

**FULL AUTHORITY MEETING
ON-LINE VIDEO CONFERENCE
AND IN-PERSON MEETING**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, ON**

**Friday, October 21, 2022
9:30 a.m.**

A G E N D A

CALL TO ORDER – ROLL CALL / STAFF INTRODUCTIONS

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

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated September 16, 2022 (For Approval)

Page # 1

- b) Minutes of the Full Authority Closed Session Meeting dated September 16, 2022 (For Approval – To be circulated under separate cover to remain private and confidential)

4. CHAIR'S UPDATE

5. CORRESPONDENCE

- a) Correspondence dated September 13, 2022 from Carol Schofield, Manager, Legislative Services / Clerk, Town of Fort Erie RE: Final Land Securement Strategy Deadline for Review (For Receipt)

Page # 9

- i) Motion to extend the NPCA Final Land Securement Strategy deadline to January 31, 2023 (For Approval)

Page # 10

6. PRESENTATIONS

- a) PowerPoint Presentation by Karen Wianecki, Director of Practice, Planning Solutions Inc., David Deluce, Senior Manager, Environmental Planning and Policy and Leilani Lee-Yates, NPCA Director, Watershed Management. RE: Draft NPCA Policy Document Review and Procedural Manual (For Receipt – To be circulated under separate cover)

7. DELEGATIONS

8. CONSENT ITEMS

- a) Report No. FA-42-22 RE Compliance and Enforcement 2022 Q2 and Q3 Statistics (For Receipt)

Page # 11

- b) Report No. FA-43-22 RE: 2022 NPCA Quarterly Progress Report #2 Required for Conservation Authorities Act Amendments: Transition Plan and Agreements (O. Reg. 687/21) (For Receipt)

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9. DISCUSSION ITEMS

- a) Report No. FA-32-22 RE: NPCA Rebranding Roll-Out Plan (For Approval)

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- b) Report No. FA-41-22 RE: Niagara Peninsula Conservation Authority (NPCA) – Appointment of Regulations Officers (For Approval)

Page # 31

- c) Report No. FA-44-22 RE: Draft NPCA Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, and Procedural Manual (For Approval – To be circulated under separate cover)

10. COMMITTEE REPORTS

10.1 GOVERNANCE COMMITTEE

- a) Minutes from the Meeting of the Governance Committee dated September 15, 2022 (For Receipt)

Page # 33

- b) Minutes from the Meeting of the Governance Committee dated October 14, 2022 (For Receipt)

Page # 36

- i) Copy of the Presentation entitled Phase 2 Discussion Papers – Engagement Summary Report & Direction for Policies and Procedural Manual (For Receipt)

Page # 39

- ii) Report No. GC-11-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction (For Receipt)

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10.2 PUBLIC ADVISORY COMMITTEE

- a) Minutes from the Meeting of the Public Advisory Committee dated September 29, 2022 (For Receipt)

Page # 173

- i) Report No. PAC-02-22 RE: Response to Public Advisory Committee Discussion Paper (For Receipt)

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11. MOTIONS

12. NOTICES OF MOTION

13. NEW BUSINESS

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

14. CLOSED SESSION

15. ADJOURNMENT



**FULL AUTHORITY
IN-PERSON AND
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, September 16, 2022
9:30 A.M.**

**Ball's Falls Centre for Conservation
Glen Elgin Room
3292 Sixth Avenue, Jordan, On**

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: R. Foster (Chair)
S. Beattie
R. Brady
D. Cridland
L. Feor
J. Hellinga
J. Ingraio
K. Kawall (departed 10:45 a.m.; returned 11:00 a.m.)
B. Mackenzie
J. Metcalfe
W. Rapley
E. Smith
B. Steele
M. Woodhouse

MEMBERS ABSENT: B. Clark
D. Huson
B. Johnson
R. Shirton
B. Wright

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
E. Baldin, Manager, Land Planning
A. Christie, Director, Land Operations
D. Deluce, Senior Manager, Environmental Planning and Policy
L. Gagnon, Director, Corporate Services
E. Gervais, Procurement Specialist
R. Hull, Manager, Strategic Business Planning
L. Lee-Yates, Director, Watershed Management
S. Miller, Senior Manager, Water Resources
A. Powell, Manager, Conservation Areas Programs and Services

G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning /
Information Management

ALSO PRESENT: Elham Arbaban, Risk Assessor, Arcadis Inc.,
Lynn Kumita, Senior Environmental Specialist, Public Services and
Procurement Canada
Sean McKee, Environmental Scientist, Arcadis Inc.
Jennifer Shearn, Senior Environmental Advisor, Transport Canada
Joshua Won, Environmental Specialist, Public Services and
Procurement Canada

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

1. APPROVAL OF AGENDA

Resolution No. FA-72-2022
Moved by Member Beatty
Seconded by Member Rapley

THAT the agenda for the Full Authority Meeting dated September 16, 2022 **BE APPROVED.**
CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated July 15, 2022
- b) Minutes of the Full Authority Closed Session Meeting dated July 15, 2022

Resolution No. FA-73-2022
Moved by Member Smith
Seconded by Member Steele

THAT the following **BE APPROVED:**

- Minutes of the Full Authority meeting dated July 15, 2022; and
- Minutes of the Full Authority Closed Session meeting dated July 15, 2022 to remain private and confidential.

CARRIED

4. CHAIR'S UPDATE

Chair Foster spoke on the forthcoming volunteer recognition event and membership changes that will result with the end of the municipal term.

5. CORRESPONDENCE

- a) Email from Jacki Oblak to NPCA Chair Rob Foster dated August 22, 2022 RE: Resignation
- b) Email from Jennifer Keyes, Director, Resources Planning and Development Policy Branch, Ministry of Natural Resources and Forestry date August 28, 2022 to Conservation Authority Partners RE: An Update Concerning Conservation Authority Act Governance – Members commented on the transfer of Conservation Authority oversight responsibilities to the Ministry of Natural Resources and Forestry.

Resolution No. FA-74-2022
Moved by Member Cridland
Seconded by Member Ingrao

THAT the following correspondence items **BE RECEIVED**:

- Email from Jacki Oblak to NPCA Chair Rob Foster dated August 22, 2022 RE: Resignation; and
- Email from Jennifer Keyes, Director, Resources Planning and Development Policy Branch, Ministry of Natural Resources and Forestry date August 28, 2022 to Conservation Authority Partners RE: An Update Concerning Conservation Authority Act Governance.

CARRIED

6. PRESENTATIONS

- a) PowerPoint Presentation by Jennifer Shearn, Regional Senior Environmental Advisor, Transport Canada RE: Update on Transport Canada's Risk Assessment Study of Upper Welland River System Downstream of Hamilton International Airport – Ms. Shearn introduced Elham Arbaban, Risk Assessor, Arcadis Inc., who presented on behalf of the group. Members posed questions and discussion ensued with respect to involvement and participation from the City of Hamilton.
- b) PowerPoint Presentation by Josh Diamond, NPCA Water Quality Specialist RE: Water Quality Monitoring Program Summary Report of the Year 2021 (For Receipt - This presentation is in conjunction with agenda item 9.b) Report No. FA-34-22 RE: Water Quality Monitoring Program Summary Report for the Year 2021) – Mr. Diamond presented. Members posed questions and discussion ensued. Member Rapley requested information on the status of sewage lagoons in Niagara-on-the-Lake. Staff were also requested to investigate monitoring of the Wignell Drain.

Resolution No. FA-75-2022
Moved by Member Mackenzie
Seconded by Member Woodhouse

THAT the following PowerPoint presentations **BE RECEIVED**:

- PowerPoint presentation by Jennifer Shearn, Regional Senior Environmental Advisor, Transport Canada RE: Update on Transport Canada's Risk Assessment Study of Upper Welland River System Downstream of Hamilton International Airport; and
- PowerPoint presentation by Josh Diamond, NPCA Water Quality Specialist RE: Water Quality Monitoring Program Summary Report of the Year 2021.

CARRIED

7. DELEGATIONS

None

8. CONSENT ITEMS

- a) Report No. FA-35-22 RE: NPCA Comments on Minister's Zoning Order Request for 0 and 8656 Mountain Road, City of Niagara Falls – Members posed questions to Steve Miller, Senior Manager, Water Resources and Leilani Lee-Yates, Director, Watershed Management.
- b) Report No. FA-39-22 RE: Completion of Purchase – Rockway Community Centre

Resolution No. FA-76-2022
Moved by Member Hellinga
Seconded by Member Smith

THAT following reports **BE RECEIVED**:

- Report No. FA-35-22 RE: NPCA Comments on Minister's Zoning Order Request for 0 and 8656 Mountain Road, City of Niagara Falls; and
- Report No. FA-39-22 RE: Completion of Purchase – Rockway Community Centre.

CARRIED

9. DISCUSSION ITEMS

- a) Report No. FA-33-22 RE: Contract Award – Skycomp Solutions Inc. – Consulting and Professional Services in Information Technology - Lise Gagnon, Director, Corporate Services spoke to the report.

Resolution No. FA-77-2022
Moved by Member Cridland
Seconded by Member Metcalfe

1. **THAT** Report No. FA-33-22 RE: Contract Award – Skycomp Solutions Inc. – Consulting and Professional Services in Information Technology **BE RECEIVED**.
2. **THAT** the Board **APPROVES** the NPCA Consulting and Professional Services in Information Technology contract award to Skycomp Solutions Inc. in the base amount of \$150,240 per year (plus non-recoverable HST) with annual price escalation tied to Bank of Canada Consumer Price Index (CPI) for a 5-year term (2022-2027).
3. **THAT** staff **BE AUTHORIZED** to execute all necessary documents as appropriate.

CARRIED

- b) Report No. FA-34-22 RE: Water Quality Monitoring Program Report for the Year 2021 - Discussion ensued.

Resolution No. FA-78-2022
Moved by Member Smith
Seconded by Member Rapley

1. **THAT** Report No. FA-34-22 RE: Water Quality Monitoring Program Report for the Year 2021 **BE RECEIVED**.
2. **THAT** a copy of the Watershed Quality Stewardship Fact Sheet 2021, as appended, and website link to the Water Quality Monitoring Program Report for the Year 2021 **BE CIRCULATED** to municipalities, Ministry of Natural Resources and Forestry (MNRF), Ministry of the Environment and Parks (MECP) and the Federal Ministry of Environment and Climate Change Canada (ECCC).
3. **AND FURTHER THAT** the stewardship actions and best practices highlighted in the “Water Quality Monitoring Program Report for the Year 2021” and Associated Stewardship Fact Sheet **BE DISSEMINATED** to stakeholders and the public to advance collaborative implementation of recommendations to improve local water quality.

CARRIED

- c) Report No. FA-38-22 RE: Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding – Leilani Lee-Yates spoke to the report. Members posed questions.

Resolution No. FA-79-2022

Moved by Member Ingrao

Seconded by Member Steele

1. **THAT** Report No. FA-38-22 RE: Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding **BE RECEIVED**.
2. **THAT** the Chief Administrative Officer / Secretary - Treasurer **BE AUTHORIZED** to sign the Joint Agency Review Team Memorandum of Understanding for the Wainfleet Law Quarry attached as Appendix 2 to Report No. FA-38-22 RE: Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding.

CARRIED

10. COMMITTEE ITEMS

10.1 FINANCE COMMITTEE

- a) Minutes from the Meeting of the Finance Committee dated July 27, 2022
- i) Report No. FA-36-22 RE: 2023 Budget Planning and Timelines
- b) Minutes of the Closed Session of the of the Finance Committee Meeting dated July 27, 2022

Resolution No. FA-80-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT the following **BE RECEIVED**:

- Minutes from the meeting of the Finance Committee dated July 27, 2022; and
- Minutes of the Closed Session of the of the Finance Committee meeting dated July 27, 2022.

CARRIED

Resolution No. FA-81-2022
Moved by Member Smith
Seconded by Member Mackenzie

1. **THAT** Report No. FA-36-22 RE: 2023 Budget Planning and Timelines **BE RECEIVED**.
2. **THAT** the budget planning and timelines for the 2023 Operating and Capital Budgets as identified in the report **BE APPROVED** for use in the development of the 2023 budgets.
3. **THAT** staff **BE DIRECTED** to include a provision for an economic increase (COLA) to satisfy the terms of the OPSEU collective agreement and address inflationary pressures on non-salary in the spirit of municipal budget guidelines, once released.
4. **THAT** staff **BE DIRECTED** to incorporate Conservation Authorities (CA) Act amendments, levy regulations and approved programs and services inventory structure into the draft 2023 budgets.
5. **THAT** staff **BE DIRECTED** to continue discussions relative to known funding gaps, service level agreements and/or memoranda of understanding with municipal partners.
6. **THAT** a list of current known unfunded priorities **BE PREPARED** for the Board's consideration in conjunction with 2023 budgets.
7. **AND FURTHER THAT** staff **BE DIRECTED** to submit the Preliminary 2023 Budget to the funding municipalities in accordance with their guidelines and schedules.

CARRIED

11. NOTICES OF MOTION

None

12. MOTIONS

None

13. NEW BUSINESS

- a) C.A.O. Updates – Verbal – Ms. Sharma, Chief Administrative Officer spoke on the death that occurred at the Binbrook Conservation Area on the Labour Day weekend, status of Conservation Authority Act transition requirements, meetings with municipalities on programs and services, internal budget transition, Indigenous engagement and collaborative events, the Thanksgiving Festival, successful funding grants and the forthcoming Great Lakes Forum and Internal Joint Commission Water Quality Board activities.
- b) Niagara Peninsula Conservation Foundation Update – Verbal – Chair Foster indicated that there were no items to report at this time.

14. CLOSED SESSION

- a) Litigation or Potential Litigation - Update on Ontario Land Tribunal (OLT) Appeals
 - i) 61 Princess St, Town of Niagara-on-the-Lake
 - ii) 200 John Street East and 588 Charlotte Street, Town of Niagara-on-the-Lake
- b) Labour Relations, Human Resources or Employee Negotiations – Update on Collective Bargaining – The Board opted to not deliberate collective bargaining in closed session.

Resolution No. FA-82-2022

Moved by Member Beattie

Seconded by Member Rapley

THAT in accordance with Section 10.1 of the NPCA Administrative By-law, the Board hereby **PROCEEDS** into closed session at 11:17 a.m. for discussion on litigation or potential litigation being an update on Ontario Land Tribunal (OLT) Appeals RE: 61 Princess St, Town of Niagara-on-the-Lake, 200 John Street East and 588 Charlotte Street, Town of Niagara-on-the-Lake.

CARRIED

Resolution No. FA-83-2022

Moved by Member Beattie

Seconded by Member Cridland

THAT the Board **RECOVENES** in open session at 11:33 a.m..

CARRIED

Resolution No. FA-84-2022

Moved by Member Ingrao

Seconded by Member

THAT the verbal update from L. Lee-Yates, Director, Watershed Management RE: Litigation or Potential Litigation - Update on Ontario Land Tribunal (OLT) Appeals, 61 Princess St, Town of Niagara-on-the-Lake and 200 John Street East and 588 Charlotte Street, Town of Niagara-on-the-Lake **BE RECEIVED**.

CARRIED

Resolution No. FA-85-2022

Moved by Member Hellinga

Seconded by Member Smith

1. **THAT** Report No. FA-37-22 RE: OPSEU Collective Bargaining Agreement (2022-2024) **BE RECEIVED**.
2. **THAT** the Board of Directors **ENDORSES** the Finance Committee's approval of the Collective Bargaining Agreement between NPCA and OPSEU – Local 212 (2022 – 2024).
3. **AND FURTHER THAT** the Board of Directors **APPROVES** the negotiated amendments of the Collective Agreement to be applied to non-union employees in the areas of

“Vacation”, “Statutory Holidays”, “Benefits”, “Mileage”, “Uniforms” and “Wages” in order to afford non-union employees the same benefits and to avoid wage compression.

CARRIED

15. ADJOURNMENT

The meeting adjourned at 11:23 a.m..

Robert Foster, Chair
Niagara Peninsula Conservation Authority

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



Community Services

Legislative Services

September 13, 2022
File #120203

Sent via email: csharma@npca.ca

Chandra Sharma, Chief Administrative Officer/Secretary-Treasurer
Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor
Welland, ON L3C 3W2

Dear Ms. Sharma

Re: Final Land Securement Strategy Deadline for Review

The Municipal Council of the Town of Fort Erie at its meeting of September 12, 2022 received the NPCA Board of Directors Report No. FA-24-22 dated June 17, 2022 regarding the above noted matter and passed the following resolution:

That: Council requests that the NPCA extend the Final Land Securement Strategy deadline to January 31, 2023 in order to provide sufficient time for the Town of Fort Erie to undertake a review and provide comments. **(Carried)**

Please confirm to the undersigned, that an extension has been granted.

Yours very truly,

Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk



DATE: October 21, 2022

MOTION:

Moved By: _____

Seconded By: _____

THAT staff **BE DIRECTED** to extend the deadline for comment on the Final Land Securement Strategy to January 31, 2023 in order to provide sufficient time for stakeholders to undertake a review and provide comments.

Chair: _____

Report To: Board of Directors

Subject: Compliance and Enforcement 2022 Q2 and Q3 Statistics

Report No: FA-42-22

Date: October 21, 2022

Recommendation:

THAT Report No. FA-42-22 RE: Compliance and Enforcement 2022 Q2 and 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 business unit within the NPCA from April 1, 2022, to September 31, 2022 (Q2 and Q3 of 2022).

Background:

The Compliance and Enforcement service area at 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 previously reported in Report No. FA-03-2021, the Compliance and Enforcement unit committed to providing three quarterly reports and one annual report to the Board of Directors on statistics tracked by staff. Report No. FA-10-22 RE: The Compliance and Enforcement 2021 Year-End Summary was received by the Board of Directors on March 25, 2022.

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 if 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).

This will be the last quarterly update to the Board for 2022. An annual summary of 2022 statistics will be provided in early 2023. The statistics below are from April 1, 2022, to September 31, 2022.

General File Statistics

	Q2 & Q3 2019	Q2 & Q3 2020	Q2 & Q3 2021	Q2 & Q3 2022
Open / Active Files				49
Closed / Resolved Files				119
TOTAL COMPLAINTS RECEIVED	56	129	206	168

Complaint Validity

	Q2 & Q3 2022
NPCA jurisdiction – valid concern	65
Not NPCA jurisdiction or valid concern file closed	77
Open and under review by NPCA	26
TOTAL	168

Complaint/Violation Avenues

	Q2 & Q3 2022
Voicemail / Phone	17
TIPS – voicemail, email, online form	84
Professional Contacts	43
Other / Not Specified	24
TOTAL	168

Notices of Violation

	Q2 & Q3 2022
TOTAL NOTICES ISSUED	10

Complaints/Violations by Municipality

	Q2 & Q3 2022	% TOTAL
Fort Erie	24	14.3%
Grimsby	6	3.6%
Haldimand	9	5.3%
Hamilton	8	4.8%

Lincoln	10	6.0%
Pelham	16	9.5%
Niagara Falls	13	7.7%
Niagara-on-the-Lake	12	7.1%
Port Colborne	5	3.0%
St. Catharines	18	10.7%
Thorold	3	1.8%
Wainfleet	24	14.3%
Welland	9	5.3%
West Lincoln	6	3.6%
No Location or Unknown	5	3.0%
TOTALS	168	100%

* total percentage may not equal 100% due to rounding.

Customer Service and Process Improvement:

In support of continuous customer service and process improvements NPCA staff recently completed a new Section 28 Procedural Manual. This manual was Board approved in July 2022, through report FA-28-22 and identifies the processes involved in how regulations staff respond to complaints, identify new and potential violations and make decisions on the appropriate level of actions to take for complaints, violations, and non-compliance issues.

The regulations team has also further enhanced the resources of the Compliance and Enforcement service area through the addition of a third Regulations Officer position.

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.

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 2022 budget. However, should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be legal costs associated with these activities, which are accounted for within the operating budget. Additionally, the NPCA regulations team will continue to employ prioritization strategies to allocate the resources to appropriately respond to the more significant and high-risk contraventions of the *Conservation Authorities Act*.

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 support NPCA's Strategic Plan 2021-2031 to protect people and properties from natural hazards and climate impacts.

Authored by:*Original Signed by:*

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

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: 2022 NPCA Quarterly Progress Report #2 Required for Conservation Authorities Act Amendments: Transition Plan and Agreements (O. Reg. 687/21)

Report No: FA-43-22

Date: October 22, 2022

Recommendation:

THAT Report No. FA-43-22 RE: 2022 NPCA Quarterly Progress Report #2 Required for Conservation Authorities Act Amendments: Transition Plan and Agreements (O. Reg. 687/21) **BE RECEIVED.**

Purpose:

The purpose of this report is to update the Board of Directors on the Niagara Peninsula Conservation Authority's (NPCA) second quarterly progress report under Ontario Regulation 687/21 submitted to the Ministry of Natural Resources and Forestry (MNRF).

Background:

On October 7, 2021, Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Conservation Authorities Act was passed requiring Conservation Authorities to submit quarterly progress reports, formerly to the Ministry of Environment, Conservation and Parks (MECP), and now to the MNRF. The first such report was submitted to MECP in July, 2022 and provided to the Board within Report FA-30-2022 RE: Conservation Authorities Act Transition Quarterly Progress Report Ontario Regulation 687/21: Transition Plan and Agreements for Programs and Services.

Discussion:

The NPCA's second progress report, attached as Appendix 1 has been submitted to the MNRF to meet the October, 2022 quarterly deadline outlining the consultation steps that have been undertaken to date with the NPCA's three participating municipalities, the City of Hamilton, Haldimand County and the Regional Municipality of Niagara as well as additional consultations with NPCA's local municipalities.

Additional quarterly reports will be required with the third report for the period ending December 31 this year and four additional reports in 2023. A final Conservation Authority report will be due January 31, 2024.

Financial Implications:

Financial implications of Conservation Authorities Act changes and transition requirements in 2022 have been addressed through internal efficiencies, existing staff resources, and Board approved reserve funding. Additional work for Transition requirement in 2023 and 2024 will be identified in NPCA's 2023 Budget.

Related Reports and Appendices:

Appendix 1: Niagara Peninsula Conservation Authority (NPCA) Quarterly Progress Report 2

Authored and Submitted by:

Original Signed by:

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



*Niagara Peninsula Conservation Authority
(NPCA)*

Quarterly Progress Report 2

*As required for Conservation Authorities Act Amendments: Transition Plan
and Agreements Regulation (O.Reg. 687/21)*

Submitted To:

*Ministry of Environment, Conservation and
Parks (MECP)*

*Ministry of Natural Resources and Forestry
(MNR)*

October 3, 2022

NPCA Transition Plan Deliverables for the Period Ending September 30, 2022

Background:

The NPCA Transition Plan and Inventory of Programs and Services was submitted to the Ministry of the Environment, Conservation and Parks (MECP), the City of Hamilton, Haldimand County, and Niagara Region as per MECP timelines. The NPCA met with participating and partner local municipalities between March and September of 2022 to provide an update on the Conservation Authorities Act requirements and the Inventory of Programs and Services.

Comments or Feedback from Municipalities Regarding the inventory:

As of September 30, 2022, the NPCA had formal meetings with its participating municipalities (Niagara Region - 2 meetings, City of Hamilton - 1 meeting, Haldimand County - 1 meeting) to review the Inventory and initiate Memorandum of Understanding (MOU) discussions. The NPCA also met with local partner municipalities to discuss existing MOUs and the need for new services aligned with the current timelines. The NPCA's local partner municipalities consulted so far include: the Town of Lincoln, Township of West Lincoln, City of St. Catharines, Town of Fort Erie and Town of Niagara-on-the Lake.

Summary of Changes Made to the Inventory to Address Municipal Comments:

Comments and suggestions have been received in September, 2022 from Niagara Region. Staff are currently working on updating the inventory as needed and providing a response to Niagara Region. A follow-up meeting is being scheduled for the City of Hamilton. A copy of Niagara Region's comments along with NPCA response will be shared with MECP and MNRF through future updated reports.

Memorandum of Understanding:

A draft MOU template has been developed and will be shared with municipalities for review in Quarter 4 of 2022. The NPCA is proactively working on all transition requirements at this time and does not anticipate any delays. However, staff will continue to monitor for any extensions and the Ministry will be proactively informed. To ensure budget and work plan alignment, the NPCA is also taking the opportunity to update and execute other MOU's and agreements with lower tier municipalities as needed.

Levy Regulation and Budget Transition:

NPCA staff have been planning updates to the NPCA budget and based on municipal discussions, we would like to execute the changes sooner than required by the Ministry deadline. Transition to the new budget/levy model is being planned for the 2023 budget cycle instead of 2024.

Report To: Board of Directors

Subject: NPCA Rebranding Roll-Out Plan

Report No: FA-32-22

Date: October 21, 2022

Recommendation:

1. **THAT** Report No. FA-32-22 RE: NPCA Rebranding Roll-Out Plan **BE RECEIVED**.
2. **AND FURTHER THAT** staff **PROVIDE** updates to the Board of Directors on the progress of the NPCA's Rebranding Roll-Out Plan.

Purpose:

This report aims to update the Board of Directors on the Niagara Peninsula Conservation Authority (NPCA) brand refresh and rebranding roll-out plan.

Background:

NPCA's 10-Year Strategic Plan was approved by the Board of Directors in October 2021. Immediately following the approval of the Strategic Plan, staff embarked on a process of implementation and operationalization of the plan with critical program priorities, organizational re-alignment, and branding enhancements.

A much-needed refreshed brand strategy was launched with internal staff input earlier this year. Building on existing Tulip leaf branding, NPCA's in-house graphic artist designed a refreshed logo and associated branding guidance. As the NPCA evolves, the new contemporary look will help partners and stakeholders see the organization in a fresh new light and regrow brand loyalty.

A brand is a feature — or set of features — that should reflect the company's values, mission, market, and purpose. These features represent what your brand says, your values, how you communicate what you do, and what you want people to feel when interacting with your organization. Therefore, a rebrand should help a business realign how it envisions future progress.

Since the 1970s, the NPCA logo has included the visual of the Tulip Leaf. It was because the tree occurs more abundantly in natural conditions in the Niagara Peninsula than elsewhere in Southern Ontario that the leaf was chosen for the Authority's emblem.

Discussion:

The NPCA has modernized its visual identity while still representing the Niagara Peninsula through the visual of the tulip leaf. The revised logo illustrates our three regional municipal jurisdiction areas and our connection to water, people, and nature.



The boundary lines of the logo represent waterways and watercourse pathways, recreational hiking trails, and the two Great Lakes that our watershed drains into. In addition, the pointed leaves represent direction and upward motion.

The colour blue is connected to accountability, reliability, and stability. Green represents nature, rejuvenation, and growth.

The legal name of the Niagara Peninsula Conservation Authority (NPCA) will continue to be used for all formal and legal documents. Following the trend of other conservation authorities, the new logo does not include the word "authority." By dropping authority in the branding, it is a more approachable and friendly representation of all the excellent work the NPCA does with the community.

Implementation Plan

The new logo will be used in a variety of ways. The NPCA will begin implementing it in their correspondence, websites, social media, promotional materials, and fleet of vehicles. The various departments will incorporate it into their materials and uniforms. The Business Planning & Public Relations department will also use it in their marketing strategies and their advertising campaigns.

Our new visual identity will be introduced strategically over the next few years, and the public will likely see both logos in use for some time as current branded materials are replaced. It will begin to appear immediately on digital formats, including NPCA websites and social media. Over time, it will be phased into printed materials and capital assets such as signs and uniforms to complete the transition to the new logo.

The rebranding implementation will organize all brand touchpoints from the most critical to the least critical components. These are broken down into three priority levels:

Level 1 Assets

These are assets that are frequently used for lead generation and business development. Material that falls into this list should include the website, core business papers and electronic templates, presentations, social media images, advertisements, business cards, and staff uniforms.

Timing: Most level 1 assets should be updated within three to six months.

The branding/visual identity guidelines will be developed during the Level 1 timeline (by the end of 2022).

Level 2 Assets

These assets have moderate use in lead generation, business development, and recruiting. Common assets in this category include corporate envelopes, older but still relevant documents, onboarding materials, and environmental graphics such as new exterior signs at conservation areas.

Timing: All level 2 assets should be updated by the end of 2023.

Level 3 Assets

These are all other assets that can be replaced when old materials are depleted or need to be replaced. Typical assets include conservation area exterior signs, corporate thank-you cards or materials, financial documents, and core HR papers such as employee benefits packages.

Timing: All level 3 assets should be updated within three to five years of the rebrand launch.

Financial Implications:

Some costs are currently allocated in the 2022 budget to address Level 1 assets, such as printing new business cards and ordering new uniforms. Any new signs scheduled to be printed and installed next year have been accounted for in the current budget and will include the new brand identity. There will be financial implications when Level 3 assets are depleted or need to be replaced, such as replacing old exterior signs at some of the conservation areas. When these signs or documents are up for renewal, the new branding will then be applied to keep the financial implications minimal.

Related Reports and Appendices:

Appendix 1: Rebranding Strategy 2022, drafted by Rob Petruccio, Multimedia Marketing Specialist.

Authored by:

Original Signed by:

Rebecca Hull
Manager, Strategic Business Planning & Public Relations

Reviewed and Submitted by:

Original Signed by:

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



Rebranding Strategy 2022

The Tulip Leaf is so named because the flowers greatly resemble garden tulips. It has an illustrious past.

In the last geologic era it was widespread throughout North America and Europe but is now represented by only two species, one in Southern Ontario and Eastern United States, the other in China.

It was because the tree occurs more abundantly in natural conditions in the Niagara Peninsula than elsewhere in Southern Ontario, that the leaf was chosen for the Authority's emblem.

The Tulip tree is a stately straight trunked tree reaching a height of a hundred feet or more in rich, moist soils. The broad leaves are divided into four shallow lobes with pointed tips and turn a clear bright yellow in autumn.

1970'S



The Niagara Peninsula
Conservation Authority

1980'S



Niagara
Peninsula
Conservation
Authority

1990'S



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

2008 - CURRENT

LOGO



TWO COLOURS



ICON

WHAT IS LIKED

- Tulip leaf
- Clean font
- Blue and Green colour
- Brand Recognition
- Representation of water

WHAT NEEDS CHANGING

- Box shape around tulip leaf
- Hues of blue green difficult to work with (Limited creative options)

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.

QUESTIONS THAT WERE ASKED

- What colours come to mind to represent the authority?
- Are we using the word Authority?
- Is there an option to use a lettermark (NPCA)?

