

63rd ANNUAL GENERAL MEETING
ON-LINE VIDEO CONFERENCE
Friday, February 18, 2022
9:00 A.M.
A G E N D A

CALL TO ORDER (ROLL CALL)

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiwonderonk (Neutral), and the Anishinaabeg, including the Mississaugas of the Credit—many of whom continue to live and work here today. This territory is covered by the Upper Canada Treaties (No. 3, 4, and 381) and is within the land protected by the Dish with One Spoon Wampum agreement. Today, the watershed is home to many First Nations, Métis, and Inuit peoples. Through the 2021-2031 Strategic Plan, we re-confirm our commitment to shared stewardship of natural resources and deep appreciation of Indigenous culture and history in the watershed.

1. GREETINGS BY THE CHAIR

2. APPROVAL OF AGENDA

Motion:

THAT the Agenda for the Niagara Peninsula Conservation Authority's 63rd Annual General Meeting held on Friday, February 18, 2021 **BE APPROVED** as presented.

3. DECLARATIONS OF CONFLICT OF INTEREST

4. RECEIPT OF MINUTES – 62ND ANNUAL GENERAL MEETING

- a) Minutes of the NPCA 62nd Annual General Meeting dated June 18, 2021
(For receipt)

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5. PRESENTATIONS

- a) NPCA Employee Service Awards Presentation
- b) 2021 NPCA Year in Review Video (For receipt)

6. CONCLUSION OF 2021 BUSINESS

Chair Johnson will offer departing comments, formally declare the 2021 business year concluded, and the Chair / Vice Chair position will be deemed vacant.

Motion:

1. **THAT** the Board of Directors **CONCLUDE** the business of 2021.
2. **AND FURTHER THAT** the Chair and Vice Chair seats **BE DECLARED** vacant.

7. ROLL CALL 2022 BOARD MEMBERS

The 2022 Business portion of the meeting will be called to order by Chandra Sharma, Chief Administrative Officer of the Niagara Peninsula Conservation Authority. Roll Call is taken again to confirm attendance for the purposes of the elections.

8. ELECTIONS / APPOINTMENT OF OFFICERS

The election of officers for 2022 will be conducted by Chandra Sharma, Chief Administrative Officer. Positions are required for Chair and Vice Chair of the NPCA for 2022 and must be appointed members from the Board of Directors. (Haldimand and Niagara Members are eligible for Chair; Haldimand and Hamilton Members are eligible for Vice Chair.)

a) Appointment of Scrutineers

In the event that there is more than one nominee for either position of Chair or Vice Chair and a vote is held, scrutineers are appointed for oversight of the ballot tallying process.

Motion:

THAT _____ and _____ **WILL ACT** as scrutineers.

b) Election of Officers

i) Chair of the Authority

Motion:

THAT _____ **BE APPOINTED** as Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2022.

ii) Vice Chair of the Authority

Motion:

THAT _____ **BE APPOINTED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2022.

Upon formal approval of the Chair and Vice Chair appointments, the newly appointed Chair presides over the remainder of the meeting.

c) Appointment to Conservation Ontario for 2022

Conservation Ontario represents the association of the 36 Conservation

Authorities in Ontario. It is the practice of NPCA to request the Chair, or his/her designate, and the Chief Administrative Officer to represent NPCA on Conservation Ontario's Committees and Council.

Motion:

THAT the _____, Chair of NPCA for 2022, or _____ acting as his/her designate, **BE APPOINTED** as the Authority's voting delegate to Conservation Ontario.

AND FURTHER THAT the Chief Administrative Officer **BE** the alternate delegate.

d) Appointment to The Niagara Peninsula Conservation Foundation

Motion:

THAT _____ and _____ **BE APPOINTED** to the Niagara Peninsula Conservation Foundation for 2022.

e) Appointment to the Finance Committee

Motion:

THAT the following Board Members **BE APPOINTED** to the Finance Committee for 2022: Stew Beattie, Bruce Mackenzie, Rick Brady, Brenda Johnson, and _____.

f) Appointment to Governance Committee

Motion:

THAT the following Board Members **BE APPOINTED** to the Governance Committee for 2022: Bruce Mackenzie, Rick Brady, Brenda Johnson, _____, and _____.

g) Signing Officers

Motion:

THAT the Authority's Chair _____, Vice Chair _____, the Chief Administrative Officer/Secretary-Treasurer Chandra Sharma, and the Director Corporate Services, Lise Gagnon, or any two of them **ARE** hereby **AUTHORIZED** to sign, make, draw, accept, endorse and deliver cheques, promissory notes, bills of exchange, orders for the payment of money and such agreements and instruments as may be necessary or useful in connection with the operation of the said account.

AND FURTHER THAT any one of the above-mentioned officers **IS** hereby **AUTHORIZED** for and in the name of the Organization to endorse and transfer to the Bank for deposit or discount with or collection by the Bank (but for the credit of the Organization only) cheques, promissory notes, bills of exchange, orders for the payment of money and other instruments, to arrange, settle, balance and certify all books and accounts with the Bank and to sign receipts for vouchers.

9. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated December 17, 2021 (For approval)

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- b) Minutes of the Closed Session Meeting dated December 17, 2021 (For approval; to remain private and confidential – to be circulated under separate cover)

10. CORRESPONDENCE

- a) 2022 Provincial Budget Consultation for the Minister of Finance dated January 20, 2022 from Conservation Ontario and 2022 Ontario Budget Consultation – Speaking Notes for Andy Mitchell, Chair, Conservation Ontario dated January 20, 2022 (For receipt)

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- b) Correspondence dated January 5, 2022 from the Honourable Greg Rickford, Minister of Northern Development, Mines, Natural Resources and Forestry to Conservation Ontario RE: Support by Conservation Authorities during British Columbia's State of Emergency (For receipt)

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- c) Correspondence dated January 14, 2022 from Linda Manson to NPCA Board Members RE: Wetland Buffer Setbacks (For receipt)

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- d) Correspondence dated January 17, 2022 from Conservation Ontario to the Honourable Chrystia Freeland, Minister of Finance and the Honourable Steven Guilbeault, Minister of the Environment and Climate Change RE: Support for the Environmental and Economic Sustainability of the Great Lakes (For receipt)

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- e) Correspondence dated January 20, 2022 from Conservation Ontario to the EA Modernization Project Team, Environmental Assessment Modernization Branch RE: Conservation Ontario's comments "Moving to a project list approach under the Environmental Assessment Act" (ERO#19-42-19) (For receipt)

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- f) Correspondence dated January 21, 2022 from Niagara Regional Clerk, Ann-Marie Norio RE: Uppers Quarry Regional Official Plan Amendment 22 (For receipt)

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- g) Correspondence dated February 3, 2022 from St. Catharines City Clerk, Bonnie Nistico-Dunk to the Honourable Doug Ford, Premier of Ontario RE: 282 and 285 Ontario Street – Request to the Ministry of the

Environment, Conservation and Parks to Appear Before Council (For receipt)

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11. DELEGATIONS

12. CONSENT ITEMS

- a) Report No. FA-02-22 RE: Conservation Authority Act Regulatory and Policy Proposals (Phase 2) Environmental Registry of Ontario Posting (ERO #019-4610) (For receipt)

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13. DISCUSSION ITEMS

- a) Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs / Services (For approval - to be circulated under separate cover)

14. COMMITTEE REPORTS

15. MOTIONS

16. NOTICES OF MOTION

17. NEW BUSINESS

- a) Niagara Peninsula Conservation Foundation Update – Verbal (For receipt)

18. ADJOURNMENT

62nd ANNUAL GENERAL MEETING MINUTES
ON-LINE VIDEO CONFERENCE
Friday, June 18, 2021
9:30 A.M.

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the meeting is not considered the official record of that meeting. The official record of the meeting shall consist solely of the Minutes approved by the Full Authority Board.

MEMBERS PRESENT: B. Johnson (Chair)
S. Beattie
R. Brady
B. Clark
D. Coon-Petersen
D. Cridland
L. Feor
R. Foster
J. Hellinga
D. Huson
J. Ingrao
K. Kawall
B. Mackenzie
W. Rapley
E. Smith
B. Steele
M. Woodhouse
B. Wright

MEMBERS ABSENT: J. Metcalfe
R. Shirton

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
R. Bisson, Manager, Communications and Public Relations
A. Christie, Director, Operations
J. Culp, Manager, Compliance and Enforcement
J. Diamond, Water Quality Specialist
D. Deluce, Senior Manager, Planning and Regulations
M. Ferrusi, Manager, Human Resources
L. Gagnon, Director, Corporate Services
N. Green, Project Manager, Strategic Plan
S. Miller, Senior Manager, Water Resources
T. Proks, Source Water Protection Co-ordinator
G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning /
Information Management

Chair Johnson called the meeting to order at 9:30 a.m..

1. ADOPTION OF AGENDA

Resolution No. FA-106-2021

Moved by Board Member Beattie

Seconded by Board Member Brady

THAT the agenda for the Niagara Peninsula Conservation Authority's 62nd Annual General Meeting held on Friday, June 18, 2021 **BE APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. GREETINGS BY THE CHAIR

Chair Johnson acknowledged the efforts and thanked the Board, staff and public for their hard work in addressing the challenges of the past year.

4. CONCLUSION OF 2020 BUSINESS

Chair Johnson conducted a vote on the following motions before turning the proceedings over to C.A.O. Sharma and vacating the chair.

Resolution No. FA-107-2021

Moved by Board Member Clark

Seconded by Board Member Coon-Petersen

THAT the Board of Directors **CONCLUDES** the business of 2020.

CARRIED

Resolution No. FA-108-2021

Moved by Board Member Cridland

Seconded by Board Member Feor

THAT the Chair and Vice Chair seats **BE DECLARED** vacant.

CARRIED

5. ROLL CALL 2021 BOARD MEMBERS

The 2021 Business portion of the meeting was called to order by Chandra Sharma, Chief Administrative Officer of the Niagara Peninsula Conservation Authority. Roll Call was taken again to confirm attendance for the purpose of elections.

