

**FULL AUTHORITY MEETING
ON-LINE VIDEO CONFERENCE
Friday, October 15, 2021
9:30 A.M.**

A G E N D A

CALL TO ORDER – ROLL CALL / STAFF INTRODUCTIONS

The Niagara Peninsula Watershed is located on the traditional territory of Indigenous peoples dating back countless generations. We want to show our respect for their contributions and recognize the role of treaty-making in what is now Ontario.

The Niagara Peninsula Conservation Authority (NPCA) grieves with Indigenous people and communities across the country on the tragic loss of so many children to the Residential School System. We acknowledge that with this difficult history comes the responsibility to honour those who were lost, and to strive to better understand how we can support affected communities. The NPCA stands committed to improving our relationships with Indigenous peoples, and working with them to ensure an equitable and meaningful future for all.

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated September 17, 2021 (For Approval)

Page # 1

- b) Minutes of the Closed Session Meeting dated September 17, 2021 (For Approval – To remain private and confidential)

4. CORRESPONDENCE

- a) Correspondence dated October 5, 2021 to the Honourable David Piccini, Minister of Environment, Conservation and Parks from Andy Mitchell, Chair, Conservation Ontario Re: Update on Conservation Ontario's Client Service and Streamlining Initiative and related bulletin entitled "Conservation Authorities Continue to Demonstrate their Commitment to Improving Client Service and Streamlining" (For Receipt)

Page # 8

5. PRESENTATIONS

- a) Presentation on Strategic Plan by C. Sharma, C.A.O. and N. Green, Project Manager (For Receipt -This item is in conjunction with Agenda Item 8. b) Report No. FA-59-21 RE: NPCA Strategic Plan: 2021-2031) https://issuu.com/npcadocs/strat_plan_-_for_board_draft

- b) Presentation by J. Oblak, Chair, NPCA Public Advisory Committee RE: Discussion Paper - Identification of Key Issues and Opportunities within the Niagara Peninsula Conservation Authority (NPCA) Area October 5, 2021 (For Receipt and Referral to Staff)

Page # 12

- c) PowerPoint Presentation by Brian Lee, GIS Administrator RE: Watershed Planner/Open Data Hub (For Receipt)

6. DELEGATIONS

- a) Presentation by Tom Insinna, Chair, Niagara Peninsula Conservation Foundation RE: 2020 Annual Report (For Receipt)

Page # 21

7. CONSENT ITEMS

- a) Report No. FA-58-21 RE: 2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc. (For Receipt)

Page # 36

- b) Report No. FA-60-2021 RE: NR Watershed Planning Equivalent Volume 1 and 2 Comments (For Receipt)

Page # 45

- c) Report No. FA-61-2021 RE: Compliance and Enforcement Q3 Stats (For Receipt)

Page # 51

8. DISCUSSION ITEMS

- a) Report No. FA-57-2021 RE: NPCA Water Well Decommissioning Grant Program (For Approval)

Page # 54

- b) Report No. FA-59-21 RE: NPCA Strategic Plan: 2021-2031 (For Approval)

Page # 59

- c) Report No. FA-62-2021 RE: Update to Niagara Peninsula Conservation Authority (NPCA) Conservation Authorities Act (CA Act) Section 28 Hearing Procedures (For Approval)

Page # 84

9. COMMITTEE REPORTS

9.1 STRATEGIC PLANNING COMMITTEE

- 9.1.1 Minutes of the Strategic Planning Committee Meeting dated September 17, 2021 (For Receipt)

Page # 116

9.2 GOVERNANCE COMMITTEE

- 9.2.1 Minutes of the Governance Committee Meeting dated September 23, 2021 (For Receipt)

Page # 119

9.3 PUBLIC ADVISORY COMMITTEE

- 9.3.1 Minutes of the Public Advisory Committee Meeting dated October 5, 2021 (For Receipt)

Page # 123

- 9.3.2 Minutes of the Watershed Floodplain Subcommittee Meeting dated October 5, 2021 (For Receipt)

Page # 127

10. MOTIONS

11. NOTICES OF MOTION

12. NEW BUSINESS

- a) C.A.O. Updates - Verbal
- b) Niagara Peninsula Conservation Foundation Update – Verbal

13. CLOSED SESSION

14. ADJOURNMENT

**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Friday, September 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
B. Clark
D. Coon-Petersen (arrived at 9:58 a.m.)
D. Cridland
R. Foster
J. Hellinga
D. Huson
J. Ingrao (arrived at 9:35 a.m.)
K. Kawall
E. Smith
W. Rapley
B. Steele
M. Woodhouse
B. Wright

MEMBERS ABSENT: R. Brady
L. Feor
B. Mackenzie
J. Metcalfe
R. Shirton

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Operations
J. Culp, Manager, Compliance and Enforcement
D. Deluce, Senior Manager, Planning and Regulations
M. Ferrusi, Manager, Human Resources
L. Gagnon, Director, Corporate Services
E. Gervais, Procurement Specialist
S. Gillis, Restoration Project Lead
R. Hull, Manager, Strategic Business Planning and Public Relations
B. Lee, GIS Administrator
L. Lee-Yates, Director, Watershed Management
S. Miller, Senior Manager, Water Resources
A. Powell, Manager, Conservation Area Services
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 Corporate Services Department staff and to Rebecca Hull, the new Manager, Strategic Business Planning and Public Relations.

1. APPROVAL OF AGENDA

Resolution No. FA-148-2021

Moved by Member Beattie

Seconded by Member Clark

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

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated July 16, 2021

Resolution No. FA-149-2021

Moved by Member Cridland

Seconded by Member Foster

THAT the minutes of the Full Authority Meeting dated July 16, 2021 **BE APPROVED.**
CARRIED

4. CORRESPONDENCE

- a) Correspondence dated September 1, 2021 to the Niagara Peninsula Conservation Authority from Ann-Marie Norio, Regional Clerk, Regional Municipality of Niagara RE: Memorandum CAO 17-2021 COVID-19 Vaccination Policy Update

Resolution No. FA-150-2021

Moved by Member Hellinga

Seconded by Member Huson

THAT the correspondence dated September 1, 2021 to the Niagara Peninsula Conservation Authority from Ann-Marie Norio, Regional Clerk, Regional Municipality of Niagara RE: Memorandum CAO 17-2021 COVID-19 Vaccination Policy Update **BE RECEIVED.**

CARRIED

5. PRESENTATIONS

None

6. DELEGATIONS

None

7. CONSENT ITEMS

None

8. DISCUSSION ITEMS

- a) Report No. FA-53-21 RE: 2021 Ducks Unlimited Canada Wetland Restoration Partnership - Geoff Verkade, Senior Manager, Integrated Watershed Planning / Information Management and Steve Gillis, Restoration Project Lead presented.

Resolution No. FA-151-2021

Moved by Member Ingrao

Seconded by Member Kawall

1. **THAT** Report No. FA-53-21 RE: 2021 Ducks Unlimited Canada Wetland Restoration Partnership **BE RECEIVED**.

2. **AND FURTHER THAT** Staff **BE AUTHORIZED** to enter into a 2021 Memorandum of Agreement with Ducks Unlimited Canada.

CARRIED

- b) Report No. FA-54-21 RE: 2023 NPCA Wedding Facilities Rates - Alicia Powell, Manager, Conservation Area Services outlined the report.

Resolution No. FA-152-2021

Moved by Member Rapley

Seconded by Member Smith

1. **THAT** Report No. FA-54-21 RE: 2023 NPCA Wedding Facilities Rates **BE RECEIVED**.

2. **AND THAT** the Proposed 2023 Wedding Fee Schedule attached as Appendix 1 **BE APPROVED**.

CARRIED

- c) Report No. FA-55-21 RE: the Niagara Peninsula Aspiring Global Geopark MOU - Alicia Powell spoke to the report.

Resolution No. FA-153-2021

Moved by Member Steele

Seconded by Member Woodhouse

1. **THAT** Report No. FA-55-21 RE: Niagara Peninsula Aspiring Global Geopark (NPAGG) MOU **BE RECEIVED**.

2. **AND THAT** the Memorandum of Understanding between Niagara Peninsula Aspiring Global Geopark and NPCA **BE APPROVED**.

CARRIED

- d) Report No. FA-56-21 RE: COVID-19 Vaccination Policy - Misti Ferrusi, Manager Human Resources provided a summary of the report.

Resolution No. FA-154-2021

Moved by Member Wright
Seconded by Member Beattie

1. **THAT** Report No. FA-56-21 RE: COVID-19 Vaccination Policy **BE RECEIVED**.
2. **THAT** staff **BE DIRECTED** to develop a COVID-19 Vaccination Policy applicable to NPCA Staff, Volunteers, Students, and members of NPCA Board and Committees who may attend in-person meeting and events on NPCA facilities.
3. **THAT** the Policy **BE REVIEWED** and **APPROVED** by the Governance Committee at their Meeting on September 23, 2021 and **IMPLEMENTED** immediately thereafter.
4. **AND FURTHER THAT** Policies and Procedures for NPCA meeting and event facilities for all indoor events and non-essential activities **BE DEVELOPED** and **IMPLEMENTED** prior to September 22, 2021 as per the Provincial deadline.

CARRIED

9. COMMITTEE ITEMS

9.1 STRATEGIC PLANNING COMMITTEE

9.1.1 Minutes of the Strategic Planning Committee Meeting dated July 16, 2021

Resolution No. FA-155-2021

Moved by Member Clark

Seconded by Member Cridland

THAT the minutes of the Strategic Planning Committee Meeting dated July 16, 2021 **BE RECEIVED**.

CARRIED

9.2 FINANCE COMMITTEE

9.2.1 Minutes of the Finance Committee Meeting dated July 28, 2021

Resolution No. FA-156-2021

Moved by Member Foster

Seconded by Member Hellinga

THAT the minutes of the Finance Committee Meeting dated July 28, 2021 **BE RECEIVED**.

CARRIED

9.2.2 Report No. FA-48-21 RE: Financial Report – Q2 – 2021 - Lise Gagnon, Director of Corporate Services provided a summary.

Resolution No. FA-157-2021 Chandra Sharma, Chief Administrative Officer

Moved by Member Huson

Seconded by Member Ingrao

THAT Report No. FA-48-21 RE: Financial Report – Q2 - 2021 **BE RECEIVED**.

CARRIED

- 9.2.3 Report No. FA-49-21 RE: 2022 Operating and Capital Budget Assumptions - Ms. Gagnon Director, Corporate Services addressed questions.

Resolution No. FA-158-2021

Moved by Member Kawall

Seconded by Member Rapley

1. **THAT** Report No. FA-49-21 RE: 2022 Operating and Capital Budget Assumptions **BE RECEIVED**.
2. **THAT** the recommended budget assumptions for the 2022 Operating and Capital Budgets within Report No. FA-49-21 **BE APPROVED** for use in the development of the 2022 budget.
3. **THAT** a list of current known unfunded priorities **BE PREPARED** for the Board's consideration in conjunction with 2022 budgets.
4. **AND FURTHER THAT** Staff **BE DIRECTED** to submit the Preliminary 2022 Budget to the funding municipalities in accordance with their guidelines and schedules.

CARRIED

- 9.2.4 Report No. FA-50-21 RE: Banking Policy

Resolution No. FA-159-2021

Moved by Member Smith

Seconded by Member Steele

1. **THAT** Report No. FA-50-21 RE: Banking Policy **BE RECEIVED**.
2. **AND THAT** the Banking Policy attached as Appendix 1 **BE APPROVED**.

CARRIED

- 9.2.5 Report No. FA-51-21 RE: Investment Policy – Ms. Gagnon, Director of Corporate Services presented.

Resolution No. FA-160-2021

Moved by Member Woodhouse

Seconded by Member Wright

1. **THAT** Report No. FA-51-21 RE: Investment Policy **BE RECEIVED**.
2. **AND THAT** the Investment Policy attached as Appendix 1 **BE APPROVED**.

CARRIED

- 9.2.6 Report No. FA-52-21 RE: Contract Award Update - Montague Construction Ltd. Binbrook Septic - Adam Christie, Director of Operations provided a summary.

Resolution No. FA-161 -2021

Moved by Member Coon Peterson

Seconded by Member Cridland

THAT Report FA-52-21 RE: Contract Award Update – Montague Construction Ltd. – Binbrook Septic **BE RECEIVED**.

CARRIED

10. NOTICES OF MOTION

None

11. MOTIONS

None

12. NEW BUSINESS

- a) Niagara Peninsula Conservation Foundation Update – Member Foster advised of the recent and pending changes in staff and Foundation Board membership. He also highlighted a fundraising event with Bench Brewery.

Resolution No. FA-162-2021

Moved by Member Coon-Petersen

Seconded by Member Cridland

THAT the verbal update on the Niagara Peninsula Conservation Foundation from Member Foster **BE RECEIVED**.

CARRIED

- b) C.A.O. Updates – Verbal – Chandra Sharma, Chief Administrative Officer updated members on the Strategic Plan, return to work guidelines, the launch of the new financial system internally and issues involving the Wainfleet Bog and the upcoming Thanksgiving Festival. Alicia Powell also spoke of the Thanksgiving Festival. Members posed questions.

Resolution No. FA-163-2021

Moved by Member Foster

Seconded by Member Hellinga

THAT the verbal update from Chandra Sharma, Chief Administrative Officer **BE RECEIVED**.
CARRIED

13. CLOSED SESSION

- a) Litigation or Potential Litigation - Verbal Update on Enforcement and Compliance

Resolution No. FA-164-2021

Moved by Member Huson

Seconded by Member Ingrao

THAT the NPCA Board of Directors **CONVENE** in closed session at 10:27 a.m. in accordance with Section 10.1 c) of the Administrative Bylaw for a verbal update on litigation or potential litigation relating to enforcement and compliance issues, specifically planning and permitting along the lake shore in Wainfleet and in the area of Sulphur Springs Road.

Resolution No. FA-165-2021

Moved by Member Wright

Seconded by Member Steele

THAT the Board of Directors Meeting **RECONVENE** in open session at 11:27 a.m..

CARRIED

14. ADJOURNMENT

Resolution No. FA-166-2021

Moved by Member Wright

Seconded by Member Steele

THAT the Full Authority Meeting **BE ADJOURNED** at 11:28 a.m..

CARRIED

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority

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



October 5th, 2021

The Honourable David Piccini
Minister of Environment, Conservation and Parks
College Park
777 Bay St., 5th Floor
Toronto, ON M7A 2J3

Re: Update on Conservation Ontario's Client Service and Streamlining Initiative

Dear Minister Piccini:

Thank you for the opportunity to meet with you on August 24th to discuss the Phase 1 regulations under the *Conservation Authorities Act* and other items of interest. Conservation Ontario is highly appreciative of your ongoing support of the Minister's Conservation Authorities' Working Group.

I am writing today to provide information regarding the Conservation Ontario Client Service and Streamlining Initiative. The Initiative received endorsement in April 2019 from Conservation Ontario Council, along with individual resolutions of support from all 36 of Ontario's conservation authorities. The Initiative was created to support actions outlined in the provincial *Housing Supply Action Plan*, and identifies a number of actions to improve CA client service and accountability, increase speed of approvals and reduce red tape and regulatory burden. The Initiative is intended 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. To date, Conservation Ontario has developed a range of guidance documents and tools for CA planning and regulations programs to ensure a consistent level of service and accountability. Additional details on actions completed to date are in the attached bulletin.

To maximize the impact of the Initiative, Conservation Ontario prioritized working with 14 CAs in high-growth areas of the Province to provide publicly accessible client-centric CA review and approval process checklists and to track and report on permit timeliness. These checklists, designed to increase transparency of process and client accountability were available on the high-growth CAs' websites by November 2020. At the same time, these CAs tracked S. 28 permit timeliness in 2020 issuing a total of 6652 permits, representing over 62% of the total CA permits issued across the Province. Per the attached bulletin, the high-growth CAs were highly successful in issuing permits within both the provincial and more challenging CO best practice timelines. When these timelines were not met, variances were often minor in nature (i.e., less than five days).

I understand that one of the Government's concerns relates to the need for applications for S. 28 permits to be addressed in a timely manner. Although the last 18 months have presented challenges as a result of the COVID-19 pandemic, we are proud of the track record of our high-growth CAs with regard to permit review and approval processes. As Ontario continues work to emerge from the COVID-19

pandemic and continues on the Roadmap to Reopen, we understand that this is an opportune time to heighten our commitment to positive client service practices.

In summary, conservation authorities are collectively committed to working in collaboration with our member municipalities and the building and development industry to support the Province's objective to increase housing supply, while protecting public health and safety, and, the environment.

Should there be any questions or the need for additional information, please contact Kim Gavine, General Manager of Conservation Ontario, at 905-251-3268 or kgavine@conservationontario.ca.

Sincerely,



Andy Mitchell
Chair, Conservation Ontario

c.c. Kim Gavine, General Manager, Conservation Ontario
All Conservation Authority GMs/CAOs



Conservation Authorities Continue to Demonstrate their Commitment to Improving Client Service and Streamlining

October 5th, 2021

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 GUIDELINES, TEMPLATES AND TOOLS IN SUPPORT OF CA PLANNING AND PERMITTING PROGRAMS

The following support material was prepared by CO in consultation with conservation authorities and representatives from the Association of Municipalities of Ontario (AMO), the Residential Construction Council of Ontario (RESCON), the Ontario Home Builders Association (OHBA) and the Building Industry and Land Development Association (BILD).

- [Template for Conservation Authority Planning Comments](#) (Endorsed September 30, 2019)
- [Guideline for CA Fee Administration Policies for Plan Review and Permitting](#) (Endorsed December 9, 2019)
- [CA-Municipality MOU Template for Planning and Development Reviews](#) (Endorsed December 9, 2019)
- [Client Service Standards for Conservation Authority Plan and Permit Review](#) (Endorsed December 9, 2019)
- [Guideline for Conservation Authority Pre-Consultation \(for planning and permitting applications\)](#) (Endorsed September 28, 2020)

PUBLICLY ACCESSIBLE CLIENT-CENTRIC CA REVIEW AND APPROVAL PROCESS CHECKLIST

As of November, 2019, the 14 high-growth CAs have implemented a publicly accessible consistent, client-centric CA review and approval process checklist of agreements, policies, reports and tools that guide CA reviews and decision-making. The intent of the checklist is to provide a consistent level of publicly accessible information on CA websites, and provide overall transparency of process and rules. Each CAs' checklist includes:

- CA / Municipal MOUs or Technical Service Agreements
- CA Fee Policies and Schedules

- CA Plan Review and Regulation Approvals Policies / Guidelines
- CA Complete Application Requirements
- CA Client Service Standards Commitment / Policy
- CA Annual Report on Review Timelines
- CA Online Screening Maps

In addition to the 14 high-growth CAs, 13 additional CAs have since volunteered to work towards implementation of the client-centric checklist as a best practice, demonstrating a commitment to ongoing client service process improvements. These CAs will work towards full implementation of this checklist, as resources allow.

2020 ANNUAL REPORT – CHALLENGING TARGETS SET FOR CA REVIEWS

To support timely reporting of CA Section 28 permit application reviews, Conservation Ontario developed a template which outlines a consistent reporting framework for permit review and approval timelines. Consistent with the “Client Service Standards for Conservation Authority Plan and Permit Review”, the template identifies “best practice” timelines which were developed in response to industry concerns regarding timeliness of CA approvals.

The “best practice” timelines represent a significant overall reduction compared to Provincial expectations described in the *Policies and Procedures for Conservation Authority Plan Review and Permitting* (NDMNRF, 2010), including a 52% reduction in the overall timeline for major permit applications and 42% for minor permit applications.

Where these ambitious timelines were not met, the exceedances were often minor in nature (five days or less). Exceedances were generally related to the COVID-19 pandemic, including initial processing and staffing challenges and increased permit application volumes; as well as challenges with CA tracking systems and requests to review planning-related applications first.

2020 PERFORMANCE RESULTS

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.

CONTINUOUS IMPROVEMENT: INCREASING SPEED OF APPROVALS

Conservation authorities have noted that tracking their Section 28 review timeliness has allowed them to make improvements to their staffing complement, application processing procedures, timeline tracking systems and more to improve Section 28 permit review timeliness moving forward.

For more information:

Leslie Rich, Policy and Planning Liaison
Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3WE
(705) 716-6174
lrch@conservationontario.ca

Niagara Peninsula Conservation Authority

Public Advisory Committee

Discussion Paper

Identification of Key Issues and Opportunities within the Niagara Peninsula Conservation Authority (NPCA) Area October 5, 2021

Introduction

The Niagara Peninsula Conservation Authority (NPCA) Public Advisory Committee (PAC) is comprised of twelve (12) voting members representing a broad cross-section of interests across NPCA jurisdictional area and two non-voting Board members. Members represent the following sectors;

- First Nations
- Métis
- Urban/rural planning
- Agricultural North
- Agricultural South
- Development
- Chamber of Commerce/Tourism
- Property owners/Public-at-large
- Public-at-large
- Public-at-large
- User/volunteer
- Environment
- NPCA Board Chair
- NPCA Board Vice Chair

Members are recommended by a selection sub-committee based on their experience and expertise and appointed to the PAC by the NPCA Board of Directors.

On February 25th, 2021 the Public Advisory Committee met to discuss, in part, issues and opportunities specific to their sector in relation to natural systems and the NPCA. The following questions were put forward to frame the discussion;

1. From the perspective of your interest in environmental conservation and sustainable land use in Niagara what two issues do you feel are the most important?
2. How do these issues relate to NPCA and how would you like to see the organization address them?
3. Other important issues?
4. Further comments?