REQUESTS

- Simplify our logo
- Keep the tulip leaf
- Change hues

LOOKING AT COMPARABLE LOGOS IN THE FIELD OF CONSERVATION.



circa - 2017

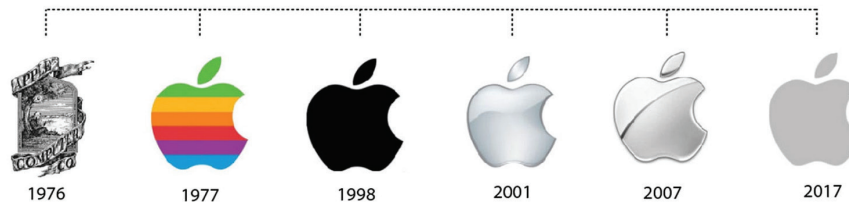


circa - 2010



circa - 2021

TRENDS



LOGO



SIGNIFICANCE OF ICON

Three Sections -
Representation of NPCA
Three Regional Areas
Niagara - Hamilton - Haldimand
Also the connection of
past, present and future

Water is represented with
blue text but also the
droplet of the leaf on left
side.

Boundary lines represent
waterways and watercourse
pathways, recreational
hiking trails, and the two
Great Lakes our watershed
drains into

Pointed leafs represent
direction and upward
motion.



OUR COLOURS



CMYK 86 / 20 / 100 / 7
RGB 14 / 139 / 68
HTML #0E8B44



CMYK 68 / 0 / 100 / 0
RGB 88 / 185 / 71
HTML #58B947



CMYK 36 / 0 / 81 / 0
RGB 172 / 210 / 95
HTML #ACD25F



CMYK 96 / 75 / 49 / 51
RGB 9 / 44 / 64
HTML #092C40

Blue

Accountable
Reliable
Stable
Trust

Green

Nature
Fresh
Neutral
Refreshing



Niagara Peninsula CONSERVATION

Hello, world!

A wonderful serenity has taken possession of my entire soul, like those sweet mornings of spring which I enjoy with my whole heart. I am alone, and feel the charm of existence in this spot, which was created for the bliss of souls like mine. I am so happy, my dear friend, so absorbed in the exquisite sense of mere tranquil existence, that I neglect my talents. I should be incapable of drawing a single stroke at the present moment; and yet I feel that I never was a greater artist.

While the lovely valley teems with vapour around me, and the meridian sun strikes the upper surface of the impenetrable foliage of my trees, and but a few stray gleams steal into the inner sanctuary, I throw myself down among the tall grass by the trading stream; and as I lie close to the earth, a thousand unknown plants are noticed by me; when I hear the buzz of the little word among the stems and grow familiar with the countless indescribable forms of the insects and flies, then I feel the presence of the Almighty, who formed us in his own image, and the breath.

I am alone, and feel the charm of existence in this spot, which was created for the bliss of souls like mine. I am so happy, my dear friend, so absorbed in the exquisite sense of mere tranquil existence, that I neglect my talents. I should be incapable of drawing a single stroke at the present moment, and yet I feel that I never was a greater artist.

Nick Frost
Nick Frost, co-founder

Corporate
branding
mockups

Niagara Peninsula
CONSERVATION

Nick Frost
Co-founder & CEO
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Report To: Board of Directors

Subject: Niagara Peninsula Conservation Authority (NPCA) - Appointment of Regulations Officers

Report No: FA-41-22

Date: October 21, 2022

Recommendation:

1. **THAT** Report No. FA-41-22 RE: Niagara Peninsula Conservation Authority (NPCA) – Appointment of Regulations Officers **BE RECEIVED**.
2. **AND THAT** Bob Hayslip and Sean Callaghan, NPCA Regulations Officers, **BE APPOINTED**, for the term of employment with the NPCA, as Officers of the NPCA and Provincial Offences Officers.

Purpose:

To appoint Bob Hayslip and Sean Callaghan as Officers and Provincial Offences Officers for the purposes of compliance and enforcement of Ontario Regulation 155/06 and the *Trespass to Property Act* by the Board of Directors of the Niagara Peninsula Conservation Authority, pursuant to Section 28 of the *Conservation Authorities Act*.

Background:

The *Conservation Authorities Act* provides for a conservation authority to appoint Officers to enforce its regulations. Furthermore, the Minister of Natural Resources and Forestry has implemented under the authority of Subsection 1(3) of the *Provincial Offences Act*, a class designation process for all conservation authorities whereby a conservation authority Officer appointed under Section 28 of the *Conservation Authorities Act* shall be designated by the Minister simultaneously as a Provincial Offences Officer. Once appointed, Officers have the authority to enforce offences and Regulations under the *Conservation Authorities Act*, in addition to the *Trespass to Property Act*, when carrying out their duties within the jurisdiction of the conservation authority.

The prerequisite to the Minister's Provincial Offences Officer appointment is that all candidate officers:

- I. Be adequately trained in the legislation to be enforced, including the *Provincial Offences Act*;
- II. Have proof of a clean criminal record check, and;
- III. Be appointed as an Officer to enforce conservation authority legislation at an official Board meeting.

Pursuant to the approval of the above noted appointment, the Minister's requirements will have been addressed.

Financial Implications:

There are no financial implications specific to the appointment of NPCA Officers or Provincial Offences Officers.

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 support NPCA's Strategic Plan 2021-2031 to protect people and properties from natural hazards and climate impacts.

Related Reports and Appendices:

None.

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

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

Submitted by:

Original Signed by:

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



**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
AND IN-PERSON
MEETING MINUTES**

**Niagara Peninsula Conservation Authority
Main Office Boardroom
250 Thorold Road, Welland, ON**

**Thursday, September 15, 2022
9:30 a.m.**

MEMBERS PRESENT:	J. Ingrao, Chair R. Brady R. Foster K. Kawall E. Smith M. Woodhouse (arrived 9:54 a.m.)
MEMBERS ABSENT:	B. Clark B. Johnson B. Mackenzie
STAFF PRESENT:	C. Sharma, Chief Administrative Officer / Secretary - Treasurer G. Bivol, Clerk D. Deluce, Senior Manager, Planning and Development M. Ferrusi, Manager, People and Performance L. Lee-Yates, Director, Watershed
ALSO PRESENT:	J. Hellinga, NPCA Board Member

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

1. APPROVAL OF AGENDA

Recommendation No. GC-25-2022

Moved by Member Smith

Seconded by Member Kawall

THAT the Governance Committee agenda dated Thursday, September 15, 2022 **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 30, 2022

Recommendation No. GC-26-2022

Moved by Member Brady

Seconded by Member Smith

THAT the minutes of the meeting of the NPCA Governance Committee dated June 30, 2022
BE ADOPTED.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

None.

6. DELEGATIONS

None.

7. CONSENT ITEMS

- a) Report No. GC-10-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Update – Leilani Lee-Yates, Director, Watershed presented. Members posed questions with respect to participation and attendance tools. Discussion ensued and staff indicated that engagement statistics would be presented to the Board.

Recommendation No. GC-27-2022

Moved by Member Kawall

Seconded by Member Brady

THAT Report No. GC-10-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Update **BE RECEIVED.**

CARRIED

8. DISCUSSION ITEMS

- a) Verbal Update on Indigenous and Diversity Training – Misti Ferrusi, Manager People and Performance spoke to the issue indicating anticipated timing and participation in forthcoming training. Members posed questions.

9. NEW BUSINESS

- a) Administrative By-Law - Board Chair Foster drew attention to the need for future updates to the NPCA Administrative By-law to reflect changes in legislation.
- b) Chief Administrative Officer Compensation Process – Member Kawall brought forward questions with respect to the process employed by the Board to provide for the review of the Chief Administrative Officer's compensation. Discussion ensued.

10. ADJOURNMENT

Recommendation No. GC-28-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT the Governance Committee meeting **BE** hereby **ADJOURNED** at 10:07 a.m..

CARRIED

John Ingrao,
Committee Chair

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



**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES**

**Friday, October 14, 2022
9:30 a.m.**

MEMBERS PRESENT:	J. Ingrao, Chair B. Mackenzie E. Smith M. Woodhouse
MEMBERS ABSENT:	R. Brady B. Clark B. Johnson K. Kawall
STAFF PRESENT:	C. Sharma, Chief Administrative Officer / Secretary - Treasurer G. Bivol, Clerk D. Deluce, Senior Manager, Planning and Development M. Ferrusi, Manager, People and Performance L. Lee-Yates, Director, Watershed
ALSO PRESENT:	J. Hellinga, NPCA Board Member K. Wiannecki, Director of Practice, Planning Solutions Inc. S. Spitale, Principal, North-South Environmental Inc.

Chair Ingrao called the meeting to order at 9:33 a.m..

1. APPROVAL OF AGENDA

Recommendation No. GC-29-2022

Moved by Member Smith

Seconded by Member Woodhouse

THAT the Governance Committee agenda dated Friday, October 14, 2022 **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 September 15, 2022

Recommendation No. GC-30-2022
Moved by Member Mackenzie
Seconded by Member Smith

THAT the minutes of the meeting of the NPCA Governance Committee dated September 15, 2022 **BE ADOPTED**.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

- a) PowerPoint Presentation by Karen Wianecki, Director of Practice, Planning Solutions Inc. and Leilani Lee-Yates, NPCA Director, Watershed Management, RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction - The presentation was in conjunction with Agenda Item 7. a) Report No. GC-11-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction. Members posed questions. Discussion ensued.

Recommendation No. GC-31-2022
Moved by Member Smith
Seconded by Member Woodhouse

THAT PowerPoint presentation by Karen Wianecki, Director of Practice, Planning Solutions Inc. and Leilani Lee-Yates, NPCA Director, Watershed Management, RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction **BE RECEIVED**.

CARRIED

6. DELEGATIONS

None.

7. CONSENT ITEMS

- a) Report No. GC-11-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction – This report was provided under separate cover. Discussion ensued.

Recommendation No. GC-32-2022
Moved by Member Woodhouse
Seconded by Member Smith

THAT Report No. GC-11-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction **BE RECEIVED**.

CARRIED

- b) Report No. GC-12-22 RE: Electronic Monitoring Policy – Misti Ferrusi, Manager of People and Performance spoke to the report.

Recommendation No. GC-33-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT Report No. GC-12-22 RE: Electronic Monitoring Policy **BE RECEIVED.**

CARRIED

8. DISCUSSION ITEMS

None.

9. NEW BUSINESS

- a) Chair Ingrao spoke on the NPCA producing and providing pamphlets on Acts and Regulations that are enforced by the Conservation Authority.

10. ADJOURNMENT

Recommendation No. GC- 34-2022

Moved by Member Woodhouse

Seconded by Member Smith

THAT the Governance Committee meeting **BE** hereby **ADJOURNED** at 10:45 a.m..

CARRIED

John Ingrao,
Committee Chair

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



Policies for the Administration of Ontario Regulation 155/06 and the Planning Act, May 2020 Consolidation

Policy Review and Procedural Manual

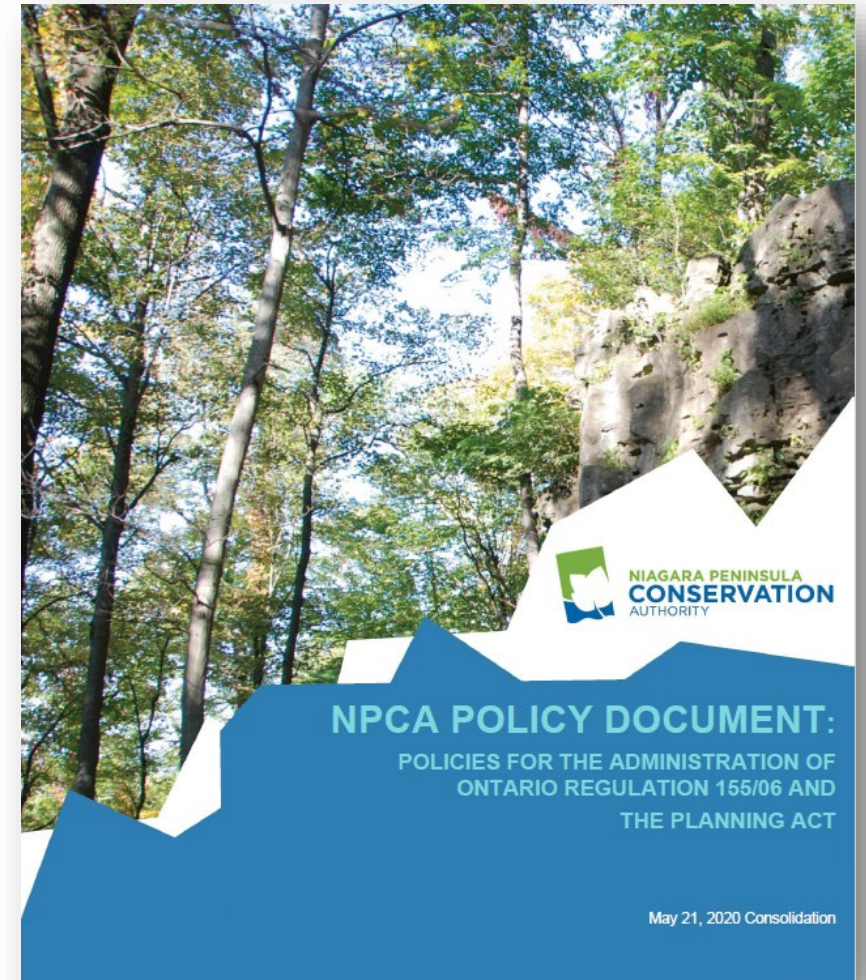
Phase 2 Discussion Papers – Engagement Summary Report & Direction for Policies and Procedural Manual

NPCA Governance Committee
October 14th, 2022

Leilani Lee-Yates & Karen Wianecki

Presentation Outline

- Summarize the Phase 2 Discussion Papers Engagement & Consultation process
- Share comments and input received
- Provide an overview of the directions identified for the Policy Document Update and new Procedural Manual
- Provide an overview of the format and structure for the Policy Document and Procedural Manual



June

July - August

August - September

September - November

Data Gathering,
Technical Study
& Analysis



Engagement &
Consultation



Draft Policy
Development



Preparation of
Policy
Document &
Procedural
Manual



- Buffer Technical Analysis & Discussion Paper
- Interim s. 28 EIS Guideline
- Interim Wetland Procedure Document
- Internal engagement & consultation
- Identify policy themes & options

- Buffer Technical Analysis & Discussion Paper
- Policy themes & policy directions
- External engagement & consultation

- Assess input & feedback
- Summary of engagement & consultation
- Identify proposed policy changes
- Draft policies for priority areas

- Release of Draft Updated Policy Document & Procedural Manual for consultation
- Engagement & consultation
- Final Policy Document & Procedural Manual

Board of Directors

Board of Directors

Board of Directors

Governance Committee

Engagement Results

- Karen Wianecki, M.Pl., MCIP, RPP
- Director of Practice, Planning Solutions Inc.

In June...You told us

Manage Expectations:

It is critically important how the engagement process is undertaken. The input being sought is related to the gap analysis results, rather than eliciting various opinions.

Science-Based Decision Making:

Focus on science-based decision making.

Engage With Municipalities:

The engagement with municipal partners will be critical as these conversations will lead to modified plan review Memoranda of Understanding (MOUs). A collaborative approach to policy development with municipal planning partners is vital.

Engage With Environmental Partners:

Environmental groups must be engaged. Their voices must be heard. They are key partners to NPCA and are critical stakeholders.

Phase 2 Approach to Engagement - Objectives

- Secure insight and perspectives about the current NPCA policies as articulated in the existing NPCA Policy Document, as well as the engagement process;
- Promote information sharing and idea generation;
- Build awareness of and support for the new Policy Document;
- Create a sense of shared ownership for the new Policy Document;
- Support NPCA's value proposition from an environmental policy and planning perspective;
- Provide both a top-down and a bottom-up approach;
- Increase process transparency and accountability; and
- Advance a process that is valued and valuable.

How Did We Engage the Community?

Consultation &
Engagement
Strategy

Dedicated Web
Portal

FAQ

Digital Survey

Dedicated Email
Address

Invitations to
NPCA Stakeholder
Contacts, ENGOS

One-on-One
Workshops with
Stakeholders

Public
Information
Session

Who Did We Engage With?

- August 12, 2022 – Workshop with Niagara Area Planners (14 participants)
- August 16, 2022 – Workshop with City of Hamilton Planning Staff (4 participants)
- August 24, 2022 – Public Information Session (approximately 12 participants)
- August 25, 2022 – Workshop with Haldimand County Planning Staff (2 participants)
- August 25, 2022 – Workshop with the Public Advisory Committee (5 participants)
- September 19, 2022 – NPCA Staff Workshop (17 participants)
- September 19, 2022 – ENGO Information Session (0 participants)
- September 27, 2022 – Niagara Home Builders & Region of Niagara (12 participants)
- October 18, 2022 – Six Nations of the Grand River

General Observations

- Valuable input received from those who took the time to attend workshops, the Public Information Session and offered specific comments through the dedicated email and survey.
- While the overall interest in engaging in the information sessions and online survey was not as robust as anticipated, the general interest in the project was much higher as demonstrated through the visits to the “Get Involved” project web portal:
 - 534 total visits to the project web portal, averaging at 47 visitors per day
 - 14 of the visitors engaged through the online survey, posting on the Guestbook and asking questions
 - 135 visitors were informed of the project by downloading a document, viewing a video, visited the key dates page, visited the FAQ page and visit multiple pages within the web portal
 - The top 3 documents that were downloaded from the project web portal were the Buffer Width Discussion Paper (63 downloads), NPCA Policy Theme Discussion Paper (62 downloads) and the Phase One – NPCA Policy Update Report to the Board of Directors (35 downloads)

What Did We Hear?

- General Comments
- Areas of Convergence
- Areas of Divergence

General Comments

- Watershed municipal planners focused on the implications of Bill 109 and the need to focus on continued process improvements.
- Continued engagement with key stakeholders as the new Policy Document is developed is desired by most sector groups, specifically, representatives of the agricultural community, and the home building industry.
- Representatives from the homebuilder industry remain concerned that the plan review process should not become more complex, or more protracted. Concerns in this regard were expressed with respect to the inclusion of cumulative impacts policies.
- Agricultural representatives expressed their support for the policies in the current Policy Document, noting that for the most part, existing policies support current agricultural practice.

Areas of Convergence

- Those who participated in the engagement and consultation process were supportive of the work NPCA is doing to develop a fulsome Policy Document that contains relevant, reflective and up-to-date policies.
- There is agreement that the new Policy Document should include a reference to NPCA roles and responsibilities, as well as key linkages to partner agencies and their respective mandates.
- There is widespread confusion about “who is responsible for what”. There is agreement that the new Policy Document should identify roles and responsibilities for natural heritage.
- There is agreement that a Buffer Width Decision Support Tool should be developed and utilized by NPCA.

Areas of Divergence – Ecological Net Gain

- One of the most controversial issues to emerge in the development of the new Policy Document concerns Non-PSW reconfiguration and re-creation.
- Environmental representatives were particularly concerned about policies that would provide for Non-Provincially Significant Wetland (Non-PSW) reconfiguration and re-creation subject to achieving ecological net gain.
- There is little consensus among municipal partners, environmental representatives, staff and members of the development community.
- Inclusion of policies that deviate from those recently adopted by Niagara Region within their new Official Plan presents a problematic scenario. Others, however, have recognized that different policies are in place and have been in place at NPCA, the Region and the local municipal level for some time.
- If properties are being rendered undevelopable, there is a need to understand the implications and perhaps unintended policy consequences.
- Some have suggested NPCA should “just say no” while others suggest that a policy such as this could be developed provided there is a firm understanding of what the policy really means.

Areas of Divergence – Climate Change and Buffers

- Views on climate change are widely divergent among survey respondents. Watershed municipal partners – the City of Hamilton for example – have indicated that this is the single most important issue. Policies developed by NPCA need to recognize the work that is underway at the municipal level.
- The issue of buffers is another contentious policy area for which there is a lack of consensus regarding the most appropriate policy approach to be adopted by NPCA.
- Some are of the view that a robust buffer offers clear direction while others recognize the need for flexibility, based on circumstance.
- There was widespread agreement that a buffer width Decision Support Tool would be valuable and should be developed and utilized by NPCA.

Directions for Policies & Procedural Manual

- Leilani Lee-Yates, B.E.S., MSPL.RPD, MCIP, RPP
- Director of Watershed Management

Governing Fundamentals

[Common Themes]

1. Climate Change

- Develop a stand-alone climate change policy up front to establish overall policy direction.
- Incorporate policies to consider the impacts of a changing climate on regulated features and areas and the need to consider options to adapt to and mitigate the increased risks associated with climate change (e.g., implementation of sustainable technologies, or consideration of increased setbacks to natural hazards determined through planning or permitting review).



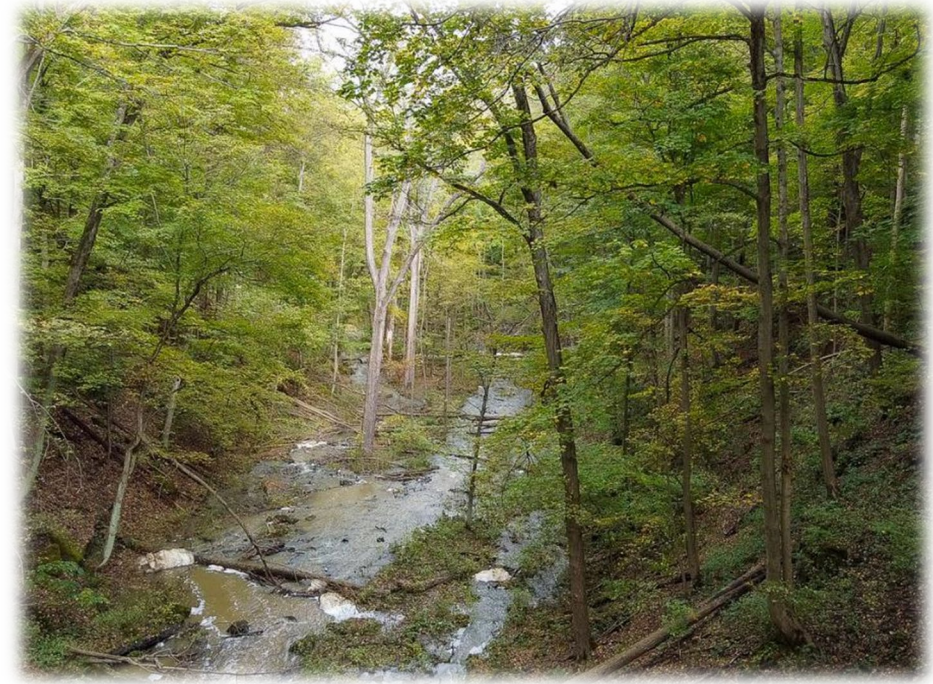
2. Cumulative Impacts

- Develop a stand-alone cumulative impact policy up front to establish overall policy direction.
- Incorporate policies to address cumulative impacts on a feature/resource-specific basis.
- Through the EIS Guidelines, establish direction for addressing cumulative impacts.



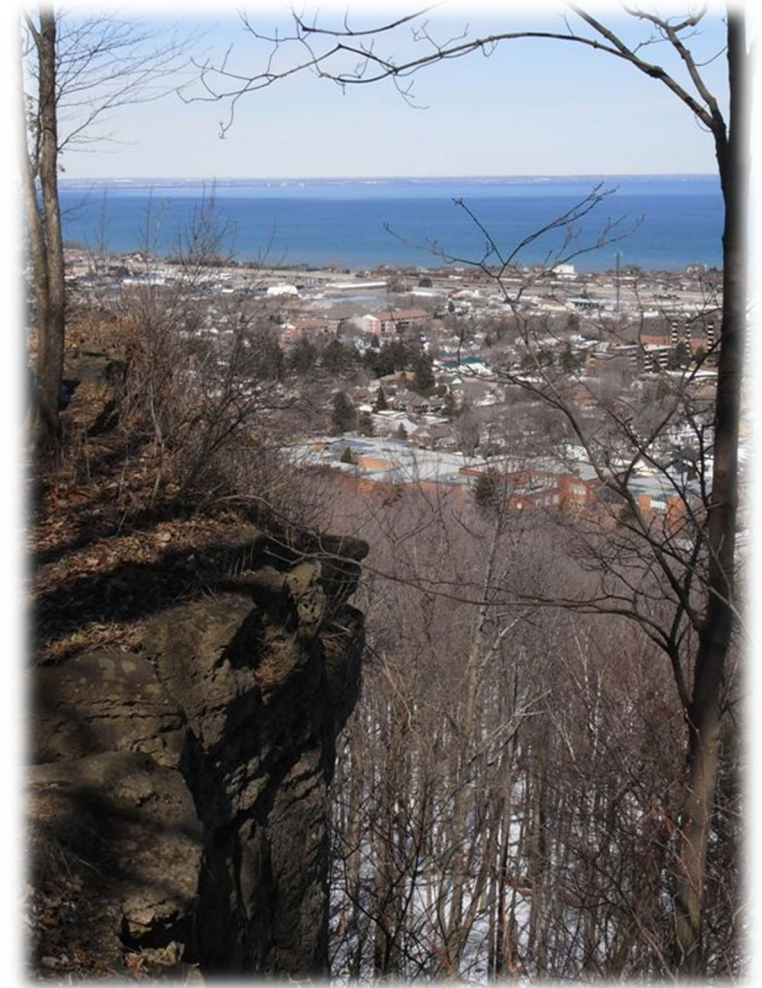
3. Ecological Net Gain

- Develop a new policy restricting re-configuration and re-creation of Non-Provincially Significant Wetlands (Non-PSWs) in greenfield development outside the settlement boundary.
- Limit the application of a non-PSW reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS and protection hierarchy.
- Limit the application of a watercourse reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS, protection hierarchy, and Headwater Drainage Feature Assessment.
- Provide additional clarification in both the Policy and the Procedural Manual to ensure there is a protection hierarchy (i.e. avoid and mitigate first).



4. Intensification & Increasing Urban Density

- Incorporate policies to address prescribed robust buffers in settlement areas and use the Decision Support Tool to address requests to decrease buffer widths.
- More general goals and objectives focusing on the incorporation of green infrastructure and sustainable technologies within site designs.
- Provide clarity that if there is a natural hazard, the development is still subject to policies to ensure safety to the public and property.
- Address the inconsistencies within the valleyland and slope hazard policies to ensure clarity in policy implementation.



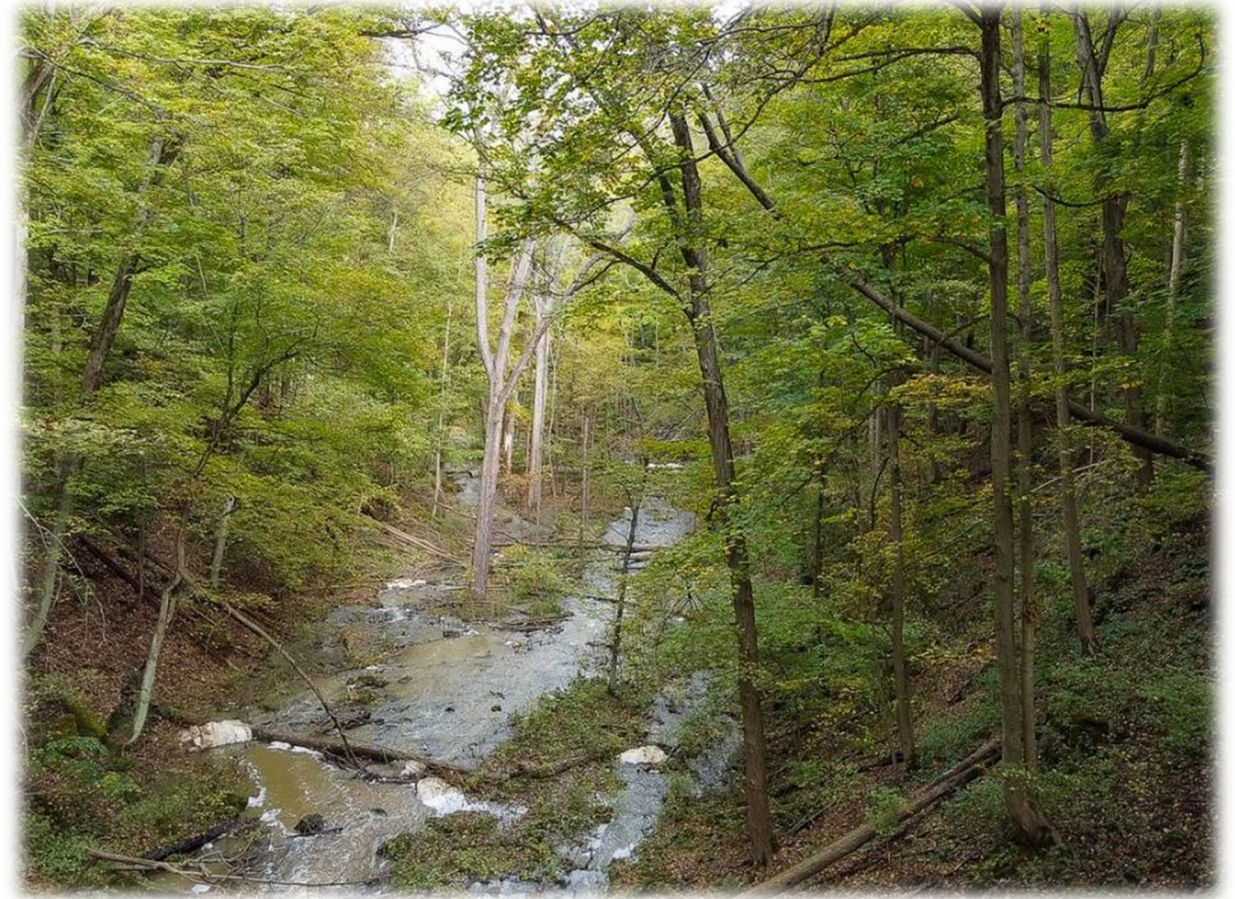
5. Minister's Zoning Orders (MZO's)

- Where there is an approved MZO, or Environmental Assessment, that results in the removal of regulated features and areas such as wetlands, provide policies and procedures for considering the use of mitigation through reconfiguration and re-creation of features for ecological net gain, or where mitigation cannot be achieved, the consideration of monetary compensation.
- Procedural Manual will include direction for NPCA staff to provide comments on a request for a MZO and associated permitting requirements and process.



6. Public Education and Awareness of Roles and Responsibilities

- Include a table to identify 'Who Does What'.
- Provide further clarification where needed.



7. Stormwater Management, Low Impact Development & Green Infrastructure

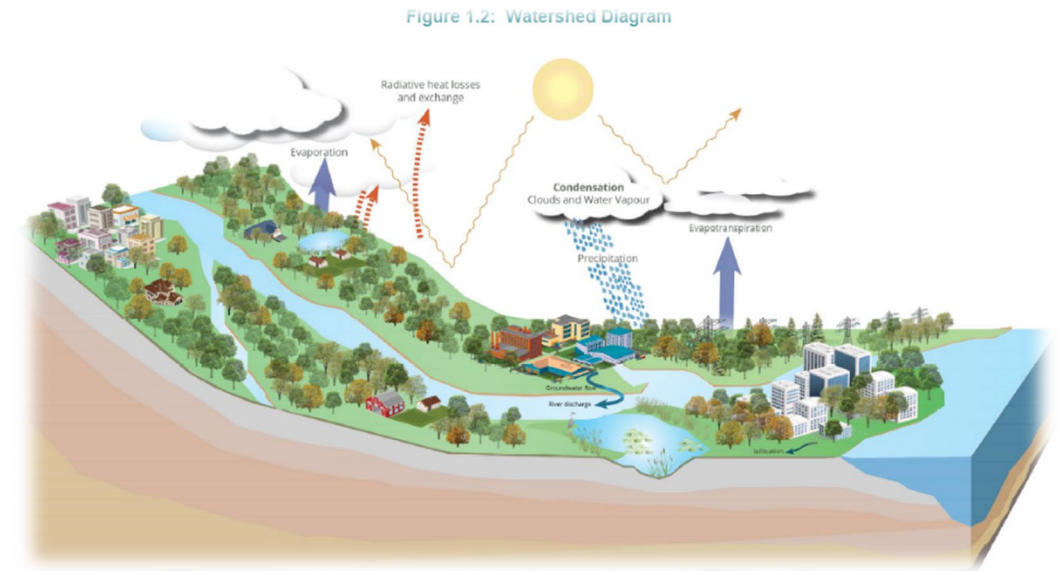
- Clear goals and objectives to promote the implementation of green infrastructure and sustainable technologies through planning and permitting approvals.
- NPCA has a supporting role to municipal partners to assist in decision-making related to Stormwater Management (SWM) and integration of sustainable technologies.
- Include policies that clarify the roles and responsibilities of NPCA in SWM review to include review of SWM facilities and outlets within regulated areas where natural hazards can affect cumulative impacts related to erosion, sediment and flooding in regulated areas.



Source: TRCA

8. Watershed and Sub-Watershed Planning

- Include policies to reference NPCA's role in supporting watershed municipalities in undertaking watershed planning or sub-watershed planning to inform future growth, as directed by the Province through provincial legislation and plans.
- Clarify NPCA's roles and responsibilities as a watershed resource management agency that implements an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds.



Feature/Resource Specific Policy Themes

1. Agriculture

- Include definitions from other relevant Provincial plans and municipal Official plans for other agricultural uses.
- Keep the reference to agricultural uses simple.
- Clarify agricultural policies to permit agricultural uses, agriculture-related uses and on-farm diversified uses in accordance with updated municipal Official Plan policies and the Five Tests and O. Reg. 155/06.
- Develop new policies and procedures to address alignment issues with the updated Drainage Act.



2. Buffers

- Develop policies for buffers with a clear definition of “buffer”.
- Develop prescribed robust buffers for wetlands, watercourses and shorelines.
- Develop a buffer width Decision Support Tool to guide decisions on buffer refinements based on an EIS.
- Clarify that where there are multiple regulated features or areas overlapping, the greater extent of the feature or area and their associated ecological buffer or setback to a hazard will define the constraint to development.
- Clarify that where there are more restrictive Provincial Plan (e.g. Greenbelt Plan 30 m vegetation protection zone) or municipal Official Plan policies related to buffers, the more restrictive policies take precedence when reviewing planning applications.



3. Natural Heritage Features and Areas

- Include policies to clarify who is responsible with respect to natural heritage features and areas not regulated by NPCA that are protected and managed under municipal and provincial policies or plans including: ANSIs, Habitat of Endangered or Threatened Species, Ecological Linkages, Significant Valleylands, Significant Wildlife Habitat, Significant Woodlands.
- Clarify NPCA regulatory role when natural heritage features are within regulated areas.
- Where there are more restrictive Provincial Plan or municipal Official Plan policies, the more restrictive policies take precedence when reviewing planning applications.



Policy Document - Structure

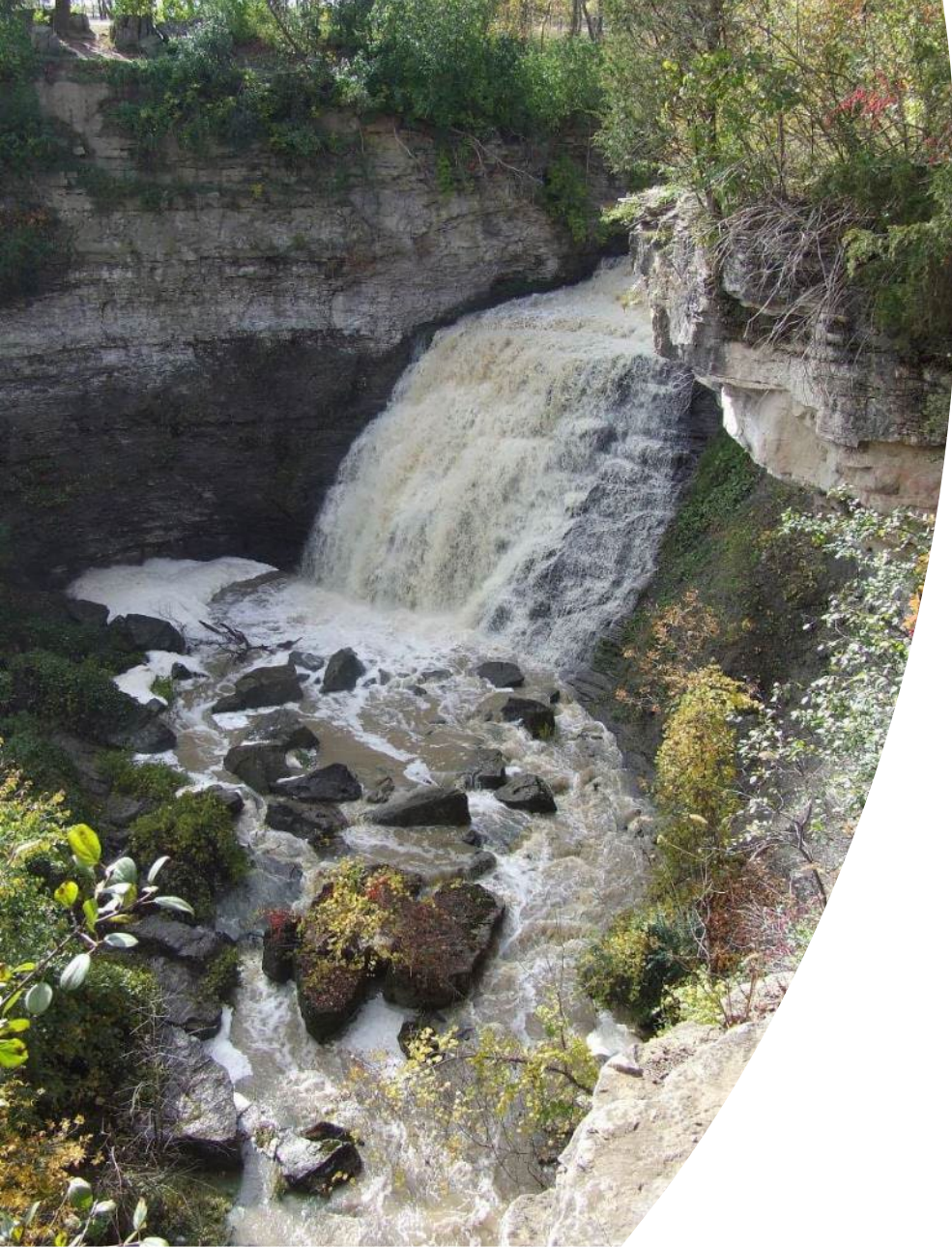
- Part A: Introduction
 - About NPCA
 - Mandate, roles and responsibilities
 - How to read and use the document
 - Alignment with 10-year Strategic Plan
- Part B: Environmental Planning Policies
 - General goals, objectives and policies – climate change, watershed and sub-watershed planning, land acquisitions through planning process, MZO's, sustainable technologies
 - Goals, objectives and policies to guide NPCA's review of Planning Act applications and reviews under other legislation (e.g. Drainage Act, Niagara Escarpment Planning and Development Act, Environmental Assessment Act, Aggregate Resources Act).
- Part C: Ontario Regulation 155/06 Policies
 - Goals, objectives and policies for s. 28 permits
- Definitions
- Use of Pictures, Diagrams, Sidebars and Text Boxes

Procedure Manual – Structure

- General processes for reviewing Planning Act applications
- General processes for reviewing s. 28 Permit Applications
- NPCA Technical Guidelines:
 - Interim s. 28 EIS Guidelines – working with Niagara Region on a combined EIS Guideline
 - Wetlands Procedure Document
 - Shoreline Protection Works Submission Guidance and Checklist
 - Landscaping Plan Guideline
 - Channel Modification Checklist and Submission Requirements
 - Best Practices for Preserving and Restoring Soil Health
 - Field Staking Protocol
- Adopt Best Practice Guidelines from Other Conservation Authorities:
 - Erosion and Sediment Control Guide for Urban Construction (TRCA, CVC, LSRCA)
 - Evaluation, Classification and Management of Headwater Drainage Features Guidelines (CVC, TRCA)
 - Wetland Water Balance Risk Evaluation and Monitoring Protocol (TRCA)

Next Steps

- Present the draft updated Policy Document and Procedural Manual to the Board of Directors at their October 21, 2022 meeting.
- Tracked changes version and a clean version of the draft updated Policy Document.
- Will seek Board endorsement of the draft documents and direction for staff to undertake further engagement.
- Post draft documents to the NPCA project web portal for a 30-day commenting period, Public Information Session and focused stakeholder meetings.
- Final Policy Document and Procedural Manual will be presented to the Board of Directors at their December 16, 2022 meeting.



THANK YOU!

Leilani Lee-Yates, Director, Watershed Management
David Deluce, Senior Manager, Environmental Planning and Policy
Karen WianECKi, Director of Practice, Planning Solutions Inc.
Sale Spitale, Principal and Co-owner, North-South Environmental Inc.

Policy Document Review & Procedural Manual Project Email:
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Report To: Governance Committee

Subject: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction

Report No: GC-11-22

Date: October 12, 2022

Recommendation:

THAT Report No. GC-11-22 RE: NPCA Policy Document Review and Procedural Manual Phase 2 Project – Engagement Summary Report and Policy and Procedural Manual Direction **BE RECEIVED.**

Purpose:

The purpose of this report is to provide an overview of the NPCA Policy Document Review and Procedural Manual Phase 2 Engagement Summary Report (attached as Appendix I), and the direction staff are taking for updating policies and developing a procedural manual. The Engagement Summary Report, draft updated NPCA Policy Document and draft Procedural Manual will be taken to the October 21, 2022, Board of Directors for endorsement and to seek direction for further stakeholder engagement.

Background:

On March 25, 2022, the NPCA Board of Directors approved the Policy Review and Procedural Manual Project Phase 2 workplan (Report No. FA-10-22). Staff developed a workplan that includes a Policy Themes Discussion Paper, Buffer Width Discussion Paper, engagement strategy and a final updated Policy Document and new Procedural Manual to be prepared for the Board of Directors approval by the end of 2022.

Planning Solutions Inc. who was retained to undertake the Policy Document Review Phase 1 gap analysis and report, has been retained for Phase 2 of the project to lead the public and stakeholder engagement and assist staff with preparing the policies and manual. North-South Environmental Inc. has been retained to lead the work on the Buffer Width Discussion Paper and advise staff on any revisions to the buffer policies and development of technical guidance documents related to buffers.

Through August and September of 2022, NPCA staff hosted several focused stakeholder workshops and a Public Information Session, and developed a digital survey to elicit input and feedback on the

policy Discussion Papers. During this time, there were 534 total visits to the project web portal, averaging at 47 visitors per day. Fourteen (14) of the visitors engaged through the online survey, posting on the Guestbook and asking questions. 135 visitors were informed of the project by downloading a document, viewing a video, visited the key dates page, visited the FAQ page and also visited multiple pages within the web portal. In total, eleven (11) comments were received through the NPCA online survey. Despite twenty-seven (27) registrants for the Public Information Session, only approximately twelve (12) people attended. In addition to the virtual engagement opportunities, four (4) written submission were received.

Niagara Region Planning staff provided detailed comments on the Discussion Papers, which were provided to the Region's Planning and Economic Development Committee in September. The NPCA project team met with Regional staff to discuss their comments and concerns. The comments received to date have been synthesized and analyzed to inform policy directions and the development of a procedural manual to implement the updated policy document.

It is important to note that at the time of preparing this report, a scheduled engagement with the Six Nations of the Grand River has not yet occurred and will take place in October. However, the input and feedback received from the indigenous community will be recorded and appended to the Engagement Summary Report and will be considered in the development of the final Policy Document and Procedural Manual.

Discussion:

At the September, 2022, Governance Committee, staff provided an overview of the modalities used for engaging internal staff, municipal partners, indigenous communities, stakeholders and members of the public to elicit input and feedback on the Policy Themes Discussion Paper and the Buffer Width Discussion Paper. A high-level summary of the comments received to date was also provided (Report No. GC-10-22).

In leading up to the release of the draft updated NPCA Policy Document and new Procedural Manual, an Engagement Summary Report (Appendix I) has been completed that identifies the proposed policy directions and implementation tools to address the input that has been received.

Synopsis of the Engagement on the Discussion Papers

The engagement strategy for the Phase 2 workplan aims to work with NPCA's stakeholders and community to elicit input early in the process and ensure that there is opportunity for sustained involvement throughout the process. The two Discussion Papers provided a basis for engagement and consultation. The input that was received yielded several important suggestions, comments and observations.

General Stakeholder Concerns and Comments:

- Watershed municipal planners focused on the implications of Bill 109 and the need to focus on continued process improvements.
- Continued engagement with key stakeholders as the new Policy Document is developed is desired by most sector groups, specifically, representatives of the agricultural community, and the home building industry.

- Representatives from the homebuilder industry remain concerned that the plan review process should not become more complex, or more protracted. Concerns in this regard were expressed with respect to the inclusion of cumulative impacts policies.
- Agricultural representatives expressed their support for the policies in the current Policy Document, noting that for the most part, existing policies support current agricultural practice.

Converging Opinions and Perspectives:

- Those who participated in the engagement and consultation process were supportive of the work NPCA is doing to develop a fulsome Policy Document that contains relevant, reflective and up-to-date policies.
- There is agreement that the new Policy Document should include a reference to NPCA roles and responsibilities, as well as key linkages to partner agencies and their respective mandates.
- There is widespread confusion about “who is responsible for what”. There is agreement that the new Policy Document should identify roles and responsibilities for natural heritage.
- There is agreement that a Buffer Width Decision Support Tool should be developed and utilized by NPCA.

Diverging Opinions and Perspectives:

- Environmental representatives were particularly concerned about policies that would provide for Non-Provincially Significant Wetland (Non-PSW) reconfiguration and re-creation subject to achieving ecological net gain.
- One of the most controversial issues to emerge in the development of the new Policy Document concerns Non-PSW reconfiguration and re-creation. There is little consensus among municipal partners, environmental representatives, staff and members of the development community. Some are of the view that the inclusion of policies that deviate from those recently adopted by Niagara Region within their new Official Plan presents a problematic scenario. Others, however, have recognized that different policies are in place and have been in place at NPCA, the Region and the local municipal level for some time. In addition to different policy platforms, there are those who have suggested that there is no requirement for NPCA to be more restrictive. If properties are being rendered undevelopable, there is a need to understand the implications and perhaps unintended policy consequences. There are strong and different views regarding whether Non-PSW reconfiguration and re-creation provides a degree of flexibility (i.e., in situations where a wetland is not ecologically significant) or whether such policy supports replacement. Some have suggested NPCA should “just say no” while others suggest that a policy such as this could be developed provided there is a firm understanding of what the policy really means.
- Views on climate change are widely divergent among survey respondents. Watershed municipal partners – the City of Hamilton for example – have indicated that this is the single most important issue. Policies developed by NPCA need to recognize the work that is underway at the municipal level.

- The issue of buffers is another contentious policy area for which there is a lack of consensus regarding the most appropriate policy approach to be adopted by NPCA. There is little agreement among community members, special interest groups or municipal watershed planners. Some are of the view that a robust buffer offers clear direction while others recognize the need for flexibility, based on circumstance. Some watershed planning partners suggested clear buffer widths that provide consistency and clear direction would be valuable. Some comments suggest decreasing buffer widths only where the decrease would yield a benefit to NPCA, or to natural heritage in general. There was widespread agreement that a buffer width Decision Support Tool would be valuable and should be developed and utilized by NPCA.

Proposed Policy and Procedural Manual Direction

The Engagement Summary Report identifies what we heard related to each policy theme presented in the Discussion Papers. In response to the input received, NPCA staff have identified directions for proposed policies and procedures.

Climate Change:

- Develop a stand-alone climate change policy up front to establish overall policy direction.
- Incorporate policies to consider the impacts of a changing climate on regulated features and areas and the need to consider options to adapt to and mitigate the increased risks associated with climate change (e.g., implementation of sustainable technologies, or consideration of increased setbacks to natural hazards determined through planning or permitting review).

Cumulative Impacts:

- Develop a stand-alone cumulative impact policy up front to establish overall policy direction.
- Incorporate policies to address cumulative impacts on a feature/resource-specific basis.
- Through the EIS Guidelines, establish direction for addressing cumulative impacts.

Ecological Net Gain:

- Develop a new policy restricting re-configuration and re-creation of Non-Provincially Significant Wetlands (Non-PSWs) in greenfield development outside the settlement boundary.
- Limit the application of a non-PSW reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS and protection hierarchy.
- Limit the application of a watercourse reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS, protection hierarchy, and Headwater Drainage Feature Assessment.
- Provide additional clarification in both the Policy and the Procedural Manual to ensure there is a protection hierarchy (i.e. avoid and mitigate first).

Intensification and Increasing Urban Density:

- Incorporate policies to address prescribed robust buffers in settlement areas and use the Decision Support Tool to address requests to decrease buffer widths.
- More general goals and objectives focusing on the incorporation of green infrastructure and sustainable technologies within site designs.
- Provide clarity that if there is a natural hazard, the development is still subject to policies to ensure safety to the public and property.
- Address the inconsistencies within the valleyland and slope hazard policies to ensure clarity in policy implementation.

Note: NPCA is currently updating regulation mapping to provide clarity on the location of regulated features and areas.

Minister's Zoning Orders:

- Where there is an approved Minister's Zoning Order, or Environmental Assessment, that results in the removal of regulated features and areas such as wetlands, provide policies and procedures for considering the use of mitigation through reconfiguration and re-creation of features for ecological net gain, or where mitigation cannot be achieved, the consideration of monetary compensation.
- Procedural Manual will include direction for NPCA staff to provide comments on a request for a Minister's Zoning Order and associated permitting requirements and process.

Public Education and Awareness of Roles and Responsibilities:

- Include a table to identify "Who Does What".
- Provide further clarification throughout policies and procedures where needed.

Stormwater Management, Low Impact Development and Green Infrastructure:

- Clear goals and objectives to promote the implementation of green infrastructure and sustainable technologies through planning and permitting approvals.
- NPCA has a supporting role to municipal partners to assist in decision-making related to Stormwater Management (SWM) and integration of sustainable technologies.
- Include policies that clarify the roles and responsibilities of NPCA in SWM review to include review of SWM facilities and outlets within regulated areas where natural hazards can affect cumulative impacts related to erosion, sediment and flooding in regulated areas.

Watershed and Sub-watershed Planning:

- Include policies to reference NPCA's role in supporting watershed municipalities in undertaking watershed planning or sub-watershed planning to inform future growth, as directed by the Province through provincial legislation and plans.
- Clarify NPCA's roles and responsibilities as a watershed resource management agency that implements an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds.

Agriculture:

- Include definitions from other relevant Provincial plans and municipal Official plans for other agricultural uses.
- Keep the reference to agricultural uses simple.
- Clarify agricultural policies to permit agricultural uses, agriculture-related uses and on-farm diversified uses in accordance with updated municipal Official Plan policies and the Five Tests and O. Reg. 155/06.
- Develop new policies and procedures to address alignment issues with the updated Drainage Act.

Ecological Buffers:

- Develop policies for buffers with a clear definition of "buffer".
- Develop prescribed robust buffers for wetlands, watercourses and shorelines.
- Develop a buffer width Decision Support Tool to guide decisions on buffer refinements based on an EIS.
- Clarify that where there are multiple regulated features or areas overlapping, the greater extent of the feature or area and their associated ecological buffer or setback to a hazard will define the constraint to development.
- Clarify that where there are more restrictive Provincial Plan (e.g. Greenbelt Plan 30 m vegetation protection zone) or municipal Official Plan policies related to buffers, the more restrictive policies take precedence when reviewing planning applications.

Natural Heritage Features and Areas:

- Include policies to clarify who is responsible with respect to natural heritage features and areas not regulated by NPCA that are protected and managed under municipal and provincial policies or plans including: ANSIs, Habitat of Endangered or Threatened Species, Ecological Linkages, Significant Valleylands, Significant Wildlife Habitat, Significant Woodlands.
- Clarify NPCA regulatory role when natural heritage features are within regulated areas.

- Where there are more restrictive Provincial Plan or municipal Official Plan policies, the more restrictive policies take precedence when reviewing planning applications.

As noted within the Policy Themes Discussion Paper, there are policy updates that are technical in nature. The direction for those updates has been determined in consultation with a multi-disciplinary team of NPCA staff who are subject matter experts planning, ecology, water resources engineering and integrated watershed resource management.

NPCA and Niagara Region are working together on an EIS Guideline (for the Niagara Region jurisdiction) that will address both the municipal plan review requirements and NPCA's s. 28 requirements, which aims to improve consistency and streamlined implementation. For the Hamilton and Haldimand jurisdictions, NPCA will finalize a standalone EIS guideline. A "waiving tool" will be development that identifies when an EIS requirement could be waived.

Draft Policy Document and Procedural Manual

Staff will present the draft updated Policy Document and Procedural Manual to the Board of Directors at their October 21, 2022 meeting. A tracked changes version and a clean version of the draft updated Policy Document will be presented to the Board of Directors so that Board Members, stakeholders and members of the public will see where the proposed policy directions have been incorporated into the document.

Staff will recommend that the Board endorse the draft documents and direct staff to undertake further engagement with municipal partners, indigenous communities, stakeholders and members of the community on the draft documents. The draft documents will be posted to the NPCA project web portal for a 30-day commenting period, during which time a Public Information Session and focused stakeholder meetings will be scheduled. In keeping with the Board-approved Phase 2 workplan, the final Policy Document and Procedural Manual will be presented to the Board of Directors at their December 16, 2022 meeting.

It is important to note that the Province has not yet proclaimed some amendments to Section 28 of the Conservation Authorities Act, and the implementing regulation has not been released. The MNRF is also reviewing the technical guidelines for lakeshore erosion hazards, which guides Conservation Authorities in completing their shoreline management plans. As such, additional amendments to the NPCA Policy Document may be required at a later time.

Financial Implications:

The NPCA Policy Document Update and new Procedural Manual project is funded through the approved NPCA 2022 Operating Budget.

Links to Policy/Strategic Plan:

The updates to the NPCA Policy Document and development of a Procedural Manual aligns with the NPCA's 10-year Strategic Plan goals to protect people and properties from natural hazards and climate impact, and maintain a high standard of client services, tools and procedures for planning review and permits.

Related Reports and Appendices:

Appendix 1 - Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 1, 2020) Review and Procedural Phase 2 Discussion Papers – Engagement Summary Report, October 11, 2022

Authored by:

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Original signed by:

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Chief Administrative Officer/Secretary-Treasurer



APPENDIX 1 to Report No. GC-11-22

Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 1, 2020) Review and Procedural Manual

Phase 2 Discussion Papers - Engagement Summary Report



**NIAGARA PENINSULA
CONSERVATION
AUTHORITY**

www.npca.ca



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1.0 Project Overview

At the December 17, 2020 NPCA Board of Directors meeting NPCA staff were authorized to commence a review and update of NPCA's planning and permitting policies, formally known as 'NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/056 and the Planning Act (May 1, 2020).'

The update is being undertaken in a manner consistent with the Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (Ontario Ministry of Natural Resources, 2010), and the NPCA Strategic Plan.

A new, updated Policy Document and accompanying Procedural Manual are needed to:

- Ensure conformity with the current Conservation Authorities Act and other policy and regulatory updates. As of this writing, Section 28 Regulations are pending.
- Articulate NPCA's role and activities by clearly describing NPCA's watershed resource management program priorities, its delegated responsibilities applied in representing matters of Provincial interest on matters related to the natural hazards component of the Provincial Policy Statement, other than wildfire, its contractual role in the provision of land use planning advice to participating watershed municipalities, and its regulatory authority under the Conservation Authorities Act;
- Consolidate all regulatory and watershed plan review policies in one central location to offer an up-to-date set of policies that are contained in a single document against which NPCA will review Conservation Authority Act permit applications as well as plan review advisory services that are provided to watershed municipalities;
- Provide watershed municipalities, applicants and their agents, private landowners and special interest groups with a clear understanding of NPCA's role, mandate and responsibilities under the Conservation Authorities Act permit applications and in the review of municipal planning applications.

This project has unfolded in two phases. Phase 1 consisted of an internal NPCA Gaps and Deficiencies analysis that involved a comprehensive review of the current NPCA document and robust input from NPCA staff and Board Members. In addition, a jurisdictional review of other policy documents from other high-growth Greater Golden Horseshoe Conservation Authorities were examined for the express purpose of identifying good policy practices and approaches, and to provide a comparative analysis of the range of environmental planning and permitting policies that were being applied.

Phase 2 was designed, at the outset, as an external initiative – one that was premised on the need for effective engagement with municipal partners, development industry representatives, members of the environmental community, environmental organizations and partners, other levels of government including Indigenous governments, and community members. The key objective of Phase 2 was to provide an opportunity for others to share their comments, suggestions and observations regarding current NPCA policies and to offer input and suggestions regarding changes that would improve the clarity, focus and intent of the policies.

1.1 Project Oversight, Timeframe & Deliverable

The Phase 1 Report was presented to the full NPCA Board in March 2020. At that time, direction from the Board indicated that the NPCA Governance Committee would be responsible for providing feedback and advice to staff and the consultant team. On March 25, 2022, the NPCA Board of Directors approved the Policy Review and Procedural Manual Project Phase 2 workplan (Report No. FA-10-22). Staff developed a workplan that includes a Policy Themes Discussion Paper, Buffer Width Discussion Paper, an engagement strategy and a final updated Policy Document and new Procedural Manual to be prepared for the Board of Directors approval by the end of 2022.

1.2 Governance Committee – Early Input & Process Direction

At the June 30, 2022 Governance Committee, staff presented a series of policy themes and key questions resulting from the Phase 1 gap analysis. Feedback from Governance Committee was received and has been used to inform the preparation of the two Discussion Papers, and the engagement process.

At the direction of the NPCA Board of Directors, early input was obtained from the Governance Committee regarding the proposed engagement process and a number of important process-related recommendations were incorporated into the engagement design. Early input from Governance Committee Members included the following:

Manage Expectations:	It is critically important how the engagement process is undertaken. The input being sought is related to the gap analysis results, rather than eliciting various opinions.
Science-Based Decision Making:	Focus on science-based decision making.
Engage With Municipalities:	The engagement with municipal partners will be critical as these conversations will lead to modified plan review Memoranda of Understanding (MOUs). A collaborative approach to policy development with municipal planning partners is vital.
Engage With Environmental Partners:	Environmental groups must be engaged. Their voices must be heard. They are key partners to NPCA and are critical stakeholders.
The Phase 2 engagement process was redesigned with the Governance Committee suggestions in mind. Meetings were convened with municipal planners and to engage Environmental Non-Government Organizations (ENGOS).	

The purpose of this document is to summarize the engagement process, and the input received during Phase 2. Notably, the intent is to identify the comments received and specific policy revisions that are required based on the feedback received.

2.0 Approach to Engagement

At the outset, and in keeping with direction from the NPCA Board, a robust approach to engagement was developed. Initial steps included:

1. The development of a Consultation and Engagement Strategy (Appendix A);
2. The development of a Frequently Asked Questions document (Appendix B);
3. The development of an online survey to allow interested parties to participate (survey summary is included in Appendix C);
4. A web presence and dedicated web portal, accessible via the NPCA homepage, which would act as a central repository for all project-related information.

Having the opportunity to connect with others prior to developing the new Policy Document was critical for a number of reasons, not the least of which is that engagement has the potential to:

- build greater knowledge and understanding of the issues, the aspirations and the opportunities;
- identify community values and interests at the outset;
- promote a collaborative understanding of the views of all;
- capitalize on agency and individual insights and wisdom;
- create a sense of shared ownership and support for the process and the product.

The consultation and engagement efforts were designed to achieve a number of important benefits:

- To secure insight and perspectives about the current NPCA policies as articulated in the existing NPCA Policy Document, as well as the engagement process;
- To promote information sharing and idea generation;
- To build awareness of and support for the new Policy Document;
- To create a sense of shared ownership for the new Policy Document;
- To support NPCA's value proposition from an environmental policy and planning perspective;
- To provide both a top-down and a bottom-up approach;
- To increase process transparency and accountability; and
- To advance a process that is valued and valuable.

3.0 The Discussion Papers – Platform for Engagement

As a basis for engagement and consultation, two Discussion Papers were developed. The first focused on general policy themes and, given the considerable attention by the Board and others on buffers, the second focused on Buffer Widths. The content of both Discussion Papers was based on the issues that emerged during the Phase 1 gap and deficiencies analysis. The Phase 1 conclusion determined that the NPCA policies meet the intent of the Provincial Policy Statement, and that the policies as contained in the current Policy Manual address the 'Five Tests' of a permit application under S. 28 of the Conservation Authorities Act and O. Reg. 155/06. That said, some policies appear to be more flexible than other Conservation Authority policy documents.

3.1 Policy Themes Discussion Paper

The Policy Themes Discussion Paper included a Preface, and an Introduction (project overview, format of the discussion paper, reference to additional resources/references and links to the NPCA Strategic Plan). It then focused on three specific policy theme areas emerging from Phase 1, as follows:

- Governing Fundamentals (Common Policy Themes)
- Feature/Resource-Specific Policy Themes
- Customer & Client Service & Policy Implementation Related Themes

In total, eight (8) governing fundamentals were identified as a basis for engagement. These included:

- Climate Change
- Cumulative Impacts
- Ecological Net Gain
- Intensification and Increasing Urban Density
- Minister's Zoning Orders
- Public Education and Awareness of Roles & Responsibilities
- Stormwater Management, Low Impact Development and Green Infrastructure
- Watershed and Sub-watershed Planning

Three (3) feature or resource-specific policy themes were identified in the Discussion Paper as follows:

- Agriculture
- Buffers
- Natural Heritage Features and Areas

With respect to policy implementation and customer/client service, four (4) specific areas were identified for engagement and consultation with others. These included the following:

- Continuous improvement of NPCA Client Services Standard for Plan and Permit Review
- Refine decision-support tools
- Enhance Customer Service Feedback Mechanisms
- Communicate NPCA roles/responsibilities in plan review and permitting

Each of the issues, and the responses received during the engagement and consultation process, are summarized in Section 6.0.