6. ELECTIONS / APPOINTMENTS OF OFFICERS

C.A.O. Sharma outlined the process for the elections.

a) Appointment of Scrutineers

Resolution No. FA-109-2021

Moved by Board Member Cridland

Seconded by Board Member Rapley

THAT in the event of a vote for the position of Chair and/or Vice Chair, Natalie Green and Grant Bivol **WILL ACT** as scrutineers.

CARRIED

b) Election of Officers

i) Chair of the Authority

C.A.O. Sharma called for nominations to the position of Chair and received the following:

Nomination:

Moved by Board Member Clark

THAT Board Member Brenda Johnson **BE NOMINATED** as Chair of the Niagara Peninsula Conservation Authority – Full Authority Board for 2021.

Ms. Sharma called a second and third time for nominations to the position of Chair. With no further nominations coming forward the Board enacted the following resolutions.

Resolution No. FA-110-2021

Moved by Board Member Smith

Seconded by Board Member Huson

THAT nominations for NPCA Board Chair **BE CLOSED**.

CARRIED

Resolution No. FA-111-2021

Moved by Board Member Clark

Seconded by Board Member Feor

THAT Brenda Johnson **BE APPOINTED** as Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2021.

CARRIED

ii) Vice Chair of the Authority

C.A.O. Sharma called for nominations to the position of Vice Chair and accepted the following:

Nomination:

Moved by Board Member Ingrao

THAT Board Member Bruce Mackenzie **BE NOMINATED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2021.

Ms. Sharma called a second and third time for nominations to the position of Vice Chair. With no further nominations coming forward the Board enacted the following resolutions.

Resolution No. FA-112-2021

Moved by Board Member Smith

Seconded by Board Member Beattie

THAT nominations for NPCA Board Vice Chair **BE CLOSED**.

CARRIED

Resolution No. FA-113-2021

Moved by Board Member Ingrao

Seconded by Board Member Foster

THAT Bruce Mackenzie **BE APPOINTED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2021.

CARRIED

Ms. Sharma turned the proceedings over to Chair Johnson for the balance of the meeting.

c) Appointment to Conservation Ontario for 2021

Resolution No. FA-114-2021

Moved by Board Member Foster

Seconded by Board Member Hellinga

1. **THAT** Brenda Johnson, Chair of NPCA for 2021, or Bruce Mackenzie, Vice Chair acting as her designate **BE APPOINTED** as the Authority's voting delegate to Conservation Ontario.

2. **AND FURTHER THAT** the Chief Administrative Officer **BE** the alternate delegate.

CARRIED

d) Appointment to The Niagara Peninsula Conservation Foundation

Resolution No. FA-115-2021

Moved by Board Member Huson

Seconded by Board Member Ingrao

THAT Board Members Robert Foster and Donna Cridland **BE RE-APPOINTED** to the Niagara Peninsula Conservation Foundation for 2021.

CARRIED

e) Appointment to the Finance Committee

Resolution No. FA-116-2021

Moved by Board Member Kwall

Seconded by Board Member Ingrao

THAT the following Board Members **BE APPOINTED** to the Finance Committee for 2021: Rick Brady, John Metcalfe, Malcolm Woodhouse, Robert Foster, Stewart Beattie and Bill Steele.

CARRIED

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f) Appointment to Governance Committee

Resolution No. FA-117-2021

Moved by Board Member Kawall

Seconded by Board Member Mackenzie

THAT the following Members **BE RE-APPOINTED** to the Governance Committee for 2021: Robert Foster, Malcolm Woodhouse, Brad Clark, John Ingrao, and Rick Brady.

CARRIED

g) Appointment to Strategic Planning Committee

Resolution No. FA-118-2021

Moved by Board Member Rapley

Seconded by Board Member Smith

THAT the following Board Members **BE RE-APPOINTED** to the Strategic Planning Committee for 2021: Ken Kawall, Diana Huson, Brian Wright, Ed Smith, Jack Hellinga, Malcolm Woodhouse, Rick Brady, Stewart Beattie and William Rapley.

CARRIED

h) Signing Officers

A motion to appoint signing authorities was not required.

7. NIAGARA PENINSULA CONSERVATION AUTHORITY 2020 ANNUAL REPORT

- a) Report No. FA-40-21 RE: Draft NPCA 2020 Annual Report – C.A.O. Sharma introduced the report and spoke of the challenges and accomplishments in 2020.

Resolution No. FA-119-2021

Moved by Board Member Steele

Seconded by Board Member Woodhouse

1. **THAT** Report No. FA-40-21 RE: Draft 2020 Annual Report **BE RECEIVED** for information.
2. **AND FURTHER THAT** the final report **BE PUBLISHED** online and distributed to participating municipalities, community stakeholders, NPCA Public Advisory Committee, and the public in several media formats.

CARRIED

8. ADJOURNMENT

Prior to adjournment, Chair Johnson called upon Member Foster to update the Board on activities of the Niagara Peninsula Conservation Foundation. Members Foster and Cridland spoke on Foundation activities and discussion ensued.

Resolution No. FA-120-2021
Moved by Board Member Wright
Seconded by Board Member Beattie

THAT this meeting **BE** hereby **ADJOURNED** at 10:04 a.m..

CARRIED

Brenda Johnson
Chair
Niagara Peninsula Conservation Authority

Chandra Sharma
Chief Administrative Officer / Secretary -
Treasurer
Niagara Peninsula Conservation Authority



**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, December 17, 2021
9:30 A.M.**

NOTE: The archived recorded meeting is available on the NPCA website. The recorded video of the Full Authority meeting is not considered the 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. *NPCA Administrative By-law*

MEMBERS PRESENT: B. Johnson (Chair)
S. Beattie (departed at 11:04 a.m.)
R. Brady
B. Clark
L. Feor
R. Foster
J. Hellinga
D. Huson
J. Ingrao
K. Kwall
B. Mackenzie
J. Metcalfe
W. Rapley (arrived at 10:12 a.m.)
R. Shirton
E. Smith (arrived at 9:53 a.m.)
B. Steele
M. Woodhouse (arrived at 9:37 a.m.)
B. Wright

MEMBERS ABSENT: D. Coon-Petersen
D. Cridland

OTHERS PRESENT: P. Kennedy, Suregrant Law

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Land Operations
C. Coverdale, Business and Financial Analyst
J. Culp, Manager, Compliance and Enforcement
D. Deluce, Senior Manager, Planning and Regulations
M. Ferrusi, Manager, Human Resources
L. Gagnon, Director, Corporate Services
L. Lee-Yates, Director, Watershed Management
S. Miller, Senior Manager, Water Resources
A. Powell, Manager Conservation Area Services

K. Royer, Coordinator, Community Outreach
G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning /
Information Management

The Chair called the meeting to order at 9:31 a.m. The Board was introduced to the C.A.O. Office staff.

1. APPROVAL OF AGENDA

Resolution No. FA-201-2021

Moved by Member Brady

Seconded by Member Clark

THAT agenda for the Full Authority Meeting agenda dated December 17, 2021 **BE APPROVED.**

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. CLOSED SESSION

- a) Litigation or Potential Litigation - Verbal Update on Enforcement and Compliance Issue regarding Riverfront Community Property
- b) Personal matters about an identifiable individual including NPCA employees – C.A.O. Performance Evaluation (Verbal)

Resolution No. FA-202-2021

Moved by Member Feor

Seconded by Member Foster

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority **CONVENE** in closed session at 9:39 a.m. in accordance with Section 10.1 of the NPCA Administrative By-law for the purpose of discussing:

- i) Litigation or Potential Litigation - Verbal Update on Enforcement and Compliance Issue regarding Riverfront Community Property;
- ii) Personal matters about an identifiable individual including NPCA employees – C.A.O. Performance Evaluation (Verbal).

CARRIED

At the conclusion of the closed deliberations and prior to the adoption of the following resolution, the Chair called for a ten-minute recess in order to notify staff to rejoin the meeting and to allow the broadcast and live streaming to resume.

Resolution No. FA-203-2021

Moved by Member Mackenzie
Seconded by Member Metcalfe

THAT the Board of Directors meeting **RECONVENE** in open session at 11:14 a.m.

CARRIED

4. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated November 19, 2021

Resolution No. FA-204-2021

Moved by Member Huson

Seconded by Member Hellinga

THAT the minutes of the Full Authority Meeting dated November 19, 2021 **BE APPROVED.**

CARRIED

5. CORRESPONDENCE

- a) Correspondence dated November 18, 2021 to Brenda Johnson, NPCA Chair and Chandra Sharma, NPCA CAO-Secretary/Treasurer from the Honourable David Piccini, Minister of the Environment, Conservation and Parks RE: Application Seeking Exception under the Conservation Authorities Act Relating to Chair and Vice-Chair Appointments

Resolution No. FA-205-2021

Moved by Member Mackenzie

Seconded by Member Metcalfe

THAT the correspondence dated November 18, 2021 to Brenda Johnson, NPCA Chair and Chandra Sharma, NPCA CAO-Secretary/Treasurer from the Honourable David Piccini, Minister of the Environment, Conservation and Parks RE: Application Seeking Exception under the Conservation Authorities Act Relating to Chair and Vice-Chair Appointments **BE RECEIVED.**

CARRIED

6. PRESENTATIONS

None

7. DELEGATIONS

None

8. CONSENT ITEM

- a) Report FA-67-21 RE: 2022 Forests Ontario Planting Delivery Agent Agreement

Resolution No. FA-206-2021
Moved by Member Rapley
Seconded by Member Shirton

THAT Report FA-67-21 RE: 2022 Forests Ontario Planting Delivery Agent Agreement **BE RECEIVED**.

CARRIED

9. DISCUSSION ITEMS

- a) Report No. FA-71-21 RE: 2022 Children's Charity Third Party Fundraiser Event at Ball's Falls – Alicia Powell, Manager Conservation Area Services presented. Staff were directed to encourage waste diversion and environmentally friendly practices such as the elimination of single use plastics when entering into agreements with service providers at NPCA events and facilities.