Members were also asked to provide a written response to these questions after the meeting. This paper captures key points made both in the discussion and in the written responses. Twelve (12) members, including the Board Chair and Vice Chair, participated in the discussion and six (6) written submissions were received following the meeting.

The following is a summary of comments and observations from PAC members. Further detail is available on request. It should be noted that four (4) of the PAC members were attending their very first meeting when this discussion took place, while other members have been members of the PAC for a full term or more.

Issue Identification by Sector

First Nations

The member representative stressed the importance of the land and using it sustainably.

1. **Natural systems protection** - We must ensure that we are preserving the natural flora and fauna. As important is ensuring the ones that aren't supposed to be here, the invasive species, aren't here.
2. **Education** – Education around historical aspects of the land in Niagara is important and should be approached in positive ways.

Métis

The member representative was very interested in protecting our water and watershed. They are concerned about what is being put on the land, with the understanding that water and land are connected, so what is put onto our lands may eventually find its way into the water, including sources of drinking water.

1. **Drainage** - the province is allowing for increases to the length of culverts for road crossings. It is important to not create “entombments” of the waterways by increasing the area of waterway in culverts. It should also be remembered that what many see as a drain is the main source of water for other animals.
2. **Nutrients** - what is allowed to be put on the land, especially close to waterways. The provincial government is allowing an increase to the amount of farm manure which may be put into the digesters and the waste from this will be put on the land. This will be an increase to what they currently put on the land, often close to waterways, and there is a high risk that increased

nutrients and other contaminants will enter our waterways during spring runoff and rainfall events. The safe transport of these nutrients is also a concern as new regulations are making it easier to transport material from one farm to another.

Urban/Rural Planning

The member representative noted that climate change is something that is going to impact all of us. We will need to prepare/mitigate, to maintain water supplies, and the health of our ecosystems. The Niagara region is poised for substantial growth so there is a need to balance environmental responsibility and reasonable pricing levels.

1. **Provide Balance** - There is a desire to strike a balance between environmental protection and sustainable development. The NPCA could become a leader in sustainable development while at the same time facilitating land development projects that comply and implement appropriate environmental initiatives. Sometimes proposed innovative low impact development (LID) solutions are declined by the municipalities for perceived maintenance and upkeep issues. A very proactive educational program would help make LID options more accepted/recognized.
2. **Realistic environmental standards** - These need to be implemented. A blanket prohibition of development closer than 30 m to a provincially significant wetland (PSW) is a prime example. There are a myriad of environmental policies and permits to deal with for development projects.
 - a. Proposing environmental or LID standards or guidelines is a great initiative - in order to implement these municipal staff and developers need to “buy in” and see direct benefits
 - b. Tree preservation initiatives are also important. Adopting a watershed wide replacement policy and having land available to facilitate replacement when it is not possible to save every tree should be a consideration/option
 - c. Having replacement habitat readily available outside the urban boundary—paid for by developers who are forced to find replacement habitat protects the threatened or endangered species while also allowing the development to proceed.

“The diversity on PAC is great and we should be able to address these issues.”

Development

The member representing this sector is relatively new to the PAC but was able to provide the following points for consideration:

1. The development sector is interested in the **direction of the NPCA’s Strategic Plan, local growth, watershed buffers, and providing affordable housing.**
2. **Accurate updated mapping** is crucial for both sectors for future planning, allowing municipalities to accurately see where development and environmental options are located.

Chamber of Commerce/Tourism

The member representative for this sector does not have any issues at this time and is satisfied with the direction of the PAC in the last year or so.

Agriculture North

There are concerns within this sector on costs associated with their businesses.

1. **Labour costs and applications** for culverts/drainage/irrigation – permits challenge
2. **Issuing of NPCA Permits**

A quicker turnaround time on reviewing in-water works and plans would be beneficial. The timing of granting permits sometimes does not coordinate with production cycles making it difficult to perform the work once the permit is issued.

Agriculture South

The two issues identified by the member representative of this sector are water related.

1. **Wetlands** - MNRF is the entity that designates wetlands but it is the NPCA who regulates the wetlands that are identified. Farmers and other landowners should have a reasonable expectation that activities allowed by the Provincial Policy Statement would be respected. “In the event that there are regulatory issues involving wetlands, farmers and other landowners should have a reasonable expectation that the conduct of Regulations Officers will be professional and polite. They should attempt to work with farmers and other landowners to resolve any issues as much as possible.”
2. **Watercourses** - Many farmers have made private ditches which are then designated as water courses. This has been an ongoing issue in the agricultural community and creates lots of opportunities for conflict.

Public at Large –Property Owners

The member representative for this sector said that “eighty-seven percent of land mass in Ontario is public land so why the interest in the less than thirteen percent which is private property?”

1. **Drainage** – “The municipalities gave the conservation authorities the responsibility to oversee drainage issues, which are causing problems with most of the new development in Niagara, especially to property owners whose properties are situated downhill from the development. The conservation authorities should take the responsibility to keep culverts clear of grass and debris, so that water is swept away, not causing water to flood people’s properties.”
2. **Property Rights** – “As I look at the above question the first thing comes to mind is that all of these great initiatives will result in loss of my right to my private property. I am not opposed to anyone that wishes to embark on any of these initiatives, but it must not be on private property, unless permission has been given, by the property owner.”

“The NPCA could present visions and ideas that would support the above initiatives, but this stewardship must be voluntary, as has been legislated in the Conservation Land Act.”

Public at Large (1)

The representative for this sector identified the following challenges:

1. **Stewardship and knowledge transfer** are important. How do you reach the most people, how do you affect behaviour change in organizations, how you communicate, and encourage contributing back by volunteering?
2. **Transparency** and notification of NPCA policies/programs to the public should be increased.

User/ volunteers

This sector representative is new to the Committee and provided the following comments;

1. **Communication** - The efforts of the NPCA are appreciated in identifying which services and activities are permitted or available at the various conservation areas within the Niagara region. The NPCA should continue to improve these communication initiatives, particularly since there are changing responses to the pandemic.
2. **Cost to access** - Where there are costs to access conservation areas or facilities, the price points should not be a deterrent to those wishing to do so. The NPCA strategic plan encourages connecting people with nature. It is therefore important that any costs/fees that are paid by the public reflect the goal of creating equal opportunities to access conservation areas. The NPCA should consider revising charges associated with accessing conservation areas or facilities.

Public at Large (2)

The member, another new member to the committee, offered the following comments:

1. There is a need for **sustainable land development** within the region - location, density and design. I would like to see NPCA support local municipalities in continuing to move towards responsible development and restoration of ecosystems.
2. **Watershed management and ecosystem health** are important. Conservation Authorities support land stewardship even when mandates change. There are opportunities to partner for restoration, public awareness and educational programs, land management (through support and partnership with municipalities). CAs have an opportunity to support larger geographic areas because they are not bound by municipal boundaries.

Environment

The member representative for this sector contacted a number of leaders in the community and collected their thoughts on these questions. This is a brief summary of their extensive responses, further details are available.

1. **Natural systems preservation** – This is the most important environmental concern in the watershed and results in decreasing biodiversity, loss of the unique Carolinian natural systems. This is partially the result of planning and development processes which do not adequately address the values of natural systems and functions protection. The quality of Environmental Impact Studies (EIS) is universally cited as not being objective or science based and there is no public trust in the current EIS process.

2. **Land protection and remediation** – As well as participating in systems protection, specific lands will be best protected through acquisition and/or remediation. Many natural sites owned by NPCA are in need of remediation, especially given the high usage during the pandemic and it is important that these issues be addressed so as to ensure diversity and specific features are not lost.

Beyond the legislation, the NPCA must be a strong voice for the wise use of our lands and resources, and ensure that natural systems, both aquatic and terrestrial, are adequately protected. This includes incorporating local protection mechanisms where needed and not relying exclusively on provincial legislation.

Closing discussion

Identified Issues, Challenges, and Opportunities by Sector

Sector	Top Issues
First Nations	<ol style="list-style-type: none"> 1. Preserving natural flora and fauna 2. Educating public on history of Niagara
Métis	<ol style="list-style-type: none"> 1. Protecting natural values of waterways - drainage 2. Proper handling of nutrients
Urban/rural planning	<ol style="list-style-type: none"> 1. Incorporate sustainable planning methods 2. Realistic environmental standards
Agricultural North	<ol style="list-style-type: none"> 1. Labour costs/applications for culverts/drainage/irrigation 2. Timely Issuing NPCA permits
Agricultural South	<ol style="list-style-type: none"> 1. Wetland policy and enforcement 2. Watercourse designation
Development	<ol style="list-style-type: none"> 1. Strategic plan, affordable housing 2. Mapping updates
Chamber of Commerce/Tourism	None
Property owners/Public-at-large	<ol style="list-style-type: none"> 1. Property rights 2. Drainage management
Public-at-large	<ol style="list-style-type: none"> 1. Stewardship and knowledge transfer 2. Transparency
User/volunteer	<ol style="list-style-type: none"> 1. Communications with public 2. Cost to access conservation areas/facilities
Public-at-large	<ol style="list-style-type: none"> 1. Sustainable development 2. Watershed management/ecosystem health
Environment	<ol style="list-style-type: none"> 1. Natural systems preservation 2. Land protection and remediation

Many similarities may be found across the discussion, as well as sector specific concerns and opportunities.

Sector specific

- The planning process minimizes environmental values
- The identification of issues with Environmental Impact Statements to ensure thoroughness, objectivity, and science based analysis and recommendations
- Slow NPCA permitting process and the challenges of 'jumping through hoops'
- Need for natural heritage protection with focus on unique Carolinian zone features
- Difficulties in incorporating new sustainability measures such as LID
- Water quality management throughout the watershed to protect quality and aquatic habitat
- Private lands rights
- Level playing field – i.e. everyone is required to follow the same rules and ensure a transparent process – government, agriculture, development, residents

Similarities

- How do we maintain, protect, and enhance the natural features of the watershed while encouraging efficiencies in how issues and conflicting goals are addressed?
- How do we deal with projected growth in a way that does include retention of the important of natural functions such as wetlands and open spaces for water control and urban/rural forests for cooling and air quality?
- The need to address drainage issues (water quantity) with the focus ensuring all reaches within a subwatershed have needs met
- Ensuring adequate access to natural spaces (beyond conservation areas) for all residents as an important measure of quality of life

There have been many recent changes in the Niagara peninsula landscape and there are more to come. How do we provide the necessary amenities in an affordable, sustainable way which will keep what is important to residents of the watershed community?

The most important theme that emanated from our discussion was our love of the Niagara peninsula watershed, recognition of the uniqueness of the landscape (mosaic of natural features, agricultural lands and residential areas) and our commitment to make it a place that we can all be proud of regardless of our personal approaches and thoughts as to how this may be achieved.

Next steps

This was a good initial step in issue identification but it is apparent that further discussion is needed to flesh out details of this preliminary discussion.

The next step is to identify associated areas of concern and stakeholders, and from there begin the process of identifying how issues might best be addressed. Some matters may be addressed by NPCA, others may require participation of the broader community, and some show the need for broader

communication about the role of the NPCA and what we can and can't control, but can work collaboratively with partners and other levels of government to address.

This information provides NPCA and its partners with the opportunity to ensure that relevant issues are addressed in the development of Strategic Plan and it is hoped that the Plan will reflect this input.

The Public Advisory Committee provides both the NPCA Board and staff with valuable insight into issues and concerns of residents which falls under its jurisdiction. Further, the PAC is comprised of individuals with valuable expertise and experience in their sector. As such, the Board is encouraged to consult with the PAC on a regular basis, at a minimum annually, on issue and opportunity identification with the intent of working towards shared solutions.



— NIAGARA PENINSULA —
CONSERVATION FOUNDATION

ANNUAL REPORT 2020

CONNECT | CONTRIBUTE | CONSERVE

TABLE OF CONTENTS

Message from the Chair and Executive Coordinator	3
Board of Directors	4
About the Foundation	5
Financials	6
Memorial Program	7
Comfort Maple Pens	8
Comfort Maple in the Media	9
Directors Donation	10
NPCF Giving Weekend	11
Rt. Hon. John Turner, In Memoriam	12
Thank You	14



MESSAGE FROM THE CHAIR AND EXECUTIVE COORDINATOR

The Niagara Peninsula Conservation Foundation ended the year with a literal splash of color and lights.

In November we partnered with the Niagara Peninsula Conservation Authority to host our first Ball's Fall Holiday Trail initiative. A special Giving Weekend in December allowed us to fundraise through an outdoor, socially distanced event that provided the community with the opportunity to explore the fabulous Ball's Falls Conservation Area at night – awash with color. It was truly a magical experience.

We learned in the past year that people are craving the outdoors. This need blends well with our Foundation's mission to raise funds toward environmental endeavors that include increasing green space, improving water quality, restoring habitat, conducting environmental research, and providing education.

Despite its challenges, 2020 brought many opportunities. The Foundation and Conservation Authority developed a Memorandum of Understanding to demonstrate the commitment of both organizations to the long-time partnership. Our success would not be without the support of Conservation Authority staff who assist in the financial, administrative, communications, and operational needs of the Foundation. We also launched our first Director's Donation Challenge, where the Boards of the Foundation, Authority and the NPCA's Public Advisory Committee, in addition to Staff Directors, contributed and far exceeded our expectations. We thank you all for your participation.

We welcomed Andrea Crosby-DiCenso back as our Executive Coordinator. Andrea expressed her “delight and excitement in returning to her first passion – conservation.”

We also wish to express our deepest thanks to the Foundation's Board of Directors who were enthusiastic in welcoming our newest member in 2020 – Mary Sergenese. Mary brings a wealth of fundraising talent from the health care sector. There is no doubt in our minds that our health and well being is strongly linked to our ability to connect with nature.

We also thank our many donors, sponsors, and volunteers for your exceptional support during a year that brought challenges for many. We look forward to a bright future and the promise that 2021 will bring hope and prosperity to all.

Tom Insinna
NPCF Chair

Andrea Crosby-DiCenso
Executive Coordinator



BOARD OF DIRECTORS



TOM INSINNA
Chair



D. GAYLE WOOD
Secretary-Treasurer



CHANDRA SHARMA
Director



ROB FOSTER
Vice-Chair



MARY SERGENESE
Director



DOMINIC "MICKEY" DIFRUSCIO
Director



ABOUT THE FOUNDATION

VISION

A leader in providing resources to support conservation work throughout the Niagara Peninsula watershed.

MISSION

It is our mission to raise funds towards environmental endeavors that include increasing green space, improving water quality, habitat restoration, environmental research and education and conservation programs and projects, including museum projects.

STRATEGIC PRIORITIES

1. Strengthen organizational governance.
2. Become Niagara's environmental charity of choice.
3. Build strong community partnerships.
4. Continue with ongoing programs.
5. Development a Fundraising Strategy.

The Niagara Peninsula Conservation Foundation (NPCF) is a registered charity that was founded on May 5, 1969.

Governed by a volunteer Board of Directors, we fundraise in support of the Niagara Peninsula Conservation Authority (NPCA) towards projects that aid in the conservation of our natural resources for present and future generations.

When you donate to the Foundation, you help sustain conservation projects and programs that contribute to improving our watershed.

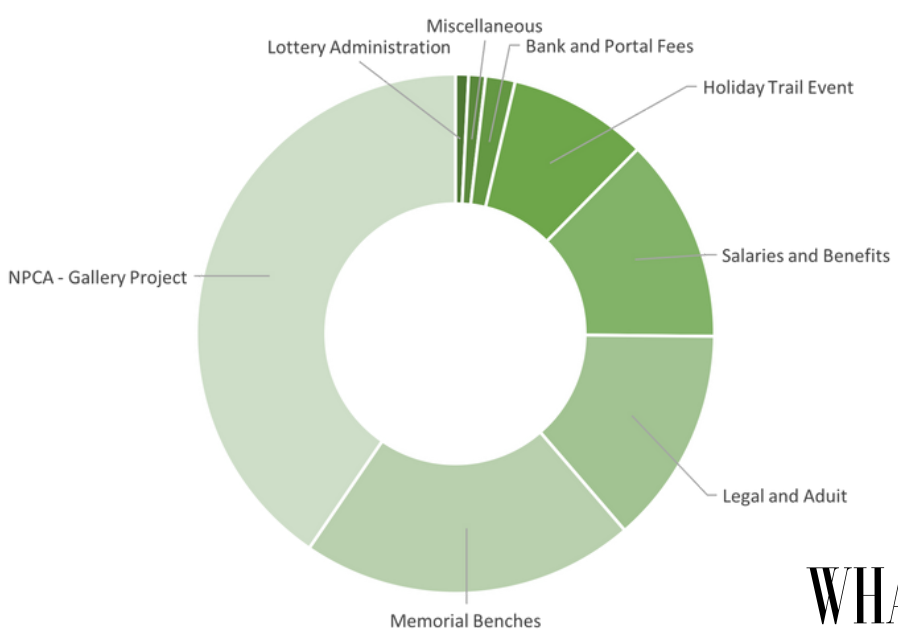
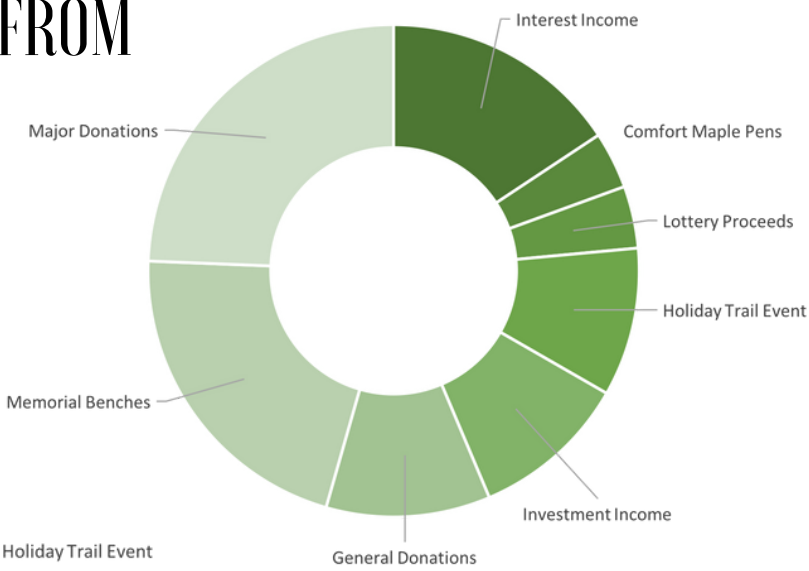
Donations can be made online at:
www.niagaraconservationfoundation.com



FINANCIALS

WHERE NPCF DOLLARS COME FROM

Interest Income	Investment Income
\$ 1,002 1.8%	\$ 6,584 12%
Comfort Maple Pens	General Donations
\$ 2,381 4.4%	\$ 6,885 12.6%
Lottery Proceeds	Memorial Benches
\$ 2,599 4.8%	\$ 13,500 24.7%
Holiday Trail Event	Major Donations
\$ 6,221 11.4%	\$ 15,519 28.4%



Lottery Administration	Salaries and Benefits
\$ 470 0.8%	\$ 7,324 12.7%
Miscellaneous	Legal and Audit
\$ 605 1.1%	\$ 7,763 13.5%
Bank and Portal Fees	Memorial Benches
\$ 1,061 1.9%	\$ 12,000 20.9%
Holiday Trail Event	NPCA - Gallery Project
\$ 5,000 8.7%	\$ 23,250 40.5%

WHAT NPCF DOLLARS SUPPORT



MEMORIAL PROGRAM



2020 REVENUE

- A total of five benches were installed in 2020.
- Total revenue: \$13,500.



2021 OVERVIEW

- \$5,000.00 per bench (including plaque and tax)
- 10% deposit required (non-refundable)
- Tax receipt provided by NPCF
- Installation June to October

If you're interested in participating in our Memorial Program, please email foundation@npca.ca or online at niagaraconservationfoundation.com



COMFORT MAPLE PENS

The Comfort Maple Conservation Area conserves what is widely believed to be the oldest and finest sugar maple tree in Canada, estimated to be over 540 years old, and was designated a heritage tree in June 2000 under the Ontario Heritage Act.

Originally in an area of hardwood forest, the tree's size and shape suggest the forest was cleared when the tree was still young, likely for agricultural purposes. The 0.2-hectare area was land owned by the Crown and granted to Major Robert Secord in 1808. It was then sold by the Secord family to the Comfort family in 1816, and later entrusted to the NPCA on April 30, 1961 by Miss Edna Eleanor Comfort (Lease for 999 years), to conserve the 'old growth' tree for its historical and biological significance.

Over the years, NPCA arborists have collected the wood pruned annually for repair and health, and in 2015, the NPCF launched a fundraiser selling pens by turner Marv Ens of Fenwick, ON. Mr. Ens continues to make these hand-crafted pens to preserve and highlight the beauty and character of this magnificent tree. It is truly a "one of a kind" writing instrument.