3.2 Buffer Width Discussion Paper

A second Discussion Paper focusing specifically on buffer widths was prepared to inform policy development in Phase 2. The Discussion Paper reviewed best practices and scientific literature, provided an overview of a jurisdictional review of buffer policies related to buffer widths and reviewed decision support tools that are used to inform the determination of appropriate buffer widths. The results of the technical review indicated that:

- Scientific literature varies on effective buffer widths.
- General ecological concepts that inform buffer widths include the following:
 - Wider is better
 - Denser vegetation is better
 - Slope, soils
- Buffers are typically defined to describe their composition (i.e., vegetated), purpose, and role in mitigating impacts.
- Buffers are widely accepted (and often required).
- Where buffer widths are prescribed in planning and policy documents, they vary in width depending on the feature type and sensitivity of ecological functions.
- Buffers are informed by the vision, goals, objectives and principles established in policy and Strategic Plans.
- Policies often permit refinement (i.e., reduction or increase) and allow for some ‘compatible’ uses within the buffers.
- Buffer widths are typically determined based on the following factors:
 - Sensitivity of the feature and ecological functions;
 - The potential impact from the adjacent land use;
 - Biophysical factors of the adjacent lands such as slope, soils, hydrology and vegetation; and
 - Other mitigating factors (e.g., fencing between adjacent land use and buffer).
- Buffers are informed by environmental studies (e.g., Environmental Impact Study (EIS)) that consider site context (i.e., feature sensitivity and type of development)

The Discussion Paper noted that there is no consistently applied buffer width to features, however, the following buffer widths to regulated features are most commonly identified:

- 15 m for warm water (Type 2 and 3 fish habitat) watercourses and intermittent streams
- 30 m for cool/cold water (Type 1 fish habitat) watercourses and permanent streams
- 15 m for non-Provincially Significant Wetlands
- 30 m for Provincially Significant Wetlands and locally significant wetlands
- 10 m – 15 m for valleylands
- 30 m for shorelines to lakes and water bodies

The Discussion Paper also explored the utility of a Decision Support Tool, noting that they are designed in light of the sensitivity of the feature, potential for impacts resulting from change in adjacent land use, biophysical characteristics of the adjacent lands (e.g., slope, soils, vegetation cover, hydrology), and other mitigating factors that may supplement the effectiveness of the buffer. A Decision Support Tool uses a ‘risk-based

approach' (e.g., high risk, medium risk, low risk) and sets the amount of reduction or increase to the buffer based on a starting point (i.e., minimum buffer or robust buffer) and risk-based assessment.

The Buffer Width Discussion Paper included a number of recommendations, as follows:

- Buffers should be prescribed in policy
- Options regarding the approach to prescribing buffers in policy:
 - Minimum buffer widths with no opportunity to reduce the width, but can be increased through an environmental study; or
 - Robust buffer widths that can be reduced or increased with support from an environmental study.
- A decision support tool and/or EIS Guidelines is appropriate to ensure an objective and consistent approach is applied to determining the appropriate ecological buffer width.
- The buffer policies, prescribed buffer width(s) and Decision Support Tool should be developed with consideration of the goals, objectives and targets (if any) for protection, maintenance and enhancement of the natural features and ecological functions.

4.0 Internal NPCA Engagement & Consultation

Input and guidance were obtained from several sources internal to NPCA. Early direction from members of the NPCA Governance Committee confirmed the Phase 2 process and key themes for engagement and consultation. In addition, a Workshop was convened with NPCA staff during which detailed discussions concerning more technical elements of the Policy Document were discussed on August 19, 2022.

5.0 External NPCA Engagement & Consultation

As referenced previously, NPCA developed a digital survey, which was uploaded to the dedicated web portal. Advertisements were posted in the local newspapers and NPCA social media sites inviting input and specific workshops were held, as follows:

- August 12, 2022 – Workshop with Niagara Area Planners (14 participants)
- August 16, 2022 – Workshop with City of Hamilton Planning Staff (4 participants)
- August 24, 2022 – Public Information Session (approximately 12 participants)
- August 25, 2022 – Workshop with Haldimand County Planning Staff (2 participants)
- August 25, 2022 – Workshop with the Public Advisory Committee (5 participants)
- September 27, 2022 – Niagara Home Builders & Region of Niagara (12 participants)

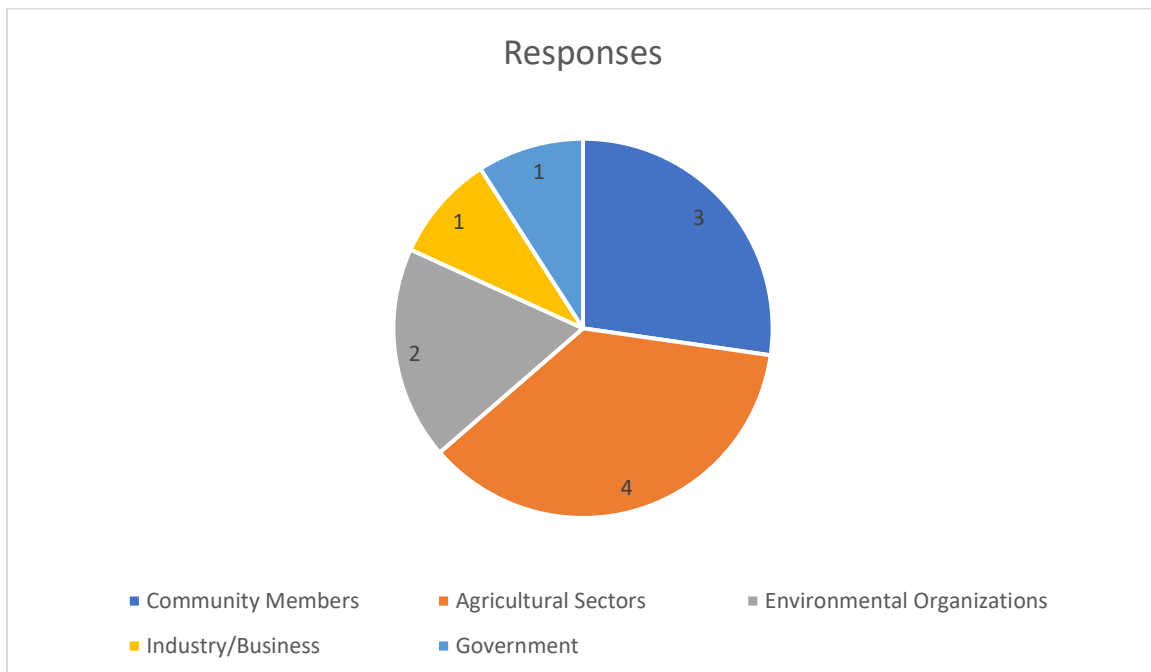
While the municipal watershed planning sessions were well attended, the Public Information Session was not. In order to address the lower-than-anticipated uptake, additional sessions were arranged with ENGOS and representatives from the Niagara Home Builders Association. ENGOS on NPCA's Strategic Plan stakeholder list and a few additional groups provided from a member of the Governance Committee were emailed and invited to participate at separate information session. The ENGO Session was scheduled for September 19, 2022,

however, there were no attendees despite an extensive list of participants having been forwarded a special invitation to attend. The Niagara Home Builders Association meeting that was organized through Niagara Region was well attended and a number of important suggestions were raised. In addition to the virtual engagement workshops and Public Information Session, four (4) written submission were received, which are included in Appendix D.

5.1 NPCA Web Portal & Digital Survey

To supplement specific workshops and the Public Information Session as well as meetings convened with stakeholders, a digital survey was developed and uploaded to the NPCA 'Get Involved' Policy and Permitting Review web portal. Between August 16 and September 30, 2022, there were 534 total visits to the project web portal, averaging at 47 visitors per day. Fourteen (14) of the visitors engaged through the online survey, posting on the Guestbook and asking questions. 135 visitors were informed of the project by downloading a document, viewing a video, visited the key dates page, visited the FAQ page and also visit multiple pages within the web portal. The majority of the visitors became aware of the project by visiting at least one of the pages within web portal. The top three (3) documents that were downloaded from the project web portal were the Buffer Width Discussion Paper (63 downloads), NPCA Policy Theme Discussion Paper (62 downloads) and the Phase One – NPCA Policy Update Report to the Board of Directors (35 downloads).

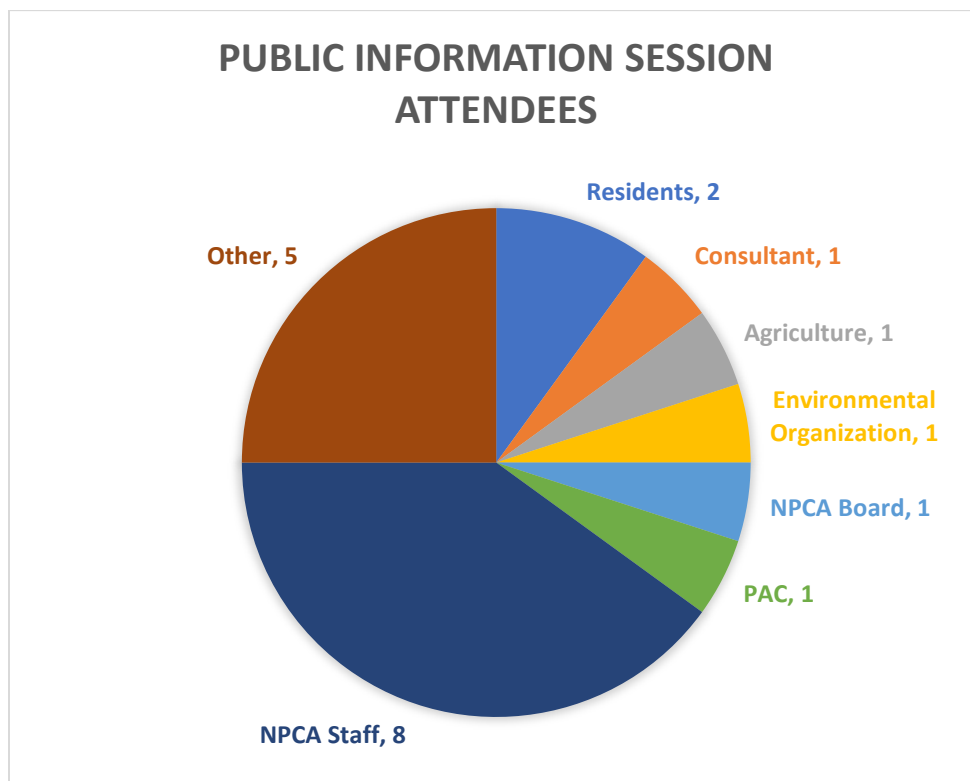
In total, eleven (11) comments were received through the NPCA online survey. Those who responded to the survey included:



There is wide variation with respect to the level of detail received from respondents, and the position taken on key issues. A summary of the range of responses, and some of the more critical comments submitted through the survey have been captured in Section 6.0.

5.2 Public Information Session

A virtual Public Information Centre was held on August 24, 2022 from 6:30 pm – 8:30 pm. Despite twenty-seven (27) registrants, only approximately 12 people attended. Six (6) people identified the sector they were representing, which was as follows:



The Public Information Session was structured differently from the other engagement sessions to allow for a more interactive experience by participants. NPCA relied on the use of polls to identify key issues and respective positioning.

6.0 Input & Feedback Received During Phase 2

The Policy Themes Discussion Paper provided a platform for consultation and engagement during Phase 2. As referenced above, the Discussion Paper was divided into three specific thematic areas: Governing Fundamentals, Feature Resource-Specific Policy Themes and Policy Implementation & Customer/Client Service.

The following tables summarize the state of the current Policy Document, the opportunities for enhancing the current Policy Document, and the input received through the digital surveys and specifically from municipal watershed partners, Public Information Session participants, Public Advisory Committee (PAC) participants and special stakeholder meetings.

6.1 Governing Fundamentals

6.1.1 Governing Fundamentals: Climate Change

Current NPCA Policy		Policy Opportunities
The current Policy Document (s. 12.11) contains a high-level reference to climate change and its impacts within the watershed. NPCA Board direction has focused on undertaking projects and initiatives to assist in climate change adaptation and mitigation. NPCA is to adopt a comprehensive approach, including new policies/programs to assist in adaptation and mitigation. NPCA is to coordinate and collaborate with municipal partners and other agencies to address climate change impacts.		<ul style="list-style-type: none">• The NPCA Board has declared a Climate Emergency and notice has been sent to the Province not to remove any Provincially Significant Wetlands (PSWs). Watershed municipalities have also committed through policies and practices to reduce greenhouse gas emissions and build more resilient communities. NPCA joined Niagara Municipalities, Institutions and Businesses in the Call to Climate Action.• The NPCA Strategic Plan commits NPCA to be a leader in research and innovation.• Floodplain mapping and shoreline management plans will support a risk management approach.
What Changes Are Needed to the Policy Document?	Clear direction is needed in the new Policy Document: <ul style="list-style-type: none">• Ongoing and future technical work is required to identify natural hazards and climate change risks• Approach for incorporating the impacts of climate change in managing risks• Opportunities to collaborate with municipal partners• Protection and enhancement policies to meet the 'conservation of land' test to obtain S. 28 permit	

Key Question	What We Heard
<i>Given NPCA's critical and evolving role with respect to climate change and watershed resilience, what recommendations do you have for the new Policy Document with respect to climate change?</i>	<p>For staff, articulating the impacts of climate change and NPCA's regulatory authority is critical. The science needs to be embedded into each section of the policy document. There should be clear objectives that define NPCA outcomes.</p> <p>Climate Change is top of mind for the City of Hamilton who have just completed a report to Council on climate change mitigation. The City has some policies included in its climate change Mitigation Report that could be considered by NPCA. Area Planners indicated the impact of climate change on floodplains and the impacts to developable areas outside of natural heritage features and regulated areas will be important.</p> <p>Those who responded to the digital survey expressed varying views with respect to climate change. While some recognized the inherent implications for NPCA, a small fraction was skeptical of climate change generally and felt that the topic had been given too much attention to date. Comments ranged from 'stand back and watch it happen' to 'the policy document should contain clear, concise, and comprehensive policy...tangible actions.' In addition, one respondent questioned when considering climate change, will there be a review of the effects of shoreline erosion and changing lake levels, shoreline protection, development along shorelines, and policies for public acquisition of these lands.</p>
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Develop a stand-alone climate change policy up front to establish overall policy direction. • Incorporate policies to consider the impacts of a changing climate on regulated features and areas and the need to consider options to adapt to and mitigate the increased risks associated with climate change (e.g., implementation of sustainable technologies, or consideration of increased setbacks to natural hazards).

6.1.2 Governing Fundamentals: Cumulative Impacts

Current NPCA Policy	Policy Opportunities
<p>There is no clear direction for assessing cumulative impacts of proposed development on natural hazards or ecological functions.</p> <p>There is no definition of cumulative impacts in the current document.</p>	<ul style="list-style-type: none"> • NPCA assesses cumulative impacts of hazards and land use changes on an ecosystem basis that transcends municipal/political boundaries and identifies applied solutions to address these impacts • NPCA's interim s.28 EIS Guidelines provide direction regarding work permit applications and emphasize need to evaluate cumulative impacts • NPCA's interim s. 28 EIS Guideline defines cumulative impacts: "the effect on the physical and natural

	resources resulting from the incremental activities of development over a period of time and over an area.”
What Changes Are Needed to the Policy Document?	Clear direction is needed in the new Policy Document and Procedural Manual for assessing cumulative impacts within the watersheds as a result of proposed development.
Key Question	What We Heard
<i>Whether and how to address cumulative impacts in the new Policy Document?</i>	<p>Staff are of the view that cumulative impacts should be addressed in relation to individual hazards. The rationale is that cumulative impacts change in relation to each feature and with respect to climate change. The issue of cumulative impacts must be addressed from the perspective of watershed and subwatershed planning. Cumulative impacts must also be related to regulation.</p> <p>The Niagara Home Builders Association representatives expressed concern that the issue of cumulative impacts and NPCA’s review of development applications could extend the time associated with application review. Key concerns expressed by the home builders focused on increasing process complexity.</p>
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Develop a stand-alone cumulative impact policy up front to establish overall policy direction. • Incorporate policies to address cumulative impacts on a feature/resource-specific basis. • Through the EIS Guideline, establish direction for addressing cumulative impacts.

6.1.3 Governing Fundamentals: Ecological Net Gain

Current NPCA Policy		Policy Opportunities
<p>There are policies for reconfiguring and compensation for Non-Provincially Significant Wetlands (Non-PSWs), but these do not apply to PSW and are considered only where there is no reasonable alternative to locate a proposed development, site alteration or activity outside of a Non-PSWs.</p> <p>When the policy is implemented, NPCA aims to achieve an ecological net gain to natural system functions.</p> <p>NPCA Interim Wetlands Procedure Document provides guidance on NPCA expectations and requirements for satisfying various tests of this policy.</p>		<ul style="list-style-type: none">Policy needs to be clarified regarding the protection hierarchy when consideration is given to reconfiguring Non-PSW to achieve an overall ecological net gain to the natural system functions:<ul style="list-style-type: none">All efforts to protect the natural feature must be exhaustedAll alternatives to be examined before reconfiguring or re-creating the feature can be consideredNPCA position and practice has been that monetary compensation for wetland removal or stream alignment as part of a development proposal is not a form of mitigation and does not achieve ecological net gain
<p><u>Minister's Zoning Orders (MZOs):</u></p> <p>The current document does not address recent amendments to the Conservation Authorities Act regarding permits for approved MZOs.</p> <p>There is no policy/guidance for reviewing municipal requests for MZOs or for processing permit applications for approved MZOs.</p>		<ul style="list-style-type: none">Guidance for when NPCA is compelled to issue a permit and the opportunity to impose conditions.Appeals process and Agreement requirements are specified in the amendments to the Conservation Authorities Act.
<p>What Changes Are Needed to the Policy Document?</p>	<p>Where there is an approved Environmental Assessment for public infrastructure or MZO that results in the removal of regulated features and areas such as wetlands, clear direction is needed in the new Policy Document and Procedural Manual for considering the use of mitigation through reconfiguration and re-creation of features for ecological net gain, or where mitigation cannot be achieved, the consideration of monetary compensation.</p>	
Ecological Net Gain		
Key Question	What We Heard	
<p><i>Should the new Policy Document contain policies for ecological net gain related to reconfiguration and re-creation of Non-PSW's? Why or why not?</i></p>	<p>Monetary compensation, as noted by PAC, will end up being passed down to the end user, resulting in an increase in the cost of new homes.</p> <p>One of the biggest issues NPCA is addressing is compensation/offsetting. Currently, there is a brief reference to offsetting in the existing policy document. The Region of Niagara OP (currently before the Province for</p>	

	<p>review) does not provide for offsetting. In the past, NPCA and the Region have had different policies regarding compensation/offsetting. There are strong feelings – and divided feelings – among our stakeholders about compensation.</p> <p>Environmental groups are of the view that NPCA should ‘just say no.’ Some planners, however, feel that there is a need to include a policy to allow for flexibility.</p> <p>Some planners do not support removing the reference to compensation because it restricts the ability to provide infrastructure servicing and, in many cases, these areas need to be redeveloped. Some felt that having different policies in place (NPCA, Region, Municipalities) does not place anyone in a difficult position. Some questioned why NPCA would want to be restrictive. There is, from their lens, a need to weigh the balance and recognize that there may be unintended consequences – NPCA may be making these properties undevelopable.</p> <p>Others feel strongly that alignment is needed. Still others feel that this section needs detailed consideration. There is a need to be clear about what ecological net gain is and whether provincial policy and municipal policy are more about no net loss than net gain. What does this really mean in terms of policy?</p> <p>Those who responded to the digital survey either support or did not support policies for ecological net gain. Some offered no explanation for their position; others cited the experience of Conservation Halton suggesting it becomes a tool for regulation and constraints. Others were of the view that ecological net gain offers an opportunity to increase escarpment and wetland protection while others suggested there is a need to understand how net gain would be assessed and that if included, strong and explicit policies would be required.</p>
<p>PROPOSED APPROACH TO ADDRESS INPUT:</p>	<ul style="list-style-type: none"> • Develop a new policy restricting re-configuration and re-creation of Non-Provincially Significant Wetlands (Non-PSWs) in greenfield development outside the settlement boundary. • Limit the application of a non-PSW reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS and protection hierarchy. • Limit the application of a watercourse reconfiguration and re-recreation for ecological net gain policy to only settlement areas based on a fully scoped EIS, protection hierarchy, and Headwater Drainage Feature Assessment. • Provide additional clarification in both the Policy and the Procedural Manual to ensure there is a protection hierarchy (i.e. avoid and mitigate first). • Where there is an approved Environmental Assessment for public infrastructure or MZO that results in the removal of regulated features and

	areas such as wetlands, provide policies and procedures for considering the use of mitigation through reconfiguration and re-creation of features for ecological net gain, or where mitigation cannot be achieved, the consideration of monetary compensation.
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6.1.4 Governing Fundamentals: Intensification & Increasing Urban Density

Current NPCA Policy		Policy Opportunities	
Upper-tier and single-tier municipalities have updated Official Plans to conform to the Provincial Growth Plan and have updated policies to manage growth within urban areas (compact development; complete communities). NPCA Policy Document is silent with respect to forms of development that support urban intensification/increased density that would be located in regulated areas.		<ul style="list-style-type: none"> • Demands for housing and growth may result in more marginal land being considered for development, including areas susceptible to erosion/flooding. • NPCA has an important role to play to uphold provincial interests and assess plan review and permit applications for development in areas subject to natural hazards and hazardous lands. 	
What Changes Are Needed to the Policy Document?		<p>Clear direction is needed in the new Policy Document to guide NPCA's ability to review and consider permissions for forms of development that aim to support municipal intensification targets.</p> <p>Focusing on a high-quality pre-consultation process with applications and municipalities outlined in the new Procedural Manual would assist NPCA to identify planning and permit application submission requirements when infill development is proposed on lands constrained by regulated features and areas.</p>	
Key Question		What We Heard	
<i>What policy wording should be included to guide NPCAs ability to review and consider permissions for forms of development that aim to support municipal intensification targets? Are you in support of focusing on a high-quality pre-consultation process with applicants and municipalities outlined in the new Procedural Manual to</i>		<p>The NPCA PAC members identified that new policies should be included as the purpose is to provide a reference point, particularly for the development community.</p> <p>We have heard from our municipal partners that there is a need to look at intensification where steep slopes and valleylands are impacted and promote innovative approaches. Others suggested having updated regulation mapping would be helpful. Municipal partners were clear that more pressure can be expected on marginal areas and consequently, NPCA will need to be thinking about the implications and the opportunities.</p> <p>The home building industry expressed particular concern with respect to housing availability and supply.</p>	

<p><i>identify NPCA planning and permitting requirements when infill development is proposed on lands constrained by regulated features and areas?</i></p> <p><i>What specific submission requirements should be included and why?</i></p>	<p>Of those who responded to the survey, three were of the view that the new Policy Document should not include policies to address urban intensification. Few offered any rationale for this position but one suggested that government needs to be stewards of the natural environment. Others, however, felt the inclusion of intensification policies would be beneficial. Policies that support creative development, which is sensitive to site context, utilizes ingenuity and is located within urban areas, providing there are existing services would be of value. NPCA, as one respondent noted, should ensure that policies align and are coordinated with policies at the municipal level.</p>
<p>PROPOSED APPROACH TO ADDRESS INPUT:</p>	<ul style="list-style-type: none"> • Incorporate policies to address prescribed robust buffers in settlement areas and use the Decision Support Tool to address requests to decrease buffer widths. • More general goals and objectives focusing on the incorporation of green infrastructure and sustainable technologies within site designs. • Provide clarity that if there is a natural hazard, the development is still subject to policies to ensure safety to the public and property. • Address the inconsistencies within the valleyland and slope hazard policies to ensure clarity in policy implementation. <p>Note: NPCA is currently updating regulation mapping to provide clarity on the location of regulated features and areas.</p>

6.1.5 Governing Fundamentals: Public Education and Awareness of Roles and Responsibilities

Current NPCA Policy	Policy Opportunities
<p>The document currently identifies several NPCA roles: Regulatory Authority; Representative of the Province of Ontario (S. 31, Natural Hazards of the PPS); Resource Management Agency; Public Commenting Body; Service Provider and Landowner.</p>	<p>There is an opportunity to better clarify the roles and responsibilities of NPCA with respect to:</p> <ul style="list-style-type: none"> • Climate resilience • Sustainable growth across the watershed • Other legislated approval processes (Municipal Environmental Assessment, Niagara Escarpment Commission Development Permits) • Other agreements with municipal partners and other levels of government or public agencies.
<p>What Changes Are Needed to the Policy Document?</p>	<ul style="list-style-type: none"> • Clearer policies and procedures are needed to identify the roles and responsibilities assigned to NPCA under various pieces of legislation. • Clearer definition of 'Who Does What' – roles and responsibilities of other agencies is needed to ensure there is a clear understanding of the functional split between NPCA and partner agencies/organizations.

Key Question	What We Heard
<i>Should the new document include information that better explains the role and responsibilities of NPCA and other levels of government that are involved in environmental, land use and watershed planning?</i>	<p>NPCA should clearly articulate its role, as noted by PAC, but the reader should be referred to other agency resources where they can obtain up-to-date information about agency roles and responsibilities. To include references to others in the NPCA document will require that it be continuously updated.</p> <p>There was widespread agreement among watershed municipal partners, survey respondents, home builders and Public Information Session attendees that an explanation and clarity surrounding the role of NPCA in reviewing applications at various stages and connections with other levels of government, agencies and their policies would be valuable.</p>
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Include a table to identify 'Who Does What'. • Provide further clarification where needed.

6.1.6 Governing Fundamentals: Stormwater Management, Low Impact Development & Green Infrastructure

Current NPCA Policy	Policy Opportunities
<p>S.12.4.8.1 includes guidance for completion of a stormwater management (SWM) Plan (required for a permit or planning application).</p> <p>No policy direction for NPCA to review permit or planning applications with associated SWM facilities that are affected by regulated areas and natural hazards.</p> <p>Low Impact Development (LID) is referenced as a method for mitigating climate change (12.1.3.2) – but no policies to support implementation of LID or green infrastructure through permit and planning approvals.</p>	<ul style="list-style-type: none"> • Include policies that clarify the roles and responsibilities of NPCA in SWM review to include review of SWM facilities and outlets within regulated areas where natural hazards can affect cumulative impacts related to erosion, sediment and flooding in regulated areas. NPCA Strategic Plan commits NPCA to lead implementation of sustainable technologies, such as LID and green infrastructure best practices for climate resilience and sustainability. • Engaging municipalities, the development community, and other private landowners will be key for implementing green infrastructure and sustainability best practices and actions within the NPCA's watersheds.
What Changes Are Needed to the Policy Document?	Include policies and technical guidance for NPCA to advocate for integration of sustainable technologies and green infrastructure in site designs through planning approvals.
Key Questions	What We Heard
<i>Given NPCA's commitment to climate change and the important role NPCA plays in sustainable land use</i>	Survey respondents were varied in their response. Reference was made to the need for more education to municipal councils and the development community; others suggested NPCA should 'stop putting up red tape when builders are trying to build housing and developments.' Reference was made

<p><i>planning and growth, what recommendations do you have with respect to LID and/or green infrastructure policies?</i></p> <p><i>Do you have any recommendations regarding how these policies are to be implemented collaboratively with municipal partners?</i></p>	<p>to the impact of stormwater from development on woodlands and farmlands while others spoke of their experience working with clients who use the natural system to their advantage – for example, existing creeks and wetlands as flood mitigation is beneficial for both the environment and the developer. Reference was made to NPCA working closely with municipalities via the Region to integrate LIDS and green infrastructure policies into policies and design manuals – this has been talked about, but real action is needed.</p>
<p>PROPOSED APPROACH TO ADDRESS INPUT:</p>	<ul style="list-style-type: none"> • Clear goals and objectives to promote the implementation of green infrastructure and sustainable technologies through planning and permitting approvals. • NPCA has a supporting role to municipal partners to assist in decision making related to SWM and integration of sustainable technologies. • Include policies that clarify the roles and responsibilities of NPCA in SWM review to include review of SWM facilities and outlets within regulated areas where natural hazards can affect cumulative impacts related to erosion, sediment and flooding in regulated areas.

6.1.7 Governing Fundamentals: Watershed and Sub-Watershed Planning

Current NPCA Policy	Policy Opportunities
<p>S.2.1 describes NPCA's Integrated Watershed Management (IWM) approach to planning.</p> <p>S.12.5 identifies the role of watershed plans in managing watershed resources.</p> <p>Does not provide direction or guidance for the role of NPCA in supporting watershed municipalities in undertaking watershed planning or subwatershed planning to inform future growth, as directed by the Province through provincial legislation and plans.</p>	<ul style="list-style-type: none"> • Growth Plan and Provincial Policy Statement emphasize the need for watershed planning to inform land use planning. • Upper-Tier and Single-Tier have developed policies that require certain land use decisions be informed by watershed or subwatershed planning. Watershed planning is also required to inform municipal decisions regarding growth and infrastructure. • NPCA is committed through the NPCA's 10-Year Strategic Plan to implement a proactive sub-watershed work program to complement and inform the quaternary and sub-watershed planning for growth areas within the NPCA jurisdiction within Niagara Region and support municipal partners with watershed data collection and analysis to understand cumulative impacts.

What Changes Are Needed to the Policy Document?	There is an opportunity to clarify the role of NPCA as a resource management agency, regulatory authority, and service provider within the watershed and through sub-watershed planning work that informs watershed resource management programs and land use planning.
Key Question	What We Heard
<p><i>How can NPCA watershed planning support municipal sub-watershed processes?</i></p> <p><i>Do you have any guidance from a policy/procedural perspective?</i></p>	<p>As noted by PAC, the policies and procedures pertaining to watershed and sub-watershed planning need to be clear.</p> <p>Those who responded to the digital survey had a number of comments to offer. One suggested there is a need to 'stay out of it.' Others suggested the approach must be a partnership with planners and ecologists and that landowners must be aware of how this will affect them now and down the road. There were those who suggested NPCA follow its core mandate and assist the municipality and others who recommended that NPCA be the lead resource on watershed and sub-watershed planning.</p>
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Include policies to reference NPCA's role in supporting watershed municipalities in undertaking watershed planning or sub-watershed planning to inform future growth, as directed by the Province through provincial legislation and plans. • Clarify NPCA's roles and responsibilities as a watershed resource management agency that implements an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds.

6.2 Feature/Resource Specific Policy Themes

6.2.1 Feature/Resource Specific Policy Themes: Agriculture

Current NPCA Policy		Policy Opportunities
<p>S.3.2 (Guiding Principle) recognizes that healthy communities require a sustainable balance between agricultural, environmental, social and economic priorities, interests and uses.</p> <p>S.3.3.4.1 and S.3.3.4.2 identifies when works on agricultural lands do not require an NPCA work permit.</p> <p>Certain forms of value-added, agri-tourism uses, and agricultural activities that require a Building Permit may require a work permit from the NPCA (depending on the nature of the application and considerations relating to the Five Tests under the Conservation Authorities Act).</p>		<ul style="list-style-type: none"> Unique microclimate and rich soils support one of Ontario's most productive agricultural systems (vineyards, tender fruit orchards, livestock, specialty crops). Official Plans (OP's) are being updated to reflect new or amended provincial agricultural policies. Need to examine existing NPCA policies to determine whether clarification is needed to support the agricultural industry (e.g., permitting agricultural uses, agriculture-related uses and on-farm diversified uses within NPCA regulated areas in accordance with updated OP policies and the Five Tests of the CAA and O. Reg. 155/06)
<p>What Changes Are Needed to the Policy Document?</p>		<p>Examine existing NPCA policies to determine whether clarification is needed to support the agricultural industry with respect to permitted agricultural uses, agriculture-related uses and on-farm diversified uses within the NPCA regulated areas, in accordance with updated OP policies and the Five Tests of the CAA and Ontario Regulation 155/06.</p>
Key Questions	What We Heard	
<p><i>Do the existing policies accurately reflect current agricultural practices?</i></p> <p><i>Are updated policies needed to better support normal farm practices and diversified on-farm uses within regulated areas?</i></p>	<p>PAC is of the view that existing policies come close to reflecting current agricultural practices. It is important to recognize that agriculture occurs throughout the watershed. On-farm uses are emerging and these need to be recognized in policy as there are changes occurring on the land base.</p> <p>We have heard from our Agricultural representatives that they are very pleased the agricultural policies are being looked at. While they find them generally supportive, stakeholders have suggested that the current policies need to be clarified with respect to permitted agricultural uses, agriculture-related uses and on-farm diversified uses in accordance with updated OP policies and the Five Tests and O. Re. 155/06.</p> <p>We have also heard from Haldimand County that agriculture is the most important policy issue for them, just given their agricultural land base. The City of Hamilton suggested that the more specific NPCA could be regarding</p>	

	<p>agricultural uses, the better. Consider what is there and what has been there. Haldimand County is updating their OP and reflecting on normal farm practices and diversified on-farm uses is important and has been a real area of focus for the County.</p> <p>Of those who responded to the survey, some suggested a more in-depth dialogue with the farming community is necessary. Others suggested that normal farm practices need to be respected and that cooperation is needed for drainage and irrigation. One respondent suggested that many municipalities have become explicit in their agricultural policies and have recently been expanding on-farm diversified uses and value-added processes, as well as offering special policy concessions for agriculturally and ecologically unique uses such as vineyards, cannabis facilities, and specialty crops like peanuts. The agriculture industry sometimes faces barriers to grow within their existing jurisdictions and in some cases, they have relocated to other jurisdictions. Support increased lenience in agricultural use as it strengthens the agricultural land base and protects it from non-agricultural development organically. One respondent also noted that when agricultural lands and conservation lands are on the same parcel, it sometimes poses a challenge for municipal staff's understanding of land use. Natural barriers (bluffs, creeks) that would prevent farm equipment from accessing a portion of the parcel are not considered as such – instead, staff see the two parts of the parcel divided by the feature as both viable agricultural lands. Worked hard to convince municipal staff that farming the lands beyond the feature is not viable. Not certain what viable policy solutions exist but would like to see this addressed at some level. One other respondent indicated that the existing policies do not reflect current agricultural practices and made reference to the lack of consistency with the Greenbelt Plan, Regional Official Plan, Ministry of Agriculture and Rural Affairs (OMAFRA) and Niagara Escarpment Plan (NEP).</p>
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Include definitions from other relevant Provincial plans and municipal Official plans for other agricultural uses. • Keep the reference to agricultural uses simple. • Clarify agricultural policies to permit agricultural uses, agriculture-related uses and on-farm diversified uses in accordance with updated municipal Official Plan policies and the Five Tests and O. Reg. 155/06. • Develop new policies and procedures to address alignment issues with the updated Drainage Act.

6.2.2 Buffers

Current NPCA Policy		Policy Opportunities	
<p>Includes policies specific to buffer widths for different regulated features and areas.</p> <p>Inconsistencies for buffer requirements in the policies:</p> <ul style="list-style-type: none"> S.8.2.3.3 provides criteria where reductions to the 30-metre buffer requirement for wetlands may be reduced to as low as 5 metres S.8.2.3.5 provides an opportunity to reduce the 30-metre wetland buffer requirement for major development with no bare minimum <p>Inconsistencies appear to allow a major development to potentially have a smaller buffer requirement than a smaller-scale development</p>		<ul style="list-style-type: none"> On December 17, 2021, NPCA Board directed staff to consider amendments to NPCA policies to set a minimum 30m buffer for natural hazards, wetlands and watercourses and to review the policy regarding exceptions. The Buffer Width Discussion Paper provided an analysis to address this Board direction. 	
What Changes Are Needed to the Policy Document?		Approach to buffers requires clarification/articulation and clear implementation guidance.	
Key Questions		What We Heard	
<p>A. <i>Should the new Policy Document contain prescribed policies relating to buffers?</i></p> <p>B. <i>If you support prescribed buffer policies, would you recommend that NPCA adopt a policy approach that focuses on (a), (b), or (c) below:</i></p> <p>a) <i>Minimum buffer widths with no opportunity to reduce the width but can be increased through an environmental study;</i></p> <p>b) <i>Robust buffer widths that can be reduced or increased with support from an environmental study; or</i></p>		<p>As noted by PAC, this is a challenging topic with lots of opportunity for conflicting views. Clear definitions for regulated and natural features are needed. Buffers need to be supported by science. Buffer widths can be identified but need to be grounded in science. A decision support tool to guide buffer reductions or increases should be developed.</p> <p>Some are of the view that a minimum buffer width is the approach that should be adopted, with the opportunity to either increase or decrease. Others are of the view that a robust buffer is the best approach. There is no consensus regarding the most appropriate approach for NPCA. Some watershed municipal partners have suggested that there is value in including clear buffer widths in the new Policy Document as this would provide a degree of consistency and clear direction to the public in terms of what is actually being protected. Some planners suggested there should be no consideration to decrease buffer widths unless this is by exception, and only where the decrease would yield a benefit to NPCA or to natural heritage in general.</p>	

<p>c) <i>None of the above. [If not, why?]</i></p> <p>C. <i>Should NPCA develop and utilize a decision support tool for determining buffer width? If so, do you have any recommendations with respect to criteria and/or methodology?</i></p>	<p>The responses we have received from municipal partners and members of the public have been varied. Some support a minimum buffer with no opportunity for reduction in width while others support a minimum buffer that could be reduced or increased. There is no consistency in perspective. Some of the responses to date from municipal partners included the following:</p> <ul style="list-style-type: none"> • Provide clarity – have minimum buffer widths to allow the public and stakeholders to know the degree of protection, limits of development, etc. • Start at 120 m for example and if you are permitting a decrease, permit a decrease by exception premised on some benefit to NPCA and to natural heritage in general. • If there is a potential to decrease the buffer, identify a minimum (e.g., if these conditions could be met then a reduction would be permitted) • Having a minimum buffer width would be a great approach but there may be situations where a reduction in buffer width is necessary (e.g., onsite conditions prevent the minimum from being realized) • If NPCA adopted robust buffer widths, criteria would be needed. • Consider the context – look at minimums in an urban and a rural context – different approaches may be in order • Really need to understand when a decrease in buffer widths can occur • Include a policy caveat to indicate that different municipalities have different requirements <p>Of those who responded to the survey, comments were mixed:</p> <ul style="list-style-type: none"> • There should be no buffers • If you use buffers as policy, it should be in the new policy document • The question of who owns the land that the buffer applies to • Buffers are already there and rules around them are already in place • The new document should have strong policies on buffers. Minimum widths of at least 30 m should be mandated. Buffers should be densely vegetated and not include areas used for bike paths, etc. • A simple and consistent buffer policy, potentially with tools to assist in understanding a parcel's constraints would lead to a smoother planning process for everyone • Support prescribed buffers for various features, based on suitability and best practices. Consider if appropriate whether different buffer widths are suitable in rural/agricultural and urban contexts.
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	<p>In terms of the options presented:</p> <ul style="list-style-type: none"> • 1 respondent indicated none of the options should be selected • 3 respondents recommended robust buffer widths that can be reduced or increased with support from an environmental study • 1 respondent recommended minimum buffer widths with no opportunity to reduce • 6 recommended an 'other' option and offered the following explanation: <ul style="list-style-type: none"> ○ Policies need to be flexible ○ If the buffers prove to be too large, a simple process is needed (cost burden of environmental studies is far too great) ○ Prefer not to support either option without further information ○ 30 m is the rule and 120 m for a PSW. An EIS causes financial burden to the agricultural community. If you want to reduce below 30 m, do a study ○ I have never heard of an EIS recommending that a buffer width be increased <p><u>Decision Support Tool:</u> A Decision Support Tool and/or EIS Guideline will be required to ensure an objective and consistent approach is applied to determining an appropriate ecological buffer width.</p> <p>We have heard from others that a Decision Support Tool would be beneficial. Some were unclear about the process for using the Decision Support Tool and who would be responsible for applying the tool.</p> <p>Survey respondents shared several observations regarding the development and use of a Decision Support Tool. One suggested no, with no explanation. Another suggested that this was outside of their area of expertise. Another suggested that not all land is the same while others suggested whatever tool is used requires engagement with the agricultural community. Others were supportive of the concept, suggesting the more tools the better. Others were supportive but suggested it may be time consuming to implement.</p>
<p>PROPOSED APPROACH TO ADDRESS INPUT:</p>	<ul style="list-style-type: none"> • Develop policies for buffers with a clear definition of "buffer". • Develop prescribed robust buffers for wetlands, watercourses and shorelines. • Develop a buffer width Decision Support Tool to guide decisions on buffer refinements based on an EIS.

	<ul style="list-style-type: none"> Clarify that where there are multiple regulated features or areas overlapping, the greater extent of the feature or area and their associated ecological buffer or setback to a hazard will define the constraint to development. Clarify that where there are more restrictive Provincial Plan (e.g. Greenbelt Plan 30 m vegetation protection zone) or municipal Official Plan policies related to buffers, the more restrictive policies take precedence when reviewing planning applications.
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6.2.3 Natural Heritage Features and Areas

Current NPCA Policy		Policy Opportunities
The policy document is silent with respect to natural heritage features and areas not regulated by NPCA that are protected and managed under municipal and provincial policies or plans including: Areas of Natural and Scientific Interest (ANSIs), Habitat of Endangered or Threatened Species, Ecological Linkages, Significant Valleylands, Significant Wildlife Habitat, Significant Woodlands.		<ul style="list-style-type: none"> S.12.4 includes guidance for studies that NPCA requires as part of a permit or planning application submission Natural heritage features and areas are protected and managed through municipal OP policies and provincial plans. Current MOUs with municipalities call for NPCA to provide plan review services and comment on impacts to natural heritage features and areas within regulated areas, as it relates to the ecological function of the regulated features. Municipalities review planning applications for impacts on natural heritage features and areas within their natural heritage system Other CA Policy Documents include guidance policies for natural heritage features and areas when providing their plan review services to municipal partners through established MOUs Clarify NPCAs role under the plan review MOUs and provide guidance for reviewing planning applications (e.g., EIS requirements) related to natural heritage features and areas within regulated areas
What Changes Are Needed to the Policy Document?	There is an opportunity to clarify NPCA roles and responsibilities under the plan review MOUs with partner municipalities and guidance for reviewing planning applications in relation to natural heritage features and areas.	
Key Questions	What We Heard	
Should the new Policy Document contain policies to clarify the role of NPCA	Any reference to Natural Heritage policies must clearly indicate that this is not about 'mandate creep' but rather relates to the need to clarify who is responsible.	

<p><i>and watershed municipal partners with respect to natural heritage features that are also protected and managed under municipal and provincial policies and plans? Please specify.</i></p>	<p>Municipal partners confirmed that there is a great deal of confusion relating to responsibilities for natural heritage and that the new document should clarify roles and responsibilities. In addition to policy clarity, there was general agreement that more definitive information should be included in the plan review.</p> <p>Responses received to the digital survey were mixed. One respondent stated no, with no explanation. Others were of the view that articulating the roles and responsibilities is important. One respondent indicated they were not confused about NPCA's role. Another suggested a simple visual, including links to the applicable policy documents and contacts would be helpful.</p>
<p>PROPOSED APPROACH TO ADDRESS INPUT:</p>	<ul style="list-style-type: none"> • Include policies to clarify who is responsible with respect to natural heritage features and areas not regulated by NPCA that are protected and managed under municipal and provincial policies or plans including: ANSIs, Habitat of Endangered or Threatened Species, Ecological Linkages, Significant Valleylands, Significant Wildlife Habitat, Significant Woodlands. • Clarify NPCA regulatory role when natural heritage features are within regulated areas. • Where there are more restrictive Provincial Plan or municipal Official Plan policies, the more restrictive policies take precedence when reviewing planning applications.

6.3 Implementation and Customer/Client Services

Current NPCA Policy	Policy Opportunities
<p>S.12.4 includes guidance for studies that NPCA requires as part of a permit or planning application.</p> <p>Current Strategic Plan and Conservation Ontario Client Services Streamlining Initiative (2019), commits NPCA to maintain a high standard of client services.</p> <p>NPCA is committed to:</p> <ul style="list-style-type: none"> • Continuous improvement • Refining the decision-support tools for efficient application management and review • Enhancing customer service feedback mechanisms to support performance evaluation and reporting 	<ul style="list-style-type: none"> • NPCA is committed to maintaining a high standard of client services, tools and procedures for planning review and permits • All parties need the right tools, access to updated standards, procedures and techniques to support policy implementation • Develop and/or adopt tools and standards to effectively implement policies (i.e., EIS Guidelines, Interim Wetlands Procedure Document, etc.)

<ul style="list-style-type: none"> Communicating the role and responsibilities of NPCA in plan review and permitting 	
What Changes Are Needed to the Policy Document?	<p>Ensure procedures are documented and that the policies are updated to develop/adopt tools and standards to support the effective implementation of NPCA policies.</p> <p>All parties need the right tools, access to updated standards, procedures and techniques to support policy implementation.</p>
Key Questions	What We Heard
<p><i>Do you have any recommendations for NPCA that would enable the organization to deliver services more efficiently and more effectively? Please specify.</i></p>	<p>Municipal partners are facing the same concerns about resource capacity and workload. Growth pressures across the watershed suggest that response time will be critical moving forward. There is always an opportunity to improve process efficiency. A commitment to relationship building is key. There are areas where improved communications and partnership can be implemented. Creating connections with NPCA natural heritage and municipal watershed planners was noted. In addition to the commitment to relationship building, process efficiencies are closely tied to application clarity and ensuring that all parties are aligned in terms of what is being requested.</p> <p>Those who responded to the survey provided a number of thoughts and observations including the following:</p> <ul style="list-style-type: none"> Better internal and external communications Regular communication to the community at large Information signs at all NPCA properties Include a web-based directory of NPCA services and contacts Sharing of mapping updates Collaboration between staff and agencies

	<ul style="list-style-type: none"> • Clearer information within the process itself – better overview of the steps, timing, associated fees, and when each step applies
PROPOSED APPROACH TO ADDRESS INPUT:	<ul style="list-style-type: none"> • Continue following CO guidelines for plan review timelines (Client Service Guidelines from 2019) and timeline guidance provided in municipal MOUs. Procedural Manual will complement these efforts. NPCA to also address process efficiencies through effective communications and building the relationship with municipal watershed partners, the development industry and others. • Work with municipal partners on the implementation of Bill 109. • NPCA and Niagara Region are working together on an EIS Guideline that will address both the municipal plan review requirements and NPCA's s. 28 requirements, which aims to improve consistency and streamlined implementation.

7.0 Synopsis

During the engagement and consultation process, a number of issues became apparent. These issues included the concept of ecological net gain, natural heritage and buffers.

It is important to note that despite efforts to consult and engage with municipal watershed partners, members of the development industry, NPCA staff, community members and those who took the time to respond to the digital survey, overall interest in engaging in the project was not nearly as robust as anticipated. Participation levels were particularly low for the Public Information Session and no one from the environmental community elected to attend the special session that had been arranged. Response to the digital survey yielded input from only eleven (11) individuals. However, the general interest in the project based on the number of visits to the project web portal was much higher (534 visits). There may be more engagement from the community when the draft policies and procedural manual are released for comments.

Nevertheless, the input that was received during the consultation and engagement process did yield a number of important suggestions, comments and observations.

GENERAL STAKEHOLDER CONCERNS & COMMENTS:

ENGAGEMENT	Engaging key stakeholders as the new Policy Document is developed was raised, not only by representatives of the agricultural community, but by the home building industry.
BILL 109	Watershed municipal planners focused on the implications of Bill 109 and the need to focus on continued process improvements.
PROCESS	The homebuilders industry representatives remain concerned that the plan review process should not become more complex, or more protracted. Concerns in this regard were expressed with respect to the inclusion of cumulative impact policies.
AGRICULTURE	Agricultural representatives expressed their support for the policies in the current Policy Document, noting that for the most part, existing policies support current agricultural practice.

CONVERGING OPINION & PERSPECTIVES

SUPPORT FOR THIS WORK	Those who participated in the engagement and consultation process were supportive of the work NPCA is doing to develop a fulsome Policy Document that contains relevant, reflective and up-to-date policies.
ROLES AND RESPONSIBILITIES	There is agreement that the new Policy Document should include a reference to NPCA roles and responsibilities, as well as key linkages to partner agencies and their respective mandates.
NATURAL HERITAGE	There is widespread confusion about 'who is responsible for what'. There is agreement that the new Policy Document should identify roles and responsibilities for natural heritage.
AGRICULTURE	There is broad agreement that while the current agricultural policies appear supportive of the industry, there is a need for additional clarification and an opportunity to recognize the changes that are taking place within the sector with respect to on-farm diversified uses.
BUFFER WIDTH DECISION SUPPORT TOOL	There is agreement that a Buffer Width Decision Support Tool should be developed and utilized by NPCA.

DIVERGING OPINION & PERSPECTIVES

ECOLOGICAL NET GAIN	<p>Environmental representatives were particularly concerned about policies that would provide for Non-PSW reconfiguration and re-creation subject to achieving ecological net gain.</p> <p>One of the most controversial issues to emerge in the development of the new Policy Document concerns Non-PSW reconfiguration and re-creation. There is little consensus among municipal partners, environmental representatives, staff and members of the development community. Some are of the view that the inclusion of policies that deviate from those recently adopted by the Region of Niagara presents a problematic scenario. Others, however, have recognized that different policies are in place – and have been in place – at NPCA, the Region and the local municipal level for some time. In addition to different policy platforms, there are those who have suggested that there is no requirement for NPCA to be more restrictive. If properties are being rendered undevelopable, there is a need to understand the implications and perhaps unintended policy consequences. There are strong and different views regarding whether Non-PSW reconfiguration and recreation provides a degree of flexibility (i.e., in situations where a wetland is not ecologically significant) or whether such policy supports replacement. Some have suggested NPCA should ‘just say no’ while others suggest that a policy such as this could be developed provided there is a firm understanding of what the policy really means.</p>
CLIMATE CHANGE	<p>Views on climate change are widely divergent among survey respondents. Watershed municipal partners – the City of Hamilton for example – have indicated that this is the single most important issue. Policies developed by NPCA need to recognize the work that is underway at the municipal level. NPCA staff support the development of both a stand-alone climate change policy as well as feature-specific policy references.</p>
BUFFERS	<p>The issue of buffers is another contentious policy area for which there is a lack of consensus regarding the most appropriate policy approach to be adopted by NPCA. There is little agreement among community members, special interest groups or municipal watershed planners. Some are of the view that a robust buffer offers clear direction while others recognize the need for flexibility, based on circumstance. Some watershed planning partners suggested clear buffer widths that provide consistency and clear direction would be valuable. Consider decreasing buffer widths only where the decrease would yield a benefit to NPCA, or to natural heritage in general. There was widespread agreement that a buffer width Decision Support Tool would be valuable and should be developed and utilized by NPCA.</p>



APPENDIX A – CONSULTATION & ENGAGEMENT STRATEGY



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1.0 Introduction

This Engagement Strategy sets out the way in which NPCA Board, PAC Members, Staff, NPCA clients and partners, government at all levels, organized stakeholders and community members will be engaged in the development of a new NPCA Policy Document and Procedural Manual. It is premised on a coordinated and strategic approach to consultation and engagement is undertaken.

Without question, the development of a new NPCA Policy Document will be of interest to many. There are many who have and will continue to engage with NPCA in a variety of ways including:

- Board Members and community leaders
- Municipal and Regional planning partners
- Community members
- Special interest groups and organizations
- Governments at all levels, including First Nations

The challenge is to build on individual insight, motivations, concerns and objectives and advance a collaborative approach that will see broad support for the new Policy Document, and for NPCA specifically. While it would be ideal to advance an engagement process that sets a place at the table for all, the process must be managed, input must be secured and a product produced within the timeframe defined. Engagement must be laser-focused, productive and outcomes oriented.

Effective decision making involves bringing multiple perspectives (technical and non-technical, supporting and non-supporting) to the table. It involves advancing a rich conversation that embraces the views of all. That said, there are two important challenges that must be acknowledged – one pertains to the importance of valuing the voices of all, not those that may be the loudest. The second relates to the importance of managing the process with a specific set of defined deliverables in mind. A focused but nonetheless robust consultation process and schedule is needed with decision makers, NPCA staff, Board Members, partners and clients, government, organized stakeholders and community members.

The recommended approach as outlined here, is strategic, focused, timely and inclusive. It advances a set of building blocks that commence with the development of important engagement protocols and an agreed-upon list of process participants. It moves to engage ‘Thought Leaders/The Inner Circle’¹ in early focused dialogue, and expands the circle of involvement to include a series of Listening Sessions with key partners and clients, facilitated by Karen Wianeki. It expands to include the broader community through digital Public Information meetings and online surveys.

¹ Including Board Members and PAC Members as well as NPCA Staff.

2.0 Rationale for Engagement

One of the most critical components of any successful planning initiative is engagement. Studies have shown that effective participation and engagement by those who have an interest results in stronger plans that are supported by more durable solutions.

Engaging others in the development of the new Policy Document is important for many reasons. Engagement has the potential to:

- build greater knowledge and understanding of the issues, the aspirations and the opportunities;
- identify community values and interests at the outset;
- promote a collaborative understanding of the views of all;
- capitalize on agency and individual insights and wisdom;
- create a sense of shared ownership and support for the process and the product.

The returns on engagement are many. The process however can be time consuming and labour intensive. A clear plan of action is needed. A well-designed process should be meaningful for NPCA and for those served by the organization.

3.0 Definition of Engagement

There are many different definitions of consultation and engagement. For our purposes, consultation refers to a process that provides feedback on analysis, alternatives and/or decisions. It offers an opportunity to respond to information coming forward and does not seek to actively involve or embrace the ideas of others. Engagement is about working with others to elicit input early on in the process and ensures that there is opportunity for sustained involvement throughout. Engagement is about collaborating /working together to identify options, alternatives and to explore not what is but what is possible. A schematic that depicts the conversation continuum follows:



Wianecki: The Web of Mutuality: Creating Social Capital Through Stakeholder Engagement. Module One: Setting the Context for Collaboration & Partnership. Training Manual. 2011.

In addition to understanding the terms ‘consultation’ and ‘engagement’, the term stakeholder must also be defined. It is vital to understand at the outset that Aboriginal people, organizations and communities see themselves as a Government and not as a stakeholder. For the purposes of this project, we recognize this but have adopted a broad definition of the term stakeholder to include:

- those with an interest in the Policy Document and Procedural Manual;
- those with the ability to implement the policies in the Policy Document and Procedural Manual; and
- those with the ability to thwart/obstruct implementation.

Any engagement strategy must also consider ‘hard to reach’ groups (“Seldom heard” as well as “Excluded groups”). Some examples can include young people, minority groups, older adults. It is important that the correct mechanisms are adopted when conducting consultation and engagement activities to ensure that ‘hard to reach’ groups are not excluded.

4.0 Objectives of the Strategy

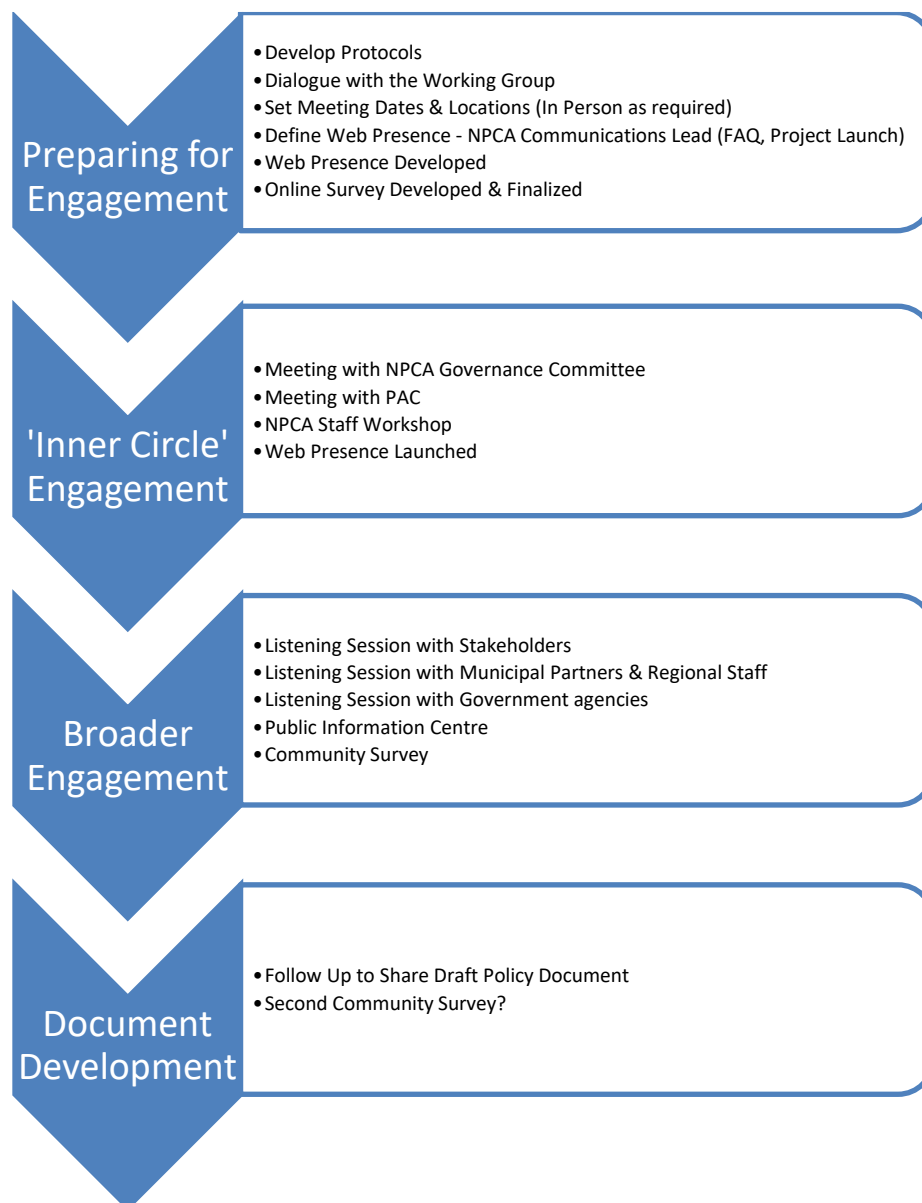
The consultation and engagement strategy has been designed to achieve a number of important benefits:

- To secure insight and perspectives about the current NPCA policies as articulated in the existing NPCA Policy Document, as well as the engagement process;
- To promote information sharing and idea generation;
- To build awareness of and support for the new Policy Document
- To create a sense of shared ownership for the new Policy Document;

- To support NPCA's value proposition from an environmental policy and planning perspective;
- To provide both a top-down and a bottom-up approach;
- To increase process transparency and accountability; and
- To advance a process that is valued and valuable.

5.0 Consultation & Engagement Methodology

Advancing a new Policy Document for NPCA requires a focused and well managed engagement process. A four-step iterative and evolutionary process is recommended:



The details of each stage are outlined below:

5.1 Preparing for Engagement

Initial tasks to be completed include the following:

I. Defining NPCAs Marks of Success and Key Messages

- Confirm project objectives and key outcomes
- Discuss any client, partner, stakeholder and/or government as well as any community-related concerns that could impact results (e.g., historical issues, other unrelated concerns, etc.)
- Confirm meeting dates and locations (in person as identified)
- Confirm project key messages (suggested messages follow):

Suggested Key Messages:

- No decisions have been made regarding the content, direction or orientation of the new Policy Document.
- Phase 1 of this project was completed and consisted of an internal assessment of the existing Policy Document. Specific opportunities to improve the existing document were identified. Several key areas of particular interest that emerged from the Phase 1 work included a need to examine policies for climate change, wetlands, valleylands and setbacks from other ecological features. Some policies are missing from the current document, some require stronger alignment as well as general updating.
- There are key partners and individuals who must be engaged early.
- There are many public and private individuals and organizations that have a history of involvement and ongoing interest in NPCA plan review and permitting policies. They too must be engaged early.
- A process of broader community engagement is needed, recognizing that this must focus specifically on the development of a new Policy Document and Procedural Manual.
- A variety of approaches will be used to obtain input from organized stakeholders, partners and clients and community members. These approaches will include both face-to-face meetings as well as digital sessions.
- The NPCA Board of Directors and Staff are committed to working collaboratively to develop the new Policy Document and Procedural Manual.
- There is a need to have the new Policy Document in place before the end of 2022.
- An accompanying Procedural Manual that will be used primarily by NPCA staff to implement the new policies is also being developed to be in place before the end of 2022.

II. Review and Validate the Draft Communications/Engagement Strategy & Key Participants

Confirm Engagement Protocols

- Confirm key stakeholders and determine who should be engaged early on. Confirm appropriate facilitation approaches including face-to-face sessions (e.g., Workshops, Listening Sessions) as well as opportunities for digital input (e.g., questionnaire/surveys, Zoom Listening Sessions, etc.)
- The key stakeholders, clients and partners to be contacted will be identified and validated by the PAC.
- Confirm protocols for contacting participants as well as timing of meetings.

To be successful, the engagement process must be legitimate, meaningful and objective – no foregone outcomes; input is taken seriously, diversity of perspective is valued, and feedback is provided. The process must be seen to be neutral, objective and transparent. Early engagement is essential to developing community and stakeholder support for moving forward.

III. Additional Web Presence

The opportunities to inform, engage, involve and collaborate with stakeholders using digital technology should also be explored in detail. There are many innovative opportunities to transform stakeholder engagement through digital channels. NPCA Communications and Technology staff should consider the feasibility of the following opportunity areas:

Informing – Information Out

- Web Pages to provide easy to find bulletins and FAQs
- RSS Feeds to offer anonymous online subscription to instant updates and news on the strategic plan
- YouTube to provide an opportunity to broadcast Listening sessions and input from community sessions.
- Twitter to release news of policy developments as they happen.
- Facebook and social media to engage with the broader community

Involving –Value Opinion & Honour Input – Information In

- Formal e-Consultations that invite a response using online questionnaires (see above)²

Collaborate – To Work Closely – Information Sharing

- Secured Workspaces – NPCA shared drive as a repository of project files with access privileges to the Working Group and consultant

² The consultant to be responsible for monitoring web input for online questionnaires. NPCA to be responsible for developing, updating and monitoring the additional web material as well as input from various sources.

IV. Frequently Asked Questions/Backgrounder

Consideration should be given to developing a Media Release, Frequently Asked Questions and Backgrounder³ document that provides answers to a number of fundamental questions, including:

- What Policy Document is NPCA updating?
- What does NPCA's Policy do? What does the Document articulate?
- Why is NPCA updating its Policy Document?
- How did the Policy Document update start? Who determined that an update of the Policy Document is necessary?
- How is NPCA proceeding with the Policy Document update? What is the process?
- What is the timeframe to complete the new Policy Document?
- What were some of the critical findings that emerged from Phase1? Were there specific areas that were identified for focused input?
- Will clients, partners and organized stakeholders be involved in the development of the new Policy Document? How?
- Will the general public and interested community members have an opportunity to be involved in the development of the new Policy Document? How?
- Why would members of the public and stakeholders be interested in this work that NPCA is undertaking to develop a new Policy Document?
- How can I provide feedback and input to the new Policy Document?
- How can I track the progress of this initiative?
- I still have questions. Who do I contact at the Niagara Peninsula Conservation Authority?

5.2 Engaging the 'Inner Circle'

It is suggested that early engagement and outreach be initiated with NPCA's inner circle. This includes the NPC Governance Committee, PAC and NPCA staff. These early meetings will allow the overall process of engagement to be presented, reviewed and revised accordingly.

I. Internal NPCA Engagement

Engaging the 'Inner Circle' involves the following key tasks:

1. Workshop with NPCA Governance Committee
2. Workshop with NPCA Staff
3. Workshop with PAC
4. Web Launch

³ The draft FAQ developed during Phase 1 should be reviewed and updated and posted on the website.

Details regarding each of these tasks follows.

Workshop with NPCA Governance Committee

A focused presentation and workshop with the NPCA Board of Directors should occur at the outset of the process. The workshop details will be finalized with the Working Group but should allow for additional input on the process to be followed, and the product to be developed.

Key areas of focus for the Board Workshop could include the following:

- Overview of the process
- Identification of key 'points of input' from stakeholders, partners/clients and community members
- Outline of key themes emerging from Phase 1 and identification of any additional 'flash points' from a policy [or process] perspective.
- Validation of key themes and engagement approach.
- Feedback from Committee Members regarding next steps.

Workshop with NPCA Staff

A Workshop with NPCA staff to discuss the project details and process specifics should be convened at the outset. Staff should be afforded an opportunity to provide additional input regarding the key 'flash points' for the current Policy Document and to receive information about the proposed engagement process as well as offer input and feedback regarding same.

Key areas of focus for the Staff Workshop could include the following:

- Overview of the process
- Identification of key 'points of input' from stakeholders, partners/clients and community members
- Outline of key themes emerging from Phase 1 and identification of any additional 'flash points' from a policy [or process] perspective.
- Validation of key themes and engagement approach.
- Feedback from NPCA Staff regarding next steps.

Workshop with PAC

It will be critical to meet with members of PAC to present the proposed approach/process and to obtain insight and guidance regarding key stakeholders who should be part of the process. The initial list of stakeholders should be shared with PAC and the stakeholder list validated. It is recommended that the following key topic areas be covered during this Workshop:

- Overview of the process
- Identification of key 'points of input' from stakeholders, partners/clients and community members
- Outline of key themes emerging from Phase 1 and identification of any additional 'flash points' from a policy [or process] perspective.

- Validation of key themes and engagement approach.
- Feedback from NPCA Staff regarding next steps.

II. Develop Database of Participants

With respect to the formalized stakeholder engagement process, it is important for participants to be invited to participate in a manner that values their expertise and time. It is vital that any cultural, corporate or spiritual perspectives be honoured. It is also important for meetings to be arranged well in advance so that background information can be shared. To this end, the following protocol has been drafted to govern the process:

- The list of stakeholder contacts should be developed by the Project Lead.
- Stakeholders should be invited to participate by the CAO of NPCA directly - invitations, email letters of introduction, etc.
- All materials should be consistent in referencing the consulting team, the process to develop the new Policy Document and the opportunities for engagement. All materials will be prepared by the consulting team in draft and finalized by NPCA in keeping with corporate guidelines and directives (e.g., Visual Identity Guidelines).

NPCA is working in collaboration with Karen Wianecki, Director of Practice, Planning Solutions Inc. to develop a new Policy Document and Procedural Manual for NPCA

It is recommended that a client/partner and stakeholder database be developed that would include the name and title, contact information, degree of familiarity and involvement with NPCA. It is recommended that the consultant work with the Working Group to populate the database.

To this end, it is important to recognize that NPCA serves a diversity of constituents including:

- Governments at all levels (Federal, First Nation, Provincial, Regional and Municipal)
- The environmental community
- The development industry
- Agricultural interests
- Community organizations and associations
- Other Conservation Authorities

In order to engage across the stakeholder spectrum, a blend of in-person and a digital engagement is recommended. A series of web-based questionnaires/opportunities for input are also suggested, particularly for broader community input (Step 3).

III. Forward Letter of Invitation to Participate to Clients/Partners and Stakeholders.

Once the client/partner and stakeholder list has been finalized by NPCA, it is recommended that an introductory letter be forwarded by email from the Director of Watershed Planning or the NPCA CAO to specific organizational points of contact. Decisions regarding whether these meetings should take place in person or digitally will be made by the Working Group.

Suggested wording follows:

ACTION: LETTER OF INTRODUCTION TO BE FORWARDED TO ALL STAKEHOLDERS BY THE Director of Watershed Planning or the NPCA CAO. (Suggested Text Follows)

Draft Text for Email Invitation to All Stakeholders:

**We Invite You to Be Part of the Discussion
Niagara Peninsula Conservation Authority
Toward a New NPCA Policy Document**

This is an exciting time for the Niagara Peninsula Conservation Authority. We have made a number of changes in recent years and we remain committed to continuous improvement. One of the critical initiatives we are undertaking in support of continuous improvement is the development of a new, more modernized Policy Document and Procedural Manual. This new Policy Document will articulate – in one location – up to date NPCA environmental and planning policies for use by NPCA and by those who are served by the organization. The process of developing a new Policy Document and accompanying Procedural Manual will be undertaken this year and we look forward to having a new Policy Document in place and approved by our Board of Directors before the end of 2022. NPCA would like to invite you to be part of the dialogue.

The development of a new Policy Document for NPCA is an important initiative and one the Board of Directors has identified as a critical priority. Once developed, it will be our platform for both the review of planning applications submitted to our watershed partner municipalities under The Planning Act as well as in our review of applications submitted for permission under The Conservation Authorities Act. The new Policy Document will articulate NPCAs corporate position on matters pertaining to plan review and permitting.

The new Policy Document will be framed to ensure that key NPCA policy is clearly articulated. It will, in few words, identify the approach NPCA will take regarding the advice and guidance we provide to our municipal partners and the basis for assessing permits submitted to us for approval. The new Policy Document will also ensure that NPCA is applying policies that are relevant, current and reflective of corporate priorities and in alignment with existing government policy.

NPCA has assembled a team at NPCA who will be leading this project. Leilani Lee-Yates, Director of Watershed Planning, David Deluce, Senior Manager Planning & Regulations (both with NPCA) and Karen Wianecki, Director of Practice, Planning Solutions Inc. will be working closely to move this initiative forward.

NPCA is committed to developing a process that is valuable for all of us and to producing a document that resonates with NPCA Board, Staff and partners, stakeholders and broader community members. To this end, I am extending a personal invitation to you to become involved and share your ideas and suggestions with us.

[Details here about the specific meeting they are being invited to attend]

If your organization would prefer to meet with NPCA staff during a personal one-on-one meeting, I invite you to contact me or Leilani Lee-Yates as we want to ensure that our engagement process is valuable for you and importantly, that it exceeds your expectations.

At NPCA, we are very excited about this initiative and I am looking forward to working with you on the development of a new Policy Document for NPCA. Should you have any questions about this initiative, or any suggestions moving forward, I invite you to contact me directly.

Sincerely,
Chandra Sharma

IV. Web Launch

The consultant will work with NPCA staff to ensure all material for the web launch is in place. The responsibility for document upload to the NPCA website will be the responsibility of NPCA directly. As noted previously, the consultant is prepared to assist NPCA or monitor the input from the surveys directly. Any additional web presence (e.g., Information Out – see page 8) will be the responsibility of NPCA to develop, maintain and monitor. The consultant will assist NPCA as required.

5.3 Broader Community Engagement

I. Listening Sessions

Given the timeframe for project completion and the need for client/partner and stakeholder input, a series of Listening Sessions is recommended. It is further recommended that existing meetings (i.e. with municipal watershed planning partners) be used as a basis for securing input into the new Policy Document. While individual sessions with key stakeholders may be necessary (given the level of interest in the policies by some associations/organizations), it is recommended that client/partner and stakeholder Listening Sessions consider

efficiency and effectiveness when scheduling these sessions and that the best use of technology be made in convening these sessions. As a place to begin, it is recommended that a Listening Session be held with:

- Municipal Planning Partners
- Regional Staff
- Organized Stakeholders (environmental interests, development community and agricultural sector)
- Clients/Partners (government at all levels)

The consultant will work with NPCA to develop a General Policy Themes Discussion Paper (distilled from the Phase 1 work) that will serve as a conversation starter for the Listening Sessions. The General Policy Themes Discussion Paper will be short, concise and will summarize the key issues and policy options. The details of the General Policy Themes Discussion Paper will be finalized in consultation with the Working Group. A second Buffer and Setbacks Discussion Paper will be developed by North South Environmental and released at the same time as the General Policy Themes Discussion Paper.

In addition to the scheduled Listening Session, the letter of invitation also makes reference to individual meetings that can be convened with NPCA staff on an 'as requested' basis.

II. Community Listening/Public Information Session

Given the level of interest and engagement in NPCA policies at the community level, it is recommended that a Community Listening Session be convened to allow opportunity for members of the public to offer their thoughts regarding the NPCA Policy Document. Again, it will be imperative to make best use of time available. A digital session is recommended.

III. Community Survey

Providing additional opportunity for community input (and potentially stakeholder, client and partner input) should be considered in the form of an online survey. Opportunity for input at two stages of the project should be considered: while input is being invited and once the Draft Policy Document has been developed.

It is recommended that the Background Document/Discussion Paper be uploaded, and a series of focused questions be developed to provide input on the themes identified.

The following wording offers a place to begin with respect to the wording and survey questions:

Public Survey⁴

Introduction:

NPCA is updating its Policy Document with a view to ensuring its planning and environmental policies are clearly articulated. This modernization initiative will help to ensure better alignment of policies, eliminate duplication and ensure that NPCA policies are relevant, reflective and appropriate. NPCA is committed to engaging interested community members and invite you to take a moment to share your thoughts with us.

1. Please tell us about yourself...are you:
 - a) A resident [list of communities...]
 - b) An elected community official
 - c) A member of an organization/association [please specify]
2. Are you familiar with the Niagara Peninsula Conservation Authority?
3. Have you interacted with NPCA directly? In what capacity?
 - a) Request for permission under the Conservation Authorities Act
 - b) Application submitted for municipal approval under the Planning Act
 - c) Other (Please specify)
4. Please describe your experience working with NPCA from a policy perspective?
5. Are you familiar with the current NPCA Policy Document?
6. In general, do you have concerns with the way in which the NPCA policies are being applied? Please explain.
7. Are there areas of NPCAs current Policy Document could benefit from clearer guidance?
8. Additional questions here about key themes...to be discussed with the Working Group.
9. Any other thoughts or comments?

⁴ Could also be broadened to allow for input from stakeholders, clients and partners.

5.4 Document Development

Using the input received from ‘the inner circle’, clients/partners, stakeholders and the community, a Draft Policy Document will be developed. It is recommended that the Draft Policy Document be posted on the NPCA website, along with a synopsis Report Back on ‘What We Heard and How Your Input Has Shaped the Draft Policy Document’. A second survey to allow NPCA to gauge the response from participants is recommended.

NPCA may wish to consider the following wording and associated Second Survey Questions to be uploaded once the draft Policy Document has been developed.

Introduction:

NPCA is updating its Policy Document with a view to ensuring its planning and environmental policies are clearly articulated. This modernization initiative will help to ensure better alignment of policies, eliminate duplication and ensure that NPCA policies are relevant, reflective and appropriate. Throughout this process, NPCA has been committed to engaging interested community members. We would like to thank all who took the time to share their thoughts and to provide you with an update on the Policy Document that you have helped to develop. Attached you will also find a Synopsis Report ‘ “What We Heard and How Your Input Has Shaped the Draft Policy Document.” Please take a moment to tell us what you think...

1. Did you provide comments during the first survey?
2. If you provided comments in the first survey, and upon reviewing the Draft Policy Document, do you feel your concerns, suggestions and input have been addressed in the Draft? Why or why not?
3. Do you have any additional thoughts, suggestions and/or comments for NPCA in moving the Draft Policy Document forward?

6.0 Summary & Final Thoughts

The information contained in this document highlights a suggested engagement approach. The engagement component is one part of the process to develop the new Policy Document and accompanying Procedural Manual. Input secured through engagement will provide an important point of input and influence for the final documents that will be developed.

It is recommended that a one-page Tactical Plan be developed by NPCA to ensure that there are proper feedback loops and that those who took the time to share their views and participated in the development of the Policy Document specifically are informed of the approval of the document once Board endorsement has been secured.



APPENDIX B – FREQUENTLY ASKED QUESTIONS



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

www.npca.ca

1. What Policy Document is the Niagara Peninsula Conservation Authority (NPCA) updating?

The Niagara Peninsula Conservation Authority is undertaking a review and update of the NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 2020). A full version of the current NPCA Policy Document may be found at:

<https://npca.ca/images/uploads/common/LandUsePlanning.pdf>.

2. What does NPCA's Policy Document do? What does it articulate?

NPCA's Policy Document is an important document that is used in day-to-day decision making. Approved by the NPCA Board of Directors, the Policy Document serves a number of principal functions – both for NPCA and its clients and partners:

- It is used by staff to review development applications submitted for approval under the Planning Act;
- It is also used by staff when reviewing permit applications submitted under Section 28 of the Conservation Authorities Act.

The Policy Document provides a critical platform for NPCA's 'opinion' on development applications submitted for approval under the Planning Act, and for the review of permit applications submitted under Section 28 of the Conservation Authorities Act. Members of the public and stakeholders would be interested in the Policy Document because it will offer clear direction about NPCA's position on flooding hazards, Great Lakes and Niagara River shoreline hazards, Valleyland erosion hazards, Hazardous Sites, Wetlands, Watercourse, Fill Placement and Municipal Drains. It also helps the public better understand what activities the NPCA can support and cannot support within areas regulated by the NPCA.

Not only is the Policy Document important for NPCA staff, but it also provides information and guidance to NPCA partners and clients as well as those who are seeking approval of applications both under the Planning Act and the Conservation Authorities Act.

3. Why is NPCA updating its Policy Document?

The current Policy Document was last updated in November 2018, after extensive public and stakeholder consultation. There have been only two amendments to the current version of the Policy Document; the last amended by the NPCA Board of Directors was in May 2020.

Since 2020, there have been a number of changes in legislation, regulation and guidelines that require the current Policy Document to be updated. New legislation, policy and regulations have emerged at the provincial level. Updates have and are continuing to be undertaken to partner municipal Official Plans and changes in corporate direction at NPCA, such as the new 2021-2031 Strategic Plan, require the current Policy Document to be reviewed, and updated. The new Policy Document will be consistent with current provincial legislation, policy and guidelines and reflective of municipal partner planning and environmental policies. The document will contain policies that are relevant, reflective of NPCA's watershed and offer clear and consistent direction for Board Members, staff and interested stakeholders, property owners, developers, members of the agricultural community, other sectors as well as members of the community.

4. How did the Policy Document update start? Who decided an update of the Policy Document was necessary?

On December 20, 2020, the NPCA Board of Directors authorized staff to commence a review and update of NPCA's Planning and Permitting Policies (NPCA Policy Document). The NPCA Board of Directors has indicated that this initiative is a critical priority and staff have been directed to undertake the Policy Document update and report to the NPCA Governance Committee on progress.

5. How is NPCA proceeding with the Policy Document update? What is the process?

The Policy Document review and update is proceeding in two (2) Phases.

- Phase 1 consisted of a review and gap analysis of the current Policy Document. Phase 1 involved speaking with members of NPCA staff and Board as well as partner municipalities. Phase 1 was an internal scoped review that identified policy gaps as well as good practices in place in other Conservation Authorities. A report outlining the findings from Phase 1 was presented to the NPCA Board of Directors on March 25, 2022. This report is available on the Planning & Permitting Policy Review page.
- Phase 2 - a much larger undertaking – focuses on the actual Policy Document update (e.g., changes to the policies to address the gaps identified in Phase 1). Phase 2 also involves the development of an accompanying Procedural Manual that the NPCA currently does not have.
- While Phase 1 consisted of an internal NPCA review, Phase 2 involves a comprehensive public and stakeholder engagement process to allow interested parties to share their thoughts and input regarding current NPCA and will result in two products: the updated Policy Document and an accompanying

Procedural Manual. The scope of work in Phase 2 will be captured in the form of a Request for Proposals and will be distributed to potential service providers to respond.

6. What is the timeframe for the completion of Phase 1?

The Phase 1 report was presented to the NPCA Board of Directors at its March 25th Board meeting. Phase 1 is complete.

7. How will Phase 2 unfold?

Phase 2 builds on the work undertaken in Phase 1. Phase 2 began in May 2022 and is expected to conclude before the end of 2022. NPCA has retained the services of two (2) consulting firms to assist with the Phase 2 work.

8. Who will be consulted?

NPCA staff are committed to consulting with NPCA's partners and stakeholders throughout the project through interviews, surveys, a public information session, and the use of NPCA's website. A comprehensive engagement and consultation process will be followed to ensure that NPCA partners, stakeholders and interested community members have an opportunity to participate in the development of the new Policy Manual.

9. How can I provide feedback and input on the Policy Document update?

There will be numerous opportunities for interested individuals and organizations to share their thoughts throughout the process. A dedicated portal, available and accessible from the NPCA website, contains all of the project-specific resources and references that may be of interest. A Public Information Session will be held virtually on August 24th, 2022 from 6:30 – 8:30 pm. Information and details about the Public Information Session will be advertised in local newspapers. A survey is also available for completion by anyone interested in sharing their thoughts. The survey may be accessed through the dedicated NPCA Policy Document Update portal. In addition, meetings with organized stakeholders and municipal partners will be undertaken in August 2022. The results of the feedback and input received from all parties will be reviewed by NPCA and used to develop the new Policy Document.

10. I still have questions. Who do I contact at the NPCA?

If you have any questions about the work that is being done by the NPCA in relation to the NPCA Policy Document and Procedural Manual, please contact:

David Deluce, MCIP, RPP, Senior Manager, Environmental Planning & Policy
policy_review@npca.ca



APPENDIX C – ONLINE SURVEY SUMMARY REPORT



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

www.npca.ca

Planning & Permitting Policy Review Survey

SURVEY RESPONSE REPORT

16 August 2022 - 30 September 2022

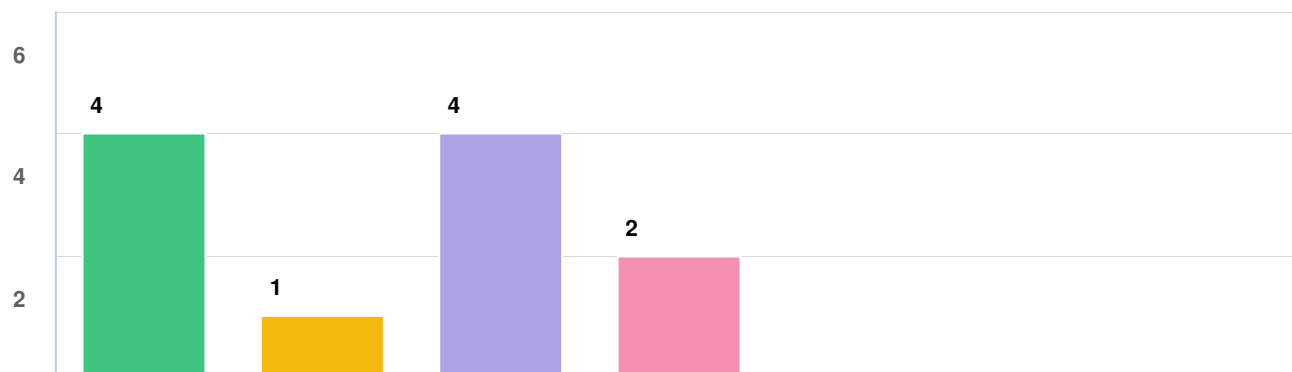
PROJECT NAME:

Planning & Permitting Policy Review



SURVEY QUESTIONS

Q1 Select the option(s) that best describe you. You are:



Question options

- A community member
 ● A representative from industry/business
 ● A representative from the agricultural sector
- A representative from an environmental organization
 ● An elected community leader
- A government representative (Federal, Indigenous, Provincial, Municipal)
 ● Other (please specify)

Mandatory Question (10 response(s))

Question type: Checkbox Question

Q2 | CLIMATE CHANGE: Given NPCA'S critical and evolving role with respect to climate change and watershed resilience, what recommendations do you have for the new Policy Document with respect to climate change?

Anonymous

8/24/2022 04:53 PM

None, we need more housing!

Anonymous

8/26/2022 07:40 AM

We all need to be custodians of our children's environment. This means ensuring healthy, vibrant and growing properties with respect to trees/vegetation, wildlife, pollinators while allowing people to visit the properties and an environmentally sensitive way. Good, cleaned & defined trails keep hikers on pathways, garbage & bathroom facilities ensure property cleanliness with Staff/Volunteers regularly physically looking at trails and properties for usage and misuse. I like the current work being done BUT there is room for improvement and more Staff walking the properties and being involved with trail management & building. I like the additions of property and acreage. I'm concerned about ATV, Bike and Motorcycle use on properties, but if there is a possibility for "inclusiveness with safety", then it should be considered, especially non-motorized bikes. I think the Forester should look at the health of the forest and possibly look for re-planting in some areas.

Anonymous

9/01/2022 07:09 PM

I feel that climate change has been blown out of proportion.

Anonymous

9/01/2022 09:05 PM

Stand back and watch it happen. Currently we have spent a lot of money that has done nothing. The greatest influencer of our climate is the sun and we have no control over that.

Anonymous

9/02/2022 09:16 AM

All policies, including climate change mitigation must balance the need to for sustaining food production, including the ability of farms to adapt based on available technology and affordability of available technology.

Anonymous

9/02/2022 05:22 PM

That depends on if you are seeing changes that are affecting the watershed. If not then monitor and adjust when necessary but have the plans in place if there are changes occurring

jsankey

9/09/2022 10:26 AM

Intact and healthy natural areas will help to mitigate climate change. Development in Niagara continues including in so-called Greenfield

areas. Climate change will become much worse if we keep on destroying woodlots, wetlands and grasslands. Road building is a major contributor to climate change and is seldom accompanied by an expansion of transit routes, leaving more areas and more people dependent on travel by car. The Merritt Road extension and widening, which will negatively impact forests and wetlands, is a prime example of destructive development. We cannot continue to support our economy by growing forever.

Anonymous

9/09/2022 02:01 PM

None.

Anonymous

9/09/2022 05:05 PM

Climate change is a pressing concern for all planners. We will gladly work within proposed regulations for NPCA areas – we recognize conservation professionals as the authority on climate change related policy.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question

Q3 ECOLOGICAL NET GAIN: Should the new Policy Document contain policies for ecological net gain related to reconfiguration and re-creation of Non-provincially Significant Wetlands? Please specify.

Anonymous

8/24/2022 04:53 PM

No

Anonymous

8/26/2022 07:40 AM

YES - opportunity to increase escarpment & wetland protection is critical, due to Developers and Governments looking to consume valuable land that needs to be protected. Example, look at the Green Belt initiative when it was first created and where it is now. Governments are NOT great at protecting the lands.

Anonymous

9/01/2022 07:09 PM

Yes,, however how much is this program utilized.

Anonymous

9/01/2022 09:05 PM

Great question. In the policy we have to understand who owns the wet lands, a person or the province? Once established it would then be possible to understand the limitations of what can be affected with or with out consent.

Anonymous

9/02/2022 05:22 PM

Absolutely not. Halton conservation is trying to do that and the rural homeowners and farmers are trying to get this deferred as it ends up being a tool for regulation and constraints instead of adding more protection to wetlands. Especially for wetlands that are small less than 2 hectares that already have a 30 metre setback. Increasing to 120 metres is absolutely excessive. It will hurt all landowners that will have additional constraints to have difficulty with a mortgage. They will have to incur more expense in studies and permits. Definitely this is an overkill which will result in the CA losing respect in the public eyes.

Anonymous

9/09/2022 09:10 AM

Yes

jsankey

9/09/2022 10:26 AM

If development took place in areas that do not contain natural areas, especially not wetlands, this would not need to be a consideration. How will net gain be assessed? Will developers be responsible to monitor these reconfigured or re-created wetlands? For how long? Monetary compensation should not be considered. If net gain is being considered at all, there should be very strong and explicit policies in the policy document.

Anonymous

9/09/2022 02:01 PM

Developers will love it . They will simply pass the cost along to home owners.

Anonymous

9/09/2022 05:05 PM

Yes. Ecological Net Gain is not only a prudent policy for when wetlands are destroyed in the development process, but they will entice developers and planners (like us) to find more creative solutions to working within parcels containing wetlands – prevention is a superior conservation outcome to replacement.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question

Q4 PUBLIC EDUCATION AND AWARENESS ROLES AND RESPONSIBILITIES: NPCA wants to ensure stakeholders and community partners have a solid understanding of NPCA's regulatory and watershed role for effective implementation of Policies. Should the new Policy Document contain information that better explains the role and responsibilities of NPCA, and other levels of government involved in environmental, land use, and watershed planning? Please specify.

Anonymous

8/26/2022 07:40 AM

In my career, the best way to present information is ... it should be simple (brief, clear, informative) summaries of Policy, Strategy and Roles/Responsibilities, then sub-layers of detailed information on each topic. It should be presented in classrooms to Schools & local Colleges & Universities, Businesses & Governments, Community Events, in the newspapers, on web-sites. It needs to be presented many times to all our community so that it becomes part of our community DNA. Simply - NPCA is here. We have properties to be appreciated through usage, how & why they exist and should be properly used, and the future benefit.

Anonymous

9/01/2022 07:09 PM

Yes and if a landowner is going to have lands affected they need to be given notice. Its not ideal going for a permit on your 100 acre farm and discovery all sorts of restrictions. We had a 19 week delay on a project.

Anonymous

9/01/2022 09:05 PM

I would like to understand the limitations of this policy that effects both land owned by the province and that is privately owned.

Anonymous

9/02/2022 05:22 PM

Yes it's very important to communicate with the public. I use conservation Halton as an example as they inflict regulation without consent or notification and many have little respect to these tactics. When engaged they do not email Or they sidestep questions. That is why it is important to have an agricultural liaison on the board so they can give their perspective.

jsankey

9/09/2022 10:26 AM

The policy document should contain information that explains the roles and responsibilities of the NPCA and other levels of government. It would be helpful if there were also information for citizens who observe policies being violated and want to know who and where they should bring these matters to. The policy document should be easily accessible to anyone who would like to read it.

Anonymous

9/09/2022 02:01 PM

Never hurts to let people know what you do and what you don't.

Anonymous

9/09/2022 05:05 PM

Yes. We would appreciate wording that explicitly defines planning application responsibility when it comes to other levels of government. This would hopefully have the effect of improving timing – when we need to apply to NPCA in comparison to other approval bodies to achieve effective timing of our application.

Optional question (7 response(s), 3 skipped)

Question type: Essay Question

Q5 | STORMWATER MANAGEMENT, LOW IMPACT DEVELOPMENT AND GREEN INFRASTRUCTURE: Given NPCA's commitment to climate change and important role in sustainable land use planning and growth, what recommendations do you have for the new Policy Document with respect to green infrastructure and/or Low Impact Development, including how these policies are implemented collaboratively with municipal partners? Please specify.

Anonymous

8/24/2022 04:53 PM

Stop putting up red tape when builders are trying to build housing and developments

Anonymous

8/26/2022 07:40 AM

I agree with this whole topic, that we need to have this not only for the NPCA but Government and all development, but it is outside my knowledge skillset to say how it can be implemented.

Anonymous

9/01/2022 07:09 PM

Yes and I feel that the land within urban boundaries need to be utilized to their fullest to preserve out agricultural lands and sprawl.

Anonymous

9/01/2022 09:05 PM

Again, what land are you planning for? Land held by the province, municipality or private property?

Anonymous

9/02/2022 05:22 PM

It is important to listen to agriculture as the land and water and trees are there because they are the stewards of their lands and are doing an excellent job looking after nature. So I need to ask what is the problem you are trying to solve?

Anonymous

9/09/2022 09:10 AM

NPCA must work with municipalities via the Region to integrate LIDS and GI policies into policies and design manuals. This has been talked about but real action is needed.

jsankey

9/09/2022 10:26 AM

More education is needed on these initiatives to municipal councils and to the development community. Some incentives and/or assistance may be needed to bring developers to build this way. The NPCA staff could provide some of this if it were funded to do so, perhaps by the Region.

Anonymous

Storm water from developments can damage woodlands and

9/09/2022 02:01 PM

farmlands. Whatever mitigation that works.

Anonymous

9/09/2022 05:05 PM

We have worked with clients who use the natural system to their advantage when designing water management systems. Using existing creeks and wetlands as flood mitigation is a strong design choice and is beneficial for both the environment and the developer. Promoting these types of development would be good policy for the NPCA – shifting the view of a wetland on a developer's property from a burden to an opportunity. Municipal partners can take advantage of their Zoning By-Laws and Official Plans to encourage this type of development, allowing increased density, counting maintained hazard lands as parkland, or offering other benefits to developers who choose to intelligently incorporate green infrastructure.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question

Q6 | URBAN INTENSIFICATION AND INCREASED URBAN DENSITY: Should the new Policy Document include policies to address urban intensification and/or infilling that impact NPCA regulated areas? Please specify.

Anonymous

8/24/2022 04:53 PM

No

Anonymous

8/26/2022 07:40 AM

I see this as problematic. NPCA should remain stewards and owners of green-space and Governments should NEVER encroach on this. NPCA should have the backing of all levels of Government to protect our watershed areas, green space and natural areas. Unfortunately I see Government as NOT being stewards of our natural environment.

Anonymous

9/01/2022 07:09 PM

If the NPCA has a regulation on a particular area then there needs to be clear messaging of that. And yes it should be in the policy if its something you will be apart of for permits and rezoning etc.

Anonymous

9/01/2022 09:05 PM

I do not think so.

Anonymous

9/02/2022 09:16 AM

Seems reasonable to include.

Anonymous

Yes of course you need to be a partner at the table when

9/02/2022 05:22 PM

development at that scale is taking place

Anonymous

Yes

9/09/2022 09:10 AM

jsankey

9/09/2022 10:26 AM

We cannot fight climate change or protect our remaining natural features unless we have strong policies addressing urban intensification and increased urban density. There are many areas with a few buildings that are vacant or under-utilized and could be re-developed for residences. These policies would make it easier to have walkable communities and transit.

Anonymous

9/09/2022 02:01 PM

No reason why regulated features should not be regulate in urban areas.

Anonymous

9/09/2022 05:05 PM

Yes. We have found that occasionally the NPCA policies can conflict with Municipal policies for intensification. By having explicit expectations for infill development in NPCA regulated areas, we can better plan our applications to conform to all relevant policy. NPCA should coordinate with Municipalities to make sure intensification goals align, or develop intensification policies only as they relate to regulated areas, with non-regulated areas defaulting to Municipal policy (as expected).

Optional question (10 response(s), 0 skipped)

Question type: Essay Question

Q7 WATERSHED AND SUB-WATERSHED PLANNING: How can NPCA watershed planning support municipal sub-watershed planning processes?

Anonymous

8/24/2022 04:53 PM

Stay out of it

Anonymous

8/26/2022 07:40 AM

It MUST be a partnership where all possible development must include Planners and Ecologists, either from NPCA or their own employees. But both should work together and keep each informed.

Anonymous

9/01/2022 07:09 PM

Landowners must be made aware how this will affect them now and down the road.

Anonymous

9/01/2022 09:05 PM

I think that the NPCA should follow their core mandate and assist the municipality in these matters.

Anonymous

9/02/2022 05:22 PM

I do not know enough to comment

Anonymous

9/09/2022 09:10 AM

NPCA needs to invest in sub-watershed planning and not defer to a Regional master plan.

jsankey

9/09/2022 10:26 AM

The NPCA should be the lead resource on watershed and sub-watershed planning. The NPCA has done watershed planning in the past and this could be updated by the municipalities instead of having them start from scratch.

Anonymous

9/09/2022 02:01 PM

Communication.

Anonymous

9/09/2022 05:05 PM

We have no comment on this.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question

Q8 AGRICULTURE: Do the existing policies accurately reflect current agricultural practices? Are updated NPCA policies needed to better support normal farm practices and diversified

on-farm uses within regulated areas?Please specify.

Anonymous

8/24/2022 04:53 PM

No

Anonymous

8/26/2022 07:40 AM

This is outside my knowledge area. All I can say is that Farmers should start respecting the role of pollinators and we should ALL be mindful of their importance and dedicate areas for flowers.

Anonymous

9/01/2022 07:09 PM

There needs to be a better process in place to communicate with staff. Now that covid is over I hope NPCA has gone back to on site meetings. Pictures can only tell so much. However what if we have another pandemic? There needs to be a mechanism to allow for business to continue. What may look like a wetland may not actually be a wet area all year. Also farmers create ditches to move water across a farm field. These areas may lay wet for a few days but the under drainage takes it away. I feel there are far too many regulated areas.

Anonymous

9/01/2022 09:05 PM

Farming is under federal control so to venture to far into this would be a breach of authority.

Anonymous

9/02/2022 09:16 AM

This question requires a specific and more in depth discussion between NPCA and agriculture stakeholders - I encourage this discussion to take place.

Anonymous

9/02/2022 05:22 PM

This has been a real problem for us in Halton. If the existing setbacks are already in place then abide by publication 810. Guidelines to permitted uses for agriculture. Stop adding more regulation and creating obstacles for agriculture as they contribute to the economy. You already have the necessary tools to provide checks and balances. The guidelines by OMAFRA . Lay off of farms and concentrate on your own parks and CA lands. It will not go over well for anyone

Anonymous

9/09/2022 02:01 PM

Normal Farm practices must be respected. Cooperation needed for drainage and irrigation. Recognize that agricultural crops take in carbon dioxide and release oxygen.

Anonymous

9/09/2022 05:05 PM

Yes. Many municipalities have become very explicit in their agricultural policies, and have recently been expanding on-farm

diversified uses and value-added processes, as well as offering special policy concessions for agriculturally and ecologically unique uses such as vineyards, cannabis facilities, and specialty crops like peanuts. The agriculture industry sometimes faces barriers to grow within their existing jurisdiction and we have seen companies move or expand to other jurisdictions as a result instead of staying in the communities that they have roots in. Working with industry groups and individual farmers would help identify policies that would be useful for the NPCA to adopt. In general, we support increased lenience in agricultural use as it strengthens our agricultural land base and further protects it from non-agricultural development organically. Separately, we have also found that when agricultural lands and conservation lands are on the same parcel, it sometimes poses a challenge for municipal staff's understanding of land use. Natural barriers (bluffs, creeks) that would prevent farm equipment from accessing a portion of the parcel are not considered as such – instead, staff see the two parts of the parcel divided by the feature as both viable agricultural lands. We've worked hard to convince staff that farming the lands beyond the feature is not viable. We're not sure what viable policy solutions exist for this under the context of NPCA policy, but we'd like to see this addressed at some level.

Optional question (8 response(s), 2 skipped)

Question type: Essay Question

Q9 | BUFFERS: Should the new Policy Document contain prescribed policies relating to buffers? Please specify.

Anonymous

8/24/2022 04:53 PM

There should be no buffers, to many people don't have homes and growth needs to happen before we save trees

Anonymous

8/26/2022 07:40 AM

This is outside my knowledge area.

Anonymous

9/01/2022 07:09 PM

If you use buffers as a policy then yes it should be in the new document

Anonymous

9/01/2022 09:05 PM

I suppose the question is who owns the land that the buffer is applied to?

Anonymous

9/02/2022 09:16 AM

The specifics of the policy and approach need to be known to answer this.

Anonymous

9/02/2022 05:22 PM

Absolutely not as they already are there and the rules around them are already in place

Anonymous

9/09/2022 09:10 AM

Yes

jsankey

9/09/2022 10:26 AM

The policy document should have strong policies on buffers. Minimum widths of at least 30m should be mandated. Buffers should be densely vegetated and not include areas used for bike paths, etc.

Anonymous

9/09/2022 02:01 PM

Buffer policies need to be flexible

Anonymous

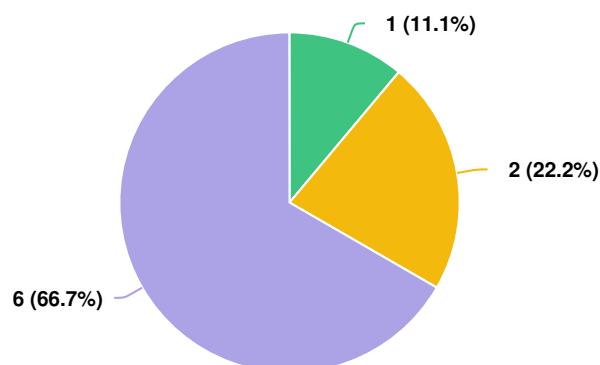
9/09/2022 05:05 PM

We believe a simple and consistent buffer policy, potentially with tools offered to help us with understand a parcel's constraints, would lead to smoother planning processes for everybody. Working with municipal/regional GIS departments to implement buffers into their public GIS tools would be useful as we often use these tools to determine development constraints.

Optional question (10 response(s), 0 skipped)

Question type: Essay Question

Q10 If you support prescribed buffer policies, would you recommend that NPCA adopt a policy approach that focuses on:



Question options

- ☐ Minimum buffer widths with no opportunity to reduce the width, but can be increased through an environmental study
- ☐ Robust buffer widths that can be reduced or increased with support from an environmental study
- ☐ None of the above

Optional question (9 response(s), 1 skipped)

Question type: Dropdown Question

Q11 | If you chose 'none of the above' in the previous question, please explain:

Anonymous

9/01/2022 07:09 PM

There needs to be a simple process to prove if the buffers are too large. The cost burden of environmental studies is far too great

Anonymous

9/01/2022 09:05 PM

Well you need to answer item 9, who owns the land? If the NPCA or Municipality or even an individual enter into agreement under section 21 of the Conservation Act, then the NPCA should work with those that seek your guidance and opinion.

Anonymous

9/02/2022 09:16 AM

I anticipate there are other options that would be between the existing ones, would prefer not to support either one without additional information.

Anonymous

9/02/2022 05:22 PM

30 metres is the rule and 120 for a PSW. An environmental impact study causes financial burdens to the agricultural community. If you want to go less than 30 metres then do a study

jsankey

9/09/2022 10:26 AM

The EIS is paid for by the developer who wants to make money by using as much of the land as possible for building. I have never heard of an EIS recommending that a buffer width be increased.

Anonymous

9/09/2022 02:01 PM

Policies need to be flexible.

Optional question (6 response(s), 4 skipped)

Question type: Essay Question

**Q12 | Should NPCA develop and utilize a decision support tool for determining buffer width?
If so, do you have any recommendations for NPCA with respect to criteria and methodology?**

Anonymous

8/24/2022 04:53 PM

No

Anonymous

8/26/2022 07:40 AM

This is outside my knowledge area. My "gut" says that tools should be developed and involve local Government Planners so that they "buy-in" to the concept, be partners in the concept and then adhere to the "rules".

Anonymous

9/01/2022 07:09 PM

There needs to be years of data of a particular area and data from many times in a particular season to accurately determine an adequate buffer

Anonymous

9/01/2022 09:05 PM

Not all land is the same. What is being protected? A buffer could vary in width.

Anonymous

9/02/2022 05:22 PM

Whatever tool you use engage with the agricultural community

jsankey

9/09/2022 10:26 AM

A minimum buffer width of 30m should be mandated but may be increased. One consideration is how wildlife is using the natural feature and buffer zone to move across the area.

Anonymous

9/09/2022 02:01 PM

Depends on what that is.

Anonymous

9/09/2022 05:05 PM

Yes. The more tools we have available to us, the better we can prepare an application to meet the policies of approval bodies and reduce revision work for all parties. As mentioned above, working with GIS departments to integrate this information into existing portals that planners refer to would be a good step. Otherwise, an independent tool would be appreciated as well which could take the form of a simple address search, or a GIS-based mapping application.

Optional question (8 response(s), 2 skipped)

Question type: Essay Question

Q13 | NATURAL HERITAGE FEATURES AND AREAS: Should the new Policy Document contain policies to clarify the role of NPCA and watershed municipal partners with respect to the review of impacts to natural heritage features and areas that are also protected and managed under municipal and provincial policies and plans (e.g., Significant Woodlands, Significant Wildlife Habitat, Habitat of Endangered and Threatened Species and Linkages)? Please specify.

Anonymous

8/24/2022 04:53 PM

No.

Anonymous

8/26/2022 07:40 AM

YES.

Anonymous

9/01/2022 07:09 PM

Yes, and landowners need to know your role.

Anonymous

9/01/2022 09:05 PM

Again these matters are on NPCA lands, Municipal lands and private lands that have entered into agreement with the NPCA under section 21 of the Conservation Act. Those that agree to dedicate their land to Heritage would then be subject to section 28 of the Conservation Act. The animals and fish on private property belong to the owner of that land, this was settled in Rice Lake Fur Co.

Anonymous

9/02/2022 05:22 PM

No one can agree on this loaded gun. What is the definition of significant? What about invasive species . Remember the farmers planted these trees. NHS should not trump normal farm practices. Woodlands need to be cleaned, dead trees removed. Don't you already have bylaws in place for tree removal? By the way if you allow invasive species to be protected then you will destroy your woodlands in the end anyway and guess what? Wildlife will not eat invasive species they will avoid invasive species at all costs. Does Your conservation authority allow invasive species and dead and dying trees in your parks?

Anonymous

9/09/2022 09:10 AM

Yes

jsankey

9/09/2022 10:26 AM

The NPCA is the conservation agency in Niagara. The policy document should be very involved in any review of impacts to natural heritage feature and areas. These areas belong to all, not to a municipal council and should be protected for the benefit of all residents of Niagara.

Anonymous

9/09/2022 02:01 PM

Always good to let people know what you do and what you do not.

Anonymous

9/09/2022 05:05 PM

We have not had any confusion around the NPCA's role. We imagine other private planning consultants feel the same.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question

Q14 | IMPLEMENTATION AND CUSTOMER, CLIENT SERVICES: NPCA is committed to service excellence. Do you have any recommendations for NPCA that would enable the organization to deliver services more efficiently and more effectively? Please specify.

Anonymous

8/26/2022 07:40 AM

Better internal and external communications. Regular communications to the Community at large. Staff/Volunteer attended Info Booths at all community events (fairs, festivals) and static info boards at all properties.

Anonymous

9/01/2022 07:09 PM

Answer the phone, call people back. Meet on site. Update website regarding preconsultation process. Update website with current staff

Anonymous

9/01/2022 09:05 PM

Understand the limits of your authority and act accordingly within that which has been granted.

Anonymous

9/02/2022 05:22 PM

Always talk to the agricultural community as they own the majority of land. Do not interfere in their ability to farm and employ people. Unless there is a problem that really affects the environment stand back.

jsankey

9/09/2022 10:26 AM

The NPCA website could have a directory of services and who the public should contact in regard to these services.

Anonymous

9/09/2022 02:01 PM

Treat people correctly and with respect.

Anonymous

9/09/2022 05:05 PM

In our experience, the NPCA is already very clear in their policy requirements and document availability. Where we would like to see clearer information is within the process itself – a better overview of the steps, timing, associated fees, and when each step applies would be helpful with our applications.

Optional question (7 response(s), 3 skipped)

Question type: Essay Question

Q15 APPLICATION REQUIREMENTS: NPCA is committed to excellent client service and timely review. To help landowners with minor permits (e.g. sheds, decks, pools, and minor home additions) what general advice do you have to make the technical requirements and procedures easy to navigate?

Anonymous
8/24/2022 04:53 PM
Stop the red tape, we need more tax revenue in all our municipalities

Anonymous
8/26/2022 07:40 AM
This is outside my knowledge area.

Anonymous
9/01/2022 07:09 PM
Online application. And same comments as above. To know early on in the permit application that the NPCA will be involved.

Anonymous
9/01/2022 09:05 PM
Follow the common law of the area.

Anonymous
9/02/2022 05:22 PM
Make it a one stop permit process or else you will loose out anyway with non compliance

Anonymous
9/09/2022 09:10 AM
NPCA should subsume the NEC approvals. This continues to be the major bottleneck in approving projects.

Anonymous
9/09/2022 02:01 PM
Treat people correctly and with respect.

Anonymous
9/09/2022 05:05 PM
As much self-serve information as possible is helpful here. A site FAQ, or questionnaire which determines planning requirements or links to relevant policy sections would be helpful (i.e. a series of questions saying "What type of project are you planning?" > "Pool" > "Above-Ground or In-Ground?", etc.). While our planners are well-versed with searching policy documents, it would be helpful for our client's understanding if the more common/minor processes can be pulled out of the document and presented in a less-technical way.

Optional question (8 response(s), 2 skipped)

Question type: Essay Question

Q16 | Are there any additional issues, comments or thoughts you would like to share with NPCA regarding the development of the new Policy Document?

Anonymous

8/24/2022 04:53 PM

Make it easier for developers to develop, stop protecting land that has no use and doesn't generate revenue

Anonymous

8/26/2022 07:40 AM

No.

Anonymous

9/01/2022 09:05 PM

Please say within your limits of authority, understand the conservation act in totality and the rights given and granted by the Crown to the owner of the land in question.

Anonymous

9/02/2022 09:16 AM

I encourage an agriculture specific discussion on this before proceeding.

Anonymous

9/02/2022 05:22 PM

I would have to participate in order to answer

Anonymous

9/09/2022 09:10 AM

NPCA can do better in terms of creating awareness and increasing positive attitudes toward preservation of Niagara's natural heritage.

jsankey

9/09/2022 10:26 AM

I do not feel that there was sufficient public consultation. Advertising in the newspapers reaches fewer and fewer people. You have contact information for many of us through the get involved portal and could have directly contacted people who have been involved before.

Anonymous

9/09/2022 02:01 PM

None.

Optional question (8 response(s), 2 skipped)

Question type: Essay Question

Q17 | Are there thoughts or comments that you would like to share regarding the development of the new Procedural Manual?

Anonymous

8/26/2022 07:40 AM

No

Anonymous

9/01/2022 09:05 PM

See item 16.

Anonymous

9/02/2022 09:16 AM

I encourage an agriculture specific discussion on this before proceeding.

Anonymous

9/02/2022 05:22 PM

I would have to participate

Anonymous

9/09/2022 02:01 PM

Make it easy to understand.

Optional question (5 response(s), 5 skipped)

Question type: Essay Question

Q18 | If you had 'One Big Idea' or 'One Big Recommendation' to make to the regarding the new Policy Manual, what would that One Big Idea/Recommendation be? Please be specific.

Anonymous

8/24/2022 04:53 PM

Stop changing land owners land uses without them knowing. Know one cares about insects, trees and so on. Worry about balls falls and long beach and stay out of the construction industry and putting up road blocks. If it was up to me I would defund your organization of the tax dollars it receives from the municipalities, and re-invest in new industries

Anonymous

8/26/2022 07:40 AM

You MUST get "buy-in" from all "stakeholders" (Employees, Community, Government) to learn the Policy, adhere to the policy and "live" the Policy.

Anonymous

9/01/2022 07:09 PM

Keep it simple. Cut down on red tape.

Anonymous

9/01/2022 09:05 PM

Please, please know and understand the law. Read. Do not push this off to a lawyer and hold his opinion as being correct. If you cannot resist, then ask the Lawyer to indemnify his advice and direction.

Anonymous

9/02/2022 09:16 AM

It requires an agriculture/food production lens applied to it before finalization.

Anonymous

9/02/2022 05:22 PM

Be careful how you address small wetlands which seems to be the problem and remember you all own homes and would not like it if the rights to your backyard or driveway were removed or if an agent selling your home said sorry the people bought a different property because your driveway is regulated by the conservation authority

Anonymous

9/09/2022 09:10 AM

Set up a task force to integrate LIDS and GI into design manuals for all municipalities to ensure positive growth and minimal negative impacts.

jsankey

9/09/2022 10:26 AM

The Region of Niagara along with the municipalities should conduct a Municipal Natural Assets Inventory. The public should be encouraged to assist with this. The Policy Manual could outline how this can be done.

Anonymous

9/09/2022 02:01 PM

Explain policies clearly so that everyone can understand them and work with them.

Optional question (9 response(s), 1 skipped)

Question type: Essay Question



APPENDIX D – WRITTEN COMMENT SUBMISSIONS



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

www.npca.ca

Summary of Written Comments on NPCA Policy Document Review and Procedural Manual Discussion Papers

Name	Theme	Comments
Sean Male for Olivia Robinson (GEI Consultants)	Interim EIS Guideline	<ul style="list-style-type: none"> • General comments on season-specific field studies, whether there is preference to conduct them in the same year. • Inclusion of specific Acts (Migratory Bird Convention Act & Fish and Wildlife Conservation Act) in Section 3.2 of the EIS guideline. • Section 3 of the EIS Guideline has no mention of restoration/compensation as it relates to NPCA policies. • Communicated that monitoring programs should be prescribed based on the extent of alterations (e.g., longer monitoring period for larger restoration work). • General clarity needed for the EIS Submission Checklist; should the checklist act as a 'Master Wildlife List'? • Clarification needed on vegetation and fish community sampling timing windows • Clarification on HDFAs and when they should be completed throughout the year.
	Interim Wetland Procedure Document	<ul style="list-style-type: none"> • Comment on unevaluated wetlands: "The Project Ecologist should be able to review secondary source information and understand whether an OWES is warranted (e.g., given proximity to other PSW units, presence of SAR, etc.)." • Regarding Wetland Reconfiguration, our document states that certain requirements must be provided to NPCA. The consultant mentioned that some of these requirements are not completed until the detailed design and after the EIS.
Linda Manson	Buffers	<ul style="list-style-type: none"> • Comments on the options for buffer width, stating that the minimum buffer size should have no opportunity to reduce. • General comment: "Please focus on 'conservation' and 'authority' vs 'partnerships'."

Joe Schonberger	Agriculture Practices and General Advice	<ul style="list-style-type: none"> • Described the importance of agriculture to this watershed. • Normal agricultural practices should be respected. • Proper moisture management is key for agricultural practices. Policies which facilitate adequate moisture management are critical for productive food production and to avoid opportunities for conflict between our Community and the NPCA. • Policies should encourage productive agriculture and not inhibit it. • Watershed residents should have a reasonable expectation that Permits should be processed without undue delays and that they will be treated correctly by NPCA Staff. If Permits are delayed there should be good reasons and Staff should be able to explain why. Residents should also be made aware of any appeal processes. • Buffer policies should be flexible, there is a big difference between growing perennial plants and building a subdivision. • Developers will pass the cost along to homeowners whether they have to avoid a non-significant wetland, relocate it, or pay cash to compensate for its loss. • It is always good to clarify the roles and responsibilities of the NPCA because most people really do not know for sure what a Conservation Authority does and often blame the NPCA for things they do not do. • There would be no reason why the NPCA would not have policies regarding regulated lands where there is urban intensification and increased urban density.
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Subject: Niagara Peninsula Conservation Authority's Policy Document and Procedural Manual Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, September 14, 2022

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That Report PDS 25-2022 **BE CIRCULATED** to the Niagara Peninsula Conservation Authority (NPCA) and Local Area Municipalities.

Key Facts

- The purpose of this report is to provide information to Committee and Council on the review that Niagara Peninsula Conservation Authority (NPCA) is conducting on their Planning and Permitting Policies and Procedural Manual.
- This report highlights a few areas of common policy interest between the NPCA and the Region.
- The report outlines the importance of consultation and alignment of NPCA and Regional policies on Environmental Impact Study Guidelines, buffers, ecological net gain, watershed planning and other natural heritage planning.
- Regional staff will be providing formal comments on the Policy themes and Buffers Discussion documents prior to the Sept. 9, 2022 deadline.

Financial Considerations

There are no financial impacts to the Region as a result of this report.

Analysis

Background

Roles and Responsibilities

The Region of Niagara and NPCA have an Environmental Planning Protocol in place that outlines the respective roles and responsibilities within Niagara's land use planning system.

Since 2018, the Region of Niagara is responsible for the environmental review of planning applications and stormwater management review from a Regional and Provincial natural heritage perspective.

The NPCA continues to be responsible for Provincial policy interests related to natural hazards, except wildfires, as outlined in Section 3.1 of the PPS. In addition, the NPCA is also responsible for planning applications, policy and technical clearance reviews related to regulated watercourses and wetlands in accordance with the Conservation Authorities Act and Ontario Regulation 155/06.

Niagara Official Plan (2022)

The Niagara Official Plan (NOP) engagement strategy began in 2018 and significant consultation took place with the public, special interest groups (including the development industry), local area municipalities and the NPC, in particular, the Natural Environmental System (NES) policies of the NOP. The policy formulation of this section follows Council direction after considering several NES mapping and policy options.

Prior to 2018, there were some concerns on policy overlap and alignment between the Region and NPCA on the NES. Anticipating these early issues, the consultation program provided the opportunity for significant consultation with the NPCA relative to creation of background discussion papers, NES mapping and policy options development. Significant consideration was given to NES overlap and alignment with the NPCA in the development of the NOP.

NPCA Policy Review 2022

The NPCA Policy Document (November 2018) provides the policies for administration of NPCA's mandate under Ontario Regulation 155/06 and its delegated roles and responsibilities within the planning and approvals process.

In March 2022, the NPCA Board of Directors (the Board) directed NPCA staff to complete an update on the NPCA's Planning and Permitting Policies by the end of the year. The NPCA is now proceeding to develop a new Policy Document and accompanying Procedural Manual.

The NPCA Policy Theme Discussion Document indicates a new Policy Document and Procedural Manual is needed as the current Policy Document:

- does not contain policy and legislative references that are in alignment with changes to provincial policy, legislation, technical guidelines, in particular Conservation Authorities Act changes;
- was developed at a time when hard copies were preferred, and there is a need to develop a document that can be accessed by staff and others in an accessible, digital format; and
- contains terminology that needs clarity to guide consistent interpretation and implementation of policies.

The new Policy Document and accompanying Procedural Manual is being developed to serve many uses and users. It will provide:

- direction to NPCA staff that will receive, review and evaluate development applications against the policies contained within the document;
- guidance and clarity to watershed municipalities who will take these policies and incorporate them further in their planning review functions and in Official Planning documents;
- guidance and direction to landowners, the development community and stakeholders who will utilize these policies in preparing Section 28 Permit Applications, Planning Act applications, or have an interest in protecting the environment.

- confidence among Provincial partners that matters of stated Provincial interest have been accurately interpreted and are being applied appropriately; and finally
- assistance to other municipal, provincial and federal agencies to coordinate the administration of their own jurisdiction and policies with those of NPCA.

The NPCA staff are currently consulting the Region and our Area Municipalities on their policy update and have recently released discussion papers on Buffer Technical Analysis and Policy Themes and Directions. The NPCA posted the relevant discussion papers from August 15-19, 2022 with a commenting deadline of Sept. 9, 2022.

The NPCA Policy Theme Discussion document indicates the NPCA plans to gather input from watershed municipalities, special interest groups, governments at all levels (including Indigenous governments) and community members, and invites readers to share their thoughts with respect to key policy theme areas. The policy theme areas for discussion are: climate change; cumulative impacts; ecological net gain; intensification and increasing urban density; Ministers Zoning Orders; public education awareness and responsibilities; stormwater management, low impact development and green infrastructure; watershed and subwatershed planning; feature resource specific policy themes; agriculture; buffers; natural heritage features and areas; and implementation and customer, client services.

The NPCA is expecting to have draft policies for priority areas in September with a final Policy and Procedural Manual in Nov. 2022, which is an aggressive timeline. Based on the NPCA consultation to date, Regional staff have identified a few areas of common interest.

1. Consultation

Regional staff are pleased the NPCA is consulting with a wide array of interested parties in the development of the Planning and Permitting document as well as Procedural Manual. Regional staff note the consultation and document preparation is occurring within a short time frame. NPCA staff should ensure the development community, First Nations and local Indigenous communities be appropriately consulted. Regional Planning staff suggest NPCA staff meet with each for an appropriate discussion.

The NPCA documents being developed play an important role in both protecting regulated natural heritage features and hazards but also ensuring planning and permit approvals are aligned as much as possible for an efficient streamlined system.

2. Buffers Policy Alignment

The adopted NOP does not provide minimum buffers for natural heritage features within settlement areas. The policies require an EIS to ensure the appropriate buffer is required to properly address the protection of the features specific attributes and functions. An EIS will ultimately determine buffer widths based on: sensitivity of the feature and ecological functions; the potential impact from the adjacent land use; biophysical factors of the adjacent lands such as slope, soils, hydrology and vegetation; and other mitigating factors (e.g., fencing between adjacent land use and buffer).

In commenting on the draft NOP, the NPCA did recommend incorporating recommended buffers for natural heritage features within settlement areas. The NPCA policy options will look at minimum or maximum buffers to be adjusted by EIS. Regional alignment on buffers for features, to the greatest extent possible in the settlement areas in particular, is critical to ensure a streamlined development review process. Planning staff are supportive of including a decision support tool in the updated EIS Guidelines to provide greater transparency and consistency in the application of buffer policy.

The NPCA Buffer Discussion Paper focuses on the ecological aspects of buffers for natural heritage features with little focus on natural hazards, engineering or provincial technical guidelines. Ultimately, the NPCA Policy and Permitting manual needs to be clear the buffers established are for regulated features only. Further it is best these align with the Region's NOP.

3. Ecological Net Gain

The current NPCA Policy Document includes policy direction for reconfiguring and recreating Non-Provincially Significant Wetlands. This is currently only considered where no reasonable alternative exists to locate a proposed development, site alteration or activity outside of a Non-Provincially Significant Wetland. NPCA staff aim to achieve a net gain to the natural system functions upon policy implementation. The NPCA Interim Wetlands Procedure Document provides guidance on NPCA's expectations and requirements for satisfying the various tests of this policy.

The NPCA commented on the draft consolidated NOP and recommended the Region have a stand-alone policy/section to speak to offsetting of not just wetland features but other components of the NES.

Offsetting was the topic of a Regional discussion paper at the beginning of the NOP's NES program. The concept of offsetting was not pursued further at the direction of Regional Council. The NOP does contain policies that enable the creation of enhancement areas.

Regional Planning staff are concerned with the terms “ecological net gain” and “reconfiguration and compensation” which could create confusion with terms used in the NOP. It is understood that this type of ecological net gain policy direction may be required by the NPCA specific to the Ministers Zoning Order (MZO) process. Based on the feedback Regional planning staff received through the Official Plan consultation, planning staff recommend that any policies on this matter be confined to the review of MZO applications and that terms applied align with the NOP to reduce confusion.

4. EIS Guidelines

The NPCA adopted Interim EIS Guidelines as well as an Interim Wetlands Procedure Document in June 2022. It is Regional planning staff's understanding that both Interim documents are to be updated and formalized following the Policy and Procedure update.

The Region is also beginning the process of updating our EIS Guidelines following the approval of the new Regional Official Plan. Regional and NPCA planning staff have been discussing a format for adopting a single EIS Guideline to provide as much consistency and efficiency in the development review process to meet provincial policy and regulation requirements. The NPCA Discussion Papers and consultation process will provide value in assisting in the development of EIS guidelines.

5. Natural Heritage Beyond NPCA Regulated Areas

The NPCA operates under the Conservation Authorities Act and the Region has a MOU with the NPCA in place that outlines our respective roles and responsibilities in regards to environmental planning in Niagara Region. Recognizing this and with appropriate policies in place in the Region's NOP and NPCA Policy and Permitting and Procedural Manuals, planning staff believe environmental planning can be appropriately implemented under the current roles and responsibilities. Any policy development beyond regulated areas in Niagara would be unnecessary overlap and potentially confusing to the public and development community on roles and responsibilities. The Region has the role of implementing policy for natural heritage features under the Planning Act and it is inevitable there will be overlap with regulated features. However,

the Region has the staff expertise, capacity and resources to implement the policies of the NOP. There is no necessity for the NPCA to develop policies or procedures for non regulated areas in Niagara.

6. Watershed Planning

The Policy Theme Discussion Paper states, “The NPCA will continue to work collaboratively with municipalities in the development of watershed plans and any municipally-led watershed or subwatershed studies. NPCA has several watershed plans that require updating. The current Policy Document does not provide direction or guidance for the role of the NPCA in supporting the watershed municipalities in undertaking watershed planning or subwatershed planning to inform future growth, as directed by the Province through provincial legislation and plans.”

The Niagara Official Plan contains policies providing direction for subwatershed planning. The Growth Plan has delegated watershed planning to the Region as a responsibility. The Region is now assisting in coordinating two subwatershed plans in connection with secondary plan development. During the development of NOP watershed planning policies, NPCA staff had been generous to offer technical assistance in the subwatershed planning process. Regional Planning staff encourage continued dialogue on this topic to clarify how the subwatershed planning process is best administered. An outline from the NPCA on the level of service available and associated costs would be beneficial.

Conclusion

Regional staff will continue to participate with NPCA on their development of policies and procedures and continue to streamline processes. Staff will also be updating our existing Protocol to reflect the recent changes to the Conversation Authorities Act and the NES policies in the NOP.

Alternatives Reviewed

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

Relationship to Council Strategic Priorities

This report highlights a few areas of common policy interest between the NPCA and the Region supporting the following Council Strategic Priorities:

-
- **Healthy and Vibrant Community:** Protect regulated natural heritage features for, healthy neighbourhoods.
 - **Responsible Growth and Infrastructure Planning:** Assist in guiding infrastructure and growth to appropriate areas.
 - **Sustainable and Engaging Government:** Supports consultation and alignment of common policies.

Other Pertinent Reports

PDS 2-2018 Protocol for Planning Services Between the Regional Municipality of Niagara (The Region) and the Niagara Peninsula Conservation Authority (January 10, 2018)

Prepared Jointly by:

Dave Heyworth, MCIP, RPP
Manager, Long Range Planning and
Cara Lampman, MCIP, RPP
Manager, Environmental Planning

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner of Planning and Development
Planning and Development

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Diana Morreale, Director of Development Planning, Erik Acs, Manager, Community Planning and reviewed by Angela Stea, Director of Community and Long Range Planning.

Appendices

None

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Appendix B

Technical Comments – NPCA Buffer Width Discussion Paper

Summary of Comments:

- The discussion paper focuses primarily on ecological buffers. The primary role of the Conservation Authority is natural hazards. NPCA should consider analysis of natural hazards, engineering considerations, MNRF technical guidelines, public safety, etc.
- The discussion paper appears to go beyond the regulatory and other roles of a conservation authority. The Conservation Authority is generally responsible for natural hazards and wetlands. Other natural heritage features and water resource features identified by the PPS and Municipal Official Plans are the responsibility of Municipalities.
- The discussion paper does not align with the Environmental Planning Protocol (MOU) which outlines the roles and responsibilities for natural features in Niagara Region. Clarity of roles and responsibilities is critical to an efficient and transparent development review process.

Detailed Comments:

- Executive Summary – 1st Paragraph – Should include reference to the Council Adopted new Niagara Official Plan
- Executive Summary – General – The executive summary should include an overview of the legislative/regulatory basis for undertaking the review of buffers and/or requiring these ecological buffers.
- Consider adding the following to the numerical list at the end of the executive summary:
 - Buffers should be considered in conjunction with municipal policies
 - Buffers should be considered only where NPCA has the established regulatory authority to require a buffer
- Page 1, S.1, Consideration should be given to using the term ‘regulatory setback’ to eliminate confusion on ‘buffers’ which are generally ecologically based and apply to natural heritage features.
- Page 3, last paragraph, the discussion on VPZs in provincial planning documents should note that there are exemptions for agricultural uses. These exemptions, plus other Regional exemptions are carried forward into the Council adopted Niagara Official Plan
- Page 7, S. 2.2 – it is unclear what the basis for this analysis is, much of this discussion is related to natural features which are not in the jurisdiction of the conservation authority.

- Page 11, S.2.4 – it is unclear what is the basis for this analysis and discussion on ecologically appropriate buffer widths, this seems to be beyond the scope of the conservation authority.
- Page 13, Bullet list of example buffer widths – many of these features are beyond the jurisdiction of the conservation authority. The inclusion of these items creates confusion on roles and responsibilities.
- Page 20, S. 3.2.1 – the identification of fish habitat of this list could give the impression that it is regulated by the Conservation Authority.
- Page 22, S. 3.2.3 – In the second paragraph it should read “...outside of settlement areas and outside of the natural...”
- Page 28, Table 1 – Many of the considerations in the table are beyond the scope and jurisdiction of the Conservation Authority.
- Page 30, 4th paragraph – this paragraph includes an analysis on the reduction of a buffer to a significant woodlands. Significant woodlands and their buffers are not the responsibility of the conservation authority.
- Page 34, S. 4.1 – This section which is an analysis of the Halton Region buffer width refinement framework is related to a natural heritage system, not natural hazards that are regulated by a conservation authority. Inclusion of this type of information in a discussion paper by a conservation authority has the potential to create significant confusion on roles and responsibilities.

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Appendix C

Technical Comments – NPCA Policy Themes Discussion Paper

Detailed Comments:

- Page 15, S. 3.1.2 Cumulative Impacts – The Council adopted new Niagara Official Plan has introduced the need to consider cumulative impacts as part of the development approval process. The NPCA framework should be in alignment with the Region's.
- Page 15, S. 3.1.3, Ecological Net Gain. This section appears to be introducing/discussing offsetting under the heading of 'ecological net gain'. The Region is concerned with this approach. Offsetting and ecological net gain are two distinct and separate planning tools. By using the terms interchangeably there is potential to limit the potential benefits that ecological net gain may have as a policy tool.
- Page 18, S. 3.1.6, second bullet point – It is understood that there is delegated authority for S. 3.1 of the PPS except S. 3.1.8 on wildland fire. The statement should be updated for clarity.
- Page 19, S. 3.1.7. – the second to last paragraph on this page states "The current MOU between NPCA and Niagara Region does not specify a role for NPCA in the review of SWM". Table 3 of the environmental planning protocol (MOU) includes the roles and responsibilities for SWM review.
- Page 20, S. 3.1.8 – this section needs to better reflect the environmental planning protocol and the fact that NPCA has returned the responsibility for watershed planning to the Region.
- Page 21, second to last paragraph – states that part of the 10 year Strategic Plan is to implement a proactive subwatershed planning program. According to the environmental planning protocol, subwatershed planning is the responsibility of the local municipality.
- Page 22, S. 3.2, third bullet point – this is a list of natural heritage features and areas that were identified for inclusion in the discussion paper. These are not natural hazards or wetlands, and are outside the area of responsibility of the conservation authority. Discussion of these features will lead to confusion on roles and responsibilities.
- Page 23, S. 3.2.1 Agriculture, Summary of Policy Opportunities – this section should also recognize the unique drainage and irrigation system that exists in Niagara on the Lake and elsewhere in the Region and that there are Niagara-specific policies in the Greenbelt Plan related to water resource features.

- Page 23, S. 3.2.2 Buffers – please consider using the term ‘regulated setback’ to eliminate confusion with the term ‘buffer’ which is commonly used to describe and ecological buffer from a natural heritage feature.

Via email only

September 9, 2022

David Deluce, Senior Manager Environmental Planning & Policy
Niagara Peninsula Conservation Authority
250 Thorold Road W, 3rd Floor
Welland, ON
L3C 3W2

Dear Mr. Deluce:

**RE: Regional Comments
 NPCA Planning and Permitting Policy Review**

The Region supports a transparent and engaging public consultation process to support policy updates such as this. We are pleased to provide feedback on the documents circulated in support of the proposed update to the Niagara Peninsula Conservation Authority (NPCA) Planning and Permitting Policy document as well as the proposed new Procedures Manual. Those documents include:

- Buffer Width Discussion Paper (August 5, 2022)
- Phase 2 Policy Themes Discussion Paper (August 18, 2022)

In response to the circulation of the above noted documents, Regional staff completed a Report to the Planning and Economic Development Committee (Appendix A) informing Councilors of the NPCA Policy review, as well as outlining challenges and opportunities the proposed update poses, for the development review process. Additional technical comments specific to the Buffer Width Discussion Paper can be found in Appendix B, with specific technical comments relating to the Phase 2 Policy Themes Discussion Paper in Appendix C.

The Region looks forward to further supporting the NPCA Policy Review program.

Sincerely,



Diana Morreale, Director Development Approvals, Niagara Region

Cc: Michelle Sergi, Commissioner Planning and Development Services, Niagara Region
Angela Stea, Director Community and Long Range Planning, Niagara Region

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

**Thursday, September 29, 2022
5:00 p.m.**

MEMBERS PRESENT: J. Ariens (departed at 6:01 p.m.)
C. Ecker-Flagg
R. Foster (departed 5:15 p.m.)
E. Furney
D. Kelly
H. Korosis
J. Schonberger
N. Seniuk (departed at 6:01 p.m.)

MEMBERS ABSENT: T. Boese
J. Musso
M. Kauzlaric
D. Speranzini

STAFF PRESENT: C. Sharma, C.A.O. / Secretary – Treasurer
G. Bivol, Clerk
E. Baldin, Manager, Land Planning
R. Hull, Manager, Strategic Business Planning and Public Relations
L. Lee-Yates, Director, Watershed Management
K. Royer, Coordinator, Community Outreach

ALSO PRESENT: J. Hellinga, NPCA Board Member

In the absence of an appointed Committee Chair, NPCA Board Chair Rob Foster presided, calling the proceedings to order at 5:03 p.m..

1. OPENING WELCOME FROM CINDILEE ECKER-FLAGG

Member Cindilee Ecker-Flagg provided an opening statement.

2. APPROVAL OF AGENDA

Recommendation No. PAC-20-2022
Moved by Member Ecker-Flagg
Seconded by Member Ariens

THAT the agenda of the NPCA Public Advisory Committee meeting dated Thursday, September 29, 2022 **BE APPROVED**.

CARRIED

3. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

4. APPOINTMENT OF A CHAIR

NPCA Chair Foster called for nominations to the position of Committee Chair and received the following:

Nomination:

Moved by Member Kirosis

Seconded by Member Seniuk

THAT Joseph Schonberger **BE NOMINATED** as Chair of the Public Advisory Committee.

Chair Foster called a second and third time for nominations. With no further nominations coming forward the Committee enacted the following:

Recommendation No. PAC-21-2022

Moved by Member Ariens

Seconded by Member Kirosis

THAT nominations for NPCA Public Advisory Committee Chair **BE CLOSED**.

CARRIED

Recommendation No. PAC-22-2022

Moved by Member Kirosis

Seconded by Member Ecker-Flagg

THAT Joseph Schonberger **BE APPOINTED** as Chair of the Niagara Peninsula Conservation Authority Public Advisory Committee for the remainder of the term.

CARRIED

Chair Schonberger presided over the remainder of the meeting.

5. APPROVAL OF MINUTES

- a) Minutes of the Public Advisory Committee meeting dated Thursday, June 2, 2022

Recommendation No. PAC-23-2022

Moved by Member Kirosis

Seconded by Member Furney

THAT the minutes of the NPCA Public Advisory Committee meeting dated Thursday, June 2, 2022 **BE APPROVED**.

CARRIED

6. CORRESPONDENCE

- a) Email from Jacki Oblak to NPCA Chair Rob Foster dated August 22, 2022 RE: Resignation – The Chair indicated that he would prepare and circulate a thank you letter to Ms. Oblak acknowledging her service.

Recommendation No. PAC-24-2022

Moved by Member Ariens

Seconded by Member Kelly

THAT the email from Jacki Oblak to NPCA Chair Rob Foster dated August 22, 2022 RE: Resignation **BE RECEIVED**.

CARRIED

7. PRESENTATIONS

- a) PowerPoint Presentation by Eric Baldin, NPCA, Manager, Land Planning RE: Land Securement Strategy 2022-2023 - This presentation was addressed in conjunction with agenda item 10. a) Report No. FA-24-22 RE: Draft Land Securement Strategy 2022-2023. Members posed questions and offered feedback. Member Ariens emphasized the need to prioritize the acquisition of floodplain hazard lands.

Recommendation No. PAC-25-2022

Moved by Member Kirois

Seconded by Member Ecker-Flagg

THAT PowerPoint presentation by Eric Baldin, NPCA, Manager, Land Planning RE: Land Securement Strategy 2022-2023 **BE RECEIVED**.

CARRIED

10. DISCUSSION ITEMS

- a) Report No. FA-24-22 RE: Draft Land Securement Strategy 2022-2023 - It was noted that the Land Securement Strategy 2022-2032 document was updated as of August 29, 2022 and included in place of Appendix 2 from the subject report. Members posed questions.

Recommendation No. PAC-26-2022

Moved by Member Ariens

Seconded by Member Furney

THAT Report No. FA-24-22 RE: Draft Land Securement Strategy 2022-2032, and the Land Securement Strategy 2022-2032 document updated as of August 29, 2022 **BE RECEIVED**.

CARRIED

8. DELEGATIONS

None

9. CONSENT ITEMS

- a) Appointment of Tracy Boese as Metis Niagara Representative to PAC – Kerry Royer Coordinator, Community Outreach spoke to the appointment of Ms. Boese.

Recommendation No. PAC-27-2022

Moved by Member Ariens

Seconded by Member Kelly

THAT the Public Advisory Committee **ACKNOWLEDGES** appointment of Tracy Boese as the Metis Niagara representative on the Committee.

CARRIED

- b) Report No. PAC-02-22 RE: Response to Public Advisory Committee Discussion Paper

Recommendation No. PAC-28-2022

Moved by Member Kirosis

Seconded by Member Ecker-Flagg

THAT Report No. PAC-02-22 RE: Response to Public Advisory Committee Discussion Paper **BE RECEIVED** and **PROVIDED** to the Board of Directors.

CARRIED

- c) Verbal Update on Indigenous Engagement Activities - R. Hull, Manager, Strategic Business Planning and Public Relations spoke to the Committee on the status of these initiatives.

Recommendation No. PAC-29-2022

Moved by Member Furney

Seconded by Member Seniuk

THAT the verbal update on Indigenous engagement activities **BE RECEIVED**.

CARRIED

10. DISCUSSION ITEMS (Continued)

- b) Recommendation on Appointment of the Environmental Sector Representative to PAC - Kerry Royer Coordinator, Community Outreach spoke to the appointment process and timing.

Recommendation No. PAC-30-2022

Moved by Member Ariens

Seconded by Member Kelly

THAT with its term concluding on December 31, 2022, the Public Advisory Committee **RECOMMENDS** appointment of an Environmental Sector Representative to the Committee as a part of the regular appointment process to be conducted in 2023 with the new term of the Board.

CARRIED

11. COMMITTEE REPORTS

None

12. NEW BUSINESS

- a) C.A.O. Update - Chandra Sharma, C.A.O. / Secretary – Treasurer updated the Committee verbally on status of the recommendations from the Ontario Auditor General, Conservation Authorities Act transition requirements and status, Board composition changes anticipated revisions to the PAC Terms of Reference, memorandums of understanding and service level agreements with partner municipalities, the Ball's Falls Thanksgiving Festival, funding for the NPCA recently received and ongoing funding opportunities. The proceedings lost quorum during Ms. Sharma's presentation.

13. ADJOURNMENT

The meeting stood adjourned at 6:14 p.m..

J. Schonberger
Public Advisory Committee Chair

Chandra Sharma
Chief Administrative Officer / Secretary –
Treasurer

Report To: Board of Directors

Subject: Response to Public Advisory Committee Discussion Paper

Report No: PAC-02-22

Date: September 29, 2022

Recommendation:

THAT Report No. PAC-02-22 RE: Response to Public Advisory Committee Discussion Paper **BE RECEIVED** and **PROVIDED** to the Board of Directors.

Purpose:

The purpose of this report is to provide the Public Advisory Committee (PAC) with a summary of how the NPCA continues to improve service delivery related to the issues and opportunities identified within the Public Advisory Committee Discussion Paper dated July 21, 2021, which was presented and received by the Board of Directors on October 15, 2021 (Resolution No. FA-172-2021).

Background:

The purpose of the PAC is to provide collaborative local perspective, guidance and expert advice in the implementation of NPCA policies, plans and/or other issues as the Board may request. Members serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by the NPCA Board, which are aligned with the approved annual workplans from each corporate Division.

During its meeting of February 25, 2021, the PAC met to discuss, in part, issues and opportunities specific to the various sectors represented by the PAC in relation to natural systems and the NPCA. The PAC wrote a Discussion Paper (Paper) that summarizes their discussion. The discussion revolved around four questions:

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 the NPCA and how would you like to see the organization address them?
3. What are the other important issues?
4. Are there any further comments?

The responses from the PAC members are summarized in the following table, which is taken from the Discussion Paper:

Sector	Top Issues
First Nations	Preserving natural flora and fauna Educating public on history of Niagara
Métis	Protecting natural values of waterways – drainage Proper handling of nutrients
Urban/Rural Planning	Incorporate sustainable planning methods Realistic environmental standards
Agricultural North	Labour costs/applications for culverts/drainage/irrigation Timely issuing NPCA Permits
Agricultural South	Wetland policy and enforcement Watercourse designation
Development	Strategic plan, affordable housing Mapping updates
Chamber of Commerce/Tourism	None
Property Owner/Public-at-Large	Property rights Drainage management
Public-at-Large	Stewardship and knowledge transfer Transparency
User/Volunteer	Communications with public Cost to access conservation areas/facilities
Public-at-Large	Sustainable development Watershed management/ecosystem health
Environment	Natural systems preservation Land protection and remediation

The PAC Discussion Paper identifies that further discussion with NPCA staff and stakeholders is needed to flush out details of the preliminary discussion and identify how issues might best be addressed.

The full PAC Paper is included as Appendix 1.

Discussion:

The perspectives and input provided by PAC through the Discussion Paper provides valuable insight from the represented sectors within the community who have a collective interest in improving the health and resilience of the NPCA's watersheds. The information in the Paper validates many of the current initiatives being undertaken at the NPCA as priority projects following the completion of the NPCA's 2021 Strategic Plan. The following summary identifies how the NPCA is currently responding to many of the issues and recommendations raised in the PAC Discussion Paper.

NPCA Strategic Plan (2021-2031) & Annual Reports (2019, 2020, 2021)

The NPCA Strategic Plan (2021-2031) and recent Annual Reports (2019 Building on the Strong Foundation of 60 Years of Conservation, 2020 Progress & Resilience, and 2021 Aspiring for the Next Generation of Conservation) together, demonstrate the significant progress the NPCA has made in rebuilding a strong conservation organization and laying the foundation of future priorities rooted in watershed science, sustainability, climate change, and the importance of community engagement and stewardship.

The Strategic Plan sets a high standard of performance measures, reporting, innovation, and business excellence. Our Vision “Nature for All” aligns well with the natural resource management mandate and Our Mission “To create a common ground for conservation-inspired action and accountability to nature” and Guiding Principles are based on a conservation first and ecosystem philosophy, collaboration ethics, and importance of innovation rooted in science.

The Six Strategic Directions, 21 Goals and associated Actions will help address some of the gaps identified by the PAC. Collectively, the strategic priorities will guide our actions for improved ecosystems and natural cover, ongoing protection of drinking water sources, building climate resilience across watersheds and shorelines, implementing low impact development technologies, improving our greenspace in conservation areas, and continued engagement of communities in our watershed work.

Environmental Preservation and Policy

Several of the issues raised in the Paper touched on environmental protection. The NPCA is currently working on several priority initiatives. Some of these have been completed as interim guidance and a majority of this work is scheduled to be completed by the end of 2022.

- a) Updates to NPCA’s permitting Policy Document
- b) Interim Section 28 Environmental Impact Study Guidelines
- c) Interim Wetland Procedure Document
- d) Policy Themes Discussion Paper
- e) Buffer Width Discussion Paper that will inform an updated Policy Document and new Procedural Manual.
- f) Updates to our Regulatory mapping to improve accuracy and reliability, which will be completed through phases over the next two years as baseline data sets are updated.

In establishing these tools, the NPCA will provide more clarity and consistency in our plan and permit review processes aimed at environmental protection of the systems and features we regulate.

Data and Mapping Products

The NPCA is constantly striving to improve our data and mapping products. Several initiatives are underway to improve our understanding of our watershed through various data projects such as:

- a) Ecological Land Classification (ELC) and the Digital Terrain Model (DTM). The ELC project is an update to the previous Natural Area Inventory mapping, which characterized the vegetation communities in Niagara Region only. The new ELC product will cover our entire watershed with an updated characterization of vegetation communities. The DTM project was completed in June, 2022 and provides one-metre contour mapping for the entire watershed that is used to assist in driving much of the NPCA’s hazard mapping products. Both data products will assist in future projects to enhance our regulatory mapping (particularly for wetlands, watercourses, and floodplain mapping). The DTM is publicly available on NPCA’s Open Source Data portal and the ELC mapping will be made available later this year.

Restoration and Monitoring

An important purpose of our various data products is to help identify areas to target restoration initiatives. Products such as our ELC mapping allow NPCA, municipal partners, ENGO's and Community to identify areas in the watershed that are degraded and focus restoration efforts in these areas. In addition, our restoration efforts are an integral component to our municipal partners' natural environmental systems planning framework. Municipal Official Plans provide a protective policy framework and in recent years, greater emphasis has been given to restoration and enhancement of the natural environment. The NPCA's restoration efforts will assist municipalities to implement this critical component of the natural environmental system planning framework.

The NPCA recently received collaboration and support of watershed municipalities and community partners to successfully obtain federal capacity building grant to establish a long-term tree planting program under the Federal Climate Change Funding "2 Billion Trees" program. Additionally, the NPCA is currently undertaking a restoration program feasibility study to enhance stewardship services for community and private landowners.

The NPCA is also working on augmenting its water monitoring program to include priority natural systems monitoring to support evidence-based decision making and address data gaps.

Client Services Streamlining and Permitting Process Improvements

Following a recent organizational realignment and in continuation with Conservation Ontario Client Services Streamlining initiative, the NPCA continues to make improvements to our permitting process. The last two years have been challenging due to remote working arrangements in response to COVID-19 and the significant increase in applications and inquiries, which in some instances have affected our response times for issuing permits. To continuously improve our response times and customer service, staff is developing a planning and permitting procedural manual, investing in a project tracking system, and have recently added three new staff positions to support planning and permitting review services.

Enforcement and Compliance

As part of NPCA's continuous improvement process, NPCA has posted a Board approved (July, 2022) procedural manual on NPCA website for public information. The purpose of this procedural manual is to outline and provide guidance to regulations staff with regards to the NPCA's approach to Section 28 compliance and enforcement activities. This includes complaint response, identifying known or potential violations, and making decisions on the appropriate levels of action to take for complaints, violations and non-compliance issues.

The NPCA compliance and enforcement service area has also been working over the past few years to continuously improve officer training; formalizing operational procedures; enhancing data collection, retention and reporting functions; building agency partnerships and developing external communication tools such as a revised webpage and dedicated complaint reporting avenues for the public. Customer service is a key component of the work undertaken by the compliance and enforcement service area in relation to complainant response, landowner and other regulatory agency relationships.

Community Outreach and Awareness

The NPCA continues to improve its communications and outreach with the watershed community to ensure there are always open lines of communication, opportunities for various sectors and community groups to become involved with the work of the NPCA and stay informed on the issues that are important to them. Our communications and outreach efforts go beyond traditional engagement methods, utilizing in-person and hybrid public open houses and advisory committees to establish transparency and authentic engagement. As an example, with the support of the PAC, the strategic plan engagement initiative resulted in over 4,300 visits to the project page, 500 visitors engaged (participated in survey and/or ideas), 757 visitors informed (contributed to a tool or viewed multiple pages), 3,609 visitors aware (visited at least one page) and 90 people attend the virtual session.

Staff regularly engages and consults with the PAC for projects requiring various stakeholder viewpoints. This committee is often the first touchpoint to gauge the effectiveness of communication strategies and seek input before communicating to the public or specific stakeholder groups and industries.

The NPCA has seen much success communicating, consulting, and engaging with the watershed community through its “Get Involved” online engagement portal, which has allowed us to utilize various tools to ensure information reaches those interested in a project or issue. This portal has housed projects such as Wainfleet Wetlands and Quarry awareness and engagement campaign, Niagara River Ecosystem Indicator Status Change, Beaver Creek and Big Forks Creek Floodplain Mapping Update, the 2021-2031 Strategic Plan engagement and NPCA Planning and Permitting Policy Review.

The NPCA’s social media channels continue to be heavily used to foster positive relationships and engage directly with the community, often highlighting the good work of the NPCA staff, Board of Directors, volunteers, and partners. Through these mediums, we empower the community to care for their watershed and feel a sense of ownership and pride when visiting an NPCA Conservation Area, and we highlight the opportunities and benefits of outdoor recreation and education. Our social media channels have featured projects completed through the restoration and water well-decommissioning programs.

While we have a lot of useful information available on our website, we acknowledge there is also room for improvement when it comes to informing property owners and the public about the NPCA’s regulatory role. We continually review our web site for improvements to the Planning and Permitting section and implement those on an on-going basis.

First Nations Engagement and Cultural Interpretation

The NPCA is committed to improving engagement with local First Nations, Métis, and Inuit peoples and improving cultural interpretation and place-making through our conservation lands. Established as a part of NPCA strategic Plan, following actions are currently underway:

- a) An internal staff working group has been established to work on Strategic Plan objectives including Indigenous Engagement Guidelines to guide our future work.
- b) Board and staff Indigenousness awareness training is planned for November, 2022.

- c) The National Day for Truth and Reconciliation (September 30th) will be recognized as a holiday for NPCA staff. Staff are encouraged to spend time in quiet reflection or by participating in a local community event, to learn more about Indigenous history in Canada
- d) The NPCA is committed to consulting our local First Nations communities on important matters. We are scheduled to consult on planning policies and our Land Securement Strategy.
- e) The NPCA collaborated with Niagara Folk Arts Festival to bring an Indigenous-led program in the spirit of reconciliation. Leading up to September 30, a series of events were hosted at the Ball's Falls Conservation Area, starting on Friday, September 23, 2022. Events include guided two-row hikes led by Elder Dave Labbé alongside NPCA staff, FUSE Lacrosse hosted sessions on the Cultural Roots of Lacrosse and Values of Stick Making. This culminated in the evening with Indigenous Stories by the Fire.

Conservation Parks

The PAC Discussion Paper expressed concerns about costs for NPCA services such as access to our parks and permit application fees. NPCA staff is mindful of the financial impacts to our facility users and applicants. The majority of NPCA Conservation Areas continue to serve the watershed community free of costs. Recent direction from the province regarding Conservation Authority fees promotes a user-pay model for actively-managed conservation areas. NPCA Conservation Area fees continue to be consistent with many high-growth conservation authorities across the province and are based on a professional third-party fee review to ensure that fees being charged reflect the appropriate costs to deliver our conservation area services.

High volumes of park visitors have been experienced over the past few years. As such, the NPCA is working hard to address state of good repair gap for our park assets. A significant amount of federal funding was leveraged in 2022 to upgrade and repair park infrastructure for increased accessibility and safe public use. Additionally, low impact and green infrastructure is being incorporated in the design and construction to demonstrate the NPCA's commitment to Low Impact Development (LID) and Green Infrastructure.

Land Acquisition and Protection

On July 15, 2022, the NPCA Board approved "The Draft Land Securement Strategy 2022-2032" to guide the securement of lands within the Niagara Peninsula watershed over the next decade for environmental, natural hazard protection, and societal (recreation, culture, health) benefits. The Strategy provides the framework for the NPCA to secure public greenspace effectively using established best practices, sound decision-making, sustainable and innovative financial models, and collaboration. The NPCA is currently in the process of consulting with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee for feedback on the strategy and to build relationships toward future land securement.

Drainage Matters

The Discussion Paper raised concerns about drainage and the NPCA's responsibility in drainage issues. The NPCA acknowledges PAC concerns and would like to clarify that in regards to keeping culverts clear of grass and debris on private and public lands outside NPCA lands, staff has no legal authority to enter onto private property and perform maintenance work such as clearing blocked culverts or cleaning watercourse channels. However, as part of our private land stewardship objectives, and through the permit process, staff can assist property owners and municipalities who

propose such work through our permit process and stewardship activities. In some instances, the watercourse may be a municipal drain in which case the municipality would undertake regular maintenance of the drain and assess the cost to benefitting property owners.

Conclusion

The perspectives provided by PAC members within the Discussion Paper is important feedback to assist NPCA staff with implementing the new 10-year Strategic Plan and improving the delivery of our programs and services. Staff will continue to consult with the PAC to seek guidance and expert advice in the implementation of NPCA policies, plans and initiatives.

Financial Implications:

There are no financial implications from this report.

Links to Policy/Strategic Plan:

The NPCA's Strategic Plan features six strategic directions: Healthy Climate and Resilient Watersheds; Supporting Sustainable Growth, Connecting People to Nature; Partner of Choice; Organizational Excellence; and Financial Sustainability. This report highlights several initiatives in which the NPCA is carrying out its Strategic Plan.

Related Reports and Appendices:

Appendix 1 – NPCA PAC Discussion Paper

Submitted and Authored by:

Original Signed by:

David Deluce, MCIP, RPP
Senior Manager, Environmental Planning and Policy

Original Signed by:

Leilani Lee-Yates, MCIP, RPP
Director, Planning & Development

Original Signed by:

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

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.