Resolution No. FA-207-2021
Moved by Member Smith
Seconded by Member Steele

1. **THAT** Report No. FA-71-21 RE: 2022 Children's Charity Third Party Fundraiser Event at Ball's Falls **BE RECEIVED**.
2. **AND THAT** the 2022 Fundraiser Event in support of Make-a-Wish Foundation outlined in Appendix 1 of Report No. FA-71-21 **BE APPROVED**.

CARRIED

- b) Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule – Staff were directed to provide public notification of the revised meeting start times.

Resolution No. FA-208-2021
Moved by Member Steele
Seconded by Member Huson

THAT the NPCA Board and Committee meeting schedule **BE AMENDED** to provide for a 9:00 a.m. commencement in 2022 reverting to the normal 9:30 a.m. start once in-person meetings can be re-established.

Resolution No. FA-209-2021
Moved by Member Steele
Seconded by Member Wright

1. **THAT** Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule **BE RECEIVED**.
2. **THAT** Appendices 1 and 2 to Report No. FA-74-21 RE: Board of Directors' 2022 Meeting Schedule **BE APPROVED**.
3. **THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

CARRIED

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- c) Report No. FA-75-21 RE: Award of Community Partnership at St. Johns Valley Centre Conservation Area – A. Christie, Director, Land Operations presented.

Resolution No. FA-210-2021

Moved by Member

Seconded by Member

1. **THAT** Report No. FA-75-21 RE: Award of Community Partnership at St. Johns Valley Centre Conservation Area **BE RECEIVED**.
2. **AND FURTHER THAT** staff **BE AUTHORIZED** to execute the appropriate agreement with the winning proponent (Niagara Catholic District School Board) to collaborate on the delivery of educational programming and enhancement of natural and cultural assets at St. Johns Valley Centre Conservation Area.

CARRIED

10. COMMITTEE ITEMS

10.1 PUBLIC ADVISORY COMMITTEE

- a) Minutes of the Public Advisory Committee meeting dated November 25, 2021

Resolution No. FA-211-2021

Moved by Member Woodhouse

Seconded by Member Wright

THAT the minutes of the Public Advisory Committee meeting dated November 25, 2021 **BE RECEIVED**.

CARRIED

- b) Report No. FA-72-21 RE: Draft NPCA Public Advisory Committee Meeting Plan 2022

Resolution No. FA-212-2021

Moved by Member Clark

Seconded by Member Feor

1. **THAT** Report No. FA-72-21 RE: Draft NPCA Public Advisory Committee Meeting Plan 2022 **BE RECEIVED**.
2. **AND THAT** the NPCA Board of Directors **APPROVE** the Draft NPCA Public Advisory Committee 2022 Workplan found in Appendix 1.

CARRIED

- c) Report No. FA-73-21 RE: NPCA Public Advisory Committee Member Re-Appointments

Resolution No. FA-213-2021

Moved by Member Foster

Seconded by Member Hellinga

1. **THAT** Report No. FA-73-21 RE: NPCA Public Advisory Committee Member Re-Appointments **BE RECEIVED**.

2. **THAT** the NPCA Board of Directors **RE-APPOINT** the individuals identified below as the members representing the following sectors of the NPCA Public Advisory Committee for 2022:

- i. Environmental: Jackie Oblak (Committee Chair)
- ii. Chamber of Commerce/Tourism: Harry Korosis
- iii. Public-at-Large/Landowners: Erika Furney
- iv. Public-at-Large: Donna Speranzini
- v. Agricultural South: Joseph Schonberger
- vi. Agricultural North: Michael Kauzlaric

CARRIED

10.2 GOVERNANCE COMMITTEE

- a) Minutes of the Governance Committee Meeting dated December 10, 2021

Resolution No. FA-214-2021

Moved by Member Foster

Seconded by Member Feor

THAT the minutes of the Governance Committee Meeting dated December 10, 2021 **BE RECEIVED**.

CARRIED

- b) Report No. GC-10-21 RE: Amendments to the Administrative By-law

Resolution No. FA-215-2021

Moved by Member Foster

Seconded by Member Feor

1. **THAT** Report No. GC-10-21 RE: Amendments to the Administrative By-law **BE RECEIVED**.

2. **THAT** the amending by-law attached hereto as Appendix 1 **BE ADOPTED** by the Board of Directors.

3. **AND THAT** the attached By-Law 01-2021 to amend the NPCA Administrative By-Law **BE CIRCULATED** to the Ministry of Environment, Conservation and Parks and **POSTED** on the NPCA website in advance of formal Board adoption in order to comply with legislated deadlines.

CARRIED

10. NOTICES OF MOTION

None

11. MOTIONS

None

12. NEW BUSINESS

- a) Policy on Buffer Setbacks – Member Clark presented a motion and spoke on NPCA policies and a review of buffers for natural hazards, wetlands and water courses. Discussion ensued.

Resolution No. FA-216-2021

Moved by Member Clark

Seconded by Member Smith

THAT in accordance with Appendix 4, Section 9, the Board hereby **WAIVES** the Section 7.1 of the Administrative By-Law to address a motion from the floor on buffers for natural hazards, wetlands and water courses.

CARRIED

Resolution No. FA-217-2021

Moved by Member Clark

Seconded by Member Smith

THAT staff **BE DIRECTED** to review and propose amendments to NPCA policies to set a minimum 30m buffer for natural hazards, wetlands and water courses, etc. and **REVIEW** the policy regarding exceptions with an update report back to the March 2022 meeting.

CARRIED

Recorded Vote:	Yea	Nay
Rick Brady	X	
Brad Clark	X	
Leah Feor	X	
Rob Foster	X	
Jack Hellinga	X	
Diana Huson	X	
John Ingrao	X	
Brenda Johnson	X	
Ken Kawall	X	
Bruce Mackenzie	X	
Bill Rapley	X	
Rob Shirton	X	
Ed Smith	X	
Bill Steele	X	
Mal Woodhouse	X	
Brian Wright	X	

- b) C.A.O. Update Verbal – In lieu of comment from C.A.O. Sharma, Vice Chair Mackenzie updated the Board on the recent Conservation Ontario meeting.
- c) Niagara Peninsula Conservation Foundation Update – Member Foster spoke on membership changes to the Foundation board and recent governance changes.

14. ADJOURNMENT

Resolution No. FA-218-2021

Moved by Member Rapley

Seconded by Member Shirton

THAT the Full Authority Meeting **BE ADJOURNED** at 12:31 p.m..

CARRIED

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority

Chandra Sharma, MCIP, RPP
Chief Administrative Officer / Secretary-
Treasurer,
Niagara Peninsula Conservation Authority



2022 Provincial Budget Consultation Minister of Finance

Submitted by Conservation Ontario
January 20, 2022

Conservation Authority Programs Help to Build Ontario's Resilience

Extreme weather and other climate change impacts take a costly toll on the well-being of Ontario's residents, on our infrastructure and with the functioning of business and industry.

One need only look at the recent and tragic events in British Columbia where flooding had a major impact on people's homes and livelihoods, as well as on drinking water infrastructure, food supply and the environment.

The key to a more resilient Ontario lies in understanding how nature is so closely connected to our own well-being and to our economy; and then doing everything we can to protect, restore and conserve our environment and its natural systems. We need to re-imagine the value of nature.

Conservation Authorities are key delivery agents for the Province, particularly around flooding and erosion, the management of conservation lands and drinking water source protection. Conservation authority programs protect the Great Lakes, support a healthy agricultural industry, protect water quality and quantity and provide the local science that helps Ontario to adapt to climate change impacts. They use an integrated watershed management approach to managing the impacts on natural resources in order to ensure the long term viability of our environment.

Conservation Ontario and the conservation authorities (CAs) gratefully acknowledge the Province's recent commitment to two-year multi-year funding for the Ontario Drinking Water Source Protection Program. This meets one of the important objectives of this work which is the long term planning and implementation of drinking water source protection.

However, other provincially mandated programs are woefully underfunded. Additional and new strategic investments are needed in natural hazards, conservation lands, nature-based programs and watershed science.

Conservation Authorities Are Important Partners for the Province

Conservation authorities are effective, cost efficient partners for the Province, particularly around key provincial environmental, economic and social policy priorities.

They **facilitate a provincial housing strategy** by balancing growth and environmental pressures. Since April 2019, Conservation Ontario (CO) has been working with Ontario's conservation authorities (CAs) to make improvements to CA plan review and permitting activities through the [*Conservation Ontario Client Service and Streamlining Initiative*](#). The Initiative was created to support actions outlined in the provincial *Housing Supply Action Plan*, and identifies a number of actions to improve client service and accountability, increase speed of approvals and reduce red tape to help the Province address the lack of housing supply, while at the same time not jeopardizing public health and safety or the environment in the process.

Conservation Ontario applauds the Government's establishment of a Streamline Development Approval fund to modernize, streamline and accelerate housing applications. We believe expanding its scope to include planning interactions between municipalities and conservation authorities will positively enhance the impact of this initiative.

Conservation authorities also contribute significantly to the health and well-being of residents by protecting safe drinking water sources, using conservation lands to address climate change impacts and providing almost 300 conservation areas for 8 – 10 million people to visit annually.

And, finally **conservation authorities are well-known for their watershed expertise**. This was evident last November (2021) when they were asked to immediately send as many natural hazard experts as possible to British Columbia to assist during its state of emergency due to devastating flooding. A total of 53 CA staff from 18 conservation authorities quickly volunteered to help out. Fortunately, flooding impacts began to subside and conservation authorities stood down.

We appreciate the recent letter from the Honourable Greg Rickford, Minister of Northern Development, Mines, Natural Resources and Forestry expressing his appreciation for the support shown by conservation authorities.

