

**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, September 16, 2022
9:30 a.m.**

A G E N D A

CALL TO ORDER – ROLL CALL

The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, 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 July 15, 2022 (For Approval)
- b) Minutes of the Full Authority Closed Session Meeting dated July 15, 2022 (For Approval – Circulated under separate cover to remain private and confidential)

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4. CHAIR'S UPDATE

5. CORRESPONDENCE

- a) Email from Jacki Oblak to NPCA Chair Rob Foster dated August 22, 2022 RE: Resignation (For Receipt)
- 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 (For Receipt)

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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 (For Receipt)
- 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)

7. DELEGATIONS

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 (For Receipt)
- b) Report No. FA-39-22 RE: Completion of Purchase – Rockway Community Centre (For Receipt)

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9. DISCUSSION ITEMS

- a) Report No. FA-33-22 RE: Contract Award – Skycomp Solutions Inc. – Consulting and Professional Services in Information Technology (For Approval)
- b) Report No. FA-34-22 RE: Water Quality Monitoring Program Report for the Year 2021 (For Approval)
- c) Report No. FA-38-22 RE: Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding (For Approval)

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10. COMMITTEE REPORTS

10.1 FINANCE COMMITTEE

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

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July 27, 2022 (For Receipt - Circulated under separate cover to remain private and confidential. - This item is related to the Closed Session matter RE: Labour Relations, Human Resources or Employee Negotiations)

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

- 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

15. ADJOURNMENT



**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, June 17, 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
D. Cridland
L. Feor
J. Hellinga
J. Ingrao
B. Johnson
K. Kwall
B. Mackenzie
J. Metcalfe
W. Rapley
E. Smith
B. Steele
M. Woodhouse
B. Wright

MEMBERS ABSENT: R. Brady
B. Clark
D. Huson
R. Shirton

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Land Operations
L. Gagnon, Director, Corporate Services
N. Green, Manager, Climate Change and Special Projects
R. Hull, Manager, Strategic Business Planning and Public Relations
L. Lee-Yates, Director, Watershed Management
S. Miller, Senior Manager, Water Resources
G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning /
Information Management

OTHERS PRESENT: Robert Orland, Orland Conservation

Chair Foster called the meeting to order at 9:31 a.m..

1. APPROVAL OF AGENDA

Resolution No. FA-50-2022
Moved by Member Cridland
Seconded by Member Steele

THAT the agenda for the Full Authority Meeting dated June 17, 2022 **BE APPROVED.**
CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated May 20, 2022

Resolution No. FA-51-2022
Moved by Member Ingrao
Seconded by Member Metcalfe

THAT the minutes of the Full Authority Meeting dated May 20, 2022 **BE APPROVED.**
CARRIED

4. CHAIR'S UPDATE

Chair Foster spoke on the joint event by the Conservation Authority and the Conservation Foundation on June 14, 2022 at Bench Brewery.

5. CORRESPONDENCE

None

6. PRESENTATIONS

- a) PowerPoint Presentation by Robert Orland, Orland Conservation RE: Land Securement Strategy 2022-2023 - This presentation was in conjunction with agenda item 9.b) Report No. FA-24-22 RE: Draft Land Securement Strategy 2022-2023. Chief Administrative Officer Sharma spoke on the land securement strategy exercise and introduced Mr. Orland who presented. Members posed questions.

Resolution No. FA-52-2022
Moved by Member Feor
Seconded by Member Wright

THAT the PowerPoint presentation by Robert Orland, Orland Conservation RE: Land Securement Strategy 2022 **BE RECEIVED**.

CARRIED

- b) PowerPoint Presentation by Geoff Verkade, Senior Manager, Integrated Watershed Planning / Information Management RE: Digital Terrain Model Update/Availability on Open Data – This presentation was conjunction with agenda item 8.b) Report No. FA-25-22 RE: Digital Terrain Model Update and Open Data Release. Mr Verkade presented.

Resolution No. FA-53-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT the PowerPoint presentation by Geoff Verkade, Senior Manager, Integrated Watershed Planning / Information Management RE: DTM Update/Availability on Open Data **BE RECEIVED**.

CARRIED

7. DELEGATIONS

None

8. CONSENT ITEMS

- a) Report No. FA-22-22 RE: Morgan's Point Conservation Area Environment and Climate Change Canada's (ECCC) Habitat Stewardship Program Funding Update – Members posed questions and offered comment.
- b) Report No. FA-25-22 RE: Digital Terrain Model Update and Open Data Release - Members posed questions to staff and commented.

Resolution No. FA-54-2022

Moved by Member Wright

Seconded by Member Cridland

THAT the following reports **BE RECEIVED**:

- Report No. FA-22-22 RE: Morgan's Point Conservation Area Environment and Climate Change Canada's (ECCC) Habitat Stewardship Program Funding Update; and
- Report No. FA-25-22 RE: Digital Terrain Model Update and Open Data Release.

CARRIED

9. DISCUSSION ITEMS

- a) Report No. FA-23-22 RE: Cave Springs Conservation Area Enhancement Project Update and Award of Contract for Parking Lot Construction – Adam Christie, Director, Land Operations presented the report. Members posed questions.

Resolution No. FA-55-2022

Moved by Member Kawall

Seconded by Member Beattie

1. **THAT** Report No. FA-23-22 RE: Cave Springs Conservation Area Enhancement Project Update and Award of Contract for Parking Lot Construction **BE RECEIVED**.
2. **THAT** a capital contract award to Duomax Developments Ltd. in the amount of \$257,191 (plus non-recoverable HST) **BE APPROVED**.
3. **AND THAT** a contingency of 10% or \$25,719 **BE ALLOCATED** to address any anticipated costs during the project implementation process.

CARRIED

- b) Report No. FA-24-22 RE: Draft Land Securement Strategy 2022-2032 – Leilani Lee-Yates, Director, Watershed Management presented the report. Members posed questions to staff. Discussion ensued.

Resolution No. FA-56-2022

Moved by Member Smith

Seconded by Member Hellinga

1. **THAT** Report No. FA-24-222 RE: Draft Land Securement Strategy 2022-2032, as appended, **BE ENDORSED** in principle for the purpose of engaging with external partners to obtain input prior to finalizing the Strategy.
2. **THAT** staff **CONSULT** with municipal partners, land trusts, Indigenous organizations, the Niagara Peninsula Conservation Foundation, and Public Advisory Committee to seek input and to explore partnerships toward future land securement.
3. **THAT** staff **DEVELOP** policy to guide decision-making regarding land acquisition and disposition, as per the *Conservation Authorities Act*, O. Reg 686/21 (Sec. 9 (2)(vi)).
4. **AND FURTHER THAT** staff **REPORT** back to the Board of Directors for final approval of the Land Securement Strategy 2022-2032 and implementation priorities during Q4 of 2022.

CARRIED

10. COMMITTEE ITEMS

10.1 PUBLIC ADVISORY COMMITTEE

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

Resolution No. FA-57-2022

Moved by Member Woodhouse

Seconded by Member Feor

THAT the minutes of the Public Advisory Committee Meeting dated June 2, 2022 **BE RECEIVED**.

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 recent staff appreciation day, ongoing consultations with partner municipalities in respect of the Conservation Authorities Act amendments, the next slated transition report submission to the province, the Mud Girl event at the Binbrook Conservation Area, media coverage on the NPCA annual report, Four Mile Creek community involvement and related geomorphic study, Great Lakes-St. Lawrence Cities' Initiative annual meeting and the Niagara Climate Change Summit.
- b) Niagara Peninsula Conservation Foundation Update – Verbal – The Board was briefly updated on the Foundation's strategy for sponsorship and outreach, the upcoming golf fundraiser event and was apprised of open positions on the Foundation Board of Directors. The NPCA Board was told that the next Foundation meeting was slated for July 7, 2022.

14. CLOSED SESSION

None

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

From: Jackie Oblak <[REDACTED]>
Sent: August 22, 2022 1:59 PM
To: Robert Foster <rfoster@npca.ca>
Cc: Kerry Royer <kroyer@npca.ca>; Grant Bivol <gbivol@npca.ca>; Chandra Sharma <csharma@npca.ca>; 'Cindilee Ecker-Flagg' <[REDACTED]> 'Dion Kelly' <[REDACTED]>; 'Donna Speranzini' <[REDACTED]>; 'Erika Furney' <[REDACTED]>; 'Harry Korosis' <[REDACTED]>; 'John Ariens' <[REDACTED]>; 'Jonathan Musso' <[REDACTED]>; 'Joseph Schonberger' <[REDACTED]>; Kelsey Huxley <[REDACTED]>; 'Michael Kauzlaric' <[REDACTED]>; 'Natalie Seniuk' <[REDACTED]>
Subject: resignation

Please accept my resignation as NPCA PAC Chair and Environmental representative, effective immediately.

It was a privilege to work with the amazing professionals on staff who have done an incredible job of restoring the NPCA. A special thank you to Kerry and Grant for their limitless patience and assistance to myself and the PAC.

I would like to thank PAC members for their commitment to the NPCA during unusual times. As I have said many times, members bring a huge amount of expertise and professionalism to the table and NPCA is fortunate to have them.

I appreciate the opportunity to be part of this Committee.

Kind regards,

Jackie

From: Keyes, Jennifer (MNRF) <jennifer.keyes@ontario.ca>
Sent: Tuesday, August 30, 2022 4:48 PM
To: Keyes, Jennifer (MNRF) <jennifer.keyes@ontario.ca>
Cc: Corrigan, Kirsten (MECP) <kirsten.corrigan@ontario.ca>; ca.office (MECP) <ca.office@ontario.ca>
Subject: An update concerning Conservation Authority Act governance

Dear Conservation Authority Partners and Interested Parties,

Through new Orders-In-Council made pursuant to the *Executive Council Act* that were approved by the Lieutenant Governor in Council yesterday, the Ministry of Natural Resources and Forestry (MNRF) has been designated as the Ministry responsible for administering the *Conservation Authorities Act* (CAA). Moving forward, the Ministry of the Environment, Conservation and Parks (MECP) no longer has duties, functions or responsibilities under the CAA.

Since 2018, MECP led significant legislative and regulatory changes to the CAA to improve the governance, oversight, transparency and accountability of conservation authorities.

MECP will continue to support MNRF during this transition to ensure it is seamless for staff, the public, municipalities, conservation authorities and other partners.

Stakeholders can continue to reach out to the Conservation Authority Office (via ca.office@ontario.ca) as they have done in the past on conservation authority matters.

We thank you for your ongoing support during this time of transition. Please let me know if you have any questions.

Sincerely,

Jennifer Keyes
Director
Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry

Report To: Board of Directors

Subject: NPCA Comments on Minister's Zoning Order Request for 0 and 8656 Mountain Road, City of Niagara Falls

Report No: FA-35-22

Date: September 16, 2022

Recommendation:

THAT Report No. FA-35-22 RE: NPCA Comments on Minister's Zoning Order Request for 0 and 8656 Mountain Road, City of Niagara Falls **BE RECEIVED.**

Purpose:

The purpose of this report is to update the Board of Directors on the comments Niagara Peninsula Conservation Authority (NPCA) staff provided to the City of Niagara Falls on the Minister's Zoning Order (MZO) Request related to proposed development at 0 and 8656 Mountain Road, City of Niagara Falls.

Background:

On July 15, 2022, NPCA Planning and Regulations staff received a circulation from the City of Niagara Falls (the City) for a MZO Request for proposed development located at 0 and 8656 Mountain Road. The NPCA provided comments to the City relating to NPCA regulated areas and outlining our concerns and requirements on August 5, 2022. The City passed a resolution supporting the MZO Request on August 9, 2022 and forwarded the request to the Province on August 23, 2022. Staff are currently awaiting the decision of the Minister of Municipal Affairs and Housing.

