heritage features, etc.

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>protected.</p> <ul style="list-style-type: none"> The NPCA should consider expanding the need for hydrological assessment reports by extending it to cover any developments which have the potential to affect groundwater quality or quantity (the current policy framework requires hydrological assessments for development in proximity to wetlands). The hydrological assessment report, which is to be prepared by a qualified Professional Geoscientist or Professional Engineer, is to demonstrate that development will not significantly alter groundwater recharge/discharge in the area of the development, and that groundwater quality will not be impaired. The report should also identify mitigative measures to maintain pre-development infiltration rates, and improve or restore sensitive groundwater features and their hydrologic functions. A number of Conservation Authorities in the Province have implemented a requirement for hydrological or hydrogeological assessments (for example Halton Conservation) or components thereof to be integrated into environmental assessments or detailed design documents (for example as required by the TRCA) as part of development review applications. Such assessments typically apply to impacts on groundwater and sensitive features within the watershed in question, and include a desktop review of existing and potential future conditions as well as a field investigation to characterize site conditions, reporting on potential impacts, and provision of a plan to mitigate these impacts. The cumulative impacts of development is an area that is not sufficiently addressed within the Policy Document, and the NPCA may consider providing guidance on the evaluation of cumulative impacts on groundwater resources.
<p>Shoreline hazards</p>	<ul style="list-style-type: none"> The policy documents should clearly state that shoreline hazards on the Great Lakes shall be mitigated. The wording “stable shore allowance” in Section 3.26.4 should be revised to indicate a specific point or setback, rather than a buffer, which is what it seems to imply. There are discrepancies between the NPCA policy and the mapping provided in the shoreline management plans with respect to the 100-year flood levels for the Great Lakes. The tables with the 100-year flood levels should be revised to include a descriptive location reference and the flood proofing elevation should be added to Table 1 (Table 3.4 in this report). It would be beneficial to include a more detailed description of the Dynamic Beach Hazard itself, as well as identifying methods for the mitigation of the Dynamic Beach Hazard.

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<ul style="list-style-type: none"> • The current policies are somewhat unclear on the management of shoreline hazards for existing situations. There is an opportunity to add or revise clauses to the policies which can allow owners of existing properties to improve their shore protection without replacing it. These additional and revised clauses should provide a level of openness, and should be permitted at the discretion of the NPCA based on the physical conditions of the individual site. • The current policies are somewhat unclear on the shore protection requirements for adjacent and nearby properties. It may be to the Owner's benefit to add shore protection to adjacent or nearby lots in order to protect their own property from future flanking erosion. There is an opportunity to revise the policies to accommodate this; however, this could be problematic to implement and enforce, especially with hostile neighbours. • The current policies do not address an increase in the number of dwelling units as long as there is no expansion of the existing footprint. There is an opportunity to allow an increase in the number of dwelling units and habitable space as long as the overall footprint does not increase. A septic expansion may be required if the number of dwelling units is increased. Lastly, the name of Section 3.26.4.3 should be revised to reference additions not increasing the existing footprint. • New septic systems should not be allowed within the hazard limits. Replacement septic systems within hazardous lands may be permitted pending a review by the NPCA; however, this is not currently addressed in the policies. Lastly, the addition to existing septic systems as opposed to replacing the entire system should be addressed in the policies. • The current policies are unclear whether or not new or upgraded shore protection is required if an existing dwelling within the hazard limit is being replaced. The policy is also unclear on the requirements for shore protection in cases where an existing dwelling is moved further landward. There is an opportunity to add a clause which would allow owners to replace a dwelling located within the hazard limits with a new dwelling over or landward of the footprint of the previous dwelling without the construction of shore protection. This should be permitted at the discretion of the NPCA based on the physical conditions of the individual site, any impacts on adjacent properties and should be reviewed by a qualified coastal engineer (which could also be defined in the Document). • There is an opportunity to provide some additional guidance around shorelines and dynamic beach hazard areas which have an ecological function. While it is

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>acknowledged that the policy framework requires shoreline hazards to be mitigated, the form of mitigation should be sensitive to the broader ecological function of the zone – for example a number of species depend on the changing dynamic beach processes and shoreline protection alternatives which allow for these beach processes to continue should be encouraged (where appropriate).</p> <ul style="list-style-type: none"> • There is an opportunity to provide greater clarity around the NPCA’s regulatory role along the Niagara River. This section of the Policy Document could include some description of the NPCA’s role, as well as other agency responsibilities; for example, procedures on information sharing and updating municipalities with respect to development permit applications.
<p>Wetlands</p>	<ul style="list-style-type: none"> • In general, the wetland section would benefit from the inclusion of different definitions for the different classifications of wetland (Provincially Significant vs. non-PSW, coastal, etc.). There is also a need to further articulate the NPCA’s role in wetlands (responsible for regulating development) compared with that of the MNRF (responsible for confirming PSWs). • It is recommended that the Policy Document make specific reference to the protection of coastal wetlands and differentiate between the protection afforded to significant coastal wetlands versus coastal wetlands not deemed significant, in a manner that is consistent with PPS 2014. • It is further recommended that language be added to the Policy Document to establish a clear policy framework for non-Provincially significant wetlands, including situations where a non-Provincially significant wetland forms part of the natural heritage system. • Some further refinement of the development policies may be required to address passive recreational uses in buffer areas, such as trails, tree-top canopy trails, etc. As noted earlier, a clear definition of passive uses will need to be included in the Policy Document. • It is not clear what constitutes a locally significant wetland within the Policy Document. Previous versions of the OWES made a distinction between provincially significant and locally significant wetlands. This is no longer the case. It would be helpful to provide some language surrounding what constitutes a locally significant wetland and specific NPCA guidelines for undertaking this evaluation process. Alternatively, the Policy Document could also consider using a more simplified terminology for wetlands (PSWs and Non-PSWs). • The current policies in 3.24 imply that, in some circumstances, a hydrologic

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>assessment may be required for development which hydrologically impacts adjacent wetlands. Policy 3.24 (and Policy 5.2) should be modified to provide greater clarity around the circumstances where a water budget assessment could be required. The policy could also provide some general guidance on methodology.</p> <ul style="list-style-type: none"> • There should be guidance on the steps or requirements that follow should an EIS identify a possible wetland, outlining the criteria as to the type of documentation and mapping required, and steps to undertake an assessment of impacts and mitigation thereof. • Note that the Province is currently in the process of reviewing its wetland policy framework. Any revisions/modifications to the Provincial framework would need to be incorporated into the NPCA's Policy Document.
Natural heritage	<ul style="list-style-type: none"> • The organization of the Policy Document content should be reviewed and possibly ordered in a manner more consistent with other provincial guiding documents such as the PPS and Natural Heritage Reference Manual (MNRF 2010). • There should be the addition of another section that discusses the natural heritage system and its relevance to the development, interference with wetlands and alterations to shorelines and watercourses. • As part of the PPS update, some additions, deletions and reordering of policies occurred and the Policy Document needs to be revised to reflect these changes. Further, material used to identify and assess the significance of natural heritage features has been updated. As an example, the MNRF has updated supporting material for the Significant Wildlife Habitat Guide and its appendices, which provides guidance for the identification of significant wildlife habitat. Ecoregion Criteria Tables - Significant Wildlife Habitat Criteria Schedules For Ecoregion 7E (MNRF 2015) is the appropriate material for defining wildlife habitat significance. Accordingly, the literature sources identified in the Policy Document which are to be used to identify and assess the significance of natural heritage features and system should be updated and made consistent with the current documents being used. There should also be the addition of a clearer statement that these guideline documents are updated from time to time and the most current version should be used. In addition, the MNRF's Significant Wildlife Habitat Mitigation Support Tool (Version 2014) should be referenced as a resource for planners. • Any update to the language of the significant wildlife habitat should include flexible language which will allow for changes to the criteria schedules and what constitutes significance.

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<ul style="list-style-type: none"> The EIS policies within the Policy Document should be updated to align with municipal EIS guidelines (if required, this section of the Policy Document may need to reference slightly different standards between the Region of Niagara, City of Hamilton and County of Haldimand). The Policy Document should acknowledge that various municipalities within NPCA jurisdiction may have recognized Natural Heritage Systems within their Official Plans, and work with municipalities in developing policies related to such features. Within the current NPCA Planning Document (Page 31), the concept of a Vegetation Protection Zone (VPZ) has been discussed. This discussion should be expanded to provide guidance on how VPZs may be implemented to provide protection for natural features from the impacts of construction and activities involved on the site following construction.
Hazardous sites	<ul style="list-style-type: none"> The NPCA's current policies reference the most up-to-date planning standards for hazardous sites (MNR's Understanding Natural Hazards, 2001). It is recommended that further analysis be conducted to determine whether any additional natural hazards (hazardous lands or hazardous sites) are located within the NPCA's jurisdiction (beyond those associated with Niagara Escarpment). Policy 3.2 could be further expanded to elaborate on the different types of natural hazards. For any site, a technical study needs to be completed by a qualified professional to determine the extent of the hazardous site. This would be done in order to ensure that any development complies with provincial and municipal policies.
Stormwater management	<ul style="list-style-type: none"> The NPCA Land Use Policy should be updated to include a detailed section on stormwater management, particularly as it relates to development. While Policy 5.5 briefly discusses stormwater management practices under Ontario Regulation 155/06 as part of approval of an outlet to a watercourse, the policies could be substantially enhanced to reflect the key aspects of the NPCA's Stormwater Management Guidelines. The 2010 NPCA Stormwater Management Guidelines provide a basis to reduce and, if possible, eliminate the undesirable impacts of stormwater, erosion and sediment on the built and natural environment, re-establish the benefits of precipitation, and protect and enhance water quality in the watershed. Some examples could include policy recommendations for official plans, the role of subwatershed studies (and requirements/expectations), examples of best management practices for intensification and greenfield development, policies to ensure municipal drains under the drainage act are designed, constructed and maintained in accordance with BMPs to avoid detrimental impacts on farmland, water resources, natural areas and wildlife

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>habitat.</p> <ul style="list-style-type: none"> The policies could also include water quality and quantity targets, recommendations for subwatershed studies and guidance for the location of storm water management facilities. The policies could include a brief sub-section on low impact development options which are sensitive to Niagara’s context (e.g. clay soils). The stormwater management policies would also need to include a number of cross-references to other policies in the Policy Document, including links to wetlands, watercourses, valleylands, etc. The policy could also be framed around climate change trends and identify future studies, programs and targets intended to address climate change.
<p>Fish habitat</p>	<ul style="list-style-type: none"> The Policy Document currently refers to the previous NPCA agreement with DFO in the administration of the <i>Fisheries Act</i>, and refers to the management of fish habitat under NPCA’s jurisdiction. Given the changes to the <i>Act</i> noted above, it is appropriate to remove references in the Policy Document to NPCA’s role with respect to fish habitat and the <i>Fisheries Act</i>. It is further suggested that references to fish habitat types be removed, given that they do not align with DFO’s definition of fish or fish habitat. Rather than set watercourse setbacks based on fish habitat types, Policy 4.3 should be based on ecological and hydrologic function which would be determined through an appropriate planning mechanism, such as a watershed/subwatershed study and further refined through secondary planning and Environmental Impact Studies. Since the DFO has changed its regulatory framework, it would be useful for the Policy Document to include a reference to the Fisheries and Oceans Canada (DFO) "Projects Near Water" website for guidance on activities that may impact fish and fish habitat. The outdated terminology utilized to identify watercourses in the current policy document (Type 2, Type 3) should be modified to reflect current classifications from the Ministry of Natural Resources and Forestry. It would be beneficial for the Policy Document to integrate context on the type and sources of mapping that will be used for fish habitat and wetland delineation in order to identify areas subject to NPCA policies and regulations.
<p>Climate Change</p>	<ul style="list-style-type: none"> Seven of Niagara’s watershed have a ‘high sensitivity’ rating, meaning that the watersheds are highly vulnerable to climate change, where vulnerability is a combination of sensitivity to climate change and the capacity of the system to adapt to climate change impacts;

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<ul style="list-style-type: none"> • Predicted hotter and dryer summers are likely to require increased irrigation in vineyards and further impact groundwater quality and stress levels; • Predicted additional decline in water quality; • Impacts on Great Lakes shipping due to water level decline, passing through the Welland Canal; • Intense rainfall or rain-on-snow events can overwhelm the capacity of soils, water courses and stormwater systems causing overland flooding; • Impacts to electricity demand, supply and distribution – water level decrease has already impacted Niagara River flows with a decreased average of 7% between 1970 and 2000; • Impacts to office buildings, infrastructure service buildings, bridges, culverts, tunnels, etc; • Predicted increase in insect and disease outbreaks in trees and other vegetation, heat stress for trees and woodlands, decline in wetlands due to lower water levels, decline in water levels in lakes and rivers, threats to fish from higher water temperatures, unbalanced expansions and outbreaks of certain species and increased stress on urban ecosystems; and, • Tourism and recreational activities may see impacts resulting from reduced boat access, change in desirable fish species, beach closures and extreme weather event damage. • Updating floodplain mapping and policies in response to increased high-intensity short duration storms, including the IDF curves, flood forecasting and detection/communication; • Assess risks and vulnerabilities based on new floodplain mapping to protect people, built infrastructure and the natural environment; develop risk management framework; • Develop watershed plans that address climate change and adaptive management, prioritizing ‘high sensitivity’ rating watersheds; • Develop enhanced policies and programs to promote water conservation; • Update policies on floodplains, valleylands, groundwater and source water protection, wetlands, shoreline hazards, natural heritage, hazardous sites, stormwater management and fish habitat to reflect adaptations for climate change; • Consider developing a Climate Change Action Plan, as well as evaluation and monitoring programs; • Develop policies on the use of Low Impact Development and encourage sustainable

THEME/TOPIC	KEY ISSUES & OPPORTUNITIES TO BE ADDRESSED
	<p>building and operation practices to conserve resources such as through the application of the LEED rating system on buildings and sites within the regulatory boundaries;</p> <ul style="list-style-type: none"> • Develop policies on the role of green infrastructure for mitigating and adapting to climate change – e.g., afforestation and reforestation in response to tree loss due to severe storms, disease, drought, insect infestations, etc.; establishing natural cover targets and monitoring plans; • Develop policies that protect and adapt the valleylands from climate change impacts - e.g., erosion, development, heat-stress, etc.; • Educate public on climate change and how they can help adapt and mitigate the impacts – e.g., behavioural changes, home adaptations, growing own food, etc; • Integrate climate change into existing and new programs – e.g., Canopies for Kids and Niagara Children’s Water Festival, as well as new programs that enhance green spaces, urban agriculture, LEED infrastructure, etc.; and, • Identify critical partners and seek funding mechanisms to support climate change readiness – e.g., federal and provincial government programs, Federation of Canadian Municipalities’ Green Municipal Fund, etc.

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APPENDIX A

Consultation and
Engagement Summary

THE LIVING LANDSCAPE: 2015 YEAR IN REVIEW



Between October and December of 2015, the NPCA had the opportunity to engage the public in the first phase of the Living Landscape Policy Project. A series of pop-up consultation booths were set-up at various community events across the watershed with the objective of sharing information with the public and gathering feedback through a community visioning survey. This first phase of community consultation was developed in order to inform residents across the NPCA watershed and to gather information from the public to inform the NPCA's review of their land management policies.

A total of seven events were held in Phase 1 of the Living Landscape Project. The pop-up style consultation events began at the 41st annual Balls Falls Thanksgiving Festival in early October. On November 5th, the NPCA set-up an information booth at the St. Catharines Farmers Market and engaged community members and food vendors by distributing over 60 handouts about the project. The St. Catharines Farmers market on average has over 1,000 visitors and the NPCA was able to speak with residents and vendors throughout the Region. This was a great opportunity to hear first-hand about the way residents use and value the natural features in and around the NPCA's watershed.

On November 14th, the NPCA launched a community visioning survey and hosted an information booth at the Welland Farmers Market. The community visioning survey was distributed at the Welland farmers market and visitors were given the option to fill out the survey on an electronic tablet or on paper.

On November 28th the Township of West Lincoln celebrated their annual Santa Claus Parade and held a community skate following the parade. The NPCA arrived at the West Lincoln Arena following the parade to set-up an information booth and share information about the living landscape project. On the evening of November 28th the NPCA hosted an information booth at the Glanbrook Arena in the City of Hamilton. The information booth also provided residents with the opportunity to review the project website and fill out the online survey.

On December 3, 2015, two teams representing the NPCA visited local community centres and posted project notifications at community libraries and recreational facilities at the Vale Health & Wellness Centre in Port Colborne and at the McBain Community Centre & YMCA in Niagara Falls. Both events offered residents the opportunity to learn about the project, collect a project notification post-card and fill out the community survey electronically or by hand.

As the NPCA continues Phase 2 of the Living landscape Project, additional public events around the NPCA's watershed will take place. After a successful year-end, we look forward to chatting with and hearing from as many members of the community as possible.

COMMUNITY LIAISON ADVISORY COMMITTEE

MEETING #1: MEETING MINUTES

November 19th, 2015

Key Issues to be considered and assets which are important in Niagara

- Farms in Niagara are smaller than other farms elsewhere in the Province and there may be a need to make special considerations for smaller farms, with respect to setbacks from environmental features (for example).
- There are lots of specialty crop producers/farmers whose input will be important for the policy review. They should be engaged in the exercise.
- Many parts of Niagara have unique climatic conditions, including microclimates. This makes Niagara very unique. Considerations of Niagara's microclimates should be considered in the policy review.
- The issue of "over-regulation" should also be considered. This exercise should seek to streamline aspects of the development approvals process (which are relevant to the NPCA).
- There are a number of unique species in Niagara, as a result of its location within the northern-most Carolinian zone. Niagara has incredible biodiversity which should be protected/maintained.
- There may be opportunities to look at the concept of "trade-offs" / biodiversity offsetting of wetlands.
- The NCPA recently made a submission to the Province requesting that the Province consider Niagara for a pilot project which would allow Niagara to implement biodiversity offsetting (net gain).
- Niagara has a fragmented urban land supply, which also puts pressure on the Region's rural/agricultural and environmental systems. This also makes land development in some locales particularly challenging.
- Unlike a number of other major urban centres, Niagara still has a number of water resources in their natural state (i.e. not underground/buried/channels/etc.)
- There is a lack of education on the definition of wetlands, how wetlands are evaluated and which level of government is responsible for identifying/designating wetlands. This should be clarified through the policy review.
- There is a need to have robust stakeholder engagement throughout the review process.
- It was recommended to highlight and communicate the process and benefits of Pre-Consultation Meetings within the Policy Document.
- Clearly delineating the roles and responsibilities of the various government agencies (i.e. MNRF, MOECC, DFO, and the NPCA) would also be beneficial.

One participant also expressed concern that the NPCA and conservation authorities in general do not have the authority under the CA Act to be regulating private lands.

Report To: Board of Directors

Subject: Conservation Authorities Act Review – Stage 2 NPCA Response

Report No: 82-16

Date: July 20, 2016

RECOMMENDATION:

That the 2014 NPCA Board of Directors **APPROVE** the proposed recommendations contained within this report as the NPCA response to Stage 2 of the *Conservation Authorities Act Review*; and

That the proposed recommendation be submitted to the province by the deadline of **September 9, 2016** and distributed to the Region of Niagara, City of Hamilton, Haldimand County, and the local municipalities.

PURPOSE:

To provide the NPCA Board of Directors with an update of Stage 2 of the Conservation Authorities Act Review and provide a recommended response to be submitted to the province for their consideration.

BACKGROUND:

Last July, 2015, as a first step in the review of the Conservation Authorities Act, the Ministry of Natural Resources and Forestry (MNRF) posted a discussion paper to the Environmental Registry (EBR Registry Number 012-4509) for public consultation and held over twenty stakeholder and indigenous engagement sessions along with targeted meetings across the province to gain feedback on the following three areas:

- Governance
- Funding Mechanisms
- Roles and Responsibilities

In response, the Niagara Peninsula Conservation Authority (NPCA) responded to this initial posting via the following mechanisms:

1. NPCA Board of Director's adopted response via NPCA Report No. 97-15 (September 16, 2015);
2. Board Members and NPCA staff participated in stakeholder meetings for conservation authorities;
3. NPCA CAO participated in conservation authorities CAO/General Managers meetings (including being a member of the CA Act Review Working Group);

4. NPCA Chair and CAO participated in Conservation Ontario's response in association with the 36 conservation authorities in Ontario;
5. Board Members and NPCA staff participated in an agricultural stakeholder meeting held in Niagara-on-the-Lake;
6. NPCA Board Members and NPCA staff participated in a MNRF staff focused meeting held at Balls Falls Conservation Area; and
7. NPCA staff participated in Niagara Area Planners Group, which formed a regional report adopted by Niagara Regional Council.

Overall, the MNRF received over 270 individual submissions identifying perspectives from ten different sectors, and more than 2,700 individual or distinct comments related to the review. Based on these responses, the MNRF has now released a second Discussion Paper and posted the document on the Environmental Registry (EBR Registry Number: 012-7583) on May, 12, 2016. Once again, the public is invited to provide feedback for 90 days, with a closing date of September 9, 2016.

The Discussion Paper, and draft comments from Conservation Ontario, was shared with the NPCA's Community Liaison Advisory Committee (CLAC). The CLAC members were encouraged to provide the NPCA with feedback, and/or, submit sector specific or individual feedback directly to the province.

In addition to the NPCA Board of Directors approved response, the Chair, Vice-Chair, Board Members and senior staff leadership have provided feedback at one of the multi-stakeholder meetings hosted by the province. Also, NPCA staff will once again provide comments to Conservation Ontario and the Niagara Area Planners Group.

DISCUSSION:

Overall, there are three identified stages in the review of the Conservation Authorities Act:

Stage 1	Discussion Paper: Seeking feedback on opportunities for improvement.
Stage 2	Proposed Priorities: Seeking feedback on identified priorities and actions being considered.
Stage 3	Proposed Changes: Seeking feedback on specific proposed changes.

The Ministry of Natural Resources and Forestry (MNRF) is within the second stage of their review, which includes a document entitled "*Conserving our Future: Proposed Priorities for Renewal*" posted on the EBR on May 12, 2016. Responses to the proposed priorities is requested by September 9, 2016.

The posted document provides an overview of the Ministry's priorities for updating the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities, and introduces actions currently being considered by the Ministry in support of achieving these priorities.

Based on the initial feedback received in stage one, the province identified the following in their stage two document:

- Most respondents agreed that the watershed continues to serve as an ecologically appropriate scale for many resource management activities, particularly water management, and allows for a balance in developing and implementing locally appropriate solutions and working across larger scales and political boundaries.
- All sectors providing input into the review recognized the value and public benefit of conservation authority roles in providing:
 - environmental education
 - landowner and broader stewardship programs
 - the provision of access to natural areas and recreational opportunities provided through conservation areas; and
 - the critical role conservation authorities play in protecting people and property from water-related natural hazards.
- Feedback provided in response to the Ministry's discussion paper did not indicate a need for drastic, wholesale changes.
- A strong desire from all sectors, including from conservation authorities themselves, to update the existing legislative, regulatory and policy framework to match modern expectations for clarity, transparency and accountability in the operation of public sector organizations.

In response to feedback obtained through the initial phase of the Ministry's review, the government has established five priorities for updating the Conservation Authorities Act legislative, regulatory and policy framework:

1. Strengthening oversight and accountability in decision-making.
2. Increasing clarity and consistency in roles and responsibilities, processes and requirements.
3. Improving collaboration and engagement among all parties involved in resource management.
4. Modernizing funding mechanisms to support conservation authority operations.
5. Enhancing flexibility for the province to update the *Conservation Authorities Act* framework in the future.

When establishing these priorities, the province notes *"...In many instances conservation authorities have already taken steps to help meet these expectations by voluntarily incorporating best management practices into their operations and working together to share and coordinate resources and expertise. In fact several of the proposed actions contained within this consultation document are explicitly intended to formally integrate and build upon these best management practices."* In the NPCA's initial comments, there are examples where the NPCA have already incorporated best management practices.

The objective of the second consultation document is to obtain feedback on the Ministry's priorities for updating the Conservation Authorities Act legislative, regulatory and policy framework and the actions being considered by the Ministry in support of these priorities.

NPCA staff are engaged in the following activities related to this review:

- Consultation with NPCA's Community Liaison Advisory Committee;
- Consultation with the Niagara Area Planners Group;
- Participating at the provincial multi-stakeholder's meetings;
- Participating in the discussions with Conservation Ontario and the 36 conservation authorities;
- Recommending a formal NPCA Board of Director's response (prior to the September 9, 2016 deadline).

FINANCIAL IMPLICATIONS:

None.

RELATED REPORTS AND APPENDICES:

1. NPCA Response to Stage 2 of the provincial *Conservation Authorities Act* Review

Prepared and Submitted by:



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



Response to the
Conservation Authorities Act
Discussion Paper:
CONSERVING OUR FUTURE:
Proposed Priorities for Renewal

DRAFT

Based on the initial feedback received in stage one, the NPCA is encouraged that the province identified the following in their stage two document:

- Most respondents agreed that the watershed continues to serve as an ecologically appropriate scale for many resource management activities, particularly water management, and allows for a balance in developing and implementing locally appropriate solutions and working across larger scales and political boundaries.
- All sectors providing input into the review recognized the value and public benefit of conservation authority roles in providing:
 - environmental education
 - landowner and broader stewardship programs
 - the provision of access to natural areas and recreational opportunities provided through conservation areas; and
 - the critical role conservation authorities play in protecting people and property from water-related natural hazards.
- Feedback provided in response to the Ministry's discussion paper did not indicate a need for drastic, wholesale changes.
- A strong desire from all sectors, including from conservation authorities themselves, to update the existing legislative, regulatory and policy framework to match modern expectations for clarity, transparency and accountability in the operation of public sector organizations.

Furthermore, the NPCA also recognizes that when the province commenced establishing priorities for Stage 2, they noted “...In many instances conservation authorities have already taken steps to help meet these expectations by voluntarily incorporating best management practices into their operations and working together to share and coordinate resources and expertise. In fact several of the proposed actions contained within this consultation document are explicitly intended to formally integrate and build upon these best management practices.”

There are many instances where the NPCA has implemented Best Management Practices (see Attachment #1), and some these BMPs are referenced within this NPCA response.

The following recommendations are submitted to the province for their review and consideration in the development of proposed changes to the Act:

Proposed Legislative Amendments

As referenced above, the province has identified that “...In many cases, conservation authorities themselves have voluntarily taken steps to align their operations with recognized best management practices for board operations including the development of strategic plans, and aligning conflict of interest provisions and meeting procedures with requirements set for municipalities.”

Relative to the Niagara Peninsula Conservation Authority (NPCA), the first inaugural 2014-2018 NPCA Strategic Plan was developed with consultation from multiple stakeholders and the public (see Attachment #2). The Strategic Plan includes Mission, Vision and Values statements.

Furthermore, as per Section 30 of the *Conservation Authorities Act*, an authority shall make Regulations related to meeting procedures. The NPCA adopted Regulation #1 entitled "Governance and Administration Policies" (see Attachment #3) and Regulation #2 entitled "Meeting Procedures" (see Attachment #4) that resemble some processes adopted by municipalities.

Provincial Funding

The implementation of Best Management Practices (BMPs), although a necessity, comes at an administrative cost. Given the restrictive financial envelope faced by conservation authorities, administrative costs are often competing with natural resource management costs. Thus, it is **recommended** that **the province provide greater financial support in order that conservation authorities may effectively and efficiently implement both administrative BMPs and provincial mandated programs and services in managing the watershed's natural resources.**

The Purpose Statement

The NPCA supports updating the Act with the addition of a "Purpose Statement", and, Regulations that define the roles and responsibilities of all parties involved in overseeing and ensuring the accountability of conservation authority operations, programs and services.

There is an opportunity for the province to include the recommendations identified in Chapter 13 of the *Commission on the Reform of Ontario's Public Services* (Drummond Report), especially related to the term "jurisdictional crowding". The Drummond Report offers a number of recommendations, including:

- Recommendation 13.2: Rationalize roles and responsibilities for environmental protections that are currently shared across levels of government.
- Recommendation 13.7: Rationalize and consolidate the entities and agencies involved in land use planning and resources management.

It is **recommended** that **the province review the jurisdictional crowding, as identified in the Drummond Report, in order to rationalize and consolidate the entities and agencies involved in land use planning and resources management.**

Delegation and Funding

The NPCA supports Conservation Ontario's statement related to provincial delegation via legislation to conservation authorities. Currently, under Section 13.1 (1) of the *Ministry of Natural Resources Act*, the Minister already has the legislative authority to delegate, thus no further revisions are necessary. However, Conservation Ontario states "... In order to avoid additional financial burden to current municipal funders, delegation of additional provincial programs and services to conservation authorities should be accompanied with financial resources."

Thus, it is **recommended** that **any delegation of additional provincial programs and services to conservation authorities should be accompanied with financial resources.**

Municipal Appointments and Terms to Conservation Authority Boards

The NPCA supports the current responsibility of municipalities appointing members to the Boards of Conservation Authority. This current municipal responsibility achieves "... 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." (Page 22, Conservation Authorities Act Discussion Paper, 2015).

As a Best Management Practice, the NPCA has implemented a Community Liaison Advisory Committee (CLAC) that provide continuous stakeholder consultation and advice to the NPCA Board Members (see Attachment #5).

The current Act references municipal appointments over three (3) years, whereas municipal election terms are over four (4) years. Thus, the NPCA **recommends amending the Act to align municipal appointments to Conservation Authority Boards to four (4) year terms in alignment with municipal council terms.**

Apportionment of Municipal Levies

It is **recommended** by the NPCA **that the conservation authority municipal levy should be clearly identified on the municipal property tax bill.** In addition to explaining how the property taxes are allocated (see attachment #6 – City of St. Catharines: Where Do My Property Taxes Go?), the conservation authority levy should be itemized on the municipal tax bill, similar to be Best Management Practice adopted by the City of Ottawa.

Currently, the Act identifies three types of costs (Administrative, Maintenance and Capital) and these costs are allocated across the watershed (based on a calculated "modified current value assessment") when all the municipalities are benefitting, or, allocated to a single municipality when only that municipality is the sole beneficiary. This process should continue as determined by the Conservation Authority's Board, which is comprised of local municipal representatives.

The NPCA **recommends that conservation authorities structure their budgets similar to municipalities, where the total budget is a combination of distinct Operating and Capital budgets.** The "Operating" budget consists of all administrative and operating costs related to providing programs and services, and, the "Capital" budget consists of all capital and maintenance costs related to major infrastructure projects.

The NPCA supports the recommendation of Conservation Ontario that Section 26 (5) of the Act (related to Capital Expenditures) and Section 27 (6) of the Act (related to Maintenance and Administrative Costs) should be repealed as they conflict with Section 27(16) of the Act. Although

Sections 27 (6) is "subject to" Section 27 (16), the language is contradictory. Section 27 (16) enabled the Lieutenant Governor in Council to make Ontario Regulation 670/00, which in turn, calculates how a conservation authority apportions the levy of participating municipalities. This Regulation was pursuant to the province's tax reforms in 1988 and is the method formula recognized by the province.

Section 28 Revisions

The **NPCA supports the revisions of Section 28 as recommended by Conservation Ontario** (see Attachment #7) related to basic regulatory compliance tools common in other environmental regulatory legislation including: **stop work orders, orders to comply, and increasing the penalties upon conviction associated with contravening the Act.** The recommendations **also support adding "shorelines" to Section 28 of the Act in order to align with existing Regulations.**

Section 37 Board Member Per Diems

The **NPCA supports Conservation Ontario's recommendation that Section 37 be amended to remove the requirement that Ontario Municipal Board approve Board members' salaries, expenses and allowances.** Conservation Authorities should follow the Best Management Practice currently adopted by many progressive municipalities that assign increases to Council member salaries and per diems based on published inflationary measures (such as the Consumer Price Index).

Section 40 Regulations

The **NPCA recommends that the province implement definitions for the "conservation of land" and "interference in any way" to assist conservation authorities in making decisions that will be upheld in the courts.**

Proposed Changes for Clarity and Consistency

The province has identified that there is "...a high-degree of multi-sector support for clarifying and confirming conservation authorities' mandate, and a desire to see greater consistency in programs and services offered by conservation authorities including some degree of standardization in program and policy design and implementation – particularly among neighboring authorities...they also acknowledged the importance of maintaining the flexibility given to conservation authorities to tailor programs and services to reflect local needs and priorities."

Multi-Ministry and Multi-Stakeholder Body

The **NPCA recommends the establishment of a multi-ministry and multi-stakeholder body to address matters related to provincial programs and services delivered by conservation authorities, and, other matters impacting natural resources within the province.** Representation from conservation

authorities on this body should be based on watershed geography (north, central, south-west, south east and eastern zones) in order to receive a holistic view on policy and programs specific to an integrated watershed management approach.

Provincial Mandated Programs

It is recognized that the province has the legislative authority to mandate programs and service delivery to conservation authorities. For consistency of programs and services across the province, there could be performance measures, key performance indicators, and/or best management practices that the province could apply. However, it should be recognized that local autonomy be maintained in order to develop and implement programs that are focused on meeting the needs of unique watersheds. Further, the province should recognize that some watersheds are experiencing significant development growth and thus some conservation authorities experience greater challenges in responding to this growth over other conservation authorities.

Overall, the province should re-evaluate the current funding models towards conservation authorities for provincial mandated programs. In the first phase of the provincial consultation related to the Act review, many stakeholders commented on the need for the province to adequately fund conservation authorities and reduce the pressure on municipal levies. In addition, conservation authorities are in need of funding support for the many infrastructure projects required in conservation areas. These conservation areas provide local communities with ecological, recreational and educational programs and services.

Business Relationships

As a public entity, the province should require – and in some instances continue – conservation authorities to develop and make public Strategic Plans, Annual Reports and Financial Statements. The province should also continue with the current practice of requiring conservation authorities to report back program expenditures that have received provincial and municipal funding.

In regards to a business relationship of Conservation Ontario, the province should require – if there is established a business relationship with Conservation Ontario – that the governance model of Conservation Ontario be directed solely by the respective Chairs of the conservation authority boards. The current governance model is a blend of Chairs and staff, which blurs the lines of consistency and accountability for decision-making.

As a Best Management Practice, the NPCA reports to the Board and publically publishes monthly and quarterly financial summary reports.

Streamlining Permits

The NPCA recommends that the province recognize the best management practices (BMPs) implemented by the NPCA in order to streamline permits. The NPCA has implemented BMPs that include: monthly reporting of number/types/timeframes of permits issued (see Attachment #8),

standardized permit process and protocols (see attachment #9), dispute resolution system (see attachment #10), permit application awareness and education via website (see attachment #11), electronically accessible property mapping (see attachment #12), on-site field evaluations, and MOUs with municipalities in the watershed. The NPCA will also be implementing an electronic permit tracking system for performance measure evaluations, timely status updates with clients, and electronic records keeping management.

The NPCA also consults with all community stakeholders should there be any revisions to permit fees, in addition to, all fees are publically posted on the NPCA website (see attachment #13).

Participation and Duty to Consult with First Nations

The NPCA **supports** the establishment of Memorandum of Understandings between conservation authorities and First Nations of communication and notification protocols.