What Conservation Authorities Need to Ensure This Work Continues

1. Investments in Natural Hazards Programs

Flooding is the most costly natural hazard and the leading cause of public emergency in Ontario. For every dollar paid in insurance claims for damaged homes and businesses, the Insurance Bureau of Canada tells us that Canadian governments and taxpayers pay out much more to repair public infrastructure that severe weather has damaged. And these costs are rising as climate change impacts grow.

Land use planning is a critical component of an integrated approach to flood risk management. Conservation authority regulations as well as their planning and review

process are key to keeping development safely away from flooding and erosion, and they prevent development from creating new natural hazards. Conservation authorities support the provincial housing strategy by continuing to improve the planning application review and approval processes working under Conservation Ontario's Client Service and Streamlining Initiative.

However, to continue to meet the growing challenges, conservation authorities need:

- ✓ more financial and technical support for natural hazard programs
- ✓ continued and improved funding is needed for aging natural hazards infrastructure that prevents flooding and erosion. Continued or increased funding for the provincial Water and Erosion Control Infrastructure (WECI) Program is needed. This program is delivered through a municipal – provincial – conservation authority partnership. Province provides \$5M; municipalities match this with another \$5M and CAs implement the projects. CA water and erosion control infrastructure helps to avoid more than \$150 million in damages to properties
- ✓ new funding for the development of CA natural hazard asset management plans as required by changes to the *Conservation Authorities Act*
- ✓ provincial top up of current federal natural disaster funding opportunities for additional infrastructure projects as well as floodplain mapping improvements

These programs allow CAs to implement both small scale projects (dykes and erosion control, storm water /low impact development) and multiple infrastructure projects that benefit both urban and rural municipalities.

Floodplain mapping provides significant returns on investment because it keeps people and businesses out of flood-prone areas. Floodplain maps inform and delineate risk assessment as well as guide land-use planning.

2. Protect The Value of Conservation Lands and Increase Protected Land

Greenspaces such as conservation lands provide multiple benefits: their biodiversity help us to adapt to climate change impacts, they protect drinking water sources and they provide recreational opportunities for Ontario residents. Conservation authorities are requesting:

- ✓ new funding to support the infrastructure and operational needs of conservation areas

A one-time investment of \$15M into infrastructure improvements would enable conservation areas to accommodate higher visitor numbers more safely. It would also provide local employment incentives and support for local

supply chains. The types of projects could include: construction of sanitary stations and signage, upgraded washrooms, parking improvements, touchless gates systems, bridge widening, visitor monitoring technologies in order to track users to maintain social distancing and trail expansion/reconstruction to accommodate safer one-way and looped hikes with safely distanced pullouts for resting.

- ✓ a return of provincial support to acquire more conservation lands

3. Invest in Nature-based Climate Solutions

- ✓ provide financial support for the protection, restoration and rehabilitation of watershed natural assets such as trees, forests and wetlands. These assets provide important nature-based climate change solutions that absorb carbon, reduce temperatures, support a healthy agricultural economy, and protect drinking water sources.

4. Support the Continued Development of Local Watershed Science

- ✓ invest in conservation authority watershed studies and research, improve CA technical capacity and expand partnerships in conservation authority monitoring programs.

Outcomes Achieved in Partnership with Conservation Authorities.

- Reduced risk and costs from flooding events
- Less red tape and more sustainable growth under the provincial housing strategy
- From January 1st – December 31st, 2020, the high-growth CAs issued a combined total of 6652 permits. The CAs were highly successful – issuing 91% of permits within the provincial timelines and 83% within the significantly reduced CO best practices timelines.
- Increased resilience to climate change through CA nature-based solutions such as green infrastructure, watershed stewardship and source protection programs. Watershed natural assets provide important nature-based climate change solutions that absorb carbon, reduce temperatures, support a healthy agricultural economy, and protect drinking water sources.
- Improved public health of Ontario residents and reduced healthcare costs through drinking water source protection and enabling people to be active in nature at over 300 conservation areas
- Resilient Ontario economy

Conservation authority watershed management programs such as stewardship initiatives, agricultural beneficial management practices and water quality and

quantity improvement projects ensure sustainable and resilient water resources for a wide variety of industry

Advantages of Working with Conservation Authorities

- ✓ Known and valued for their watershed-based approach to managing flooding & erosion
- ✓ Watershed management model is scientifically solid
- ✓ Cost effective partners using science to guide priorities and identify targets
- ✓ Governed by member municipalities and fosters collective actions at the local and community level
- ✓ Ability to leverage partnerships for greater resources and broader outcomes

More Information

Kim Gavine, General Manager, Conservation Ontario
Tel: 905-895-0716 ext. 231; kgavine@conservationontario.ca

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3L5
www.conservationontario.ca

2022 Ontario Budget Consultation – Speaking Notes for Andy Mitchell

Minister of Finance

January 20, 2022

Good afternoon. My name is Andy Mitchell. I am the Chair of Conservation Ontario, an organization that represents the interests of Ontario's 36 conservation authorities.

Many of you may be familiar with your local conservation authority. These organizations deliver watershed-based natural resource programs in communities all across the province. I am the Chair of the Otonabee Region Conservation Authority in Peterborough. I am also the Mayor of Selwyn Township.

Over the past two years, the Province has undertaken a review of the Conservation Authorities Act and has confirmed the mandate of conservation authorities. We are to undertake watershed-based programs to protect people and property from flooding, and other natural hazards; protect drinking water; conserve and manage land; and support other activities that conserve natural resources for economic, social and environmental benefits.

As a local municipal politician and a former federal Minister of Agriculture, I can attest to just how much we need conservation authorities in Ontario.

Conservation authorities provide a protective patchwork of watershed management programs that help us to adapt to the heat and extreme climate change-related weather. They work closely with local landowners to deliver programs on behalf of all levels of government, especially the Province. On behalf of the province, they deliver the Ontario Drinking Water Source Protection Program and monitor water quality and quantity in partnership with the Province and others.

But it is their expertise in watershed-based flood management that often captures the attention of others. When the province of British Columbia was experiencing the devastating flood event last December, they sent out a call to Ontario's conservation authorities for help. Immediately a total of 53 conservation authority staff from 18 conservation authorities quickly

volunteered to help out. Fortunately, flooding impacts began to subside and conservation authorities stood down.

To maintain the expertise of conservation authorities we urge the Province to consider increasing current levels of funding and to make new investments in protecting people, property and the environment.

Addressing the growing climate change challenges is not just the job of local municipalities and other partners of conservation authorities; we need the help of the Province as well.

A good example of your support is for the Ontario Drinking Water Source Protection Program. I would like to say thank you for your recent commitment for two-year multi-year funding for the program. This will help us meet an important Conservation Authority objective - the long term planning and implementation of drinking water source protection.

We are here today to tell you about other provincially mandated programs which need similar attention. I'm going to turn this presentation over to Kim Gavine, who is going to get into the details of where the Province should strategically invest in conservation authorities.

**Ministry of Northern
Development, Mines,
Natural Resources and
Forestry**

Office of the Minister

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Room 6630, Whitney Block
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**Ministère du
Développement du Nord,
des Mines, des Richesses
naturelles et des Forêts**

Bureau du ministre

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Bureau 6630, Édifice Whitney
Toronto ON M7A 1W3
Tél.: 416 314-2301



January 5, 2022

Andy Mitchell
Chair
Conservation Ontario
amitchell@selwyntownship.ca
and
Kim Gavine
General Manager
Conservation Ontario
kgavine@conservationontario.ca

Dear Andy Mitchell and Kim Gavine:

I am writing to express my sincere appreciation for the support shown by conservation authorities in responding to British Columbia's state of emergency due to flooding. The flooding in British Columbia has devastated people and property and disrupted the flow of goods and services across the country. While the storm event has come to an end, additional rain continues to make recovery a challenge.

The expertise within conservation authorities is well acknowledged across the country, recognized most recently by a call for support from British Columbia with their flood monitoring and response efforts. I am pleased to see this reputation acknowledged and commend conservation authorities for their leadership in responding to this request.

The effects of this significant weather event are a solemn reminder of the widespread flooding that occurred throughout much of southern Ontario in 2019. Ontarians pulled together to support those impacted and identified the important work all levels of government play in flood management, as well as that of water management partners like conservation authorities.

Thank you again for your commitment to supporting British Columbia in their time of need.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Rickford".

The Honourable Greg Rickford
Minister of Northern Development, Mines, Natural Resources and Forestry

c: The Honourable David Piccini, Minister of the Environment, Conservation and Parks

To: NPCA Board Members cc: CAO
From: Linda Manson

January 14, 2022

I watched the discussion of wetland buffer setbacks at NPCA's December 2021 Board meeting with dismay — again. In spite of the Auditor General's scathing rebuke* and her repeated calls for review of *"permissive policies under the interim [2013] directives regarding developments near wetlands ...,"* those former 'rogue regime' NPCA policies continue to be the status quo — and wetlands continue to fall forever by the wayside, as a result — on your watch!

Two years ago (at Feb '20 Board Meeting) I delegated about the infamous Niagara Falls fiasco called Paradise Niagara/Thundering Waters*/Riverfront (albeit I was not allowed to name it). I detailed how this environmentally devastating project had been allowed to proceed via NPCA's permissive PSW buffer policies ... and begged you to right that wrong of failure to protect.

Since 2013, notoriously weak NPCA policies have been cited, used and abused at will to 'justify' buffers of 15, 10, even 5m — as not only 'allowed,' but the 'new normal' — on plans presented at open houses, public meetings, information sessions and city council meetings ... upheld by NPCA and municipal staff without personal environmental credentials to refute it.

For three years, you have discussed/deferred/referred to staff — failing to prioritize this issue — when all you had to do was **simply pass a motion to delete two rogue 'exception' clauses**!**

And all you did at December's meeting? Was call for yet another 'staff update' in March '22.

As you enter this final year of your term, those rogue wetland policies still remain. Untouched. Since it is the Board's responsibility to set policy and direction? That failure to fix is yours. That flawed 2018 Policy Document? Is now yours. And for those of us who fought our hearts out to over-throw the 'rogue regime,' then save the NPCA? That inaction has been a betrayal.