2020 REVENUE

- A total of 19 pens were sold
- Total revenue: \$ 1,900

To purchase your own piece of Canadian Heritage, please email foundation@npca.ca or online at niagaraconservationfoundation.com





COMFORT MAPLE IN THE MEDIA

THE COMFORT MAPLE TREE
HAS BEEN FEATURED BY:

[CTV](#)

[Toronto Star](#)

[CBC](#)

[National Post](#)

[National Observer](#)

[Cottage Life](#)

[YourTV Cogeco](#)

[Narcity.com](#)

[The Voice of Pelham](#)

[Niagara This Week](#)

[St. Catharines Standard](#)

[Histoires d'Arbres Saison 2 Les Nourriciers](#)

(French Documentary)





DIRECTORS DONATION

The Directors' Donation Challenge was a new initiative launched in 2020. This idea stemmed from esteemed Foundation Member Dominic "Mickey" DiFruscio who envisioned that every Niagara Peninsula Conservation Foundation and Conservation Authority Board Member should donate to protect greenspace and enhance environmental education.

Foundation Chair Tom Insinna and Conservation Authority Chair Brenda Johnson led the charge! This initiative resulted in close to \$8,000 raised from Board Members, Staff Directors, and the Authority's Public Advisory Committee.

Chair Insinna marvelled at Chair Johnson's leadership by donating her Conservation Authority honourarium to this fundraising initiative. Chair Johnson noted that "It's important to lead by example. Representing the City of Hamilton on the Authority Board, I want to ensure that part of my donation is focused on the Binbrook Conservation Area and the great work done by the Glanbrook Conservation Committee."

"The importance of protecting greenspace has never been more prominent in the minds of the watershed community than during the last year" stated Chair Insinna. "On behalf of the Foundation, I want to thank all those who generously supported our work in 2020."





NPCF GIVING WEEKEND

AS PART OF THE **BALL'S FALLS** HOLIDAY TRAIL

The Foundation and Niagara Peninsula Conservation Authority (NPCA) welcomed the community to beautiful Ball's Falls Conservation Area this winter season as part of the Holiday Trail. The initiative received significant attention bringing in guests from all over the region to share in a new holiday tradition which safely allowed them to enjoy this illuminated hiking experience at their leisure during pre-booked time slots.

Guests began at the Centre for Conservation where they were greeted by staff, and a number of holiday displays and decor generously sponsored by Niagara Nurseries, Rice Road Greenhouse, Gauld Nurseries and Songbird Christmas Tree Farm. After exiting the Centre, guests journeyed down the Switchback Trail, crossing over the Twenty Mile Creek on the illuminated bridge, to the magically lit village of Glen Elgin featuring an illuminated Barn, Chapel, Cabin and Victorian Home. To complete their experience, guests were encouraged to take in the breathtaking views of the lower falls, illuminated to showcase what Ball's Falls is known for.

The Foundation held a Giving Weekend from December 12th - 13th with a kickoff event on December 11th. The Foundation saw a total of 319 registrations which translated to 1,041 guests and raised \$6,221.24.

"In light of not being able to hold physical events this year, this is a great starting point for both the Authority and Foundation to begin a new tradition, one that will only improve in the coming years," said Tom Insinna, Foundation Board Chair. "It's been a tough year for all, so we are hoping to - quite literally - shed some light on everyone's holiday season."





RT. HON. JOHN TURNER

“ *The Niagara Peninsula is a summary of what water can do for our nation and community. We have a good fortune of having 20% of the fresh water in the world and citizens have to be concerned about conserving it.* ”

RT. HON. JOHN TURNER



In 2015, the Rt. Hon. John Turner Water & Environmental Leadership Award Gala was established as a signature event of the Foundation, held at Queen's Landing Hotel in picturesque Niagara-on-the-Lake.

The Award Gala recognizes outstanding work in environmental and water improvement, education and leadership by individuals or organizations that reside in the Region of Niagara, City of Hamilton and Haldimand County.

Proceeds from the event support conservation improvement projects within the NPCA watershed, as well as a scholarship at Brock University and bursary at Niagara College for students pursuing post-secondary education in environmental studies.

The Water & Leadership Award honors the passion, dedication and commitment of Canada's 17th Prime Minister, the Rt. Hon. John Turner who brought forth a strong and influential voice to issues surrounding the protection of Canada's natural resources. Although the Gala hasn't been held since 2018, it is hoping to return in the near future.



Mr. Turner served in the House of Commons for almost 25 years and is the only person in Canadian history to have represented three provinces as a Member of Parliament: Quebec, Ontario and British Columbia.

A strong passion for the great outdoors, he canoed all over Canada including epic trips with his family and friend Bob Engle into the waterways of the Northwest Territories, with his final canoe trip through Algonquin Park in his 77th year.

The Right Honourable John Napier Wyndham Turner P.C., C.C., Q.C. passed away peacefully at home in Toronto on September 19, 2020, at the age of 91.





THANK YOU

On behalf of the Niagara Peninsula Conservation Board of Directors, we wish to extend a sincere thank you to all our donors, corporate sponsors, partners and volunteers.

Your generous support of our organization allows us to continue providing resources to conservation projects across the Niagara watershed that benefit all residents in the community for present and future generations.

CORPORATE SPONSORS AND PARTNERS

Niagara Peninsula Conservation Authority (NPCA)

Peninsula Field Naturalists

Art and Val Fleming Fund

Aviva

Northland Power

Ontario Power Generation

Small Scale Farms

Rice Road Greenhouse

Gauld Nurseries

Niagara Nurseries

Evergreen Acres Christmas Tree Farm

***Never doubt that a small group of thoughtful,
committed citizens can change the world. Indeed
it is the only thing that ever has.***

MARGARET MEAD



— NIAGARA PENINSULA —
CONSERVATION FOUNDATION

250 Thorold St. West
Welland, ON L3C 3W2

905-788-3135 ext 435
foundation@npca.ca
www.niagaraconservationfoundation.com
Charitable No. 119057511 RR0001

Report To: Board of Directors

Subject: 2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc.

Report No: FA-58-21

Date: October 15, 2021

Recommendation:

THAT Report No. FA-58-21 RE: 2021 Memorandum of Understanding between Conservation Ontario and Hydro One Networks Inc. **BE RECEIVED** for information.

Purpose:

The purpose of this report is to provide information to the Board regarding a newly establishing Memorandum of Understanding (MOU) between Conservation Ontario and Hydro One Networks Inc. ("Hydro One"). The 2021 MOU aims to streamline the approach for Hydro One and its affiliates (i.e., Hydro One Telecom Inc. and Hydro One Sault Ste. Marie LP) to obtain Conservation Authority permission for common maintenance and construction activities undertaken within land regulated under Section 28 of the *Conservation Authorities Act* and Conservation Authority-owned lands.

Background:

Hydro One is Ontario's largest electricity transmission and distribution provider with approximately 1.4 million customers across Ontario. Its system accounts for approximately 98% of Ontario's transmission capacity with approximately 30,000 circuit kilometres of high-voltage transmission lines. Additionally, its distribution system is the largest in Ontario, consisting of 123,000 circuit kilometres of primarily low-voltage power lines. Pursuant to the *Electricity Act*, and the *Ontario Energy Board Act*, Hydro One is required to ensure a safe, reliable and cost-effective supply of electricity to the people of Ontario. Construction and maintenance of its electricity system is necessary to fulfill this mandate.

In 2011, Conservation Ontario and Hydro One, which was a Crown corporation at the time, entered into an MOU that detailed protocols that would be followed between Conservation Authorities and Hydro One when Hydro One work activities were planned or undertaken on lands regulated under the *Conservation Authorities Act* and on Conservation Authority-owned lands. Through the MOU, Conservation Ontario acknowledged and agreed at the time that, as a crown corporation, all of Hydro One's activities (i.e., construction, maintenance, or emergency activities) were exempt from Conservation Authority permitting requirements under Section 28 of the *Conservation Authorities Act* and the individual Conservation Authority "Development, Interference with Wetlands and Alteration to Shorelines and Watercourses" Regulations. In the absence of the formal permitting

process, the 2011 MOU outlined the communication process to be followed between Hydro One and Conservation Authorities, as well as Best Management Practices which could be implemented by Hydro One when carrying out construction and/or maintenance operations on Conservation Authority-owned lands.

As of May 2017, Hydro One and its affiliates no longer hold status as Crown corporations, and the previous exemption status from Conservation Authority permitting requirements has ceased to apply. In June 2020, Conservation Ontario began to work with Hydro One to update the MOU, through a working group consisting of Conservation Ontario, Hydro One, the Ministry of Northern Development and Mines, Natural Resources and Forestry (MNDMNR), and staff representing Conservation Authorities. The updated June 2021, MOU has been prepared, acknowledging the new requirement for Hydro One and its affiliates to obtain Conservation Authority permission under Section 28 of the *Conservation Authorities Act* for their work. It outlines additional protocols and best practices to continue the positive working relationship between Hydro One and the Conservation Authorities.

Discussion:

The MOU details roles and responsibilities, and promotes the use of newly developed standard processes and best practices to be followed between Conservation Authorities and Hydro One and its affiliates for:

- a) Hydro One's and its affiliates' work activities on lands regulated under the *Conservation Authorities Act*;
- b) Hydro One's and its affiliates' work activities on Conservation Authority-owned lands;
- c) Hydro One's and its affiliates' work activities on lands regulated under the *Conservation Authorities Act* as emergency works;
- d) Ecological restoration activities, including joint ecological restoration opportunities, undertaken by Conservation Authorities and Hydro One and its affiliates; and
- e) Undertaking communications between the two agencies.

As part of the updated MOU, recommended streamlined compliance (permitting) protocols have been developed which outline standard application and communication processes, and general and activity-specific mitigation measures.

Guiding Principles

The MOU establishes the following Guiding Principles for the parties:

- a) The parties are committed to undertaking positive client service and will work together to fulfill their responsibilities under the *Electricity Act*, the *Ontario Energy Board Act*, and *Conservation Authorities Act*, respectively, without compromising the intent of those statutes.
- b) Works will be planned to avoid, mitigate, or minimize impacts to the natural environment (in that order), including hazard features (to every extent possible) and will not result in increased risks to public health or safety. Where avoidance is not possible and features are degraded,

damaged or destroyed, Hydro One will work collaboratively with the Conservation Authority to address the impact(s).

- c) The parties agree to share information which would assist and expedite decision-making and communication, and contribute to best practices for Hydro One and the Conservation Authorities. Such information may include: property details for Conservation Authority-owned lands; applicable and available geospatial data layers for Conservation Authority regulated areas and Conservation Authority-owned lands; and information on policies and/or procedures which may influence the proposed works.

Roles and Responsibilities

In addition to committing to obtaining permission and authorization from appropriate Conservation Authorities, Hydro One agrees to providing available forecast workplans for capital projects, as well as any known maintenance or construction activities to be undertaken in Conservation Authority regulated areas or Conservation Authority-owned lands, and keep the Conservation Authorities apprised of changes, including any new proposed works. Hydro One will provide these workplans directly to the applicable Conservation Authorities. The first workplans are expected in Q1, 2022.

The Conservation Authorities agree to share available applicable geospatial data to assist Hydro One with pre-screening for proposed works (e.g., regulation limit mapping layers and conservation lands layers). Conservation Authorities may choose to enter into data-sharing agreements prior to providing Hydro One with available data. Hydro One recognizes that Conservation Authorities may charge a fee for data sharing. When the annual workplans are submitted, Conservation Authorities are to review, screen and provide initial feedback to Hydro One on planned capital projects, as well as known additional maintenance and construction activities. This may include identifying potential concerns with proposed works and providing initial feedback on compliance approaches for the proposed works. Further, the parties agree to review the MOU annually.

Works on Conservation Authority-Owned Lands

Within the MOU, all parties acknowledge that Hydro One's and its affiliates' transmission and distribution staff are granted powers of entry under Section 40 of the *Electricity Act* to lands where their transmission or distribution systems are located. The *Electricity Act* identifies requirements for their staff when utilizing these powers of entry, including providing reasonable notice to the occupier of the property, restoring the property to its original conditions insofar as is practicable, and providing compensation for damages caused by the entry. In addition to the requirements related to powers of entry under the *Electricity Act*, Hydro One commits to the following protocols to be followed when staff and contractors plan to undertake work on Conservation Authority-owned lands:

- a) Hydro One will obtain advanced authorization to undertake works from the Conservation Authority as per each Conservation Authority's protocols and will discuss the details, which may include: identifying preferred access routes and conditions of such access prior to commencement of work (details on vehicles and/or equipment accessing the property), proposed start and end dates of works, confirmation of certificate of insurance naming the Conservation Authority as also insured, archaeological requirements and restoration plans. This will apply to both direct access to Conservation Authority-owned property (via public roads) and indirect access across Conservation Authority-owned property to Hydro One rights-of-way (ROWs).

- b) Prior to commencing works on the property, the Conservation Authority contact will provide Hydro One with authorization to undertake the works, site specific information and/or property use requirements in writing. Where closure of footpaths / trails may be required, Hydro One will work with the Conservation Authority to ensure appropriate public notice and trail closure details are provided.
- c) Hydro One acknowledges that Conservation Authorities may charge a fee for authorizations on Conservation Authority-owned lands.

Should Hydro One works be proposed on NPCA-owned lands, the Watershed Management and Land Operations departments will work closely to coordinate with Hydro One and ensure the protocols within the MOU are adhered to.

Emergency and Priority Works

Within the MOU, the parties acknowledge that there are emergency situations which require Hydro One and its affiliates to undertake immediate action to mitigate damages and/or repair infrastructure in order for Hydro One to meet its requirements within the *Electricity Act* and the *Ontario Energy Board Act* to provide safe and reliable power. However, the MOU does not provide the ability to alter the requirement for Hydro One to obtain a permission for development related to emergency works under a regulation made under the *Conservation Authorities Act*, nor does it prevent Hydro One from fulfilling its requirements under the *Electricity Act* and the *Ontario Energy Board Act*.

Emergency works include any activity that requires prompt coordination of resources to address an immediate threat to public safety or the environment. This also includes limiting damage to property, equipment and the environment during and after an event, or imminent event, outside the scope of normal operations.

Priority works are typically identified through routine infrastructure inspections. Addressing these repairs is a priority for Hydro One, but this priority level generally does not include works which address immediate threats to public safety or the environment.

The MOU summarizes Hydro One Priority Level Rankings, from High Risk (Emergency), Medium Risk (Emergency) and Low Risk (Priority). It is recognized that works in the “High Risk” priority level will require prompt coordination of resources, which may result in the Conservation Authority becoming notified after the onset of the work to ensure compliance under Section 28 of the *Conservation Authorities Act*. In all cases, Hydro One will provide information and communicate with the Conservation Authority to obtain permission and ensure compliance.

Restoration Works or Compensation

During project-specific discussions about permissions and/or authorizations, Hydro One and the individual Conservation Authority will discuss site restoration options for works in Conservation Authority regulated areas and Conservation Authority-owned lands. Nothing in the MOU precludes individual Conservation Authorities and Hydro One and its affiliates from entering into agreements to complete such project-specific restoration works.

Restoration may be restricted along corridors to ensure compliance with North American Electric Reliability Corporation reliability standards and Ontario Energy Board standards and there may be instances where full restoration works may not be feasible. For example, in some situations, due to

clearance restrictions, only ground cover restoration is permitted (i.e., no shrubs or trees). As a best practice, any disturbed areas or base soil should be seeded with native, non-invasive herbaeaceous material.

Where agreed to by both parties, where full restoration works may not be feasible by Hydro One following works on Conservation Authority-owned lands, Conservation Authorities may request compensation in lieu of site restoration. For example, Conservation Authorities may opt to request compensation in lieu of Hydro One undertaking restoration activities in instances where Conservation Authorities are planning alternative uses for the impacted sites (i.e., future trail development, new facilities, etc.).

Protocol for Obtaining Permission under Section 28 of the *Conservation Authorities Act*

The MOU details the Protocol for Hydro One and its affiliates to obtain permission under Section 28 of the *Conservation Authorities Act* for common maintenance and construction activities. The Protocol is intended to outline recommended notification, communication, and compliance requirements, as well as best management practices which may be used by Hydro One with Conservation Authorities. The Protocol addresses anticipated maintenance and construction activities that may be undertaken by Hydro One and its affiliates, or their respective contractors, for work within Conservation Authority regulated areas.

The recommended approaches for compliance with Section 28 regulations under the *Conservation Authorities Act* include:

a) Conservation Authority Permission (using Regular Approach):

Certain activities or regulated features have a higher level of risk associated with development activities. Therefore, proponents may be required to obtain permission under Section 28 of the *Conservation Authorities Act* to ensure that these activities do not further exacerbate risks associated with these features. For projects which are required to obtain permission under Section 28 of the *Conservation Authorities Act* through the regular approach, Hydro One will follow the established procedures of the local Conservation Authority.

b) Conservation Authority Permission (using Standard Compliance Requirements (SCRs)):

Recognizing that many of Hydro One's and its affiliates' construction and maintenance activities are routine in nature and occur regularly across the Province, this Protocol includes a set of SCRs, which could be used locally by Conservation Authorities as a form of Section 28 permission for certain Hydro One undertakings. For greater clarity, Hydro One would apply to the Conservation Authority for permission to undertake a project by using the established SCR Application Form, and the Conservation Authority would review the application to determine whether the proposed works meet the SCRs. Forms have been developed for each activity covered by the SCR approach, which contain both activity-specific mitigation requirements, as well as general mitigation requirements which are standards that must be maintained on a broad range of Hydro One maintenance and construction projects.

It is noted that through an individual Conservation Authority review of proposed Hydro One works, the Conservation Authority may need to apply conditions on approval of an activity consistent with their Board-approved policies and/or management plans, in addition to the activity-specific mitigation measures outlined in the Protocol. In these situations, it is recognized

that the SCR may not adequately address the concerns of the Conservation Authority and the Conservation Authority should, as a result, inform Hydro One that the specific activity will need to proceed with the regular approach for obtaining permission under Section 28 of the *Conservation Authorities Act*.

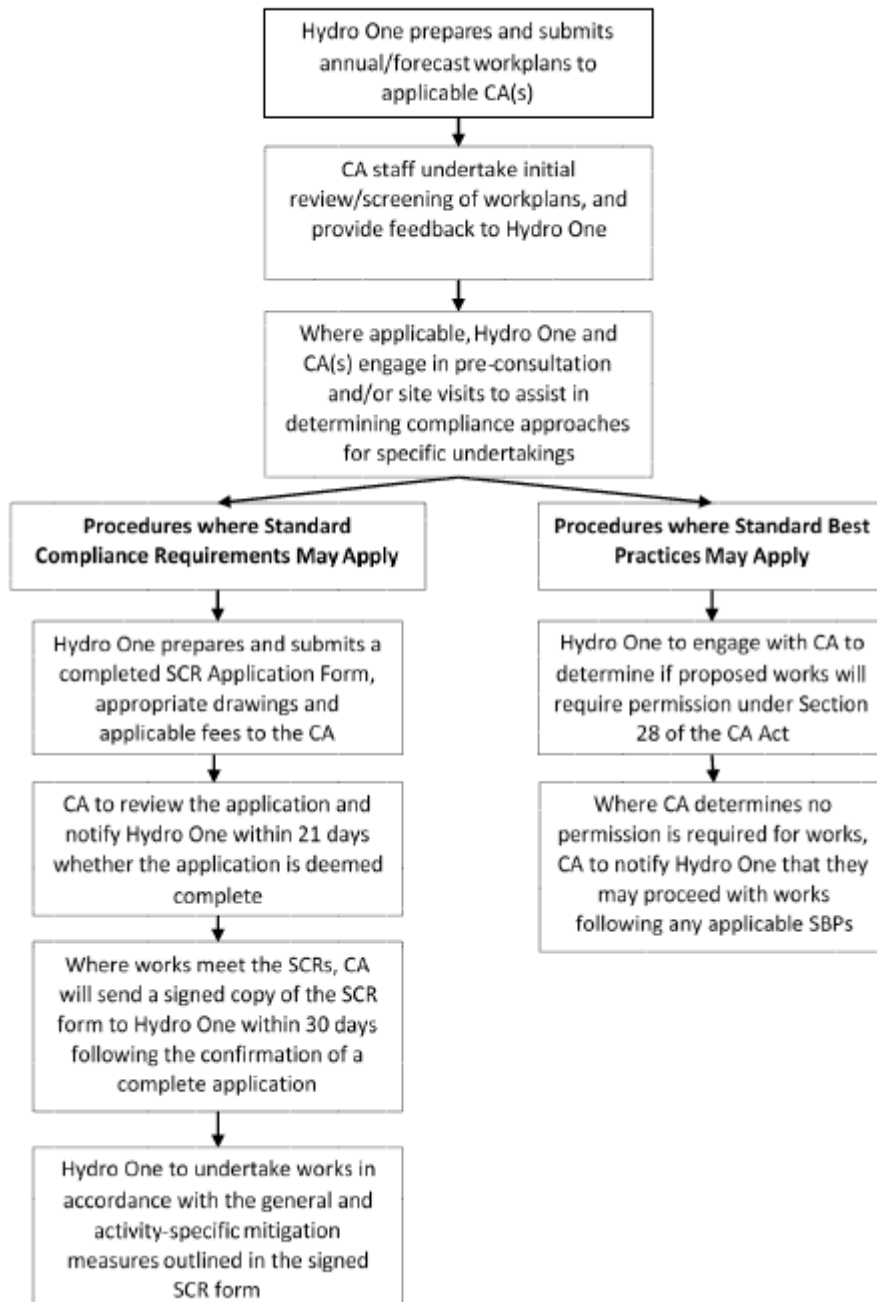
c) Application of Standard Best Practices (SBPs):

The Protocol identifies some activities that are low-risk maintenance and construction activities that typically do not have associated regulatory impacts under Section 28 of the *Conservation Authorities Act*. For example, such activities may include regular maintenance of existing access routes beyond the limit of a regulated feature that does not extend or grade the route. As such, when the Conservation Authority determines that SBPs apply to the work, Hydro One will not be required to obtain permission from the local Conservation Authority to undertake these activities in those instances. These activities may still occur within Conservation Authority regulated areas, however, there are no regulatory impacts typically associated with these activities, and they may not meet the definition of development under Section 28 of the *Conservation Authorities Act*.