Community Consultations

When undertaking major projects (such as floodplain mapping, watershed policy reviews, master plans, etc.) community consultation with key stakeholders and the general public are essential with developing and communicating programs and services being delivered by conservation authorities. Given the level of effort and associated costs involved, the NPCA **recommends** the province to develop general guidelines for community consultations as a Best Management Practice for major projects.

Summary of NPCA Recommendations:

1. The province provide greater financial support in order that conservation authorities may effectively and efficiently implement both administrative BMPs and provincial mandated programs and services in managing the watershed's natural resources.
2. The province review the jurisdictional crowding, as identified in the Drummond Report, in order to rationalize and consolidate the entities and agencies involved in land use planning and resources management.
3. Any delegation of additional provincial programs and services to conservation authorities should be accompanied with financial resources.
4. NPCA supports the current responsibility of municipalities appointing members to the Boards of Conservation Authority.
5. Amend the Act to align municipal appointments to Conservation Authority Boards to four (4) year terms in alignment with municipal council terms.
6. The conservation authority municipal levy should be clearly identified on the municipal property tax bill.
7. Conservation authorities structure their budgets similar to municipalities, where the total budget is a combination of distinct Operating and Capital budgets.
8. NPCA supports the recommendation of Conservation Ontario that Section 26 (5) of the Act (related to Capital Expenditures) and Section 27 (6) of the Act (related to Maintenance and Administrative Costs) should be repealed as they conflict with Section 27(16) of the Act.
9. NPCA recommends the establishment of a multi-ministry and multi-stakeholder body to address matters related to provincial programs and services delivered by conservation authorities, and, other matters impacting natural resources within the province. Representation from conservation authorities on this body should be based on watershed geography (north, central, south-west, south east and eastern zones) in order to receive a holistic view on policy and programs specific to an integrated watershed management approach.
10. For consistency of programs and services across the province, there could be performance measures, key performance indicators, and/or best management practices that the province could apply.
11. As a public entity, the province should require – and in some instances continue – conservation authorities to develop and make public Strategic Plans, Annual Reports and Financial Statements. The province should also continue with the current practice of requiring conservation authorities to report back program expenditures that have received provincial and municipal funding.
12. The province should require – If there is established a business relationship with Conservation Ontario – that the governance model of Conservation Ontario be directed solely by the respective Chairs of the conservation authority boards.
13. Conservation authorities should publically publish monthly and quarterly financial summary reports.
14. Province recognize the best management practices (BMPs) implemented by the NPCA in order to streamline permits.
15. Establishment of Memorandum of Understandings between conservation authorities and First Nations of communication and notification protocols.
16. Province to develop general guidelines for community consultations as a Best Management Practice for major projects.

NPCA Best Management Practices

1. 2014-2018 NPCA Strategic Plan.
 - Includes Mission, Vision and Value Statements.
2. NPCA Regulation #1 – Governance and Administration Policies.
3. NPCA Regulation #2 – Meeting Procedures.
4. NPCA Community Liaison Advisory Committee – Terms of Reference.
5. Total NPCA Budget = Operating Budget + Capital Budget.
6. Annual Report.
7. Monthly Budget Reports reported and published.
8. Monthly reporting of number/types/timeframes permits issued.
9. Streamlined Permit Process and Protocols
10. Permit Dispute Resolution System.
11. Permit Application Awareness and Education (website access).
12. Permit Tracking (CityView).
13. On-Line Mapping.
14. On-Site Field Evaluations (via professional planners, biologists, ecologists).
15. Updating of Floodplain Mapping
16. Contemporary Mapping of Watercourses
17. Sub-Watershed Plans
18. Great Lakes (Erie and Ontario) Shoreline Management Plans
19. Staff Town Hall Meetings and Team Building Events
20. CAO Open Door Policy
21. Long-Term Capital Plans (10 Years)
22. Annual Water Quality Reports for Watershed
23. Master Plans for Conservation Areas
24. Sharing of Information (Example – Ontario Geological Study).
25. Quarterly Communication Reports – Distributed to Municipalities and Publically Posted
26. Live Web Streaming of Board Meetings
27. Partnerships with non-governmental organizations.



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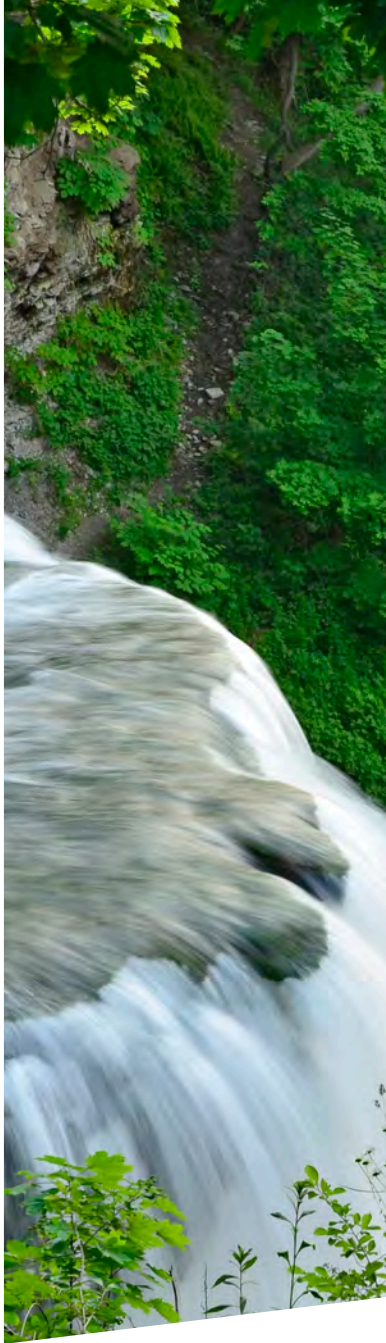
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*"The objects of an authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals."
R.S.O. 1990, c.C.27 s.20*

NPCA'S STRATEGIC CHALLENGE

This document will lay out the Niagara Peninsula Conservation Authority (NPCA) strategic direction for the next 4 years. NPCA is committed to organizational transformation. Transformation will be externally focused – involving stakeholders from the development, agriculture and environmental communities, as well as government partners at all levels. Transformation will also be internally focused – generated by the Board, Management, and front-line staff.

NPCA's transformation will deliver a pragmatic customer-friendly “feel” in resolving complex regulatory issues, a re-focused conservation/sustainable growth mandate, and an ambitious change agenda moving forward. Concrete change actions will be executed with excellence, accountability and measurable results. The plan will promote a corporate culture that positively benefits the organization and the public at large including all stakeholders.



“The world as we have created it, is a process of our thinking. It cannot be changed without changing our thinking.”
EINSTEIN

NPCA MISSION, VISION & VALUE STATEMENTS

“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.

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”
OUR COMMON FUTURE (Report of the World Commission on Environment & Development)



THE NPCA STRATEGIC PLAN PROCESS

THE CHANGE PROCESS HAS INVOLVED EXTENSIVE CONSULTATION WITH STAKEHOLDERS, GOVERNMENT PARTNERS & THE PUBLIC.

- Public meetings re: NPCA mandate, performance & need for positive change
- “Sleeves Rolled Up” stakeholder working sessions to identify problems & recommend solutions
- Candid stakeholder & government partner interviews
- Five empowered stakeholder “change management” working groups led by NPCA Board members

THE CHANGE PROCESS HAS ALSO INVOLVED RIGOROUS INTERNAL EXAMINATION OF NPCA’S ORGANIZATIONAL CULTURE, WORK PROCESSES AND ACCOUNTABILITY TOOLS.

- Board & staff interviews re; challenges & opportunities
- Third party objective assessment of organization performance issues
- Town Hall style front line staff sessions re: strengths & weaknesses



WHO WE ARE

OUR STRATEGIC PLAN RECOGNIZES THE CONSERVATION IDEALS THAT THE NPCA WAS FOUNDED ON IN 1959.

The Niagara Peninsula Conservation Authority (NPCA) was established on April 30, 1959 under the Conservation Authorities Act, and serves approximately half a million people in an area known as the Niagara Peninsula Watershed. This area of jurisdiction encompasses the whole of Niagara Region, 21% of the City of Hamilton and 25% of Haldimand County. At its inception, the driving force behind the Conservation Authority movement was its grassroots land stewardship and water protection programs. Today, this vital commitment continues as we strive to manage the impact of human activities, urban growth and rural activities on the watershed.

With its unique resources, the Niagara Peninsula is one of the most complex watersheds in the Province. It includes lands drained by the Niagara River, Twenty Mile Creek, the Welland River, the Welland Canal, Lake Erie and Lake Ontario. Nestled between two Great Lakes and transversed by the Niagara Escarpment, the Niagara Peninsula has truly unique climatic and biotic zones that are unlike anywhere else in North America. Programs focus on watershed management activities that help keep people and their property safe from events such as flooding and erosion.

The NPCA delivers programs, advises municipalities and regulates land use according to a complex series of legislative mandates.

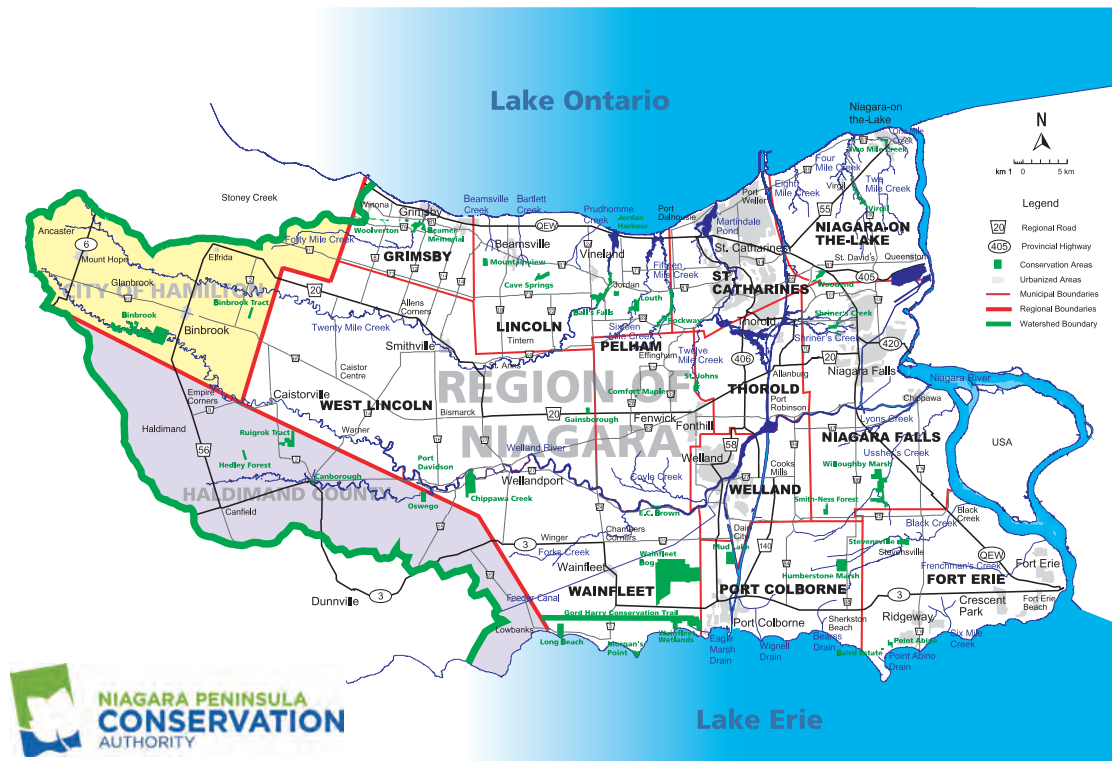
The NPCA fulfills this mandate by advocating and implementing programs that:

- **Improve the quality of lands and waters within its jurisdiction**
- **Contribute to public safety from flooding and erosion**
- **Provide for the management of conservation and hazard lands**
- **Enhance the quality of life in its watershed by using its lands for regional recreation, heritage preservation and conservation education**

As stewards of the watershed's natural resources, the NPCA works with landowners, government, conservation clubs, volunteer groups, individuals of all ages and many other partners to accomplish the work that needs to be done. Each year, thousands of voluntary hours are contributed to help protect the ecological health of Niagara's watershed through public engagement in stewardship activities, playing a vital role in helping achieve the underlying goals of these programs.



WATERSHED AREA OF JURISDICTION



The Niagara Peninsula Conservation Authority serves approximately 500,000 people and covers an area of approximately 2,424 square kilometers, encompassing:

- The entire Niagara Region
- 21% of the City of Hamilton
- 25% of Haldimand County

The activities of the NPCA are governed by a Board of Directors comprised of 15 members appointed by the member municipalities as follows; 12 appointed by Region of Niagara, 2 appointed by City of Hamilton, and 1 by Haldimand County. The Directors are committed to serving the local, rural and urban communities on behalf of the watershed municipalities and contribute their leadership and expertise in decisions that determine the policies and programs of the Authority.

"You must know where you came from yesterday, know where you are today, to know where you're going tomorrow."
CREE SAYING

ENVIRONMENTAL SCAN: THE NEED FOR STRATEGIC PLANNING

The Board of the Niagara Peninsula Conservation Authority committed to engaging in a change process that would identify challenges and create solutions to better service the watershed community.

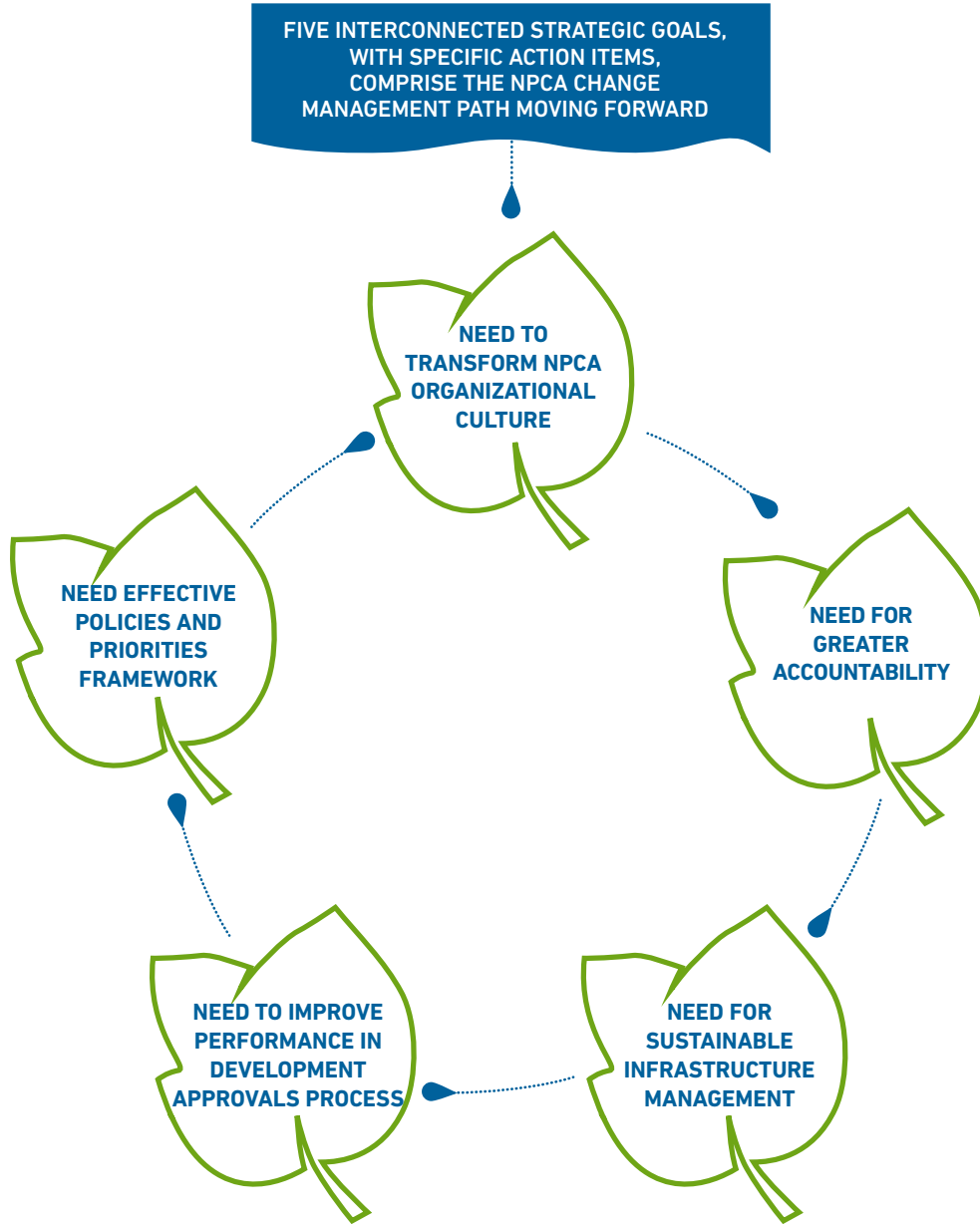
NPCA CHALLENGES CLEARLY IDENTIFIED

- 1. NEED TO TRANSFORM NPCA ORGANIZATIONAL CULTURE:**
Through the strategic plan process the NPCA recognized the need to transform NPCA culture to embrace public and stakeholder collaboration and communication.
- 2. NEED FOR GREATER ACCOUNTABILITY:**
Through the strategic plan process the NPCA recognized the need for greater accountability regarding NPCA Governance and Management.
- 3. NEED FOR SUSTAINABLE INFRASTRUCTURE MANAGEMENT:**
Through the strategic plan process the NPCA recognized the need for sustainable management of NPCA land and fixed assets.
- 4. NEED TO IMPROVE PERFORMANCE IN DEVELOPMENT APPROVALS PROCESS:**
Through the strategic plan process the NPCA recognized the need to improve NPCA performance in the development approvals process.
- 5. NEED EFFECTIVE POLICIES AND PRIORITIES FRAMEWORK:**
Through the strategic plan process the NPCA recognized the need to have an effective framework to refine NPCA Policies and Priorities.



"A powerful idea communicates some of its strength to him who challenges it."
MARCEL PROUST

NPCA STRATEGIC GOALS



"When we strive to become better than we are, everything around us becomes better too."
PAULO COELAO

DRIVING STRATEGIC CHANGE: THE STRATEGIC PLANNING WORKING GROUPS' MANDATE

EFFECTIVE NPCA MODEL TO SET POLICY AND PRIORITIES

This group was tasked with the mandate to develop a detailed Board policy review exercise to ensure policy frameworks reflect current perspectives and needs on conservation / economic development.

NPCA ASSETS AND ASSET MANAGEMENT

This group's mandate was to review NPCA land acquisition policies and strategies in order to balance life-cycle responsibilities with the capital budget process. They recommended a best practices review of land program delivery model and processes for implementation

IMPROVING DEVELOPMENT PROCESS PERFORMANCE

This group's mandate was to conduct 3rd party evidence based business process re-engineering review of the NPCA development and permit approvals process. They also conducted an organizational structure review in order assess resource adequacy and service delivery.

EFFECTIVE COMMUNICATION WITH STAKEHOLDERS AND PUBLIC

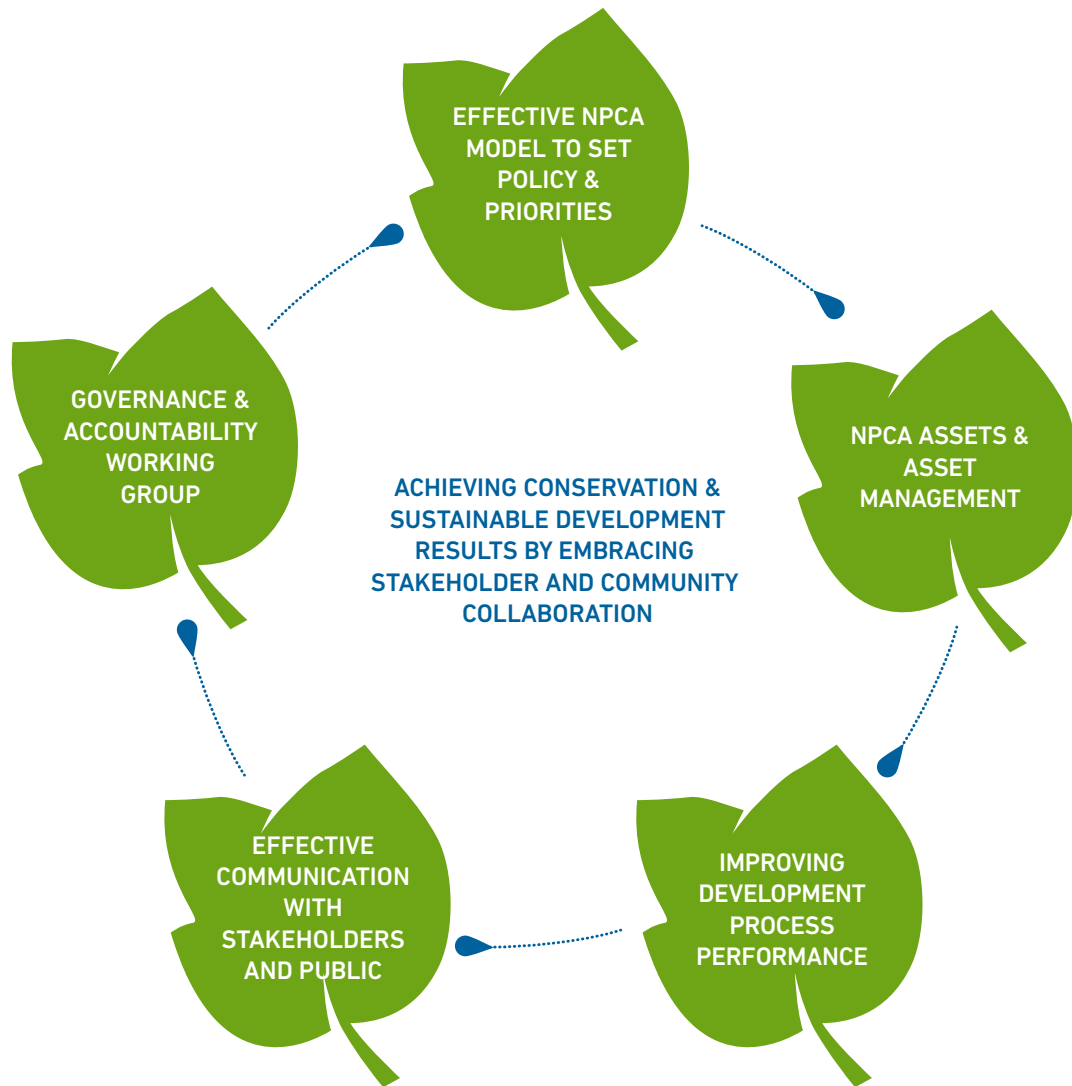
This group's mandate was to engage major stakeholders from throughout the community in order to address customer and community concerns. They investigated the applicability of incorporating on line social media to improve NPCA profile.

GOVERNANCE AND ACCOUNTABILITY WORKING GROUP

This group's mandate was to set criteria for measuring the success of business operations, including an accountability dashboard and report card. They recommended the budget process be redesigned to achieve successful results-based performance; and implement programs to help encourage and preserve public use of lands in order to increase revenues used to maintain park facility assets.



NPCA STRATEGIC PLAN WORKING GROUPS



"Never believe that a few caring people can't change the world. For, indeed, that's all who ever have."
MARGARET MEAD

STRATEGIC CHANGE CONSULTATION

CONSULTATION PROCESS

1. PUBLIC & STAKEHOLDER CONSULTATION TOOL KIT

At the onset of the process a number of public consultation sessions were held. These consultation opportunities with the development industry, the agricultural sector, dedicated environmentalists, and especially the general public generated blunt and powerful feedback. Valuable insights were gained about NPCA strengths, weaknesses and the necessary “change” pathway going forward. It is understood that carefully considered change is necessary.

2. RIGOROUS INTERNAL DIALOGUE AND PERFORMANCE ASSESSMENT

The NPCA has turned inwards and taken a hard look at its operations, policy framework and future priorities in an effort to meet customer needs and deliver balanced regulatory services that recognize conservation and economic progress can co-exist.

3. STAKEHOLDER ‘CHANGE’ WORKING GROUPS LED BY BOARD MEMBERS WERE ESTABLISHED TO GENERATE PRAGMATIC, MULTI-YEAR CHANGE ACTION PLANS.

With this in mind, working groups consisting of a balanced cross-section of watershed stakeholders, technical experts and the general public were formed to address five performance improvement themes identified in Chart 2. Board Members from the NPCA Strategic Committee chaired these five Working Groups. These Working Groups generated meaningful discussions and recommended the necessary changes needed to create significant performance improvement opportunities for the NPCA. The result is a refocused, re-energized “new” NPCA that is aligned with the conservation and economic priorities of the public, key stakeholders, and the Board.



"We do not inherit the earth from our ancestors, we borrow it from our children."
NATIVE AMERICAN PROVERB

EFFECTIVE NPCA MODEL TO SET POLICIES & PRIORITIES

PHASE 1:

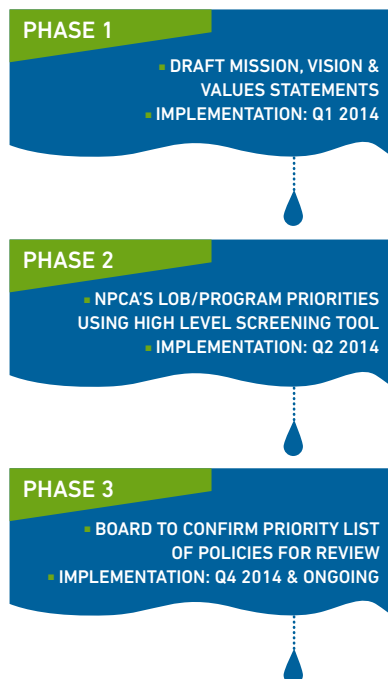
- Board to establish/endorse draft Mission, Vision & Values Statements. (Implementation: Q1 2014)

PHASE 2:

- Board must confirm NPCA's Lines of Business/Program Priorities.
- High-level screening tool developed/tested by Policy Working Group to be used for this purpose. (Implementation: Q2 2014)

PHASE 3:

- Board to confirm priority list of policies for review.
- NPCA Development Approvals Policies will kick-off review process. Priority policies will be vetted using decision making tool developed by Policy group. (Implementation: Q2 2014 & ongoing)



"The human brain now holds the key to our future. We have to recall the image of the planet from outer space: a single entity in which air, water, and continents are interconnected. That is our home."

DAVID SUZUKI

STREAMLINED, EFFICIENT DELIVERY OF DEVELOPMENT APPROVALS PROCESS

PHASE 1:

- Board to consider & adopt the development review and permit approval process business rules/flow charts and dispute resolution process, (including the recommended processing timelines). (Implementation: Q2 2014)
- Board to consider & adopt the dispute resolution process tool. (Implementation: Q3 2014)
- The Community Liaison Advisory Committee (CLAC), endorsed by the Board, will participate in providing specific detailed recommendations beyond the conclusion of this process. (Implementation: Q4 2014)

PHASE 2:

- Complete majority of review and permit approvals with in-house staff to improve management control and continuity - confirm in 2014 budget. (Implementation: Q2 2014)
- Staff capacity comprised of appropriately experienced personnel needs to be provided via additional resources or realignment of existing resources - confirm in 2014 budget. (Implementation: Q2 2014)
- NPCA should adopt use of a software system for monitoring development applications. (Implementation: Q3 2014)

PHASE 3:

- NPCA policy document should clearly distinguish between broader planning guidance and regulatory/permit requirements. (Implementation: Q4 2014)

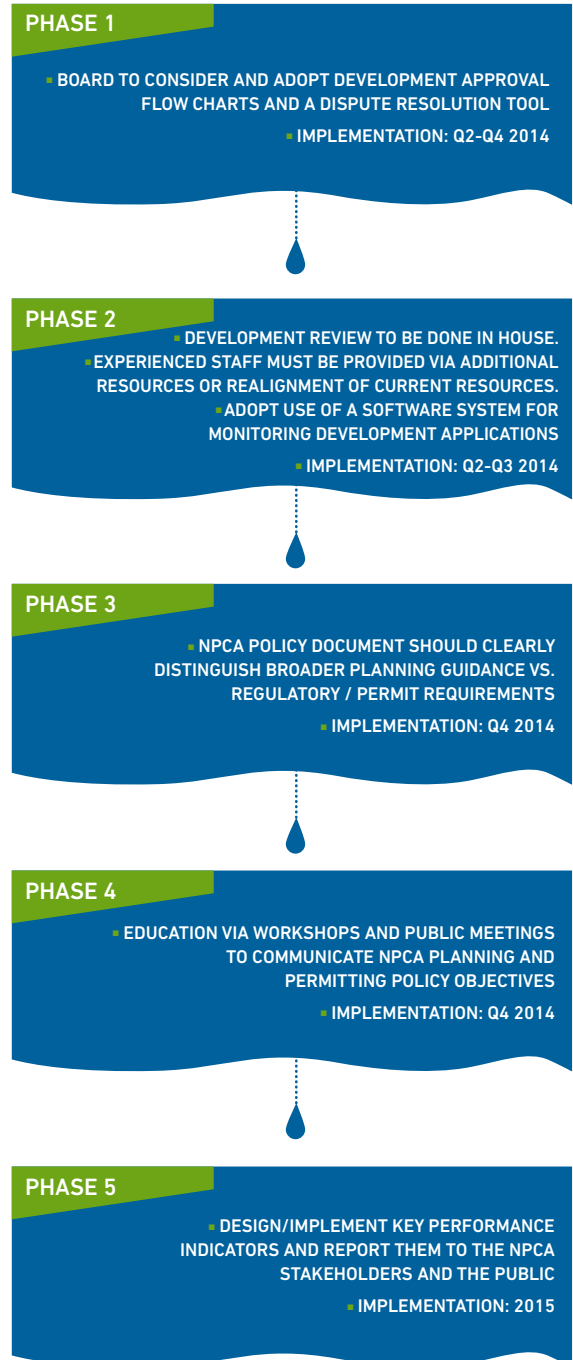
PHASE 4:

- Education via workshops and public meetings to communicate NPCA planning and permitting policy and objectives. (Implementation: Q4 2014)
- Advise stakeholders about the roles of NPCA permitting procedures. (Implementation: Q4 2014)

PHASE 5:

- Design/implement key performance indicators and report them to the NPCA, key stakeholders and the public. (Implementation: 2015)





"If there is no struggle, there is no progress".
FREDERICK DOUGLASS

IMPROVED CAPACITY FOR MANAGING ASSETS & LAND PROGRAM

PHASE 1:

- Initiate Board approval process for recommended new land management criteria in consultation with Community Liaison Advisory Committee (CLAC).