Discussion:

The subject lands are located on the south side of Mountain Road, between Garner Road and Kalar Road, Niagara Falls (known municipally as 0 and 8656 Mountain Road). The purpose of the MZO is to facilitate the development of an 18 hole golf course, driving range, a chip and putt, a putting green, and a pro shop lounge. Also proposed are an inn and spa facility comprised of a mix and range of suite options, recreational amenities (i.e. spa and lounge pool), restaurant, and accessory structures (i.e. barn). The proposed development plans to preserve the existing woodlot and aquatic habitat features and functions, in addition to damming the watercourse to create ponds for irrigation.

The MZO would establish the permitted uses and zoning regulations, subject to several conditions. The NPCA provides comments as a public agency under the *Planning Act* and regulatory authority under the *Conservation Authorities Act* and Ontario Regulation 155/06. Approval of a MZO does not constitute approval under the *Conservation Authorities Act* and approval from the NPCA for work in regulated areas will be required.

Recent amendments to the *Conservation Authorities Act* have included a section relating to MZOs. Section 28.0.1 of the amended *Conservation Authorities Act* applies to a development project that has been authorized by a MZO under the *Planning Act*, within an area regulated under Section 28(1) of the *Conservation Authorities Act*, outside of the Greenbelt Plan Area. Should the MZO be approved by the Province, the provisions of this new Section of the *Conservation Authorities Act* would apply and are summarized as follows:

- Conservation authorities shall issue a permit.
- Conservation authorities may only impose conditions to the permit, including conditions to mitigate:
 - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land.
 - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.
 - Any other matters that may be prescribed by the regulation.
- An applicant has the right to a Hearing before the Authority (Board) if there is an objection to the permit conditions being imposed by the conservation authority. The NPCA's Section 28 Hearing Guidelines were updated to include provisions for MZOs on December 17, 2021.
- If the applicant still objects to conditions following a decision of the Hearing Board, the applicant has the option to either request a Minister's review or appeal to the Ontario Land Tribunal (OLT).
- All MZO-related conservation authority permits must have an agreement with the permittee (can include all parties, e.g., municipalities, on consent with applicant).
- The agreement shall set out actions that the holder of the permission must complete or satisfy to protect and/or compensate for ecological impacts (where applicable), and any other impacts that may result from the development project.
- The agreement must be executed before works commence on the site. Some enforcement provisions through court proceedings are in effect for MZO permits in accordance with Section 28.0.1 of the *Conservation Authorities Act*.

The MZO process is challenging in that studies that would usually be prepared in advance of the approval authority making a decision (e.g. EIS, servicing studies, transportation studies, etc.) are completed after the MZO is approved. Although this means the development is approved in principle, detailed studies are still required to address site design matters and to mitigate negative impacts to environmental features. Therefore, the NPCA's comments focused on ensuring the appropriate studies will be completed as part of the NPCA Permit process. This also included

scoping the EIS requirements. The NPCA comment letter is included with this report as Appendix 1. A copy of the NPCA comments has been sent to the Ministry of Municipal Affairs and Housing (MMAH).

It should be noted that while the NPCA updated its Section 28 Hearing Guidelines for MZOs, the Planning and Permitting Policies are currently silent on MZOs. This has been identified as a policy theme in the Policy Theme Discussion Paper, prepared as part of the Policy Review and/Procedural Manual Project. The new NPCA Planning and Permitting Policies will include policies for MZOs and the Procedural Manual will outline the NPCA's process for MZO commenting, emphasizing a robust pre-consultation process and the need for detailed conditions of approval.

Financial Implications:

There are no financial implications from this report.

Links to Policy/Strategic Plan:

The daily work of the Planning and Regulations section contributes to a healthy and resilient climate and supports sustainable growth by protecting people and properties from natural hazards and climate impacts, and maintaining a high standard of client services, tools, and procedures for planning review and permits.

Related Reports and Appendices:

Appendix 1 – NPCA Comment Letter, “Niagara Peninsula Conservation Authority (NPCA) Comments Minister’s Zoning Order Resolution Request”, dated August 5, 2022

Authored by:

Original Signed by:

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

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



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

August 5, 2022

Via Email Only

Mr. Andrew Bryce, MCIP, RPP
Manager of Current Planning
City of Niagara Falls
4310 Queen Street
Niagara Falls, ON, L2E 6X5

Our File: PLOTH202200977

Dear Mr. Bryce

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Minister's Zoning Order Resolution Request
0 and 8656 Mountain Road
Applicant: Hospitality Resorts Inc.**

The NPCA has been circulated a request for City Council to pass a resolution regarding a Minister's Zoning Order (MZO) on 0 and 8656 Mountain Road, in the City of Niagara Falls. The following materials were reviewed as part of the request:

- Planning Brief, prepared by IBI Group, dated March 8, 2022
- Letter to Mayor and Members of Council, prepared by IBI Group, dated March 15, 2022
- Location Map, prepared by City of Niagara Falls, print date June 27, 2022

The subject lands contain features and areas that are regulated by the Niagara Peninsula Conservation Authority (NPCA) and the proposed development is subject to *Ontario Regulation 155/06* and the applicable NPCA policies. The purpose of the MZO is to facilitate the development of an 18 hole golf course, driving range, a chip and put, a putting green, and a pro shop lounge. Also proposed are an inn and spa facility comprised of a mix and range of suite options, recreational amenities (i.e. spa and lounge pool), restaurant, and accessory structures (i.e. barn). The proposed development plans to preserve the existing woodlot and aquatic habitat features and functions, in addition to damming the watercourse to create ponds for irrigation.

The MZO process, if approved, would establish the permitted uses and zoning regulations, subject to several conditions. Further, the draft Zoning by-law states that the boundaries of the environmental features within the Environmental Protection Zone (EPA) can be refined based on the results of the Environmental Impact Study (EIS) and without further amendment.

We understand that future Site Plan Control application(s) would be required to facilitate the detailed design of the site, including stormwater management, servicing and other such matters.

NPCA Comments on Proposed MZO

The NPCA regulates watercourses, flood plains, Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. Approval of a MZO does not constitute approval under the *Conservation Authorities Act*.

The *NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act* (NPCA policies) provides direction for managing NPCA regulated features. From a desk top review including review of the NPCA's mapping, the subject land contains the following NPCA regulated features:

- Ten Mile Creek Wetland Complex (Evaluated Non-Provincially Significant Wetland);
- Shriners Creek Wetland Complex (Evaluated Non-Provincially Significant Wetland);
- several watercourses;
- potential unevaluated wetland;
- a portion of the flood plain associated with Ten Mile Creek (Hurricane Hazel Flood Event Standard); and
- Type 2: Important fish habitat.

The NPCA notes that recent amendments to the *Conservation Authorities Act* have included a section relating to MZOs. Section 28.0.1 of the amended *Conservation Authorities Act* applies to a development project that has been authorized by a MZO under the *Planning Act*, within an area regulated under Section 28(1) of the *Conservation Authorities Act*, outside of the Greenbelt Plan Area. Should the MZO be approved by the Province, the provisions of this new Section of the *Conservation Authorities Act* would apply and are summarized as follows:

- Conservation authorities shall issue a permit.
- Conservation authorities may only impose conditions to the permit, including conditions to mitigate:
 - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land.
 - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.
 - Any other matters that may be prescribed by the regulation.
- An applicant has the right to a Hearing before the Authority (Board) if there is an objection to the permit conditions being imposed by the conservation authority.
- If the applicant still objects to conditions following a decision of the Hearing Board, the applicant has the option to either request a Minister's review or appeal to the Ontario Land Tribunal (OLT).

- All MZO-related conservation authority permits must have an agreement with the permittee (can include all parties, e.g., municipalities, on consent with applicant).
- The agreement shall set out actions that the holder of the permission must complete or satisfy to protect and/or compensate for ecological impacts (where applicable), and any other impacts that may result from the development project.
- The agreement must be executed before works commence on the site. Some enforcement provisions through court proceedings are in effect for MZO permits in accordance with Section 28.0.1 of the *Conservation Authorities Act*.

Technical Study Requirements

It is, therefore, prudent to ensure that the City's technical study requirements and conditions for the MZO and the NPCA's Permit requirements and conditions are in alignment in an effort to coordinate and stream line the two processes. The NPCA notes that it is the Applicant's responsibility to ensure they submit a complete application(s), with the required supporting documentation to be determined through a pre-consultation with NPCA staff, for any work in an NPCA-Regulated area.

The NPCA highly recommends that a Comprehensive EIS, including a Terms of Reference (TOR) be completed to the satisfaction of the NPCA. A site visit will be required to review the proposed project area and help scope the study requirements. Recently, the NPCA Board of Directors has approved an interim Wetland Procedure document and interim EIS Guidelines. These two important tools will provide the Applicant and agency partners with clarity around NPCA requirements for EISs and proposed development affecting wetlands.

A Terms of Reference (TOR) must be prepared by the Applicant to the satisfaction of NPCA staff prior to undertaking the comprehensive EIS. As part of preparing an EIS, the following technical review would need to be completed by a qualified consultant, retained by the Applicant and in accordance with NPCA's EIS Guidelines:

1. Background Review/Screening: The Background Review should include but not be limited to a review of the following:
 - a. NPCA staff recommend that citizen science databases be accessed in addition to the NHIC and information requests made to Ministry of Natural Resources and Forestry (MNRF) and Ministry of Environment, Conservation and Parks (MECP) (e.g. eBird, i naturalist).
 - b. NPCA Watershed Plans: https://npca.ca/images/uploads/common/NPCA-Watershed-Plan-Beaverdams-and-Shriners-Creek_1.pdf.
 - c. NPCA staff note MRNF fisheries data is available for the surrounding area, near Taylor Road. NPCA staff recommend the applicant to contact MNRF at Vineland (David Denyes Tel: (289) 241-6872 or david.denyas@ontario.ca) for available fisheries data for the area.

2. A constraints analysis with mapping outlining the boundaries of each of the features and buffers.
3. To ensure current baseline characterization of conditions on subject lands, NPCA staff request the following field surveys to be undertaken:
 - a. Floristic Studies: NPCA staff request a three-season botanical survey to be undertaken. To note, a full vegetation species list to be provided can be combined with Ecological Land Classification (ELC) and/or Ontario Wetland Evaluation System (OWES) as appropriate:
 - i. Spring: May to early June
 - ii. Summer: mid-June to August
 - iii. Fall: September to October
 - b. Watercourse Characterization: Assessment from the Ontario Stream Assessment Protocol (OSAP) is to be undertaken. Please specify the specific methodology to be utilized to characterize the watercourse(s) within the study area.
 - c. Fish Community Survey: To ensure baseline characterization of the form and function the watercourses, NPCA request that fish community assessment to be undertaken to characterize the features and ensure avoidance/mitigation measures are adequate to ensure no negative impact is incurred on these features as a result of the proposed development. Please provide NPCA with the appropriate protocols, sampling methods and timing windows within the Comprehensive EIS TOR.
 - d. Bird Surveys: Please ensure that breeding, migrant and overwintering bird survey, corpuscular bird survey and marsh bird surveys are undertaken. Please provide NPCA with the appropriate protocols to be used and timing windows within the Comprehensive EIS TOR.
 - e. Amphibian Surveys: Completion of amphibian call survey. If vernal pools are present, anuran egg mass surveys and salamander visual encounter and egg mass surveys to be completed. Please provide NPCA with the appropriate protocols/methods to be used and timing windows within the Comprehensive EIS TOR.
 - f. Reptile Surveys: NPCA staff request that reptile surveys to be undertaken to ensure baseline characterization of the site. Please provide NPCA staff with appropriate protocols/survey methods and timing windows within the Comprehensive EIS TOR. Snake surveys are required to be completed, NPCA staff recommend that methodology be consistent with the Survey Protocol for Ontario's Species at Risk Snakes (OMNRF, 2016).
4. Headwater Drainage Feature Assessment Protocol to be undertaken.
5. To ensure no negative impact to the wetlands and watercourse on Subject Lands or the adjacent land from the proposed development, NPCA staff request that a Water Balance Risk Evaluation be completed. Please see the following link(s) for more information to assist with determining the need for a water balance and demonstrate conformance. NPCA staff

note that pending results from the Headwater Drainage Feature Assessment and Water Balance Risk Evaluation assessments, additional hydrological monitoring maybe required. Additionally, please evaluate the potential effects and ensure through proper avoidance and mitigation measures (i.e., ecological and hydrological). A feature-based water balance may be needed. Please see the following link(s) for more information to assist with determining the need for a water balance and demonstrate conformance.