Each set of works will need to be reviewed by the Conservation Authority to confirm what compliance approach is applicable. The appropriate compliance approach for projects is based on a number of factors, including: the level of risk associated with the regulated feature, project complexity, duration, etc.

The Protocol also describes the procedures to follow for use of SCRs and SBPs. Figure 1 below is an excerpt from the Protocol that illustrates the procedures. For complex undertakings, such as those which should proceed with the regular process for obtaining Conservation Authority permission under Section 28 of the *Conservation Authorities Act*, pre-consultation between Hydro One and the applicable Conservation Authority is a best practice. Pre-consultation provides an opportunity for the Conservation Authority and the applicant to discuss the proposed works; to confirm complete application requirements for Conservation Authority review; to proactively discuss at the beginning of the process any fundamental issues that might prevent approval; and to outline the Conservation Authority review and approval process, including anticipated timelines to process the application. Pre-consultation meetings are a standard best practice for the NPCA as identified in the, “NPCA Client Service Standards for Plan and Permit Review” (2020).

Figure 1: Summary of Procedures for Use of Standard Compliance Requirements and Standard Best Practices



Should issues arise between the two parties, there are a number of remedies built into the *Conservation Authorities Act* and Conservation Authority policies and procedures. If Hydro One is not satisfied with the Conservation Authority decision on whether an application for a permission is deemed complete (either through the SCR or regular approach), the applicant can request an administrative review by the Conservation Authority General Manager or Chief Administrative Officer, and then, if not satisfied, by the Conservation Authority Board of Directors. This review will

be limited to a complete application policy review and will not include review of the technical merits of the application.

There may be some instances where Conservation Authority staff may recommend refusal of an application for permission should the proposal not meet the tests of the *Conservation Authorities Act*, Section 28 regulation or the Board-approved policies. In such cases, Hydro One has the opportunity to request a hearing before the Authority Board. If the application is refused by the Authority, Hydro One will be notified of the reasons for refusal in writing. Within 30 days of the notification, the applicant may appeal the decision of the Authority to the Ontario Land Tribunal following the *Conservation Authorities Act* process, which may then dismiss the appeal or grant permission following a hearing.

The Authority may cancel a permission if it is of the opinion that the conditions of the permission have not been met. In such cases, Hydro One has the opportunity to require a hearing before the Authority Board. To prevent situations where a Conservation Authority may recommend refusal of a permit application or cancellation of an existing permission, Hydro One is encouraged to prepare and submit annual workplans to Conservation Authorities for their review and engage in pre-consultation meetings with the applicable Conservation Authority.

Financial Implications:

Hydro One acknowledges that there may be fees associated with regulation applications for works undertaken in Conservation Authority regulated areas. For activities on Conservation Authority-owned lands, it is recognized that there may be circumstances where a fee or security will be required (e.g., fees to access Conservation Authority-owned lands, fees for archaeological investigations), which will be negotiated between Hydro One and the individual Conservation Authority, unless otherwise set out within the current Conservation Authority fee schedule or policy.

The NPCA is currently reviewing the Planning and Permitting Fee Schedule. Through this process, staff are reviewing appropriate fees for infrastructure-related permits, which would be applicable to the projects under this MOU.

Links to Policy/Strategic Plan:

The 2021 MOU between Conservation Ontario and Hydro One serves to streamline NPCA's review of Section 28 compliance requirements for works undertaken by Hydro One and its affiliates within regulated areas and NPCA-owned lands. The MOU also provides a template that could be used by NPCA for establishing agreements with other infrastructure service providers to streamline the review process and continuously improve client satisfaction.

Implementing the new MOU supports NPCA's new Strategic Plan priority direction to Support Sustainable Growth, and specifically will contribute to maintaining a high standard of client services, tools and procedures for planning review and permits.

Authored by:

Original Signed by:

Leilani Lee-Yates, MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Niagara Region Watershed Plan Equivalent Volumes 1 and 2 Input

Report No: FA-60-21

Date: October 15, 2021

Recommendation:

THAT Report No. FA-60-21 RE: Niagara Region Watershed Plan Equivalent Volumes 1 and 2 Input **BE RECEIVED.**

Purpose:

The purpose of this report is to inform the Board of Directors of the staff correspondence provided to Niagara Region with respect to review of the Niagara Region Watershed Plan Equivalent Volumes 1 and 2.

Background:

The Provincial Growth Plan and Greenbelt Plan were updated in 2017. The updated plans place a greater emphasis on the need for watershed planning to ‘inform’ land-use planning. Niagara Region is completing a Niagara Watershed Plan Equivalent (NWP (E)) as the next step in implementing a watershed planning program by the Region and to ensure the new Niagara Official Plan is appropriately informed by watershed planning in accordance with provincial requirements.

The Niagara Peninsula Conservation Authority (NPCA) has been supporting Niagara Region with their Watershed Planning endeavors throughout the Natural Environment Work Program (NEWP) for the new Niagara Official Plan. Past involvement has included participating in the working group and commenting on the associated Watershed Planning Discussion Paper (WPDP), which was shared with the Board of Directors in June of 2019. This paper was prepared to provide a better understanding of the history; new Provincial direction; and the updated process, roles, and responsibilities related to watershed planning in the Region.

The WPDP identified the need for a tertiary-level watershed plan to be completed to inform the Niagara Official Plan. In accordance with the direction of the WPDP a project to complete the NWP (E) was initiated by the Niagara Region in 2020. NPCA has been reviewing and providing comment on a series of technical memos completed as part of the project leading up to the draft release of Volumes 1 and 2.

Discussion:

Draft Volumes 1 (Characterization) and 2 (Management) of the NWP (E) were released to the NPCA and the public for review at the end of June this year. Volume 3 focusing on Growth is forthcoming.

The scope of the NWP (E) is in large part influenced by the Provincial "A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (Growth Plan), 2020, conformity timeline associated with the new Niagara Official Plan. The Province allows for the development of an 'equivalent watershed plan' informed by existing desktop material (i.e., no new fieldwork or modelling) to support official plans. The NWP (E) therefore leverages information from available documents (such as NPCA's published Watershed Plans) to primarily inform growth planning and intends to provide management guidance at the tertiary scale.

The NWP (E) establishes a framework for watershed planning in Niagara moving forward. This framework is designed to protect water resources, manage human activities and natural resources, and assess cumulative, cross-jurisdictional and cross-watershed impacts. This will be accomplished through the completion of more detailed watershed planning at the 'quaternary-level' beyond the scale of the NWP (E) upon completion of the new Niagara Official Plan. The NWP (E) has delineated 12 quaternary watersheds in the Region. Prioritization through the framework will be based on heightened development or resource pressure such as management needs for water quality and quantity. Sub-watershed planning, the finest scale in the framework, is the responsibility of the Local Municipalities and is typically completed in support of Secondary Plans or similar large-scale developments.

Appreciating that NPCA utilizes Integrated Watershed Management (IWM) in its local approach to natural resources management under its Conservation Authority Act and O. Reg. 155/06 roles and responsibilities, the NWP (E) is recognized and appreciated as a great step forward for watershed planning in Niagara. NPCA comments emphasize and focus on the partnership opportunity that our complementary roles present and recognizes that further discussion with our municipal partners is important for developing and implementing watershed planning within the NPCA watersheds.

Financial Implications:

There are no financial implications resulting from this report as NPCA's continue to invest in updating science through established programs. Several watershed data gaps have been identified and cited in the NWP (E). NPCA is committed to supporting municipal partners with evidence-based decision making on a watershed and sub-watershed scale. Critical data gaps related to NPCA's mandate as a watershed-based natural resource management agency will be addressed through future budgets and work planning using an Integrated Watershed Management (IWM) framework.

These priorities will also be identified through the Core Watershed-Based Resource Management Strategy to be developed by NPCA as a requirement of Conservation Authority Act update and associated regulations (Bill 229).

Links to Policy/Strategic Plan:

Healthy and Climate Resilient Watersheds and Supporting Sustainable Growth as strategic priorities of the Draft Strategic Plan both contain watershed planning related goals and objectives that will help further discussion with Niagara Region and the Local Municipalities as to NPCA's supporting

role in the watershed planning framework for Niagara. Several pertain to the scientific data collection needs and information gaps highlighted by the NWP (E).

Related Reports and Appendices:

Appendix 1: NPCA Comment Letter on Niagara Region Watershed Planning Equivalent

Authored by:

Original Signed by:

Geoffrey Verkade
Senior Manager, Integrated Watershed Planning/Information Management

Reviewed by:

Original Signed by:

Lise Gagnon,
Director, Corporate Services

Reviewed by:

Original Signed by:

Leilani-Lee Yates MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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



August 13, 2021

File LUP.30.1.15.2

Planning and Development Services
Niagara Region
1815 Sir Isaac Brock Way
Thorold, Ontario L2V 4T7

Attn: Sean Norman, PMP, MCIP, RPP

Subject: **DRAFT – Watershed Plan Equivalent**
New Regional Official Plan, Natural Environment Work Program

Thank you for the opportunity to comment on the DRAFT Niagara Watershed Plan Equivalent (NWP (E)), Volumes 1 and 2 which have been prepared as part of the natural environment work program for the new Regional Official Plan.

The Niagara Peninsula Conservation Authority (NPCA) appreciates the Niagara Region for continuing to demonstrate municipal leadership by advocating for the value of watershed and sub watershed planning to inform land use planning and policy development. The NPCA looks forward to enhancing our partnership through emerging opportunities to collaborate and advance the watershed and sub watershed planning framework for Niagara conceptualized through the Watershed Plan Equivalent. The Authority is prepared to support the Region with a watershed based natural resource management framework fundamental to Integrated Watershed Management (IWM).

There is consensus among NPCA staff that the Region and consultant have done an excellent job with the concerted effort to compile all this information together into a quality report for the purposes at hand. NPCA acknowledges the scope of the NWP (E) is in large part influenced by the Provincial "A Place to Grow: Growth Plan for the Greater Golden Horseshoe" (Growth Plan), 2020, conformity timeline associated with the New Official Plan. As such the equivalent approach to leverage information from existing documents to primarily inform growth planning and intend to provide management guidance at the tertiary scale is well understood and appreciated.

In accordance with sections 20 and 21 of the *Conservation Authorities Act*, Conservation Authorities are local watershed-based natural resource management agencies that develop programs that reflect local resource management needs within their jurisdiction. These programs and/or policies are approved by the conservation authority board. The NPCA utilizes Integrated Watershed Management (IWM) as our local approach to natural resources management. IWM is the process of managing human activities and natural resources on a watershed basis, considering social, economic, and environmental issues, as well as local community interests to manage water resources sustainably.

The Growth Plan, 2020, directs upper-tier and single-tier municipalities, partnering with their lower-tier municipalities and conservation authorities as appropriate, to ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement or restoration of the quality and quantity of water in a watershed. The NWP (E) presents a unique opportunity for Niagara Region, and the NPCA as the watershed resource management agency, to work together to develop and implement watershed planning down through the hierarchy of planning and across the watershed region. The Authority welcomes the opportunity to discuss how its current and future programs will complement and inform the quaternary and sub watershed planning for growth areas within Niagara Region.

Further, while NPCA understands that the Region is taking the lead on watershed planning to primarily inform land use planning and future growth within the Region, the NPCA as a watershed resource agency continues to undertake integrated watershed management under our *Conservation Authority Act* and O. Reg. 155/06 roles and responsibilities. The two roles are complementary, and the Authority recognizes that further discussion with our municipal partners is important for developing and implementing watershed planning within the NPCA watersheds.

The Authority anticipates that the growth planning impetus of the NWP (E) will be balanced with a strong local watershed based natural resources management objective. As such, it is suggested that the goals and objectives in the document be briefly amended to highlight this opportunity in balance through subsequent studies at both the quaternary and sub watershed scale. This would further demonstrate and clarify that watershed planning efforts across Niagara will address how management of our local environment and associated natural resources will be strategically achieved on a watershed basis in the context of identifying development constraints and managing growth, but also objectively from a resource management forward perspective.

It is also noted the data gaps to inform the current goals and objectives of the NWP (E), and identified for future watershed planning endeavors, are rather substantial. This fact speaks to the state of environmental management in Niagara as it demonstrates policy implementation needs are driving scientific data collection and assessment. Current and sufficient scientific data is preferably strategically developed and readily available to inform policy development cycles and support subsequent implementation through researched resource management recommendations. Adequately filling these known information gaps with support from NPCA in appreciation of their critical contributions towards a proactive adaptive resources management cycle could form the emphasis of subsequent detailed technical quaternary studies supported by long term monitoring and modelling efforts and/or programs. This would proactively empower and efficiently reduce the costs of further sub watershed planning requirements initiated through the development review process as outlined in the framework presented in the NWP (E).

Although a cumulative effects study was determined as not feasible, NPCA identifies impacts can be assessed in principle at the regional or landscape level effectively. NPCA staff has experience with information analysis approaches to support such efforts. Relevant insight can be readily drawn from NPCA's existing natural heritage system assessment (Nature for Niagara's Future, 2011) that quantified contributions towards scientifically based ecological objectives for the Niagara Peninsula watershed, and further, future analysis could consider staff experience with other proven Canadian approaches and best practices in assessing cumulative effects.

NPCA also recommends including in the Niagara landscape characterization, a high-level or encompassing qualitative state of the environment assessment from the resource management perspective that would further illustrate the urgency to implement local watershed and sub watershed planning to inform future growth. Niagara remains environmentally degraded, highly

fragmented in terms of natural cover and habitats, and consistently exhibits poor water quality while situated in one of the most biodiverse and at-risk geographies across the country. Similarly, there remains opportunity through the NWP (E) to advocate shoreline resiliency by emphasizing nature-based solutions, natural design, and other best management practices for Niagara's abundant yet significantly threatened coasts. Watershed planning presents tremendous opportunity to mitigate these current environmental conditions by establishing an integrated, comprehensive, and local community driven process with which watershed protection, enhancement and restoration are championed.

The summary comments included in this correspondence have been completed in consultation with NPCA's broader natural resources management team, including experts in natural heritage, ecological restoration, water resources, environmental land use planning and engineering. Accompanying this correspondence, you will find a collection of minor technical comments from staff for further consideration.

The Niagara Peninsula Conservation Authority congratulates Niagara Region for this advancement in local watershed planning and looks forward to reviewing Volume 3 forthcoming. Please let me know at your earliest convenience if you have any questions or concerns.

Yours truly,

A handwritten signature in black ink, appearing to read "Geoff Verkade". The signature is fluid and cursive, with the first name "Geoff" and last name "Verkade" clearly distinguishable.

Geoff Verkade
Senior Manager, Integrated Watershed Planning/
Information Management (ext. 244)

cc. Chandra Sharma, CAO/Secretary-Treasurer
Lise Gagnon, Director, Corporate Services
Leilani Lee-Yates, Director, Watershed Management

Report To: Board of Directors

Subject: Compliance and Enforcement 2021 Q3 Statistics

Report No: FA-61-21

Date: October 15, 2021

Recommendation:

THAT Report No. FA-61-21 RE: Compliance and Enforcement 2021 Q3 Statistics **BE RECEIVED.**

Purpose:

The purpose of this report is to provide the Board with an overview of activities related to the Compliance and Enforcement within NPCA Jurisdiction from July 1, 2021 to September 30, 2021 (Q2 of 2021).

Background:

The Compliance and Enforcement Service Area of the Niagara Peninsula Conservation Authority (NPCA) plays a pivotal role in the protection and conservation of wetlands, shorelines and escarpment areas in the NPCA jurisdiction. The overall goal is to protect life and property from natural hazards such as flooding and erosion.

As per Board decision FA-03-2021, three quarterly reports and one annual report is provided to the Board of Directors on statistics tracked by staff.

Discussion:

Compliance and Enforcement Statistics

The Regulations team tracks a significant amount of data in relation to each complaint and potential violation reported to and investigated by staff. This is done to support progressive compliance or enforcement actions as required, provide all regulations staff with access to pertinent file data, and to identify and assess on-going or continuing concerns, trends, and resourcing requirements. These statistics are only for Section 28 complaints and violations and do not include concerns in relation to Section 29 of the *Conservation Authorities Act* (Conservation Authority properties).

The statistics below are from July 1, 2021 to September 30, 2021. An annual summary report for 2021 will be provided to the Board in January 2022.

General Q3 File Statistics

Total number of complaints and concerns received by regulations staff in Q3 = 88

Number of Q3 files Open = 51

Number of Q3 files Closed = 37

Complaint / Occurrence Validity

Total number of occurrences investigated and determined to be within NPCA jurisdiction = 14

Total number of occurrences under review = 50

Total number of occurrences not within NPCA jurisdiction or frivolous = 24

Reporting / Intake Avenues

Voicemail / phone = 18

Email to staff or TIPS email online = 47

Personal / Professional Communication = 14

Officer Found (no complaint received) = 4

Other/NA = 5

Notices of Violation

Issued = 5

Resolved = 1

Complaints / Occurrences by Municipality

Fort Erie = 14

Grimsby = 2

Haldimand = 2

Hamilton = 10

Lincoln = 1

Pelham = 8

Niagara Falls = 7

Niagara-On-The-Lake = 8

Port Colborne = 5

St. Catharines = 3

Thorold = 4

Wainfleet = 8

Welland = 6

West Lincoln = 5

Unknown = 5 (due to anonymous complaints with no location information)

The Q3 statistics for 2021 continue to demonstrate an increase in demands on the compliance and enforcement service area in relation to complaints and violation response. The total number of complaints received and investigated by the regulations staff in 2021 is currently 291 with what is normally a busy fall quarter ahead. This far exceeds the total of 119 complaints and concerns investigated in 2019 and surpasses the 225 complaints received and investigated in 2020.

Currently the number of new complaints and violations being reported to the regulations team is compounding the existing caseload and straining staff capacity.

Financial Implications:

There are no additional financial implications for the current day-to-day operations of the Compliance and Enforcement business unit as the work is accounted for in the 2021 budget. Should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be costs associated with these activities, such as legal counsel fees, which are accounted for within the departmental budget.

Based on the statistics presented for the first three quarters of 2021, staff are evaluating resource requirements and strategies to meet the increasing trends. As an interim measure, NPCA staff will also look into other measures such as prioritizing the more significant and high-risk contraventions of the Conservation Authorities Act.

Regulations staff are committed to enhanced statistical reporting, recording and analysis of compliance and enforcement related data which will continue to assist in quantifying resource and staffing requirements moving forward.

Links to Policy/Strategic Plan:

The duties carried out by the Compliance and Enforcement business unit are part of the Niagara Peninsula Conservation Authority's mandate and are essential to our watershed.

Authored by:

Original Signed by:

Jason Culp, C.Tech., EP
Manager, Compliance & Enforcement

Reviewed by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed by:

Original Signed by:

Leilani Lee-Yates, MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: NPCA Water Well Decommissioning Grant Program

Report No: FA-57-21

Date: October 15, 2021

Recommendations:

1. **THAT** Report No. FA-57-21 RE: NPCA Water Well Decommissioning Grant Program **BE RECEIVED** for information;
2. **THAT** a copy of this report **BE SENT** to NPCA's Public Advisory Committee for further outreach;
3. **AND FURTHER THAT** staff **CONTINUE** to implement outreach strategies listed in the report.

Purpose:

At the June 18, 2021, NPCA Board of Directors meeting, staff presented Report FA-38-21 "NPCA Water Quality Monitoring Program Summary Report for the Year 2020". In the ensuing discussion, the Board expressed interest to learn more about the NPCA's Water Well Decommissioning Grant Program, which is a component of the NPCA's Water Quality Monitoring program.

As such, the purpose of this report is to provide further details regarding the NPCA's Water Well Decommissioning Grant Program and to inform the Board of the preliminary strategy to increase landowner awareness and involvement in the program.

Background:

In 2007, the NPCA initiated the Water Well Decommissioning Grant Program to provide interested landowners a financial incentive to properly decommission unused or abandoned water wells on their property.

This grant program was started as the result of both the NPCA's 2005 Groundwater Study and the NPCA's Source Water Protection watershed characterization studies (2005-2009) concluded that abandoned or unused water wells represent a direct threat to groundwater supplies, as contaminants applied at surface may easily flow through these open conduits and reach the water table. While the exact number is currently not known, it is estimated that there are hundreds of abandoned water wells in the NPCA watershed.

Discussion:

Applicable Legislation

The *Ontario Water Resources Act* provides for the conservation, protection and management of Ontario's waters and for their efficient and sustainable use. The *Ontario Water Resources Act* gives the Ministry of the Environment, Conservation and Parks (MECP) extensive powers to regulate water supply, sewage disposal and to control sources of water pollution. As expressly stated in the Act, the Minister has the supervision of all surface waters and groundwaters in Ontario.

Regulation 903 (the *Wells Regulation*) has been made under the *Ontario Water Resources Act* as an implementation tool to ensure that groundwater quality, well water quality, and the environment are protected.

Under Regulation 903, a well owner must immediately abandon a well if it:

- is not being used or maintained for future use as a well,
- produces water that is not potable,
- permits any movement of natural gas, contaminants, or other materials between the ground surface and an aquifer, or
- is constructed in contravention of the *Wells Regulation* dealing with the location of wells, the methods and materials used in the construction of wells or the standards of well construction.

The *Ontario Water Resources Act* also sets out the consequences for non-compliance with the *Wells Regulation*:

- Well owners and persons constructing wells are subject to enforcement actions, such as orders and/or prosecution, if abandoned wells are not properly plugged and sealed or if groundwater contamination results.
- Well owners may be liable if a person is injured due to an improperly abandoned well on their property.

Due to the large number of abandoned or unused water wells in Ontario, the enforcement of the *Wells Regulation* is typically complaint driven. An MECP Enforcement Officer will typically issue an Order to Comply and will give the landowner a practical amount of time to decommission a water well as opposed to the immediate issuance of a fine.

Municipal Jurisdiction

Under the *Municipal Act*, a municipality has broad powers to enact By-laws in order to provide a service or dictate a requirement that the municipality considers necessary. In the case of drinking water wells, should a municipality extend a new watermain into an area previously serviced by private drinking water wells, the municipality has the power to pass a By-law requiring that private landowners connect to the new watermain and decommission their existing wells.

Based on preliminary research, staff estimate that NPCA's local municipalities currently do not have By-Law requiring well decommissioning and at least one municipality (the Town of Fort Erie) has a By-law (passed in 2016) requiring connection to watermain for properties fronting onto a Water Work.

This presents an opportunity advance outreach, education, and stewardship for landowner engagement through municipal partners.

NPCA Water Well Decommissioning Grant Funding Program

The NPCA acknowledges that the owner of the water well is responsible for the well's decommissioning; however, the NPCA understands that the cost to properly decommission a water well can be prohibitive. As such, the NPCA offers a grant to cover 80% of the cost to decommission a water well up to a maximum amount of \$1,000 per well (with a maximum of two wells per property). Depending on the location, type, and depth of the well the cost to decommission can typically range between \$700-\$2,500.

Grant applications are accepted anytime throughout the year and are processed on a first come, first served basis. Funding for the program presently sits at \$20,000 per year and once the funds are exhausted, the program stops intake for the calendar year. The NPCA typically receives approximately 10-14 Water Well Decommissioning Grant applications in any given calendar year. To date, the NPCA's Water Well Decommissioning Grant Program has helped to properly decommission 107 abandoned water wells. Please refer to Appendix 1 for a map showing the location of the properties on which water wells have been decommissioned through this program.

The Grant application is available for download on the NPCA's website at the following link:

<https://npca.ca/well-decommissioning>

To be eligible for the grant, the program requirements include:

- 1) The well must be within the NPCA's jurisdiction.
- 2) Grants are available for water wells only. Oil wells, gas wells, beach wells, or cisterns are not eligible for funding.
- 3) All works must be completed by a water well contractor licensed by the MECP and must comply with all decommissioning procedures as dictated by Ontario Regulation 903 (the *Wells Regulation*).

Communication Strategy

NPCA deploys multiple outreach and promotion strategies for program uptake. These include:

- a) Information on the NPCA website;
- b) Cross-promotion and outreach through City of Hamilton and County of Haldimand websites;
- c) Outreach through NPCA's restoration program;
- d) Public awareness through septic installers and well drillers.

Additional outreach opportunities being planned include:

- a) Cross-promotion with Niagara Region and local municipalities;
- b) Distribution of information materials through local channels such as libraries or Non-government Organizations;
- c) Distribution to Landowners as appropriate, with advice from the Public Advisory Committee;
- d) The promotion of the Water Well Decommissioning Grant Program with the media campaign currently planned in conjunction with NPCA's Restoration Grant Program scheduled for this fall.

Financial Implications:

There are no financial implications resulting from this report. The Water Well Decommissioning Grant Program is funded through NPCA annual budgets (municipal levy).

Related Reports and Appendices:

Appendix 1 – NPCA Decommissioned Water Wells (Map)

Co-Authored by:

Original Signed by:

Joshua Diamond, M.Sc., C. Tech
Water Quality Specialist

Co-Authored by:

Original Signed by:

Steve Miller, P.Eng.
Senior Manager, Water Resources

Reviewed by:

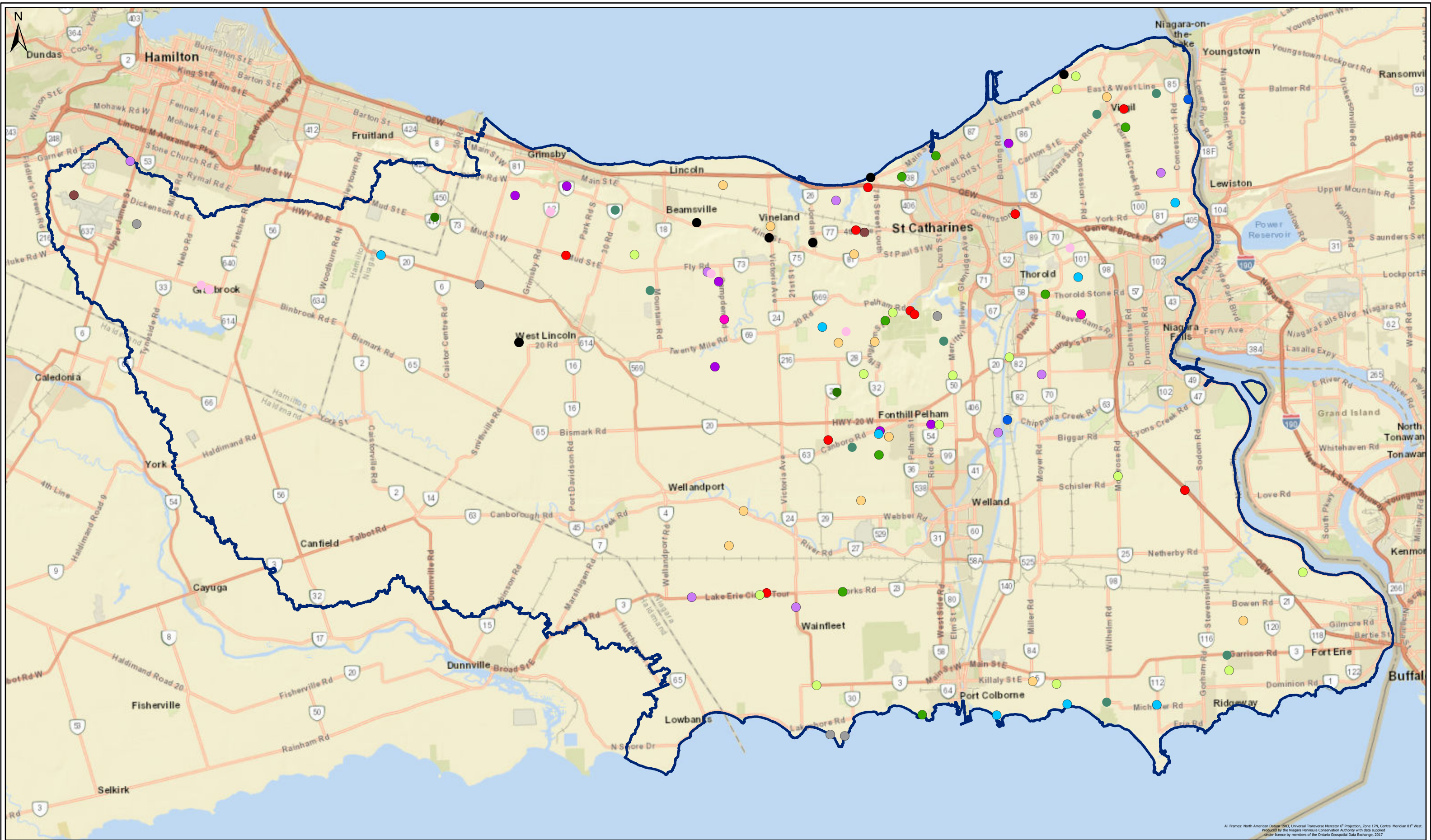
Original Signed by:

Leilani Lee-Yates, MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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



- Decommissioned Wells NPCA
- | | | | | | |
|--------|--------|--------|--------|--------|---------------------|
| ● 2007 | ● 2009 | ● 2012 | ● 2015 | ● 2018 | ● 2021 |
| ● 2008 | ● 2010 | ● 2013 | ● 2016 | ● 2019 | ■ NPCA Jurisdiction |
| | ● 2011 | ● 2014 | ● 2017 | ● 2020 | |

NPCA Decommissioned Wells

Scale: 1:220,000

0 1.25 2.5 5 Kilometers

NIAGARA PENINSULA CONSERVATION AUTHORITY

Report To: Strategic Planning Committee

Subject: Draft Strategic Plan: 2021-2031

Report No: FA-59-21

Date: October 15, 2021

Recommendations:

1. **THAT** Report No. FA-59-21 Draft Strategic Plan: 2021-2031 **BE RECEIVED.**
2. **AND THAT** the Draft Strategic Plan 2021-2031 **BE APPROVED.**

Purpose:

The purpose of this report is to finalize the NPCA's 10-year Strategic Plan.

Background:

The development of new NPCA Strategic Plan was identified as a Board priority for 2020. An *Ad Hoc* Strategic Planning Committee was formed in July 2020 to support the staff-led process of creating a new 10-year Strategic Plan to guide future organizational priorities with feasible, measurable performance targets to evaluate NPCA's collective outcomes and impact. All deliverables noted in the Committee's Terms of Reference have been completed, including a draft Strategic Plan.

From January to August 2021, the NPCA consulted broadly with its Board of Directors, Public Advisory Committee, staff, Indigenous groups, partners, members of the public, and other local stakeholders to guide the NPCA's strategic direction for the next 10 years. The input received was essential in shaping and facilitating the development of our new strategic plan.

On Sept. 17, 2021, the Strategic Planning Committee passed a motion recommending that the draft Strategic Plan 2021-2031 be brought to the Full Authority for approval (Recommendation No. SPC-17-2021). Additionally, on October 5, 2021, the Public Advisory Committee passed resolution PAC-03-21 endorsing the draft strategic plan.

Discussion:

Draft Strategic Plan (2021-2031)

NPCA's new 10-year strategic plan reaffirms NPCA's commitment to the mandate/purpose of Conservation Authorities in Ontario (refer to Appendix 1 for a detailed version or view the draft

published version: https://issuu.com/npcadocs/docs/strat_plan_-_for_board_draft). This new strategic plan reflects the importance of collaboration between people, communities, and organizations on a collective response to a changing landscape through six overarching priorities and twenty-one specific, measurable goals. The plan builds on the principles of conservation leadership, customer service, collaboration, and accountability to nature. It provides strategic direction for the NPCA and is vital for charting the course of conservation in our watershed toward achieving vibrant and healthy nature for all.

For the first time, the NPCA's strategic plan has a strong focus on outcomes and performance measures. Each of the strategic priorities has specific, measurable, attainable, realistic, and timely goals to ensure the NPCA is delivering on its mandate and desired outcomes as well as comprehensive metrics to measure the success of our organization's activities and to support the achievement of our key performance indicators (KPIs). Strategic actions and priorities will be integrated within the Watershed-based Resource Management Strategy to be developed as a requirement of the updated *Conservation Authority Act* regulations (through Bill 229).

With this major milestone completed, the next step is to begin implementing the strategic plan by developing an operational plan that sets out specific actions to enable the NPCA to meet its goals in collaboration with our communities and partners from 2021-2031. Progress on exemplary outcomes will be monitored and shared publicly through the NPCA's Annual Report.

Outreach and Engagement

At the beginning of the strategic planning process, a comprehensive outreach and engagement plan was developed to inform and encourage participation from internal and external stakeholders in the development of a new Strategic Plan.

Public outreach efforts were successful and showed overall support of the NPCA's strategic plan. In the spring 2021, a public survey was administered to obtain feedback on draft strategic priorities proposed by staff toward a shared vision. In August, the NPCA hosted a virtual public information session to further engage the public and stakeholders in providing their feedback on key components of the draft strategic plan through a moderated Q&A session and via the NPCA's Get Involved online engagement platform (until Sept. 3, 2021). The NPCA also accommodated non-virtual methods of engagement (e.g., paper survey, hardcopy meeting materials mailed, and phone calls) upon request.

An Outreach and Engagement Report (Appendix 2) compiles and synthesizes the results of all engagement efforts toward the development of NPCA's new strategic plan.

Financial Implications:

The development and launch of NPCA's 10-year strategic plan is currently resourced through the approved 2021 budget. New programs and activities will be addressed through future business planning and budgets.

Links to Policy/Strategic Plan:

Approval of the draft strategic plan will guide the future of the organization and fulfill the NPCA's responsibilities as part of the *Conservation Authorities Act* (2020).

Related Reports and Appendices:

Appendix 1: NPCA Draft Strategic Plan: 2021-2031

Appendix 2: Outreach and Engagement Report: NPCA Strategic Plan 2021-2031

Authored by:

Original Signed by:

Natalie Green, M.Sc., PMP

Project Manager

Reviewed and Submitted by:

Original Signed by:

Chandra Sharma, MCIP, RPP

Chief Administrative Officer/Secretary-Treasurer



Appendix 1: Report No. FA-59-21

DRAFT STRATEGIC PLAN

2021-2031

Land Acknowledgement

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiwaonderonk (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 First Nations, Métis, and Inuit.

Through this strategic plan, we re-confirm our commitment to shared stewardship of natural resources and deep appreciation of Indigenous culture and history in the watershed.

About Us

The Niagara Peninsula Conservation Authority (NPCA) is a community-based natural resource management agency that protects, enhances, and sustains healthy watersheds. With over 60 years of experience, the NPCA offers watershed programs and services that focus on flood and hazard management, source water protection, species protection, ecosystem restoration, community stewardship, and land management. The NPCA is one of 36 Conservation Authorities in the Province of Ontario and manages 41 Conservation Areas within the Niagara Peninsula watershed held in public trust for recreation, heritage preservation, conservation, and education.

Purpose

The purpose of the Niagara Peninsula Conservation Authority is to further the conservation, restoration, development, and management of natural resources in the Niagara Peninsula watersheds, as per the *Conservation Authorities Act* (2020).

Introduction

In 2020, the NPCA Board of Directors approved launching a staff-led process to create a new strategic plan that would guide the NPCA for the next ten years while reflecting its mandate as per the *Conservation Authorities Act* and fulfill its important role within the community. The NPCA Strategic Plan (2021-2031) is a critical milestone in our organization's transformation. The plan reaffirms our commitment to the mandate of conservation authorities and charts the course for the next generation of work to address the evolving issues of climate change, growth, and the need for green infrastructure.

This plan is guided by principles based on a conservation-first and ecosystem philosophy, collaboration ethics, and an importance of innovation rooted in science. The NPCA consulted broadly with its Board of Directors, Public Advisory Committee, staff, Indigenous groups, partners, members of the public, and other local stakeholders to develop the strategic plan. Through six overarching strategic priorities, twenty-one specific goals, and measurable actions, the plan charts the course for future actions and collective outcomes. For the first time, our strategic plan has a strong focus on results and performance to make well-informed decisions for the future and measure our actions against set targets.

Collectively, the strategic priorities guide our actions toward a vision of the Niagara Peninsula watershed with robust nature, thriving agriculture, and resilient urban areas vital to the health and well-being of our residents. This plan will improve ecosystems and natural cover, protect drinking water sources, develop resilient communities and shorelines, build active transportation routes to greenspace destinations (conservation areas), engage communities in the watershed, and contribute to the thriving and vibrant economy of Niagara. We will build on the region's reputation as a Gateway to Canada.

The NPCA recognizes that our organization must remain flexible and adaptable to change over the next ten years. We continue to navigate and respond to the recent legislative changes to the *Conservation Authorities Act* by developing this strategic plan. We remain mindful of the updated regulations and the need to prioritize our actions as we align this transition carefully with the revitalization of our organization. Furthermore, we understand that the Niagara Peninsula watersheds will experience growth, intensification of extreme weather impacts, and a tremendous need for greenspace. These pressures will demand that our priorities continue to evolve to adjust to these challenges.

We look forward to working with our communities and partners as we operationalize and implement this new strategic plan to 2031 toward a shared vision of *Nature for All!*

The Niagara Peninsula Watershed: A Natural Treasure

A watershed is the land that drains into a particular watercourse such as a stream, river, lake. Gravity and the land's topography (the high and low areas) move water, rain, and snowmelt across the landscape from one area to another.

The Niagara Peninsula Conservation Authority's watershed area encompasses 2,424 km², including the entire regional municipality of Niagara, portions of the City of Hamilton (21%), and Haldimand County (25%). Since time immemorial, this area has been the home to Indigenous peoples – a place for sharing, trading, hunting, gathering, stewardship, and friendship. Currently, the watershed supports a population of approximately 520,000 people.

The Niagara Peninsula watershed is a natural treasure of distinct cultural, geological, hydrological, and biological aspects not found elsewhere in North America. It is part of the Carolinian life zone – the most biodiverse and threatened ecoregion in Canada. The Niagara Peninsula watershed boasts approximately 30% natural cover that provides critical habitat such as forested woodlots, slough forests, alvars, and coastal wetlands that support rich biodiversity, including rare plants and animals.

The watershed is uniquely situated between two Great Lakes, with the Niagara River as a boundary shared with the United States of America. As a result, the watershed area includes several notable natural features such as the Niagara Escarpment Biosphere Reserve, the Niagara Falls, Wainfleet Bog, Ball's Falls, Willoughby Marsh, and other significant landforms such as the Fonthill Kame ice contact-delta complex. The unique microclimate created by the Niagara Escarpment and rich soils supports one of Ontario's most productive agriculture systems, including vineyards, tender fruit orchards, livestock, and various specialty crops (greenhouses for flowers, vegetables, sod farms, and mushroom farms).

These important watershed features provide life-sustaining benefits for all and many opportunities to discover nature and culture.

[Placeholder for watershed map]

Vision

Nature for all.

We envision a healthy and vibrant environment with shared greenspace and clean water that sustains life for future generations.

Mission

To create a common ground for conservation-inspired action and accountability to nature.

Guiding Principles

Watersheds transcend municipal boundaries. We are committed to working with the watershed community to support and create climate-resilient and connected natural systems.

Natural green infrastructure is critical to life. Our day-to-day work conserves and restores our communities' integral ecological, socio-economic, public safety, and health services.

Diverse experiences and ideas lead to better and stronger collective impact and outcomes. We seek to exemplify inclusion and equity through meaningful engagement and collaboration.

Innovation requires learning from each other and the past. As a result, we are progressive, resilient, adaptable, and strive for continuous improvement to remain a trusted and valued partner.

Core Values

Integrity

We are responsible, honest, trustworthy, and fair in our decisions and actions.

Respect

We are inclusive and value the diverse range of perspectives and interconnectivity of the watershed community. We foster an environment where we recognize and appreciate each other as well as the communities we serve.

Customer Service

We conduct our business with professionalism, transparency, and equity to achieve high quality and service delivery standards.

Conservation Leadership

We are conservation leaders in the watershed and aim to inspire and empower others through exemplary actions and outcomes.

Strategic Direction

The strategic priorities will guide the NPCA's actions to meet its vision, mission, and mandate over the next ten years. The following six strategic priorities were developed through extensive engagement activities with internal and external stakeholders to guide the NPCA's work over the coming years. Each strategic priority includes specific goals and actions for the NPCA to undertake with its partners and communities to achieve a thriving environment that sustains life for future generations.

- Healthy and Climate Resilient Watersheds
- Supporting Sustainable Growth
- Connecting People to Nature
- Partner of Choice
- Organizational Excellence
- Financial Sustainability

Measuring Performance and Collective Impact

For each of the strategic priorities, the NPCA established Key Performance Indicators (KPIs) to track performance against the goals set out in the strategic plan and guide our organization's decision-making and implementation process into the future. In addition, the NPCA developed a list of specific metrics to help measure the success of our organization's day-to-day activities and support the achievement of the KPIs. In addition, progress and achievement toward each of the KPIs will be tracked and shared publicly through the NPCA's Annual Report each year.

Implementation

The next major step in the NPCA's strategic planning process is to implement the strategic plan by developing an operational plan that sets out specific actions to enable the NPCA to meet its goals in collaboration with our communities and partners from 2021 to 2031. The operational plans will be updated annually to reflect organizational and environmental changes, meet the *Conservation Authorities Act* and its regulations, and ensure that the NPCA remains responsive to the constantly evolving needs of the watershed and the communities we serve. Given that this strategic plan spans ten years and we recognize that there may be changes in that time, we will review it after five years of implementation to ensure it remains relevant and achievable.

HEALTHY AND CLIMATE RESILIENT WATERSHEDS

Improving nature for the betterment of all life across the watershed.

Goal 1.1 Support evidence-based decision-making for climate-resilient watersheds and shorelines

To achieve this goal, the NPCA will

- Expand and enhance monitoring and associated tools to fill information gaps and research needs
- Lead water quality (e.g., surface and groundwater) and quantity monitoring throughout the NPCA jurisdiction
- Support municipal partners with watershed data collection and analysis to understand cumulative impacts
- Develop a solid understanding of climate impacts and risks on NPCA watersheds
- Implement the Source Protection Program as mandated by the Conservation Authorities Act and Clean Water Act

Performance Indicator

Robust data collection program established by 2023 and data gaps filled by 2026

Metrics

Number and types data gaps identified (gap analysis)
Percentage of priority data collection gaps filled
Percentage of watershed GIS data up-to-date
Number of surface water samples
Number of groundwater samples
Number of monitoring stations in watershed jurisdiction (surface and groundwater)
Analytics from Open Data Hub (downloads, visits)

Goal 1.2 Protect people and properties from natural hazards and climate impacts

To achieve this goal, the NPCA will

- Implement permitting and regulations under section 28 of the *Conservation Authorities Act*
- Deliver accurate, real-time information for flood forecasting, messaging, and warning using state-of-the-art technology and communication tools
- Complete and maintain updated floodplain and regulation mapping within the watershed
- Develop a watershed-based resource management strategy as mandated by the *Conservation Authorities Act*.
- Update shoreline management plans with a climate resilience lens

Performance Indicator

A climate risk and vulnerability strategy developed by 2023

Metrics

Water resource management actions identified
Impact of climate change on natural hazards known
Percentage of strategy mitigation and adaption actions implemented
Number of relevant policies reviewed/updated
Percentage of floodplain mapped
Number of flood forecasts/warnings delivered
Number of flood messages delivered
Number of permits reviewed
Number permits approved vs. not approved

Goal 1.3: Restore and enhance natural habitat, water resources, and forest cover

To achieve this goal, the NPCA will

- Expand restoration program service offerings
- Integrate watershed planning information (e.g., GIS, water quality, biological data) proactively targeting restoration efforts
- Develop programs aimed at urban and rural landowners (e.g., urban stewardship program, agricultural best management practices)
- Understand the carbon potential of NPCA natural systems to examine the feasibility of voluntary carbon offsetting
- Lead special projects that improve water quality and ecosystem health (e.g., Niagara River Remedial Action Plan)

Performance Indicator

Increased area (ha) of protected and restored habitat by 2032

Metrics

Number restoration projects
Number of trees planted
Percentage of forest cover
Area (ha) habitat created/added
Total km of grassed waterways
Total km riparian buffers
Percentage of the watershed with natural cover
Net amount natural cover across the watershed
Water quality metrics

Goal 4: Manage NPCA lands to increase biodiversity, habitat connectivity, and natural cover

To achieve this goal, the NPCA will

- Develop management plans for each NPCA property as mandated by the *Conservation Authorities Act*
- Develop plans to manage invasive species and enhance biodiversity at NPCA properties (e.g., forest management plan)
- Complete and implement the NPCA land acquisition strategy
- Implement regulations under section 29 of the *Conservation Authorities Act*
- Develop plans to manage invasive species and enhance biodiversity at NPCA properties (e.g., forest management plan)

Performance Indicator

Management plans completed for 100% of NPCA properties by 2031

Metrics

Percentage of lands acquired for protection/restoration

Total ha land acquired

Percentage of management plans completed

Number of management plans completed

Percentage of management actions completed

Forest management plan completed

Number or percentage of actions of forest management plan implemented

SUPPORTING SUSTAINABLE GROWTH

Helping to create resilient communities through land-use planning and the use of sustainable technologies. to prepare for a changing climate and related environmental challenges

Goal 2.1 Maintain a high standard of client services, tools, and procedures for planning review and permits

To achieve this goal, the NPCA will:

- Continuously improve implementing NPCA Client Services Standard for Plan and Permit Review protocol to support streamlining, efficiency, and transparency
- Refine decision-support tools for efficient application management and review
- Enhance customer service feedback mechanisms to support performance evaluation and reporting
- Communicate the role and responsibilities of NPCA in plan review and permitting

Performance Indicator

Improvement in client service metrics year over year

Metrics

Percentage of files where performance metrics achieved or exceeded

Percentage of planning and permit reviews meeting deadlines

Amount of time for planning and permit reviews/approvals

Customer experience

Number of collaborative permit reviews with other agencies

Goal 2.2 Lead an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds

To achieve this goal, the NPCA will

- Implement a proactive sub-watershed work program to complement and inform the quaternary and sub-watershed planning for growth areas within Niagara Region
- Support municipalities and the development sector to implement smart growth principles (e.g., preserve open space, farmland, natural areas, reduce urban sprawl)
- Lead a proactive research agenda to determine cumulative watershed impacts and applied solutions from extreme weather and land-use changes
- Develop policies and procedures for land dedication that support conservation and watershed enhancement through the planning process

Performance Indicator

100% of sub-watershed plans for future growth areas updated by 2031

Metrics

Percentage of sub-watershed plans completed

Percentage of regulations mapping information up

Number of maps updated

Relevant policies updated

Number and types of outreach tactics to inform stakeholders

Municipal and stakeholder engagement

Data gaps identified and filled

Percentage of land usage over time (e.g., open space, urban, farmland)

Goal 2.3 Lead the implementation of sustainable technologies and green infrastructure best practices for climate resilience and sustainability

To achieve this goal, the NPCA will

- Advance the implementation of green infrastructure best practices in future development proposals and through NPCA's demonstration projects to minimize impacts to the watershed
- Engage municipalities, the development community, and other private landowners in implementing green infrastructure and sustainability best practices and actions
- Identify opportunities for brownfields to enhance green infrastructure or innovative planning for in-fill development
- Develop education materials/programs to inform the public about sustainable best practices

Performance Indicator

A green infrastructure and sustainable technologies program established at NPCA by 2026

Metrics

Number and types of green infrastructure practices implemented

Percentage of improvement of water quality metrics (e.g., bacteria, nutrient, sediment) pre-and post-installation

Program uptake by development sector, private landowners, municipalities

CONNECTING PEOPLE TO NATURE

Improving access to and connections with nature for the health and well-being of all people.

Goal 3.1 Create equitable access to greenspace for the health and well-being of people.

To achieve this goal, the NPCA will

- Identify and remove socio-economic barriers to accessing NPCA properties and programs
- Proactively seek opportunities to enhance trail connections with active transportation routes
- Highlight and promote recreation (e.g., cycling, hiking, walking, birdwatching) opportunities at NPCA properties
- Improve services and visitor experiences at NPCA properties (e.g., buildings, trail maps, wayfinding, and accessibility, where possible)

Performance Indicator

Public greenspace within urban or near-urban areas increased by 2031.

Metrics

Number of visitors at NPCA properties

Percentage of optimal capacity reached flagship properties

Percentage of greenspace in urban or near urban areas

Length (km) of trail connections to other non-NPCA trails and greenspace

Number of Conservation Area passes used (checked out) from libraries or used by other community partners/agencies

Number of programs targeted for marginalized groups

Number of new NPCA assets (trails, platforms, etc.) feasible for accessibility

Number of outreach materials provided in different languages

Goal 3.2 Lead nature education, environmental stewardship, and volunteerism.

To achieve this goal, the NPCA will

- Implement an outreach, stewardship, and education strategy for nature education and engagement opportunities
- Strengthen and continue to deliver education programs for various socio-economic and multi-lingual groups
- Enhance volunteer opportunities for all age groups
- Expand opportunities for citizen-science monitoring

Performance Indicators

An outreach, stewardship and education strategy developed by 2024

100% of actions from outreach, stewardship, and education strategy implemented by 2031

Metrics

Number of and types of education programs

Number of requests for community engagement

Number of volunteers & volunteer hours for NPCA-led project/events

Impact of volunteer hours (e.g., trees planted, litter collected)

Demographics of the volunteer base

Number of partnership agreements with the school board, colleges, and universities

Number of students participating in education programs

Number of participants in summer or March break camps

Number of youth trained as camp leaders

Percentage of participation in education programs from various groups

Goal 3.3 Improve cultural connections and heritage appreciation.

To achieve this goal, the NPCA will

- Maintain and honour heritage buildings at NPCA properties, including St. John's, Cave Springs, Ball's Falls, and Rockway Conservation Areas
- Examine opportunities to expand cultural connections and heritage programming at all conservation areas
- Work with municipalities on heritage listing and designation of NPCA buildings and properties

Performance Indicators

A cultural heritage strategy developed by 2025

100% of actions from cultural heritage strategy implemented by 2032

Metrics

Number of visitors to NPCA properties

Number of attendees at special events (e.g., Ball's Falls Festival)

Number of participating vendors at events

Number of trails with cultural interpretation

Number of participants in guided heritage tours

Number of heritage events offered

Number of heritage programs offered

Goal 3.4 Promote the watershed as a destination of choice for adventure, culture, and ecological tourism

To achieve this goal, the NPCA will

- Develop a marketing and ecotourism strategy to support safe and sustainable visits to NPCA properties
- Optimize visitor experience at NPCA properties
- Enhance and promote ecotourism opportunities at NPCA properties
- Provide sustainable tourism opportunities across the watershed by working with partners (e.g., DMOs, municipalities, Indigenous groups)

Performance Indicators

A marketing and ecotourism strategy developed by 2025

100% of actions from marketing and ecotourism strategy implemented by 2031

Metrics

Number of tourism partners

Partnerships with municipal economic development

Partnerships with DMOs

Increased program engagement

Number of visitors to NPCA properties

Percentage of optimal capacity reached at flagship properties

Percentage of visitors from different areas

Land acquisition to accommodate an increase in visitors

PARTNER OF CHOICE

Strengthening our relationships with stakeholders, partners, the watershed community, and Indigenous peoples toward shared stewardship, knowledge exchange, and collective impact.

Goal 4.1 Strengthen government relations toward collective outcomes and impact

To achieve this goal, the NPCA will

- Develop a government relations strategy
- Execute Memorandums of Understanding (MOUs) and Service-Level Agreements (SLAs) with Niagara's lower-tier municipalities
- Establish the NPCA as an environmental service provider to municipal partners with co-management and delivery of programs and projects of mutual interest
- Partner with government agencies to advance mutual goals

Performance Indicator

Agreements with all three upper-tier municipalities in 2022 and 100% of lower-tier municipalities by 2026

Metrics

Number of executed agreements (MOUs) with government agencies

Number of municipalities engaged in projects

Letters of support from partners

Number of requests from partners

Number of projects completed

Number of data requests from government agencies

Stakeholder satisfaction survey results

Impact of the outcomes of collaboration

Goal 4.2 Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact

To achieve this goal, the NPCA will

- Implement a stakeholder and community engagement strategy
- Collaborate with local educational institutions (e.g., school boards, colleges, and universities) on mutual research interests that enhance knowledge sharing
- Provide technical expertise to support our partners and their work through agreements
- Collaborate with non-government organizations, businesses, agriculture, and industry on projects/initiatives that enhance stewardship and advance mutual goals

Performance Indicators

A stakeholder and community engagement strategy developed by 2025

100% of actions from stakeholder and community strategy implemented by 2031

Metrics

Stakeholder feedback

Number of and types of partnerships (formal/informal)

Number of partnerships or collaborative projects with external groups

Number of MOUs with post-secondary institutions

Number of external committees with NPCA representation

Number of requests to join new partnership tables

Number of data requests from external groups

Value of co-investment of partnerships (cash, in-kind, and volunteer hours)

Value of partnership vs. costs analysis

Goal 4.3 Improve engagement with local First Nations, Métis, and Inuit peoples that supports shared stewardship

To achieve this goal, the NPCA will

- Implement actions that support Truth and Reconciliation with Indigenous peoples
- Provide mentorship and employment opportunities that support the cross-cultural exchange of knowledge
- Proactively engage with Indigenous peoples and seek diverse perspectives on land management and shared stewardship
- Expand Indigenous cultural programming and ensure recognition and acknowledgment of Indigenous heritage on future signage at NPCA properties
- Provide Indigenous awareness training for NPCA staff

Performance Indicators

Indigenous engagement guidelines developed in 2022

Staff provided with Indigenous awareness training

Metrics

First Nation representative position on PAC

Métis representative position on PAC

Number of engagement guidelines implemented

Percentage of staff trained

Number of collaborative projects

Number of engagement opportunities

Number of employment and mentorship opportunities provided

Number of actions that support Truth and Reconciliation identified

Percentage of actions for Truth and Reconciliation completed

ORGANIZATIONAL EXCELLENCE

Striving for excellence through high service delivery standards and accountability to the environment and its people.

Goal 5.1 Attract, retain, and invest in high caliber, diverse talent to deliver superior outcomes

To achieve this goal, the NPCA will

- Ensure adequate staff capacity and resources required to deliver on superior outcomes
- Provide relevant training and advancement opportunities to support staff learning and professional growth
- Implement health and safety and corporate wellness programs for staff well-being
- Modernize human resource policies and practices to encourage a healthy work environment
- Encourage a culture of innovation to find new ways of doing NPCA work

Performance Indicators

A talent management strategy developed in 2022

100% of actions in the talent management strategy implemented by 2031

Metrics

Number of staff (full time, seasonal/casual)

Number of staffing gaps identified and filled

Percentage of staff retention

Number of and types training opportunities offered (full time, seasonal/casual)

Number of staff participated in professional development

Money invested in staff training or professional development

Number of jobs or opportunities for youth
Number of applicants per job opportunity
Employee feedback
Performance reporting feedback

Goal 5.2 Improve internal operations and processes

To achieve this goal, the NPCA will

- Enhance tools and procedures for program and project management, planning, reporting
- Modernize and invest in digital technology to enhance internal processes (e.g., administrative record management, customer relationship management system)
- Deploy tools for efficient internal and external information sharing (e.g., online open data hub)
- Provide staff training on new technologies as they are deployed
- Implement a record management program and policy

Performance Indicators

A digital transformation strategy developed in 2023
100% of actions in the digital transformation strategy implemented by 2031

Metrics

Number of and types existing and new digital tools
Money invested in technology
Number of new technologies adopted
Percentage of usage of every kind of digital tool
Staff training of new policies and technology
Analytics from Open Data Hub (downloads, visits)
Percentage of staff time providing data to external users

Goal 5.3 Provide high standards of customer service

To achieve this goal, the NPCA will

- Develop customer service guidelines and improve customer service feedback mechanisms
- Implement a client management system that facilitates overall governance and relevant information sharing.
- Provide equitable access to information (e.g., AODA standards)
- Utilize various communication tools & tactics to facilitate engagement

Performance Indicators

Customer service guidelines developed in 2022
All staff provided customer service training

Metrics

Customer service response time
Customer feedback
Percentage of staff provided with customer service training
Analytics from the website and social media
Number of and types of public engagement opportunities

Goal 5.4 Lead sustainable practices through NPCA lands and operations to address climate change

To achieve this goal, the NPCA will

- Develop a Corporate Climate Change Strategy to implement actions that reduce the NPCA's climate impacts and carbon footprint
- Employ low-impact development techniques at key NPCA properties as demonstration sites

- Develop a program to support other local organizations to become leaders in conservation
- Develop a feasibility study to build a carbon-neutral NPCA headquarters

Performance Indicators

A corporate climate change strategy created by 2026

100% of actions in corporate climate change strategy implemented by 2031

Metrics

Number of and types of LID demonstration projects completed at NPCA properties

Percentage of waste diversion actions completed at NPCA

Money saved on waste reduction

Number of organizations engaged in becoming green leaders

Percentage of progress on the feasibility study completed

FINANCIAL SUSTAINABILITY

Ensuring a financially stable and sustainable organization and continued service-delivery through innovative business models, diverse funding sources, and best practices.

Goal 6.1 Ensure responsible, sustainable, and sound fiscal practices

To achieve this goal, the NPCA will

- Develop a business plan based on the *Conservation Authority Act's* direction on programs and services
- Consistently review and update fee schedules to retain current increases
- Demonstrate the value of NPCA programs and services to stakeholders and municipal partners
- Deploy a full cost recovery model for fee-for-service programs and services

Performance Indicator

Variance against the budget no greater than 20%

Metrics

Variance analytics

Percentage of revenue by funding source

Year over year funding increase

The success rate of grants (Percentage submitted vs. awarded)

The total value of grants awarded

Goal 6.2 Optimize self-generating revenue using innovative approaches

To achieve this goal, the NPCA will

- Broaden opportunities for potential revenue streams at passive conservation areas (e.g., donation boxes)
- Identify fee-for-service opportunities through partnership agreements for various expert services
- Explore varied funding sources and innovative partnerships to diversify funding
- Leverage the Niagara Peninsula Conservation Foundation to help raise funds for conservation programs and projects

Performance Indicator

Increased self-generated revenue

Metrics

Percentage of revenue by funding source

Number of programs that self-generate revenue or surplus

Number of fee-for-service opportunities

Fee review information

Salaries data

Goal 6.3 Improve asset management and close the state of good repair gap

To achieve this goal, the NPCA will

- Establish an asset management plan with a proactive asset management program
- Complete and deploy a natural asset management accounting initiative and support municipalities, as appropriate
- Implement best-practice standards for closing the state of good repair gap
- Invest in NPCA assets (e.g., trails, buildings) and ensure they are assessed over their lifecycle

Performance Indicator

Maintenance of Good Facility Condition Index

Metrics

Comprehensive asset inventory

Maintenance costs

Replacement costs

Annual facility condition assessment results (state of good repair)

Amount of money invested in the state of good repair.

Number of and condition of vulnerable infrastructure (e.g., dams)

Percentage of best practices standards implemented

Glossary of Terms

Access/Accessibility

The ability for a person to utilize a resource, program, or service.

Active transportation

To get from one place to another using a recreational mode of transportation (e.g., cycling, walking).

Asset(s)

All of the property, including trails, buildings, and equipment, are assets of an organization.

Climate-resilient

To withstand the changes and impacts due to changing climatic conditions.

Greenspace

A natural area that benefits the ecosystem, community, and human health (mental/physical). For example, conservation areas, provincial or municipal parks, woodlots, rivers, beaches.

Green infrastructure

Natural vegetation (e.g., forests, farmland, wetlands, waterways) and green technologies (e.g., engineered stormwater ponds, bioswales, green roofs) offer environmental, economic, health, and social benefits.

Natural hazards

Natural events that can pose a threat to humans, their property, or the environment are natural hazards. Natural hazards include extreme rainfall or snowmelt, fog events, snow/ice storms, forest fires, tornadoes, and earthquakes.

State of good repair

The condition of the organization's property, buildings, and equipment should operate at a full level of performance.

Sustainability

The process of living within the limits of available physical, natural, economic, and social resources in ways that do not impact future needs.

Watershed

An area of land that drains or "sheds" surface water into a specific waterbody such as a creek, stream, river, or lake.

DRAFT



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Outreach & Engagement Report

NPCA Strategic Plan: 2021-2031

October 2021

Introduction

In 2020, the Niagara Peninsula Conservation Authority (NPCA) launched a staff-led strategic planning process to guide the organization's priorities and operations from 2021-2031. Due to the unforeseen impacts of the COVID-19 pandemic and changes to the *Conservation Authorities Act*, there was a delay in formally launching the strategic planning process until January 2021.

During the early planning stages, the NPCA committed to communicating frequently and creating opportunities for meaningful, respectful dialogue with the watershed community, partners, Indigenous groups, and other stakeholders throughout the entire strategic planning process. NPCA staff conducted a thorough stakeholder analysis and developed a comprehensive plan to communicate and engage with various internal and external stakeholders.

The NPCA relied on virtual engagement tools to ensure broad public and community participation; however, given the restrictions of the pandemic, accommodations were made for those who did not have computer or internet access to participate in the public engagement process.

As a result of the extensive outreach and engagement efforts, the NPCA earned its highest project engagement with more than 5,700 visits to the strategic plan project webpage on Get Involved NPCA portal, more than 500 responses to the public survey of proposed strategic priorities and shared vision, and more than 70 participants attending the virtual public information session to provide feedback on the key components of the NPCA's draft strategic plan.

After careful review of all feedback from staff, members of the public, partners, NPCA Board of Directors, the Strategic Planning Committee, the Public Advisory Committee, and other stakeholders, the NPCA developed its 10-year strategic plan in October 2021. The strategic plan is available at www.npca.ca.

The NPCA thanks every person who contributed their perspective, which was essential in shaping the organization's first 10-year strategic plan. The NPCA looks forward to continuing to build on this important engagement as it operationalizes the NPCA Strategic Plan: 2021-2031 by working with the community, partners, and stakeholders to accomplish the priorities and goals ahead.

Overview of Outreach and Engagement Process

The NPCA used a tailored outreach and engagement approach with a mix of traditional and digital communications methods to inform and engage a wide range of internal and external stakeholders.

Internal Stakeholder Engagement

Internal stakeholders included NPCA staff, Board of Directors, Strategic Planning Committee, and Public Advisory Committee. These groups were informed regularly via email, virtual meetings, and a dedicated internal project site. In addition, the Strategic Planning Committee (comprised of members of the Board of Directors) and the NPCA's Public Advisory Committee received regular progress updates at each of their meetings from July 2020 to October 2021 and provided input before each critical milestone. Members of the Public Advisory Committee were also encouraged to share information and opportunities to provide feedback with their respective networks,

communities, and the general public.

Involvement from a staff working group and Senior Leadership Team sought to gain broader staff input from across the organization. It provided additional communication touchpoints for all staff to stay informed and to get involved in the process.

All internal stakeholders were engaged in strategic planning activities such as providing input into the NPCA's strengths-weaknesses-opportunities-threats (SWOT) and participating in several facilitated discussions. These formed the basis of the draft strategic priorities, goals and actions, values, and mission and vision statements used in subsequent engagement with external stakeholders.

Indigenous Engagement

Beginning in November 2020, NPCA staff reached out to staff at local First Nations whose Traditional Territory and/or Treaty Lands are within the NPCA watershed jurisdiction (Mississaugas of the Credit First Nation, Six Nations of the Grand River, and Haudenosaunee Confederacy), as well as the Métis Nation of Ontario (Region 9) were contacted by email (which was the indicated preference) to determine if there was an interest in participating in the strategic planning process and, if so, to seek guidance on their desired method for participation. Follow-up emails were sent to these contacts in April and August at key milestones. In addition, NPCA staff reached out to inform and engage local Indigenous peoples through emails to Indigenous Friendship Centres, partners, and news media outlets (e.g., Two Row Times and Turtle Island News, Jukasa Indigenous community radio).

Staff at the Mississaugas of the Credit First Nation (Department of Consultation and Accommodation) requested a virtual meeting with NPCA staff following the Public Information Session to review and discuss the draft Strategic Plan. There were no concerns or disagreements with the strategic goals, actions, or performance indicators shared.

At a separate meeting, NPCA staff met with representatives of the Six Nations of the Grand River to share knowledge and build relationships. During the meeting, suggestions were provided that were incorporated into the Strategic Plan.

External Stakeholder Engagement

The NPCA sought to engage partner municipalities, residents, local interest groups, conservation area users, business owners, members of the agriculture, environment, planning, development, tourism, and education sectors, and the general public within the Niagara Region, Haldimand County, and the City of Hamilton to inform these external groups about the NPCA's strategic planning process and provide opportunities for engagement and giving feedback. A summary of the outreach and engagement tools is included below.

Results of External Outreach and Engagement

The NPCA is pleased with the level of public engagement and the critical feedback received thanks to extensive communication and outreach efforts. Several additional metrics were used to measure and report on a broad awareness of the NPCA's strategic plan process and to ensure

that the public and other groups had opportunities to engage and provide their feedback throughout key points in the process.

An overview of all the outreach and engagement tools/tactics used, and their associated results, are provided below. A more detailed summary of the public survey and public information session is provided in the following sections of the report.

Outreach or Engagement Tool/Tactic	Results
Strategic Plan project webpage (incl. timelines, important dates, documents, digital engagement tools (Q&A, ideas tool, survey))	5,800 visits to project page 32 new registrations 4,762 visitors aware ¹ 1,378 visitors engaged ² 105 document downloads
Placed-based marketing (i.e., posterboards, postcards offered at targeted locations)	6 key locations distributing print materials (i.e., NPCA & Niagara Region headquarters)
Traditional earned media (radio interviews and print stories)	2 media releases 11 media interviews 18 media stories
Direct emailing to local organizations and stakeholder lists	5,610 e-letters sent 2,307 e-letters opened
Direct mail to stakeholder lists	204 letters sent
Digital marketing (social media, digital advertising)	1,064,376 Impressions ³ 1,448 Reactions ⁴
Public survey on draft strategic priorities	498 online surveys submitted
Public Information Session	138 people viewed ⁵ session 22 questions asked Positive feedback
Non-virtual methods (i.e., paper surveys, print slide deck, phone calls, and meetings)	3 paper surveys submitted 1 request for a paper copy of the slide deck

Public Survey

A public survey was launched from March 30 until May 6, 2021, to allow the public, partners, and other stakeholders the opportunity to provide feedback and comments on the NPCA's draft strategic priorities. A total of 501 surveys (combined online and paper methods) were submitted and reviewed in detail by NPCA staff. The feedback received led to changes in the proposed strategic priorities and informed the development of the NPCA Strategic Plan: 2021-2031.

¹ Aware = visited at least one page

² Engaged = viewed a video, downloaded a document, visited key dates section, completed survey, asked a question

³ Impressions = number of times the ad was seen

⁴ Reactions = likes, clicks, shares, comments on social media platforms

⁵ Combined number of people that attended the live session and watched the recorded session

The main goal of the survey was to obtain feedback on seven draft strategic priorities proposed by staff. The survey results demonstrated strong public support for the majority of the NPCA's strategic priorities. The average rating for each of the proposed strategic priorities is indicated below (out of 5):

- Healthy and Climate Resilient Watersheds: 4.6
- Sustainable Growth: 4.1
- Connecting People to Nature: 4.5
- Organizational Excellence: 4.1
- Financial Sustainability and Innovative Business Models: 3.9
- Partner of Choice: 3.9
- Marketing as a Destination of Choice: 3.4

The NPCA reviewed the survey feedback and updated its strategic priorities, goals, and actions to reflect the priorities and input received from the public in the survey results. For example, the "Marketing as a Destination of Choice" strategic priority was instead included as a strategic goal within "Connecting People to Nature" because it did not receive strong support as its own priority. Other topics of importance raised by respondents in the public survey included issues such as flood protection, climate change impact, agricultural practices, protection of habitat, smart growth, low impact development, public access, more environmental education, customer service, transparency, fees for service, alignment with public and private sector partners, partnerships with municipalities and local environmental and education groups.

Respondents were asked to indicate which watershed municipality they lived in to ensure the NPCA reached people within its watershed jurisdiction. Overall, 88% of respondents indicated that they lived in the Regional Municipality of Niagara, while 6% and 3% were from the City of Hamilton or Haldimand county, respectively. These demographics are aligned with the proportion of the Niagara Peninsula watershed within those municipal areas. The remainder lived elsewhere or preferred not to share.

The NPCA also wanted to know if it was hearing from different stakeholder groups. Survey participants were asked to select the option that best described their role in the watershed. Most survey participants identified as a member of the general public or as a Conservation area user (44% and 30%, respectively). The remainder of survey participants indicated they were from a non-government organization (5%), government organization (5%), academic institution (3%), agricultural sector (3%), tourism sector (2%), business sector (1%), development sector (1%), First Nations member (1%), and other (3%) or prefer not to say (2%).

Public Information Session

On August 19, 2021, the NPCA hosted a virtual public information session to engage the public and stakeholders. They were asked to provide feedback on key components of the draft Strategic Plan (i.e., priorities, goals, mission, vision, and values) through a moderated Question and Answer session and via the NPCA's Get Involved online engagement platform. The NPCA also accommodated non-virtual methods of engagement (e.g., paper survey, hardcopy meeting materials mailed, and phone calls) upon request.

The Virtual Public Information Session was attended by 71 unique viewers, from the original 141 people registered. A poll was used at the beginning of the session to determine if the NPCA had been successful in reaching people within the NPCA's watershed jurisdiction. Of those that completed the poll, 92% indicated they resided in the Niagara Region, 4% in the City of Hamilton, 0 participants from Haldimand County, and 4% from areas other than Niagara, Hamilton, and Haldimand. Like the survey on strategic priorities, attendees of the information session were asked to choose an option that best described their role in the watershed. Most of the attendees were members of the public (28%), conservation area users (28%), and non-government organizations (18%). The remainder were from government organizations (e.g., municipalities) (9%), agricultural sector (5%), tourism sector (5%), business sector (2%), development sector (4%), and other (2%, not specified). In a final poll, attendees were asked if they participated in the public survey on draft strategic priorities. Of those attendees participating in the poll, 47% indicated they had participated in the strategic plan survey, 42% did not participate, and 10% of respondents were not sure if they had participated.

After the presentation was provided, there was an opportunity for attendees to ask questions. There were 22 questions asked which were addressed by the moderator and NPCA staff during the session. Many of the questions pertained to land-use planning and protecting environmentally sensitive lands, the NPCA's relationship with community partners, Indigenous engagement, the Conservation Authorities Act, and financial sustainability. Questions that were posed outside of the scope of the strategic plan, for example, questions about specific NPCA sites or properties, were shared with NPCA staff for follow-up after the virtual session.

Following the public information session, a link to the evaluation was circulated to all attendees. Overall, 30% of attendees completed the assessment. Feedback received from the session was generally positive, receiving an average rating of 3.8 of out 5. While attendees remarked that the meeting was well-organized, the platform was easy to use, participate and ask questions, some attendees noted that there was not enough time for discussion and questions. Other participants would have preferred an in-person information session.

After the session, the NPCA welcomed additional feedback, questions, and comments from the community until Sept. 3, 2021, through the NPCA's strategic plan project web page. A recording of the session and supporting documents were posted to the webpage for those unable to attend. The recording was viewed 67 times during that period, and there were 6 questions/comments submitted after the public information session. The NPCA also offered non-virtual methods of engagement to accommodate those without internet access or with a preference for traditional methods. One person reached out to receive hardcopy materials following the Public Information Session.

Conclusion

The NPCA thanks every person who contributed their perspective to the organization's first 10-year strategic plan. The diverse viewpoints and contributions led to a stronger strategic plan and ensured that it reflects the priorities of the communities and partners the NPCA serves.

This important project and public engagement exercise further proved the community's passion

for nature and conservation and the NPCA looks forward to working with the watershed communities and partners as it operationalizes and implements the new Strategic Plan to 2031 toward a shared vision of *Nature for All!*

Visit the online engagement space at getinvolved.npca.ca to get involved in sharing your feedback on future projects.

For more information about the Niagara Peninsula Conservation Authority, visit www.npca.ca or follow us on [Facebook](#) and [Twitter](#) for more updates.

DRAFT

Report To: Board of Directors

**Subject: Update to Niagara Peninsula Conservation Authority (NPCA)
Conservation Authorities Act (CA Act) Section 28 Hearing Procedures**

Report No: FA-62-21

Date: October 15, 2021

Recommendation:

1. **THAT** Report No. FA-62-2021 RE: Update to Niagara Peninsula Conservation Authority (NPCA) Conservation Authorities Act (CA Act) Section 28 Hearing Procedures **BE RECEIVED**.
2. **THAT** the NPCA's CA Act Section 28 Hearing Procedures **BE UPDATED** based on the amended CA Act Model Hearing Guidelines, 2021, regarding hearings under s.28.0.1(7), as appended.
3. **That** staff **BE DIRECTED** to bring forward the updated NPCA CA Act Section 28 Hearing Procedures as part of the Administrative By-law, to be updated by the end of 2022, as per Provincial requirements resulting from the CA Act regulatory changes.
4. **THAT** until such time as the NPCA's CA Act Section 28 Hearing Procedures are updated, the CA Act Model Hearing Guidelines, 2021, attached as Appendix 1 hereto **BE USED** as required for direction.
5. **AND FURTHER THAT** in collaboration with Conservation Ontario, staff **BE DIRECTED** to develop appropriate training materials for the Board.

Purpose:

The purpose of this report is to provide the Board with the updated model guidelines for Section 28 Hearings as proposed by Conservation Ontario and to advise of the NPCA's process and timeline for implementation.

Background:

At the Conservation Ontario Council Meeting held on September 21, 2021, the amended Section 28 CA Act Model Hearing Guidelines were endorsed. The amendments made to the Hearing Guidelines are further to the December 8th, 2020, proclamation of section 28.0.1 of the CA Act to incorporate direction for hearings related to permissions for development associated with a Minister's Zoning

Order. Conservation Authorities are to use the Model Hearing Guidelines as reference when updating their hearing procedures.

Discussion:

With the passage of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, a new section of the *Conservation Authorities Act* (CA Act) came into force. Section 28.0.1 (“Permission for development, zoning order”) applies to applications for permission submitted to an Authority where a zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. However, applicants must be given the opportunity for a hearing before the Authority, prior to conditions being attached.

Subject to a hearing, an authority may attach conditions to the permission, including conditions to mitigate:

- Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land;
- Any conditions or circumstances created by the development project that, in the event of a natural hazards, might jeopardize the health or safety of persons or result in the damage or destruction of property; or
- Any other matters that may be prescribed by regulation.

Hearings under Section 28.0.1 of the CA Act differ from those under Section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. As a result of these changes, each Conservation Authority will be required to review and update its CA Act Section 28 hearing procedures. To facilitate this, Conservation Ontario has amended their Section 28 CA Act Model Hearing Guidelines to incorporate direction for hearings under section 28.0.1 of the CA Act.

Updates to the NPCA Administrative By-law will be brought to the Governance Committee in 2022, prior to taking them forward to the Board for approval by the end of 2022. The updated Administrative By-law will include the required changes to NPCA’s current CA Act Section 28 Hearing Procedures.

Financial Implications:

There are no direct financial implications to implement the Section 28 CA Act Model Hearing Guidelines as provided by Conservation Ontario.

Links to Policy/Strategic Plan:

Implementing processes required by proclaimed amendments in a timely fashion aligns with the NPCA Mission Statement “to implement our Conservation Authorities Act mandate by remaining a responsive, innovative, accountable and financially sustainable organization”.

Related Reports and Appendices:

Appendix 1 - Section 28 Conservation Authorities Act Model Hearing Guidelines (Amended 2021)

Authored by:

Original Signed by:

Leilani Lee-Yates MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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

SECTION 28

CONSERVATION AUTHORITIES ACT

MODEL HEARING GUIDELINES

October 2005, Amended 2018 re. MLT, Amended 2020 re.
Electronic Hearings, **Amended 2021 re. s. 28.0.1(7) Hearings**



Ministry of Natural Resources
Ministère des Richesses naturelles

SECTION 28

CONSERVATION AUTHORITIES ACT

MODEL HEARING GUIDELINES

October 2005, Amended 2018, 2020, 2021

Summary of Revisions

Revision No.	Date	Comments	Approval Authority
0	October, 2005	Guidelines prepared as an update to the October 1992 hearing guidelines.	Ministry of Natural Resources and Forestry Conservation Ontario council
1	May, 2018	Housekeeping amendments made reflecting changes to appeal process as a result of the <i>Building Better Communities and Conserving Watersheds Act</i> , 2017 and subsequent Order in Council. Note: changes to appeal process are no longer valid	Conservation Ontario Staff
2	September, 2020	Amendments made to incorporate the use of electronic hearings.	Conservation Ontario Council
3	September, 2021	Amendments made to incorporate hearings under 28.0.1 and update references to the Ontario Land Tribunal (OLT)	Conservation Ontario Council

(Note: Text in red represents the amendments made in 2021)

August 23, 2021

**Re: Interim Update to the CONSERVATION AUTHORITIES ACT HEARING
GUIDELINES**

With the passage of Bill 229, Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020, a new section of the *Conservation Authorities Act* came into force. Section 28.0.1 (Permission for development, zoning order) applies to applications for permission submitted to an Authority where a zoning order has been made by the Minister of Municipal Affairs and Housing authorizing the proposed development project. While the Act outlines that the Authority must issue these permissions, an Authority has the ability to attach conditions to the permission. In the case of these applications for permission, applicants must be given the opportunity for a hearing before the Authority, prior to conditions being attached. As such, hearings under section 28.0.1 of the Act differ from those under section 28, in that the intent of the hearing is not to determine whether or not to issue a permission, but rather, to finalize the conditions of a permission. The purpose of the interim update to the Hearing Guidelines is to incorporate direction for hearings under section 28.0.1 of the *Conservation Authorities Act* through a new Attachment.

Further, with the passage of Bill 245, Accelerating Access to Justice Act, 2021, on June 1st, 2021 the Local Planning Appeal Tribunal, Environmental Review Tribunal, Board of Negotiation, Conservation Review Board and Mining and Lands Tribunal were merged into a new single tribunal called the Ontario Land Tribunal (OLT). Amendments have been throughout the Hearing Guidelines to update references to the Mining and Lands Tribunal to now reference the Ontario Land Tribunal.

Sincerely,



Leslie Rich
Policy and Planning Liaison
Conservation Ontario

September 14, 2020

**Re: Interim Update to the SECTION 28 (3) CONSERVATION AUTHORITIES ACT
HEARING GUIDELINES**

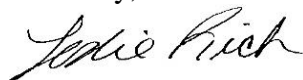
The corona virus disease (COVID-19) was declared a pandemic by the World Health Organization on March 11, 2020. During the Provincial state of emergency as a result of the COVID-19 virus, the Provincial government enacted Order in Council 73/20 under s. 7.1 of the *Emergency Management and Civil Protection Act*. While that order was enacted, Provincial limitation periods and procedural time periods were under suspension between March 16, 2020 and September 14th.

With the suspension on limitation periods being revoked as of September 14th and the need for continued social distancing, conservation authorities require alternate means to provide hearings under Section 28 of the *Conservation Authorities Act*. The purpose of this interim update to the Section 28 Hearing Guidelines is to incorporate the use of electronic hearings. The update to the Hearing Guidelines is complementary to an update to the “Conservation Authority Best Management Practices (BMPs) and Administrative By-Law Model” to incorporate electronic Board meetings.

As a reminder, the decision by the Provincial government to enact Order in Council 73/20 under s. 7.1 of the *Emergency Management and Civil Protection Act* will impact the scheduling of CA Hearings under Section 28 as well as the requirement for an applicant to file an appeal with the Mining and Lands Tribunal within 30 days. For any hearings that took place between March 16th and September 14th, 2020 the person who has been refused permission or who objects to conditions imposed on a permission will have 30 days after September 14th to file an appeal to the Mining and Lands Tribunal. For those CAs who have postponed hearings during the emergency period, they should be scheduled as soon as practical, keeping in mind that Administrative By-Laws and Hearing Guidelines may need to be amended to incorporate electronic meetings.

Amendments have been made throughout this document to incorporate electronic hearings. Conservation authorities are advised to review their internal Hearing Procedures to incorporate this update.

Sincerely,



Leslie Rich
Policy and Planning Liaison
Conservation Ontario

May, 2018

**Re: Interim Update to the SECTION 28 (3) CONSERVATION AUTHORITIES ACT
HEARING GUIDELINES**

Note: with the passage of Bill 245 (see memo dated September, 2021) this memo is out of date.

Subsection 28(15) of the *Conservation Authorities Act* provides that a person who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons may appeal to the Minister of Natural Resources and Forestry. Further to the passage of the *Building Better Communities and Conserving Watersheds Act*, 2017 effective April 3, 2018 this appeal has been assigned to the Mining and Lands Tribunal through Order in Council 332/2018. The Mining and Lands Tribunal is now a part of the Environment and Land Tribunal Cluster (ELTO) of the Ministry of the Attorney General.

By law, the appeal made under subsection 28(15) should be filed directly with the Mining and Lands Tribunal. A copy of the appeal letter to the Minister of Natural Resources and Forestry is unnecessary and can be treated as optional. Conservation authorities should notify appellants that they must file their appeals with the Tribunal within 30 days of their receipt of notice. An appeal may be invalidated if it is not filed with the proper office within that time period. The appellants should also be instructed to copy the conservation authority in their appeal letter.

Further to this updated information, an amendment has been made to **Appendix D “Notice of Decision – Model”** to incorporate the revised contact information for the appeal. Conservation authorities are advised to review their internal Hearing Procedures to incorporate this update. It is anticipated that this “Interim Update to the Section 28(3) Conservation Authorities Act Hearing Guidelines” will provide guidance to conservation authorities related to Section 28 hearings until such time as a new Section 28 regulation is created by the province.

Sincerely,



Leslie Rich
Policy and Planning Liaison
Conservation Ontario

Contents

1.0	PURPOSE OF HEARING GUIDELINES	9
2.0	PREHEARING PROCEDURES	9
2.1	Role of the Hearing Board	9
2.2	Application	10
2.3	Notice of Hearing	10
	The Notice of Hearing must contain or append the following:	10
2.4	Presubmission of Reports	11
3.0	HEARING	11
3.1	Public Hearing	12
3.2	Hearing Participants	12
3.3	Attendance of Hearing Board Members	12
3.4	Adjournments	12
3.5	Orders and Directions	12
3.6	Information Presented at Hearings	12
3.7	Conduct of Hearing	13
3.7.1	Record of Attending Hearing Board Members	13
3.7.2	Opening Remarks	13
3.7.3	Presentation of Authority Staff Information	13
3.7.4	Presentation of Applicant Information	14
3.7.5	Questions	14
3.7.6	Deliberation	14
4.0	DECISION	14
4.1	Notice of Decision	15
4.2	Adoption	15
5.0	RECORD	15
	Attachment 1:	16
	Hearings under Section 28.0.1 of the <i>Conservation Authorities Act</i>	16
	(Permission for Development, Zoning Order)	16
	Appendix A	21
	NOTICE OF HEARING	21
	Appendix B	23
	NOTICE OF HEARING	23

(Subsection 28.0.1 (7) of the <i>Conservation Authorities Act</i>)	23
Appendix C	25
HEARING PROCEDURES	25
Appendix D	27
CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28, Subsection 12 of the <i>Conservation Authorities Act</i>) WITH RESPECT TO ONTARIO REGULATION ____/06	27
Appendix E	28
CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.0.1, Subsection 7 of the <i>Conservation Authorities Act</i>) WITH RESPECT TO ONTARIO REGULATION ____/06	28
Appendix F	29

1.0 PURPOSE OF HEARING GUIDELINES

The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the *Conservation Authorities Act*.

The *Conservation Authorities Act* requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the Statutory Powers Procedures Act.

The Hearing Rules are adopted under the authority of Section 25.1 of the Statutory Powers Procedures Act (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.

The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the *Conservation Authorities Act*. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the Statutory Powers Procedures Act without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Attachment 1.

2.0 PREHEARING PROCEDURES

2.1 Role of the Hearing Board

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

- (a) No member of the Authority taking part in the hearing should have prior involvement with

the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making.

- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.
- (c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

2.2 Application

The right to a hearing **arises** where staff is recommending refusal of an application or **is recommending conditions to the approval of an application**. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

2.3 Notice of Hearing

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

The Notice of Hearing must contain or append the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- (b) The time, place and the purpose of the hearing. OR for Electronic Hearings:
The time, purpose of the hearing, and details about the manner in which the hearing will

be held.

Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

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

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

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

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

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

- (f) Reminder that the applicant is entitled to be represented at the hearing by **a representative such as legal counsel**, if desired. **The conservation authority may be represented at the hearing by counsel or staff.**

- (g) A copy of the Authority's Hearing Guidelines.

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

2.4 Presubmission of Reports

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

3.0 HEARING

3.1 Public Hearing

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

3.2 Hearing Participants

The Conservation Authorities Act does not provide for third party status at the hearing. **The hearing however is open to the public. Any information provided by third parties** should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff **as appropriate.**

3.3 Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the **remaining members can continue with the hearing and render a decision.**

3.4 Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5 Orders and Directions

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

3.6 Information Presented at Hearings

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

3.7 Conduct of Hearing

3.7.1 Record of Attending Hearing Board Members

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

3.7.2 Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference **Appendix D** for the Opening Remarks model. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

3.7.3 Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new **technical** information at the hearing as the applicant

will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

3.7.4 Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant should not submit new **technical** information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.5 Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the Statutory Powers Procedure Act, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

3.7.6 Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4.0. DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the **Ontario Land Tribunal**.

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

4.1 Notice of Decision

The decision notice should include the following information:

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

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

4.2 Adoption

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

5.0 RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the **Ontario Land Tribunal**. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) **Attendance of hearing Board members**
- (f) The decision and reasons for decisions of the Board.
- (g) The Notice of Decision sent to the applicant.

Attachment 1:

Hearings under Section 28.0.1 of the *Conservation Authorities Act* (Permission for Development, Zoning Order)

Section 28.0.1 of the *Conservation Authorities Act* came into force with the Royal Assent of Bill 229, *Protect, Support and Recover from COVID-19 Act* (Budget Measures), 2020. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority **must** grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place is not located in the Greenbelt Area designated under section 2 of the *Greenbelt Act*. A permission which is granted under s.28.0.1 may be subject to conditions as prescribed by the issuing Authority.

Understanding that an Authority **must** grant permission for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28(12) of the Act, in that a hearing **cannot** be held to determine if a permission should be refused. The Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. Per s.28.0.1 (7) of the Act, the applicant for a permission will be given the opportunity to be heard by the Authority prior to any conditions being attached to the granted permission.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.0.1 (7) of the *Conservation Authorities Act*. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the s. 28.0.1 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.0.1 (7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(3) hearing guidelines.

Sections of the Section 28 Conservation Authorities Act Hearing Guidelines	Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings
1.0 Purpose of Hearing Guidelines	<p>The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the <i>Conservation Authorities Act</i>.</p> <p>The <i>Conservation Authorities Act</i> requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. In the case of</p>

	<p>hearings related to applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine conditions which will be attached to a permission. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. In the case of applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. The Hearing Board is empowered by law to make a decision, governed by the <i>Statutory Powers Procedures Act</i>.</p> <p>The Hearing Rules are adopted under the authority of Section 25.1 of the <i>Statutory Powers Procedures Act</i> (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.</p> <p>The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted purposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.</p> <p>These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the <i>Conservation Authorities Act</i>. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the <i>Statutory Powers Procedures Act</i> without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Attachment 1.</p>
2.0 Prehearing Procedures	Not applicable to S.28.0.1(7) hearings
2.1 Apprehension of Bias	In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under

	<p>general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</p> <p>(a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the <i>Municipal Conflict of Interest Act</i> applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making</p> <p>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.</p> <p>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</p> <p>(d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i> (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.</p> <p>Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.</p>
2.2 Application	The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval

	of an application. Additionally, in the case of applications submitted pursuant to s. 28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority. The applicant is entitled to reasonable notice of the hearing pursuant to the <i>Statutory Powers Procedures Act</i> .
2.3 Notice of Hearing	<i>Refer to Section 2.3</i>
2.4 Presubmission of Reports	<i>Refer to Section 2.4</i>
3.0 Hearing	Not applicable to S.28.0.1(7) hearings
3.1 Public Hearing	<i>Refer to Section 3.1</i>
3.2 Hearing participants	<i>Refer to Section 3.2</i>
3.3 Attendance of Hearing Board Members	<i>Refer to Section 3.3</i>
3.4 Adjournments	<i>Refer to Section 3.4</i>
3.5 Orders and Directions	<i>Refer to Section 3.5</i>
3.6 Information Presented at Hearings	<i>Refer to Section 3.6</i>
3.7 Conduct of Hearing	N/A
3.7.1 Record of Attending Hearing Board Members	<i>Refer to Section 3.7.1</i>
3.7.2 Opening Remarks	<i>Refer to Section 3.7.2</i>
3.7.3 Presentation of Authority Staff Information	<i>Refer to Section 3.7.3</i>
3.7.4 Presentation of Applicant Information	<i>Refer to Section 3.7.4</i>
3.7.5 Questions	<i>Refer to Section 3.7.5</i>
3.7.6 Deliberation	<i>Refer to Section 3.7.6</i>
4.0 Decision	<i>Refer to Section 4.0</i>
4.1 Notice of Decision	<p>The decision notice should include the following information:</p> <p>(a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.</p> <p>(b) The decision to refuse or approve the application, and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions. A copy of the Hearing Board resolution should be attached.</p> <p>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as Appendix E.</p>
4.2 Adoption	<i>Refer to section 4.2</i>
5.0 Record	<i>Refer to Section 5.0</i>
Appendix B	A new Appendix B has been prepared which provides an

	example "Notice of Hearing" for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i> .
Appendix E	A new Appendix E has been prepared which provides an example "Notice of Decision" for hearings under Section 28.0.1 (7) of the <i>Conservation Authorities Act</i>

Appendix A

NOTICE OF HEARING

IN THE MATTER OF

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

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

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

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 202X**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse effect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

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

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

DATED the ____ day of , _____202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Appendix B

NOTICE OF HEARING

(Subsection 28.0.1 (7) of the *Conservation Authorities Act*)

IN THE MATTER OF

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

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under
Section 28.0.1, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the Executive Committee of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 2020**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority **in association with a Minister's Zoning Order (REGULATION NUMBER)** on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the Executive Committee for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to Section 28.0.1 of the *Conservation Authorities Act*, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

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

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the Executive

Committee of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____ 202X

The Executive Committee of the
Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

Appendix C

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into **deliberation**. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of **deliberation**. **For electronic meetings, the Hearing Board will reconvene with other participants.**

¹ As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

² As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing Board decision.
15. If decision is "to refuse" or "approve with conditions", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the **Ontario Land Tribunal** within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as Executive Committee.

Appendix D

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28, Subsection 12 of the *Conservation Authorities Act*) WITH RESPECT TO ONTARIO REGULATION ____/06

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

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

The Staff has reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28 (12) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

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

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

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

Appendix E

CHAIRPERSON'S REMARKS WHEN DEALING WITH HEARINGS (Section 28.0.1, Subsection 7 of the *Conservation Authorities Act*) WITH RESPECT TO ONTARIO REGULATION ___/06

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by _____: , for permission to:_____

Under Section 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

The Staff has reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions to be attached to the approved permission. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

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

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

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

Appendix F

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION

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

Proposed Residential Development

Lot , Plan ; ?? Drive City of

(Application #)

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

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

In accordance with Section 28 (15) of the Conservation Authorities Act, An applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. Through Order in Council 332/2018 the responsibility for hearing the appeal has been transferred to the **Ontario Land** Tribunal. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer
Enclosure



**STRATEGIC PLANNING COMMITTEE MEETING
ON-LINE VIDEO CONFERENCE
MEETING MINUTES
Friday September 17, 2021
11:45 a.m.**

MEMBERS PRESENT:	K. Kawall (Chair) J. Hellinga B. Johnson W. Rapley M. Woodhouse B. Wright
MEMBERS ABSENT:	S. Beattie R. Brady D. Huson E. Smith
STAFF PRESENT:	C. Sharma, C.A.O. / Secretary – Treasurer G. Bivol, Clerk N. Green, Project Manager R. Hull, Strategic Business Planning and Public Relations
OTHERS PRESENT:	D. Cridland, NPCA Board Member J. Ingrao, NPCA Board Member

Chair Kawall called the meeting to order at 11:45 a.m..

1. APPROVAL OF AGENDA

Recommendation No. SPC-15-2021

Moved by Member Woodhouse

Seconded by Member Wright

THAT the Strategic Planning Committee Meeting agenda dated Friday, September 17, 2021 **BE APPROVED.**

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the NPCA Strategic Planning Committee meeting dated July 16, 2021

Recommendation No. SPC-16-2021

Moved by Member Hellinga

Seconded by Member Wright

THAT the minutes of the NPCA Strategic Planning Committee meeting dated July 16, 2021
BE APPROVED.

CARRIED

4. CORRESPONDENCE

None

5. DELEGATIONS

None

6. PRESENTATIONS

None

7. CONSENT ITEMS

None

8. DISCUSSION ITEMS

- a) Report No. SPC-03-21 RE: Public Engagement #2 Results and Draft Strategic Plan – N. Green, Project Manager presented and discussion ensued.

Recommendation No. SPC-17-2021

Moved by Member Woodhouse

Seconded by Member Rapley

1. **THAT** Report No. SPC-03-21 Public Engagement #2 Results and Draft Strategic Plan **BE RECEIVED.**
2. **AND THAT** staff **BE DIRECTED** to finalize the layout and graphic design of the draft Strategic Plan.
3. **AND FURTHER THAT** the Draft Strategic Plan 2021-2031 **BE BROUGHT** forward for approval by the Full Authority at their next meeting.

CARRIED

9. NEW BUSINESS

None

10. ADJOURNMENT

By consensus of the membership, the Strategic Planning Committee meeting of September 17, 2021 adjourned at 12:10 p.m..

K. Kawall
Committee Chair

C. Sharma, MCIP, RPP
Chief Administrative Officer / Secretary
- Treasurer

**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Thursday, September 23, 2021
9:30 a.m.**

MEMBERS PRESENT: R. Foster, Chair
R. Brady
B. Clark
B. Johnson (arrived 10:28 a.m.)
M. Woodhouse

MEMBERS ABSENT: J. Ingrao

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Clerk
A. Christie, Director, Operations
M. Ferrusi, Manager, Human Resources
A. Powell, Manager, Conservation Area Services
G. Shaule, Administrative Assistant

Chair Foster called the meeting to order at 9:37 a.m..

1. APPROVAL OF AGENDA

Recommendation No. GC-10-2021

Moved by Member Clark

Seconded by Member Brady

THAT the Governance Committee agenda dated September 23, 2021 **BE APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee meeting dated June 24, 2021

Recommendation No. GC-11-2021

Moved by Member Woodhouse

Seconded by Member Brady

THAT the minutes of the meeting of the NPCA Governance Committee dated June 24, 2021 **BE ADOPTED**.

4. CORRESPONDENCE

None

5. PRESENTATIONS

- a) Presentation on Seasonal Camping by A. Christie, Director, Land Operations - Adam Christie, Director, Operations and Alicia Powell, Manager, Conservation Area Services presented via PowerPoint. Discussion ensued.

Recommendation No. GC-12-2021

Moved by Member Woodhouse

Seconded by Member Brady

1. **THAT** the PowerPoint presentation entitled NPCA Seasonal Camping Procedures dated September 23, 2021 **BE RECEIVED**.

2. **AND THAT** staff prepare a report to the Governance Committee with options and recommendations addressing issues identified with permanent seasonal camping sites.

CARRIED

6. DELEGATIONS

None

7. Consent Items

None

8. DISCUSSION ITEMS

- a) Report No. GC-07-21 RE: Process for Delegations to Meetings

Recommendation No. GC-13-2021

Moved by Member Brady

Seconded by Member Clark

THAT Report No. GC-07-21 RE: Process for Delegations to Meetings **BE RECEIVED** for input of the Governance Committee.

CARRIED

- b) Report No. GC-08-21 RE: Board Evaluation

Recommendation No. GC-14-2021

Moved by Member Clark

Seconded by Member Woodhouse

1. **THAT** Report No. GC-08-21 RE: Board Evaluation **BE RECEIVED**.

2. **THAT** the Board Assessment identified as Appendix 1, the Board Member Individual Self-Evaluation identified as Appendix 2 and Board Member Skills Assessment identified as Appendix 3 **BE IMPLEMENTED** in January 2022.

CARRIED

- c) Report No. GC-09-21 RE: Vaccination Policy - Misti Ferrusi, Manager, Human Resources presented. Discussion ensued.

Recommendation No. GC-15-2021

Moved by Member Brady

Seconded by Member Clark

1. **THAT** Report No. GC-09-21 RE: Vaccination Policy **BE RECEIVED**.

2. **THAT** the Vaccination Policy identified as Appendix 1 **BE APPROVED** and **IMPLEMENTED**.

CARRIED

- d) Integrity Commissioner Agreement - Ms. Ferrusi, provided an update on the matter noting that the NPCA was awaiting the appointment of an Integrity Commissioner at the Region of Niagara before proceeding.

Recommendation No. GC-16-2021

Moved by Member Woodhouse

Seconded by Member Brady

THAT the verbal update by M. Ferrusi RE: Integrity Commissioner Agreement **BE RECEIVED**.

CARRIED

- e) Conservation Authorities Act Regulations - Chandra Sharma, CAO, provided updates on the amendments to the Conservation Authorities Act and the NPCA's compliance with specific reference to: anticipated release of Provincial regulations, NPCA website updates, transition plans, listings of programs and services, request for exemption to chair and vice chair rotation provisions of the Act, levy regulations and Section 28 amendments. She noted that a report on these items would go to the Board of Directors' meeting in November of 2021. Discussion ensued.

Recommendation No. GC-17-2021

Moved by Member Woodhouse

Seconded by Member Clark

THAT the verbal update by C. Sharma RE: Conservation Authorities Act amendment and Regulations **BE RECEIVED**.

CARRIED

9. NEW BUSINESS

None

10. ADJOURNMENT

By consensus of the members, the Governance Committee meeting adjourned at 10:42 a.m..

Robert Foster,
Committee Chair

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



**PUBLIC ADVISORY COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Tuesday, October 5, 2021
5:00 p.m.**

MEMBERS PRESENT:	J. Oblak (Committee Chair) J. Ariens E. Furney B. Johnson, NPCA Board Chair (departed at 6:06 p.m.) D. Kelly H. Korosis B. Mackenzie, NPCA Board Vice Chair (arrived at 5 :17 p.m.) J. Musso J. Schonberger N. Seniuk
MEMBERS ABSENT:	C. Ecker-Flagg K. Huxley M. Kauzlaric D. Speranzini
STAFF PRESENT:	C. Sharma, Chief Administrative Officer / Secretary – Treasurer G. Bivol, Clerk N. Green, Project Manager, Strategic Plan R. Hull, Manager, Strategic Business Planning and Public Relations A. Powell, Manager, Conservation Area Services K. Royer, Coordinator, Community Outreach
OTHERS PRESENT:	J. Hellinga, NPCA Board

Chair Oblak called the meeting to order at 5:04 p.m..

1. APPROVAL OF AGENDA

Recommendation No. PAC-21-2021

Moved by Member Ariens

Seconded by Member Schonberger

THAT the agenda for the October 5, 2021 NPCA Public Advisory Committee meeting **BE ADOPTED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the Public Advisory Committee meeting dated June 17, 2021

Recommendation No. PAC-22-2021

Moved by Member Furney

Seconded by Member Korosis

THAT the minutes of the NPCA Public Advisory Committee meeting dated June 17, 2021 **BE APPROVED.**

CARRIED

4. CORRESPONDENCE

- a) Correspondence dated September 24, 2021 from G. Bivol, NPCA Clerk RE: Report No. FA-56-2021 Vaccination Policy - C.A.O. Sharma spoke on the report.

Recommendation No. PAC-23-2021

Moved by Member Seniuk

Seconded by Member Schonberger

THAT the correspondence dated September 24, 2021 from G. Bivol, NPCA Clerk RE: Report No. FA-56-2021 Vaccination Policy **BE RECEIVED.**

CARRIED

- b) Correspondence dated September 24, 2021 from G. Bivol, NPCA Clerk RE: Report No. SPC-03-21 Public Engagement #2 Results and Draft Strategic Plan – Natalie Green, Project Manager, Strategic Plan spoke about the report and Strategic Plan.

Recommendation No. PAC-24-2021

Moved by Member Schonberger

Seconded by Member Furney

1. **THAT** the correspondence dated September 24, 2021 from G. Bivol, NPCA Clerk RE: Report No. SPC-03-21 Public Engagement #2 Results and Draft Strategic Plan **BE RECEIVED.**

2. **AND THAT** the Public Advisory Committee **ENDORSES** the recommendations contained in Report No. SPC-03-21 Public Engagement #2 Results and Draft Strategic Plan.

CARRIED

5. PRESENTATIONS

- a) PowerPoint Presentation by A. Powell, Manager of Conservation Area Services, RE: 2021 Ball's Falls Festival Update - Alicia Powell presented and addressed questions from the Committee.

Recommendation No. PAC-25-2021

Moved by Member Kelly

Seconded by Member Korosis

THAT the PowerPoint presentation by A. Powell, Manager of Conservation Area Services, RE: 2021 Ball's Falls Festival Update **BE RECEIVED**.

CARRIED

6. DELEGATIONS

None

7. CONSENT ITEMS

None

8. DISCUSSION ITEMS

- a) Report No. PAC-03-21 RE: NPCA Pollinator Initiatives - Kerry Royer, Coordinator, Community Outreach presented. Lengthy discussion ensued.

Recommendation No. PAC-26-2021

Moved by Member Furney

Seconded by Member Kelly

1. **THAT** Report No. PAC-03-21 RE: NPCA Pollinator Initiatives **BE RECEIVED**.

2. **AND FURTHER THAT** members of the Public Advisory Committee **PROMOTE** planting of pollinator habitat through their networks and **COLLABORATE** with NPCA to advance the planting of Native Pollinator species.

CARRIED

Recommendation No. PAC-27-2021

Moved by Member Ariens

Seconded by Member Schonberger

THAT the Public Advisory Committee **REQUESTS** C.A.O. to develop additional requirements to ensure the planting of native vegetation that supports pollinator species through the development process at the discretion of the NPCA staff.

CARRIED

- b) NPCA Public Advisory Committee Discussion Paper – Chair Oblak advised of her willingness and intention to be present at the Board meeting where this paper was to be

discussed. It was noted that the version of the discussion paper contained within the agenda package was not the final copy. Ms. Royer brought forward the final version at the meeting for discussion.

Recommendation No. PAC-28-2021

Moved by Member Schonberger

Seconded by Member Furney

THAT the final version of the NPCA Public Advisory Committee Discussion Paper as presented at the meeting by Kerry Royer **BE RECEIVED** and **APPROVED** for submission to the Board of Directors.

CARRIED

9. COMMITTEE REPORTS

None

10. NEW BUSINESS

None

11. ADJOURNMENT

Resolution No. PAC-29-2021

Moved by Member Kelly

Seconded by Member Seniuk

THAT this meeting of the NPCA Public Advisory Committee **BE ADJOURNED** at 6:17 p.m..

CARRIED

Jackie Oblak
Public Advisory Committee Chair

Chandra Sharma
Chief Administrative Officer / Secretary –
Treasurer



**WATERSHED FLOODPLAIN SUB-COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Thursday, October 5, 2021
4:00 p.m.**

MEMBERS PRESENT: J. Oblak (Sub-Committee Chair)
E. Furney
B. Johnson, NPCA Board Chair
D. Kelly
H. Korosis
J. Schonberger

MEMBERS ABSENT: D. Speranzini

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary – Treasurer
G. Bivol, Clerk
S. Miller, Senior Manager, Water Resources
K. Royer, Coordinator, Community Outreach

OTHERS PRESENT: D. Cridland, NPCA Board

The Committee Chair called the meeting to order at 4:02 p.m..

1. APPROVAL OF AGENDA

Recommendation No. WFSC-06-21

Moved by Member Kelly

Seconded by Member Furney

THAT the agenda for the October 5, 2021 Watershed Floodplain Sub-Committee meeting
BE ADOPTED as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

None

4. CORRESPONDENCE

None

5. PRESENTATIONS

- a) PowerPoint Presentation by Steve Miller, NPCA Senior Manager, Water Resources RE: Summary of Beaver Creek and Big Forks Creek Public Information Session - Steve Miller presented the results of the public information sessions via PowerPoint. Members posed questions and discussion ensued.

Recommendation WFSC-07-21:

Moved by Member Korosis

Seconded by Member Schonberger

THAT the PowerPoint presentation by S. Miller, Senior Manager, Water Resources, RE: Summary of Beaver Creek and Big Forks Creek Public Information Session **BE RECEIVED.**
CARRIED

6. DELEGATIONS

None

7. CONSENT ITEMS

None

8. DISCUSSION ITEMS

None

9. COMMITTEE REPORTS

None

10. NEW BUSINESS

None

11. ADJOURNMENT

Recommendation No. WFSC-08-21

Moved by Member Schonberger

Seconded by Member Kelly

THAT the meeting **BE ADJORNED** at 4:26 pm..

CARRIED

Jackie Oblak
Public Advisory Committee Chair

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