NEW ACQUISITION CRITERIA

The criteria for land acquisition should be reviewed and updated based on the following objectives:

1. Is the property outside the urban area?
2. Is the property already protected through legislation (e.g. Provincially Significant Wetland)?
3. Are there other organizations that may be more appropriate recipients of the property?
4. Is acquisition the only means by which the land can be preserved and protected?
5. Is the acquisition clearly within the statutory mandate of the NPCA?
6. What are the long-term capital and operating costs associated with the property?
(Implementation: Q3 2014)

PHASE 2:

- Conduct review of current NPCA land holdings to determine properties that meet/fail to meet new land acquisition and management criteria.
- Properties outside acquisition criteria should be flagged for long-term management solutions – including management, acquisition, transfer, and partnership.
(Implementation: Q4 2014)

PHASE 3:

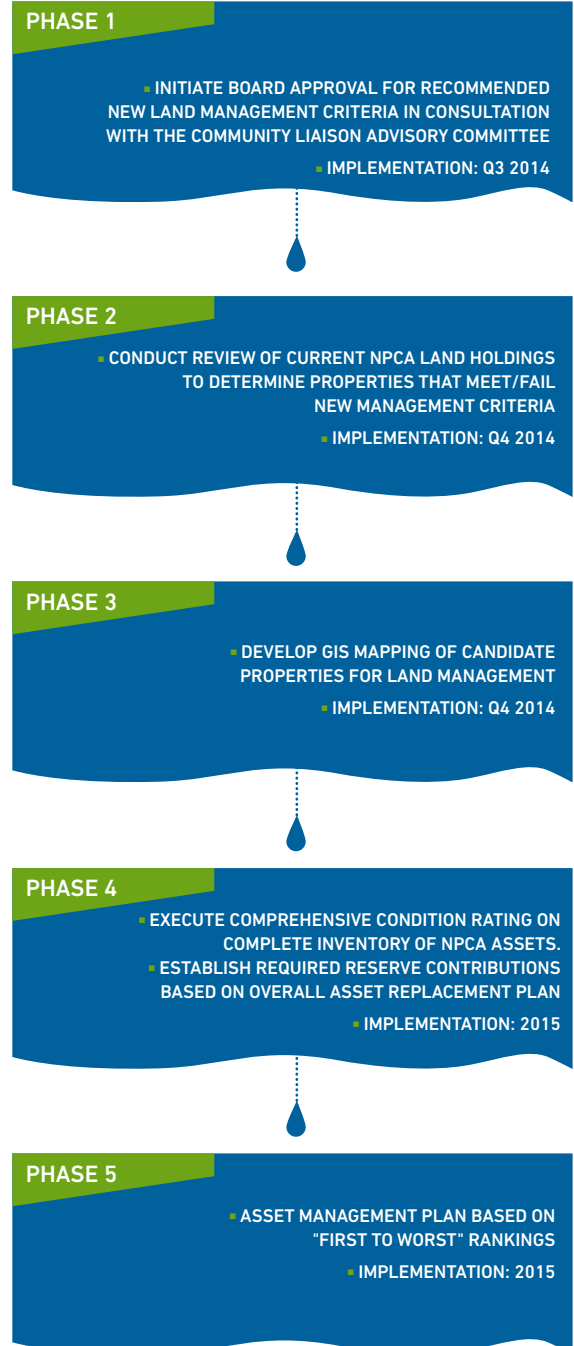
- Develop GIS mapping of candidate properties for land management. Appendix for land acquisition strategy & guide for establishing priority sites. (Implementation: Q4 2014)

PHASE 4:

- Execute comprehensive condition rating on complete inventory of NPCA assets.
- Establish required reserve contributions based on overall asset replacement plan. (Implementation: 2015)

PHASE 5:

- Asset management plan based on “first to worst” rankings. Focus on top 5 priorities. Integrate with capital budget.
(Implementation: 2015)



*“Leave the beaten track behind occasionally and dive into the woods.
Every time you do you will be certain to find something you have never seen before.”*
ALEXANDER GRAHAM BELL

TRANSPARENT GOVERNANCE & ENHANCED ACCOUNTABILITY

PHASE 1:

- Review established governance processes and develop improved public transparency - provide easily accessible information about board appointment process.
- Provide board profile page on website to include but not limited to photograph, conservation training/employment or relevant education, personal interests in conservation.
- Implement board member event participation tracking tool for annual reporting. (Implementation: Q3 2014)

PHASE 2:

- Expand public participation to support NPCA Governance via establishment of a Community Liaison Advisory Committee (environment, agriculture, landowners, development, industry, volunteer/user sectors).
- Improve NPCA profile and accountability to municipal governments by providing ongoing quarterly briefings to watershed member municipalities and local councils on activities and key issues being addressed by NPCA. (Implementation: Q3 2014)

PHASE 3:

- Design and implement business planning based on core lines of business and key performance indicators and vet through board and newly created community liaison groups.
- Create long range business plan and redesign NPCA operating and capital budget process and accounting structures to reflect real programming and staffing deployment. Link budgets to key performance indicators.
- PSAB compliant capital project reporting. (Implementation: Q4 2014)

PHASE 4:

- Implement code of conduct to satisfy legislative requirements.
- Develop and implement a workplace satisfaction survey and publish annual results.
- Develop an employee recognition program and review annually.
- Develop and implement a performance review process for CAO and directors to include personal growth development. (Implementation: Q2 2014 – Q4 2015)

PHASE 1

- IMPLEMENT IMPROVED ON-LINE GOVERNANCE TRANSPARENCY TOOLS SUGGESTED BY WORKING GROUP
- ESTABLISH STAKEHOLDER WORKING GROUPS
- IMPLEMENTATION: Q3 2014

PHASE 2

- IMPROVE NPCA PROFILE AND ACCOUNTABILITY TO WATERSHED MUNICIPAL COUNCILS
- PROMOTE BOARD MEMBER PARTICIPATION AT NPCA EVENTS
- IMPLEMENTATION: Q3 2014

PHASE 3

- ESTABLISH LONG RANGE BUSINESS PLAN AND REDESIGN BUDGET PROCESS STRUCTURES TO REFLECT CURRENT OPERATING AND CAPITAL BUDGETS
- PSAB COMPLIANT CAPITAL PROJECT REPORTING
- IMPLEMENTATION: Q4 2014

PHASE 4

- IMPLEMENT CODE OF CONDUCT TO MEET LEGISLATIVE REQUIREMENTS
- EMPLOYEE RECOGNITION PROGRAM
- PERFORMANCE AND PERSONAL GROWTH DEVELOPMENT FOR SENIOR MANAGEMENT TEAM
- IMPLEMENTATION: Q2 2014 - Q4 2015

EFFECTIVE COMMUNICATION WITH STAKEHOLDERS & PUBLIC

PHASE 1:

- Initiate a corporate culture of effective two-way communication; encourage employee participation in contributing towards the Board's aims and objectives. (Implementation: Q2, 2014)
- Develop corporate conceptual marketing and communications materials and budget for all NPCA's programs and initiatives to ensure consistency of messaging priorities. (Implementation: Q3 2014)
- Create NPCA identity standards manual and provide training to ensure corporate protocol is followed including; style and readability of communications materials. (Implementation: Q3 2014)

PHASE 2:

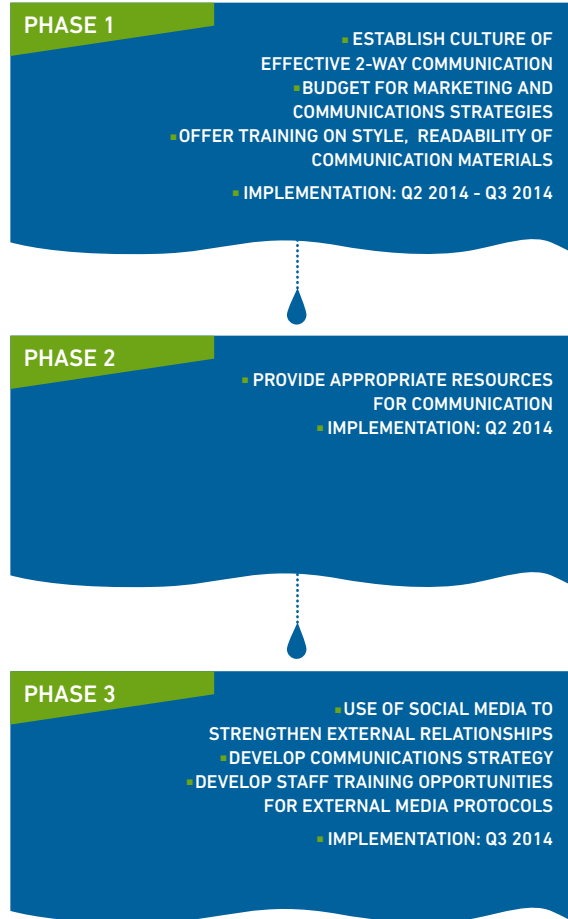
- Provide appropriate level of resources for communication. (Implementation: Q2 2014)

PHASE 3:

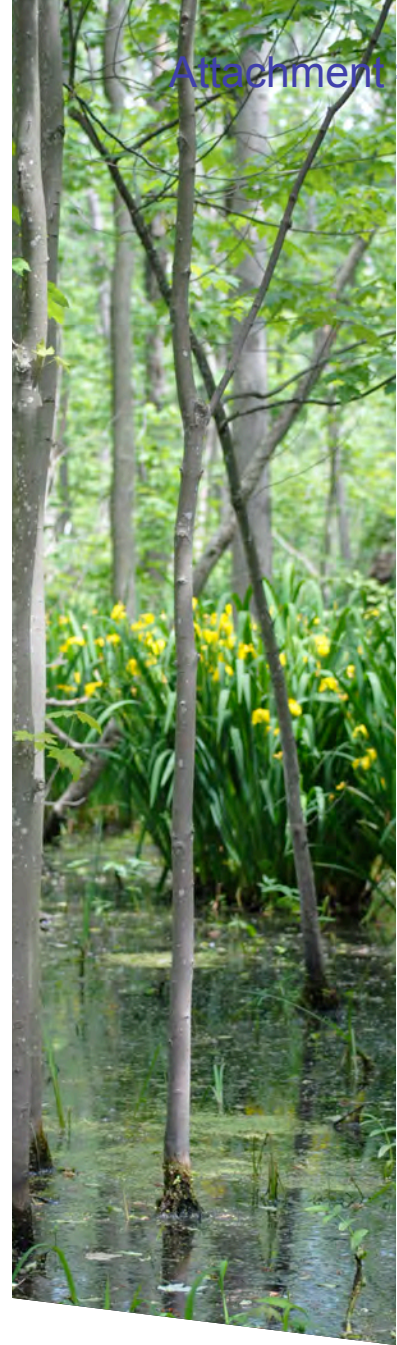
- Use social media opportunities to strengthen connections and encourage information sharing – use opportunities and look for ways to get more for less. Set clear, realistic and measurable goals.
- Identify potential new partners, funders and allies. Encourage commitment and involvement.
- Develop clear and concise communications strategy and time lines outlining the Board's objectives as to the roles and services performed by NPCA.
- Develop staff training opportunities for external communication and media protocols. (Implementation: Q3 2014)



"There are no passengers on Spaceship Earth. We are all crew."
MARSHALL MCLUHAN



"Every creature is better alive than dead, men and moose and pine trees, and he who understands it aright will rather preserve its life than destroy it.
HENRY DAVID THOREAU



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

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Board of Directors

Policy Handbook - Regulation # 1

Governance and Administration Policies



Resolution No. FA-210-14
Dated: November 24, 2014


Carmen D'Angelo;
Chief Administrative Officer


D. Bruce Timms;
NPCA Chairperson

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1.0 INTRODUCTION

As per Section 30. (1) of the *Conservation Authorities Act*, an Authority shall make regulations, which includes:

- Providing for the calling of meetings of the authority and prescribing the procedure at those meetings;
- Prescribing the powers and duties of the Secretary-Treasurer; and
- Designating and empowering officers to sign contracts, agreements and other documents on behalf of the Authority.

This ***Board of Directors Regulation #1 Policy Handbook*** has been developed to adhere to the legislation cited above.

This handbook will also function as a reference for appointed Board of Directors in order to effectively and efficiently conduct business relevant to the Niagara Peninsula Conservation Authority.

Furthermore, this handbook will guide the Board of Directors in adhering to the legislative mandate of the Niagara Peninsula Conservation Authority (NPCA) and achieving the associated NPCA Mission and Vision.



2.0 Mandate, Mission, Vision and Values

2.1 Mandate

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

2.2 Mission

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

2.3 Vision

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

2.4 Values

2.4.1 A sustainable balance between environmental conservation, economic growth and agricultural prosperity.

2.4.2 Clear and respectful communication.

2.4.3 Integrity, fairness and sensitivity to all impacted by our actions and decisions.

2.4.4 Creativity and innovation in service delivery to clients.

2.4.5 Transparency, accountability and quality in our services.

2.4.6 Pragmatic solution oriented approaches to decision making.

2.4.7 A respectful work environment and professional development.

3.0 DEFINITIONS

“Authority” means the Niagara Peninsula Conservation Authority.

“NPCA” means the “Authority” or the “Niagara Peninsula Conservation Authority”.

“Staff” shall mean staff members employed at the Niagara Peninsula Conservation Authority.

“Board of Directors” means the appointed members to the Authority by the participating municipalities within the watershed.

“Member(s)” shall mean the board members, or Directors, as appointed by the respective councils of the participating municipalities within the watershed.

“Chair” shall mean the Chairperson as elected by the Board of Directors of the Niagara Peninsula Conservation Authority.

“Vice-Chair” shall mean the Vice-Chairperson as elected by the Board of Directors of the Niagara Peninsula Conservation Authority.

“CAO/Secretary-Treasurer” means Chief Administrative Officer of the Authority.

“Officer” means a member of the Authority and the CAO/Secretary-Treasurer.

“Call of the Chair” shall mean the Chairperson of the Niagara Peninsula Conservation Authority will make the decision to have a meeting and will inform the Chief Administrative Officer/Secretary-Treasurer or designate and that person will ensure action if it is necessary.

“Inaugural Meeting” shall be an annual meeting to complete past year’s business; for annual elections and appointments; and to start current year’s business.

“Majority” shall mean half of the votes plus one.

“Private Interest” includes the financial or material interests of a member and the financial or material interests of a member of the member’s immediate family.

“Fiscal Year” shall mean the period from January 1 through December 31.

4.0 Board of Directors

- 4.1 Membership of the Niagara Peninsula Conservation Authority includes three (3) participating municipalities: Region of Niagara, City of Hamilton, and Haldimand County.
- 4.2 The Niagara Peninsula Conservation Authority Board of Directors comprises all members appointed by the participating municipalities.
- 4.3 The following represent the number of representatives that the participating municipalities may appoint:
- | | |
|-------------------|---|
| Region of Niagara | As appointed by the regional municipality, one member from each of their twelve (12) local municipalities for a total of 12 members |
| City of Hamilton | Two members |
| Haldimand County | One member |
- 4.4 The duration of the appointment aligns with the municipal 4 year term.
- 4.5 The Board of Directors shall approve all policies and procedures of the Niagara Peninsula Conservation Authority, approve the budget with or without revisions, give direction on priority of programs and projects and are generally responsible for other matters as required by the Conservation Authorities Act and Regulations.

5.0 Mandatory Responsibilities of the Board of Directors

5.1 The Niagara Peninsula Conservation Board is bound by the *Conservation Authorities Act*, where:

Section 20 of the *Conservation Authorities Act* defines the mandate of a Conservation Authority as follows:

“The objectives 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 or minerals.”

Section 21 of the *Conservation Authorities Act* specifically outlines the powers of a Conservation Authority to accomplish its objectives:

- the power to study the watershed and develop an appropriate resource management program;
- acquire and/or dispose of lands;
- collaborate and enter into agreements with landowners, governments and organizations;
- control the flow of surface waters;
- alter the course of any waterway;
- develop their lands for recreational purposes;
- generally to do all such acts as are necessary for the due carrying out of any project.

5.2 Functions of the Board of Directors

In addition to the procedures in this policy and subject to the *Conservation Authority Act*, the Authority shall:

- Approve the auditor’s statement for the preceding year – if the statement is not approved, the amended statement shall be reintroduced for approval at the next appropriate meeting;
- Pass a borrowing resolution for a specified amount for the purposes of the Authority and authorizing the appointed signing officers to sign notes as required to implement this borrowing;
- Approve a budget for the Authority for the ensuing year;
- Approve the levies to be paid by Municipalities;
- Supervise the activities of any Standing Committees and to accept or reject any of their recommendations;
- Receive delegations on behalf of the Authority;
- Consider requests for grants or donations from groups outside the Authority;
- Decide and recommend policies not covered in these resolutions;
- Update as required policies of the Authority.

All Directors of the Board are public officials and thus have the responsibility to be guided by and adhere to the rules of conduct, explicit and implied, for all such holders of public office in the Province of Ontario. In addition, all the Board must adhere to all applicable acts of incorporation. In the case of the Niagara Peninsula Conservation Authority, Directors must adhere to the following:

- The *Municipal Conflict of Interest Act*;
- The *Municipal Freedom of Information and Protection of Privacy Act*;
- Ontario Regulation 139/06 Municipal Levies
- Ontario Regulation 670/00 Conservation Authority Levies
- Ontario Regulation 155/06 Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

5.3 Ensuring Fiscal Stability of Niagara Peninsula Conservation Authority

The Board of Directors must ensure the financial stability of the Niagara Peninsula Conservation Authority. While the CAO/Secretary-Treasurer provides day-to-day leadership in fiscal affairs, the Board bears the ultimate responsibility for financial soundness. This includes approving an annual budget, receiving and approving reports on financial performance of the Niagara Peninsula Conservation Authority, and ensuring policies are in place for financial soundness.

5.4 Relationship between Board of Directors and CAO/Secretary-Treasurer

The Board of Directors relies on the CAO/Secretary-Treasurer to inspire, lead and manage the Niagara Peninsula Conservation Authority. The Board will forge a strong partnership with the CAO/Secretary-Treasurer, working cooperatively to achieve the mandate, mission and vision of the Niagara Peninsula Conservation Authority. The Board regularly evaluates the CAO/Secretary-Treasurer, measuring his/her performance against the Niagara Peninsula Conservation Authority's strategic plan and financial and human resources goals of the organization.

5.5 Relationship between Board of Directors and NPCA Staff

The Board of Directors must act as a team and represent the interests of the entire watershed. A strong partnership must be forged between the Board of Directors and the CAO/Secretary-Treasurer. The Board allows the CAO/Secretary-Treasurer to manage the organization and its staff. The following parameters are to be followed throughout the organization and by the public at large:

- If a Board Director has questions on a project or report, such questions should be referred through the CAO/Secretary-Treasurer for him/her to invite the appropriate Department lead to explain the project and answer questions.
- If a Board Director would like to volunteer to assist in a project, such actions should be taken in consultation with the CAO/Secretary-Treasurer to organize the process.
- If a Board Director receives a complaint about a staff person or would like to acknowledge a staff person, such information should go through the CAO/Secretary-Treasurer.

- If a Board Director receives a complaint from a staff person, the Board Director must advise the staff person to follow the appropriate procedure as outlined in the personnel policy.

With respect to staffing issues, the following outlines the responsibilities of the Board of Directors and the CAO/Secretary-Treasurer:

The Board of Directors is solely responsible for the following:

- Recruiting the CAO/Secretary-Treasurer;
- Hiring the CAO/Secretary-Treasurer; and
- Dismissing the CAO/Secretary-Treasurer;

The Board of Director's Chair and Vice-Chair are responsible for:

- Evaluating the CAO/Secretary-Treasurer; and
- Recommending the annual salary and pay for performance of the CAO/Secretary-Treasurer for consideration to the Board of Directors.

The Board of Directors and the CAO/Secretary-Treasurer share the following responsibilities in that the recommendation will come from the CAO/Secretary-Treasurer and the approval will come from the Board of Directors:

- Setting key commitments and deliverables for the CAO/Secretary-Treasurer;
- Setting human resource and personnel policies which will have a dollar impact upon the budget; and
- Setting staff salary schedules and plans as part of the annual budget review process.

The CAO/Secretary-Treasurer is solely responsible for the following:

- Assessing staffing requirements;
- Recruiting, hiring and dismissing staff;
- Providing staff direction;
- Approving staff evaluations;
- Implementing approved salary schedule and salary plan by setting individual staff salaries;
- Designing the organizational structure; and
- Setting human resource and personnel policies, which have no dollar impact on the budget.

6.0 DUTIES OF OFFICERS

6.1 Chair of the Board of Directors

- Oversees Board meetings and ensures Meeting Procedural By-Law is adhered to;
- Serves as ex-officio Director of all committees;
- Works in partnership with the CAO/Secretary-Treasurer to ensure Board resolutions are carried out;
- Assists CAO/Secretary-Treasurer in preparing agenda for Board meetings where required;
- Calls special meetings if necessary;
- Periodically consults with Board Directors on their roles;
- Acts as a public spokesperson for the Niagara Peninsula Conservation Authority to facilitate the mandate, mission and vision of the organization;
- Represents the Niagara Peninsula Conservation Authority at such functions as warrant the interest of the Authority except where this responsibility is specifically assigned to some other person;
- Inspires other Board Directors with his or her own commitment of support, time and enthusiasm;
- Represents the Niagara Peninsula Conservation Authority at Conservation Ontario Council meetings;
- Serves as signing officer for the Niagara Peninsula Conservation Authority;
- Performs other duties when directed to do so by resolution of the Niagara Peninsula Conservation Authority;
- Keeps the Board of Directors apprised of significant issues in a timely fashion.
- Member of the Source Water Protection Committee

6.2 Vice-Chair of the Board of Directors

- Attends all Board meetings;
- Carries out special assignments as requested by the Chair of the Board;
- Understands the responsibilities of the Board Chair and acts as Chair immediately upon the death, incapacity to act, absence or resignation of the Chair until such time as a new Chair is appointed or until the Chair resumes his/her duties;
- Serves as an alternate signing officer for the Niagara Peninsula Conservation Authority;
- Keeps the board of Directors apprised of significant issues in a timely fashion;
- Alternate to Chair at Conservation Ontario Council Meetings.

6.3 CAO/Secretary-Treasurer

- Attends all Board meetings;
- Acts as Secretary-Treasurer of the Board in accordance with the Conservation Authorities Act;
- Serves as a signing officer for the Niagara Peninsula Conservation Authority;
- Keeps the Chair and Vice-Chair apprised of significant issues in a timely fashion;
- Develops and implements both short and long-term strategic plans in accordance with business goals and objectives;
- Tends to the day-to-day requirements, details and management of the Niagara Peninsula Conservation Authority;
- Manages staff and programs of the Niagara Peninsula Conservation Authority;
- Makes certain that appropriate actions are taken in a timely fashion;
- Works in close collaboration with the Chair and Vice-Chair;
- Implements all Board resolutions in a timely fashion;
- Ensures Board policies and strategic plan are adhered to;
- Manages the financial activities of the Niagara Peninsula Conservation Authority;
- Makes recommendations to the Board regarding suggested policy changes;
- Acts as public spokesperson for Niagara Peninsula Conservation Authority in the absence of the Chair and Vice-Chair of the Board, or, on behalf of the Chair and Vice-Chair
- Represents the Niagara Peninsula Conservation Authority at Conservation Ontario, Council, Committee and Task Force meetings;
- Negotiates and enters into contracts with external agencies/partners to carry out the goals of the organization in accordance with approved Policy;
- Develops and maintains effective relationships and ensures good communications with watershed municipalities, federal and provincial government ministries/agencies, other Conservation Authorities, Conservation Ontario and community groups and associations.

7.0 Election of Chair and Vice Chair

7.1 Chair for Election of Officers (Board of Director's Chair and Vice-Chair)

An individual other than a Member of Niagara Peninsula Conservation Authority will assume the position of Chair for the purpose of Election of Officers. The CAO/Secretary-Treasurer, or designate, assumes this position.

7.2 Appointment of Scrutineers

The appointment of scrutineers is required for the purpose of counting ballots should an election be required. All ballots will be destroyed by the scrutineers afterwards. The appointment of scrutineers requires a mover and seconder by Members of the Authority.

7.3 Election of Board of Director's Chair and Vice-Chair

The CAO or designate advises that the election will be conducted in accordance with Section 10 of the Conservation Authorities Act as follows:

- Only current members of the Authority may vote.
- Nominations will be called three (3) times and will only require a mover.
- The closing of nominations will require both a mover and a seconder.
- Each member nominated will be required to accept the nomination. The member must be present to accept the nomination.
- In the event of an election, each nominee will be permitted not more than three (3) minutes to speak for the office, in the order of the alphabetical listing of his or her surnames.
- Upon the acceptance by nominees for the position of office, ballots will be distributed to the Members for the purpose of election. A Member's choice for a nominee will be written on the ballot and the appointed scrutineers for the counting of the ballots will collect the ballots.

A majority vote will be required for election. If there are more than two nominees, and upon the first vote no nominee receives the majority required for election, the name of the person with the least number of votes will be removed from further consideration for the office and new ballots will be distributed. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, a special vote shall be taken to decide which one of such tied nominees' names shall be dropped from the list of names to be voted on in the next vote.

Should there be a tie vote between two remaining candidates, new ballots will be distributed and a second vote held. Should there still be a tie after the second ballot a third vote shall be held. Should there be a tie after the third vote, the election of the office shall be decided by lot drawn by the CAO.

8.0 STANDING COMMITTEES

8.1 Current

- Community Liaison Advisory Committee
- Niagara Peninsula Conservation Foundation
- Budget Steering Committee
- Audit Committee
- Watershed Floodplain Committee

8.2 The Authority may strike a standing committee to investigate and make recommendations on matters of interest to the Authority.

8.3 Any standing committee of the Authority will be recognized as a functioning committee until the Authority replaces or dissolves that committee or until December 31 of the year in which the committee is formed.

8.4 The Authority will strike standing committees at the first business meeting of the year or at other times as may be desired.

8.5 Any standing committee of the Authority will be comprised at a minimum of one member, plus the Chair and the Vice-Chair of the Authority.

8.6 Each standing committee will have terms of reference established by the Authority. The terms of reference will serve as a consistent guide to committee members and provide a continuity of understanding by the Authority as to the specific purpose for the standing committee. The terms of reference may be altered by the Authority where the scope of a standing committee's mandate is either altered or changed.

8.7 When a new standing committee is proposed, either the Authority member proposing the new standing committee will present terms of reference for Authority approval, or the Authority will cause such terms of reference to be prepared. In either case, a new standing committee shall not be struck until the Authority approves terms of reference for the standing committee.

8.8 Authority standing committees will be comprised of Authority members. Other than the Source Water Protection Authority, the Board of Directors may invite people to participate as a committee member and/or attend committee meetings as a resource.

8.9 Only committee members are entitled to vote on matters coming before the committee.

8.10 Standing Committees make recommendations only to the Board of Directors, where in turn, recommendations are considered for approval.

9.0 Honourariums, Per Diems, Expenses and Mileage

- 9.1** The Authority shall establish an honourarium rate from time to time and this rate will apply to the Chair and Vice-Chair. Rates are subsequently approved by the Ontario Municipal Board.
- 9.2** The Authority shall establish a per diem rate from time to time and this rate will apply to the Chair, Vice-Chair and Directors for service to the Authority in attendance at Authority Board of Director meetings, Standing Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Chief Administrative Officer. Rates are subsequently approved by the Ontario Municipal Board.
- 9.2** A per diem will be paid for each separate meeting attended.
- 9.3** The Chair, Vice-Chair and Directors will be responsible for advising the Administrative Assistant to the Board of any per diems and mileage incurred for other than Board of Directors or Source Protection Authority meetings, within 30 days of the per diem or mileage being incurred.
- 9.4** The Authority will reimburse members' travel expenses incurred for the purpose of attending meetings and/or functions on behalf of the Authority. Mileages are based on the member's principle residential address in the municipality they represent.



Board of Directors

Policy Handbook - Regulation # 2

Meeting Procedures



Resolution No. FA-210-14 Dated: November 24, 2014	Revised June 15, 2016 Resolution No. FA-99-16
Revised December 16, 2015 Resolution No. FA-203-15	
Revised May 18, 2016 Resolution No. FA-89-16	



 Carmen D'Angelo;
 Chief Administrative Officer



 D. Bruce Timms;
 NPCA Chairperson

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1.0 INTRODUCTION

As per Section 30. (1) of the *Conservation Authorities Act*, an Authority shall make regulations, which includes:

- Providing for the calling of meetings of the authority and prescribing the procedure at those meetings;
- Prescribing the powers and duties of the Secretary-Treasurer; and
- Designating and empowering officers to sign contracts, agreements and other documents on behalf of the Authority.

This ***Board of Directors Regulation #2 Meeting Procedures*** has been developed to adhere to the legislation cited above.

This handbook will also function as a reference for appointed Board of Directors in order to effectively and efficiently conduct board meetings relevant to the Niagara Peninsula Conservation Authority.

Furthermore, this handbook will guide the Board of Directors in adhering to the legislative mandate of the Niagara Peninsula Conservation Authority (NPCA) and achieving the associated NPCA Mission and Vision.



2.0 Quorum

- 2.1 At a NPCA Board meeting, a quorum consists of one-half of the members appointed by the participating municipalities. Given that there are 15 appointed members from the participating municipalities, quorum is eight or more appointed members.
- 2.2 If there is no quorum within one half hour after the time appointed for the meeting, the Chair for the meeting shall declare the meeting adjourned due to a lack of a quorum and the recording secretary shall record the names of the members present and absent.
- 2.3 Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, are disabled from participating in a meeting, is such that at the meeting the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two.
- 2.4 If during the course of an Authority or Committee meeting a quorum is lost, then the Chair shall declare that the meeting shall stand recessed or adjourned, until the date of the next regular meeting or other meeting called in accordance with the provisions of this Regulation. (See also Section 8.0 below).

3.0 Annual Meeting

- 3.1 The annual meeting of the NPCA Board will occur on the third Wednesday of January.
- 3.2 Appointed members will continue to serve on the NPCA Board until the Chief Administrative Officer receives written notice that the respective members have been re-appointed or the respective members have been replaced by another appointment.
- 3.3 At this meeting, the election of the Chair and Vice-Chair shall occur in accordance to Section #7 of Regulation #1: Governance and Administration Policies.

4.0 Duties of the Chair for the NPCA Board of Directors

- 4.1 It shall be the duty of the Chair, with respect to any meetings over which he/she preside, to:
 - a) Preserve order and decide all questions of order, subject to appeal; and without argument or comment, state the rule applicable to any point of order if called upon to do so;
 - b) Ensure that the public in attendance does not in any way interfere or disrupt the proceedings of the Board;
 - c) Ask any individual that is disrupting the Board to leave;
 - d) Adjourn the meeting without question, in the case of grave disorder arising in the meeting room;

- e) Receive and submit to a vote all motions presented by the Members or Committee, as the case may be, which do not contravene the rules and regulations of the Authority;
 - f) Announce the results of the vote on any motions so presented;
 - g) Decline to put to a vote motions which infringe upon the rules of procedure, or which are beyond the jurisdiction of the Authority;
 - h) Enforce on all occasions the observance of order and decorum among the Members;
 - i) Adjourn the meeting when business is concluded;
 - j) Adjourn the sitting without a question being put or suspend or recess the sitting for a time to be named if considered necessary;
 - k) Represent and support the Authority, declaring its will and implicitly obeying its decisions in all things; and
 - l) Perform other duties when directed to do so by resolution of the Authority.
- 4.2 Upon request of the Chair, the Vice-Chair assumes the duties of the Chair as described above.

5.0 Conduct of Members

- 5.1 No Director at any meeting of the Authority shall:
- a) Criticize any decision of the Authority or the Committee, as the case may be, except for moving, in accordance with the provision of this by-law, that the questions be reconsidered.
 - b) Speak in a manner that is discriminatory in nature based on an individual's race, ancestry, place of origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability.
 - c) Leave their seat or make any noise or disturbance while a vote is being taken or until the result is declared.
 - d) Interrupt a member while speaking, except to raise a point of order or a question of privilege.
 - e) Speak disrespectfully or use offensive words against the Authority, Authority members, staff, or any member of the public;
 - f) Speak beyond the question (s) under debate;
 - g) Resist the rules or disobey the decision of the Chair on the questions or order or practices or upon the interpretation of the rules of the Authority.
- 5.2 If any Director resists or disobeys, they may be ordered by the Chair to leave their seat for the remainder of the meeting. In the case of an apology being made by the offender, they may, by majority vote of the Authority, be permitted to retake their seat.
- 5.3 No person except Directors and Staff shall be allowed to come to the Board's table during the meetings of the Board without permission of the Chair or the Board.
- 5.4 Censorship of an individual director for conduct unbecoming a Board member in the fulfillment of their duties will be in accordance with a Motion to Censure described in Appendix A.

6.0 Conduct of Members of the Public, Community Agencies and the Media;

- 6.1 Except under the parameters of Section #14 “Meetings with Closed Sessions”, all meetings of the NPCA shall be open to the public to ensure accountability and transparency.
- 6.2 During a meeting of the NPCA, no member of the public, community agency or media shall address the Board of Directors unless they have been approved to address the Authority as described in Section #13 “Delegations”.
- 6.3 Prior, during or post a meeting of the NPCA, no member of the public, community agency or media shall be abusive, insulting or threatening or make excessive noise or disturb other persons.
- 6.4 As determined by the Chair of the NPCA meeting or by the Chief Administrative Officer (or designate), if a member of the public, community agency or media is abusive, insulting or threatening or makes excessive noise or disturbs others, the individual(s) will be requested to leave the conservation area for the day.
- 6.5 In the event the individual(s) refuses to leave the conservation area for the day, the Chief Administrative Officer (or his/her delegate) will direct the Superintendent of the conservation area, or an appointed NPCA Officer, to have the individual(s) removed. Should the individual(s) refuse to leave the conservation area as requested by the Superintendent or appointed NPCA Officer, the municipal police service will be called to assist.
- 6.6 Should the same individual(s) repeat actions that are deemed abusive, insulting or threatening or make excessive noise or disturb other persons, the NPCA Chair may establish a period of time where the individual(s) will be denied access to the conservation area.
- 6.7 For individuals identifying themselves as media representatives, when requested by the NPCA Chair or Chief Administrative Officer, the media person(s) shall produce media credentials that demonstrate they are affiliated with a media association that has formally adopted a “Code of Conduct” or similar policy framework that adheres to the Canadian Association of Journalists’ *Ethics Guidelines* and the associated *Principles for Ethical Journalism*. Further, the media representative(s) should be associated with a media association that has a formal appeal mechanism that is accessible by the NPCA should any reporting be deemed unfair. If the media representative(s) do not produce credentials as described, they will be treated as a member of the public.

7.0 Freedom of Information

- 7.1 The Authority members shall be governed at all times by the provisions of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).
- 7.2 In the instance where a member vacates their position on the Authority Board they will continue to be bound by MFIPPA requirements.

8.0 Notice of Meeting

- 8.1 The Chair shall call regular meetings of the Authority. Notice of regular meetings will be sent out from the Authority office at least five calendar days prior to the meeting date.
- 8.2 Notice of any meeting shall indicate the time and place of that meeting and the agenda for the meeting.
- 8.3 All material and correspondence to be dealt with by the Authority at a meeting will be submitted to the Chief Administrative Officer at least fourteen (14) days in advance of the meeting in question.
- 8.4 Written notice of motion may be given by any member of the Authority and shall be forthwith placed on the agenda of the next meeting.
- 8.5 When a quorum is first present after the hour fixed for a meeting, the Chair shall call the meeting to order.
- 8.6 If no quorum is present one-half hour after the time appointed for a meeting, the Chief Administrative Officer shall call the roll and record the names of the members present and the meeting shall stand adjourned until the next meeting.
- 8.7 The business of the Authority shall be taken up in the order in which it stands on the agenda unless otherwise decided by the Authority.
- 8.8 No member shall present any matter to the Authority for its consideration unless the matter appears on the agenda for the meeting of the Authority or leave is granted to present the matter by the affirmative vote of a majority of the members present.
- 8.9 The following matters shall have precedence over the usual order of business:
 - a. a point of order
 - b. a matter of privilege
 - c. a matter of clarification
 - d. a motion to suspend a rule of procedure or to request compliance with the rules of procedure
 - e. a motion that the question be put to a vote
 - f. a motion to adjourn
- 8.10 The Chair may, at his/her pleasure, call a special meeting of the Authority on three days' written notice. That notice shall state the business of the special meeting and only that business shall be considered unless permission is granted by two-thirds of the members present.
- 8.11 With the exception of any municipal planning or regulation matter that requires an immediate decision of the Board of Directors, or priority business of a matter before the courts, all matters will be dealt with "in person" at a Board of Directors meeting. For those planning and regulation matters requiring immediate attention, and/or matters before the courts, the Chair may call a meeting of the Board of Directors via telephone conference or other conferencing technology. Such a telephone

conference meeting must have quorum of the Directors participating and voting will be as outlined in Section 15.0.

- 8.12 Any member of the Board of Directors, with 50% support of the other Directors, may request the Chair to call a meeting of the Board and the Chair will not refuse.
- 8.13 Notwithstanding Section 8.6 of this Procedure, a meeting which has been interrupted through the loss of a quorum may be reconvened without notice provided that the meeting is reconvened on the same day.
- 8.14 The Chair or the CAO/Secretary-Treasurer may, by notice in writing or email, deliver to the members so as to be received by them at least 12 hours before the hour appointed for the meeting, postpone or cancel any meeting until the next scheduled date for the specific committee affected.
- 8.15 The Chair or the CAO/Secretary-Treasurer may, if it appears that a storm or like occurrence will prevent the members from attending a meeting, postpone that meeting by advising as many members as can be reached. Postponement shall not be for any longer than the next regularly scheduled meeting date.

9.0 Agenda for Meetings

- 9.1 Authority staff, under the supervision of the CAO shall prepare for the use of members at all regular meetings of the Authority, an agenda which shall include, but not necessarily be limited to, the following headings:
 - a. Business – In Camera
 - b. Roll Call
 - c. Approval of Agenda
 - d. Declaration of Pecuniary Interest
 - e. Presentations
 - f. Administrative Business
 - i. Approval of Minutes of Previous Meeting
 - ii. Business Arising from Minutes
 - iii. Correspondence
 - iv. Chair’s Comments
 - v. CAO’s Comments
 - g. Business – For Information (including):
 - i. Project Status Reports
 - ii. Financial Statements
 - h. Business – For Consideration
 - i. New Business
 - j. Reports and Updates from Board Members
 - k. Adjournment
- 9.2 The agenda for special meetings of the Authority shall be prepared as directed by the Chair.

10.0 Conflict of Interest

- 10.1 A conflict of interest refers to a situation in which the private interests or personal considerations of the member could compromise, or could reasonably appear to compromise, the member's judgment in acting objectively and in the best interest of the Authority.

A conflict of interest also includes using a member's position or confidential information for private gain or advancement or the expectation of private gain or advancement (e.g. direct or indirect financial interest in a matter, a contract or proposed contract with the Authority). A conflict may occur when an interest benefits any member of the member's family (spouse, partner, children, parents, siblings), friends or business associates. A conflict of interest includes engagement of members in private employment or rendering services for any person or corporation where such employment of services are considered a conflict of interest as defined by the Province of Ontario conflict of interest legislation.