The only response I ask to this correspondence is action — remembering that Provincial Policy Statement (PPS) standards are merely a baseline you can improve upon. Strong policies are in place and enforced without exceptions in other Conservation Authorities. Why not in Niagara?

Just as Niagara Regional Council made its mark by choosing the BEST (Option 3C) direction for Niagara's Environmental System ... You have the power to stop NPCA from continuing to be a weak link in that system. I implore you to DO it ASAP ... So Niagara's new Regional Official Plan does not go to PRINT exposing NPCA's flaws!

Holding on to Hope (FINAL Time),
Linda Manson

**Please read & heed: 6.2, 6.2.1 and 6.2.2 of Auditor General's Report: Special Audit of NPCA (September 2018)*
https://www.auditor.on.ca/en/content/specialreports/specialreports/NPCA_en.pdf

***Please read & remove these two rogue-era 'exceptions': 8.2.3.3 & 8.2.3.5 of NPCA Policy Document*
<https://npca.ca/images/uploads/common/LandUsePlanning.pdf>



January 17, 2022

Honourable Chrystia Freeland
Minister of Finance
House of Commons
Ottawa, Ontario, Canada
K1A 0A6

Honourable Steven Guilbeault
Minister of Environment and Climate Change
House of Commons
Ottawa, Ontario, Canada
K1A 0A6

Dear Minister Freeland and Minister Guilbeault:

Re: Support for the environmental and economic sustainability of the Great Lakes

Conservation Ontario is a non-profit organization that represents a network of 36 Conservation Authorities. These Authorities are local watershed management agencies that promote an integrated watershed approach balancing human, environmental and economic needs and cover a Great Lakes/St Lawrence River watershed jurisdiction that includes approximately 40% of the national population and significant economic activity. These organizations have existed for over 75 years and our experience and expertise is recognized across Canada and around the globe.

As a member of the bi-national Great Lakes Executive Committee representing watershed management agencies, and as we celebrate, the 50th anniversary of the Canada-United States Great Lakes Water Quality Agreement in 2022, we are requesting increased Federal financial investments in science and actions that support the environmental and economic sustainability of the Great Lakes.

More specifically we would like you to consider initiatives that:

- Provide incentives that promote and facilitate local projects in the watersheds and along the shorelines of the Great Lakes/St. Lawrence River
- Consider financial matching incentives that provide up to 75% of proposed project funding and expand the scope of allowable in-kind contributions by local partners
- Provide funding on a long term and sustainable basis

Our request would help to build on projects undertaken as part of conservation authority's Rural Clean Water programs designed to maintain soil health for agriculture and reduce nutrient loadings to the Great Lakes as well as projects partnered under the Federal Healthy Lake Huron and Lake Erie Action

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

Plans which restore priority watersheds using rural storm water management systems, wetland restoration, tree planting and promotion of soil health practices.

Overall, in 2019 conservation authorities engaged 535 landowners resulting in 702 rural water quality projects; 88% of which were agricultural. Close to \$2 M in grant dollars were provided to landowners to implement projects including windbreaks, soil erosion control measures, manure storage, and stream buffers. The total value of these projects was estimated to be in the order of \$5 M to the rural and agriculture economy which went to design, materials, contractors and farmers to implement the projects. This approximates the return evidenced in economic stimulus studies undertaken in the United States which estimate that every dollar invested in the Great Lakes Restoration Initiative is projected to generate more than three dollars in additional economic activity.

In addition Conservation authorities provide extensive experience in reducing watershed and coastal flood and erosion risk (and the associated costs of flooding and erosion) through their natural hazards programs. They oversee \$3.8 billion in flood and erosion infrastructure as well as manage watershed-wide rural and urban natural infrastructure assets (forests, wetlands, etc.) that also help to reduce risk. Preliminary 2021 estimates from 10 conservation authorities on the future expenditures anticipated to mitigate coastal impacts over the next two years ranged from \$100,000 to \$50 M each.

Increased federal support as requested would allow Conservation Authorities and other partners to significantly expand this type of programming.

We support the creation of a Canada Water Agency, which will address many of the issues we have highlighted; however there is an immediate need for assistance as Great Lakes water quality is currently facing unprecedented growth/development and requires a commensurate investment to increase the scale, scope and intensity of our efforts.

We would be pleased to discuss these matters with you and your officials and ask that you contact our Great Lakes Executive Committee member and Policy & Planning Director at Conservation Ontario, Bonnie Fox at bfox@conservationontario.ca to arrange a follow-up conversation.

Thank you for your consideration.

Sincerely,



Andy Mitchell
Chair, Conservation Ontario



January 20th, 2022

EA Modernization Project Team
Environmental Assessment Modernization Branch
135 St. Clair Avenue West, 4th Floor
Toronto, ON
M4V 1P5

Re: Conservation Ontario's comments "Moving to a project list approach under the Environmental Assessment Act" (ERO#019-4219)

Thank you for the opportunity to provide comments on "Moving to a project list approach under the Environmental Assessment Act" (ERO#019-4219). Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs through the review and consultation process.

Conservation Ontario and CAs bring an important perspective to this review; as a holder and proponent of a Class Environmental Assessment (Class EA); as a member of the provincial Government Review Team (GRT) which provides feedback on Terms of References and environmental assessments (EA) in Ontario; as a prescribed public body under the *Environmental Assessment Act* to review and comment on Class and Individual (comprehensive) environmental assessments that occur within their jurisdiction; and as the proponent or co-proponent of a number of EAs, both Individual (comprehensive) EAs and through the provincial Class EA process.

It is understood that, following amendments to the *Environmental Assessment Act* (EAA) in 2020, the Ministry of Environment, Conservation and Parks (MECP) is now consulting on a proposed comprehensive environmental assessment project list regulation (the "Project List Regulation") which identifies projects that will be subject to the new Part II.3 of the Act (subject to a comprehensive EA), as well as exemptions which may apply to certain undertakings. Once proclaimed, the new Part II.3 of the Act will change the way the Act applies, so that the EAA will only apply to designated projects included in the final regulation. The regulation will include projects as well as associated triggers and thresholds in order for the project to be designated. Following the adoption of a project list approach, all other projects would not be subject to the Act, unless: the project is subject to one of the existing Class Environmental Assessments, the proponent enters into a voluntary agreement to make the works subject to a comprehensive EA, or a regulation is made designating the specific project as a comprehensive EA project. The Minister will retain the authority to issue a section 16 Order ("Part II Order") to require a proponent to complete a comprehensive EA for a project which is going through a Class EA process.

Of interest to our members, the proposed Project List Regulation would include “Waterfront Projects” as a category of projects which would be required to undertake a comprehensive EA (subject to meeting the criteria outlined in the regulation). Additionally, it is understood that in order to move toward the project list approach, the MECP is proposing a number of other actions, including: amending Class Environmental Assessments (“Class EAs”), revocation and replacement of Regulation 334 (General) under the EAA, as well as a new General and Transitional Matters Regulation.

Conservation Ontario offers the following comments on these aspects of the Ministry’s proposal:

- a) Proposed Regulation – Part II.3 Projects – Designations and Exemptions - Waterfront Projects;
- b) Proposed Related Amendments to Class Environmental Assessments;
- c) Proposed Revocation and Replacement of General Regulation 334;
- d) Proposed Regulation – Exemptions from the Act and from Part II.1 of the Act;
- e) Proposed Regulation - General and Transitional Matters; and,
- f) Complementary amendments to regulations made under statutes other than the EAA.

a) Proposed Regulation – Part II.3 Projects – Designations and Exemptions - Waterfront Projects

It is understood that the MECP is proposing to establish a new regulation under the EAA titled “*Part II.3 Projects – Designations and Exemptions*” to set out the types of projects that will be required to complete a comprehensive EA. Per the Ministry’s proposal the categories of projects which would be subject to the Project List Regulation include: Electricity Projects, Transit Projects, Waste Management Projects, Highway projects, Rail line Projects, Transit Projects (Ontario Northland Transportation Commission), and Waterfront Projects. Conservation Ontario’s comments are focused on the “Waterfront Projects” category of the proposed regulation.

Through a review of the Consultation Guide and the draft proposed Project List Regulation, it is understood that the Ministry is proposing to require a comprehensive EA for projects in the Great Lakes-St. Lawrence River System that involve a combination of lake or riverbed filling as well as alterations to the shoreline. Any “waterfront project” works would require a comprehensive EA if they: 1) alter at least one kilometer of shoreline in the Great Lakes-St. Lawrence River system and, 2) require at least four hectares of lakebed or riverbed in the Great Lakes-St. Lawrence River system to be filled. It is noted that the length of shoreline and/or the area of the lakebed or riverbed does not include any associated length or area within a tributary of the Great Lakes-St. Lawrence River System, other than the mouth of the tributary. Conservation Ontario acknowledges that the term “works” has been defined in the regulation to mean “any thing that may be established on or near a waterfront including a beach, berm, breakwall, channel, island, marina, pier or riprap”.

Conservation Ontario is generally supportive of the proposed criteria for waterfront projects in the Project List Regulation. As noted in Conservation Ontario’s previous comments to the Ministry on ERO#019-2377 (dated November 10, 2020, endorsed by Council December 14, 2020), we commented that the criteria which would be used to designate a waterfront (then: conservation) project as a Part II.3 project needs to accurately reflect the level of risk, scale and scope of these types of projects as well as capture the potential social, cultural or environmental impacts of a proposed project. At the time, Conservation Ontario had strongly suggested that, given that this category of project often are “multi-purpose” in nature, that no one single quantitative trigger should be used to determine whether the project requires a comprehensive EA. Although Conservation Ontario had recommended that a risk matrix or similar screening tool is a more appropriate means to ensure a project receives the appropriate level of assessment, we are pleased to see the Ministry is proposing multiple criteria which must be met for waterfront projects to need to undertake a comprehensive EA.