- a. Wetland Water Balance Risk Evaluation:
https://trca.ca/app/uploads/2017/12/WetlandWaterBalanceRiskEvaluation_Nov2017.pdf
- b. Wetland Water Balance Monitoring Protocol:
<https://sustainabletechnologies.ca/app/uploads/2017/02/TRCA-Wetland-Water-Balance-Monitoring-Protocol.pdf>
- c. Water Balance Guidelines for the Protection of Natural Features:
https://sustainabletechnologies.ca/app/uploads/2013/04/SWM-Criteria-2012_Appendix-D.pdf

6. It appears that the Comprehensive Development Proposal drawings on Page 2 of the above noted planning brief identifies potential on-line ponds. Please note that NPCA Policy does not support the establishment of on-line ponds.
7. NPCA staff request ELC datasheets and field sheets / raw data and soil samples, including representative soil samples to verify ELC communities to be included as an appendix in the EIS.
8. NPCA staff request an updated OWES to be completed for the subject land and submitted to the MNRF for review and approval.
9. The NPCA advises applicants to consult with the information available at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html> to review their proposed projects for potential impacts to fish and fish habitat. If they have any general questions, Department of Fisheries and Oceans (DFO) can be contacted at 1-855-852-8320 or by email at fisheriesprotection@dfo-mpo.gc.ca.
10. This area may contain Species at Risk. The permittee should contact the MECP to ensure that no damage to Species at Risk or their habitat will result from the proposed work. Please send your request to SAROntario@ontario.ca and a MECP staff person will screen the information and provide a response.
11. The NPCA requires flood plain mapping to the Hurricane Hazel Flood Event Standard for Ten Mile Creek be generated for the remainder of the subject lands. Depending on the extent of the Hurricane Hazel Flood Event Standard flood plain and the uses proposed within the flood plain, adjustments may need to be made to the development plan to ensure there is minimal risk to people and property. This will also be needed for the issuance of any future NPCA Permits for works in or adjacent to Ten Mile Creek.

We thank you for the opportunity to review the MZO request and provide our comments. The comments above are specific to the project titled above. Comments are informed by the available

information presented to date and therefore reflect the current best understanding of the project and anticipated impacts. They are subject to change based on the submission of new information.

I trust this information is helpful. If you have any questions, please let me know.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Deluce". The signature is fluid and cursive, with the first name "David" and last name "Deluce" clearly distinguishable.

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

cc: Ms. Diana Morreale, MCIP, RPP, Niagara Region (email only)
Ms. Kira Dolch, MCIP, RPP, City of Niagara Falls (email only)
Ms. Chandra Sharma, MCIP, RPP, NPCA (email only)
Ms. Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, NPCA (email only)
Ms. Amy Parks, NPCA (email only)
Mr. Steve Miller, P.Eng., NPCA (email only)

Report To: Board of Directors

Subject: Completion of Purchase – Rockway Community Centre

Report No: FA-39-22

Date: September 16, 2022

Recommendation:

THAT Report No. FA-39-22 RE: Completion of Purchase – Rockway Community Centre **BE RECEIVED.**

Purpose:

The purpose of this report is to update the board of Directors on the completion of the purchase of the Rockway Community Centre located at 2021 Regional Road 69, (PT LT 10 CON 8 Louth) in Lincoln, ON.

Background:

The Niagara Peninsula Conservation Authority owns a 125.52 Ha property in the Town of Lincoln and City of St. Catharines called Rockway Conservation Area. The Conservation Area is part of the Niagara Escarpment with significant ecological features, flora, fauna, and recreational features. The extensive trail system in the Conservation Area is also part of the Bruce Trail and offers a hiking experience to the Fifteen Mile Creek Valley surrounded by mature Basswood, Sugar Maple, Black Walnut, and Sycamore trees. The property boasts of a salt spring with use that dates as far back as 1792. Rockway Conservation Area also includes two spectacular waterfalls that plunge from heights of 19.5 meters and 12.2 meters. The watercourse continues down river, surging over a series of rapids. The current conservation area facilities include limited parking off 9th Avenue of up to three vehicles with a small entrance to the Conservation Area. The Conservation Area is more commonly accessed via the parking lot at 2021 Regional Road 69 (Rockway Community Centre).

The Rockway Community Centre consists of a 4,911 square foot building that offers 50 parking spaces. The Community Centre has provided parking and access to Rockway Conservation Area and the Bruce Trail since the NPCA acquired the Rockway Conservation Area property in 1974.

Discussion:

In June 2022, the Regional Road 69 property was listed on multiple listing service (MLS) by the owner Rockway Community Club. The NPCA and Rockway Community Club agreed to a conditional offer on July 11, 2022 pending NPCA Board of Directors approval. At the Closed Session of July 15,

2022, the Board authorized staff to finalize the land purchase of 2021 Regional Road 69 at an agreed amount of \$800,000 (plus closing costs and non-recoverable HST) with funding available in NPCA Land Acquisition Reserve. As of August 15th, 2022, the purchase of 2021 Regional Road 69 has been fully completed.

As per Board direction, a letter has been sent to the Rockway Community Club encouraging them to donate a portion of the sale proceeds to the Niagara Peninsula Conservation Foundation (NPCF) to support the restoration and enhancement of the Rockway Conservation Area for public use.

Staff have also met with the Bruce Trail Conservancy and their volunteers to discuss next steps and future collaboration opportunities. Bruce Trail Conservancy has also sent a letter to the Rockway Community Club inviting them to contribute towards the long-term restoration of this site for public use.

A key short-term priority in 2022 is to safely secure the site to prevent vandalism and safe public access. Future use and site restoration plans will be developed and implemented in 2023.

Financial Implications:

The NPCA's Land Acquisition Reserve for Niagara supported this purchase. Staff continue to explore potential grant funding and collaboration opportunities to offset NPCA costs and restore the property for enhanced public use. An application to the Federal Canada Nature Fund has been submitted through Conservation Ontario. Other options being explored include:

- Auction proceeds of chattels remaining on the property that are not required by NPCA;
- Parking revenue for access to the expanded Rockway Conservation Area;
- Community partnerships to generate revenue and/or cost share; and
- Application to the Conservation Land Tax Incentive Program to eliminate property taxes as an ongoing carrying costs.

Links to Policy/Strategic Plan:

This land acquisition aligns with the NPCA's 2021 to 2031 Strategic Plan to create equitable access to greenspace for the health and well-being of people. (Goal 3.1).

The proposed purchase is consistent with NPCA's Draft Land Securement Strategy (2022-2023).

Related Reports and Appendices:

None

Submitted by:

Original Signed by:

Chandra Sharma
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: Contract Award – Skycomp Solutions Inc. – Consulting and Professional Services in Information Technology

Report No: FA-33-22

Date: September 16, 2022

Recommendation:

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.

Purpose:

The purpose of this report is to request a Board of Directors approval for a contract award for Consulting and Professional services in Information Technology in the amount of \$150,240 per year (plus non-recoverable HST) to Skycomp Solutions Inc. with annual price escalation tied to CPI for a 5-year term (2022 to 2027). This approval is required to comply with provisions in both the Procurement and Delegation of Authority Policies.

Background:

In 2015, in response to the need for autonomy of IT resources, the Board elected to move to establish our own network and management of IT infrastructure, independent from Niagara Region, who had historically been providing these services. Three quotes were obtained for required servers/hardware in support of this initiative and IT managed services were added as an extension to scope of services. The NPCA Board approved a 3-year contract award to Skycomp Solutions Inc. in 2015, with annual auto-renewal provisions at staff's discretion. This process continued until 2021 where staff renegotiated a 6-month bridge contract with the service provider pending a full RFP in Q2 of 2022 for Consulting and Professional Services in Information Technology.

On May 25th, 2022, NPCA issued a competitive procurement RFP No. NPCA-2022-014 entitled Consulting and Professional Service in Information Technology to Business Enterprises. The RFP closed on June 27th, 2022, and 4 compliant bids were received and evaluated in accordance with the provisions of the RFP. Skycomp Solutions Inc. was the successful proponent.

Discussion:

The total cost for consulting and professional services in information technology is \$150,240 per year (plus non-recoverable HST) with annual price increases tied to CPI for a 5-year term (2022 to 2027).

The contract is structured as a monthly fee per managed workstation, with a suite of hourly rates for on demand services as required. Skycomp Solutions Inc. has been NPCA's provider of IT managed services since 2015, is based in the Niagara Region and has provided satisfactory service in the last 7 years.

The annual payment will be increased from year 2 onward by the percentage increase in the Bank of Canada CPI. The annual cost is expected to increase by a minimum of 2% and a maximum of 6.4%. It should be noted that as operational volumes increase, total operating costs will rise accordingly. The unit price will remain in line with the contractual agreement.

Please note provisions in the Delegation of Authority Policy:

COMMITMENT/CONTRACTUAL

A. Procurement

The following thresholds identify levels of approval that must be secured prior to entering into a purchasing process such as Tenders, Proposals, or Quotes. This Policy is in alignment with the related provisions in the Procurement Policy. Approval of the CAO/Secretary-Treasurer is required for all procurement commitments where the budget is exceeded by \$50,000 or greater.

A.1 Board Approved Capital Projects Approval Thresholds

Competitive Procurement	
Commitment/Spending Limits	Delegation
\$100,001 AND OVER	NPCA Board of Directors
\$50,001 TO \$100,000	CAO/Secretary-Treasurer
\$7,501 TO \$50,000	Director
0 TO \$7,500	Manager

Please note provisions in the Procurement Policy - Purchasing Authorization and Methods:

NPCA Purchasing Authorization and Methods

Goods, Non-Consulting, Consulting, Services, & Construction

Table 3

Amount	Purchase Method	Approver
0 to \$7,500	Purchasing Card Purchase Order* Executed Agreement Cheque Requisition Supplier Invoice	Initiator + Manager

\$7,500 to \$50,000	Purchase Order* Executed Agreement* Cheque Requisition^	Manager + Director
\$50,000 to \$100,000	Purchase Order* Executed Agreement* Cheque Requisition^	Manager + Director + CAO
>= \$100,001	Purchase Order* Executed Agreement*	Director + CAO + Board of Directors

Financial Implications:

The operating impact of the contract award for 2022 is included in the approved Operating Budget. Provisions for future years will be included in Operating Budgets from 2023 to 2027.

Links To Policy/Strategic Plan:

Financial Sustainability:

- Goal 6.1 Ensure responsible, sustainable, and sound fiscal practices

Authored by:

Original Signed by:

Eric Gervais, CSCMP
Procurement Specialist, Corporate Services

Reviewed by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Water Quality Monitoring Program Report for the Year 2021

Report No: FA-34-22

Date: September 16, 2022

Recommendations:

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.

Purpose:

The purpose of this report is to update the Board of Directors on NPCA’s Water Quality Monitoring Program for the Year 2021 and associated Stewardship Fact Sheet. The report further recommends actions to inform NPCA’s watershed municipalities, stakeholders, and the public regarding best practices to improve local water quality.

Background:

The NPCA Water Quality Monitoring Program was implemented in 2001 and is operated in partnership with the Ministry of Environment, Conservation and Parks (MECP), the Niagara Region, Haldimand County, and the City of Hamilton. The NPCA collects and analyzes hundreds of water samples each year from the streams and groundwater resources within the watershed. From this information, the NPCA can identify sources of pollution, track water quality trends, and help to assess and direct NPCA environmental programs. As well, the long-term data collected serves as a baseline by which to compare the success of various water quality improvement initiatives being undertaken by different organizations throughout the watershed.