- 10.2 Members shall refrain from placing themselves in conflict of interest situations.
- 10.3 A member must resign from the Authority if he or she is or becomes involved in private employment or rendering services considered to be a conflict of interest.
- 10.4 A member who has reasonable grounds to believe that he or she may have a conflict of interest or that there may be an appearance of a conflict of interest, in respect of a matter that is before the committee shall:
- a) Disclose orally the actual, potential or perceived conflict of interest at the beginning of the committee meeting or as soon as possible; and
 - b) Excuse him or herself from the committee meeting while the matter is under consideration. If the member is participating via telephone or other electronic means, the chair shall ensure that the member is not able to listen to or participate in the discussion of the matter.
- 10.5 A member who has disclosed an actual, potential or perceived conflict of interest to the chair or the committee, as the case may be, shall refrain from voting or participating in the consideration of the matter, or from commenting on, discussing or attempting to exert his or her personal influence on another member with respect to the matter.
- 10.6 The minutes of the meeting shall reflect the disclosure of the actual, potential or perceived conflict of interest and whether the member withdrew from the discussion of the matter.
- 10.7 If it is not entirely clear whether or not an actual, potential or perceived conflict of interest exists, then the member with the potential conflict of interest shall disclose the circumstances to the Chair. The Chair will determine if there is a conflict of interest or if the member's conduct has violated this policy, in a timely fashion, dependent on the complexity of the situations and will communicate his or her decision directly to the member.
- 10.8 A member who has concerns about the conduct of another member regarding compliance with this policy should raise those concerns with the Chair. The Chair

will follow essentially the same process for addressing complaints as for dealing with declared conflicts of interest with modifications to suit the difference circumstances.

11.0 Disclosure of Pecuniary Interest

- 11.1 Where a member, either on his own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Authority or Standing Committee at which the matter is the subject of consideration, the member shall:
- a) prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
 - b) not take part in the discussion of, or vote on any question in respect of the matter; and
 - c) not attempt in any way whether before, during or after the meeting to influence the voting on any such question.
- 11.2 Where a meeting is not open to the public, in addition to complying with the requirements, the Member shall forthwith leave the meeting for the part of the meeting during which the matter is under consideration.
- 11.3 Where the interest of a Member has not been disclosed by reason of their absence from the particular meeting, the Member shall disclose their interest and otherwise comply at the first meeting of the Authority or Standing Committee, as the case may be, attended by them after the particular meeting.
- 11.4 The meeting secretary shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by members of the Authority or Committees, as the case may be, and any such record shall appear in the minutes/notes of that particular meeting of the Authority or of the Committee, as the case may be.

12.0 Notice of Motion

- 12.1 Except as otherwise provided in this Regulation, a notice of motion to be made at an Authority or Committee meeting shall be given in writing and shall be delivered to the CAO/Secretary-Treasurer not less than seven (7) business days prior to the date and time of the meeting, to be included in the agenda for the Authority or Committee meeting at which the motion is to be introduced.
- 12.2 The CAO/Secretary-Treasurer shall include such notice of motion in full in the agenda for the meeting concerned.
- 12.3 Reports of Committees included in the Authority agenda shall constitute notice of motion with respect to any matter contained in such reports and recommended by any such Committee for adoption by the Authority.
- 12.4 Staff reports in the Authority agenda not having been considered by any Committee for adoption, shall constitute notice of motion for the purposes of any motion brought to the Authority with respect thereto.

- 12.5 Notwithstanding the foregoing, any motion or other business may be introduced for consideration of the Authority provided that it is made clear that to delay such motion or other business for the consideration of an appropriate Standing Committee would not be in the best interest of the Authority and that the introduction of the motion or other business shall be upon an affirmative vote of the majority of the members of the Authority present.
- 12.6 Any motion called from the Chair and for whatever reason deferred in three successive regular meetings of the Authority or Committee which is not proceeded with shall be deemed to be withdrawn.
- 12.7 Reconsideration of a motion previously adopted by the Authority requires a two-thirds majority of the Board, thus 10 or more Members (See Section G of Appendix A).

13.0 Delegations

- 13.1 Any person or organization desiring an opportunity to address the Authority may make a request in writing to the Chief Administrative Officer/Secretary-Treasurer fourteen (14) days in advance of a scheduled meeting if such request is to be included in the agenda of that meeting. The request should comprise a brief statement of the issue or matter involved and indicate the name of the proposed speaker(s).
- 13.2 The Chief Administrative Officer/Secretary-Treasurer is empowered to seek clarifications from the person or organization if the submitted statement is ambiguous and/or requires further explanation.
- 13.3 Any person or organization requesting an opportunity to address the Authority but not having made a written request to do so in accordance with Section 13.1 may appear before a meeting of the Authority but will be heard only if approved by a ruling of 2/3 of the Directors of the meeting.
- 13.4 No delegation, whether or not listed on the agenda, shall be heard without a ruling by the Chair of the meeting giving leave, but such ruling may be immediately appealed by a proper motion, and the ruling of the meeting shall govern.
- 13.5 Notwithstanding Section 13.2, a representative of a participating municipality of the Authority, duly authorized by resolution of such council, shall be heard as of right, and further any member of the Authority shall be heard as of right.
- 13.6 Except by leave of the Chair or appeal by the leave of the meeting, delegations shall be limited to a time of not more than ten (10) minutes.

14.0 Meetings with Closed Sessions

- 14.1 A meeting or a part of a meeting may be closed to the public if the subject matter being considered relates to:
- a) the security of the property of the Authority;
 - b) personnel matters about an identifiable individual including Authority employees;
 - c) a proposed or pending acquisition of land;
 - d) labour relations or employee negotiations;
 - e) litigation or potential litigation including matters before administrative tribunals affecting the Authority;
 - f) the receiving of advice that is subject to solicitor-client privilege.
- 14.2 A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act.
- 14.3 Before holding a meeting or part of a meeting that is to be closed to the public, the members shall state by resolution during the open session of the meeting that there will be a meeting closed to the public and the general nature of the matter to be considered at the closed meeting.
- 14.4 No vote shall be taken and no written record shall be kept in a closed meeting unless it is for a procedural matter, or for giving directions or instructions to officers, employees or agents of the Authority or persons retained under contract with the Authority.
- 14.5 Any materials presented to the Board of Directors during a closed meeting will be returned to the CAO/Secretary-Treasurer prior to departing from the meeting.

15.0 Vote

- 15.1 On a tie vote, the motion is lost, and the Chair, may vote to make it a tie unless the vote is by ballot. The Chair cannot, however, vote twice, first to make a tie and then give the casting vote.
- 15.2 A majority vote of the members present at any meeting is required upon all matters coming before the meeting.
- 15.3 Interrelated motions shall be voted on in the following order:
- a) motions to refer the matter, and
 - b) if no motion under clause (a) is carried, the order for voting on the remaining motions shall be:
 - i) amending motion
 - ii) the original motion
- 15.4 Unless a member requests a recorded vote, a vote shall be by a show of hands or such other means as the Chair may call.

- 15.5 Before a vote is taken, any member may require a recorded vote and it shall be taken by alphabetical surname with the Chair voting last. On a recorded vote, each member will answer “yes” or “no” to the question, or will answer “abstain” if the said member does not wish to vote. If any Member abstains from voting, they shall be deemed to have voted in opposition to the question, and where the vote is a recorded vote, their vote shall be recorded accordingly by the secretary.
- 15.6 At the meeting of the Authority at which the non-matching levy is to be approved, the Chair shall at the appointed time during the meeting, call the roll of members present, and having been advised by the Secretary-Treasurer of those present and the respective, eligible weighted votes, conduct the roll call vote to approve of non-matching levy by a weighted majority of the members present and eligible to vote. (see O. Reg. 139/96)
- 15.7 Where a question under consideration contains more than one item, upon the request of any member, a vote upon each item shall be taken separately.
- 15.8 A vote on any planning or regulation matter dealt with through a telephone conference meeting (F-11) shall be a recorded vote.
- 15.9 If a vote is required, upon circumstances described in Section 8.11, the Chair may direct the CAO to conduct a “telephone or email survey” and record the vote.
- 15.10 Where any member of the Authority or Committee is acting in the place of the Chair or the Committee Chair, as the case may be, such member shall have and may exercise all the rights and powers of the Chair or the Committee Chair of the Standing Committee as the case may be, while so acting.

16.0 Minutes

- 16.1 The CAO/Secretary-Treasurer shall undertake to have a recording secretary in attendance at meetings of the Authority and each Standing Committee. The recording secretary will make a record in the form of Minutes of the meeting proceedings and in particular shall record all motions considered at the meeting.
- 16.2 For matters dealt with in closed session, the CAO or designate will take notes of any direction provided, for endorsement by the Chair and Vice-Chair.
- 16.3 Minutes of all meetings shall include the time and place of the meeting and a list of those present and shall state all motions presented together with the mover and seconder.
- 16.4 The Secretary-Treasurer shall send out the minutes of Board of Directors meetings to each member of the Authority.
- 16.5 The Authority will electronically send the minutes of Board of Directors meetings to member municipalities following approval of those minutes by the Board of Directors.

17.0 Live Streamed / Recorded Full Authority Meetings

The NPCA may live stream and/or make video recordings of all or part of its Full Authority meeting(s) available to the public, but is not obliged to do so. Where in the discretion of the NPCA a full authority meeting is live-streamed and/or recorded by video, the following principles shall apply:

- 17.1 At the start of the full authority meeting, the Chair shall advise all in attendance that the meeting is being recorded and/or live-streamed.
- 17.2 The Chair shall further advise those in attendance that delegates are solely responsible for all statements of fact, opinion, or of mixed fact and opinion, which they express at the full authority meeting. This applies whether the delegate's statements are made orally or included in written materials provided by the delegate. No endorsement by the NPCA of a delegate's statements may be implied or inferred from the communication of the statements during the course of the full authority meeting, or on account of the NPCA having granted permission to the delegate to make a presentation at the full authority meeting.
- 17.3 Wherever possible, the NPCA will advise all delegates in advance of the full authority meeting that their presentation may be live-streamed and the recording archived for public viewing.
- 17.4 Subject to the discretion of the Chair, the goal of the NPCA will be to post, within two business days of meeting, the archived live stream video.
- 17.5 A recorded video of a full authority meeting is not an official record of that meeting. The official record of the full authority meeting shall consist solely of the Minutes approved by the Full Authority Board.

Appendix A Common Motions

A Motion to Adjourn

- A.1 A Motion to Adjourn:
- a) is always in order except as provided by this by-law;
 - b) is not debatable;
 - c) is not amendable;
 - d) is not in order when a member is speaking or during the verification of the vote;
 - e) is not in order immediately following the affirmative resolution of a motion to close debate; and
 - f) when resulting in the negative, cannot be made again until after some intermediate proceedings have been completed by the Authority.
- A.2 A motion to adjourn without qualification, if carried, brings a meeting or a session of the Authority to an end.
- A.3 A motion to adjourn to a specific time, or to reconvene upon the happening of a specified event, suspends a meeting of the Authority to continue at such time.

B Motion to Amend

- B.1 A motion to amend:
- a) is debatable;
 - b) is amendable;
 - c) shall be relevant and not contrary to the principle of the report or motion under consideration; and
 - d) may propose a separate and distinct disposition of a question provided that such altered disposition continues to relate to the same issue which was the subject matter or the question.
- B.2 Only one motion to amend an amendment to the question shall be allowed at one time and any further amendment must be to the main question.
- B.3 Notwithstanding anything herein to the contrary, no motion to amend the motion to adopt any report shall be permitted.

C Motion to Censure

The Niagara Peninsula Conservation Authority Board of Directors may call for a motion to censure an individual Member for conduct unbecoming a board member in the fulfillment of his/her Niagara Peninsula Conservation Authority duties. This will require a seconder and a 2/3 vote of members present at the Board of Directors meeting to pass. The motion to censure must be dealt with immediately and once the motion is approved, the appointing municipality will be advised, in writing, by the Chair of the Board of Directors.

D Motion to Close Debate (Previous Question)

- D.1 A motion to close debate:
- a) is not debatable;
 - b) is not amendable;
 - c) cannot be moved with respect to the main motion when there is an amendment under consideration;
 - d) should be moved by a member who has not already debated the question;
 - e) can only be moved in the following words: "I move to close debate".
 - f) requires a majority of members present for passage; and
 - g) when resolved in the affirmative, the question is to be put forward without debate or amendment.

E Motion to Postpone Definitely

- E.1 A motion to postpone definitely:
- a) is debatable, but only as to whether a matter should be postponed and to what time;
 - b) is amendable as to time;
 - c) requires a majority of members present to pass; and
 - d) shall have precedence over the motions to refer, to amend, and to postpone indefinitely.

F Motion to Postpone Indefinitely

- F.1 A motion to postpone indefinitely:
- a) is not amendable;
 - b) is debatable, and debate may go into the merits of the main question, which effectively kills a motion and avoids a direct vote on the question;
 - c) requires a majority vote; and
 - d) shall have precedence over no other motion.

G Motion to Reconsider

- G.1 A motion to reconsider, under this Regulation:
- a) is debatable;
 - b) is not amendable; and
 - c) requires a two-thirds majority vote, regardless of the vote necessary to adopt the motion to be reconsidered.
- G.2 After any question, except one of indefinite postponement has been decided by the Authority, any Member who was present and who voted in the majority may, at a subsequent meeting of the Authority, move for the reconsideration thereof, provided due notice of such intention is given as required by this Regulation, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.
- G.3 After any question, except one of indefinite postponement has been decided by Committee, but before a decision thereon by the Authority, any member who was present at the Committee meeting concerned and who voted in the majority, may, at a subsequent meeting of the Committee, provided the Authority still has made

no decision thereon, move for the reconsideration thereof, provided due notice of such intention is given as required by this Regulation, but no discussion of the main question by any person shall be allowed unless the motion to reconsider has first been adopted.

- G.4 No question upon which a notice of reconsideration has been accepted shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.
- G.5 If a motion to reconsider is decided in the affirmative, reconsideration shall become the next order of business and debate on the question to be reconsidered shall proceed as though it had never previously been considered.

H Motion to Refer (to Committee)

- H.1 A motion to refer:
- a) is debatable;
 - b) is amendable; and
 - c) shall take precedence over all amendments of the main question and any motion to postpone indefinitely, to postpone definitely or to table the question.

I Motion to Suspend the Rules (Waive the Rules)

- I.1 A motion to suspend the rules:
- a) is not debatable;
 - b) is not amendable; and
 - c) requires a 2/3 majority to carry;
 - d) takes precedence over any motion if it is for a purpose connected with that motion and yields to a motion to table.

J Motion to Table

- J.1 A motion to table:
- a) is not debatable;
 - b) is not amendable.
- J.2 A motion to table a matter with some condition, opinion or qualification added to the motion shall be deemed to be a motion to postpone.
- J.3 The matter tabled shall not be considered again by the Authority until a motion has been made to take up the tabled matter at the same time or subsequent meeting of the Authority.
- J.4 A motion to take up a tabled matter is not subject to debate or amendment.
- J.5 A motion that has been tabled at a previous meeting of the Authority cannot be lifted off the table unless notice thereof is given in accordance with Section 12 of this Regulation.
- J.6 A motion that has been tabled and not taken from the table for six (6) months shall be deemed to be withdrawn and cannot be taken from the table.

K Point of Order

The Chair or Committee Chair, as the case may be, shall decide points of order. When a Member wishes to raise a point of order, the Member shall ask leave of the Chair/Committee Chair and after leave is granted, the Member shall state the point of order to the Chair/Committee Chair, after which the Chair/Committee chair shall decide on the point or order. Thereafter, the Member shall only address the Chair/Committee Chair for the purpose of appealing the decision to the Authority or the Committee, as the case may be. If the Member does not appeal, the decision of the Chair/Committee Chair shall be final. If the Member appeals to the Authority or the Committee as the case may be, the Authority/Committee shall decide the question without debate and the decision shall be final.

L Point of Personal Privilege

When a Member considers that his integrity or the integrity of the Authority or Committee has been impugned, the Member may, as a matter of personal privilege and with the leave of the Chairman, draw the attention of the Authority or the Committee, as the case may be, to the matter by way of a point of personal privilege. When a point of personal privilege is raised, it shall be considered and decided by the Chair or Committee Chair, as the case may be, immediately. The decision of the Chair or Committee Chair, as the case may be, on a point of privilege may be appealed to the Authority.

Appendix B Code of Conduct

1.0 General

All members shall serve in a conscientious and diligent manner. No member shall use the influence of office for any purpose other than for the exercise of his/her official duties.

2.0 Gifts and Benefits

Members shall not accept fees, gifts or personal benefits (greater than \$50 in value) that are connected directly or indirectly with the performance of duties, except compensation authorized by law.

3.0 Confidentiality

All information, documentation or deliberations received, reviewed, or taken in closed session of the Authority and its committees are confidential.

Members shall not disclose or release by any means to any member of the public either in verbal or written form any confidential information acquired by virtue of their office, except when required by law to do so.

Members shall not permit any persons other than those who are entitled thereto to have access to information which is confidential.

Particular care should be exercised in releasing information such as the following:

- personnel matters
- information about suppliers provided for evaluation which might be useful to other suppliers
- matters relating to the legal affairs of the Authority
- sources of complaints where the identity of the complainant is given in confidence
- items under negotiation
- schedules of prices in contract tenders
- information deemed to be “personal information” under the Municipal Freedom of Information and Protection of Privacy Act.

The list above is provided for example and is not inclusive.

4.0 Use of Authority Property

No member shall use for personal purposes any Authority property, equipment, supplies, or Services of consequence other than for purposes connected with the discharge of Authority duties or associated community activities of which the Authority has been advised.

5.0 Work of a Political Nature

No Member shall use Authority facilities, services or property for his or her re-election campaign. No member shall use the services of Authority employees for his or her re-election campaign, during hours in which the employees are in the paid employment of the Authority.

6.0 Conduct at Authority Meetings

During meetings, members shall conduct themselves with decorum. Respect for delegations and for fellow members requires that all members show courtesy and not distract from the business of the Authority during presentations and when other members have the floor.

7.0 Influences on Staff

Members shall be respectful of the fact that staff work for the whole corporation and are charged with making recommendations that reflect their professional expertise and corporate perspective, without undue influence from any individual member or faction.

8.0 Business Relations

No member shall borrow money from any person who regularly does business with the Authority unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.

No member shall act as a paid agent before the Authority or a committee of the Authority, except in compliance with the terms of the Municipal Conflict of Interest Act.

9.0 Encouragement of Respect for Corporation and its Regulations

Members shall represent the Authority in a respectful way and encourage public respect for the Authority and its Regulations.

10.0 Harassment

Harassment of another member, staff or any member of the public is misconduct. It is the policy of the Niagara Peninsula Conservation Authority that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour by any person including a co-worker that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, marital status or family status and any other prohibited grounds under the provisions of the Ontario Human Rights Code.

11.0 Interpretation

Members of the Authority seeking clarification of any part of this Appendix should consult with the Municipal Clerk or Corporate Council of the municipality that appointed the respective member.

NPCA Community Liaison Advisory Committee (CLAC) Terms of Reference

Committee Name:	Community Liaison Advisory Committee (CLAC)
Type:	Advisory
Date of Formation:	February 19, 2014
Staff Support:	Supervisor of Marketing and Community Relations
Enabling Legislation:	Feb. 19, 2014 – Report # #-2014- To: NPCA Board
Total No. of Members:	11 (Includes NPCA Chair)
Meeting Frequency:	Quarterly – as required
No. of Meetings Annually:	4 (+)
Budget:	\$2,500
Reporting Method:	Presented by staff to NPCA Board (written and oral)

1. TITLE:

The name of the Advisory Committee shall be **“The Community Liaison Advisory Committee”** or CLAC.

2. ACCOUNTABILITY AND MANDATE:

To provide collaborative local perspective, guidance and expert advice in the implementation of the NPCA’s 2014-2017 Strategic Plan and/or other issues as the Board may request. Members will serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by NPCA Board.

3. TERMS OF APPOINTMENT:

Upon establishment of the Committee, members will be appointed to serve for a term of TWO (2) years. In order to maintain continuity, members having completed their initial first term will be invited to express their interest in continuing to serve for a second term. From amongst those who have expressed interest, CLAC shall propose four members to continue for an additional two year term and their names will be submitted to the NPCA Board for ratification.

The NPCA Chair shall function as Co-Chair and will serve until the end of his/her term.

4. RESOURCES & BUDGET

The initial 2014 budget will be allocated at \$2,500 to cover meeting expenses. Thereafter, the budget will be re-assessed on an annual basis.

The CLAC is primarily supported by a Community Liaison Coordinator, with the Supervisor of Marketing and Community Relations providing general oversight.

5. REPORTING

Meeting Agendas will be prepared by the Community Liaison Coordinator in consultation with the Committee Co-Chairs. Minutes shall be recorded and circulated to members. CLAC will report, via the CLAC Co-Chairs to the NPCA Board.

6. RESPONSIBILITIES:

- Act as Champions/Ambassadors for the NPCA
- CLAC will provide advice to the NPCA Board for consideration on policies, procedures and strategic direction for the purpose of managing NPCA watershed's natural resources towards achieving balanced environmental, community and economic needs.
- Advise on potential partnership opportunity.
- Provide a conduit to the local community.
- Identify barriers and opportunities in the community.
- Advise on opportunities to communicate information from the NPCA to local communities and partners.
- Advise on other issues as requested by the NPCA Board.

7. MEMBERSHIP:

CLAC shall consist of up to ELEVEN (11) members comprising multi-stakeholder representation including landowners, municipalities, business sectors, agriculture, development and the general public.

7.1 REPRESENTATIVE SEAT STRUCTURE:

The Advisory Committee shall consist of the following representation:

- THREE (3) members from the public-at-large
- ONE (1) member representing property owners (i.e. Niagara Landowner's Association)
- ONE (1) member representing a Chamber of Commerce and/or Tourism Industry
- ONE (1) member representing agricultural sector (i.e. Ontario Federation of Agriculture)
- ONE (1) member representing the development sector
- ONE (1) member representing environmental clubs/groups
- ONE (1) member representing local municipalities (municipal staffer)
- ONE (1) member representing single/upper-tier municipalities (municipal staffer)
- ONE (1) for the NPCA Board Chair (who also serves as a Co-Chair of CLAC)

7.2 Internal or external persons may be invited to attend the meetings at the request of the Co-Chairs, on behalf of the CLAC, to provide advice and assistance where necessary. These attendees will have no advisory privileges and may be requested to leave the meeting at any time by the Chairperson.

7.3 CLAC members may cease to be a member of the Committee if they:

- Resign from the Committee
- Fail to attend 3 consecutive meetings without providing reasons of significance to the Co-Chairs
- No longer represent their respective sector
- Breach of Confidentiality

7.4 Decisions of the CLAC are considered as recommendations only and no formal voting process is required.

8. VACANT POSITIONS

Positions vacated by a CLAC member will be filled through a supplemental "Call for Expressions of Interest" to be conducted as required and the appointment will be valid only for the original term of office.

9. PRIVACY

The meetings of the CLAC are public. Members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Personal member information, other than name and resident municipality, will be kept confidential in accordance with Provincial legislation.

10. LEADERSHIP & ADVISORY COMMITTEE CO-CHAIRS

To provide leadership, the NPCA Board Chair will serve as Co-Chair of the CLAC. In addition a Co-Chair shall be elected by the CLAC to serve for a period of 12 months. Co-Chairs may serve for two (2) consecutive terms (with the exception of the NPCA Board Chair).

The Co-Chair responsibilities include:

- Building consensus
- Providing leadership and ensuring the fair and effective functioning of the Committee
- Scheduling meetings and notifying CLAC members
- Inviting special guests to attend meetings when required
- Guiding the meeting according to the agenda and time available
- Ensuring all discussion items end with a decision, action or definite outcome
- Review and approve the draft minutes before distribution

11. ROLES AND EXPECTATIONS OF MEMBERS

- Review meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration.
- Submit agenda items to the Co-Chairs and staff a minimum of two (2) weeks prior to the meeting date whenever possible.
- Make every effort to attend regularly scheduled meetings. If not available, notify the Co-Chairs and staff contact on inability to attend at least one day prior to the meeting date.
- Agree to describe, process and resolve issues in a professional and respectful manner.
- Provide input to help identify future projects or strategic priorities for consideration.
- Serve in a regional capacity, representing all of the NPCA watershed in its entirety and to act in the highest and best interest of the NPCA as a whole.

12. ADMINISTRATION

Community Liaison Coordinator will provide Administrative services for the Advisory Committee , including preparation and distribution of Agendas, recording of meeting minutes/notes, reports and information as required to CLAC. The Community Liaison Coordinator will coordinate reports on CLAC activities for inclusion in NPCA Board meeting agendas.

13. DURATION OF MEETINGS

Meetings will be approx. TWO (2) hours in duration. Exceptions may occur from time to time to deal with significant items.

14. APPLICATION PROCESS – CALLS FOR EXPRESSIONS OF INTEREST

- Applicants will not be recommended for appointment solely based on the number of submissions taking the available representative seats. Seats may remain vacant until candidates with the requisite background and skills can be identified.
- The Call of Expressions of Interest will be fully transparent and made public and published via NPCA website, social media venues and local print media.
- For the inaugural Committee, the Supervisor of Marketing and Community Relations, in conjunction with the Chief Administrative Officer, will develop a short list of candidates from Expressions of Interest received. The short list, along with a separate list of all applicants, will be presented to the NPCA Board for ratification and appointment.
- For subsequent recruitments, the CLAC will develop a Selection Sub-Committee comprised of no more than four participants to serve as the selection team for the recruitment and recommendation of members.
- The recommended candidates will be presented by the Selection Sub-Committee to the full Advisory Committee for ratification.
- Final recommendation of candidates will be presented to the NPCA Board for appointment.

15. AMENDMENTS

The Terms of Reference shall be reviewed annually from the date of approval and may be amended to meet the ongoing needs of the NPCA, by agreement of the majority of Board members.



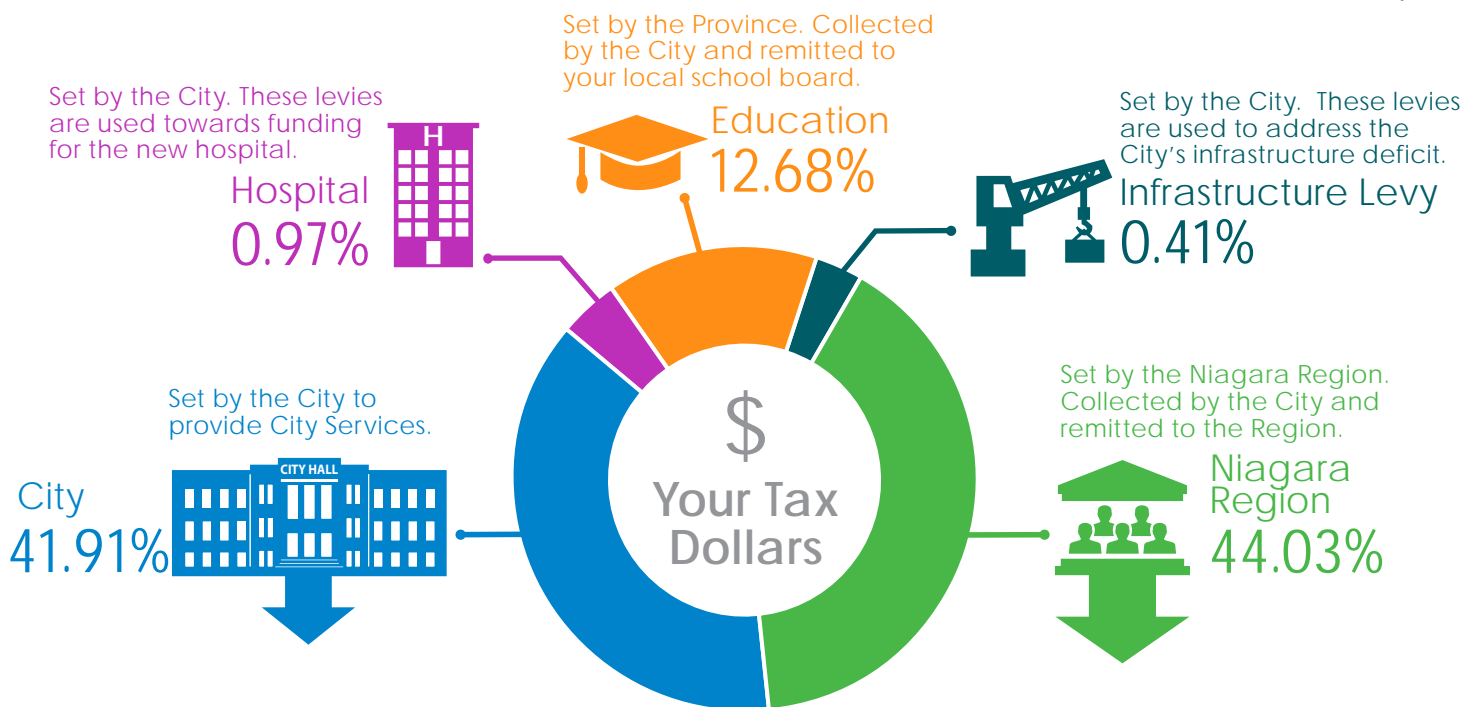
WHERE DO MY PROPERTY TAXES GO?



MEDIAN
RESIDENTIAL
PROPERTY

\$221,000 = \$3,275.99
ASSESSMENT VALUE IN TAXES ANNUALLY

Region	\$1,442.53
City	1,372.88
Hospital	31.64
Education	415.48
Infrastructure Levy	13.46
	\$3,275.99

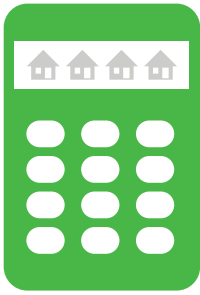


How is the City portion used?

Fire Services	\$320.16	23.32%
Roads, Sidewalks, Winter Control, Drainage etc	\$273.48	19.92%
Parks, Trees, Recreation, Pools, Beaches & Arenas	\$254.67	18.55%
General Government	\$152.25	11.09%
Transit - conventional and paratransit	\$133.72	9.74%
Libraries	\$73.17	5.33%
Other Expenditures	\$43.38	3.16%
Museum/Welland Canal Centre/Performing Arts	\$34.60	2.52%
Community Planning & Development	\$32.54	2.37%
Street Lighting	\$29.79	2.17%
Contributions to Capital Projects	\$18.12	1.32%
Environmental Monitoring	\$3.57	0.26%
Senior Citizen Centres	\$3.43	0.25%
	\$1,372.88	100%

How is the Region portion used?

Boards & Agencies	Police Service	\$569.33	39.47%
	Regional Housing	\$125.52	8.70%
	Conservation Authority	\$27.95	1.94%
	Court Services	-\$3.30	-0.23%
Regional Departments	Regional Roads	\$201.23	13.95%
	Waste Management	\$157.28	10.90%
	Emergency Medical Services	\$96.29	6.68%
	Social Services	\$86.28	5.98%
	Seniors Services	\$63.66	4.41%
	Public Health	\$49.09	3.40%
	Leadership and Governance	\$35.64	2.47%
	Children's Services	\$33.43	2.32%
	Community Planning	\$19.19	1.33%
	Regional Transit	\$18.16	1.26%
	Economic Development	\$13.28	0.92%
Revenue	-\$50.50	-3.50%	
	\$1,442.53	100%	



HOW IS MY TAX BILL CALCULATED?

Multiply your assessment x total residential tax rate.

$\$221,000 \times 1.482349\% = \$3,275.99$ of property taxes

TRY OUR CALCULATORS

Both the City and the Region have a property tax calculator on their web site. Enter your assessment from your tax bill and the sites will calculate the breakdown for your property.

City: www.stcatharines.ca/propertytax

Region: www.niagararegion.ca

CAN I PAY MY PROPERTY TAXES BY PRE-AUTHORIZED PAYMENT?

The City of St. Catharines offers a pre-authorized payment plan for the payment of your property taxes. The 2 options available are the installment plan (withdrawals 4 times yearly on the tax installment due date) or the monthly plan (withdrawals on the first day of each month, January to October). In order to qualify, taxes must be paid in full prior to sign-up. If you are interested in this program direct inquires to Financial Management Services, 905-688-5600 or go to our website to print a form. www.stcatharines.ca/propertytax



HOW IS MY PROPERTY ASSESSED?

The Municipal Property Assessment Corporation (MPAC) determines the assessment of your property. Questions about your Assessment? Visit aboutmyproperty.ca or contact MPAC Customer Contact Centre at 1-866-296-MPAC (6722), or 1-877-889-MPAC (6722).

In 2016, MPAC is updating the assessed values of every property in Ontario. These values will be used to calculate your property taxes for the 2017-2020 years. Residential property owners can expect to receive their Property Assessment Notice August 2, 2016. Notices for business properties and farms will be mailed in the fall of 2016. Your deadline to file a Request for Reconsideration is listed on your Notice. You have 120 days from the Issue Date listed on your Notice to request a review.



FOR MORE INFORMATION

Website: www.stcatharines.ca/propertytax

E-mail: taxes@stcatharines.ca

Phone 905-688-5600

Text Telephone: 905-688-4TTY (4889)



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The City of St. Catharines has teamed up with epost™ —the safe, secure and free way from Canada Post to manage your bills, statements and essential documents online. Sign up at epost.ca to receive your property tax bill and more delivered to your own safe, secure epost digital mailbox.

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ATTACHMENT 1
S. 28 REGULATION PROPOSED CA ACT AMENDMENTS
Updated July, 2016

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland,	<p>28(1)(b) prohibiting, regulating or requiring the permission of the authority of straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland, or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake;</p> <p>The addition of the phrase “or for altering the shoreline of the Great Lakes – St. Lawrence River System or inland lake”</p>	Currently CAs’ individual regulations and the “Content Regulation” refer to the regulation of alterations to shorelines however this is not included in the Act. This has caused some confusion when a CA is prosecuting a matter as the Act and the Regulations are not complementary.
Sections 28(12) to 28(15) relate to hearings, grounds for refusing permissions, reasons for decisions and appeal	Permission required under a regulation made under clause (1) (b) or (c) may be refused by the authority, or if the authority so directs, by the authority’s executive committee without a hearing if the development, interference or alteration for which permission being requested is complete or partially complete and subsection (16) applies.	The Conservation Authorities Act is silent on whether or not a CoA has to accept an application for permission “after the fact” This change will address current ambiguities in the CA Act and will prevent CAs from having to engage in two parallel processes in situations where work is already (partially) complete and does not meet the tests of the regulation. This change will allow the CA to make a decision whether to issue a permit where the proposal meets Authority policy or to proceed with laying charges if the tests of the regulation are not met and will allow the matter to be heard in front of one decision-making body instead of two (MLC and the court system). This will result in administrative and cost efficiencies and prevent a situation where potentially two contradictory decisions are made by decision-making bodies.

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
Sections 28(16) to 28(24) relate to regulation enforcement and offences.	<p>Orders to Comply An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue an order directing compliance with this Act, Regulation or the granted permission and may require the order to be carried out immediately or within such time as is specified in the order.</p> <p>Stop Work Order An officer who finds a contravention of this Act, Regulation or the terms and conditions of a permission of an authority may issue a Stop Work order directing compliance with this Act, Regulation or the granted permission.</p>	<p>The ability to issue stop work orders and orders to comply on violations under Section 28. Orders (Compliance and Stop Work) are required to minimize continuing violations, environmental damage and to gain compliance quickly.</p> <p>Conservation Authorities of Ontario implement programs that support the environmental objectives of the Provincial Government. There are basic regulatory compliance tools common in environmental regulatory legislation which should be inserted into these sections of the CA Act so that Conservation Authorities can effectively do their job.</p>
<p>Section 28 (16)</p> <p>Offence: contravening regulation</p> <p>(16) Every person who contravenes a regulation made under subsection (1) or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c) is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to a term of imprisonment of not more than three months. 1998, c. 18, Sched. I, s. 12; 2010, c. 16, Sched. 10, s. 1 (2).</p>	<p>(16) (a) Every person who contravenes a regulation made under subsection (1), or the terms and conditions of a permission of an authority in a regulation made under clause (1) (b) or (c), or fails to comply with an Order issued under subsection__ (proposed new subsection for stop work orders and orders to comply) is guilty of an offence,</p> <p>(b) A person who is convicted of an offence is liable to a fine of not more than \$50,000 for a first offence and to a fine of not more than \$100,000 for a subsequent offence or to a term of imprisonment of not more than three months.</p> <p>(c) For the purposes of subsection (b), an offence is a subsequent offence if there has been a previous conviction under this Act.</p> <p>(d) Every person who fails to comply with an order under subsection ____ (proposed new subsection for stop work orders and orders to comply) made by an officer appointed to enforce any regulation made under this section or section</p>	<ul style="list-style-type: none"> •significantly increase the fines to reflect monetary penalties in line with other compatible environmental legislation; •that in addition to any fine imposed by the court, neutralize any monetary benefit from the commission of the offence; •imposing such other penalties and sanctions that may result, in part, with the redirection of monies to CAs as compensation to remedy, avoid or remediate damages done, or to advocate or implement proper environmental management practice in line with CA policies and objectives; •a method of cost recovery similar to other legislation (<i>Ontario Water Resources Act, Municipal Act, Environmental Protection Act</i>) such as through the offender’s tax bill. •Introduce increased fines for subsequent offences to reflect the monetary penalties in other comparable environmental legislation •Introduce an offence for failure to comply with an order and a corresponding monetary penalty <p>Introduce a re-direction of the proceeds of the fines to the appropriate Conservation Authority to be held in a fund similar to the “Ontario Community Environment Fund” created under the <i>Ontario Water Resources Act</i> and the <i>Environmental Protection Act</i> (and O. Reg. 222/07 and 223/07).</p>

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
	<p>29, is guilty of an offence and on conviction, in addition to the penalties prescribed in (b), is liable to a fine of not more than \$10, 000 per day for every day the offence continues after the time given for complying with the order has expired.</p> <p>28 (16) The proceeds of the fines imposed under this section shall be paid to the applicable conservation authority prescribed under section 1 of the regulation and section 4 of the <i>Fines and Forfeitures Act</i> does not apply in respect of the fine.</p>	
28(17)(b) 'rehabilitate any watercourse or wetland in the manner and within the time the court orders'	28 (17) In addition to any other remedy or penalty provided by law, the court, upon making a conviction under subsection (16), may order the person convicted to, (a) remove, at that person's expense, any development, within such reasonable time as the court orders; and (b) rehabilitate any watercourse or wetland in the manner and within the time the court orders.	The amendment should explicitly recognize all areas regulated under the Act rather than just watercourses and wetlands thus enabling the courts to order remedies for all violations.
28(18) 'If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated'	(18) If a person does not comply with an order made under subsection (17), the authority having jurisdiction may, in the case of a development, have it removed and, in the case of a watercourse or wetland, have it rehabilitated	The amendment should explicitly recognize all areas regulated under the Act, rather than just watercourses and wetlands, enabling the courts to order removal of non-compliant development as well as rehabilitation of the regulated area.
Section 28 (25) 'wetland means land that, (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface, (b) directly	Amending the definition of wetland by deleting subsection (b) in its entirety, amending the numbering for subsection (c) and (d) to subsection (b) and (c) respectively, and striking the word "and" at the end of subsection (a) and (b) and	Removal of this clause will bring clarity to CAs regarding what is regulated. The current definition is inefficient for the proponent and the CA as it may potentially require that studies be undertaken to determine whether or not the wetland contributes to the hydrological function of a watercourse. The revised definition will bring additional

Conservation Authorities Act Section	What is being proposed? (Brief explanation and description of the change)	Why is this change being proposed?
<p>contributes to the hydrological function of a watershed through connection with a surface watercourse, (c) has hydric soils, the formation of which has been caused by the presence of abundant water, and (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water, but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) or (d). (terre marécageuse)'</p>	<p>substituting the word "or" at the end of each subsection.</p>	<p>clarity to the Act and is more consistent with other more frequently used definitions such as provided in the Planning Act.</p>



Report To: Board of Directors
Subject: Watershed Management Status Report
Report No: 72-16
Date: July 20, 2016

RECOMMENDATION:

That Watershed Management Status Report No. 72-16 be received for information.

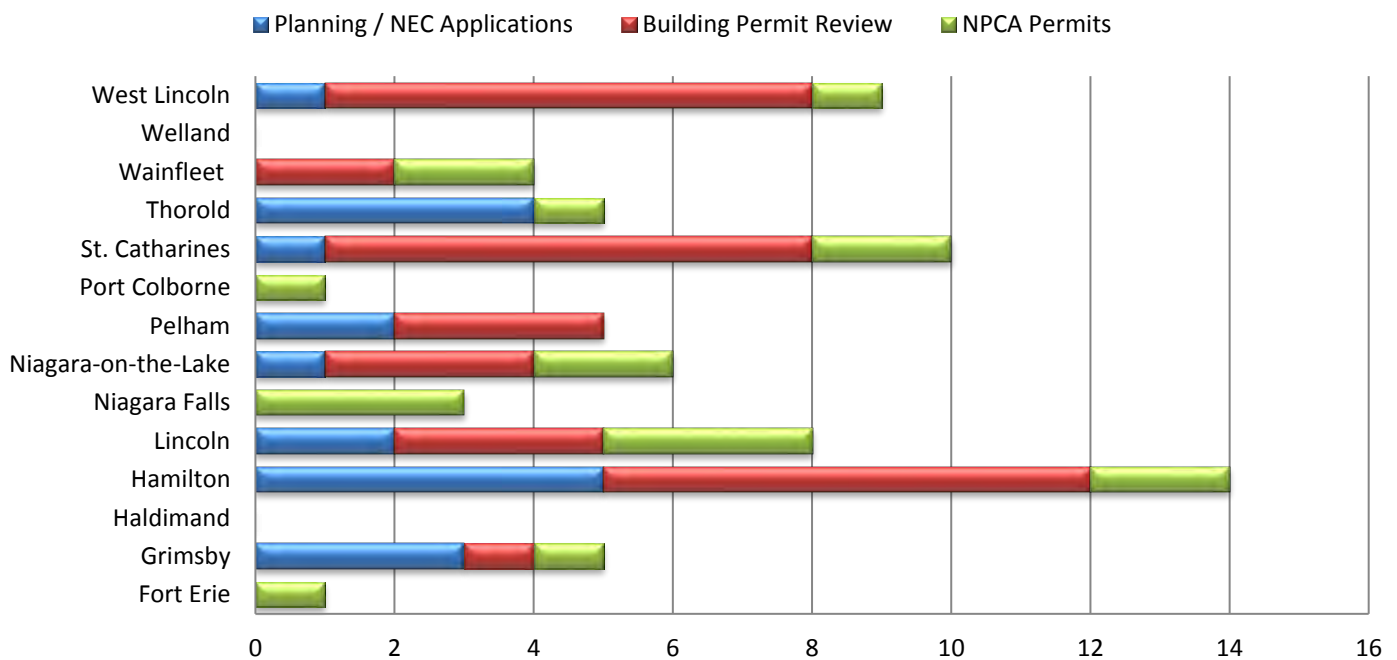
PURPOSE:

To update the Board on the Watershed Management Team's activities and achievements during the month of June 2016.

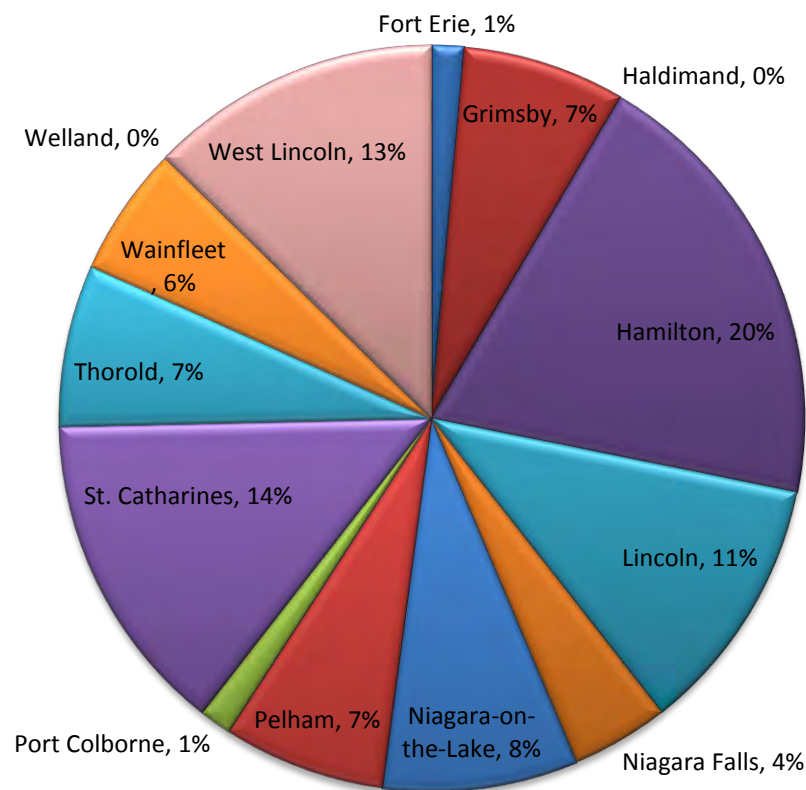
BACKGROUND:

A. Plan Review & Regulations

Figure 1: NPCA Watershed, No. of Applications by Type, June 2016



	Fort Erie	Grimsby	Haldimand	Hamilton	Lincoln	Niagara Falls	Niagara-on-the-Lake	Pelham	Port Colborne	St. Catharines	Thorold	Wainfleet	Welland	West Lincoln	Totals
Planning / NEC Applications	0	3	0	5	2	0	1	2	0	1	4	0	0	1	19
Building Permit Review	0	1	0	7	3	0	3	3	0	7	0	2	0	7	33
NPCA Permits	1	1	0	2	3	3	2	0	1	2	1	2	0	1	19
Totals	1	5	0	14	8	3	6	5	1	10	5	4	0	9	71

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

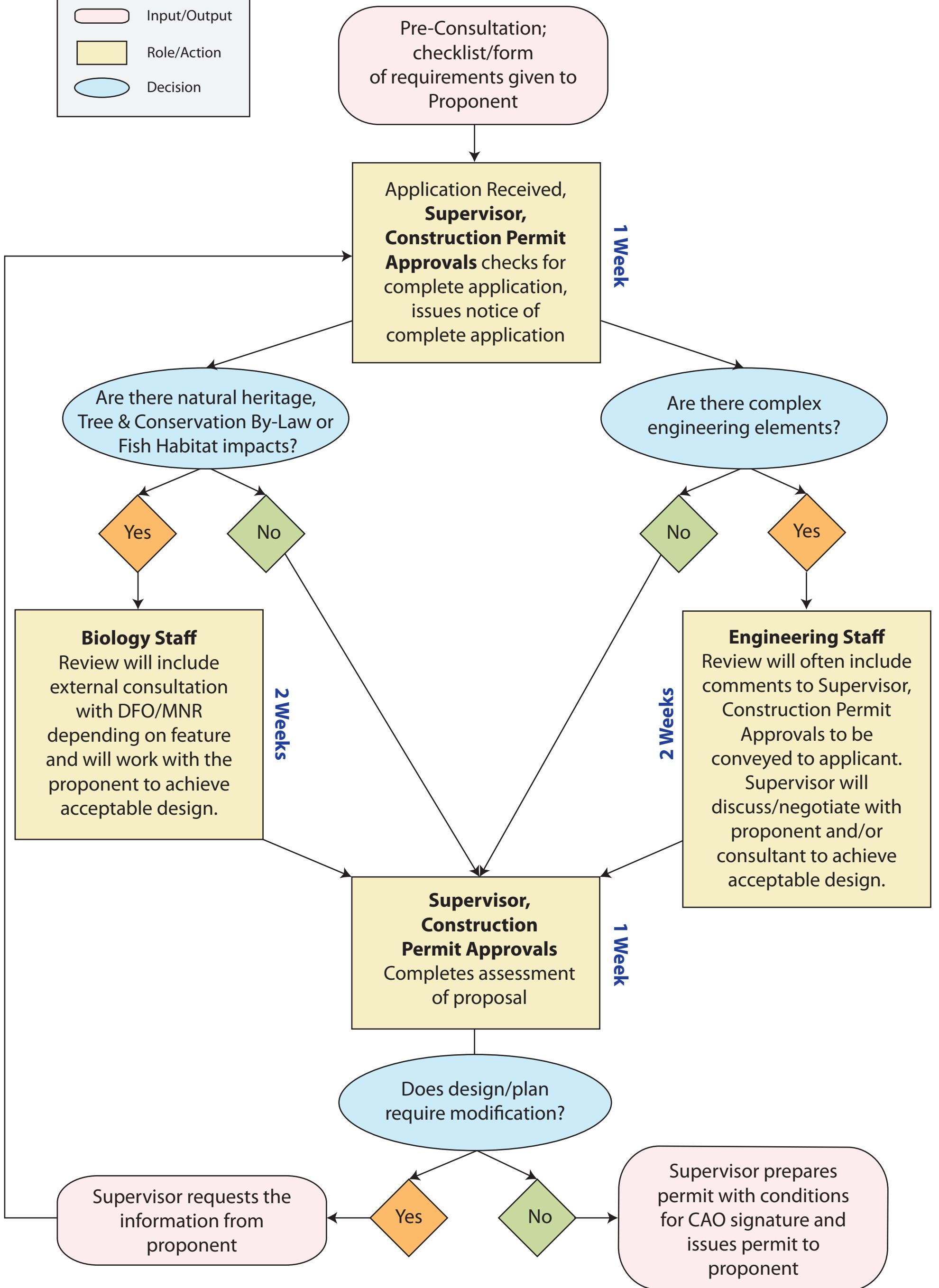
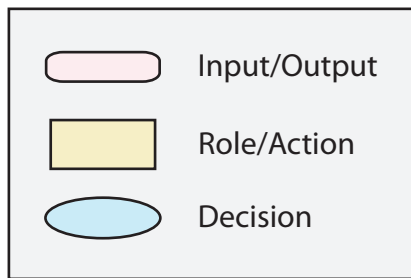
During June 2016, the Watershed Management Department reviewed 19 *Planning Act* applications (various type and complexity)/Niagara Escarpment Commission Development Permit applications, 33 Building Permit applications, and 7 property information requests. Staff note that application volume during June was similar to May. Staff also responded to various inquiries from the public and local municipalities, as well as attended weekly consultation meetings with the local municipalities and conducted various site inspections.

2) Construction Approvals (NPCA Permits)

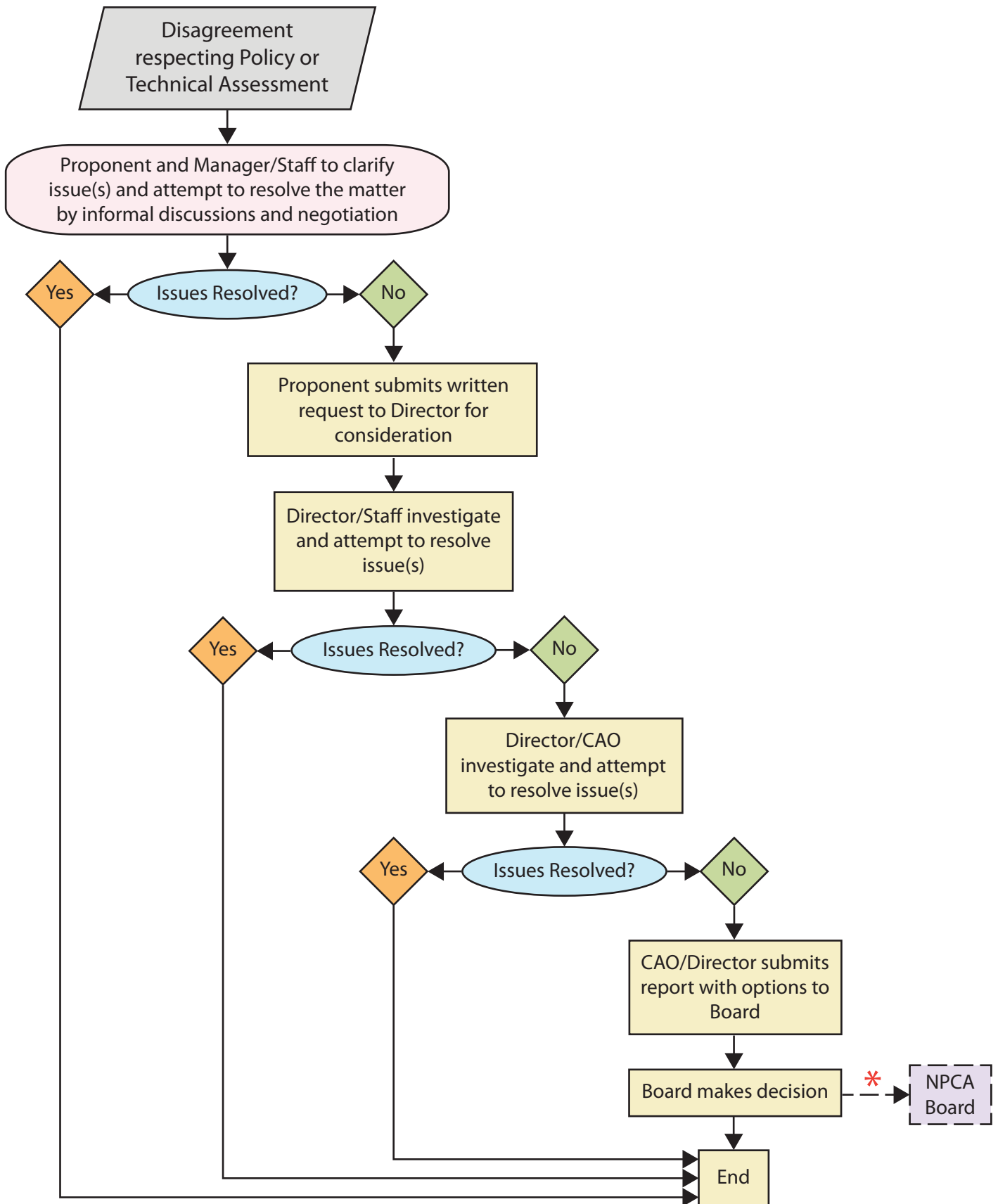
No.	PERMIT #	MUNICIPALITY	ADDRESS	WORKS PROPOSED/PURPOSE	REGULATED FEATURE	TOTAL DAYS	COMMENTS
1	3239AR2	Niagara Falls	6424 Pinestone Road	Undertaking Works Within the Top of Slope Allowance	Slope Stability	8	Renewal
2	3745NF	Niagara Falls	Fernwood	Wetland Compensation	LSW	19	
3	3745T	Thorold	Fernwood	Wetland Compensation	LSW	19	
4	3753A	St. Catharines	1134 Lakeshore Road West	New Foundation Construction, Single Storey Home & Deck	Lake Ontario Shoreline	1	
5	3765	Lincoln	4362 Jordan Road	Demolish and Addition to Winery	Lands adjacent to watercourse	8	
6	3774	Port Colborne	Between 543 and 559 Lakeshore Road	New Home Construction	Lake Erie Shoreline	7	
7	3794	West Lincoln	South Grimsby Road 6	Bridge Replacement	Watercourse Alteration	7	
8	3797	NOTL	Queenston Road (Between Con 5 & 6)	Road Widening and Channel Work	Watercourse Alteration	13	
9	3799	Hamilton	Glanbrook Hills (City)	Park & Erosion Remediation	PSW Buffer/Slope	9	
10	3801	Niagara Falls	5553 Rexinger Road	Seasonal Dock Installation	Watercourse Alteration	13	
11	3802	Fort Erie	2594 Point Abino Road North	Demolish and Rebuild Garage	PSW Buffer	7	
12	3803	Grimsby	149 Lake Street	Covered Deck and Porch	Floodplain/Slope	13	
13	3805	Wainfleet	42554 Highway 3	Greenhouse Demolition and Addition	Lands adjacent to watercourse	22	
14	3806	Hamilton	Regional Road 56 Sanitary Sewer	Sanitary Sewer Installation	PSW Buffer/Lands adjacent to watercourse	14	
15	3807	Lincoln	2832 Bayview Blvd	New Storage Structure	Lake Ontario Shoreline	8	
16	3808	St. Catharines	14 Springbank Drive	Placement of fill in old pool	Slope Stability	22	
17	3809	Wainfleet	12317 Lakeshore Road	New Home Construction	Lake Erie Shoreline	13	
18	3810	NOTL	36 Princess Street	Retaining Wall	Slope Stability	8	
19	3812	Lincoln	3364 Dutch Lane	Replace Single Car Garage with Double	Floodplain	2	

PERMIT APPLICATION (Ontario Regulation 155/06)

Note: Timelines shown are “desireable” and do not include wait times for proponent/consultants to resubmit revised design drawings/information. Timelines shown are for a typical application. Particularly complex projects may require additional review, site visits and processing time.

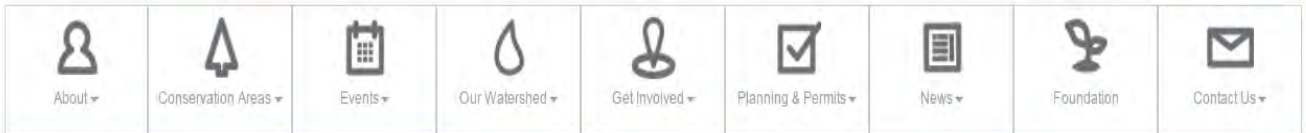


DISPUTE RESOLUTION PROCESS:
NPCA Staff Policy & Technical Decisions



Permit Education

<https://npca.ca/development-planning-permits>



Google Custom Search

Q Login

DEVELOPMENT PLANNING & PERMITS

Are you Planning to Build?

If you are planning to build, please read the [Planning to Build Fact Sheet](#), which will help you through the process. You can also review Ontario Regulation 155/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. For an overview, download the [Development, Interference & Alteration Regulation brochure](#) published by Conservation Ontario.

Are you Making an Inquiry About a Property?

To make an inquiry about a property under the [Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses](#), you can fill out and submit the [Property Information Request Form](#).

The Niagara Peninsula Conservation Authority is responsible for the review of planning applications (eg. subdivisions, severances, zoning by-law amendments, minor variances) affected by natural environmental hazards and/or natural heritage features, and provide advice to municipalities or applicants on environmental impacts (regarding valleys, floodplains, wetlands, stormwater management, erosion, etc.).

FEE ADJUSTMENTS

The NPCA periodically evaluates and updates its development planning and permit fees to ensure consistency and fairness. These fees were last reviewed and adjusted in 2010.

Fees are adjusted based on:

1. Comparing the NPCA fee schedule to relevant municipal planning and building permit fees;
2. Comparing the NPCA fee schedule to other relevant Conservation Authorities; and
3. NPCA staff examining the existing fee schedule to determine if there are any files being reviewed by the NPCA with no associated fee.

Planning and Permit Fee changes are intended to:

1. Reduce pressure on municipal levies (tax payers) by working towards cost recovery for work performed.
2. Bring the NPCA fee schedule up to current dollars using relevant rates of inflation (CPI).
3. Ensure a consistent and fair fee schedule.
4. Adjust existing fees to ensure alignment with both municipal fees and other CAs.
5. Add fees where no cost is currently attached to the work being performed.

Forms & Applications

[Property Information Request Form](#)

[NPCA application checklist](#)

[Development Application Form](#)

[Building Permit - NEC Application](#)

Policies & Procedures

[Land Use Planning & Review Policy](#)

[Development, Interference & Alteration Regulation \(Conservation Ontario\)](#)

Stormwater Management

[NPCA Stormwater Manual - Guidelines](#)

[NPCA Stormwater Manual - Appendices](#)

Shoreline Management

[Lake Erie Shoreline Management Plan](#)

[Lake Ontario Shoreline Management Plan](#)

Planning & Regulation Fees

[Planning & Regulation Fee Schedule \(effective Jan. 1, 2016\)](#)

Support Material

[Planning to Build](#)

[Pre-Consultation on Permit Applications](#)

[Watershed Explorer \(Watershed Maps\)](#)

[Erosion and Sediment Control Guidelines](#)

[Regulation #3 - Hearing Procedures](#)

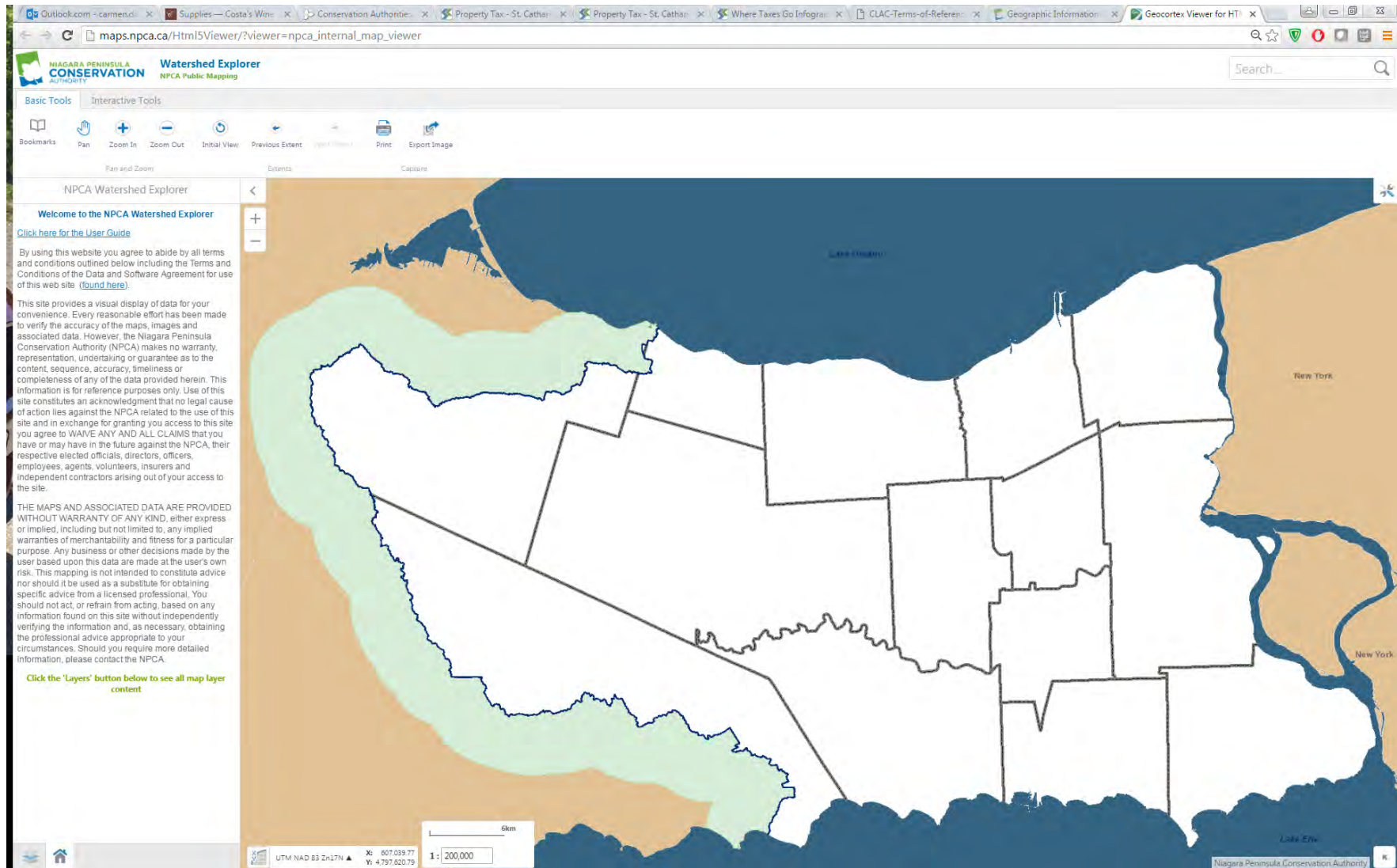
[Lyons Creek East Administrative Control Protocol](#)

[Lyons Creek East Administrative Controls Protocol Guidance Document](#)

[Lyons Creek East Evaluation of Administrative Controls](#)

Property Mapping

http://maps.npca.ca/Html5Viewer/?viewer=npca_internal_map_viewer



SCHEDULE "A" – PLAN REVIEW FEES (effective January 1, 2016)

Application Type	Fee (excludes HST)	
<i>Official Plan Amendments</i>		
<ul style="list-style-type: none"> • <i>Standard</i>² • <i>Major</i>³ 	\$560	
	\$2727	
<i>Zoning By-law Amendment</i>		
<ul style="list-style-type: none"> • <i>Standard</i>² • <i>Major</i>³ 	\$560	
	\$1845	
<i>Site Plan Control</i>		
<ul style="list-style-type: none"> • <i>Single Residential</i> • <i>Multiple Residential, Commercial, Industrial</i> 	\$560	
	\$790	
<i>Complex</i> ⁴ <i>Application</i>	\$7317	
<i>Consent</i>	\$560	
<i>Minor Variance</i>	\$404	
<i>Plan of Subdivision/Condominium (with no previous site plan circulation)</i>	<i>Less than 100 lots</i>	<i>More than 100 lots</i>
<ul style="list-style-type: none"> • <i>Charges for review to provision of Conditions of Draft Approval <u>only</u> on a new application; involvement subsequent to draft approval is subject to additional fees.</i> 	\$560	\$2727
<ul style="list-style-type: none"> • <i>Clearance of Conditions for Subdivision Registration (per phase)</i> 	\$560	\$2266
<ul style="list-style-type: none"> • <i>Draft Plan Modifications</i>⁵ <i>(alterations to site/plan layout)</i> 	\$560	\$560
<ul style="list-style-type: none"> • <i>Draft Plan Extension</i>⁶ <i>(original conditions about to lapse for draft approval)</i> 	\$560	\$560
<i>Niagara Escarpment Plan</i>		
<ul style="list-style-type: none"> • <i>Development Permit</i> • <i>Niagara Escarpment Plan Amendment</i> 	\$560	
	\$2727	
<i>Reactivation Fee (all application types) after three (3) years of dormancy. \$200</i>		

Interpretation

¹ Plan Review Fee is for the provision of comments to municipal planning authority or the Niagara Escarpment Commission on privately initiated site specific development applications pursuant to the Ontario Planning Act and Niagara Escarpment Plan Act. Technical Report review fees (Schedule "C") shall apply as applicable. CA Act regulatory approvals (Schedule "B") normally follow planning approvals where required. All fees are exclusive of Technical Review Fees (see Schedule "C"); supplementary Technical Report Review Fees will be added on as per issue basis in addition to any and all fees outlined in Schedule "A" herein. The "notes to Schedule "A" (below) form part of this Schedule.

² **"Standard"** - An application where no technical studies are required.

³ **"Major"** - Applications where one or more technical study is required. See Schedule "C" Technical Review Fees for applicable fees.

⁴ **"Complex"** - Planning Act (e.g. OPA/ZBA) and/or Site Plan for aggregate applications, golf courses, trailer parks, campgrounds, lifestyle communities.

⁵ **"Modification"** means alteration to layout, blocks, roads etc.

⁶ **"Extension"** means that approval is about lapse and the original conditions of approval need to be revised and updated necessitating a full review.

SCHEDULE "A" - NOTES

- A. Reviews are undertaken in accordance with the Conservation authorities mandate and are directly related to circulation requirements associated with the Ontario Planning Act, Niagara Escarpment Planning and Development Act and Provincial (MMAH) "One Window" review. Some review matters relate to Municipal Memorandums of Understanding for the provision of planning advice. Section 21(1)(m) of the Conservation Authorities Act empowers individual Conservation Authorities to charge user fees for such services.
- B. Applicants are encouraged to consult with staff prior to submission of all applications to determine the extent and nature of the information required to accompany the application and to determine the appropriate fee.
- C. Plan review applications that fall into one or more categories will be charge one fee, at the highest rate, when the applications are submitted at the same time
- D. Fees shall be paid at the time of the filing of an application with the municipality. All fees must be received prior to the release of written comments to an approval authority.
- E. Subdivisions that have several phases will be charged a separate clearance fee at the time of clearing of each phase.
- F. Additional fees – NPCA reserves the right to request additional fees should the review require a greater level of effort. Additional fees are required after the second submission for all applicant initiated revisions and for the review of reports/plans not reflecting changes as requested by the NPCA.
- G. The Consent fee may be collected for a Part Lot Control application within a plan of subdivision that was registered prior to May 4, 2006 where a new lot is created within or adjacent to a NPCA Regulated Area.



SCHEDULE "B" - PERMIT FEES (effective January 1, 2016)

**Development, Interference with Wetlands and Alterations to Shorelines and Watercourse Regulation 155/06
(Section 28 of the Conservation Authorities Act)**

Description	Fee (excl. HST)
Fill - placement or removal of fill in excess of 25 cubic metres	\$1540
Works on a valley slope and/or erosion prone area	\$820
Public Roads - New/Replacement Bridge or Culvert Crossing - span > 3m	\$1326
Public Roads - New/Replacement Bridge or Culvert Crossing - span < 3m	\$721
Public Roads - Bridge Culvert maintenance incl. repair to soffit, wing walls & other superstructure, repair of inlet/outlet erosion	\$300
Access Crossings - new/replacement primary access (e.g. main driveway)	\$981
Access Crossings - new/replacement secondary bridge (e.g. low flow, foot bridge, golf course crossing)	\$491
Access crossings - maintenance to deck, wing walls or other superstructure	\$346
Dams: New/Replacement and major maintenance	\$3137
Dams: Maintenance	\$1182
Shoreline: New/Replacement Shoreline Protection Works (e.g. walls, stone barriers)	\$1891
Shoreline: Maintenance of wall or barrier	\$346
Ponds: New pond with diversion structure/channel connection	\$888
Ponds: New pond construction without channel connection	\$346
Utilities: Utility watercourse crossing (open cut)	\$1845
Utilities: Utility in floodplain or other Regulated feature	\$1384
Utilities: Storm drainage outfall construction	\$773
Utilities: Outfall Maintenance	\$300
Buildings: New Construction, reconstruction, redevelopment, additions (greater than or equal to 1000 square feet)	\$1384
Buildings: New Construction, reconstruction, redevelopment, additions (less than 1000 square feet)	\$692
Buildings: Accessory Structures (e.g. in ground pools, decks, docks, gazebos)	\$300
Watercourse Alteration: Channels - Channel works > 500 m (incl. Realignment, invert cleanout, erosion protection)	\$3137
Watercourse Alteration: Channels - Channel works < 500 m	\$1891
Watercourse Alteration: Channels repair of localized erosion failure	\$491
Watercourse Alterations: Channels - cleanout of minor intermittent drainage courses where no fish or ecological restrictions are present	\$300
Other: Great Lake Dredging	\$1891
Other: Miscellaneous - small watercourse, valleyland, shoreline works not defined above	\$300
Permit Renewal Fee (if application to renew submitted within 6 months of expiry)	\$231

SCHEDULE "B" - NOTES

- A. Pursuant to the provisions of Ontario Regulation 155/06 and the NPCA's regulation policies, permission is required, prior to undertaking development in hazardous areas, in or adjacent to wetlands and before straightening, changing, diverting or interfering in any way with the existing channel of a lake, river, creek stream or watercourse or prior to changing or interfering in any way with a wetland. The Technical Review Fees (Schedule "C") does not apply to NPCA permits.
- B. Fees are approved by the NPCA Board of Directors and apply to application review only; acceptance of an application as complete is not to imply permission may be granted permission will be forthcoming only if submission address statutory requirements and are in conformity with approved CA policies in effect at the time an application is made or where allowances are granted by the NPCA Board of Directors. **All fees are payable at the time the application is submitted failing which the application cannot be deemed complete or processed.**
- C. Permit applications that fall into one or more categories will be charge one fee, at the highest rate, when the applications are submitted at the same time.
- D. **Development:** for definition see Section 28(25) of the Conservation Authorities Act of Ontario (R.S.O. 1990, Chpt. 27)
- E. **Watercourse:** for definition see Section 28(25) of the Conservation Authorities Act of Ontario (R.S.O. 1990, Chpt. 27)



SCHEDULE "C" – TECHNICAL REPORT REVIEW FEES (effective January 1, 2016)

Technical reports are routinely prepared by accredited professionals in the fields of water resources engineering, groundwater science, site servicing, geotechnical engineering, environmental assessments, ecology and planning in support of proving the feasibility of development. Such experts are familiar with professional standards and provincial and local requirements in such matters. The CA review involves a determination or the provision of advice on whether the applicable guidelines have been appropriately addressed.

Description	Fee (excludes HST)
Stormwater Management Minor (the area is less than 5 ha)	\$577
Stormwater Management Major (the area is more than 5 ha)	\$1730
Review of Floodplain mapping prepared by applicant up to 500 linear metres	\$1326
Review of Floodplain mapping prepared by the applicant over 500 linear metres	\$2537
Grading and Drainage Plan Review Minor (the area is less than 5 ha)	\$375
Grading and Drainage Plan Review Major (the area is more than 5 ha)	\$1154
Geotechnical Report Review up to 200 linear metres of slope crest	\$496
Geotechnical Report Review over 200 linear metres of slope crest	\$1326
Hydrogeological Report Review Minor (less than 5 lots)	\$998
Hydrogeological Report Review Major (more than 5 lots)	\$1730
Coastal Engineering Report Review (up to 200 linear m of Great Lakes shoreline)	\$496
Coastal Engineering Report Review (more than 200 linear m of Great Lakes shoreline)	\$1326
EIS Terms of Reference Review (to be deducted from EIS fee when EIS submitted)	\$346
EIS Minor (one feature e.g. watercourse)	\$998
EIS Major (more than one feature e.g. wetland, watercourse, valley)	\$2174
EIS Third submission (Addendum)(minor changes)	\$577
EIS Third submission (Addendum)(major changes e.g. features not addressed, additional site visit or meetings required)	\$1154

SCHEDULE "C" - NOTES

- A. Technical review fees of \$72/hour will be charged where more than two (2) reviews are required by the Conservation Authority due to submission of incomplete reports from the applicants. All fees are made payable to the Niagara Peninsula Conservation Authority.
- B. Technical review fees also apply to the review of preliminary studies submitted prior to a formal planning, NPCA permit or municipal building permit application. If a formal planning or permit application is received by the NPCA within one (1) year of the review of the preliminary study and the proposal is the same as the preliminary one, the technical review fee will be discounted from the NPCA fee.
- C. Where the NPCA has reviewed as part of a planning act application and the same study is needed to support a NPCA permit application, the permit fee will be one-half (1/2) of the relevant fee.



SCHEDULE "D" – INQUIRIES/MINOR WORKS (effective January 1, 2016)

Description	Fee (excludes HST)
Solicitor, Real Estate, Appraiser	\$248
Building Permit Clearance	\$64
Minor Works Letter	\$120

SCHEDULE "D" - NOTES

- A. Technical review fees (see Schedule C) apply to Building Permit Clearance (e.g. where municipal Zoning By-laws include overlay zones for the identification of natural heritage and/or natural hazard features)
- B. The Building Permit Clearance fee is not collected for new homes in Registered Plans of Subdivision that have been reviewed by the NPCA.

Report To: Board of Directors

Subject: Memorandum of Understanding for Plan Review Services between Haldimand County, NPCA, LPRCA and GRCA

Report No: 83-16

Date: July 20, 2016

RECOMMENDATION:

1. That Report No. 83-16 regard the Memorandum of Understanding (MOU) with Haldimand County, Long Point Region Conservation Authority (LPRCA) and the Grand River Conservation Authority (GRCA) be RECEIVED and,
2. That the CAO/Secretary Treasure of the NPCA be directed to formally enter into this Memorandum of Understanding:
 - (a) Immediately following the approval of this report, or
 - (b) Once access to Municipal Assessment Data is provided to the NPCA by Haldimand County.

PURPOSE:

To update the Memorandum of Understanding for Plan Review with the County of Haldimand.

BACKGROUND:

In 1996, municipalities were delegated Municipal Plan Review responsibility by the Province of Ontario. A Memorandum was entered into in 1997 (amended January 1998) between the Regional Municipality of Haldimand-Norfolk and its three constituent Conservation Authorities to coordinate plan review responsibilities with respect to natural heritage and hazard land protection under the Planning Act. The agreement means that a delegated municipality does not have to acquire expertise that is available in its Conservation Authorities, a significant cost saving measure for the municipality. The Province of Ontario formalized the process in 2001 by entering into a Memorandum of Understanding with Conservation Ontario on behalf of all Conservation Authorities to provide technical comments to the Upper and Lower Tier Municipalities with respect to Natural Hazards as outlined in the Provincial Policy Statement.

(http://conservationontario.ca/media/CO_MNR_MMAH_MOU_2001.pdf). The NPCA has similar MOU's in place with the Region of Niagara (2008, amended in 2014) and the City of Hamilton (2012, previously a 1996 MOU with the Region of Hamilton-Wentworth).

REPORT:

This MOU (Appendix 1) is an update to the 1998 agreement with the former Regional Municipality of Haldimand Norfolk and a reflection of the 2001 Memorandum of Understanding with the Province.

For streamlining and efficiency purposes, Conservation Authorities have three roles in the municipal plan review process:

1. Planning and technical review services to municipalities as part of the municipal plan review process (so the municipalities do not have to acquire technical expertise that their Conservation Authorities have);
2. Delegated responsibility to provide municipal plan input and review comments to municipalities on matters of flood, erosion and hazardous lands on behalf of MNRF and the Province of Ontario (so there is only one agency providing comments on these matters);
3. Comments related to the administration of NPCA's Section 28 regulations.

The attached draft MOU gives NPCA the lead responsibility for providing planning and technical review and comments to Haldimand County in the areas of flood hazards, erosion hazards, lakeshore hazards, hazardous lands, water as it relates to natural features, stormwater management as it relates to natural hazards and natural heritage, and subwatershed plans. NPCA has the technical expertise in-house to fulfill these listed responsibilities.

The work outlined in the agreement is different in that the NPCA would be responsible for Natural Heritage and Natural Hazard review. Currently staff are reviewing applications based on Natural Hazards and NPCA regulated features. Given that many of the Natural Heritage Features are also NPCA regulated features, staff are not anticipating a big increase in workload. There are no urban areas within the NPCA watershed in Haldimand County and the majority of applications are consents, minor variances and zoning by-law amendments. Table 1 identifies the number of Planning Act Applications the NPCA has reviewed over the past 5 years. The average number of applications reviewed in Haldimand represents 4% of the planning applications reviewed by NPCA staff between 2011-2015.

Table 1: Planning Applications reviewed by NPCA staff 2011-2015

Municipality	2011	2012	2013	2014	2015	Average
Niagara	238	266	241	306	333	277
Hamilton	7	11	29	32	53	26
Haldimand	10	3	13	23	6	11
Total	255	280	283	361	392	314

Sharing of Information:

Each of the MOU's the NPCA has with municipal partners includes clauses about sharing of information to assist in the review of planning applications. Within the City of Hamilton and Region of Niagara we have access to municipal assessment data (property ownership and role number) to expedite our review (Appendix 2). To date, we have not received permission to access this information for the review of planning applications within Haldimand County. The County of Haldimand staff would like to take a report to their Council in August to approve the MOU. The NPCA could either agree to enter into this agreement with Haldimand County now and continue to work with municipal staff to access the assessment data or, alternatively, the NPCA could wait until access to this data is confirmed prior to signing the agreement.

FINANCIAL IMPLICATIONS:

NPCA recovers some of the cost of plan reviews through applicant fees. Haldimand County will pre-screen applications that it will circulate for comment to NPCA and will notify applicants about the review fees due to NPCA. Under the agreement, NPCA staff will attend at Ontario Municipal Board and Court hearings at Haldimand County's request. Haldimand County will provide the necessary legal and technical support; the requirement for NPCA's attendance does not commit NPCA to lawyer or consultant expenses.

RELATED REPORTS AND APPENDICES:

Related Staff Report 403-97 (original MOU with Regional Municipality of Haldimand-Norfolk)

Appendix 1 – 2016 Proposed MOU with Haldimand County, NPCA, GRCA and LPRCA

Appendix 2 – Municipal Property Assessment Corporation (MPAC) Options for Using Assessment Data

Prepared by:



**Suzanne McInnes, MCIP, RPP
Manager, Plan Review & Regulation**

Reviewed by:



**Peter Graham, P.Eng.
Director, Watershed Management**

Submitted by:



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

MEMORANDUM OF UNDERSTANDING FOR PLAN REVIEW SERVICES BETWEEN

The Corporation of Haldimand County (herein referred to as the "County")

AND

The Grand River Conservation Authority
 The Long Point Region Conservation Authority
 The Niagara Peninsula Conservation Authority
 (collectively herein referred to as the "Conservation Authority")
August 2016 Final

PREAMBLE

In 1996 municipalities were delegated Municipal Plan Review responsibility by the Province of Ontario. A Memorandum was entered into in 1998 between the Regional Municipality of Haldimand-Norfolk and its three constituent Conservation Authorities to coordinate responsibilities with respect to natural heritage and hazard land protection. In 2001 Conservation Ontario on behalf of all Conservation Authorities entered into a Memorandum of Understanding with the Province of Ontario to provide technical comments to the Upper and Lower Tier Municipalities with respect to Natural Hazards as outlined in the Provincial Policy Statement. This agreement is an update to the 1998 agreement and a reflection of the 2001 Memorandum of Understanding with the Province.

1. PURPOSE

The purpose of this Memorandum of Understanding is to update the January 15, 1998 Memorandum of Agreement between the County and Conservation Authorities for the provision of specified plan review and technical clearance services to the County.

2. ROLES AND RESPONSIBILITIES

a The County and the Conservation Authority mutually agree that:

- I. this Memorandum of Understanding applies to each of the Conservation Authorities referred to above and the area under each of their respective jurisdictions which is located within the County of Haldimand;
- II. the Conservation Authority has the expertise to provide the plan review and technical clearance services to the County identified in this Memorandum of Understanding and that the County is relying on said expertise. The parties acknowledge that the County remains the approval authority for those planning applications for which the County is so designated by statute and which authority has not been otherwise delegated by the County;
- III. nothing in this Memorandum of Understanding precludes the Conservation Authority from commenting to the County from a Conservation Authority perspective, as it normally would on an application circulated by the County under the Planning Act;
- IV. application types listed in Schedule 1 will still be circulated to the appropriate Conservation Authority for comment from the Conservation Authority perspective except as noted in Schedule 3;
- V. a protocol has been developed, included as Schedule 3, whereby the County will prescreen applications in order to further streamline the process;
- VI. this Memorandum of Understanding may be amended by mutual agreement, in writing, from time to time to reflect changes in the programs of parties to this Memorandum of Understanding, or as a result of changes in provincial policies, or as a result of subsequent discussions between the parties hereto;
- VII. all parties agree to periodically review this Memorandum of Understanding at 5 year intervals; and,
- VIII. any party to this Memorandum of Understanding may terminate the agreement, as it pertains to its involvement, at any time, in writing to the other parties to the agreement, with a minimum of 120 calendar days notice.

b The County commits to:

- I. circulate to the appropriate Conservation Authority those applications listed in Schedule 1 for comment as per the items in Schedule 2 and in accordance with a prescreening protocol included as Schedule 3;
- II. transfer appropriate policy statement, guidelines, manuals, maps, information, data and criteria from the County to the Conservation Authority, and transfer said material to the Conservation Authority as it is received from the Province of Ontario, or make arrangements to have said material transferred directly from the Province to the Conservation Authority;

- III. retain consultants other than the Conservation Authority to provide the plan review and technical clearance services identified in this Memorandum of Understanding, when in the opinion of the County, and where applicable, the County, or the Conservation Authority, utilizing the Conservation Authority as specified in this agreement could result in a conflict of interest for the Conservation Authority or where otherwise agreed that it would be in the best interest of the planning process; and,
 - IV. notify the applicant of the required Conservation Authority fee and attach payment to circulated applications when available.
- c The Conservation Authority commits to:
- I. provide the County with those services listed in Schedule 2 at no cost to the County on a fee for service basis by the applicant;
 - II. provide its comments to the County on receipt of an application from the County or request an extension with reasons, for applications identified on Schedule 1 and within the specified County review timeframe, unless an alternative timeframe is agreed upon;
 - III. comment on whether the application complies with the Provincially approved Haldimand County Official Plan in the plan review services it provides the County (as identified in Schedule 2);
 - IV. participate in pre-consultation meetings for potential planning applications upon the request of the County;
 - V. consider all relevant guidelines in the plan review and technical clearance services it provides the County;
 - VI. not disseminate any data, maps, information or other documents either received directly from the Province or identified as "Provincial data" by the County, except as otherwise licensed or agreed upon by the licensing party/owner of the data;
 - VII. not disseminate any data, maps, information or other documents either received directly from the County or identified as "County data" by the County, except as otherwise licensed or agreed upon by the licensing party/owner of the data;
 - VIII. make provision for staff to attend Ontario Municipal Board Hearings, upon the request of the County, with respect to plan review and technical clearance services provided pursuant to this Memorandum of Agreement. The County will provide legal representation for the Conservation Authority at the OMB hearing at the cost of the County. Should the Conservation Authority attend the hearing for matters outside this Memorandum of Understanding, the Conservation Authority will be responsible for retaining and paying for their own legal representation.

3. **TIME FRAME FOR IMPLEMENTATION**

This Memorandum of Understanding will take effect on August 29, 2016.

The parties have duly executed this Memorandum of Understanding.

THE CORPORATION OF HALDIMAND COUNTY

Craig A. Manley, MCIP, RPP
General Manager, Planning & Economic Development Department

Dated this ____ day of _____, 2016

GRAND RIVER CONSERVATION AUTHORITY

Joe Farwell, Chief Administrative Officer

Dated this ____ day of _____, 2016

LONG POINT REGION CONSERVATION AUTHORITY

Cliff Evanitski, General Manager & Secretary Treasurer

Dated this ____ day of _____, 2016

NIAGARA PENINSULA CONSERVATION AUTHORITY

Carmen D'Angelo, Chief Administrative Officer & Secretary Treasurer

Dated this ____ day of _____, 2016

SCHEDULE 1

CIRCULATION STATUS BY APPLICATION TYPE AND DEFINITIONS

1. The County will circulate all applications for subdivision and Condominium to the Conservation Authority.
2. The County will circulate the following types of development/planning applications to the Conservation Authority for comment as per the items in Schedule 2 and in accordance with a prescreening protocol included in Schedule 3:
 - I. Consents;
 - II. Official Plan Amendments;
 - III. Zoning By-Law Amendments;
 - IV. Minor Variances; and
 - V. Site Plans.

SCHEDULE 2

Review Function Responsibilities

	Review Agencies			
	County		Conservation Authority	
Features/Functions	Plan Review	Technical Review	Plan Review	Technical Review
Significant Wildlife Habitat(1)	X (Lead)	X	X	
Threatened/Endangered Species (1)	X (Lead)	X	X	
ANSI(1)	X (Lead)	X	X	
Environmental Sensitive Area (ESA)	X(Lead)	X(Lead)		
Significant Woodlands	X (Lead)	X (Lead)	X	X
Significant Valleylands	X(Lead)	X(Lead)	X	X
Natural Heritage Systems	X(Lead)	X(Lead)	X	X
Water (2)(as it relates to Infrastructure)	X(Lead)	X(Lead)		
Water (2)(as it relates to Natural features)			X(Lead)	X(Lead)
Wetlands	X		X (Lead)	X(Lead)
Fish Habitat (3)	X (Lead)	X(Lead)	X	X
Flood Hazards			X (Lead)	X(Lead)
Erosion Hazards			X (Lead)	X(Lead)
Lakeshore Hazards			X (Lead)	X(Lead)
Sub-watershed Studies	X	X	X (Lead)	X(Lead)
Features/Functions	Plan Review	Technical Review	Plan Review	Technical Review
Stormwater Management(4)(as it relates to Natural Heritage and Natural Hazards)	X		X(Lead)	X(Lead)
Stormwater Management (4)(as it relates to operations, aesthetics and outlet)	X(Lead)	X(Lead)	X	
Hazardous Sites (5)			X(Lead)	X(Lead)

X - Indicates comments may be provided and that the party has an interest

(Lead)- indicates the party having the primary role for PPS, Official Plan or technical capacity

“Plan Review” – includes screening application to determine potential impacts, need for technical reports and mitigation measures, assist in development of terms of reference, specifying conditions of approval.

“Technical Review” – includes assessing technical reports submitted by the proponents’ consultants in terms of applicable guidelines and standards.

Notes:

1. The Ministry of Natural Resources and Forestry is responsible for the implementation of the Endangered Species Act and for the mapping and designation of ANSI and Significant Wildlife Habitat. However the County has a responsibility for the protection of these areas under the Provincial Policy Statement.
2. Review of Water Policies as they relate to infrastructure needs of the municipality versus actions required to maintain the ecological system and management objectives.
3. Review of Fish Habitat is provided in consideration of the Provincial Policy Statement and does not provide clearance on the required statues or legislation from either the Ministry of Natural Resources and Forestry or Department of Fisheries and Oceans.
4. Stormwater Management is a shared responsibility with the County. The County is responsible for location, aesthetics, legal outlet and engineering design. The Conservation Authority would be responsible for the review of function and potential impacts on Natural Heritage and Natural Hazards that may be impacted.
5. Hazardous sites mean property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (organic soils), or unstable bedrock (karst topography).

SCHEDULE 3
Screening protocol

PRESCREENING CRITERIA GRAND RIVER, LONG POINT REGION AND NIAGARA PENINSULA CONSERVATION WATERSHEDS

Process

When a landowner discusses or submits a Planning Act application, municipal staff will review Official Plan Schedules A through E and Ontario Regulation 150/06 (GRCA), 178/06 (LPRCA), and 155/06 (NPCA) mapping to determine whether the lands are within an area of interest to the conservation authority. If the site or land holdings are within an area of interest to the Conservation Authority, the municipal staff will advise the applicant of the appropriate fee for submission with the application (cheque to be made out to applicable Conservation Authority). The County will circulate all applications for subdivision and condominium to the Conservation Authority.

- GRCA: For further information please contact the GRCA, Resource Planning Section at (519) 621-2763 ext. 2237.
- LPRCA: For further information please contact the LPRCA, Watershed Services Section at (519) 842-4242
- NPCA: For further information please contact the NPCA, Watershed Management Section at (905) 788-3135

The following questions are to be applied to all applications identified in Schedule 1. For consent applications, please apply the questions to both the severed and retained parcels. If the answer to any of the following questions is “**YES**”, County staff will circulate the application to the applicable Conservation Authority for review. Watershed mapping to determine the applicable Conservation Authority is included as Schedule 4.

HALDIMAND COUNTY OFFICIAL PLAN

1. Are there lands on the property that are identified in the Official Plan as “Core Natural Environment Area” or “Natural Environment Area”

Yes

No

2. Is there a watercourse (creek, stream and/or river) and/or river valley slope on the property, or is the property located within 30m of the top of the bank of a slope?

Yes

No

Regulation 150/06 (GRCA), 178/06 (LPRCA) and 155/06 (NPCA) Mapping

3. Is the property located within the Regulated Area shown on the mapping for Reg. 150/06, 178/06 or 155/06?

Yes

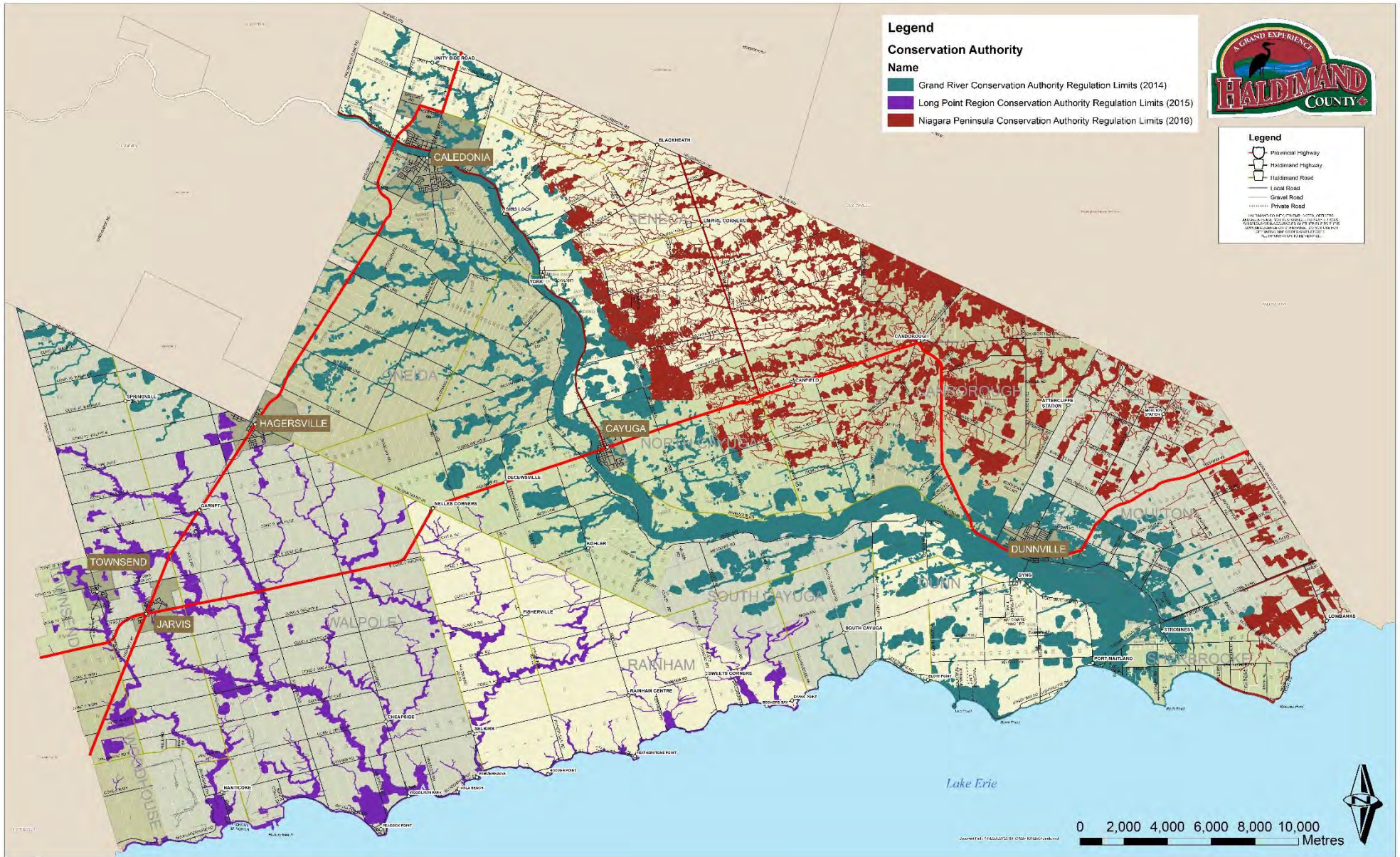
No

4. Is the proposal within 15 metres (50 feet) of a watercourse?

Yes

No

- 1.If the application is not located in or adjacent to these features there is no need to be circulated.
- 2.Subsequent Planning Act applications that have been reviewed in the previous 2 years and are the same as previously approved do not need to be circulated.
- 3.Minor variances not related to natural hazard/natural heritage features do not need to be circulated.





MUNICIPAL PROPERTY ASSESSMENT CORPORATION

Options for Using Assessment Data

CONSERVATION AUTHORITIES and ECONOMIC DEVELOPMENT CORPORATIONS

If the Conservation Authority or Economic Development Corporation is acting as an agent for the municipality, on a municipal planning project, the municipality can sub-license assessment data directly to them.

If the Conservation Authority or Economic Development Corporation requires assessment data for its own internal planning purposes or, in specific cases, to meet statutory or regulatory obligations, the request should be directed to MPAC. The request must be in writing and include: the geographic areas covered in the request, the specific data elements required and the intended use of the data extract file.

If the request includes personal information, it will be reviewed by MPAC's Freedom of Information Coordinator for compliance with the Municipal Freedom of Information and Protection of Privacy Act. MPAC may charge a service fee to produce the file (similar to other ad hoc municipal requests), but the data will be provided free of charge. For more information, please contact your Municipal Relations Representative.

Report To: Board of Directors
Subject: Wainfleet Bog Fire Risk Mitigation
Report No: 84-16
Date: July 20, 2016

RECOMMENDATION:

1. That Report No. 84-16 be RECEIVED for information,
2. That staff be authorized to purchase the items referenced in this report at an estimated cost of \$112,000, to come from Capital Reserves,
3. That a dedicated reserve be considered during the 2017 budget deliberations in order to support fire suppression efforts on NPCA properties, as required.

PURPOSE:

To seek Board approval for the purchase of key equipment necessary to mitigate against various risks associated with fire at the Wainfleet Bog and other NPCA properties.

BACKGROUND:

Since 1997 there have been five confirmed fires at the Wainfleet Bog. The risk of fires at the Bog is greatly increased when the summer months are hot and dry. Recognizing the high risk of fire this year, due to weather conditions, NPCA convened a meeting of key stakeholders, including the Fire Chiefs from Welland, Port Colborne and Wainfleet, and the Resource Management Supervisor from the Ministry of Natural Resources and Forestry (MNR) on June 28th. The purpose of the meeting was to discuss and update protocols, roles and responsibilities related to monitoring and mitigating the risk of fire at the Wainfleet Bog, and dealing with a fire event, should one occur.

During this meeting a number of suggestions were put forward, many of which had minimal financial implications, such as the development of a site specific fire plan, enhanced communication strategies, the development of fire risk parameters, monitoring the property more frequently, and closing the Wainfleet Bog during times of high fire risk.

Other suggestions focused on the need to purchase equipment that would better allow NPCA to monitor the site, access more remote areas of the property and support fire suppression efforts, as required.

On July 5th, a fire was detected at the Bog. NPCA's experience with this fire further confirmed the need for this investment.

As we are still very early in summer, the risk of another fire this year, remains high. This report focuses on the cost items.

DISCUSSION:

Staff have consulted with local Fire Chiefs, MNRF officials (local office, Regional Fire Advisor, and Wainfleet Bog Fire Incident Commander) and staff. Based on these consultations, staff is recommending the following purchases, in addition to, the establishment of a dedicated reserve to be used to mitigate fire risks and support fire suppression efforts, as required. The equipment purchases to address the immediate needs are:

Description	Estimated Cost
3-4 Portable Water Tanks of Various Size	\$35,000
ARGO/ATV with Off-road Trailer	\$35,000
Drone with Video, Thermal-Imaging and GPS	\$14,000
Hand-held Thermal-Imaging Camera	\$8,000
Enclosed Trailer (for Storage)	\$20,000
TOTAL	\$112,000

FINANCIAL IMPLICATIONS:

The items referenced above were not included in the 2016 Budget. Staff is recommending these items be purchased with capital reserves. Estimated cost is \$112,000.

Staff has also recognized the need for further specialized training related to matters referenced above. It is proposed that these costs be included in the 2017 Training Budget.

Staff is further recommending the establishment of a permanent reserve to be used to mitigate fire risks and support fire suppression efforts, as required.

RELATED REPORTS AND APPENDICES:


Meeting Notes, Stakeholder Meeting Re: Fire Protocols, Roles and Responsibilities for the Wainfleet Bog, June 28, 2016

Prepared by:



Mark Brickell
Acting Director, Operations

Submitted by:



Carmen D'Angelo
Chief Administrative Officer/
Secretary Treasurer

**This report was prepared with the consultative input from:
Gregg Furtney (Operations Supervisor), Mich Germain (Superintendent, Central Workshop), and Rob Shoalts (Capital Projects Coordinator).**

MEETING NOTES

STAKEHOLDER MEETING RE: FIRE PROTOCOLS, ROLES AND RESPONSIBILITIES FOR THE WAINFLEET BOG

June 28, 2016

1:00 p.m.

NPCA Boardroom

Present: Denys Prevost (Fire Chief, Community Emergency Management Coordinator), Harry Flagg (Fire Chief, Wainfleet Fire and Emergency Services), Thomas Cartwright (Director, Port Colborne Fire and Emergency Services), Joad Durst (Resource Management Supervisor MNR&F), Carmen D'Angelo (Chief Administrative Officer, NPCA), Mark Brickell (Acting Director of Operations, NPCA), Gregg Furtney (Acting Manager of Strategic Initiatives, NPCA), Mich Germain (Superintendent, Central Workshop, NPCA), Kim Frohlich (Ecologist, NPCA)

Purpose: The Wainfleet Bog is a unique and important 3500 acre property owned in parts by NPCA (approximately 2000 acres), MNR&F (approximately 768 acres), and other private land owners (approximately 800 acres). It is the largest and least disturbed bog in Southern Ontario. It is a water resource for area streams, drains and wildlife. It is also the habitat for a number of rare species and species at risk. Historically, the bog has supported activities such as hunting, peat extraction, bird-watching / nature appreciation and research.

In years of hot, dry summers, the risk of fire(s) at the Bog is increased significantly. Most recently, in 2012, there was a major Bog fire that burned for nearly two weeks. MNR&F fire crews ultimately brought the fire under control.

This year, the Niagara Region is once again experiencing a hot, dry summer and concerns have been raised by all parties about the potential for fire at the Bog.

Key stakeholders were convened to review lessons learned from the 2012 fire and to make recommendations for reducing the risk of fire, and developing protocols to be used, should a fire develop at the Bog.

Thoughts/Concerns from Around the Table

- Local fire departments are not properly trained or equipped to fight wetland/wild land fires
- Local fire departments are not organized to fight campaign fires
- NPCA does not have the mandate, training or equipment to battle Bog fires
- **Prevention** efforts are critically important and should be main focus
- Check to see if Bog Best Fire Prevention Practices are documented elsewhere
- Should review the 2012 Wainfleet Bog Fire Report
- Risk Assessment and Mitigation strategies need to be developed
- Early fire detection is necessary to contain and suppress fire
- People and lightning strikes are the major causes of fires, in a Bog – e.g. shot-gun cartridges, cigarette butts, quads and ATV's
- Should be **no people** at the Bog when fire risk is high
- Need to be aware of parameters/indicators that lead to closing of Bog
- Need to monitor more closely water-levels at the Bog
- Specialized Joint Training of local fire departments and key NPCA staff may be desirable
- Brush piles on the property are very large and of great concern
- Bog fire smoke impacts both humans and animals, particularly seniors and people with breathing problems such as asthma
- Costs approximately \$7,000/day to fight a Bog fire
- The Wainfleet Bog is one of the few places in Niagara that municipal fire services are ill-equipped to fight
- The risk of a serious fire at the Bog this year is very high

Possible Strategies/Options

- **Prevention, Prevention, Prevention**
- NPCA should close the Bog to public access immediately
- Monitoring of the Bog should be stepped up significantly
- Monitoring of water-levels at the Bog should be scheduled regularly
- Formal MNR&F parameters/indicators for fire risk should be applied to the Bog
- Specialized joint training to allow local fire departments and NPCA to better support fire-fighting efforts at the Bog
- Request that Burnaby Skydiving Club be notified of the fire risk and be requested to report any evidence of fire they observe
- Seek volunteers to improve monitoring of the property

- Place video cameras on the property
- Facilitate Infra-red/GPS equipped drone flyovers
- NPCA should purchase an ATV
- Monitor lightning strikes at the Bog via Environment Canada
- MNR&F is willing to fight the fire(s), on a full cost-recovery basis, subject to availability
- Brush piles should be cleared via chipper or controlled burning in the winter
- Enforcement strategy is required – Wainfleet Bog hunters may be a natural ally
- It was also suggested that NRP be notified of the situation and asked to be part of the solution
- MNR&F recommended coordinating with the Fire Management Supervisor, MNR&F
- Possible opportunity to pool resources and purchase additional equipment
- Need to increase public awareness and establish communication plan
- Need to develop a Fire Safety Plan specifically for the Bog
- Maintain communication and dialogue with local Fire Chiefs

Discussion:

1) NPCA has closed the Wainfleet Bog to the public, in line with the Wainfleet fire ban, until further notice. Signs have been posted and a media release has been sent out. Local media and CHCH are helping to get the word out.

2) NPCA staff has been given direction to be on the property as often as possible and to report any unusual sightings, smells or trespassers. In addition, NPCA staff is recommending the purchase of an infra-red/GPS equipped drone for identifying hot spots. Staff is further recommending the purchase of an ATV or ARGO to allow for fuller access to the property. Both recommendations will be dealt with at the July 20th NPCA Board meeting.

3) NPCA staff is now reviewing its water-level monitoring protocols at the Bog and will be updating them in the near future.

4) Joad Durst has arranged for Robin Vernon, Regional Fire Advisor, MNR&F, to meet with NPCA staff at the Bog on Friday, July 8th, to further assess risks and opportunities, and to assist with the establishment of parameters for monitoring high risk fire areas.

5) Once NPCA has met with the Regional Fire Advisor, NPCA will further communicate with local Fire Chiefs to review joint training options and the need to purchase specialized equipment.

- 6) Mich Germain has reached out to the Burnaby Skydiving Club to request its support in monitoring the property from the sky, as possible.
- 7) Safety concerns have been expressed about having monitoring volunteers on the property without adequate training. NPCA is looking to work with Wainfleet Bog Hunting Permit holders to be eyes on the property, as they share a common interest. NPCA's Community Outreach Coordinator is exploring other opportunities, including the use of Niagara College students, who would first need to be trained.
- 8) There is no electrical source at the Bog. Therefore, it is impractical to place video cameras on site.
- 9) NPCA is now monitoring, on a daily basis, lightning strikes at the Bog, via Environment Canada. Any lightning strike on or near the Bog will be investigated by NPCA staff.
- 10) MNR&F has provided contact information for Robin Vernon, Regional Fire Advisor, MNR&F (705-755-5653 or 647-982-6759) and Bob Hurley, Fire Management Supervisor (705-754-1902 ext. 5019 or 705-457-0184).
- 11) NPCA is exploring options for the removal of the large brush piles. Concerns have been expressed about leaving that volume of wood chips on the property and serving as fuel for a fire. Concerns have also been expressed about the possibility of starting a fire by using the wood chipper. The NPCA Ecologist is assessing the impacts of conducting a "controlled burn" during the winter months.
- 12) NPCA staff will be meeting with NRP staff to inform them of the Bog fire risk and to seek NRP's support in monitoring the area.
- 13) NPCA will provide regular updates to local Fire Chiefs re: actions taken to mitigate fire risks at the Bog.
- 14) Further clarification is still required in the case of MNR&F not being able to respond to a Bog Fire, due to other immediate demands.

Other Considerations

- Incident Command shall rest with the Fire Department until the MNR&F fire crew arrives on the scene, at which time it will assume Command
- Need to confirm that the responsible Fire Department is responsible for communicating with adjacent land owners

Wainfleet Bog Conservation Area

Presentation to Board of Directors

July 20, 2016

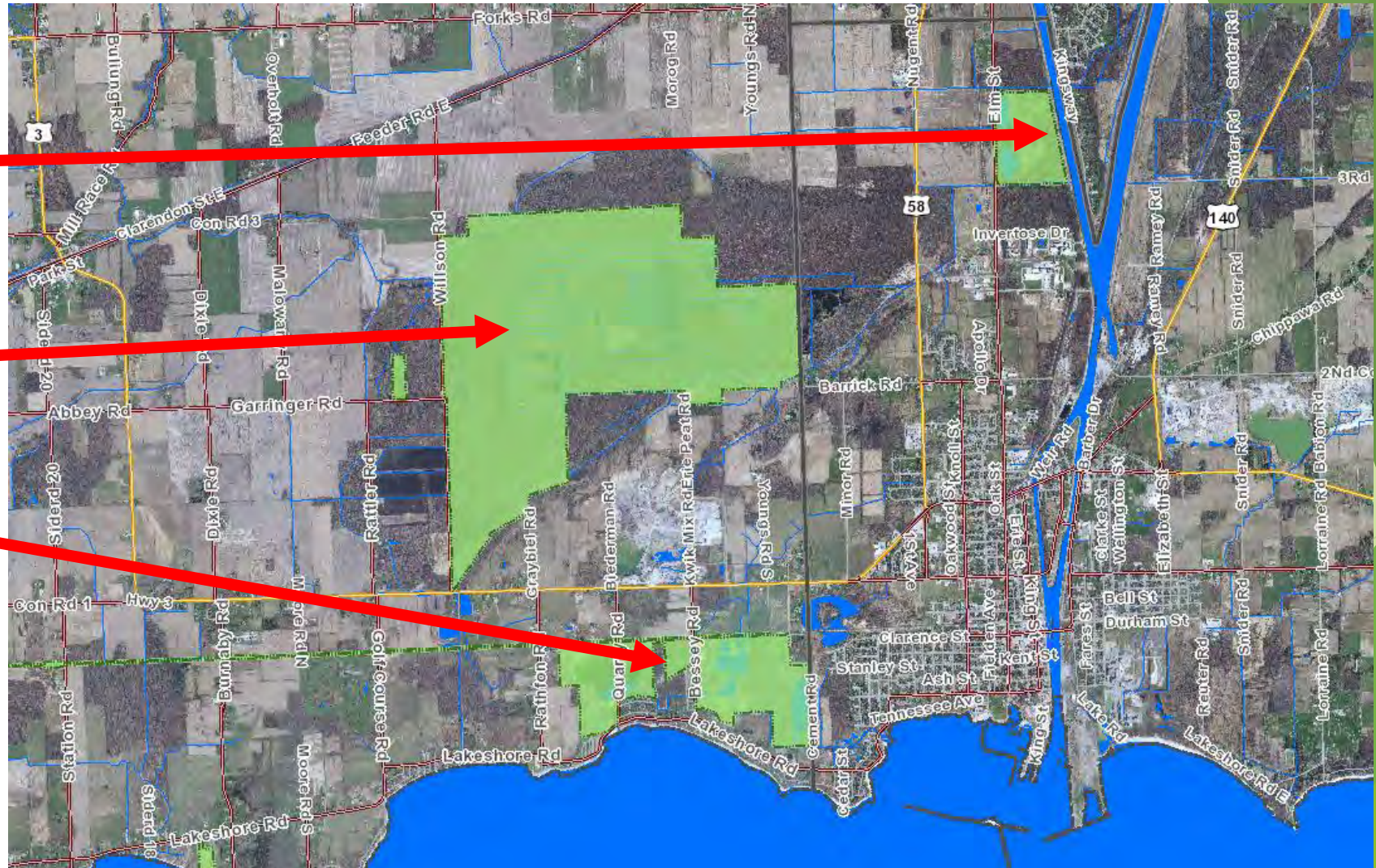
Wainfleet Bog Conservation Area

Location

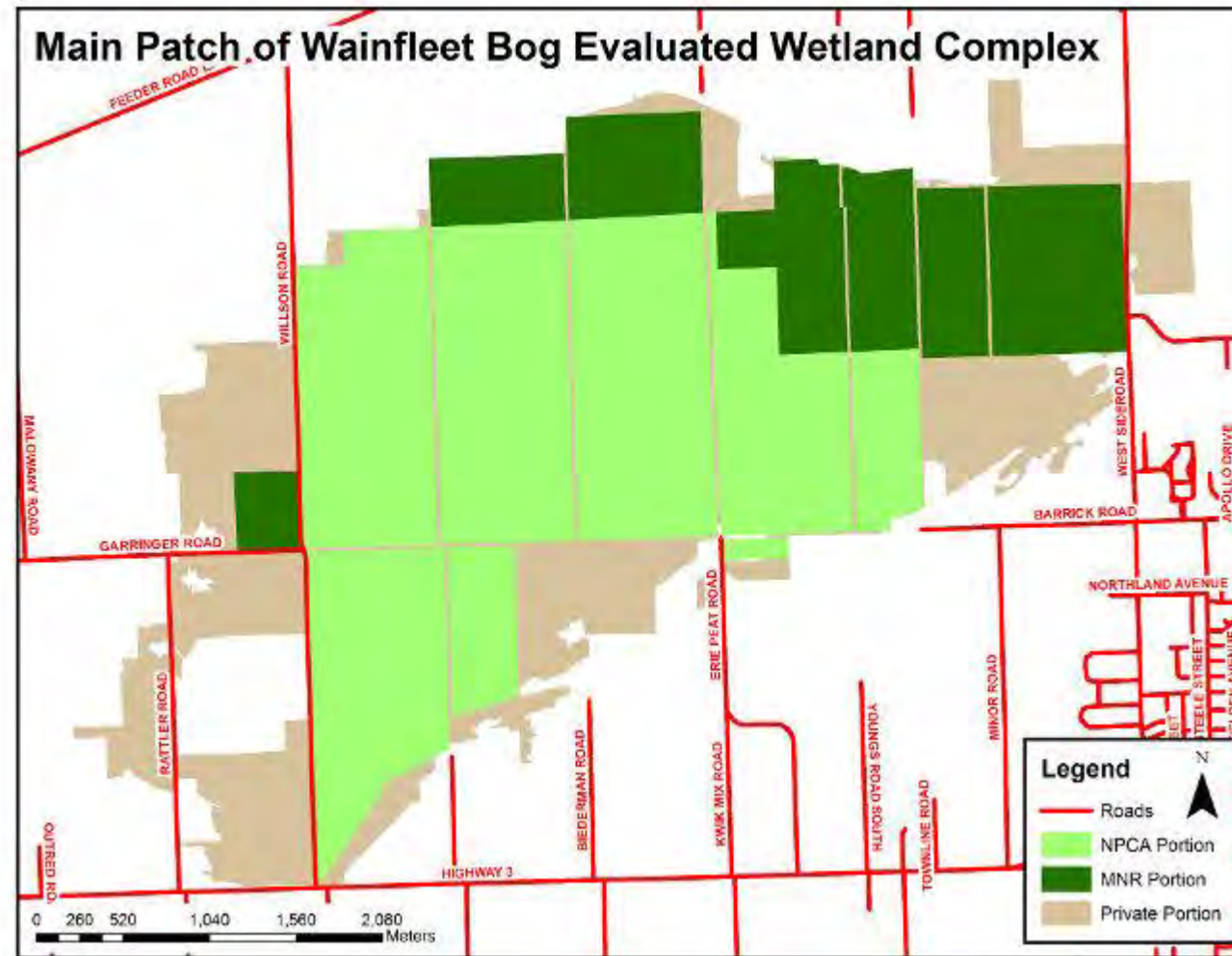
Mud Lake

Wainfleet Bog

Wainfleet Wetlands

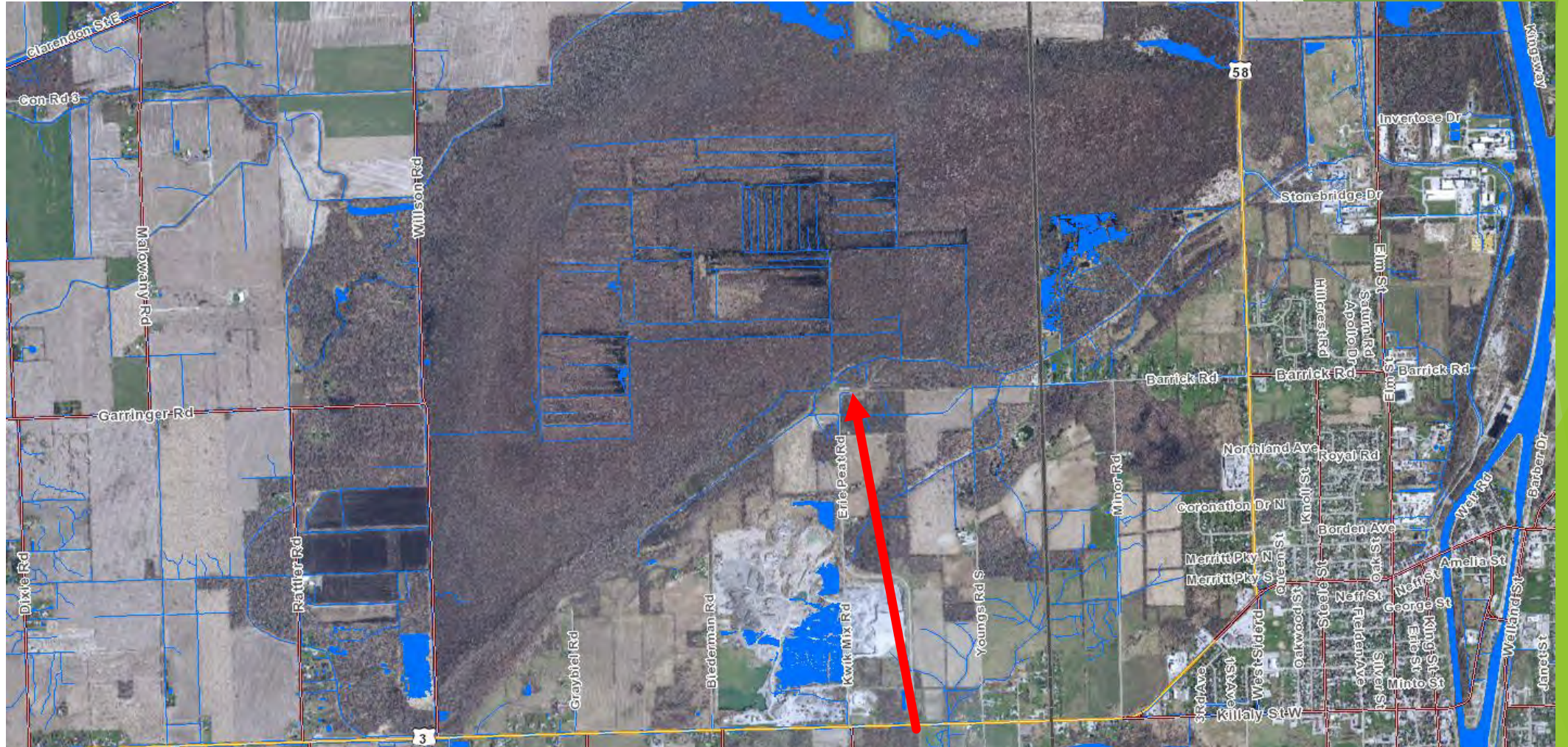


Wainfleet Bog Conservation Area Ownership



Wainfleet Bog Conservation Area

Primary Entrance



Wainfleet Bog Conservation Area Background

- ▶ What is a Bog?
 - ▶ Four classifications of a wetland: Bog, Fen, Marsh and Swamp.
 - ▶ Bog is usually a peat-covered area or peat-filled depressions (typically 40 cm or greater depth) with a surface carpet of Sphagnum moss that receive their water only from rainfall or surface runoff.
 - ▶ Wainfleet Bog was formed between 12,000 and 5,000 years ago as the glaciers from the last Ice Age melted and retreated. Water ponded in the low, flat land behind the adjacent Onondaga Escarpment, which prevented surface water from draining south to Lake Erie. Over time this open water area filled in as plants died and provided a habitat for unique flora and fauna able to withstand the acidic and low nutrient site conditions.



Wainfleet Bog Conservation Area Background

▶ MNRF's 2001 *Statement of Conservation Interest*

- ▶ 283 species of vascular plants. Among the vascular plants, 11 species are provincially significant.
- ▶ Total of 52 species of birds have been observed recently within the reserve or in the immediate vicinity, of which 30 species are believed to be breeding.
- ▶ Habitat for a number of provincially significant and Species at Risk plant and animal species including sedges, birds and owls, among others.



Wainfleet Bog Conservation Area Background

- ▶ Estimated the bog covered 21,000 hectares
- ▶ Human activity and climate change reduced bog 94%
- ▶ Today 801 hectares (NPCA) and 230 hectares (Ontario)
- ▶ Other areas are privately owned, however protected as a wetland.

Wainfleet Bog Conservation Area

Fire History

- ▶ Due to the extreme dry conditions of the bog, the area is especially vulnerable to fire caused by lightning strikes and human activities.
- ▶ Charcoal presence in peat composition studies indicates that there have been periodical impacts caused by fires in the bog over the last 350 years (Nagy, 1992).
- ▶ According to local community members, bog fires would occur in late summer and would be extinguished by snowfall. However, fire may have been burning underground over the winter.
- ▶ Last fire was in August, 2012 and was 13 hectares in size
 - ▶ Initially, fire was allowed to burn
 - ▶ After community complaints of smoke and smell, MNRF was called to extinguish the fire

Wainfleet Bog Conservation Area

Fire Causes

- ▶ Dry conditions (climate change)
- ▶ Human Activity
 - ▶ Area was harvested for peat between 1890 to 1980s
 - ▶ Water was drained to construct rail lines and roads
 - ▶ Drainage (agricultural purposes)
 - ▶ Accidental (hunting, ATVs, cigarettes, etc.)
 - ▶ Arson
- ▶ Natural
 - ▶ Lightning strikes

Wainfleet Bog Conservation Area

2016 Fire

▶ June 28, 2016

- ▶ Local Fire Chiefs (Wainfleet, Port Colborne and Welland), MNRF and NPCA met to discuss current conditions, communications, notification protocols, equipment and resource needs, costs, and firefighting needs.

▶ June 29, 2016

- ▶ NPCA staff visit area daily to monitor situation

▶ June 30, 2016

- ▶ Wainfleet Bog closed to public (to coincide with local fire bans)
- ▶ Signs posted at all entrance areas

Wainfleet Bog Conservation Area

2016 Fire

▶ July 5, 2016

- ▶ 1650 Hours David Barrick received call from Welland FD that there may be a fire at the Wainfleet Bog
 - ▶ Barrick contacts CAO Carmen D'Angelo, Director of Operations Mark Brickell and Communications Specialist Michael Reles
- ▶ 1730 Hours On-Site Meeting with Fire Chief Harry Flagg, Regional Fire Coordinator/Welland Fire Chief Denys Prevost and NPCA Staff
 - ▶ Decision to tour perimeter in attempt to locate fire
 - ▶ Local fire departments notified
 - ▶ Decision to request aerial assistance (Niagara Helicopters) to locate fire
 - ▶ NPCA staff Rob Shoalts notified
- ▶ 1745 Hours CAO notifies Chair Timms of potential fire at Bog
 - ▶ Fire Chief notifies Mayor Jeffs
- ▶ 1800 Hours First call to MNRJ Joad Durst, followed by calls to Regional Fire Advisor Robin Vernon and Regional Fire Supervisor Bob Hurley

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area

2016 Fire

▶ July 5, 2016

- ▶ 1805 Hours NPCA Ecologist Kim Frohlich notified
- ▶ 1840 Hours Niagara Helicopters arrive on scene
 - ▶ Aerial view confirms fire (42.91 Lon, 79.31 Lat)
- ▶ 1910 Hours Niagara Public Health notified
 - ▶ Smoke from bog fire is toxic (particulate matter 2.5 microns or smaller and release toxic materials, like naturally-occurring mercury).
- ▶ 1925 Hours Niagara Regional Police Services notified
- ▶ 1930 Hours Erie Peat Road closed
- ▶ 2015 Hours MOECC notified
- ▶ 2215 Hours Media Release issued to inform communities

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area

July 5, 2016



Wainfleet Bog Conservation Area

July 5, 2016



Wainfleet Bog Conservation Area

2016 Fire

▶ July 6, 2016

- ▶ Local media interviews conducted by Communications Specialist
- ▶ 0700 Hours NPCA staff commence building path to access fire (bridge required to be built, trees cut, brush removed)
- ▶ 1100 Hours Ontario Fire Ranger Incident Commander (IC) arrives on scene via MNRF helicopter.
 - ▶ Aerial assessment by IC, Mark Brickell and Kim Frohlich.
 - ▶ IC recommends fire suppression operations.
- ▶ 1300 Hours MNRF Health and Safety Officer and Fire Rangers from Haliburton arrive.
- ▶ 1400 Hours Media - IC, NPCA, Fire Chief, Mayor Jeffs, Chair Timms

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area

Bridge Construction



Wainfleet Bog Conservation Area

2016 Fire

▶ July 7, 2016

- ▶ Fire Suppression commences
- ▶ IC, Fire Chief and NPCA agree to “daily briefing” meetings at 1500 Hours
- ▶ Initial water supply from within the bog and Wainfleet Wetlands to protect ecological systems. Due to inefficient supply and pressure, decision made to pump water supply from local quarry.
- ▶ Welland Fire Department provide portable water holding tanks.
- ▶ MNRF and NPCA detail assessment determines size of fire approximately 6.4 hectares.
- ▶ Public notified if smoke present, close windows and stay indoors.
- ▶ MNRF confirms area subject to lightning strikes on June 20, 2016

UNCONTROLLED

BEING HELD

UNDER CONTROL

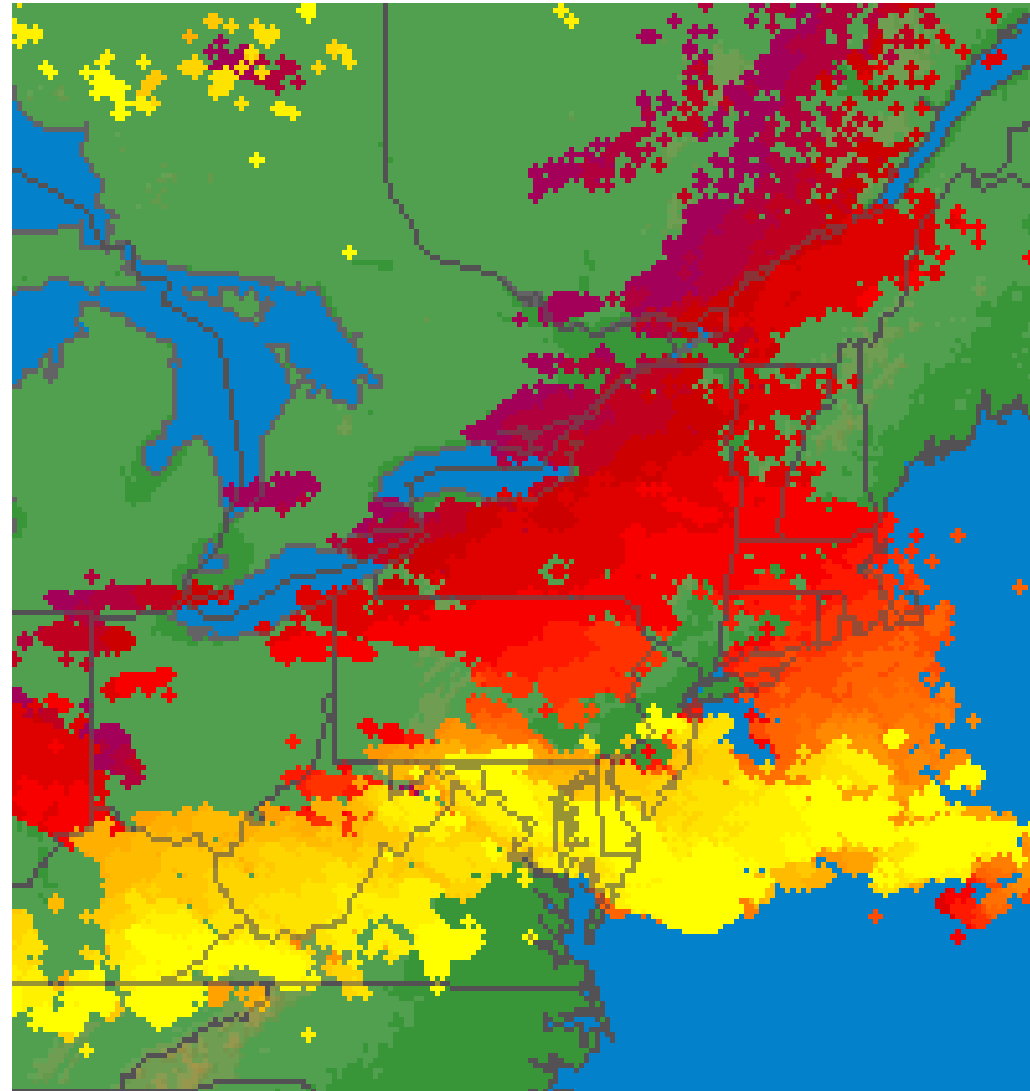
OUT

Wainfleet Bog Conservation Area

Lightning Strikes

June 20, 2016

24 Hours



Wainfleet Bog Conservation Area

2016 Fire

- ▶ July 8, 2016
 - ▶ Fire classified as “Being Held”
 - ▶ 10 to 20 foot perimeter around fire has been established
- ▶ July 9, 2016
 - ▶ Fire classified as “Being Held”
 - ▶ 20 to 50 foot perimeter around fire has been established
- ▶ July 10, 2016
 - ▶ Fire classified as “Being Held”
 - ▶ 100 foot perimeter around fire has been established

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area



Wainfleet Bog Conservation Area

2016 Fire

- ▶ July 11, 2016
 - ▶ Fire classified as “Under Control”
 - ▶ Water applied to entire fire zone
- ▶ July 12, 2016
 - ▶ Infrared equipment being used to assess “hot spot” underground
 - ▶ Initial 8 Fire Rangers dismissed to be replaced by new crews, IC remains
- ▶ July 13, 2016
 - ▶ High winds created approximately 40 hot spots
- ▶ July 14, 2016
 - ▶ New Fire Ranger crews on scene
 - ▶ All hot spots extinguished

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area

2016 Fire

- ▶ July 15, 2016
 - ▶ Fire classified as “Under Control”
 - ▶ 5 defined hot spots
- ▶ July 16, 2016
 - ▶ **No visible smoke**
 - ▶ Equipment being removed
- ▶ July 17, 2016
 - ▶ **No visible smoke**
 - ▶ MNRF crews cleared the scene
 - ▶ NPCA staff monitoring daily
- ▶ July 18, 2016
 - ▶ **No visible smoke**
 - ▶ NPCA staff monitoring daily

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area Status as of July 19, 2016

- ▶ THANK YOU !
 - ▶ Ontario Fire Rangers
 - ▶ Niagara Helicopters
 - ▶ Wainfleet Fire and Emergency Services
 - ▶ Welland Fire and Emergency Services
 - ▶ Port Colborne Fire and Emergency Services
 - ▶ The Waterford Group - Law Crushed Stone (Quarry)
 - ▶ NPCA Staff

UNCONTROLLED

BEING HELD

UNDER CONTROL

OUT

Wainfleet Bog Conservation Area Recommendations

- ▶ Restoration Program (Board Report September 2016)
- ▶ Fire Master Plan (HIRA)
 - ▶ Communications, Access Roads, North Staging Area
- ▶ Procurement of Equipment
 - ▶ Portable water tanks
 - ▶ ATV style vehicle with trailer
 - ▶ Drone (video, GPS and thermal imaging)
 - ▶ Thermal Image camera
 - ▶ Storage trailers
- ▶ Reserve



Report To: Board of Directors

Subject: Canada 150 Grant- Final Contribution Agreement (Binbrook C.A.)

Report No: 85-16

Date: July 20, 2016

RECOMMENDATION:

That the Board **APPROVE** entering into a Contribution Agreement for funding under the Canada 150 Community Infrastructure Program in the amount of \$245,000.00 for the 'Expansion of Binbrook Conservation Area's Recreational Assets' (Appendix 1).

DISCUSSION:

The NPCA applied for and was successful at securing funding from the Canada 150 Community Infrastructure Program in 2015 to construct a new splashpad at the Binbrook Conservation Area. The Federal Economic Development Agency for Southern Ontario (FedDev) now requires NPCA Board approval of the above Resolution and Contribution Agreement to release the funds.

FINANCIAL IMPLICATIONS:

The Canada 150 Funding will flow as \$200,000 this year and \$45,000 in 2017. The total of \$245,000 makes up a 49.5% of the total project cost. The NPCA's share of the project cost was approved in the 2016 budget.

RELATED REPORTS AND APPENDICES:

Appendix 1 – Canada 150 Contribution Agreement

Prepared by:



**David Barrick
Director of Corporate Services**

Submitted by:



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

This report was prepared in consultation with Kevin Vallier, Communication & Foundation Manager.

CANADA 150 COMMUNITY INFRASTRUCTURE PROGRAM

CONTRIBUTION AGREEMENT

This Contribution Agreement is made as of _____

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF CANADA** (“Her Majesty”) hereby represented by the Minister responsible for Federal Economic Development Agency for Southern Ontario

AND: **Niagara Peninsula Conservation Authority** (“Recipient”) a provincial entity that provides municipal-type services established under the laws of Ontario.

WHEREAS the Federal Economic Development Agency for Southern Ontario (“Agency”) was created to help make Canadians more productive and competitive in the knowledge-based economy, by supporting economic development, economic diversification, job creation, and sustainable, self-reliant communities in southern Ontario;

WHEREAS in its 2015 Budget, the Government of Canada allocated \$150 million to the newly created Canada 150 Community Infrastructure Program (“CIP 150”) to repair, rehabilitate and expand existing community infrastructure assets; and

WHEREAS the Minister has agreed to make a non-repayable contribution to the Recipient up to the maximum amount of two hundred forty-five thousand dollars (\$245,000) in support of the Recipient’s Eligible Costs (as defined herein) of the Project (as defined herein),

NOW THEREFORE, in accordance with the mutual covenants and agreements herein, Her Majesty as represented by the Minister and the Recipient agree as follows:

1. Purpose of the Agreement

The purpose of this Agreement is to set out the terms and conditions under which the Minister will provide CIP 150 (as defined herein) funding in support of the Project (as defined herein).

2. Interpretation

2.1 Definitions. In this Agreement, a capitalized term has the meaning given to it in this section, unless the context indicates otherwise:

Aboriginal Government means a band council within the meaning of section 2 of the Indian Act; or a government authority established pursuant to a Self-Government Agreement or a Comprehensive Land Claim Agreement, given effect and declared valid by federal legislation.

Agency means the Federal Economic Development Agency for Southern Ontario.

Agreement means this agreement including all the annexes attached hereto, as such may be amended, restated or supplemented, from time to time.

CIP 150 means the Canada 150 Community Infrastructure Program as described in the recitals hereto.

Contribution means the contribution to Eligible Costs in the amount stipulated in Subsection 4.1.

Control Period means the period of six (6) years following the period determined in Subsection 3.1 as the duration of the Agreement.

Date of Acceptance means the date on which the duplicate fully executed copy of this Agreement is received by the Minister.

Eligibility Date means April 1, 2016

Eligible Costs means those Project Costs supported by the Contribution and which are identified in Annex 1 – Statement of Work and relating to the Project activities described therein and which are in compliance with Annex 2 – Costing Guideline Memorandum.

Event of Default means the events of default described in Subsection 12.1 hereof.

Final Report means the report described in Subsection 7.1 hereof.

Final Report Date means June 30, 2018.

Final Review Form means the report described in Subsection 7.1 hereof.

Fiscal Year means the Government of Canada's fiscal year beginning on April 1st of a year and ending on March 31st of the following year.

Minister means the Minister responsible for the Agency or any one or more of his representatives.

Parties means the Minister and the Recipient and **Party** means any one of them.

Program Completion Date means March 31, 2018

Project means the project described in Annex 1 – Statement of Work.

Project Costs means the total costs of the Project as set out in Annex 1 – Statement of Work.

Southern Ontario includes the following 2011 Statistics Canada Census Regions: 1 Stormont, Dundas and Glengarry; 2 Prescott and Russell; 6 Ottawa; 7 Leeds and Grenville; 9 Lanark; 10 Frontenac; 11 Lennox and Addington; 12 Hastings; 13 Prince Edward; 14 Northumberland; 15 Peterborough; 16 Kawartha Lakes; 18 Durham; 19 York; 20 Toronto; 21 Peel; 22 Dufferin; 23 Wellington; 24 Halton; 25 Hamilton; 26 Niagara; 28 Haldimand-Norfolk; 29 Brant; 30 Waterloo; 31 Perth; 32 Oxford; 34 Elgin; 36 Chatham-Kent; 37 Essex; 38 Lambton; 39 Middlesex; 40 Huron; 41 Bruce; 42 Grey; 43 Simcoe; 46 Haliburton; and 47 Renfrew.

Statement of Total Government Assistance means the report described in Paragraph 6.4(a)(iv) hereof.

“**Substantially Completed**” has the same meaning and shall be determined in accordance with how the term “substantially performed” is determined in subsection 2(1) of the *Construction Lien Act*, R.S.O. 1990, c. C.30, as amended, and “**Substantial Completion**” shall have a corresponding meaning.

- 2.2 **Singular/Plural.** Wherever from the context it appears appropriate, each term stated in either the singular or plural shall include the singular and the plural.
- 2.3 **Entire Agreement.** This Agreement comprises the entire agreement between the Parties. No prior document, negotiation, provision, undertaking or agreement in relation to the subject matter of this Agreement has legal effect. No representation or warranty, whether express, implied or otherwise, has been made by the Minister to the Recipient, except as expressly set out in this Agreement.
- 2.4 **Inconsistency.** In case of inconsistency or conflict between a provision contained in the part of the Agreement preceding the signatures and a provision contained in any of the Annexes to this Agreement, the provision contained in the part of the Agreement preceding the signatures will prevail.
- 2.5 **Annexes.** This Agreement contains the following Annexes as described below, which form an integral part of this Agreement:

Annex 1 - Statement of Work
Annex 2 - Costing Guideline Memorandum
Annex 3 - Reporting Requirements
Annex 4 - Federal Visibility Requirements

3. Duration of Agreement

3.1 **Duration of Agreement.** This Agreement comes into force on the Date of Acceptance and, subject to Subsection 3.2, will terminate:

- (a) twelve (12) months after the earlier of:
 - i) the Project is Substantially Completed; or
 - ii) the Program Completion Date.
- (b) upon the date on which all amounts due by the Recipient to Her Majesty under this Agreement, have been paid in full,

whichever is the later, unless terminated earlier in accordance with the terms of this Agreement.

3.2 **Control Period.** Notwithstanding the provisions of Subsection 3.1 above, during the Control Period, the rights and obligations described in the following sections shall continue beyond the duration of the Agreement:

Section 5 - Other Government Financial Support
Subsection 6.6 – Overpayment and non-entitlement
Subsections 7.3, 7.4, 7.5, 7.6 and 7.7 - Monitoring, Audit and Evaluation
Subsection 8.1c) and 8.2c) – Representations and Covenants
Section 11 - Indemnification and Limitation of Liability
Section 12 - Default and Remedies
Section 13 – Project Assets
Subsection 15.9 - Dispute Resolution

4. The Contribution

4.1 Subject to the terms and conditions of this Agreement, the Minister will make a non-repayable contribution to the Recipient in respect of the Project in an amount not exceeding the lesser of (a) and (b) as follows:

- (a) maximum 49.5% of total Eligible Costs of the Project incurred and paid by the Recipient; and
- (b) \$245,000.

4.2 The payment of the Contribution per Fiscal Year is estimated at amounts as specified in Annex 1 – Statement of Work. The Minister will have no obligation to pay any amounts in any other fiscal years than those specified in Annex 1 – Statement of Work.

- 4.3 The Recipient acknowledges that notwithstanding the date of execution of this Agreement, the Minister will not reimburse costs incurred by it prior to April 1, 2016 or later than the Program Completion Date.
- 4.4 The Minister shall not contribute to any Eligible Costs incurred by the Recipient which could cause the Contribution, noted in Subsection 4.1 herein to be exceeded.
- 4.5 The Recipient shall be responsible for all costs of the Project, including cost overruns, if any.
- 4.6 **Holdbacks.** Notwithstanding any other provisions of this Agreement, the Minister will, at the Minister's sole discretion, withhold up to ten percent (10%) of the Contribution amount until:
- (a) the Project is Substantially Completed;
 - (b) the Recipient has satisfied all the conditions of this Agreement;
 - (c) the Final Review Form described in Subsection 6.4(a)(ii) has been submitted to the satisfaction of the Minister;
 - (d) audits and site visits, where required by the Minister, have been completed to the satisfaction of the Minister; and
 - (e) the Minister has approved the final claim described in Subsection 6.4.

5. Other Government Financial Support

- 5.1 The Recipient hereby confirms that for purposes of this Project no other federal, provincial, Local Government assistance has been requested, received or will be received, except as disclosed in Annex 1 – Statement of Work.
- 5.2 The Recipient shall promptly inform the Minister in writing in the event additional other government financial support has been requested or received for the Project, during the term of this Agreement and acknowledges and agrees that an adjustment to the amount of the Contribution and a request for repayment of part or all of the amounts paid to the Recipient may be made as a result thereof. The amount of repayment requested will constitute a debt due to Her Majesty and will be recovered as such from the Recipient.
- 5.3 In no instance will the total government funding towards the Eligible Costs of the Project be allowed to exceed one hundred percent (100%) of the total Eligible Costs.

6. Claims and Payments

6.1 The Recipient shall maintain accounting records that account for the Contribution paid to the Recipient and the related Project Costs in respect of this Agreement, separate and distinct from any other funding.

6.2 **Claims Procedures.** The Recipient shall submit claims for reimbursement of Eligible Costs incurred and paid, not less frequently than semi-annually or more frequently than monthly, in a form satisfactory to the Minister. Each claim will include the following information:

- (a) an itemized summary by cost category of Eligible Costs incurred and paid, substantially in the form prescribed by the Minister;
- (b) a progress report of the claim as it relates to Annex 1 – Statement of Work, substantially in the form prescribed by the Minister;
- (c) a certification of the claim by a director or officer of the Recipient, confirming the accuracy of the claim and of all supporting information provided;
- (d) if applicable, a certification by a director or officer of the Recipient that any mitigation measures listed in Annex 5 – Environmental Mitigation Measures have been implemented; and
- (e) substantiating documentation (including without limitation, any invoice or proof of payment), as may be required by the Minister.

6.2.1 The Recipient agrees to submit its last claim in each fiscal year for eligible costs on or before March 1st of that fiscal year.