To increase clarity on the criteria for waterfront projects, Conservation Ontario recommends that a definition be provided in the regulation for “mouth of any tributary” (“mouth”). We note that this term is currently undefined in the Ministry of Northern Development, Mines, Natural Resources and Forestry’s Technical Guides, nor is a definition provided for it in the Provincial Policy Statement, 2020. Left undefined in the proposed Project List Regulation, this term may lead to some ambiguity for proponents. Additionally, Conservation Ontario notes the proposed definition for “works” would include the establishment of an island near a waterfront. Clarification is requested from the Ministry on how this specific activity would meet the criteria for a comprehensive EA. For instance, if a proponent were to create (establish) an island, the proponent would not be altering 1km of existing shoreline, and as such would likely not meet the criteria to have to undertake a comprehensive EA.

b) Proposed Related Amendments to Class Environmental Assessments

It is understood that in addition to the new Project List Regulation, the Ministry is proposing to make amendments to existing Class Environmental Assessment parent documents to align with the proposed designated project categories, triggers and thresholds for works subject to a comprehensive EA. For the proposed category of waterfront projects, the Ministry is proposing to amend the Conservation Ontario Class EA for Remedial Flood and Erosion Control Projects (CO Class EA), Municipal Class EA, Class EA for Resource Stewardship and Facility Development, and the Public Work Class EA. The amendments would clarify that where an undertaking to which the Class EA applies meets the criteria in the proposed Project List Regulation, the undertaking would be subject to the comprehensive EA process rather than the Class EA.

In addition to the amendments to ensure alignment with the Project List Regulation, the Ministry will also be amending Class EA parent documents to facilitate a transition to the new EA framework. It is understood that these amendments will include updating terminology and references to provisions of the updated EAA, as well as enhancing clarity about which proponents and projects are subject to a comprehensive EA as compared to the Class EA. Conservation Ontario has no objections to these amendments, and respectfully requests the opportunity to work with the Ministry to finalize and incorporate these amendments into the CO Class EA.

c) Proposed Revocation and Replacement of General Regulation 334

It is understood that the Ministry is proposing to revoke Regulation 334 and replace it with a new regulation containing certain exemptions from the Act generally, or in some cases, specifically from Class EA requirements (Part II.1 of the Act). The current regulation outlines several exemptions for various proponents under the current EA framework. Specifically, Section 8 contains some exemptions for Conservation Authorities, including: reforestation and woodlot management; provision of conservation area workshops, administration buildings, outdoor education and interpretive centres; conservation services (under \$50,000); flood-proofing; and the development of conservation areas and campgrounds (under \$1,000,000), among others. The Ministry is proposing that some exemptions in Regulation 334 will be carried over to the new regulation, and others will not. Given the new way the Act will apply, if an undertaking is not listed as a designated Part II.3 project, nor subject to a Class EA, the undertaking will not be subject to the EAA. Conservation Ontario notes that none of the exemptions which are listed specifically for Conservation Authorities under Section 8 are proposed to be included in the new regulation, having the effect that these activities will not be subject to EAA. For Conservation Authorities, this will mean that they may proceed with undertakings such as provision of conservation services or developing conservation areas and campgrounds at any cost threshold, without the requirement to undertake a comprehensive EA. Conservation Ontario also notes that the major amendment proposal for the Class EA for Remedial Flood and Erosion Control which is currently before the Ministry for review (see ERO#019-1712 for further details), contains a number of proposals which align with the proposed revocation and replacement of Regulation 334. As such, Conservation Ontario is supportive of these proposals. Should the MECP decide to proceed with this regulation, Conservation

Ontario respectfully requests the opportunity to work with the Ministry to finalize any updates to the CO Class EA, to ensure that the Class EA appropriately aligns with the new EA framework.

d) Proposed Regulation – Exemptions from the Act and from Part II.1 of the Act

While generally supportive of the new regulation, Conservation Ontario requests further clarity on the proposed exemptions for operation and retirement (section 7 of the Consultation Draft) to the existing Class EAs. The draft regulation states that operation and retirement of a thing is exempt from Part II.1 of the Act, if at the time the thing started or the construction of the thing commenced, a) no class environmental assessment applied to the start or construction of the thing, and b) approval of the Minister under the Act was not required to proceed with the start or construction of the thing. Conservation Ontario manages the Class Environmental Assessment for Remedial Flood and Erosion Control Projects, which currently states that operation, maintenance and select retirement activities are considered part of the approved project and are not independently subject to the planning and design process of the Class EA. This is also consistent with the major amendment proposal put forward by Conservation Ontario which more clearly provides that the EAA does not apply to operation, maintenance and retirement activities (those which involve the relinquishment of rights, such as operating and maintenance responsibilities) (per Section 15.3 (1) of the Act). Conservation Ontario recommends that the exemptions related to operation, maintenance and retirement as part of the major amendment proposal to the CO Class EA continue to apply to CA structures regardless of the additional exemptions contemplated through this proposed regulation.

e) Proposed Regulation - General and Transitional Matters

It is understood that the Ministry is proposing a new regulation to set out transition provisions to support the shift to the new comprehensive EA project list regulation. The proposed Transition Regulation would set out what happens to undertakings that are currently proceeding with an application for approval under Part II of the EAA when Part II.3 of the Act is proclaimed and the Project List Regulation is made. Under the proposed regulation, for any pending applications where a proponent has given a terms of reference to the Ministry (under subsection 6 (1) of the Act), and no decision has been made in respect of the application before the Part II.3 transition date, the undertaking is deemed to be a Part II.3 project. Where no decision has been made in respect to a pending application, the proposed regulation sets out a number of transition rules, including that public notices, approved TORs, and submitted assessments would be considered as complete under the new (unproclaimed) sections of the Act. Conservation Ontario has no objections to this proposed regulation.

f) Complementary amendments to regulations made under statutes other than the EAA

Lastly, as a comment more broadly on the comprehensive EA project list, Conservation Ontario notes that several activities proposed for inclusion in the Project List Regulation, such as waste management projects (disposal sites) and mineral development projects, may be prohibited or managed in limited areas through mandatory, drinking water related policies under the *Clean Water Act* within local source protection plans. Applicable source protection plan policies are based on separate criteria which may not match the proposed thresholds. Therefore, it is suggested that general information about the *Clean Water Act* and the Drinking Water Source Protection program should be included in guidance to proponents, such that they are made aware of the possibility of applicable prohibition or management policies for all applicable projects located in a Source Protection Authority jurisdiction. This guidance is suggested in addition to the proposed complimentary amendments the Ministry is proposing to make to various regulations to update references to the EAA and applicable EA regulations, including to regulations under the *Clean Water Act, 2006* and the *Safe Drinking Water Act, 2002*.

Thank you for the opportunity to review and provide comments on “Moving to a project list approach under the Environmental Assessment Act” (ERO#019-4219). Should you have any questions about this letter, please feel free to contact Nicholas Fischer at extension 229 or Leslie Rich at extension 226.

Sincerely,



Leslie Rich, RPP
Policy and Planning Specialist



Nicholas Fischer
Policy and Planning Coordinator

c.c. All CA CAOs/GMs

Administration

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January 21, 2022

CL 2-2022, January 20, 2022

PEDC 1-2022, January 12, 2022

PDS 1-2022, January 12, 2022

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Uppers Quarry Regional Official Plan Amendment 22

PDS 1-2022

Regional Council, at its meeting held on January 20, 2022, passed the following recommendations of its Planning and Economic Development Committee:

1. That Report PDS 1-2022 **BE RECEIVED** for information; and
2. That a copy of Report PDS 1-2022 **BE CIRCULATED** to the City of Niagara Falls, the Niagara Peninsula Conservation Authority and MacNaughton Hermesen Britton Clarkson Planning Limited.

A copy of Report PDS 1-2022 is enclosed for your reference.

Yours truly,



Ann-Marie Norio

Regional Clerk

:cv

CLK-C 2022-007

Distribution List

Bill Matson, City Clerk, City of Niagara Falls

Grant Bivol, Clerk, Niagara Peninsula Conservation Authority

Debra Walker, Partner and Planner, MacNaughton Hermesen Britton Clarkson Planning Limited

cc:

M. Sergi, Commissioner, Planning and Development Services

N. Oakes, Executive Assistant, Planning and Development Services

B. Fricke, Senior Planner, Planning and Development Services

Subject: Uppers Quarry Regional Official Plan Amendment 22

Report to: Planning and Economic Development Committee

Report date: Wednesday, January 12, 2022

Recommendations

1. That Report PDS 1-2022 **BE RECEIVED** for information; and
2. That a copy of Report PDS 1-2022 **BE CIRCULATED** to the City of Niagara Falls, the Niagara Peninsula Conservation Authority and MacNaughton Hermesen Britton Clarkson Planning Limited.

Key Facts

- The purpose of this report is to advise Regional Council that an application has been received by Walker Aggregates Inc. for the establishment of a new quarry, known as the Upper's Quarry, on lands located east of Thorold Townline Road, north and south of Upper's Lane, and west of Beachwood Road in the City of Niagara Falls (Appendix 1).
- The application is to amend the Regional Official Plan (ROP). Concurrent applications to amend the City of Niagara Falls local Official Plan (LOP) and Zoning By-law have been submitted to the City.
- A Joint Agency Review Team (JART) comprised of staff from the Region, the City of Niagara Falls and the Niagara Peninsula Conservation Authority (NPCA) has been established to review the application.
- The Region is the approval authority for the Regional Official Plan Amendment (ROPA) and local Official Plan Amendment (LOPA).
- The first public open house, which will be jointly run by Niagara Region and the City of Niagara Falls, will be scheduled early in 2022.
- The applicant has also filed an application for a Category 2 (Below Water Quarry) - Class A Licence to the Ministry of Northern Development, Mines, Natural Resources and Forestry (MNDMNRF) under the Aggregate Resources Act (ARA).
- The MNDMNRF is the approval authority for the ARA application and the Region is a commenting agency. The Regional and local planning approvals must be in place before a decision on the ARA application will be made by MNDMNRF.
- Over the course of the review of the application, which will take several months, Regional Council will be informed of the status of the review. Staff will report back to Council after the open house, and before the Statutory Public Meeting.