Discussion:

The NPCA Water Quality Monitoring Report for the Year 2021 summarizes the results of the NPCA's surface water and groundwater monitoring program. The complete report can be found on the NPCA's website at the following link: <https://npca.ca/watershed-health#water-quality-monitoring>. Staff have also developed a Stewardship Fact Sheet (Appendix 3) to encourage local water quality improvement actions by stakeholders and community.

Surface Water

The NPCA collects monthly surface water quality samples (during the ice-free season) at 80 monitoring stations and analyzes them using several indicator parameters including chloride, nitrate, total phosphorus, total suspended solids, copper, lead, zinc, and *E. coli*. These indicator parameters are used to calculate the Canadian Water Quality Index (WQI) which provides a descriptive water quality rating for each station.

The NPCA also monitors surface water quality using benthic invertebrates (aquatic insects and animals) as indicators of stream health. Due to their restricted mobility and habitat preferences benthic invertebrates usually remain in a localized area. As a result, they are continuously subjected to the effects of all pollutants and environmental stream conditions, and as such can provide a broad overview of water quality related problems. They are abundant in all types of aquatic systems and can be easily collected and identified.

For surface water, the biological and chemical monitoring results indicate that most of Niagara's watersheds have poor or impaired water quality. Total phosphorus, *E. coli*, suspended solids, and chlorides from non-point sources (agricultural and livestock operations, faulty septic systems, winter de-icing operations) and point sources (combined sewer overflows, urban stormwater runoff) continue to be the major causes of impairment in the NPCA watershed.

Watercourses under the direct influence from the Great Lakes and Niagara River such as the Lower Welland River have higher water quality ratings. Watercourses that are strongly influenced by groundwater discharge like the Upper Twelve Mile Creek (Effingham Branch) also have higher water quality ratings as do watercourses located in areas with substantial natural landscapes like the Point Abino Drain and Beaver Creek (both located in Fort Erie). Please refer to Appendix 1 for additional information on the water quality ratings from 2017-2021.

Groundwater

The NPCA collects water quality data from 15 Provincial Groundwater Monitoring Network (PGMN) monitoring wells and 31 Ontario Geological Survey monitoring wells. Please refer to Appendix 2 for the location of the wells within the NPCA groundwater monitoring network. This data is important to assess the ambient conditions of several bedrock and overburden aquifers found in NPCA watershed. For groundwater, monitoring results indicate that water quality was found to be highly variable with some wells exceeding the Ontario Drinking Water Standards. All groundwater quality exceedances were related to naturally occurring bedrock conditions and have been reported to the MECP and the applicable municipal Public Health Departments.

Recommendations

The NPCA Water Quality Monitoring Program continues to provide valuable information about the health of the watershed. The poor surface water quality in the NPCA watershed has been caused by decades of environmental degradation. However, water quality programs that improve how nutrients are managed, serve to increase riparian buffers, and improve forest cover can begin to address these impacts. While collective efforts across the NPCA watershed will improve water quality over time, there is much work to be done before the water quality in the NPCA watershed improves to the point where it is able to meet federal and provincial water quality guidelines. As such, the Water Quality Monitoring Report recommends that the NPCA continue to monitor both our surface water and groundwater to ensure that there is up-to-date water quality information available, quantify trends, and continue to identify sources of contamination within the NPCA watershed.

Communication Strategy

In previous years, the Water Quality Monitoring Program Annual Summary Report was circulated via email to the Clerks at the member municipalities, the local Health Departments, and the MECP. At the October 22, 2020 NPCA Board Meeting, the NPCA Board directed staff (via Resolution FA-134-2020) to present the annual Water Quality Monitoring results and trends to the partner municipalities and to develop water quality education resources to engage stakeholders about the state of water quality and suggested best practices.

In response to the direction for the NPCA Board of Directors, the NPCA will undertake the following actions:

The Water Quality Monitoring Summary Report for the Year 2021 will be distributed to the Clerks at Niagara Region and its lower-tier municipalities, the City of Hamilton, the County of Haldimand, all associated Public Health Departments, and the local Ontario Ministry of Environment, Conservation and Parks office. With the circulation to the Clerk at the NPCA's watershed municipalities, an offer will be extended for NPCA staff to present the report and its associated findings to municipal council and/or senior staff.

A Water Quality Stewardship Fact Sheet 2021 summarizing the report's findings and a list of actions that individuals, communities, and businesses can undertake to improve local water quality will also be published via various mediums, such as digital posted on the NPCA's website and printed. Please see Appendix 3 for a copy of the fact sheet.

The Water Quality Monitoring Report 2021 associated Stewardship Fact Sheet is made available on the NPCA website <https://npca.ca/watershed-health#water-quality-monitoring>.

Financial Implications:

The Water Quality Monitoring Program is funded through the annual operating budgets, with support from our municipal partners.

Links to Policy/Strategic Plan:

The NPCA Water Quality Monitoring Program provides information to partners and members of the community to support evidence-based decision-making for climate-resilient watersheds.

Related Reports and Appendices:

Appendix 1 – Water Quality Ratings in 2017-2021
Appendix 2 – NPCA Groundwater Monitoring Network
Appendix 3 – Water Quality Stewardship Fact Sheet

Authored by:

Original Signed by:

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

Prepared by:

Original Signed by:

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

Reviewed by:

Original Signed by:

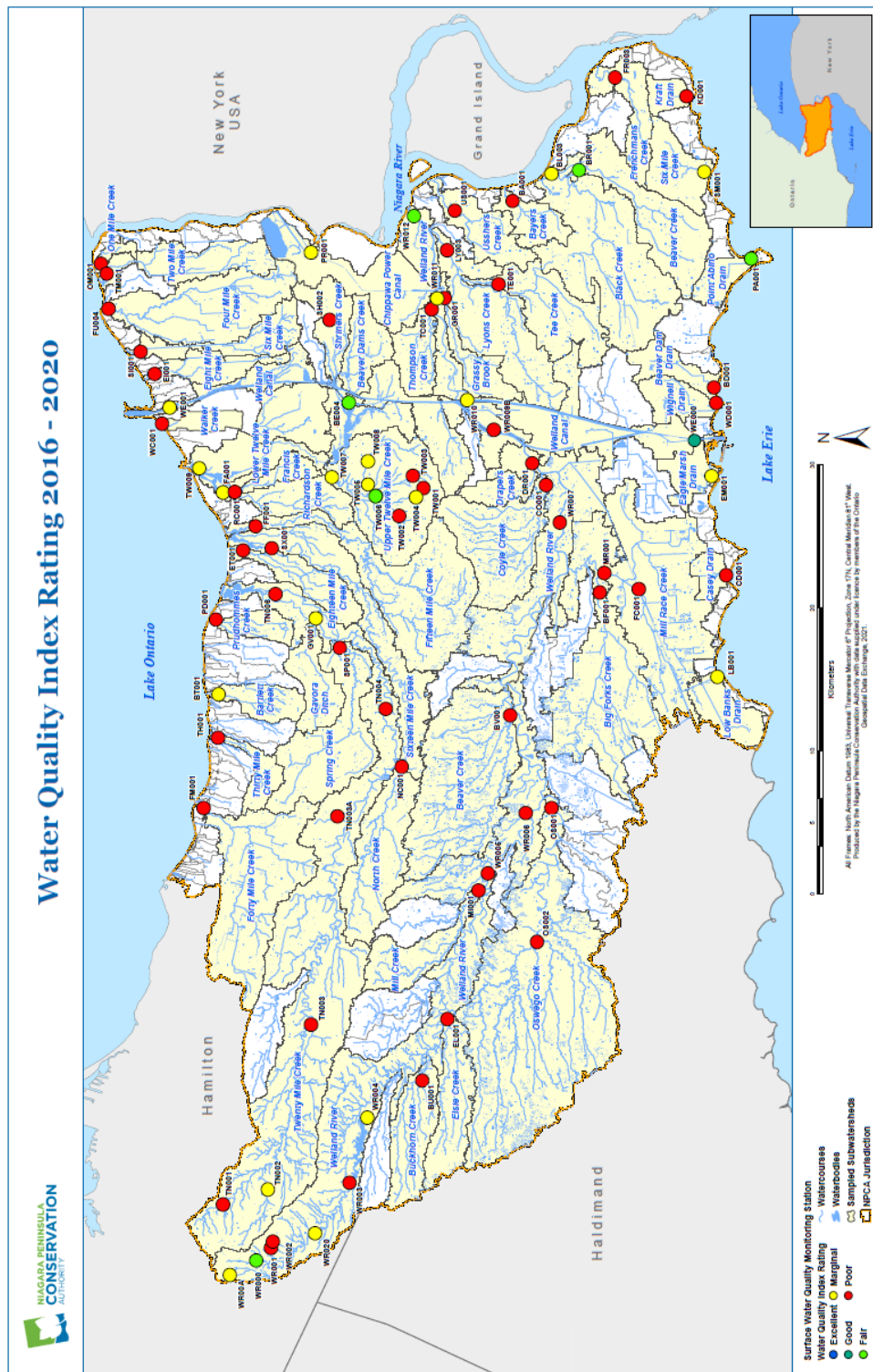
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP
Director, Watershed Management

Submitted by:

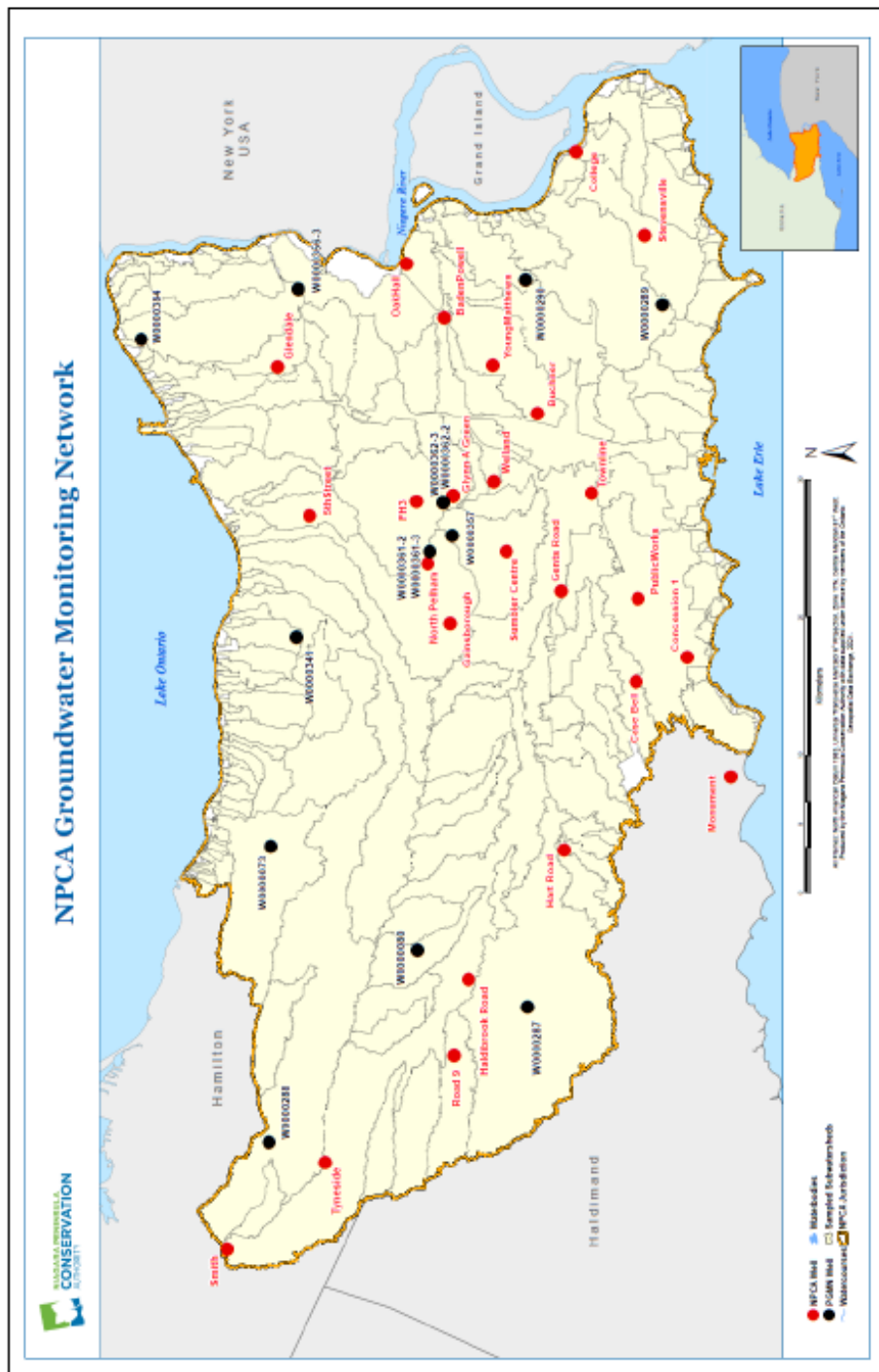
Original Signed by:

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

Appendix 1 - Water Quality Ratings 2017-2021



Appendix 2 – NPCA Groundwater Monitoring Network





2021

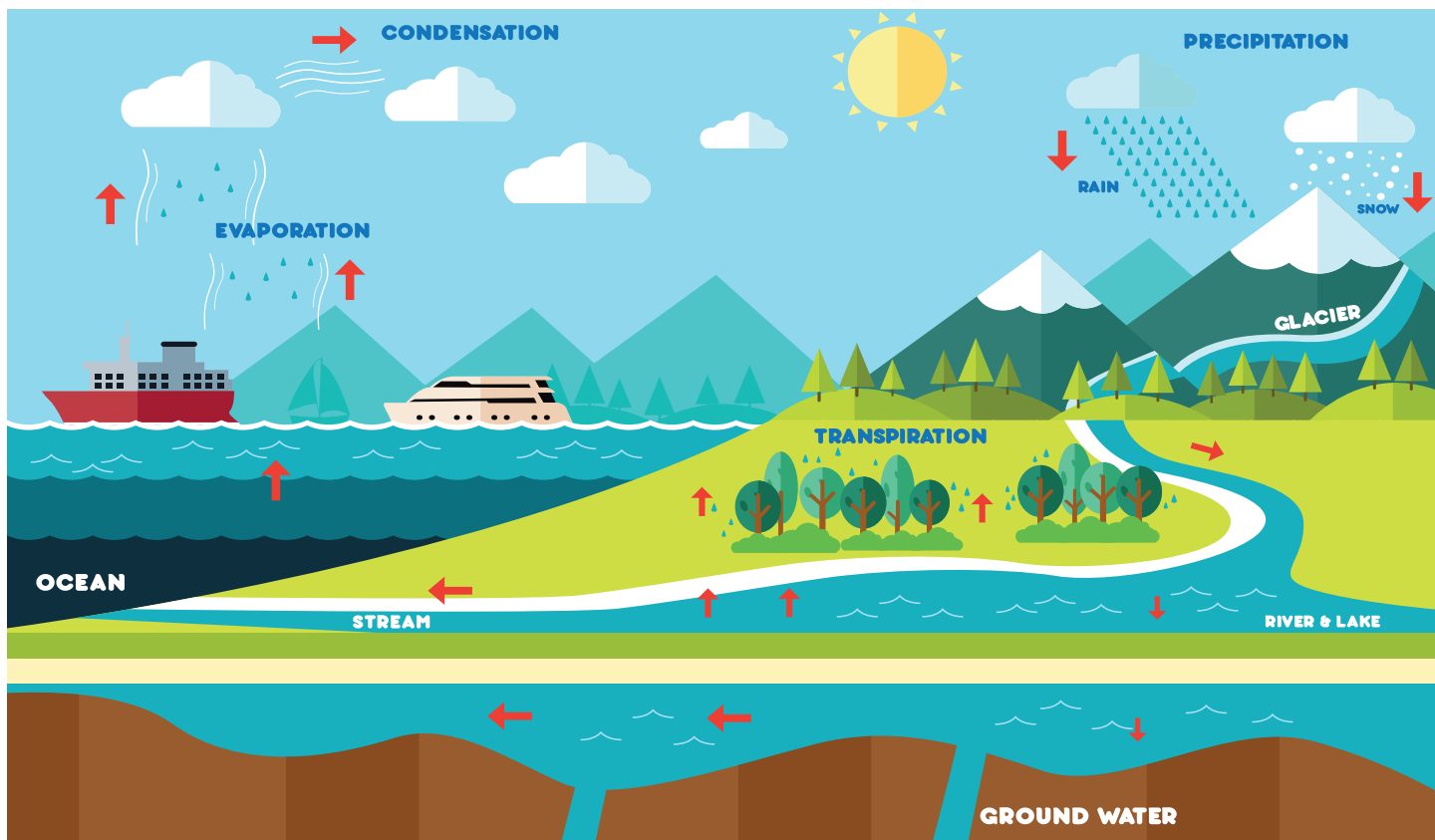
WATER QUALITY STEWARDSHIP FACT SHEET



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

www.npca.ca

Report No. FA-34-22



[Sources: Credit Valley Conservation and Long Point Conservation Authority]

What is the water cycle?

Water moves continuously through our natural environment in a cycle.

We pick up the water cycle with rain or melting snow, which in reaching land:

- Flows to rivers, creeks, and lakes
- Seeps into the ground and wetlands where it is stored
- Plants absorb this water, and animals, including us, drink it

This water moves again! It may evaporate from the surface of lakes, aided by the sun. It is released by plants and animals. Water also filters in the ground and moves through soil to feed our lakes, rivers, and wetlands.

The evaporated water, as moisture, is carried by air. It rises, condenses to form clouds, and then is released (as rain or snow) to fall to earth once again.

Water feeds life

Water supplies the needs of all life. It flows through the landscape of a river's drainage area, or watershed, linking the natural

features and communities of the watershed together. Within a watershed, everything is connected.

We must take care of the water, we are as much a part of this system as are the trees, animals, and fish.

Surface Water

Surface water is the water that flows on the surface of the earth. Groundwater is found underground in the cracks and spaces in rocks, soils, and sands.

Groundwater

Groundwater is stored in and moves slowly through aquifers -- underground layers of rock or sands and gravels that can hold water. As a "bank" of water, aquifers can store more or less water depending on the season and recent rains. We sometimes refer to the top of the aquifer as the water table, which can rise after spring melt or heavy rains, and fall when less water is available (e.g., dry periods).

Water Monitoring Programs

Clean water supports diverse aquatic habitats, enhances recreational potential, and improves the well-being of those who use it. Environmental monitoring efforts provide information on surface and groundwater quality and quantity, important data that allows Niagara Peninsula Conservation Authority (NPCA) staff to identify changes taking place within the watershed.

Water monitoring has become increasingly important with growing pressures on surface and groundwater resources, development next to lakes, watercourses, and wetlands, and climate change having unforeseen and possibly dramatic impacts on the water quality and quantity. Throughout the watershed, NPCA collects standardized scientific data through established monitoring programs.

Water Quality Issues in NPCA Watershed

15

P

Phosphorus

What is phosphorus and how does it become a problem?

Phosphorus is a natural element found in rocks, soils and organic material and is an essential nutrient for plant growth. High concentrations may result from poor agricultural practices, runoff from urban areas, leaking septic systems or discharges from sewage treatment plants.

How does phosphorus affect our watersheds?

Excessive phosphorus concentrations can stimulate the overgrowth of plants and algae, depleting oxygen and leading to toxin producing algae blooms, which can be harmful to human and animal health.

What can be done?

Actions include eliminating pesticide use, natural buffers along watercourses and rain gardens. Larger scale actions include optimizing fertilizer use, eliminating runoff of livestock operations and erosion from roadways, construction sites and stream banks.

Cl⁻

Chloride

What is chloride and how does it become a problem?

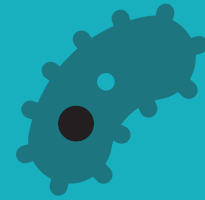
Chloride is a natural element that is typically found in surface waters, but can be increased through the winter salting of surfaces and through industrial discharges, wastewater, irrigation drainage, and landfill leachates.

How does chloride affect our watersheds?

Chloride is toxic to aquatic life, and can inhibit species' growth and reproduction, impact food sources, and disrupt osmoregulation in amphibians. Salt is also corrosive and can damage infrastructure, vehicles, clothes, and even the paws of our pets.

What can be done?

Winter chloride is an effective tool in de-icing surfaces but it is being overused. Methods to reduce salt use include adhering to the recommended application rate, treating roadways with brine, snow removal, worker training and alternatives like calcium magnesium acetate or sand.



E. coli (Escherichia coli)

What is E. coli and how does it become a problem?

E. coli is a bacteria found in intestines of animals and humans, and in human sewage. Sources of E.coli include sewer overflows, wastewater plants, septic systems and livestock operations. The levels of E. coli can spike during wet weather events like storms.

How does E. coli affect our watersheds?

E. coli is an indicator of fecal contamination. Once in a waterbody, E. coli can infect humans through ingestion or skin contact, resulting in diarrhea, giardia, hepatitis, or cholera.

What can be done?

E. coli can be reduced by controlling contaminated runoff with infrastructure improvements, fixing leaky sanitary sewers, incorporating green infrastructure like rain gardens and water-permeable hardscapes in street and park designs, picking up pet waste and discouraging seagulls and geese from congregating near the water. The use of Best Management Practices such as proper manure storage, livestock fencing, appropriate biosolid application rates and vegetative buffers from waterways are key tools for reducing E. coli in our watersheds.



Ball's Falls Conservation Area

NPCA Water Quality Monitoring Program: State of Water Quality in 2021

What is a Watershed?

A watershed is a land area that channels rainfall and snowmelt to creeks, streams, and rivers, and eventually to outflow points such as the Great Lakes in the NPCA jurisdiction. As the water flows through a watershed, it often picks up pollutants, which may have detrimental effects on the ecology of the watershed. Not all water flows directly to outflow points. When rain falls or snow melts some of it infiltrates into the ground. This groundwater remains in the soil, where it will eventually seep into the nearest stream or infiltrate much deeper into underground reservoirs called aquifers.

The goal of the NPCA water quality program is to protect human health and aquatic ecosystem by providing reliable and current information on the quality of surface water and groundwater in the NPCA watershed.

- The Niagara Peninsula Conservation Authority regularly collects and tests water samples at 80 surface water stations and 46 groundwater stations located throughout the NPCA's jurisdiction.
- The NPCA participates in the Provincial Water Quality Monitoring Network (PWQMN) and Provincial Groundwater Monitoring Network (PGMN) a partnership program with the Ontario Ministry of Environment Conservation and Parks.
- Surface water quality samples are analyzed for chloride, nutrients, E. coli, suspended solids, and metals. Groundwater quality samples are analyzed for chloride, nutrients, and metals.

Why monitoring is so important

- Characterizes our waters and identifies changes over time
- Identifies specific existing or emerging water quality issues
- Gathers information to design specific pollution prevention or remediation programs
- Confirms that program goals are being met

Surface Water - What Did We Find?

- Surface water monitoring results indicate most of the watersheds in the NPCA jurisdiction have poor water quality.
- The high levels of total phosphorus, E. coli, suspended solids, and chlorides within the surface water continue to be the major causes of poor water quality.
- The sources of these pollutants are generally from both rural areas (agricultural runoff and faulty septic systems) and urban areas (combined sewer overflows and urban stormwater runoff).
- Chloride concentrations were found to be highest in watershed with a high density of roads and urbanized areas.
- Nutrient and sediment concentrations were found to be highest in watersheds with significant agricultural landuse.
- E. coli concentrations were found to be highest in a variety of watershed types and related to both intensive urbanization and rural land uses.
- The upper Twelve Mile Creek tributaries have the best naturally occurring water quality due to large input of groundwater. Other watersheds such the Lower Twelve Mile Creek, Lower Welland River and Welland Canal have good water quality owing to the strong influence of water input of Lake Erie and the Niagara River.



Groundwater What Did We Find?

- The groundwater quality in NPCA's jurisdiction was found to be highly variable with some monitoring wells exceeding the Ontario Drinking Water Standards.
- All the Ontario Drinking Water Standards exceedances are a result of the natural conditions of the groundwater.
- Private well owners are responsible for having their well water tested regularly and to make sure that their well is properly maintained and in good condition.

How is the NPCA Water Quality Monitoring Program Data used?

- Help define current and emerging issues, track water quality trends and determine the effects of climate change on the NPCA watershed
- Provide scientific data to guide environmental assessments and land use policy
- Provide scientific data for NPCA Annual Reporting, Watershed Report Cards, and funding applications

NPCA Reporting

- Annual NPCA Water Quality Monitoring Report
- NPCA issues a Watershed Report Card once every five years with 29 other Conservation Authorities in Ontario

Additional Water Quality Monitoring Services Provided by NPCA

- Hamilton Airport Biological Monitoring Study
- Glanbrook Landfill Biological Monitoring Study
- Upper Twelve Mile Creek Water Temperature Monitoring
- Lower Twelve Mile Creek PCB Monitoring
- Conservation Area Water Quality Monitoring

2021 NPCA Water Quality Monitoring Program by the Numbers (Established 2001)



80

Surface Water Monitoring Stations



778

Surface Water Samples Collected



34

Macroinvertebrate Samples



9480

Surface Water Samples Collected
Since 2001



46

Groundwater Monitoring Wells



36

Groundwater Samples



5

Decommission Abandoned Water
Wells for Watershed Landowners

NPCA SURFACE WATER MONITORING STATIONS

65% of the were rated as poor

26% are rated as marginal

8% are rated as fair

1% is rated as good.



Mudlake Conservation Area

What we can do to help?



What Can You Do?

- Plant native trees, wildflowers, shrubs, and/or rainwater gardens.
- Reduce the amount of mown grass on your property.
- Reduce the amount of pesticides, herbicides and fertilizers.
- Conserve water by using low flow showers and toilets, high efficiency clothes washers and dishwashers.
- Install rain barrels to collect water for use around your yard.



What Can Your Community Do?

- Sponsor community clean ups to keep waste out of natural areas.
- Look for ways to expand the existing urban tree canopy.
- Reduce the amount of pesticides, herbicides and fertilizers used.



What Can Your Business Do?

- Establish a corporate volunteering program to support local initiatives such as tree plantings.
- Invest in 'greener' alternatives to current practices.
- Encourage recycling and composting in the workplace.
- Donate towards water quality and habitat improvement programs.
- Evaluate the effectiveness of environmental programs.

NPCA Reporting and More information

Annual Water Quality Report

<https://npca.ca/watershed-health#water-quality-monitoring>

Watershed Report Cards

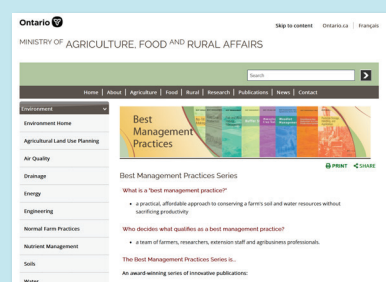
<https://npca.ca/watershed-health#report-cards>

NPCA Grant Programs

<https://npca.ca/restoration>

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

Best Management Practices.



Scan for more information on Best Management Practices.

Report To: Board of Directors

Subject: Law Crushed Stone Quarry – Joint Agency Review Team Memorandum of Understanding

Report No: FA-38-22

Date: September 16, 2022

Recommendation:

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.

Purpose:

The purpose of this report is to seek the Board of Director's approval to sign a Memorandum of Understanding (MOU) to participate on the Law Crushed Stone Quarry (the Quarry) Joint Agency Review Team (JART).

Background:

The Niagara Peninsula Conservation Authority (NPCA) has received applications for a Regional Official Plan Amendment (ROPA), local Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA), all to facilitate the expansion of the Law Crushed Stone Quarry located north of Highway 3, between Biederman Road and Graybiel Road, in the Township of Wainfleet. The proposed quarry expansion is located on lands immediately south of the Wainfleet Bog Conservation Area. The applications are currently being reviewed by staff.

A JART has been formed by the Region of Niagara and the Township of Wainfleet to facilitate technical review of the applications. An invitation to participate on the JART has been extended to the NPCA. Unlike other quarry files in which the NPCA is a participating member of the JART, this is the first instance where the subject lands directly abut NPCA-owned lands.

The Wainfleet Bog Conservation Area is the NPCA's largest property (approximately 800 hectares) and will be the focus of an upcoming management plan update. Given NPCA's dual mandate of

Regulatory Authority and land management, staff felt it prudent to seek the Board's approval to participate on the JART.

Discussion:

NPCA's Role in the JART Process

The NPCA is a commenting agency for approvals of ARA applications. Subsection 28(12) of the Conservation Authorities Act exempts activities approved under the ARA. This means that the NPCA cannot require an aggregate operator to obtain a Permit for works in a Regulated Area.

NPCA staff work alongside our peers at the Region and lower tier municipalities to ensure the appropriate information is provided by the applicants with the application submissions and municipal partners are supported with NPCA's technical review. The NPCA has executed MOU's with our partner municipalities to support this review process.

The purpose of the JART is to share information, resources, and expertise so that the applications and the associated studies are reviewed in a streamlined and coordinated manner. Staff from various provincial ministries will also be engaged through the JART process. The JART does not make a recommendation on the applications but works collaboratively to review the studies and ensure coordinated public and stakeholder engagement and consultation. An Aggregate Advisor will be retained by Niagara Region to provide advice to the JART as required.

Once all reviews are complete, a technical JART report will be prepared on the applications for independent use by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency. The JART itself does not make any recommendations on the application, therefore, the NPCA is able to make its own conclusions and is not restricted by the JART report. The NPCA is also able to leave the JART should it desire to by providing 90 days notice.

The NPCA is participating on the JART for two other quarry applications – the proposed Upper's Quarry in Niagara Falls and the Port Colborne Quarry Expansion in Port Colborne. In both of those cases, the NPCA is not an abutting property owner. The NPCA's commenting role in the current quarry application goes beyond standard Plan Review comments on natural hazards and regulated features to include comments as an abutting property owner.

The key benefit of participating on the JART is access to peer review comments on all the technical reports submitted with the application at no cost. This means that in addition to NPCA staff's comments, we would have access to comments from third-party peer reviewers providing a truly independent review of the technical studies. We would also be able to participate in the JART meetings between the applicant's consulting team and the JART peer reviewers. This is an important opportunity to help ensure NPCA technical concerns are appropriately addressed. The drawback to not participating on the JART is not having access to this additional technical review information.

NPCA's Role as a Land Owner

Given the close proximity of NPCA's Conservation Area to the proposed Quarry site, NPCA staff will also be directly commenting on the Quarry application as an adjacent land owner and important

stakeholder. In this capacity NPCA staff comments will be focused on areas of interest related to the long term management of Wainfleet Bog.

As directed through the amendments to the *Conservation Authorities Act* and associated regulations, the NPCA is required to update Conservation Area management plans. On February 3rd, 2021, Wainfleet Bog was also designated as a site under the 'Pathway to Canada Target 1 Initiative'. It was assessed to contain the attributes of a "protected area and/or other effective area-based conservation measures" to be formally recognized as contributing to the conservation of Canada's biodiversity and to Canada's area-based conservation target - Canada Target 1. This recognition acknowledges the ways in which Wainfleet Bog is already being managed to conserve biodiversity. This designation is strictly voluntary and does not result in any additional policy or regulatory restrictions for the Wainfleet Bog property. However, to be recognized, all criteria must be met, including that NPCA management will ensure that conservation will continue long-term.

Conclusion

Staff have completed their due diligence to address any potential or perceived conflict of interest on this particular Quarry proposal given NPCA's dual role. Based on the legal advice obtained on this matter staff are satisfied that there is no real or perceived conflict of interest in participating as a member of the JART while commenting on the Quarry application as an adjacent property owner. Staff have also clarified that the JART MOU does not prevent the NPCA from participating on the JART as an abutting property owner. Further, staff will ensure our dual mandate and areas of interest are clearly articulated during the commenting process. Given the benefits of participating as a member of the JART and the lack of any conflict of interest, NPCA staff recommend the Board authorize the CAO to sign the MOU.

Financial Implications:

There are no financial implications from this report.

Links to Policy/Strategic Plan:

The daily work of the Planning and Regulations section contributes to a healthy and resilient climate and supports sustainable growth by protecting people and properties from natural hazards and climate impacts, and maintaining a high standard of client services, tools, and procedures for planning review and permits.

Related Reports and Appendices:

Appendix 1 – Map of Subject Lands

Appendix 2 – Wainfleet Law Quarry JART MOU

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

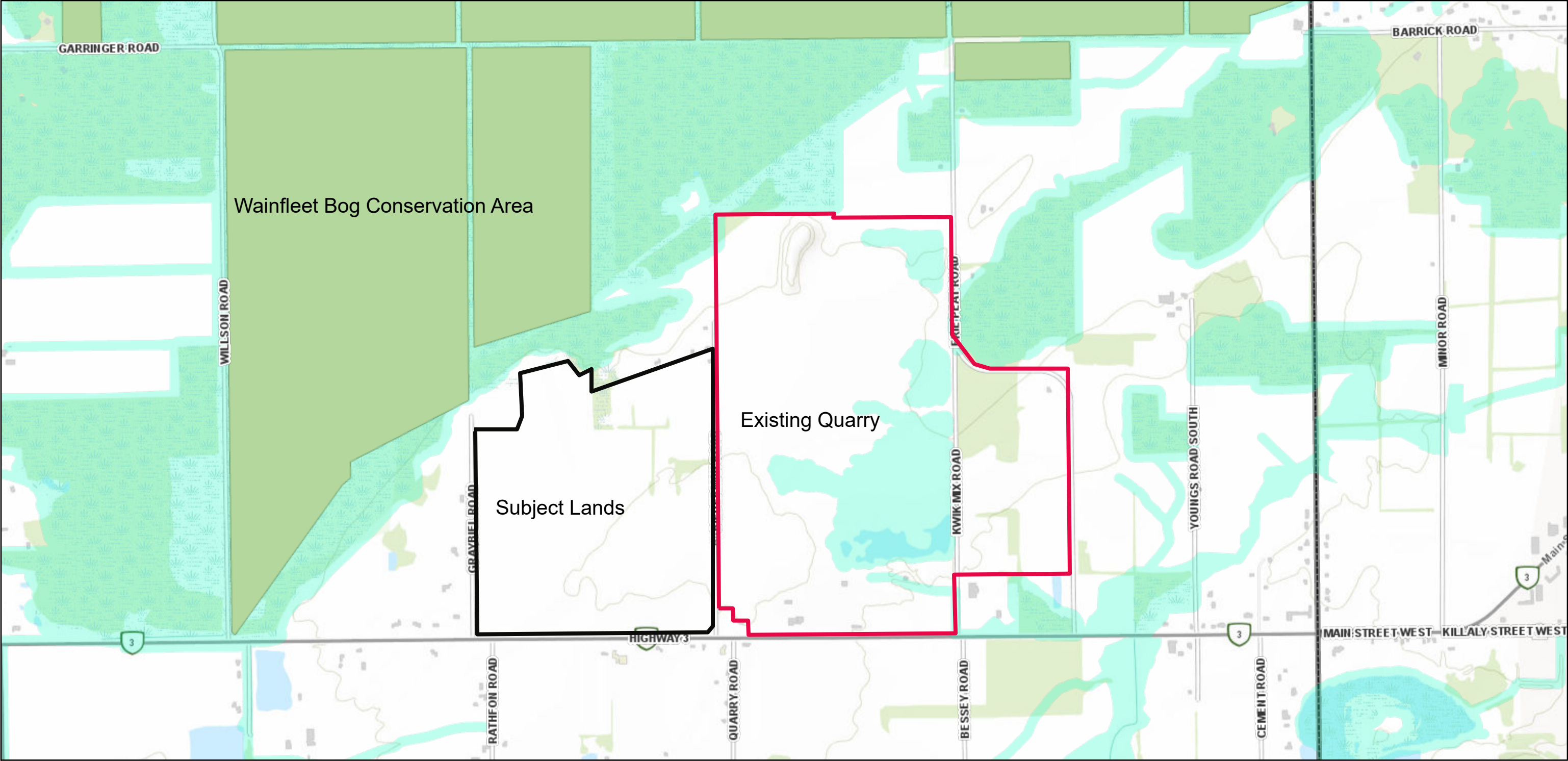
Leilani Lee-Yates, MCIP, RPP
Director, Watershed Management

Submitted by:

Original Signed by:

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

Appendix 1 - FA-38-22



9/8/2022, 10:08:14 AM

Lines

— Override 1

— Override 2

Roads

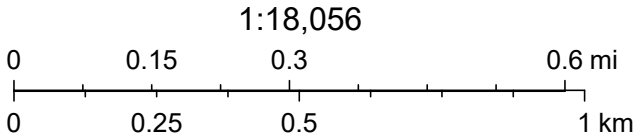
Corporate Watershed Divide NPCA

Conservation Properties

NPCA APPROXIMATE REGULATION LANDS

Member Municipal Boundary Line

MEMBER MUNICIPALITY Labels



NPCA, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

MEMORANDUM OF UNDERSTANDING

Between:

WATERFORD SAND & GRAVEL LIMITED.

("Waterford")

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

("Region")

- and -

THE TOWNSHIP OF WAINFLEET

("Township")

- and -

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

("NPCA")

WHEREAS Waterford intends to submit an application (the "application") for the 'Proposed Law Quarry Extension' on lands situated within the Township of Wainfleet located in the Niagara Region;

AND WHEREAS *Planning Act* approvals are required at the Township and Regional level through Township and Regional Official Plan amendments and a Township Zoning By-law amendment;

AND WHEREAS an *Aggregate Resources Act* approval is required for a Class A, Category 2 license at the Provincial level including site plan approval as required under the *Aggregate Resource Act*;

AND WHEREAS the *Planning Act* and *Aggregate Resources Act* approval and licensing processes provide for or require analysis and input from interested stakeholders, including without limitation the Region, Township, and the NPCA;

AND WHEREAS to facilitate and expedite that analysis and input and to provide same in an open and transparent manner, the Region, Township, and the NPCA have committed to proceeding using the Joint Agency Review Team ("JART"), generally on the terms outlined herein;

NOW THEREFORE the parties agree to work together in the following manner:

General

1. The purpose of this Memorandum of Understanding ("MOU") is to establish the parties' commitment to the Joint Agency Review Team ("JART") process and to working through the resultant decision-making process in a respectful, efficient and methodical way. Additionally, the parties intend through this process to outline the process, terms of reference, scope, and other particulars of other matters that will be required throughout the application process.

Principles

2. For the purposes of this MOU, the parties acknowledge and agree to the following principles:
 - (a) Waterford operates an existing quarry operation adjacent (to the east) of the location of the Proposed Law Quarry Extension.
 - (b) The Township and Regional Official Plans identify this area as a potential aggregate resource area as per the information provided in the Aggregate Resource Papers that were developed by the Ministry of Natural Resources and Forestry.
 - (c) As part of the approval and licensing process, a technical review of Waterford's application is required.
 - (d) It is in the parties' mutual interest that the technical review be conducted in an efficient, cost-effective, and transparent manner and include consultation with the public and any interested stakeholders.
 - (e) The JART process has been established as a best practice for the review of aggregate applications in Niagara and in other municipalities.

JART Process

3. The JART process is the establishment of a team of professional staff from interested public agencies who are responsible for coordinating the technical review of all matters related to a mineral aggregate operation application. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:
 - Ensure that the required range of studies and work is completed by the applicant
 - Ensure that the studies are sufficient in terms of their technical content
 - Ensure review of the studies and work of the applicant either by technical staff or by peer reviewers
 - Ensure a coordinated public and stakeholder consultation and engagement process
 - Prepare a technical JART report on the application once all reviews are complete

For additional information on the Niagara JART process, please refer to Niagara Region Report - ICP 85-2013 *'Streamlined Review of Mineral Aggregate Applications Process'*

JART Membership

4. The JART will be comprised of planning and other staff from the Region, Township, and NPCA. Once retained, an Aggregate Advisor will provide expertise and support to the JART. Additionally, where appropriate:
 - The JART may invite Waterford's staff, consultants, or advisors to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and to resolve technical questions as efficiently as possible.
 - The JART may invite Provincial staff to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and/or or the *Aggregate Resources Act*

application process and/or other Provincial Legislation, Regulations, or Guidelines as required.

Aggregate Advisor

5. Niagara Region, conditional upon receipt of appropriate financial guarantees from Waterford, will retain an Aggregate Advisor to provide technical expertise and to assist in coordinating the review of the applications. The Aggregate Advisor will be qualified as a Registered Professional Planner with experience in aggregate planning and license applications and/or have substantial professional experience reviewing aggregate planning and license applications. The Aggregate Advisor will work with and support the JART throughout the length of the process. The Aggregate Advisor will very actively participate in the JART process, but will not be a formal member.

Peer Reviewers

6. Niagara Region, conditional upon receipt of appropriate financial guarantees from Waterford, will retain third party consultants appropriately qualified to peer review certain technical studies and to provide advice and recommendations on specific topics. It is to be acknowledged that Waterford is not entitled to make final determinations or decisions as to the selection of the third party consultants or the scope of their engagement. Waterford may object to the retainer of a third party consultant only on the basis of a conflict of interest.

Public and Stakeholder Consultation and Engagement

7. Public, stakeholder, agency, and Indigenous consultation and engagement is required under the *Planning Act* and the *Aggregate Resources Act* as part of the applications. The JART and Waterford will work together to plan and coordinate the consultation and engagement program and to provide an open and transparent process. Wherever possible, the public process for the *Planning Act* and *Aggregate Resources Act* approvals will be jointly notified and held.

Facilitator

8. The JART, through discussions with Waterford, may determine that a facilitator is required to assist with the public or other sessions. The scope of work for such a facilitator would be determined through coordination by the JART and authorized by Waterford.

JART Decision-Making

9. The JART does not have decision-making authority and the JART does not make a recommendation on the applications. The JART report is used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency. Technical information arising from the JART Report or process shall not limit any JART member from obtaining all such additional technical information and advice as that member considers advisable.

Financial Commitments

10. Waterford has agreed to assume responsibility for the costs of any consultants retained by the Region for the purposes of advancing the applications, in accordance with a separate Cost Acknowledgement Agreement.

No Referral to Local Planning Appeal Tribunal (LPAT)

11. At the beginning of the process, the parties will agree to a timetable for the completion of the protocol. The parties hereto agree that, for so long as the JART protocol is proceeding according to the timetable, no resort, referral or appeal to the LPAT by Waterford will be made in respect, without limitation, of the failure by either the Township or the Region to make a decision with respect to the applications or for any other reason related to or arising from the application review process. The timetable may be subject to modification upon mutual agreement by all parties. In any case, the agreement not to resort, refer or appeal to the LPAT ends if any party exercises its right to terminate the MOU as set out in Item 12 below.

Without Prejudice & Termination

12. Any party shall have the right to terminate the MOU by giving three months' written notice in writing to the other parties at any time. If the MOU is terminated by any party, steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.
13. The Region shall have the right to suspend or terminate on ten days written notice to the other parties, Niagara Region's participation in the JART process and their obligations pursuant to this MOU, in the event of the suspension or termination of Niagara Region's Cost Acknowledgement Agreement with Waterford described in section 10 of this MOU. The Parties agree that the continuation of this MOU is dependent upon the continued funding provided by Waterford pursuant to its Cost Acknowledgement Agreement with Niagara Region.

Dated at the Regional Municipality of Niagara this 8 day of June, ²⁰²¹~~2020~~. *af*

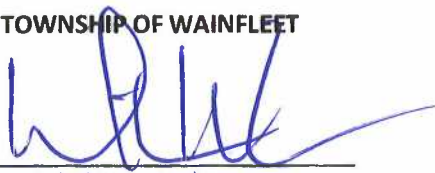
WATERFORD SAND & GRAVEL LIMITED

Per: *Sheryl Johnson*
Name: Sheryl Johnson
Title: Secretary/Treasurer
I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____
Name: _____
Title: _____
I have authority to bind the Corporation.

THE TOWNSHIP OF WAINFLEET



Per: _____

Name: William Kolasa

Title: CAO/Clerk

I have authority to bind the Corporation.

**THE NIAGARA PENINSULA CONSERVATION
AUTHORITY**

Per: _____

Name: _____

Title: _____

I have authority to bind the Corporation.

FINANCE COMMITTEE
ON-LINE VIDEO CONFERENCE
MEETING MINUTES
Wednesday, July 27, 2022
9:00 a.m.

MEMBERS PRESENT: S. Beattie (Chair)
R. Brady
R. Foster
B. Johnson
B. Mackenzie
M. Woodhouse

STAFF PRESENT: C. Sharma, Chief Administrative Officer/Secretary–Treasurer
G. Bivol, Clerk
M. Ferrusi, Manager, People and Performance
L. Gagnon, Director, Corporate Services

Chair Beattie called the meeting to order at 9:00 a.m..

1. APPROVAL OF AGENDA

Recommendation No. FC-09-2022

Moved by Member Brady

Seconded Member Mackenzie

THAT the Finance Committee meeting agenda dated July 27, 2022 **BE APPROVED** as amended to include:

- Discussion on hosting the October Finance Committee meeting in an in-person format at the Welland main office boardroom; and
- Receipt of correspondence dated July 22, 2022 from Cole Allen, Auditor, Canada Revenue Agency inclusive of the additional audit confirmation letter, required books and records letter and audit questionnaire.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the Finance Committee meeting dated March 30, 2022

Recommendation No. FC-10-2022

Moved by Member Woodhouse

Seconded by Member Johnson

THAT the minutes of the Finance Committee meeting dated March 30, 2022, **BE APPROVED**.

CARRIED

4. CORRESPONDENCE

- a) Correspondence to the Niagara Peninsula Conservation Authority dated July 22, 2022 from Cole Allen, Auditor, Canada Revenue Agency inclusive of the additional audit confirmation letter, required books and records letter and audit questionnaire – This documentation was received under item 9. b) of New Business.

5. DELEGATIONS

None

6. PRESENTATIONS

None

7. CONSENT ITEMS

- a) Report No. FC-03-22 RE: Financial Report – Q1 – 2022

Recommendation No. FC-11-2022

Moved by Member Woodhouse

Seconded by Member Mackenzie

THAT Report No. FC-03-22 RE: Financial Report – Q1 – 2022 **BE RECEIVED.**

CARRIED

- b) Report No. FC-08-22 RE: Financial Report – Q2 – 2022

Recommendation No. FC-12-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT Report No. FC-08-22 RE: Financial Report – Q2 – 2022 **BE RECEIVED.**

CARRIED

8. DISCUSSION ITEMS

- a) Report No. FC-09-2022 RE: 2023 Budget Planning and Timelines

Recommendation No. FC-13-2022

Moved by Member Brady

Seconded by Member Mackenzie

1. **THAT** Report No. FC-09-22 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, subject to approval by the Board of Directors.

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 all 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 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

9. NEW BUSINESS

- a) Discussion on Hosting the October Finance Committee Meeting in an In-Person Format at the Welland Main Office Boardroom – The Committee Chair put forth the prospect of conducting the October 26, 2022 Finance Committee meeting in an in-person format at the Welland main office boardroom and asked the Members to contact the Clerk to indicate their preferences and determine any necessary accommodations.
- b) Correspondence to the Niagara Peninsula Conservation Authority dated July 22, 2022 from Cole Allen, Auditor, Canada Revenue Agency (including audit confirmation letter, required books and records letter and audit questionnaire)

Recommendation No. FC-14-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT the correspondence to the Niagara Peninsula Conservation Authority dated July 22, 2022 from Cole Allen, Auditor, Canada Revenue Agency inclusive of the additional audit confirmation letter, required books and records letter and audit questionnaire **BE RECEIVED**.

CARRIED

10. CLOSED SESSION

- a) Labour Relations, Human Resources or Employee Negotiations

Recommendation No. FC-15-2022

Moved by Member Mackenzie

Seconded by Member Woodhouse

THAT in accordance with Sections 10.1 of the NPCA Administrative By-law, the Finance Committee hereby **PROCEEDS** into closed session at 9:08 a.m. for discussion on labour relations, human resources or employee negotiations.

CARRIED

Recommendation No. FC-16-2022

Moved by Member Woodhouse

Seconded by Member Mackenzie

THAT the proceedings **RECONVENE** in open session at 9:29 a.m..

CARRIED

Recommendation No. FC-17-2022

Moved by Member Woodhouse

Seconded by Member Mackenzie

THAT staff **BE INSTRUCTED** to proceed as directed in the closed session with respect to labour relations, human resources or employee negotiations.

CARRIED

11. ADJOURNMENT

Recommendation No. FC-18-2022

Moved by Member Brady

Seconded by Member Woodhouse

THAT the Finance Committee meeting **BE ADJOURNED** at 9:30 a.m..

CARRIED

Stew Beattie,
Committee Chair

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

Report To: Board of Directors

Subject: 2023 Budget Planning and Timelines

Report No: FA-36-22

Date: September 16, 2022

Recommendation:

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.

Purpose:

The purpose of Report No. FA-36-22 is to seek the Board of Director's input and approval on:

- a) 2023 operating and capital budget planning and associated timelines for the 2023 budget development process and recommendation for approval to the Board of Directors;
- b) List of NPCA unfunded capital pressures, based on a current analysis of critical program gaps.

Background:

In the development of the recommended budget assumptions for the 2023 budget process, Staff have reviewed and considered the following:

- Cost of living adjustments (COLA) and grid step increases
- Inflation (Consumer price index – CPI)
- Multi-year contractual obligations, including OPSEU collective agreement provisions
- Operating and capital unfunded pressures
- Operational impact of the ongoing Covid-19 pandemic
- Focus on internal efficiencies
- Strong focus on external grants and full cost accounting for fee-for service programs to offset pressures on municipal levy
- Budget guidelines from municipal partners
- General economic outlook and political climate
- Impacts on service delivery
- Asset management, state of good repair for asset base, capital funding gaps, deferred capital projects and building a sustainable capital plan
- Current program gaps and pressures
- Impacts and transition of Conservation Act amendments
- Approved Programs and Services Inventory

On July 27, 2022, the Finance Committee endorsed Report No. FC-09-2022 - 2023 Budget Planning and Timelines for Board Approval (Recommendation No FC-13-2022).

Discussion and Financial Implications:

On October 4, 2021, Phase 1 Conservation Authorities Act regulations were finalized, and specify the programs and services that CA's must provide, set out transition plans and agreement requirements and consolidate the conservation area regulations. The amendments include:

- Ontario Regulation 686/21: Mandatory Programs and Services
- Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services
- Ontario Regulation 688/21: Rules of Conduct in Conservation Areas.

The Phase 2 regulations and policy under the CA Act have been finalized and are financial and administrative in nature:

- Ontario Regulation 399/22: Amendments to Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act (O. Reg 687/21)
- Ontario Regulation 400/22: Information Requirements
- Ontario Regulation 401/22: Determination of Amounts Under Section 27.2 (2) of the Act (amounts owed by specified municipalities – Clean Water Act)
- Ontario Regulation 402/22: Budget and Apportionment

O. Reg 687/21 – Transition Plans and Agreements define three categories of CA programs and services:

Category 1: Mandatory programs and services - these programs will be funded through a municipal levy.

Category 2: Municipal programs and services provided at the municipality's request. These programs can be funded through government and other agency grants and/or municipal funding under a memorandum of understanding (MOU) or agreement with the municipality.

Category 3: Other programs and services that an Authority (Board) determines are advisable. These programs can be funded through self-generated revenue, user fees, government and other agency grants, donations, etc. Any use of municipal funding will require an agreement and would be subject to cost apportioning.

O. Reg 402/22 – Budget and Apportionment incorporates two previous levy regulations with references to the 3 categories of programs and services that CA's deliver. The regulation retains the three current methods of apportioning expenses/costs. As part of the budget process, and in keeping with current practice, CA's are required to consider the use of self-generated revenue. As per the legislation, CA's are able to apportion costs for all category 1 (mandatory) programs and services and can only apportion costs for category 2 and 3 programs and services with agreements in place with the municipality(ies). General operating expenses or capital costs (formerly referred to as 'corporate administrative costs') can be levied without agreement.

Apportionment Method – Category 1 Programs and Services

Apportionment Method	When Used
Modified current value assessment (MCVA) method using MPAC data	<i>Operating expenses and capital costs where <u>all</u> participating municipalities benefit (and benefit is not disproportionate)</i>
Benefit-based apportionment method: Determined based on the benefit obtained by each participating municipality(ies)	<i>Operating expenses and capital costs where <u>one or some</u> participating municipalities benefit</i> <i>Operating and capital costs where <u>all</u> participating municipalities benefit <u>and</u> where benefit is disproportionate</i>
By agreement between CA and participating municipality(ies) (where CA has entered into an agreement with municipality(ies) with respect to apportionment)	<i>Operating expenses where <u>one or some</u> participating municipality(ies) municipalities benefit</i> <i>Capital costs where all or some benefit</i>

Levy Apportionment Methods by Category of Programs and Services

Types of Costs	Description
Category 1 – all mandatory programs and services	<ul style="list-style-type: none"> • <i>Operating expenses</i> for programs and services that <u>benefit all</u> participating municipalities (i.e. general levy) would be apportioned using the MCVA or benefit-based methods. • <i>Capital costs</i> that <u>benefit all</u> would use the MCVA, benefit-based or agreement methods. • <i>Capital costs and operating expenses</i> for programs and services that <u>benefit only one or some</u> municipalities (e.g. ice management, certain infrastructure operation/ maintenance costs) may be apportioned by benefit-based or agreement methods.
Category 2 - all municipal programs and services	<ul style="list-style-type: none"> • <i>Capital costs and operating expenses</i> would be apportioned directly and entirely to the participating municipality that has entered into the MOU or other agreement under s. 21.1.1 of CAA with the CA for the CA to provide the program and service on the municipality's behalf.
Category 3 - other programs and services	<ul style="list-style-type: none"> • <i>Capital costs and operating expenses</i> would be apportioned in accordance with cost apportioning agreement. If agreement is silent, then MCVA or benefit-based methods.

Land Acquisition Reserve Contribution

The draft Land Securement Strategy 2022-2032 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 currently owns or manages 41 conservation areas which account for approximately 2,946 hectares (or 1.2%) of lands within its watershed jurisdiction. A long-term land securement strategy, in combination with other watershed-based programs, is necessary to help the NPCA achieve its strategic goals related to increasing biodiversity, habitat connectivity, and natural cover while creating equitable access to greenspace for the health and well-being of people and building relationships with partners, stakeholders, and Indigenous peoples.

The watershed contains a multitude of important natural resources needing protection to sustain life. It is not feasible to secure all the important natural resources in the watershed with limited resources; therefore, land securement criteria are imperative to prioritize areas to be considered and actively pursued. The strategy guides the application of primary criteria focused on watershed features and functions while considering secondary criteria such as parcel size, securement method, and cost.

By collaborating with other land securement organizations and partners, applying for funding where possible, and launching a targeted landowner outreach program, the NPCA can expect to secure a minimum of 180 hectares (i.e., average 20 ha annually, 1 property per year secured) by 2032. As landowner outreach and land securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner

interest. If executed consistently, the more aggressive/optimal land securement target of 360 hectares secured by 2032 (i.e., average of 40 ha annually, two properties per year) may become attainable.

Annual Land Securement Investment Required:

Minimum: \$ 700,000
Optimal: \$1,400,000

Value per hectare derived as an average of the actual land acquisitions since 2019 (Niagara and Hamilton).

Strategic Plan

NPCA's new 10-year strategic plan reaffirms NPCA's commitment to the mandate/purpose of Conservation Authorities in Ontario. This new strategic plan reflects the importance of collaboration between people, communities, and organizations on a collective response to a changing landscape through six overarching priorities and twenty-one specific, measurable goals. The plan builds on the principles of conservation leadership, customer service, collaboration, and accountability to nature. It provides strategic direction for the NPCA and is vital for charting the course of conservation in our watershed toward achieving vibrant and healthy nature for all.

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

With this major milestone completed, the next step is to begin implementing the strategic plan by developing an operational plan, including related budget that sets out specific actions to enable the NPCA to meet its goals in collaboration with our communities and partners from 2021-2031.

Unfunded Pressures

In keeping with the last two budget cycles, an extensive review of unfunded operating and capital pressures is currently underway for the 2023 budget process and included below the line in budget presentations. This critical exercise is intended to identify to stakeholders the required investments in the NPCA for long term sustainability of the organization, and support asset management state of good repair protocols.

Please see attached Appendix 1 for 2023 Operating and Capital Budget Schedule.

Relevance to Authority Policy:

The NPCA is required to prepare annual budgets as part of the fiscal control and financial responsibilities of the organization. The budget is also used in the audit process for evaluation by the external auditing firm. Annual audits are required as per Section 38 of the *Conservation Authorities Act*.

Related Reports and Appendices:

Appendix 1 – 2023 Operating and Capital Budget Schedule

Available upon request:

1. Land Securement Strategy – 2022 to 2032
2. Strategic Plan – 2021 to 2031

Links To Policy/Strategic Plan:

Financial Sustainability:

Goal 6.1 Ensure responsible, sustainable, and sound fiscal practices

Connecting People to Nature:

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

Prepared by:

Submitted by:

Original Signed by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

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

2023 Operating & Capital Budget Schedule

July 21, 2022	2023 Budget Planning Guidelines - Niagara Region
July 27, 2022	2023 budget assumptions approved by Finance Committee
August and Sept. 2022	Consultation with funding municipalities on 2023 budgets and ongoing CA Act amendments
Sept. 16, 2022	2023 budget assumptions approved by Authority Board
September 9, 2022	Budget preparation guidelines to budget owners
August & Sept. 2022	Consultation / meetings with internal stakeholders Development and distribution of capital planning process, policies and templates Operating and Capital Budget analytics
October 7, 2023	2023 Operating and Capital Budgets due to Finance
October 2022	2023 Budget Planning Guidelines - City of Hamilton
October 18, 2022	30 day notice to Municipal Funding partners - NPCA Board approval of 2023 budgets (November 18, 2022)
October 26, 2022	Draft 2023 Operating and Capital Budgets to Finance Committee for recommendation to the Authority Board
November 18, 2022	Draft 2023 Operating and Capital Budgets to the Authority Board for approval to begin negotiations with municipal partners
Nov. & Dec. 2022	Consultation with partner municipalities on 2023 Draft Operating and Capital Budgets and ongoing CA Act amendments
December 8, 2022	Niagara Region budget workshop and presentation
January 26, 2023	2023 Draft Operating and Capital Budgets presentation to Niagara Region Budget Review Committee of the Whole
January 11, 2023	2023 Draft Operating and Capital Budgets - presentation to City of Hamilton General Issues Committee
January 2023	2023 Draft Operating and Capital Budgets - Council presentations: Haldimand (if required)
March/April 2023	2023 Final Operating and Capital Budgets approved by Authority Board
March 2023	Release levy letters to partner municipalities