6.3 **Advance Payments.**

(a) **Initial Advance.** Where the Minister is satisfied and has determined that the Recipient's cash flow requirements justify the need for an advance against the Eligible Costs payable under this Agreement, the Minister may, at his sole discretion, pay to the Recipient an initial advance for Eligible Costs up to 25% on the portion of the Contribution allocated to Fiscal Year 2016-2017, subject to the following:

- (i) The Recipient submits to the Minister's satisfaction, a forecast of cash flow requirements to be incurred during the initial advance period along with any documentation that the Minister may reasonably request.
- (ii) The Recipient shall account by way of claim, to the satisfaction of the Minister, for the use of any advances.

- (b) The Recipient agrees to spend advances in the Fiscal Year in which the advance was made, failing which the Recipient agrees to reimburse the Minister any unspent amounts. If the amount of the advance exceeds the amount of Eligible Costs incurred during the previous advance period, the Minister may deduct the excess amount and any interest earned by such excess from any other payment under this Agreement.

6.4 Final Claim Procedures.

- (a) The Recipient shall submit a final claim pertaining to the final reimbursement of any Eligible Costs previously claimed or not, signed by a director or officer of the Recipient and accompanied by the following, in addition to the requirements set out in Subsection 6.2, in a form satisfactory to the Minister in scope and detail:
 - (i) a confirmation that it is the final claim for payment and as such, it includes all final Eligible Costs submitted for payment;
 - (ii) a Final Review Form on the Project substantially in the form prescribed by the Minister;
 - (iii) a Final Report of total Project Costs substantially in the form prescribed by the Minister; and
 - (iv) a Statement of Total Government Assistance (federal, provincial and Local Government assistance) received or requested towards the Eligible Costs of the Project substantially in the form prescribed by the Minister.
- (b) The Recipient shall submit the final claim for reimbursement of Eligible Costs to the satisfaction of the Minister the earlier of:
 - (i) the date which falls no later than three (3) months after Project is Substantially Completed; and
 - (ii) the Final Report Date.

The Minister shall have no obligation to pay any claims submitted after this date.

6.5 Payment Procedures.

- (a) The Minister shall review and approve the documentation submitted by the Recipient following the receipt of the Recipient's claim and in the event of any deficiency in the documentation, it will notify the Recipient and the Recipient shall immediately take action to address and rectify the deficiency.
- (b) Subject to the maximum Contribution amounts set forth in Subsection 4.1 and all other conditions contained in this Agreement, the Minister shall pay to the

Recipient the Eligible Costs set forth in the Recipient's claim, in accordance with the Minister's customary practices.

- (c) The Minister may request at any time that the Recipient provides satisfactory evidence to demonstrate that all Eligible Costs claimed have been paid.
 - (d) The Minister may require, at his expense, any claim submitted for payment of the Contribution be certified by the Recipient's external auditor or by an auditor approved by the Minister.
- 6.6 **Overpayment or non-entitlement.** Where, for any reason, the Recipient is not entitled to all or part of the Contribution or the amount paid to the Recipient exceeds the amount to which the Recipient is entitled, the Contribution or the amount in excess, as the case may be, shall constitute a debt due to Her Majesty and shall be recovered as such from the Recipient. The Recipient shall repay Her Majesty within thirty (30) calendar days from the date of the Minister's notice, the amount of the Contribution disbursed or the amount of the overpayment, as the case may be, together with interest calculated in accordance with the *Interest and Administrative Charges Regulations*, in effect on the due date, from the date of the notice until payment is received by Her Majesty.
- 6.7 If the Recipient earns any interest as a consequence of any advance payment of the Contribution or earns any revenue as a result of the Project, the Minister may in his absolute discretion reduce the Contribution by all or by such portion of the revenue (including the interest) as he deems appropriate.

7. **Monitoring, Audit and Evaluation**

- 7.1 The Recipient agrees to provide the Minister with the reports as described in Annex 3 – Reporting Requirements, satisfactory in scope and detail, in order to allow the Minister to assess the outcome and costs of the Project.
- 7.2 Upon request of the Minister and at no cost to him, the Recipient shall promptly elaborate upon any report submitted or provide such additional information as may be requested.
- 7.3 The Recipient shall at its own expense:
- (a) preserve and make available for audit and examination by the Minister, proper books, accounts and records of the Project Costs, wherever such books, and records may be located, and permit the Minister to conduct such independent audits and evaluations as the Minister in his discretion may require;
 - (b) upon reasonable notice and after consultation with the Recipient, permit the Minister, reasonable access to the Project site and/or the Recipient's premises

and documents in order to inspect and assess the progress and results of the Project;

- (c) supply promptly, on request, such other data in respect of the Project and its results, as the Minister may require for purposes of this Agreement and for statistical and/or evaluation purposes.

7.4 The Minister shall have the right, at his own expense, and as and when he determines necessary, to perform audits of the Project Costs and the Recipient's books, accounts, records, financial statements and claims for reimbursement of Eligible Costs, and the Recipient's administrative, financial and claim certification processes and procedures, for the purposes of verifying the costs of the Project, validating claims for reimbursement of Eligible Costs, ensuring compliance with the terms of this Agreement, and confirming amounts repayable to Her Majesty under the provisions of this Agreement.

7.5 Any audits performed hereunder will be carried out by auditors selected by the Minister, which may include any of the following: Agency officials, an independent auditing firm, and/or the Recipient's external auditors. The Minister will provide the Recipient with a description of the scope and criteria of the audit and the expected time frames for completion of the audit and public release of the related reports.

7.6 The Recipient agrees that the Minister, at his expense, may engage outside firms or individuals, unrelated to the Government of Canada, with the required expertise to evaluate and monitor the Project and its implementation or review any documents submitted by the Recipient. The Recipient agrees to provide access to any site, meeting or to any document in relation to the Project to such firms or individuals.

7.7 **Auditor General of Canada.** The Recipient acknowledges that the Auditor General of Canada may, at the Auditor General's cost, after consultation with the Recipient, conduct an inquiry under the authority of Subsection 7.1(1) of the *Auditor General Act* in relation to any funding agreement (as defined in Subsection 42(4) of the *Financial Administration Act*) with respect to the use of funds received. For purposes of any such inquiry undertaken by the Auditor General, the Recipient shall provide, upon request and in a timely manner, to the Auditor General or anyone acting on behalf of the Auditor General:

- (a) all records held by the Recipient or by agents or contractors of the Recipient, relating to this Agreement and the use of the Contribution; and
- (b) such further information and explanations as the Auditor General, or anyone acting on behalf of the Auditor General, may request relating to this Agreement and/or the Contribution.

8. Representations and Covenants

8.1 The Recipient represents and warrants that:

- (a) it is a provincial entity providing municipal-type services and is in good standing under the laws of Ontario, and has the power and authority to carry on its business, to hold its property and to enter into this Agreement and it has the power and authority, and has met all legal requirements, necessary to carry on business, hold property, and to enter into, deliver and perform this Agreement. The Recipient warrants that it shall remain as such for the duration of this Agreement;
- (b) the execution, delivery and performance of this Agreement have been duly and validly authorized by the necessary corporate actions of the Recipient and when executed and delivered by the Recipient, this Agreement constitutes a legal, valid and binding obligation of the Recipient, enforceable in accordance with its terms;
- (c) it has acquired, at its own expense, general liability insurance and property damage insurance, in an adequate amount consistent with the scope of the operations and the Project that a prudent person carrying out a project similar to the Project would maintain, and will maintain such for the duration of the Agreement and the Control Period.
- (d) the signatory(ies) to this Agreement, on behalf of the Recipient, has(ve) been duly authorized to execute and deliver this Agreement;
- (e) this Agreement constitutes a legally binding obligation of the Recipient, enforceable against it in accordance with its terms, subject as to enforcement of remedies to applicable bankruptcy, insolvency, reorganization and other laws affecting generally the enforcement of the rights of creditors and subject to a court's discretionary authority with respect to the granting of a decree, ordering specific performance or other equitable remedies;
- (f) the execution and delivery of this Agreement and the performance by the Recipient of its obligations hereunder will not, with or without the giving of notice or the passage of time or both:
 - (i) violate the provisions of the Recipient's by-laws, any other corporate governance document subscribed to by the Recipient or any resolution of the Recipient;
 - (ii) violate any judgment, decree, order or award of any court, government agency, regulatory authority or arbitrator; or
 - (iii) conflict with or result in the breach or termination of any material term or provision of, or constitute a default under, or cause any acceleration under, any license, permit, concession, franchise, indenture, mortgage,

lease, equipment lease, contract, permit, deed of trust or any other instrument or agreement by which it is bound.

- (g) there are no actions, suits, investigations or other proceedings pending or, to the knowledge of the Recipient, threatened and there is no order, judgment or decree of any court or governmental agency, which could materially and adversely affect the Recipient's ability to carry out the activities contemplated by this Agreement;
- (h) it has obtained or will obtain all necessary licences and permits in relation to the Project, which satisfy the requirements of all regulating bodies of appropriate jurisdiction;
- (i) all information provided during the CIP 150 application process remains true, correct and complete in every respect except as set out to the contrary herein; and,
- (j) the description of the Project in Annex 1 – Statement of Work is complete and accurate.

8.2 The Recipient covenants and agrees that:

- (a) it shall obtain the prior written consent of the Minister before making any change to any aspect of the Project or to the management of the Project or Recipient.
- (b) it shall acquire and manage all equipment, services and supplies required for the Project in a manner that ensures the best value for funds expended.
- (c) it shall maintain the usage as described in Annex 1 – Statement of Work, of any assets to which the Minister has contributed to for a minimum of six (6) years after the expiry or the termination of this Agreement.
- (d) the project is located in southern Ontario.
- (e) it shall contribute no less than fifty percent (50%) to the Eligible Costs of the Project.
- (f) it shall use the Contribution solely and exclusively to support the Eligible Costs of the Project, as detailed in Annex 1 - Statement of Work and in Annex 2 - Costing Guideline Memorandum and shall carry out the Project in a diligent and professional manner, using qualified personnel and the Project shall be Substantially Completed on or before the Program Completion Date.
- (g) it shall comply with the Federal Visibility Requirements as set out in Annex 4 – Federal Visibility Requirements.

9. Official Languages

The Recipient agrees:

- (a) that any public acknowledgement of the Agency's support for the Project will be expressed in both official languages;
- (b) that basic project information will be developed and made available in both official languages;
- (c) to invite members of the official-language minority community to participate in any public event relating to the Project, where appropriate;
- (d) that all signage related to the Project will be in both official languages;
- (e) that basic service (e.g. reception can provide bilingual resources or staff, upon request) and communication, both print and electronic (notices, announcements, publications, advertisements or documents), will be made available in both official languages; and
- (f) that it shall pay for all translation costs save for those which the Minister may incur with respect to any announcement or other public communications.

10. Environmental and Other Requirements

- 10.1 The Recipient represents that the Project is not a "designated project" as defined in the *Canadian Environmental Assessment Act, 2012* ("CEAA") and is not being carried out on "federal lands" as defined in the CEAA.
- 10.2 The Recipient agrees to comply with all federal, provincial, territorial, municipal and other applicable laws governing the Recipient and the Project, including but not limited to, statutes, regulations, by-laws, rules, ordinances and decrees. This includes legal requirements and regulations relating to environmental protection and the successful implementation of and adherence to any mitigation measures, monitoring or follow-up program, which may be prescribed by the Minister or by other federal, provincial, territorial, municipal bodies. The Recipient will certify to the Minister that it has done so.
- 10.3 The Recipient will provide the Minister with reasonable access to any Project site, for the purpose of ensuring that the terms and conditions of any environmental approval are met, and that any required mitigation measures, monitoring or program follow up have been carried out, to the satisfaction of the Minister.

- 10.4 If as a result of changes to the Project or otherwise, should a subsequent assessment be required in accordance with CEAA for the Project, the Minister and the Recipient agree that the Minister's obligations under this Agreement will be suspended from the moment that the Minister informs the Recipient, until (i) a decision statement has been issued to the Recipient or, if applicable, the Minister has decided that the Project is not likely to cause significant adverse environmental effects, and (ii) if required, an amendment to this Agreement has been signed, setting out any conditions included in the decision statement. The Recipient agrees to comply with any such conditions.
- 10.5 **Aboriginal consultation.** The Recipient acknowledges that the Minister's obligation to pay the Contribution is conditional upon Her Majesty satisfying any obligation that Her Majesty may have to consult with or to accommodate any Aboriginal groups, which may be affected by the terms of this Agreement.

11. Indemnification and Limitation of Liability

- 11.1 The Recipient shall at all times indemnify and save harmless Her Majesty, its officers, officials, employees and agents, from and against all claims and demands, losses, costs, damages, actions, suits or other proceedings (including, without limitation, those relating to injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights) by whomsoever brought or prosecuted, or threatened to be brought or prosecuted, in any manner based upon or occasioned by any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights, caused by, or arising directly or indirectly from:
- (a) the Project, its operation, conduct or any other aspect thereof;
 - (b) the performance or non-performance of this Agreement, or the breach or failure to comply with any term, condition, representation or warranty of this Agreement by the Recipient, its officers, employees and agents, or by a third party or its officers, employees, or agents;
 - (c) the design, construction, operation, maintenance and repair of any part of the Project; or,
 - (d) any omission or other wilful or negligent act or delay of the Recipient or a third party and their respective employees, officers, or agents, except to the extent to which such claims and demands, losses, costs, damages, actions, suits, or other proceedings relate to the negligent act or omission of an officer, official, employee, or agent of Her Majesty, in the performance of his or her duties.

- 11.2 The Minister shall have no liability under this Agreement, except for payments of the Contribution, in accordance with and subject to the provisions of this Agreement. Without limiting the generality of the foregoing, the Minister shall not be liable for any direct, indirect, special or consequential damages, or damages for loss of revenues or profits of the Recipient.
- 11.3 Her Majesty, her agents, employees and servants will not be held liable in the event the Recipient enters into a loan, a capital or operating lease or other long-term obligation in relation to the Project for which the Contribution is provided.

12. Default and Remedies

- 12.1 **Event of Default.** The Minister may declare that an Event of Default has occurred if:
- (a) the Recipient has failed or neglected to pay Her Majesty any amount due in accordance with this Agreement;
 - (b) the Recipient fails to proceed diligently with the Project, or abandons the Project in whole or in part, or the Project is not Substantially Completed by the Program Completion Date;
 - (c) the Recipient makes a materially false or misleading statement concerning support by the Minister in any internal and/or public communication, other than in good faith;
 - (d) the Recipient becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute, from time to time in force, relating to bankrupt or insolvent debtors;
 - (e) an order is made or the Recipient has passed a resolution for the winding up or liquidation of the Recipient, or the Recipient is dissolved;
 - (f) the Recipient has, in the opinion of the Minister, ceased to carry on business or has sold all or substantially all of its assets;
 - (g) the Project is carried out at locations, other than those mentioned in Annex 1 - Statement of Work;
 - (h) the Recipient has submitted false or misleading information, or has made a false or misleading representation to the Agency, the Minister, in this Agreement or in its application for the Contribution;
 - (i) the Recipient has not, in the opinion of the Minister, met or satisfied a term or condition of this Agreement;

- (j) the Recipient has not met or satisfied a term or condition under any other contribution agreement or agreement of any kind with Her Majesty;
- (k) the Recipient is not eligible or is otherwise not entitled to the Contribution; or,
- (l) the Recipient has not complied with the monitoring, audit and evaluation requirements, specified in this Agreement.

12.2 Notice and Rectification Period. Except in the case of default under Subsection 12.1 (d), (e) and (f), the Minister will not declare that an Event of Default has occurred unless he has given prior written notice to the Recipient of the occurrence, which in the Minister's opinion constitutes an Event of Default. The Recipient shall, within such period of time as the Minister may specify in the notice, either correct the condition or event or demonstrate, to the satisfaction of the Minister, that it has taken such steps as are necessary to correct the condition, failing which the Minister may declare that an Event of Default has occurred.

12.3 Remedies. If the Minister declares that an Event of Default has occurred, the Minister may immediately exercise any one or more of the following remedies, in addition to any remedy available at law:

- (a) terminate the Agreement, including any obligation by the Minister to make any payment under this Agreement, including any obligation to pay an amount owing prior to such termination;
- (b) suspend any obligation by the Minister to make any payment under this Agreement, including any obligation to pay an amount owing prior to such suspension; and
- (c) require the Recipient to repay forthwith to Her Majesty all or part of the Contribution, and that amount is a debt due to Her Majesty and may be recovered as such.

12.4 The Recipient acknowledges the policy objectives served by the Minister's agreement to make the Contribution, that the Contribution comes from the public monies, and that the amount of damages sustained by Her Majesty in an Event of Default is difficult to ascertain and therefore, that it is fair and reasonable that the Minister be entitled to exercise any or all of the remedies, provided for in this Agreement and to do so in the manner provided for in this Agreement, if an Event of Default occurs.

13. Project Assets

13.1 The Recipient shall retain title to, and ownership of any assets, the cost of which has been contributed to by the Minister under this Agreement and shall not sell, assign,

transfer, encumber, pledge, grant a security interest or otherwise dispose of same, for a minimum of six (6) years after the expiry or termination of this Agreement without the prior written consent of the Minister. As a condition of such consent, the Minister may require the Recipient to repay Her Majesty the whole or any part of the Contribution paid to the Recipient hereunder in the following proportions:

Where Project asset is sold, transferred, assigned, pledged, leased, encumbered or disposed of:	Repayment of Contribution (in current dollars)
Within 2 Years after Substantial Completion	100%
Between 2 and 6 Years after Substantial Completion	55%
6 Years after Substantial Completion	0%

13.2 At any time during the six (6) years following the date the Project is Substantially Completed, the Recipient agrees to notify the Minister in writing of any transaction triggering the above-mentioned repayments, at least ninety (90) days in advance.

14. Miscellaneous

14.1 The Recipient represents and warrants that no member of the House of Commons or Senate of Canada shall be admitted to any share or part of this Agreement or to any benefit arising from it, that are not otherwise available to the general public.

14.2 The Recipient confirms that no current or former public servant or public office holder, to whom the *Values and Ethics Code for the Public Service*, the *Values and Ethics Code for the Public Sector*, the *Policy on Conflict of Interest and Post-Employment* or the *Conflict of Interest Act* applies, shall derive direct benefit from the Agreement, including any employment, payments or gifts, unless the provision or receipt of such benefits is in compliance with such codes and the legislation. Where the Recipient employs or has a major shareholder, who is either a current or former (in the last twelve (12) months) public office holder or public servant in the federal government, the Recipient shall demonstrate compliance with these codes and the legislation.

14.3 The Recipient represents and warrants that:

- (a) it has not paid, nor agreed to pay to any person, either directly or indirectly, a commission, fee or other consideration that is contingent upon the execution of this Agreement, or upon the person arranging a meeting with a public office holder;

- (b) it will not pay, nor agree to pay to any person, either directly or indirectly, any commission, fee or other consideration that is contingent upon the person arranging a meeting with a public office holder;
- (c) it is and any persons who are or have been engaged by the Recipient to communicate or arrange meetings with public office holders, regarding the Project or this Agreement, are in full compliance with all requirements of the *Lobbying Act*; and
- (d) any persons who may be engaged by the Recipient to communicate or arrange meetings with public office holders, regarding the Project or this Agreement, will at all times be in full compliance with the requirements of the *Lobbying Act*.

14.4 The Recipient acknowledges that the representations and warranties in this section are fundamental terms of this Agreement. In the event of breach of these, the Minister may exercise the remedies provided under Subsection 12.3.

15. General

15.1 **Debt due to Canada.** Any amount owed to Her Majesty under this Agreement shall constitute a debt due to Her Majesty and shall be recoverable as such. Unless otherwise specified herein, the Recipient agrees to make payment of any such debt forthwith on demand.

15.2 **Interest.** Debts due to Her Majesty will accrue interest in accordance with the *Interest and Administrative Charges Regulations*, in effect on the due date, compounded monthly on overdue balances payable, from the date on which the payment is due, until payment in full is received by Her Majesty. Any such amount is a debt due to Her Majesty and is recoverable as such.

15.3 **Set-Off.** Without limiting the scope of set-off rights provided in the *Financial Administration Act*, the Minister may set off against the Contribution, any amounts owed by the Recipient to Her Majesty under legislation or contribution agreements and the Recipient shall declare to the Minister all amounts outstanding in that regard, when making any claim under this Agreement.

15.4 **No Assignment of Agreement.** Neither this Agreement nor any part thereof shall be assigned by the Recipient, without the prior written consent of the Minister.

15.5 **Annual Appropriation.** Payment by the Minister of amounts due under this Agreement shall be conditional on there being a legislated appropriation for the Fiscal Year in which the payment is to be made. The Minister shall have the right to terminate or reduce the Contribution, in the event that the amount of the appropriation is reduced or denied by Parliament. In the event that any portion of the

Contribution has been paid to the Recipient and the legislated appropriation for the Fiscal Year in which such payment is made is not obtained, the Minister shall have the right to recover the amount so paid from the Recipient.

- 15.6 **Successors and Assigns.** This Agreement is binding upon the Recipient, its successors and permitted assigns.
- 15.7 **Confidentiality.** Subject to the *Access to Information Act* (Canada), the *Privacy Act*, the *Library and Archives Act* of Canada and Annex 4 – Federal Visibility Requirements, the Parties shall keep confidential and shall not disclose the contents of this Agreement or the transactions contemplated hereby, without the consent of all Parties.
- 15.8 **Governing Law.** This Agreement shall be subject to and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 15.9 **Dispute Resolution.** If a dispute arises concerning the application or interpretation of this Agreement, the Parties shall attempt to resolve the matter through good faith negotiation, and may, if necessary and the Parties consent in writing, resolve the matter through mediation or by arbitration, by a mutually acceptable mediator or arbitrator in accordance with the Commercial Arbitration Code set out in the schedule to the *Commercial Arbitration Act* (Canada), and all regulations made pursuant to that Act.
- 15.10 **No Amendment.** No amendment to this Agreement shall be effective unless it is made in writing and signed by the Parties hereto.
- 15.11 **No Agency.** No provision of this Agreement or action by the Parties will establish or be deemed to establish any partnership, joint venture, principal-agent or employer-employee relationship in any way, or for any purpose, between Her Majesty and the Recipient, or between Her Majesty and a third party. The Recipient is not in any way authorized to make a promise, agreement or contract and to incur any liability on behalf of Her Majesty, nor shall the Recipient make a promise, agreement or contract and incur any liability on behalf of Her Majesty, and shall be solely responsible for any and all payments and deductions, required by the applicable laws.
- 15.12 **No Waiver.** Any tolerance or indulgence demonstrated by one Party to the other, or any partial or limited exercise of rights conferred on a Party, shall not constitute a waiver of rights, and unless expressly waived in writing the Parties shall be entitled to exercise any right and to seek any remedy, available under this Agreement or otherwise at law. Either Party may, by notice in writing, waive any of its rights under this Agreement.
- 15.13 **Public Dissemination.** All reports and other information that the Minister collects, manages or has a right to receive or produce in accordance with this Agreement, or that the Recipient collects, creates, manages and shares with the Minister, shall be

deemed to be “Canada Information”. The Minister shall have the right, subject to the provisions of the *Access to Information Act*, to release to the public, table before Parliament, or publish by any means, any Canada Information, including such excerpts or summaries of the Canada Information as he may, from time to time, decide to make.

- 15.14 **No conflict of interest.** The Recipient and its consultants and any of their respective advisors, partners, directors, officers, shareholders, employees, agents and volunteers shall not engage in any activity where such activity creates a real, apparent or potential conflict of interest in the sole opinion of the Minister, with the carrying out of the Project. For greater certainty, and without limiting the generality of the foregoing, a conflict of interest includes a situation where anyone associated with the Recipient owns or has an interest in an organization that is carrying out work related to the Project.
- 15.15 **Disclose potential conflict of interest.** The Recipient shall disclose to the Minister without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest.
- 15.16 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term of the agreement between the Parties is found to be or becomes invalid or unenforceable, whether in whole or in part, such provision or part thereof declared invalid or unenforceable shall be deemed to be severable and shall be deleted from this Agreement and all remaining terms and conditions of this Agreement will continue to be valid and enforceable.

16. Notice

- 16.1 Any notice, information or document required under this Agreement shall be effectively given, if delivered or sent by letter or facsimile (postage or other charges prepaid). Any notice that is delivered shall be deemed to have been received on delivery; any notice sent by facsimile shall be deemed to have been received one (1) working day after being sent, any notice that is mailed shall be deemed to have been received eight (8) calendar days after being mailed.
- 16.2 Any notice or correspondence to the Minister shall be addressed to:

Federal Economic Development Agency for Southern Ontario
101-139 Northfield Drive West
Waterloo, ON N2L 5A6
Attention: Canada 150 Community Infrastructure Program

or to such other address, as is designated by the Agency in writing.

16.3 Any notice or correspondence to the Recipient shall be addressed to:

Niagara Peninsula Conservation Authority
250 Thorold Rd. West, 3rd floor
Welland, ON L3C 3W2
Attention: Executive Director, Foundation

16.4 Each of the Parties may change the address, which they have stipulated in this Agreement by notifying in writing the other party of the new address, and such change shall be deemed to take effect fifteen (15) calendar days after receipt of such notice.

17. Special Conditions

17.1 As a condition precedent to initial disbursement:

- (a) The Recipient agrees to provide the Minister an officer's certificate executed by an officer of the Recipient in the form prescribed by the Minister which includes certified copies of the Recipient's constating documents, by-laws and the resolution authorising the entering into of this Agreement; and,
- (b) the Recipient shall arrange pre-authorized payments or such other method of payment, as requested in writing by the Minister.

17.2 **Renewal of Representations.** It is a condition precedent to any disbursement under this Agreement that the representations and warranties contained in this Agreement are true at the time of payment and that the Recipient is not in default of compliance with any terms of this Agreement.

18. Acceptance

The Recipient agrees that unless the Minister receives a duly executed duplicate copy of this Agreement within thirty (30) calendar days of the date of execution by the Minister, this Agreement is revocable at the discretion of the Minister.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement through authorized representatives.

Project No.: **808446**

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Per: 

Date: June 3, 2016

Federal Economic Development Agency
for Southern Ontario

RECIPIENT

Per: _____

Date: _____

I have authority to bind the Recipient.

Per: _____

Date: _____

I have authority to bind the Recipient.

Annex 1

CANADA 150 COMMUNITY INFRASTRUCTURE PROGRAM

STATEMENT OF WORK

Recipient: Niagara Peninsula Conservation Authority
 Project Title: Expansion of Binbrook Conservation Area’s Recreational Assets
 Project Location: 5050 Harrison Road, Hamilton, L0R 1C0

PROJECT DESCRIPTION:

The project will include the installation of a children’s splash pad, walking paths, approximately 3 benches, and landscaping.

Estimated date of commencement: September 1, 2016

Estimated date of Substantial Completion: May 30, 2017

FEDEDEV ONTARIO CONTRIBUTION BY FISCAL YEAR

2016/2017	2017/2018	Total
\$200,000	\$45,000	\$245,000

PROJECT COSTS AND FINANCING:

CAPITAL		
Eligible Costs		
Costs	Amount	
Planning/Design/ Engineering	\$30,000	
Repair/Construction	\$375,000	
Project Management	\$45,000	
Contingency	\$45,000	
Total Eligible Costs (TEC)	\$495,000	
Financing	Amount	% TEC
FedDev Ontario Contribution	\$245,000	49.5%
Other Federal Contribution	\$0	0.0%
Recipient Contribution	\$250,000	50.5%
Sub-Total Financing TEC	\$495,000	100.0%
Ineligible Components		

STACKING LIMITS	
STACKING – CAPITAL	
Total Eligible Costs	\$495,000
Total Government Contributions (Federal, Provincial, and Municipal)	\$245,000
Estimated Investment Tax Credits	\$0
Contribution subject to Stacking %	\$245,000
Stacking %	49.5%
Stacking Limit	100.0%

Please Note:

- 1) **Eligible Costs include the amount of the harmonized sales tax (HST), net of any refund or eligible credits due from the Canada Revenue Agency.**
- 2) **The list of ineligible components shown is not exhaustive. For more information on ineligible costs, see Annex 2.**
- 3) **The Recipient shall not redirect funding between cost categories without prior written consent of the Minister.**

Annex 2

CANADA 150 COMMUNITY INFRASTRUCTURE PROGRAM**COSTING GUIDELINE MEMORANDUM****1.0 General Conditions**

- 1.1 Costs are Eligible Costs for the purposes of this Agreement only if they are, in the opinion of the Minister,
- (a) directly related to the intent of the Project,
 - (b) reasonable,
 - (c) appear in Annex 1 - Statement of Work,
 - (d) incurred in respect of activities, which are incremental to the usual activities of the Recipient, and
 - (e) constitute Eligible Costs as defined in Section 2.0 of this Annex.
- 1.2 Costs submitted for reimbursement must be net of any refund or eligible tax credits (including HST). In order to have the HST approved as an Eligible Cost, the Recipient will be required to provide documentation verifying the organization's status under the relevant tax legislation.

2.0 Eligible Costs

Eligible Costs may only include the following:

- (a) project costs incurred between the Eligibility Date and the Program Completion Date;
- (b) fees paid to professionals, technical personnel, consultants and contractors specifically engaged for the purpose of the Project;
- (c) costs of environmental assessments, mitigation measures, monitoring, and follow-up programs as required by the *Canadian Environmental Assessment Act*, 2012 or equivalent legislation;
- (d) costs of any public announcement and official ceremony, or of any temporary or permanent signage as further described in Subsection 2.2 below;

- (e) other costs that are considered to be direct and necessary for the successful implementation of the Project and that have been approved in advance, and in writing, by the Minister; and
- (f) for Local Governments and First Nations government, incremental costs listed in Subsection 2.1 below.

2.1 Employee, Material and Equipment costs

While these costs are not normally eligible for reimbursement, the incremental costs of the Recipient's employees, materials or equipment may be included in its Eligible Costs under the following conditions:

- (a) the Recipient is a Local Government or a First Nation's government; and
- (b) the Recipient satisfies the Minister that it is not economically feasible to tender a contract; and
- (c) employees, material or equipment are employed directly in respect of the work that would have been the subject of the contract; and
- (d) costs are approved in advance and in writing by the Minister, and are included in Annex 1 – Statement of Work.

2.2 Communications

- (a) For the purposes of events, Eligible Costs include the following:
 - Printing and mailing invitations;
 - Light refreshments, such as coffee, tea, juice, donuts, muffins, snacks;
 - Project material for display and/or media kit;
 - Signage; and,
 - Rentals such as: flagpoles, stage, chairs, podium, PA system.
- (b) For the purposes of Project signage, Eligible Costs include reasonable costs incurred to produce signage.

3.0 Ineligible Costs

Costs related to the following items are ineligible costs:

- (a) Project Costs incurred before the Eligibility Date and after the Program Completion Date;

- (b) services or works that, in the opinion of the Minister, are normally provided by the Recipient or a related party;
- (c) salaries and other employment benefits of any employees of the Recipient except as indicated in Subsection 2.1 above;
- (d) the Recipient's overhead costs, its direct or indirect operating or administrative costs, and more specifically, its costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by its staff;
- (e) cost of feasibility and planning studies;
- (f) taxes for which the Recipient is eligible for a tax rebate and all other costs eligible for rebates;
- (g) any loan interest or other finance charges;
- (h) cost of land or any interest therein (including easements), and related costs;
- (i) legal fees;
- (j) cost of leasing of equipment by the recipient except for as indicated in Subsection 2.1 above;
- (k) temporary installations;
- (l) moveable equipment, including but not limited to motorized vehicles, furniture, computers and sports equipment;
- (m) the value of any goods and services which are received through donations or in kind;
- (n) costs for food and entertainment except as indicated in Subsection 2.2 above;
- (o) routine maintenance costs; and,
- (p) for the purposes of communications events, Ineligible Costs include the following: alcoholic beverages, china, waiters, guest mileage or transportation, wine glasses, lamps, tea wagons, plants, gifts, and honorariums.

Annex 3**CANADA 150 COMMUNITY INFRASTRUCTURE PROGRAM****REPORTING REQUIREMENTS**

1. **Semi-annual Progress Reports.** All approved recipients will be required to submit semi-annual progress reports until project completion, substantially in the form prescribed by the Minister and satisfactory to the Minister in scope and detail, in order to allow the Minister to assess the progress of the Project. The progress report should detail progress on the implementation of the project, and amounts received through the agreement, amounts expended on approved projects, and an overall update on the project status. These reports are due April 15th and October 15th for the six month periods ending March 31st and September 30th respectively.
2. **Final Reporting Requirements.** In accordance with Subsection 6.4, the Recipient shall submit to the Minister a Final Report, a Final Review, and a Statement of Total Government Assistance on the project, substantially in the form prescribed by the Minister and satisfactory to the Minister in scope and detail, in order to allow the Minister to assess the outcome of the Project.
3. **Recognition of Funding.** In order to acknowledge the Government of Canada's support for the CIP 150 project, the Recipient will be required to submit photograph(s) of the required signage as outlined in guidance that will be provided to recipients.

Annex 4

CANADA 150 COMMUNITY INFRASTRUCTURE PROGRAM

FEDERAL VISIBILITY REQUIREMENTS

1. The Recipient agrees that its name, the amount of the Contribution and a description of the general nature of the activities supported under this Agreement may be made publicly available by the Minister.
2. In order to promote the support received from the Minister, and to raise awareness of the Canada 150 Infrastructure Program, the Recipient agrees to the following requirements, at the request of the Agency:
 - (a) Participate in and assist with coordination of a public announcement of the Agreement by the Minister in the form of an event and/or news release as provided by the Minister. The Recipient shall maintain the confidentiality of this Agreement until such public announcement;
 - (b) Coordinate a mutually agreeable venue, date and time, in light of the availability of the Minister, for public/media events outlining Project achievements, such as groundbreaking or completion ceremonies, or initiatives undertaken by the Recipient and acknowledging the role of the Minister on these occasions. Unless otherwise agreed to in advance by the Minister, no event will take place without at least fifteen (15) business days' notice to the Minister;
 - (c) Participate in, coordinate and accommodate activities that showcase the results or expected results of the Minister's support, including but not limited to public showcase events, site visits, photo opportunities, production of promotional products (including but not limited to, photos and images, video, print and new media). This includes providing access to the Recipient's work site(s) to the Agency staff. The Recipient agrees that the Minister may contact it for the purposes of preparing project success stories;
 - (d) When providing information on the products and services funded in whole or in part by this Agreement, specify that the financial assistance is made possible through a contribution from the Minister;
 - (e) Prominently display in a manner prescribed by the Minister, promotional material or signage according to a design specified by the Minister and produced and installed at the Recipient's expense, communicating the nature of the funded activities and/or the involvement of the Minister; and
 - (f) Include acknowledgement, in a manner prescribed by the Minister, in all publications and advertising describing or promoting the products and services

funded in whole or in part by this Agreement, including, but not limited to, electronic media (web, television, video), and print media (signs, print advertising, brochures, magazines, maps, posters). The Recipient will consult with the Minister in preparing the content and look of all such material, which must be approved in advance. The Recipient will provide the Agency with no less than ten (10) business days for the approval of all materials prior to its release.

The Minister may, by notice in writing given to the Recipient, require that recognition of the support provided by the Minister not be made in any public communication of the Recipient.