Financial Considerations

There are no financial considerations arising from this report, as the cost of work associated with application review is recovered through planning fees (\$131,530) in accordance with the Council approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are also paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., peer reviews).

Analysis

The application proposes that the ROP be amended to permit the establishment of a new quarry on lands located east of Thorold Townline Road, north and south of Upper's Lane, and west of Beachwood Road in the City of Niagara Falls (Appendix 1). The lands are currently occupied by a mix of agricultural field crops, rural residential uses, a place of worship and environmental features.

The subject lands are designated Good General Agriculture and Environmental Conservation Area in the ROP. Based on the policies of the ROP, where a new pit or quarry or an extension to an existing licensed pit or quarry are to be located outside a possible aggregate area (illustrated on Schedule D4), a ROPA is required. The subject lands are not shown on ROP Schedule D4, therefore, a ROPA is required.

The ROPA application was submitted on November 22, 2021, and staff is currently reviewing the submission for completeness in accordance with the requirements of the *Planning Act*. Concurrent applications for a local Official Plan Amendment and a Zoning By-law Amendment have been submitted to the City of Niagara Falls. The ROPA and LOPA will be processed concurrently.

A joint open house for the ROPA and LOPA will be scheduled early in the New Year via Zoom. Advertising for the open house will be posted on the Region's website, in Niagara This Week, and provided via mail to all property owners in proximity to the subject lands. A statutory public meeting, in accordance with the requirements of the Planning Act, will be scheduled at a later date. Comments received from the public in either the joint public open house or the statutory public meeting will be brought forward to Committee for consideration.

An application for a Category 2 (Below Water Quarry) - Class A Licence has also been submitted to the MNDRF under the Aggregate Resources Act. The total area to be

licensed is 103.6 hectares, of which 89.1 hectares is proposed for extraction. The MNDMNRF is the approval authority for the Aggregate Resources Act application and the Region is a commenting agency. Prior to the final approval of the provincial Aggregate Resources Act license, the appropriate municipal land use approvals must be in place. The Region will provide comments to the MNDMNRF to advise them of the status of the Planning Act applications through the Aggregate Resources Act process.

JART Process

As previously communicated to Council, a Joint Agency Review Team (JART) has been formed to coordinate the technical review of all quarry applications. The JART is a staff team representing the Region, the City of Niagara Falls, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from interested provincial ministries will be engaged through the JART process as well. The JART does not make a recommendation on the applications, but works collaboratively to review the studies and ensure coordinated public and stakeholder engagement and consultation. Once all reviews are complete, a technical JART report will be prepared on the applications for use independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Alternatives Reviewed

As this report is for information, there are no alternatives reviewed.

Relationship to Council Strategic Priorities

This report is provided to execute Regional Council's Strategic Priority for a Sustainable and Engaging Government and Responsible Growth and Infrastructure Planning. By reviewing development planning applications for conformity with the planning policy regime, the Region fulfills our commitment to high quality, efficient and coordinated service through enhanced communication, partnership and collaboration. Review of the applications in a coordinated manner will also ensure that Council's priority for preservation of the natural environment is addressed in a holistic manner.

Other Pertinent Reports

None

Prepared by:

Britney Fricke, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Planning and Development Services

Submitted by:

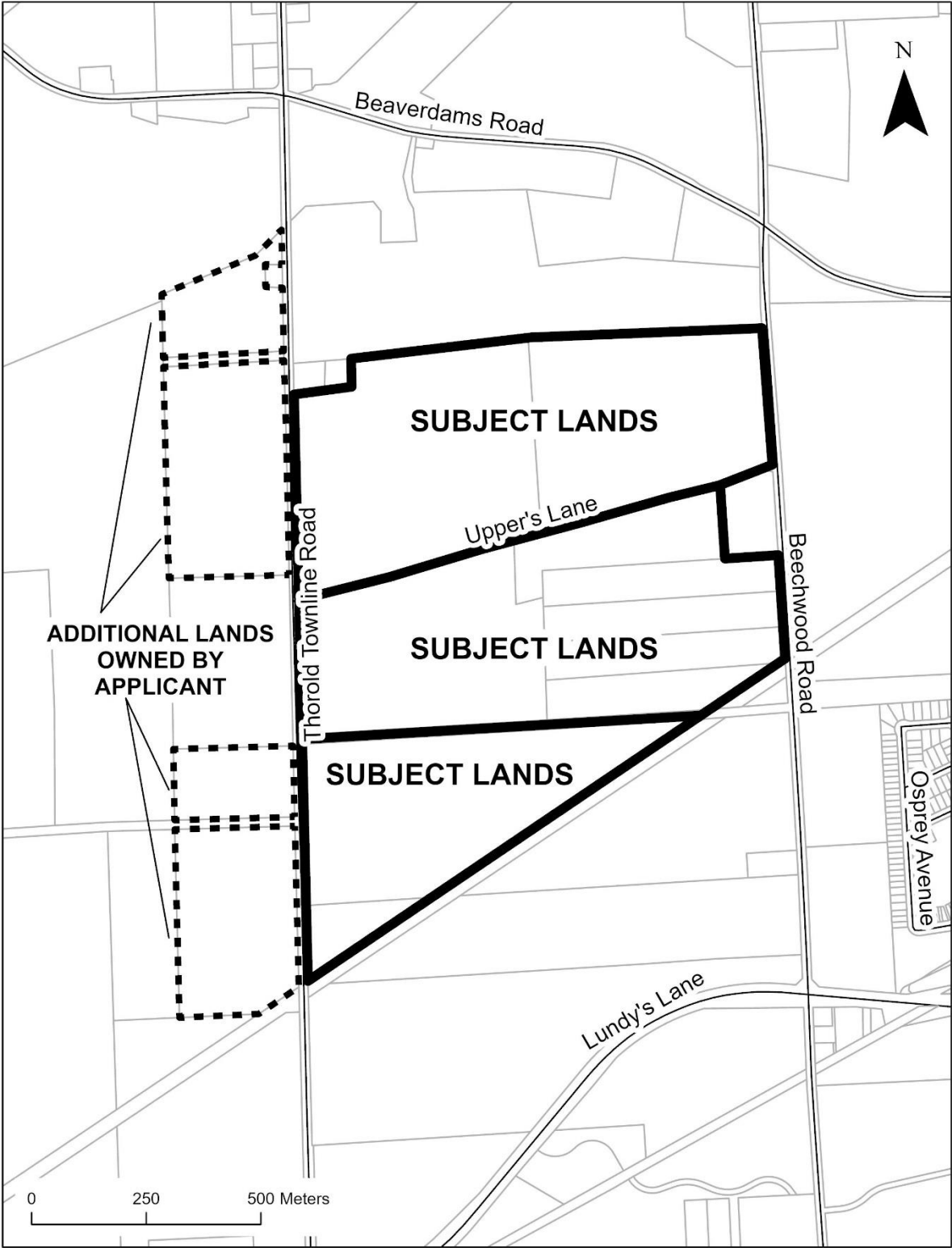
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Doug Giles, Director of Community and Long Range Planning.

Appendices

Appendix 1 Location Map

Location Map



February 3, 2022

The Honourable Doug Ford, M.P.P.
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Sent via email: premier@ontario.ca

**Re: 282 and 285 Ontario Street - Request to the Ministry of the Environment,
Conservation and Parks to Appear Before Council
Our File 35.31.99**

Dear Premier Ford,

At its meeting held on January 31, 2022, St. Catharines City Council approved the following motion:

WHEREAS the contractor for 282 and 285 Ontario Street has indicated that \$150,000 of PCB mitigation has been undertaken on the subject sites over a period of three days in December 2021; and

WHEREAS 15,000 litres of liquid and three tons of sediment of unknown PCB concentration were removed from the subject sites and sent to a federally-regulated PCB storage facility in Brampton; and

WHEREAS the contractor has indicated that split sampling is scheduled when weather permits, meaning that test samples are taken by both the contractor's qualified engineers and the Ministry of Environment, Conservation, and Parks, and tested by both for comparison; and

WHEREAS it has been 13 months since the MECP became aware of the discharge of PCBs flowing from the 282 and 285 Ontario Street properties and other sites into Twelve Mile Creek which flows into Martindale Pond, Port Dalhousie Harbour and Lake Ontario; and

WHEREAS it has been approximately seven months since Council has received any updates from MECP about their progress in identifying the sources of the discharge and/or stopping it;

.../2

THEREFORE BE IT RESOLVED that staff seek a timeline from both the contractor and the MECP for split testing and that staff invite the MECP to present the PCB Clean Up Workplan and split results for the subject properties to Council as soon as possible; and

BE IT FURTHER RESOLVED that Ministry staff and City staff provide an update to Council on the additional PCB hotspots, testing and cleanup efforts in the other known areas of concern along Twelve Mile Creek; and

BE IT FURTHER RESOLVED that staff be directed to request a copy of any manifests or reports from Canada's Environment Ministry in regards to the contaminated materials that were taken offsite from 282 and 285 Ontario Street and sent to the Brampton facility; and

BE IT FURTHER RESOLVED that this motion and a copy of the request be sent to Minister Piccini, Premier Ford and the NPCA.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em

cc: Hon. David Piccini, Minister of the Environment, Conservation and Parks
Chandra Sharma, CAO/Secretary-Treasurer, Niagara Peninsula Conservation Authority
Tami Kitay, Director, Planning and Building Services
Brian York, Director, Economic Development and Government Relations
Margaret Josipovic, Manager of Planning Services
Melissa Wenzler, Government Relations Advisor
Scott Rosts, Chief of Staff, Mayor's Office

Report To: Board of Directors

**Subject: Conservation Authority Act Regulatory and Policy Proposals (Phase 2)
Environmental Registry of Ontario Posting (ERO #019-4610)**

Report No: FA-02-22

Date: February 18, 2022

Recommendation:

1. **THAT** Report No. FA-02-22 RE: Conservation Authority Act Regulatory and Policy Proposals (Phase 2) Environmental Registry of Ontario Posting (ERO #019-4610) **BE RECEIVED.**
2. **AND FURTHER THAT** staff continue to work with Conservation Ontario to provide input to the Regulatory Proposal.

Purpose:

The purpose of this report is to update the Board of Directors on proposed Conservation Authorities Act (CA Act) Phase 2 Regulatory and Policy Proposals and their implications to the Niagara Peninsula Conservation Authority (NPCA).

Background:

On January 26, 2022, the Ministry of Environment, Conservation and Parks (MECP) posted a "Regulatory and Policy Proposal Consultation Guide: Regulations regarding Municipal Levies, Conservation Authority Budget Process, Transparency, and Provincial Policy for the Charging of Fees by Conservation Authorities" for public comment on the Environmental Registry of Ontario (ERO). The deadline for submission of comments is February 25, 2022. NPCA staff have provided comments to Conservation Ontario for their response to the Province. The purpose of the [Consultation Guide](#) is to provide a description of the proposed regulations and solicit feedback that will be considered by the Ministry when developing the proposed regulations and any associated policies. The guide does not include draft regulations.

The posting highlights that the overall proposed approach for the regulatory and policy proposals is intended to:

- build on what is already working between Conservation Authorities (CA's) and municipalities;
- build in flexibility where possible;
- avoid being overly prescriptive;
- recognize differing circumstances at the local level for budget processes due to the range in participating municipalities across CA's and varying revenue streams;
- recognize that participating municipalities and CA's have established local budget processes designed to meet the needs of their municipalities;

The proposed regulation is predominantly financial and administrative in nature and focused on:

1. Municipal Levy Regulation: Lieutenant Governor in Council (LGIC) regulation governing the apportionment by Conservation Authorities of their capital costs and operating expenses to be paid by their participating municipalities through municipal levies, as well as related conservation authority budgetary matters, including requirements that conservation authorities distribute their draft and final budgets to relevant municipalities and make them publicly available.
2. Minister's regulation governing the determination by a conservation authority of costs owed by specified municipalities for the authority's mandatory programs and services under the Clean Water Act, 2006, and the Lake Simcoe Protection Act, 2008 – i.e.: "Minister's regulation for determining amounts owed by specified municipalities".
3. Minister's published list of classes of programs and services in respect of which a Conservation Authority may charge a user fee.
4. Complementary regulations to increase transparency of authority operations.

Alignment with Existing Transition Provisions: The timing for the effective date of proposed regulations and provincial policy is proposed to align with the current transition provisions and Conservation Authority budget cycle, beginning January 1, 2023. This would ensure that the 2024 budgets and levy processes between and municipalities would follow the updated regulations. This will also allow Conservation Authorities the necessary time to satisfy the legislative requirements following the Minister's publication of the list of classes of programs and services for which an authority may charge a user fee.

Discussion:

NPCA staff are currently working on an extensive Board-approved Transition Plan to implement Regulatory Proposals proclaimed in 2020 and 2021. Transition Plan activities and the NPCA workplan was approved by the Board at their February 18, June 18, and November 19, 2021 meetings (via Reports No. FA-12-21, FA-41-21 and FA-68-21). It should be noted that Section 28 Planning and Permitting Regulations are yet to be released by the Province.

Best Practices and Process highlighted in the Consultation Guide are consistent with several practices of the NPCA. The NPCA has established a collaborative budget process respecting our municipal partner budget guidelines. Over the past few years concerted efforts have been made to leverage municipal funding with self-generated revenues in support of Board-directed watershed priorities. Current NPCA practice is also consistent with the proposed change in terminology to "General Levy" and "Special Levy".

Discussion below details highlights of the proposed regulatory proposals and their implication, if any, on NPCA practice and process:

Part 1 – Proposed Municipal Levies Regulation

- a. The NPCA will continue to have the authority to levy their participating municipalities to finance a fair portion of Category 1 mandatory programs and services without any separate agreement.

These programs can also be funded through self generated revenues or other sources such as Provincial Transfers. NPCA currently uses the terminology of “General Levy” and is fairly consistent with the proposed regulations.

- b. The NPCA anticipates that funding for Category 2 programs and services will continue to be allocated through the “special project levy” and/or combined with user fees, or by other means as may be specified in the service level agreement if the municipality is not a participating or specified municipality. This will allow the NPCA to enter into agreements with the upper tier, single tier or lower tier municipal partners for services where municipalities need the NPCA to support them with these activities. This is a current practice with several Conservation Authorities.
- c. For Category 3 programs and services that the NPCA determines are advisable to deliver in our area of jurisdiction (authority determined), and determines a need for levy contribution, the NPCA must have cost apportioning agreements in place with the participating municipalities who have individually agreed to fund the programs and services. This is a new requirement aligned with the inventory of programs and services that identify Category 3 programs. Cost apportioning agreements with NPCA municipalities will need to be in place as of January 1, 2024 for such programs.

Budget Process

- d. The NPCA supports the proposal to ensure clear, consistent and transparent practices by the authorities and municipalities in the annual budget and municipal levy process. The NPCA will have no issue in meeting the requirement of posting the draft budget on its website and circulating it to municipalities 30 days prior to the Board meeting. As a current practice, the NPCA does advise municipal staff of any upcoming Board meeting where municipal levy will be decided.

Budget Vote and Levy Vote

- e. Consistent with the proposed regulation, the NPCA Board votes to approve the draft preliminary budget for circulation to the participating municipalities. This takes place using a one member/one vote system (i.e., each member is entitled to one vote).
- f. The proposed regulation requires that the municipal levy part of the authority budget (including the general and special project levies), be approved by a ‘weighted’ majority vote of 51% of all the members present at the meeting for the levy vote (generally also the meeting for the budget vote). This proposal aligns with requirements set out in the current municipal levies regulation and provincial policy. However, this is not a current practice with many CA’s including the NPCA as there is generally a consensus on the overall budget and levy resulting from a consultative process. It is also required that the municipal levy vote is a recorded vote (with no proxy vote permitted). The requirement for “weighted voting” related to municipal levy approval will be a bit onerous administratively as it is currently not a practice. Additionally, this may not be necessary due to the new requirement of establishing funding agreements and cost apportioning agreements with municipalities in advance of the budget process.

Self Generating Revenue Justification

- g. As per new regulations, Conservation Authorities will be required to “provide a summary of how the authority considered opportunities for self-generating revenues. The NPCA follows a practice of clearly documenting self-generated revenues in our full budget, and agrees to open line of communication and transparency with municipal partners throughout the budget process. This proposal, in staff’s opinion, needs further clarity. The NPCA may undertake services and initiatives outside of the municipal levy to further the mandate and advance watershed protection, education, recreation etc. through self-generated revenues. While the NPCA does provide our full draft budgets to municipal partners, unnecessary scrutiny of self-generating revenues may blur the line of budget control, which is a function of the NPCA Board.

Administrative Costs

- h. The NPCA appreciates the provision of levy for corporate administrative costs without the requirement of a memorandum of understanding or service level agreement with a participating municipality. The NPCA is respectful of transparency and clear documentation of administrative costs in a stand-alone manner in the authority’s draft and approved budgets. The details included in the proposal seems adequate with inclusion of non-program staffing and expenses, authority members (governance costs), general management, clerical, financial (e.g., accounting, payroll), general asset management planning, IT staff, senior management costs, legal costs (e.g. ‘back office functions’), office equipment and supplies including IT, vehicles and machinery, workshop space, main office occupancy costs (e.g., heating, utilities, potentially rent), depreciation on owned buildings and equipment, main office maintenance and repair as well as insurance and property taxes.

Part 2: Proposed Minister’s Regulation for determining amounts owned by specified municipalities

- i. According to the proposal, no change is anticipated to the provincial funding for the drinking water source protection program under the *Clean Water Act, 2006 or Lake Simcoe Protection Act, 2008*. The NPCA currently does not provide the services of a risk management officer to any municipality.

Part 3: Proposal for Minister’s published list of classes of programs and services for which a CA may charge a fee

- j. According to the proposal, the proclamation of s. 21.2 would ensure that a Conservation Authority administers fees in a transparent and accountable manner. For example, it would require a Conservation Authority to adopt and publish a written fee policy and fee schedule that lists the programs and services for which it charges a fee and the amount to be charged. If an authority makes changes to its fee schedule, it would be required to notify the public. The section also requires a Conservation Authority to set out the frequency with which the authority will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the policy, including giving notice of the review and how the policy will be changed as a result of a review, and the circumstances and procedures under which any person may request the authority to reconsider a fee that was charged to the person.

The NPCA is already following best practices in this areas and is on track to align with this proposal. In 2021, the NPCA initiated a comprehensive and proactive “fee review” of our parks

and planning fees to develop a standard industry accepted fee schedule. As a standard practice, the NPCA already seeks annual Board approval of park fee schedules and these are posted on our website. Provision of stakeholder consultation is built into fee schedule review processes when these studies are undertaken.

Similar to other Conservation Authorities, the NPCA offers additional fee for service work to other stakeholders including provincial and federal agencies and private sector partners. These activities follow partnership agreements, leverage additional funding through grant opportunities and are designed based on a user pay principle or fee-for-services agreements executed based on a clear set of rules, deliverables and industry accepted fees. Sometimes these activities may augment a municipal program or funding outside the levy. Some clarity is required in the regulation to ensure this type of work is recognized as CA's independent work with Board approval.

Part 4: Proposal to require certain information including all agreements and amendments to agreements with municipalities on a Conservation Authority's website

- k. The NPCA supports ensuring transparency of Conservation Authority operations, however, more clarity may be needed on what agreements and exemptions relate to posting of MOU's and agreements on the NPCA website.

NPCA Staff have provided comments to Conservation Ontario for their submission to the Province.

Financial Implications:

Staff are accommodating this policy response as part of their regular work. Provision of additional resources will be required to complete transition related activities upon proclamation of these regulations.

Related Reports and Appendices:

None

Authored and Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer