

**PUBLIC ADVISORY COMMITTEE
Thursday, November 26 2020
5:00PM**

Video Conference via Webex

A G E N D A

1. CALL TO ORDER

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

2. ADOPTION OF AGENDA

3. DECLARATION OF CONFLICT OF INTEREST

4. PRESENTATIONS (and/or Delegations)

- a) Tom Insinna and Gayle Wood RE: Niagara Peninsula Conservation Foundation presentation/updates (page # 3)
- b) Steve Gillis and Stuart McPherson RE: NPCA Restoration Grant Program – Evaluation Criteria* (page #23)

*note: report under Business for Consideration, consider moving up on agenda

5. ADMINISTRATIVE BUSINESS

- a) Minutes of the Public Advisory Committee – Sept 24, 2020 (page #34)

6. BUSINESS FOR INFORMATION

- a) Community Outreach and PAC member recruitment updates (verbal update from Kerry Royer)
- b) Strategic Plan update (verbal update from Natalie Green)
- c) NPCA Full Authority Board Reports:
 - i) Report FA-56-20 RE: Niagara Region's Proposed Woodland By-Law (page #37)
 - ii) Report FA-50-20 RE: Water Quality Notifications and Communication Strategy (page #41)
 - iii) Report FA-62-20 RE: Bill 229 Proposed Amendments to the Conservation Authorities Act (page #44)

- d) NPCA Media Releases Sept-November
<https://npca.ca/our-voice>

7. BUSINESS FOR CONSIDERATION/APPROVAL

- a) Report PAC-01-20 RE: 2021 Public Advisory Committee suggested meeting dates (for approval) (page #66)
- b) Report PAC-02-2- RE: Restoration: Project evaluation criteria (for input/consideration) (page #69)

8. NEW BUSINESS

9. ADJOURNMENT



— NIAGARA PENINSULA —
CONSERVATION FOUNDATION

Presentation to NPCA Public
Advisory Committee
November 26, 2020

Purpose of our Presentation to NPCA

► Today's presentation:

- overview the history of NPCF
- outline our plans for 2020 - 2022
- outline how PAC can assist NPCF

Niagara Peninsula Conservation Foundation - Overview

- ▶ Founded May 5, 1969 at request of NPCA
- ▶ Created under ***The Corporations Act***
- ▶ Letters Patent (Articles of Incorporation)
- ▶ Registered Charity
- ▶ CRA Filing Requirements
- ▶ Working/Volunteer Board of Directors

Foundation Board of Directors

- ▶ Current Board of 6 Directors
- ▶ Two NPCA Appointees - four external Directors
- ▶ By-Laws - maximum of 12 Directors
- ▶ 4 year terms - renewable for another 4 years maximum
- ▶ undergoing board assessment and recruitment

Foundation Board of Directors

- ▶ Regional Councillor Tom Insinna - Chair
- ▶ Regional Councillor Rob Foster - Vice Chair - NPCA appointee
- ▶ Gayle Wood - Managing Director/Secretary-Treasurer
- ▶ Mickey DiFruscio - Board Member
- ▶ Chandra Sharma - Board Member - NPCA CAO - NPCA appointee
- ▶ Mary Sergenese - Board Member

Foundation Staff Support

- ▶ 1970's - 2014 - NPCA funded Foundation staff salaries
- ▶ 2015 to March, 2019 - NPCF funded Executive Director
- ▶ Re-hired part time Executive Coordinator - August 2020

- ▶ Current NPCA staff support from:
 - ▶ NPCA Corporate Services - finance and audit
 - ▶ NPCA Administrative support - agenda
 - ▶ NPCA Communications/Public Engagement - communications
 - ▶ NPCA Operations/Strategic Initiates - education/land projects

Foundation - Strategic Plan - Vision and Mission

Vision:

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

Mission:

To raise funds toward environmental endeavors that include increasing green space, improving water quality, habitat restoration and environmental research and education.

Foundation Values

- ▶ Transparent

- ▶ Accessible

- ▶ Professional

- ▶ Accountable

Delivered through an organization operating with honesty, integrity, respect.

- ▶ The Foundation raises funds for projects and programs which are difficult to fully fund from other sources.
- ▶ The Foundation leverages funds from many partners to support the Niagara Peninsula Conservation Authority

Value Added...

Past Fundraising Events

- ▶ Rt. Hon. John Turner Water & Environmental Leadership Award Gala
- ▶ Annual Authentic Wild Game Dinner
- ▶ Comfort Maple Pen Fundraiser
- ▶ Niagara Regional Chair Outdoor Education Fund
- ▶ Nevada Ticket Sales

Past Programs Supported

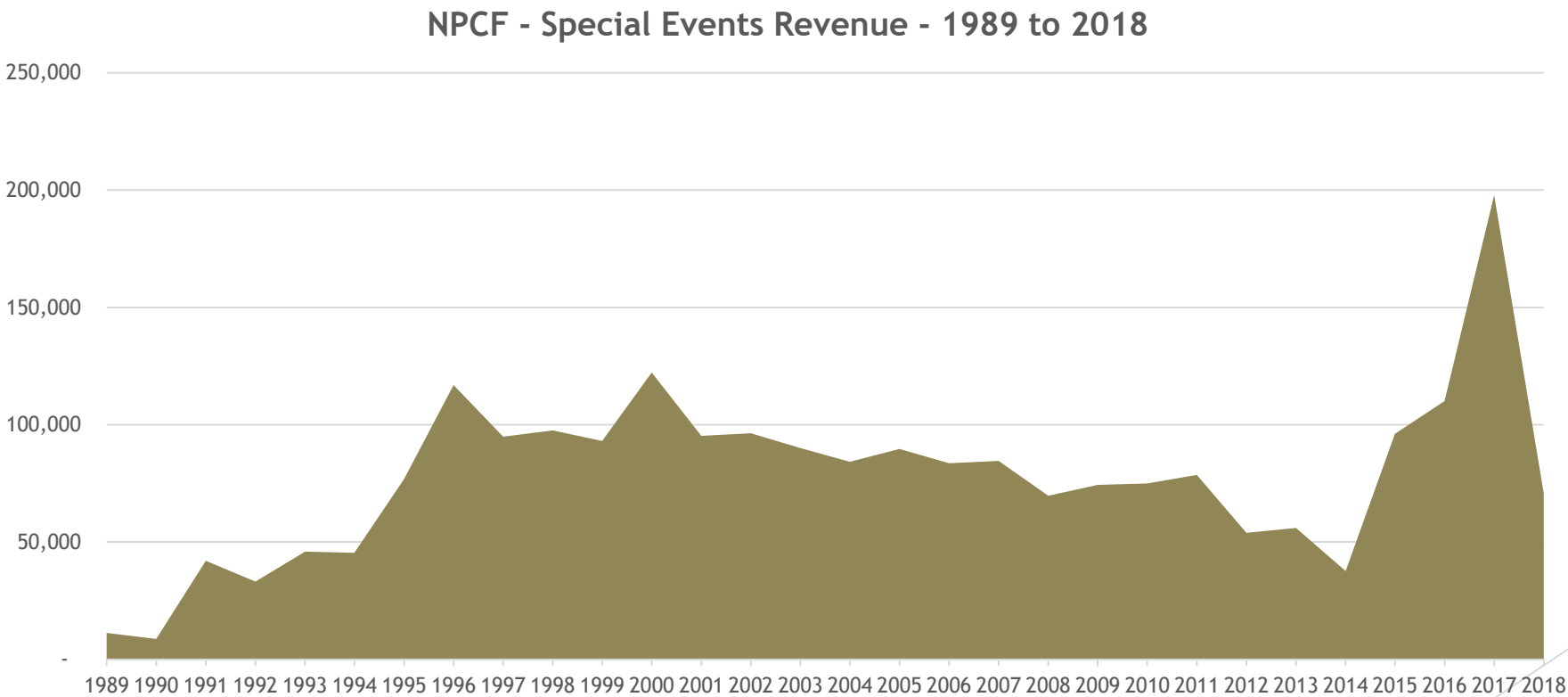
- ▶ Enhanced educational programming
- ▶ Scholarships
- ▶ Funding for land securement
- ▶ Camp subsidies
- ▶ Conservation Research
- ▶ Equipment for Adventure Camp
- ▶ Ball's Falls Grist Millstones - historical uniforms for education/public tours

Past Partners and Sponsors

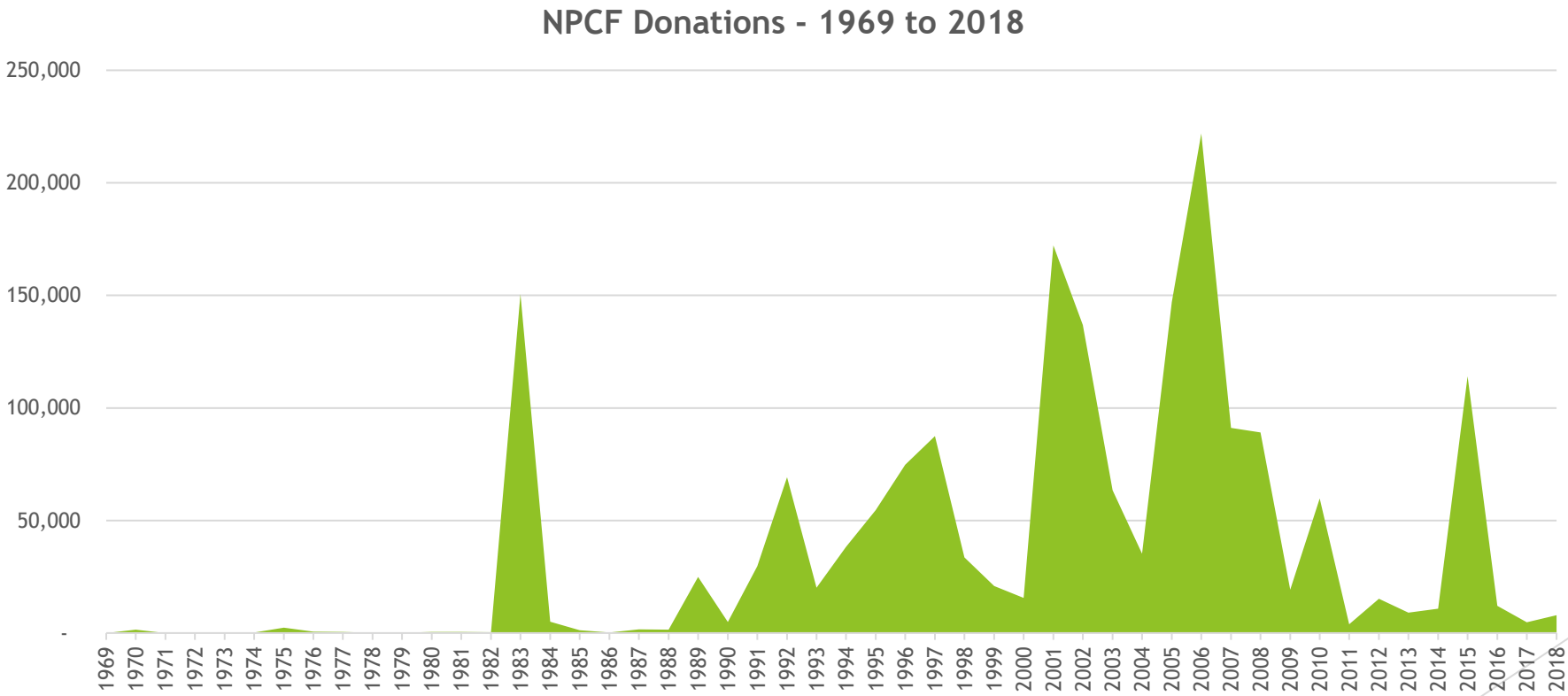
- ▶ Hamilton Airport
- ▶ Enbridge
- ▶ Mike Knapp Ford
- ▶ Giant FM 91.7
- ▶ Silverdale Gun Club
- ▶ MNRF
- ▶ Niagara Helicopters

Alectra
Walker Industries
Bordex
Niagara this Week
RBC
OPG
Hornblower Cruises

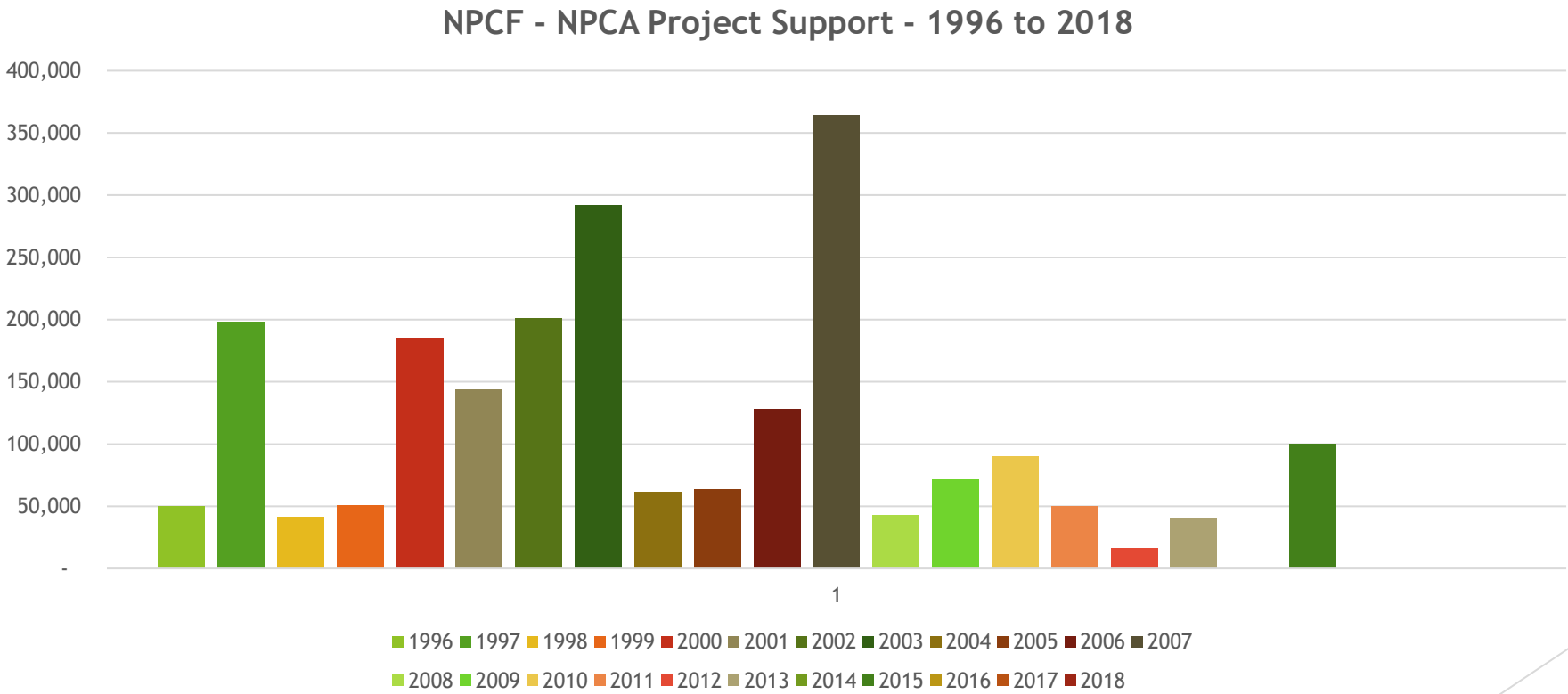
Historical Revenues - Events



Historical Revenues - Donations



Historical Funding - Project Support



Foundation Financials - Q3 2020

▶ Nevada Funds	\$88,843
▶ Endowment Funds	\$93,776
▶ Unrestricted Funds	\$39,492
▶ TOTAL	\$222,111

Foundation Strategic Plan Goals - 2020 - 2022

- ▶ Goals for 2020:
- ▶ 1. Strengthen governance
- ▶ 2. Environmental charity of choice
- ▶ 3. Build strong partnerships
- ▶ 4. Endowment/scholarships
- ▶ 5. Fund land/education projects
- ▶ 6. Develop Fundraising Strategy

2020 Programs

- ▶ Directors' Donation Challenge
- ▶ Education Program Funding
- ▶ Conservation Area Project Support
- ▶ Christmas Gift Basket Fundraiser
- ▶ A Conservation Christmas at Ball's Falls Conservation Area

Focus for 2020

Update By-Law,
Policies, 2019
Audit, Annual
Report

Recruit new
Board Members

1 Event

Areas of funding
support-

- Education

- Stewardship

Conservation
areas projects

Presentation to
NPCA

Thank You
niagaraconservationfoundation.com

How PAC can assist:

- ▶ Donate to the NPCF “Directors’ Donation Challenge”
- ▶ Participate in Foundation events



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

Restoration Grant Program

Evaluation Criteria Updates

NPCA Restoration Grant Program

Vision

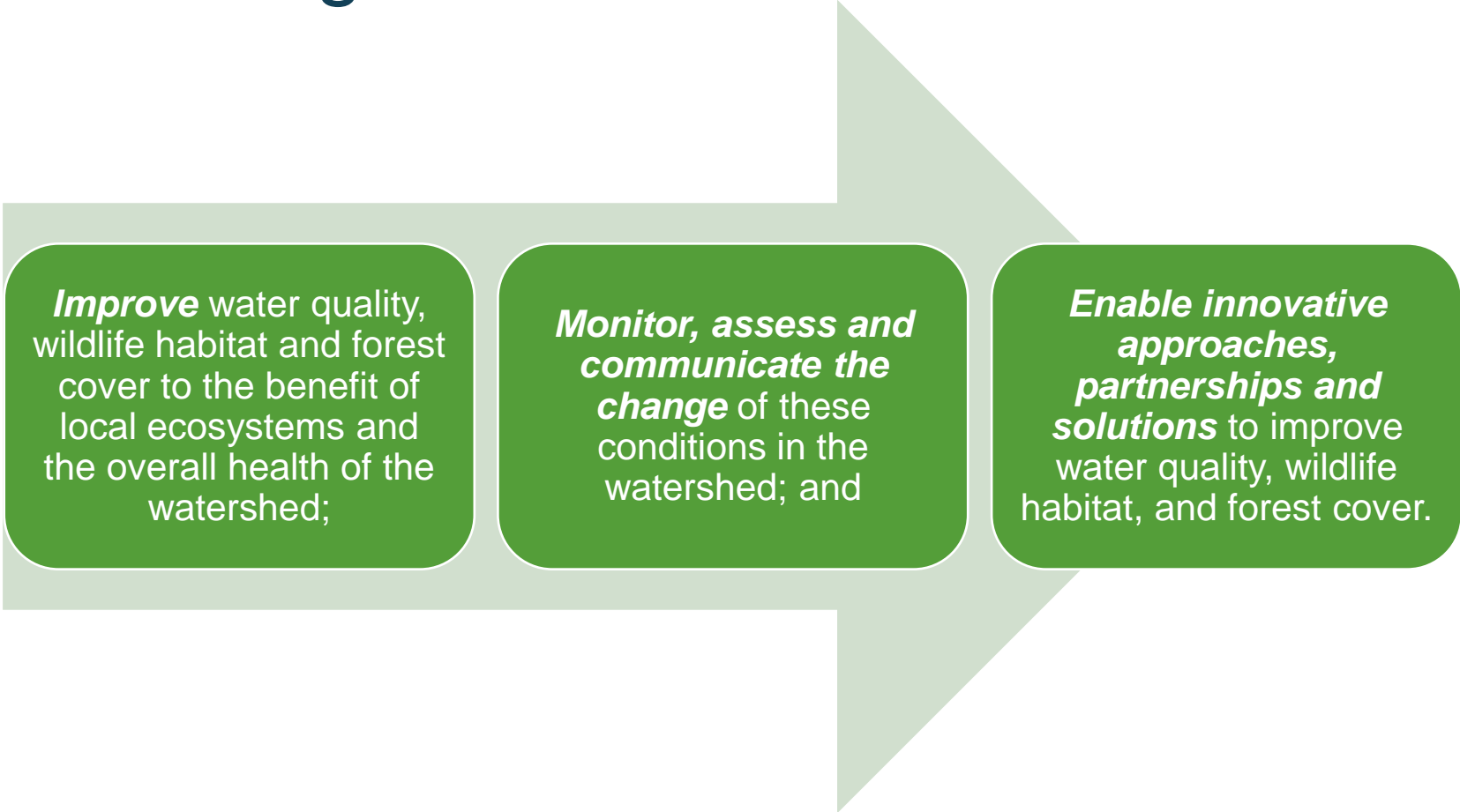
'Fostering collaboration among partners in the watershed to protect and restore water quality and diverse habitats by completing projects that meet the long-term mandate of the NPCA.'



Guiding Principles



3 Strategic Goals



Improve water quality, wildlife habitat and forest cover to the benefit of local ecosystems and the overall health of the watershed;

Monitor, assess and communicate the change of these conditions in the watershed; and

Enable innovative approaches, partnerships and solutions to improve water quality, wildlife habitat, and forest cover.

9 Project Categories



Wetland Habitat
Restoration



Livestock Restriction
& Crossings



Conservation Farm
Practices



Tree Planting/
Woodland Restoration



Instream/Riparian
Habitat Restoration



Upland Habitat
Restoration



Nutrient Management



Water Conservation
Practices

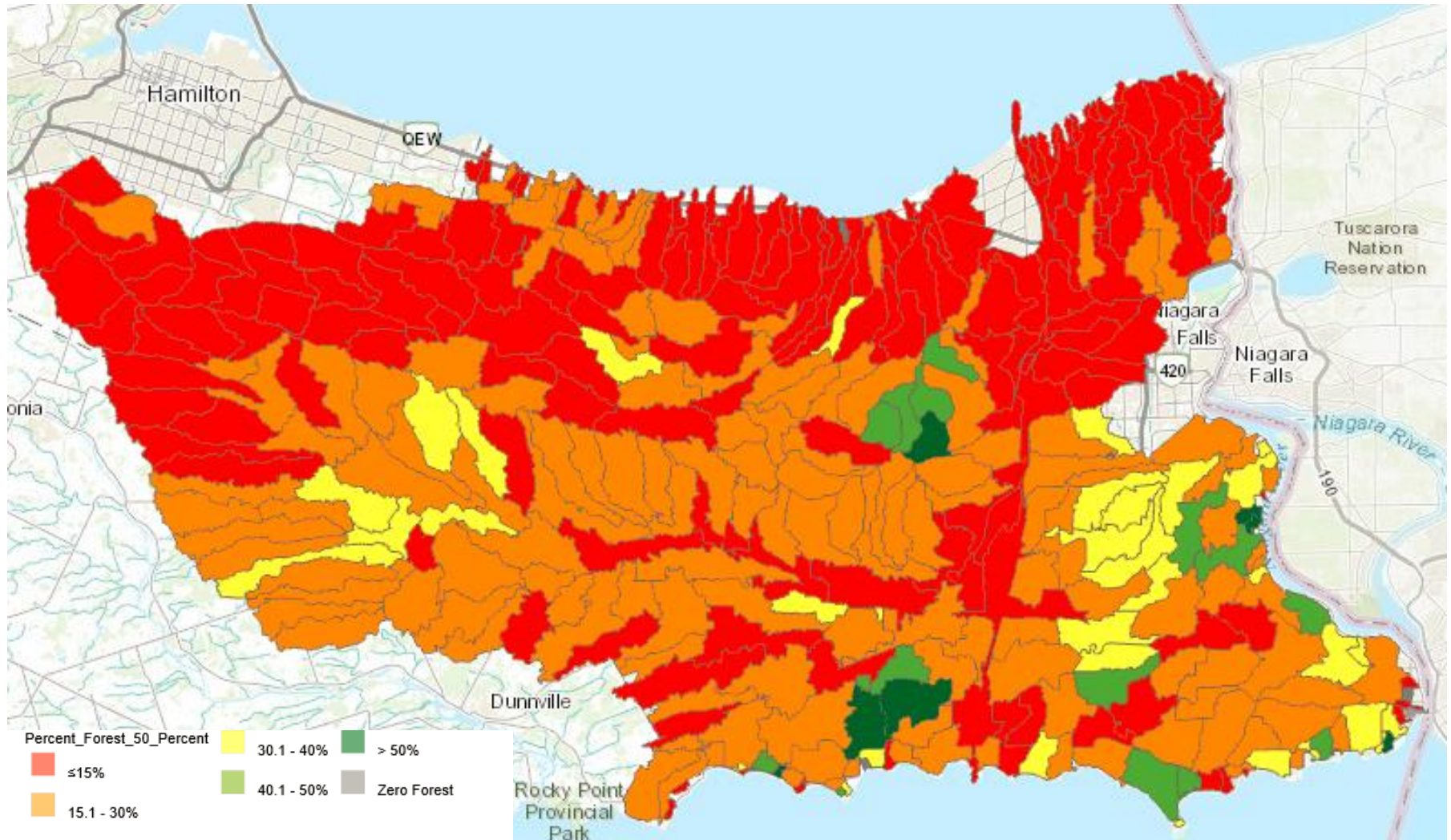


Cover Crops

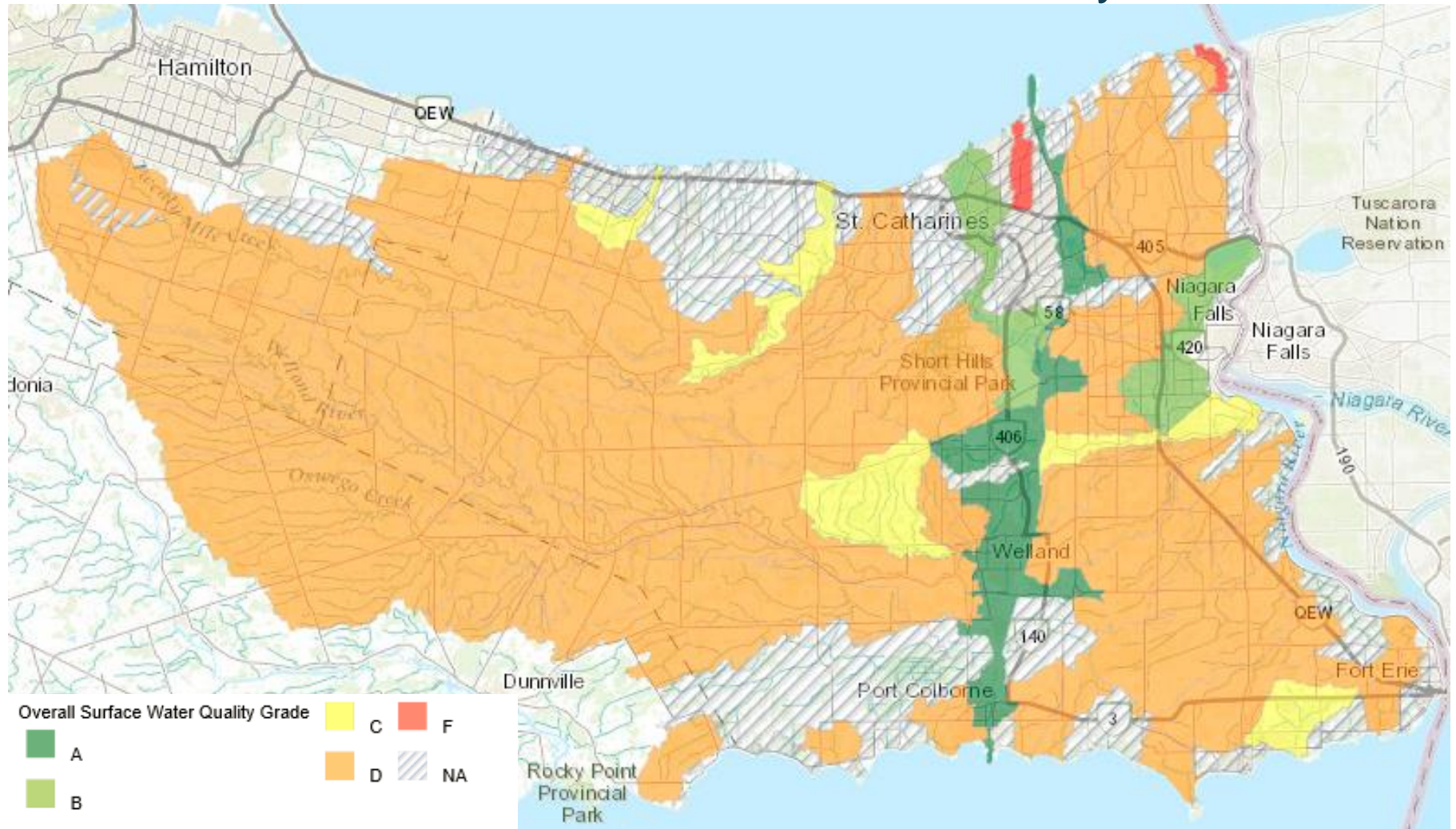
Project Process

- **Step 1** Expresses interest; site visit by NPCA staff; complete application form.
- **Step 2** Project application evaluated by NPCA staff.
- **Step 3** Project selected by Restoration Program. Review Committee and approved by NPCA Board of Directors.
- **Step 4** Detailed Project Plan. Agreement signed.
- **Step 5** Project implementation.
- **Step 6** Project closing/reconciling accounts.
- **Step 7** On-going monitoring/assessment where applicable (1, 3, 5 and 10 year).

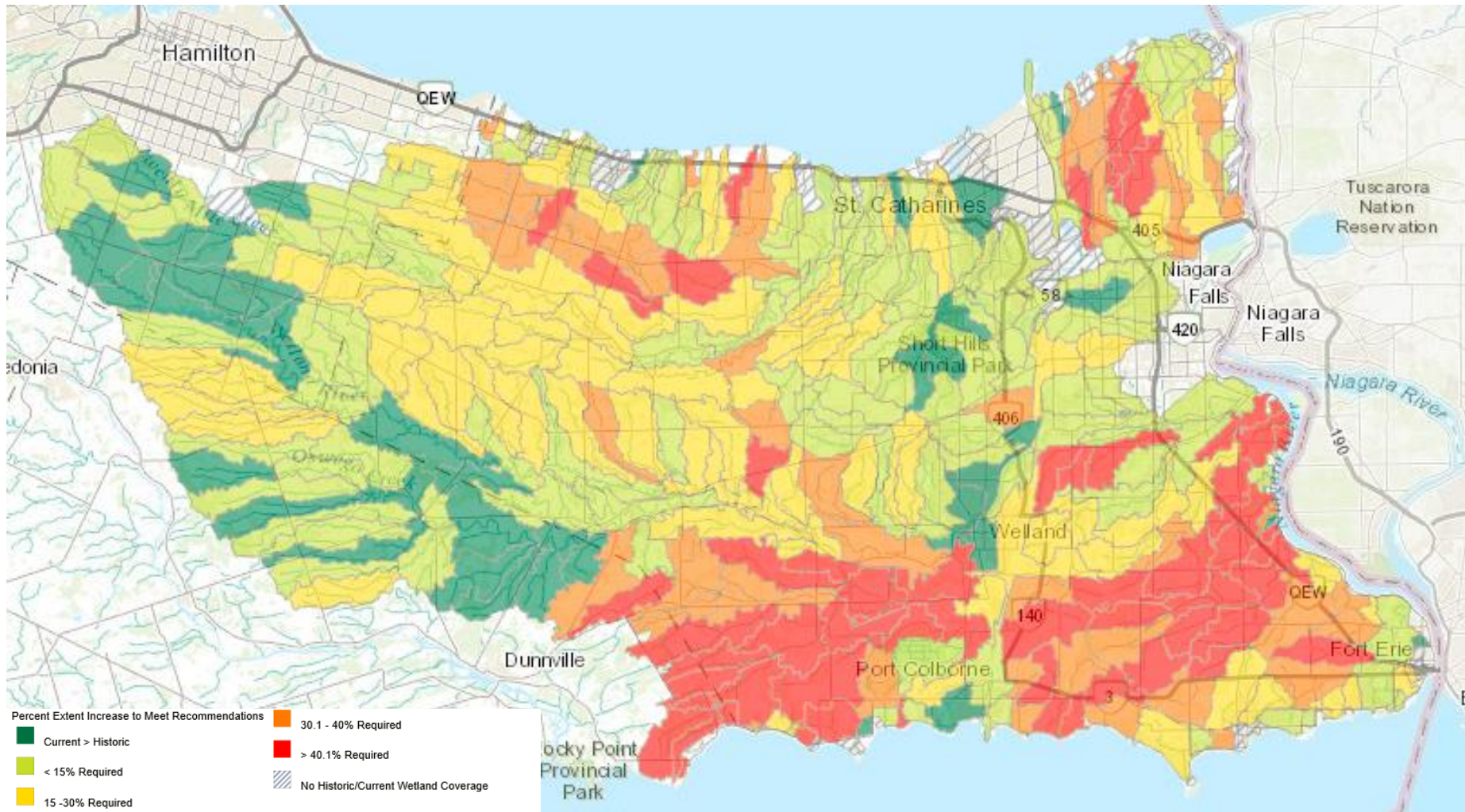
NPCA Watershed- Forest Cover



NPCA Watershed -Overall Surface Water Quality Grades



NPCA Watershed - Wetland Cover



Since Program Inception

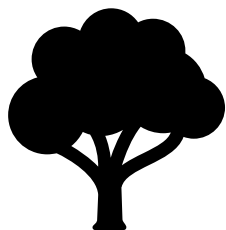


48

ha Reforested

7

ha of Wetland
created



100,000

Trees & Shrubs
Planted

20,000

m2 of Riparian
Habitat



96

Volunteers

6

Agricultural BMP
Projects



Questions?



PUBLIC ADVISORY COMMITTEE MEETING MINUTES

**Thursday, September 24 2020
5:00 p.m.
Virtual meeting via Zoom**

MEMBERS PRESENT:	B. Johnson, Acting Committee Chair J. Ariens E. Furney M. Kauzlaric H. Korosis J. Oblak D. Pont J. Schonberger L. Sherry
MEMBERS ABSENT:	S. Brousseau D. Speranzini B. Mackenzie
STAFF PRESENT:	C. Sharma, Chief Administrative Officer / Secretary – Treasurer N. Green, Project Manager – Niagara River Remedial Action Plan K. Royer, Co-ordinator, Volunteer and Community Outreach G. Verkade, Senior Manager, Integrated Watershed Planning/Information Management
OTHERS PRESENT:	M. Woodhouse J. Hellinga K. Kawall

The Committee Chair called the meeting to order at 5:05 p.m. welcoming the Members.

1. APPROVAL OF AGENDA

Recommendation No. PAC-13-20

Moved by Member Ariens

Seconded by Member Pont

THAT the agenda for the September 24, 2020 NPCA Public Advisory Committee meeting **BE ADOPTED** as presented

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

none

3. PRESENTATIONS

3 a) Presentation by Sean Norman RE: Niagara Region Official Plan and Natural Environment Work Program Update

Discussion ensued with questions for Sean from the members regarding the difference between the different options presented, goals/targets, links to natural heritage strategy, science used and the difference between language used in the document (e.g. can/may) when it comes to protection of natural features and restrictions on development.

Recommendation No. PAC-14-20

Moved by Member Furney

Seconded by Member Korosis

THAT the Presentation RE: Niagara Region Official Plan and Natural Environment Work Program Update **BE RECEIVED.**

CARRIED

3 b) Presentation by Natalie Green RE: Niagara River Remedial Action Plan Fish Consumption Survey

Niagara River Remedial Action Plan Fish Consumption Survey

Recommendation No. PAC-15-20

Moved by Member Oblak

Seconded by Member Kauzlaric

THAT the Presentation RE: Niagara River Remedial Action Plan Fish Consumption Survey **BE RECEIVED.**

CARRIED

4. ADMINISTRATIVE BUSINESS

4 a) Election of Committee Chair

Brenda Johnson called for nominees for the position of Chair of the NPCA Public Advisory Committee and noted that Jackie Oblak was the only member to submit a letter of intent. There were no nominees after the first call for nominations. Ms. Johnson called a second and third time for nominees, with no further nominations coming forward she enacted the following resolution.

Resolution No. PAC-01-20
Moved by Member Korosis
Seconded by Member Pont

THAT member Jackie Oblak **BE APPOINTED** as Chair of the NPCA Public Advisory Committee for a term of one year.

CARRIED

4 b) Minutes of the NPCA Public Advisory Committee dated June 18, 2020

Recommendation No. PAC-16-20
Moved by Member Ariens
Seconded by Member Kauzlaric

THAT the minutes of the NPCA Public Advisory Committee meeting dated June 18, 2020 NPCA Public Advisory Committee **BE APPROVED**.

CARRIED

5. BUSINESS FOR CONSIDERATION

5 a) Presentation by Natalie Green RE: NPCA Strategic Planning Update

Recommendation No. PAC-17-20
Moved by Member Pont
Seconded by Member Ariens

1. **THAT** the presentation RE: NPCA Strategic Planning Update **BE RECEIVED**.
2. **THAT** the Communication and Engagement Plan presented and circulated to member in the agenda package **BE ENDORSED** by the NPCA Public Advisory Committee.

CARRIED

6. ADJOURNMENT

Recommendation No. PAC-XX-20
Moved by Member Ariens
Seconded by Member Furney

THAT this meeting of the NPCA Public Advisory Committee **BE** hereby **ADJOURNED** at 6:47 p.m..

CARRIED

Brenda Johnson
Acting Public Advisory Committee Chair

Chandra Sharma
Chief Administrative Officer / Secretary –
Treasurer

Report To: Board of Directors

Subject: Niagara Region's Proposed Woodland By-law

Report No: FA-56-20

Date: October 22, 2020

Recommendation:

1. **THAT** Report No. FA-56-20 RE: Niagara Region's Proposed Woodland By-law **BE RECEIVED**.
2. **THAT** NPCA staff **CONTINUE** to work with the Region to find collaborative strategies and shared resources for effective and efficient implementation of the By-Law to ensure the highest level of environmental protection and enhanced landowner education and outreach.
3. **THAT** staff **BE AUTHORIZED** to enter into any new service level agreements with the Region, as needed to facilitate By-Law implementation.
4. **AND FURTHER THAT** a copy of this report **BE PROVIDED** to the Region of Niagara.

Purpose:

The purpose of this report is:

1. To provide the Board with a historical background of the Niagara Region's current Tree and Forest Conservation By-law (No. 30-2008); and
2. To provide the Board with an understanding of implications related to the transfer of administration of the By-law back to the Region

Background:

The Niagara Region's current Tree and Forest Conservation By-law has been in place since 1981 with the most recent update occurring in 2008 (By-law 30-2008). During 2007, the Region approached the NPCA to start discussions on transferring enforcement responsibilities of the by-law from the Region to the NPCA. In 2008, the Regional By-law was updated to incorporate changes in the Municipal Act and amendments requested by the Township of West Lincoln. It was at this time that the Region and NPCA entered into a Service Level Agreement for the administration and enforcement of the By-law.

In the fall of 2017, under the direction of the NPCA Chair, the NPCA decided to enter into discussions with the Region to return the administration of both the environmental planning review functions as

well as the Tree and Forest Conservation By-law administration/enforcement functions to the Region. While the environmental planning review functions administration was returned to the Region in 2018, the Tree Conservation By-law functions remained with the NPCA to administer until present time.

On March 20, 2019 a Region staff report was presented to the Planning and Economic Development Committee of the Region. The purpose of this report was to inform the Committee and Council that Region staff would begin the process of engaging stakeholders, reviewing legislative changes in relation to the By-law and reviewing the Service Level Agreement with the NPCA for administration of the By-law. This report also informed the Committee that the option of postponing the review of the By-law until the Regional Official Plan review had been considered but was not recommended. Changes to the Municipal Act and the need to align with current best management practices and language were sighted as items requiring immediate attention in order for the By-law to remain current and to ensure that administration and enforcement requirements remain clear.

In November of 2019, senior staff at the Region met with senior staff at the NPCA. The meeting was requested by the Region, and during that meeting the Region informed the NPCA that it intended to take back administration and enforcement of the Tree and Forest Conservation By-law once the existing By-law had been reviewed and amended following a public consultation process. At that time, Region staff indicated that the return of the administration and enforcement of the By-law to the Region was not negotiable, and that notice from the Region terminating the Service Level Agreement with the NPCA would be forthcoming in the spring 2020 upon completion of the By-law amendment.

Throughout late 2019 and early 2020, NPCA staff, including the NPCA Forester responsible for administering and enforcing the By-law, met with staff at the Region to review proposed By-law amendments and the public engagement process.

The onset of the COVID-19 pandemic had a significant impact on the Region's ability to carry the By-law amendment forward, in particular, the engagement and public information session components. However, the Region did eventually achieve these targets, and finalized the By-law amendments for review and approval by Regional Council.

On October 14, 2020, Region staff brought forward the proposed changes for the consideration of the Planning and Economic Development Committee related to amendments to the By-law as well as to confirm administration and enforcement processes. A key change presented to the committee at this meeting included administration and enforcement of the By-law by the Niagara Region and not the NPCA.

NPCA staff have had a collaborative relationship in implementing the By-Law over the past 12 years and would like to continue to offer their services and expertise as needed for effective administration of environmental programs and policies.

Discussion:

NPCA has successfully administered the Region's Tree and Forest Conservation By-law for the past 12 years. During that time, the NPCA's Registered Professional Forester (R.P.F.) has not only provided excellent customer service and education throughout the watershed, but also coordinated 171 Good Forestry Permits, and been successful in 10 prosecutions under the By-law.

During this time, administration and enforcement of the By-law has been well-integrated with other on-the-ground compliance and enforcement activities undertaken by the NPCA as legislated by Section 28 of the Conservation Authorities Act. Technical support was also available through NPCA's Biologist and GIS specialist on watershed data and mapping. This has allowed for a much more coordinated approach for enforcement activities and financial efficiencies due to the sharing of staff technical expertise and organizational resources available through the NPCA Regulations team and other departments.

As the local natural resource management agency, the Authority also offers enhanced data and mapping support. Integration of available and relevant age and species information into the pending 2020 natural areas update of the watershed, will enable watershed wide reassessment of woodlot health (diversity), forest cover and associated issues (impacts of pests, climate change, etc.). NPCA's in-house science expertise and tools can help support effective delivery of our partner municipality's environmental policies and regulations (i.e. Woodland By-law).

Further, as a tool intended to ultimately promote good woodlot management, the By-law complements the Authority's stewardship and ecological restoration tools to assist landowners with enhancing woodlots (infilling, increasing interior forest, and establishing corridors and connections to link forest patches) to address watershed wide ecological objectives. Promoting the value of the proposed Woodland By-Law through landowner outreach and education will be critical to achieve the desired objectives across Niagara Region.

Should Regional Council approve the proposed changes and decide to terminate the Level of Service Agreement with the NPCA for administration and enforcement of the By-law then the Authority will continue to partner with the Region in the protection and enhancement of natural heritage features and hazards throughout the watershed. The intended date of transfer of these duties back to the Region is January 31, 2021.

Financial Implications:

Currently under the Service Level Agreement the NPCA invoices the Region \$108,985.00 annually to administer and enforce the by-law. This funding covers one staff salary and incremental program costs. The work program is supported by NPCA Compliance & Regulation team and Biologist as needed. Should Regional Council approve termination of the agreement with the NPCA an anticipated budget pressure will need to be addressed in the 2021 budget process as the transfer of the By-law does not include the transfer of staff from the NPCA to the Region.

Related Reports and Appendices:

Appendix 1: Niagara Region Report PDS 16-2020 Woodland Conservation By-law Review

Authored by:

Original Signed by:

David Deluce, MCIP, RPP
Sr. Manager, Planning & Regulations

Authored by:

Original Signed by:

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

Authored by:

Original Signed by:

Geoffrey Verkade
Sr. Manager, Integrated Watershed Planning
/Information Management

Reviewed by:

Original Signed by:

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Water Quality Notification and Communication Approach

Report No: FA-50-20

Date: October 22, 2020

Recommendation:

1. **THAT** Report No. FA-50-20 RE: Water Quality Notification and Communication Approach **BE RECEIVED**;
2. **THAT** NPCA's annual Water Monitoring results and trends be presented to partner municipalities;
3. **AND FURTHER THAT** staff develop water quality education resources and tools to engage watershed residents and sector-specific stakeholders about the state of water quality and suggested best practices.

Purpose:

The purpose of this report is to provide the Board with an update on:

- a) legal opinion regarding NPCA's obligations with respect to public communication of Spills; and
- b) Communication of NPCA's annual Water Quality Monitoring Program Summary Report and the Watershed Report Card (every 5 years) to the community and sector-specific stakeholders.

Background:

At the May 21, 2020 NPCA Board meeting, Report No. FA-16-20 RE: 'Water Quality Monitoring Program Summary Report for the Year 2019' was received, and the recommendations therein adopted by Resolution FA-58-20. Further to the report, the Board approved Resolution FA-59-20 which stated 'that in conjunction with a legal opinion, staff be directed to investigate the NPCA's obligations for public health risk notification with respect to water quality issues and that staff establish a protocol for the distribution of the annual Water Quality Summary Report.

Discussion:

The mandate of the NPCA Water Quality Monitoring Program is to assess the water quality of the NPCA's watershed with an objective of allowing the NPCA to identify potential sources/causes of poor stream health and target effective strategies to improve stream health within our watershed. This is accomplished through a network of 80 surface water quality stations and 13 groundwater stations that are monitored for general chemistry, nutrients, metals and bacteria. More information on NPCA's Water Quality Monitoring Program can be accessed online at <https://npca.ca/conservation#conservation-watershed>.

It is the NPCA's practice that when NPCA Water Quality Monitoring staff encounter an environmental spill or other water quality issue (such as a suspected algae bloom or high levels of nitrates in a groundwater well), the Ontario Ministry of Environment, Conservation, and Parks (MECP) is immediately notified via the Spills Action Centre's Hotline (1-800-268-6060). The applicable Public Health department and municipality are also apprised of the situation and informed that the MECP has been contacted.

The NPCA has solicited a legal opinion with respect to the NPCA's duties and obligations with respect to informing the public of an environmental spill or other water quality issue and staff have also consulted with other Conservation Authorities to determine how other Conservation Authorities inform their stakeholders of an Environmental Spill or water quality issues. Based on the responses, most Conservation Authorities do not have a formal notification process in place, however they do follow the same process as NPCA in that notifications are made to the MECP, the local municipality, and the local public health departments. No other Conservation Authority indicated that they notified the general public of an Environmental Spill.

From a legal standpoint, it is quite clear that the Ontario Ministry of the Environment, Conservation, and Parks is the agency responsible for dealing with environmental spills and deleterious water quality issues. It is also quite clear that the NPCA is obligated to inform the MECP of any spills or water quality issues that is discovered in order to allow the MECP to carry out their mandated regulatory responsibilities. The NPCA's current practice conforms with this legal obligation.

The legal opinion also concludes that there is no express statutory duty requiring that the NPCA notify the public of an Environmental Spill. The opinion notes that if the NPCA were to make a public announcement about a particular Environmental Spill, such announcement has the potential to encroach on the mandate and statutory prerogatives of the MECP.

Communication and application of NPCA's Annual Water Quality Results:

The NPCA's role is to evaluate the quality of local watersheds and provide that information to the public and our partners. By doing this, the NPCA can measure environmental change, improve local knowledge, focus natural resource management actions where they are needed most, and motivate action in our watershed. The NPCA's water and land resources provide important ecological, economic, and societal benefits to its residents, and the organization continues to ensure its programs contribute to a healthier watershed.

The information obtained from the Water Quality Monitoring is utilized in a number of ways, for instance:

- a) Technical information is used to support decisions and projects (i.e. Restoration Works) across watersheds by both the NPCA and Municipal partners
- b) Applied to Watershed and Sub-watershed studies
- c) Watershed Report Cards are published as public awareness and education to target specific actions to address issues and improve conditions. These actions can result in better watershed health and provide benefits to water quality, fish and wildlife habitat, improved forest conditions and quality of life for residents.

Currently, this information is disseminated through circulation to the Clerks at the local municipalities (both lower and upper tier), e-mail distribution to Provincial Agencies (i.e. MECP), and through NPCA social media. While this method has worked in the past, it did not provide the next steps for individual municipalities.

Starting in 2021, the NPCA will also begin utilizing a full suite of communication resources and tools customized for a diverse range of stakeholders when issuing both our annual Water Quality Monitoring Summary and the Watershed Report Cards (issued every 5 years). This will entail wide distribution of the report to the local municipalities and other stakeholders followed up with information sessions, presentations and discussions with each municipality as well as special interest groups to issues, concerns and proposed best practices.

Related Reports and Appendices:

None.

Authored by:

Original Signed by:

Darren MacKenzie, C.Tech., rcsi
Director, Watershed Management

Submitted by:

Original Signed by:

Chandra Sharma MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: Bill 229 Proposed Amendments to the Conservation Authorities Act

Report No: FA-63-20

Date: November 19, 2020

Recommendation:

WHEREAS Bill 229, Protect, Support and Recover from COVID 19 Act -Schedule 6 – Conservation Authorities Act introduces changes and new sections that could significantly impact conservation authorities' mandate of watershed-based natural resource management; alter good governance standards recommend by Ontario's Auditor General; and weaken NPCA's ability to serve its municipal partners and communities in the protection from natural hazards and conserving natural resources through its planning, permitting and enforcement activities;

WHEREAS the proposed amendments have the potential to add significant delays in the planning and permitting process, add costs for all parties involved, and ultimately have the potential for significant impacts on Province's ability to provide flooding and natural hazards management contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy;

WHEREAS NPCA has already made significant investments to establish a very high standard of governance, transparency, accountability and progressive enforcement based on the Ontario Auditor General's recommendations and streamlining our permitting and land use planning reviews through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS NPCA and other Conservation Authorities take pride in being a science-based community-focused delivery partner to the Province and municipalities for over seven decades in supporting sustainable growth and green economy for the future of Ontario's taxpayers;

THEREFORE, BE IT RESOLVED:

1. **THAT** the NPCA Board of Directors **REQUESTS** the Government of Ontario to remove the proposed Schedule 6 from Bill 229 and continue to work with conservation authorities on regulations proposed under previous Bill 108 to achieve desired improvements in the planning process.
2. **AND FURTHER THAT** the attached draft letter **BE FINALIZED** for signature by the Chair and Vice Chair and **BE SENT** to the Premier, Minister of Environment, Conservation and Parks, the Minister of Natural Resources and Forestry, the Minister of Municipal Affairs and Housing, the Minister of Finance, the Auditor General; partner municipalities, and Conservation Ontario.

Purpose:

The purpose of this report is to update the Board on proposed changes to the Conservation Authorities Act. These changes form Schedule 6 of Bill 229, which is the Protect, Support and Recover from COVID-19 Act (Budget Measures).

Background:

Bill 229 was introduced on November 5, 2020 as part of the Ontario Budget and proposes changes to a number of different pieces of legislation. Among those is the Conservation Authorities Act (CAA). As the changes to the CAA are part of the proposed Budget, there is no consultation period.

The proposed changes are significant and cover multiple sections of the CAA, including areas that are unproclaimed. Details of proposed changes were provided by Conservation Ontario and are attached as Appendix 1. A brief overview of the key changes proposed is as follows:

- Require Conservation Authority (CA) Boards be comprised of members from municipal councils;
- Remove an unproclaimed section that would have allowed the Province to prescribe Board member skills and qualifications;
- New requirement for Board members to act honestly and in good faith and, in the case of the members appointed by participating municipalities, shall generally act on behalf of their respective municipalities;
- Require that the Chair/Vice-Chair positions are one year in duration and that no member may sit in those positions for more than two consecutive terms;
- Allowing for the Minister (unclear if Minister of Natural Resources and Forestry or Environment, Conservation and Parks) to appoint a member of the CA Board from the Agricultural sector;
- Remove reference to “further the conservation, restoration, development and management of natural resources” from the Objects of a CA;
- Remove the ability of CAs to expropriate land;
- Revising the unproclaimed Sections of the CAA that pertain to the programs and services provided by a CA to require some programs and services to be prescribed through Regulation;
- Add the ability for a Permit applicant to appeal the Permit fees;
- Add (to an unproclaimed Section) the ability for the Minister to appoint an Administrator of the CA following an investigation to the CA’s operations;
- Ability of a Permit applicant to appeal a CA’s lack of decision after 120 days to the Local Planning Appeal Tribunal (LPAT);
- Ability to request the Minister review a CA’s decision on a Permit application;
- Ability to appeal a CA’s decision on a Permit application to the LPAT;
- Gives the Minister the ability to issue Permits (Minister’s Order);
- Modification to the Planning Act that will remove a CA’s ability to appeal an approval authority’s decision to the LPAT;
- Modification to the requirements for entry onto property for compliance/enforcement purposes; and
- Removal of the unproclaimed section that would have allowed CAs the ability to issue stop-work orders.

A webinar was held by the Ministry of Environment, Conservation and Parks (MECP) on November 9, 2020 with staff from Conservation Ontario and Ontario's 36 Conservation Authorities. This was an opportunity to ask questions of MECP staff about the proposed changes. There was little new information provided but MECP staff confirmed that there will be a draft Regulation on CA programs and services circulated for review later this Fall. Ministry staff advised that details about transition for the new changes will follow in the future and, in some cases, be detailed through future Regulations.

As of November 16, 2020, Bill 229 was to be considered for Second Reading by the Ontario Legislature. The posting for the proposed changes to the CAA can be found at: <https://ero.ontario.ca/notice/019-2646>.

Discussion:

The changes contemplated under Bill 229 are significant to not only the NPCA but to all CAs. NPCA staff have been working to understand the full implications of the proposed changes, however, much remains unknown until further Regulations are developed or more details provided by the Province.

NPCA supports the changes made to enhance the transparency and accountability of conservation authorities. Changes proposed have already been implemented to provide highest level of customer service standards and transparency to our communities. However, several amendments are contrary to the recommendations in the 2018 Auditor General's (AG) Report on the NPCA Audit.

Governance

The proposed governance model seems to be unprecedented (against standards of good governance) and potentially unworkable in practice.

The standards of care for directors are set out under the Business Corporations Act: *"Every director and officer of a corporation in exercising his or her powers and discharging his or her duties to the corporation shall, (a) act honestly and in good faith with a view to the best interests of the corporation....; and (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances"*.

The proposed changes are contrary to the fiduciary responsibilities of a public body and challenges the purpose of CAs to address watershed issues that transcend municipal boundaries. The Auditor General in her Audit recommended that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the CA, to which the ministry response was in agreement.

Additionally, NPCA's community appointed members bring a diverse range of expertise and skill set to the current Board. The proposed amendments are of concern to both NPCA and our partner municipalities as municipalities will no longer be able to appoint a member of the public to the Board and the specification of 'municipal councilor' rather than "municipally elected official" may exclude Mayors.

Over the past two years, NPCA has invested significant time and resources to successfully deliver on the Auditor General's recommendations specifically related to strengthening the NPCA's Governance as well as Planning and Enforcement functions. Staff are concerned that the proposed changes would be a step back for CAs and undo this work. At the time of drafting this report staff were in the process reaching out to the AG's office for direction.

Mandate of CA (Objects Powers and Duties Section 20 and 21 of CAA)

The proposed changes to a CA's mandate are problematic. CAs are resource management agencies and have a long history of studying and understanding our watersheds. This has significantly assisted our municipal partners in their work, particularly around Land Use Planning, in understanding priority areas for protection and restoration. We also provide residents of our watershed with important programs for restoration that is not provided by any other level of government. Removal of the Natural Resource Mandate of CAs as stated in Section 20 opens the door for the Province to scale back the important work of CAs such as watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis. CAs will now have to rely on the Province to include these functions specifically in a Regulation.

Planning and Permitting (Section 28 CAA)

CA's have a critical role in protecting lives and property from natural hazards and we achieve that through our permit process and our involvement in municipal Land Use Planning. The proposed amendments will limit a CA's ability to undertake non-partisan, transparent, and technically sound decision making and will allow individuals to circumvent the technical CA permitting process.

The MECP has indicated that the proposed changes around appeals being heard by the LPAT is intended to make the Permit process more efficient. NPCA staff are concerned that given the appeal periods specified in the proposed changes combined with the amount of time it takes to go through an appeal at the LPAT, this will have the opposite effect on Permit timelines. In addition, where the Minister issues an order to make a decision on a Permit application, it is not clear how decisions would be made and if watershed context, or CA Board of Directors' approved regulatory policies will be regarded. CA staff provide evidence-based expertise on a diverse range of technical issues including, water resources engineering, environmental planning and ecology, necessary for sound decision making. It is not clear who will provide this advice to the Minister in making these decisions. This process may be perceived as lacking transparency.

For the reasons stated above, the proposed changes will result in increased legal costs to CA's municipalities, and/or all Permit applicants. Staff will end up spending a significant amount of time preparing for and attending unnecessary LPAT hearings and will lead to a more burdensome, litigious and adversarial process. This will set back the Client Service improvements undertaken by CA's in the past few years.

The Mining and Lands Tribunal has the case law history and experience in adjudicating CAA cases. It is not clear what support will be available to LPAT members to be able to provide timely, consistent and sound decisions.

Finally, the proposed changes would see the removal of the unproclaimed Section that would have enabled a Stop-Work Order for enforcement purposes. This tool was recently added to the legislation (2019), after years of debate, to enable CAs to immediately stop activities which could cause high risk to life and property and environmental damage and allow time for a negotiated resolution of the matter. This is a major setback as CA's would continue to lack the legal authority to require a person committing a violation to cease. The violation could continue while the CA is investigating, leaving the only recourse for the CA to be to seek a court injunction.

Land Use Planning

The loss of the right of appeal for a CA on Land Use Planning decisions is concerning. This creates the potential for decisions contrary to CA Regulations or hazard mandate being left unchallenged. It would also mean that a CA could be in a position where a Permit cannot be issued for a project authorized by a municipality. This would add considerable delays for developers and runs contrary to streamlining CA roles in Permitting and Land Use Planning.

This change is also of significant concern for NPCA as a Landowner as it takes away NPCA's right to appeal planning decisions as a landowner when infrastructure or other activities may be proposed on CA lands.

The 2019 Provincial Flood Advisor's report noted the important role that CAs play in the Land Use Planning process. The main legislative tools used to manage flood risk, the report states, include the Planning Act together with the Provincial Policy Statement (PPS) and the CAA. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. This change may also limit future ability of CA's to address extreme weather and climate change issues.

Transition Provisions

NPCA staff have learned that the expected transition period for the implementation of municipal MOUs would be one year, such that the changes would take effect January 2022 budget year.

This timeline is seriously problematic as Regulations may only be finalized in mid-year 2021 leaving inappropriate amount of time to finalize MOUs and address program changes in 2022 budgets. NPCA's partners municipalities may also not be able to meet this timeframe.

NPCA Advocacy and Communication Activities

- Letter to the Premier, Ministers of Municipal Affairs and Housing, Natural Resources and Forestry, and Environment, Conservation and Parks, as well as the Auditor General (Appendix 2)
- A media statement and subsequent media release issued
- Letters have been sent to all to NPCA partnering municipalities to ask for their endorsement (Appendix 3)
- Chair, Vice Chair and CAO met both MPP Skelly and Oosterhoff to discuss our concerns and next steps.
- Letters have been sent to all area MPPs (Appendix 4)
- CAO, Chair and Vice Chair are also entertaining Media inquiries.
- Key messages are being distributed through various media platforms.

NPCA's Public Advisory Committee is being updated on a regular basis and NPCA is working closely with Conservation Ontario and neighboring conservation authorities.

Financial Implications:

The proposed changes to the CAA, specifically to a CA's mandate, will have significant future budget implications and increased financial costs resulting from delays and legal actions. The full financial

implications of these changes will not be known until we see the proposed Regulation for CA programs and services, which is supposed to be available for comment this Fall.

Related Reports and Appendices:

- Appendix 1 – Summary of Proposed Amendments to the Conservation Authorities Act & Planning Act through Bill 229 and Implications
- Appendix 2 – Draft Letter to the Premier, Ministers and Auditor General
- Appendix 3 – Example of Municipal Letter
- Appendix 4 – Example of MPP letter

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Chief Administrative Officer/Secretary-Treasurer

Summary of Proposed Amendments to the *Conservation Authorities Act* & *Planning Act* through Bill 229 and Implications

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Existing aboriginal or treaty rights</p> <p>Section 1 is amended to include a non-abrogation clause with respect to aboriginal and treaty rights.</p>	<p>No concern.</p>
<p>Members of authority</p> <p>Section 14 is amended to ensure that the members of a conservation authority that are appointed by participating municipalities are municipal councillors. The Minister is given the authority to appoint an additional member to a conservation authority to represent the agricultural sector. The powers to define in regulation the composition, appointment or minimum qualifications for a member of the Board have been repealed. The duties of a member are amended, every member is to act honestly and in good faith and shall generally act on behalf of their respective municipalities.</p>	<p>There may be a municipal concern. Municipalities will no longer be able to appoint a member of the public to the Board and the specification of ‘municipal councillor’ rather than “municipally elected official” may exclude Mayors.</p> <p>There may be a municipal concern. Should the Minister choose to appoint a member to represent the agricultural sector it is assumed that candidates would apply through the Public Appointments Secretariat. It is also assumed that these appointments would have the same voting privileges as all members and would be entitled to receive per diems and to be appointed as the chair or vice-chair.</p> <p>There may be a municipal concern. There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs.</p> <p>Significant concern. The amendment that would require members to act on behalf of their respective municipalities contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Meetings of authorities</p> <p>Section 15 is amended to require that meeting agendas be available to the public before a meeting takes place and that minutes of meetings be available to the public within 30 days after a meeting. They are to be made available to the public online.</p>	<p>No concern. CA Administrative By-Laws were completed by the December 2018 legislated deadline and, as a best practice, should already address making key documents publicly available; including meeting agendas and meeting minutes.</p>
<p>Chair/vice-chair</p> <p>Section 17 is amended to clarify that the term of appointment for a chair or vice-chair is one year and they cannot serve for more than two consecutive terms.</p>	<p>There may be a municipal concern. Municipal Councillor interest and availability regarding this requirement is to be determined.</p>
<p>Objects</p> <p>Section 20 objects of a conservation authority are to provide the mandatory, municipal or other programs and services required or permitted under the Act and regulations.</p>	<p>No concern. Previously the objects of an authority were to undertake programs and services designed to further the conservation, restoration, development and management of natural resources. This is still reflected in the Purpose of the Act. The objects now reference the mandatory and non-mandatory programs and services to be delivered. The “other programs and services” clause indicates that “an authority may provide within its area of jurisdiction such other programs and services as the authority determines are advisable to further the purposes of this Act”.</p>
<p>Powers of authorities</p> <p>Section 21 amendments to the powers of an Authority including altering the power to enter onto land without the permission of the owner and removing the power to expropriate land.</p>	<p>No concern</p>
<p>Programs and Services</p> <p>Section 21.1 requires an authority to provide mandatory programs and services that are prescribed by regulation and meet the requirements set out in that section. Section 21.1.1 allows authorities to enter into agreements with participating municipalities to provide programs and services on behalf of the municipalities, subject to the regulations.</p>	<p>Significant concern. The basic framework of mandatory, municipal and other program and services has not changed from the previously adopted but not yet proclaimed amendments to the legislation. What has now changed is that municipal programs and services and other programs and services are subject to such standards and requirements as may be prescribed by regulation. Potentially the regulations could</p>

Description of Proposed Amendments	Implications to Conservation Authorities
<p>Section 21.1.2 would allow authorities to provide such other programs and services as it determines are advisable to further the purposes of the Act, subject to the regulations.</p>	<p>restrict what the Authority is able to do for its member municipalities or to further the purpose of the Act.</p>
<p>Agreements for ‘other programs and services’</p> <p>An authority is required to enter into agreements with the participating municipalities in its jurisdiction if any municipal funding is needed to recover costs for the programs or services provided under section 21.1.2 (i.e. other program and services). A transition plan shall be developed by an authority to prepare for entering into agreements relating to the recovery of costs. <i>*All programs and services must be provided in accordance with any prescribed standards and requirements.* NOTE- this new addition is addressed as a significant concern under Programs and Services above.</i></p>	<p>Potential concern. This appears to be a continuation of an amendment previously adopted but not yet proclaimed. MECP staff indicate that the current expectation is that the plan in the roll-out of consultations on regulations is that the Mandatory programs and services regulation is to be posted in the next few weeks. It is noted that this will set the framework for what is then non-mandatory and requiring agreements and transition periods. MECP staff further indicated “changes would be implemented in the CA 2022 budgets” which is interpreted to mean that the Transition period is proposed to end December 2021. Subject to the availability of the prescribed regulations this date is anticipated to be challenging for coordination with CA and municipal budget processes.</p>
<p>Fees for programs and services</p> <p>Section 21.2 of the Act allows a person who is charged a fee for a program or service provided by an authority to apply to the authority to reconsider the fee. Section 21.2 is amended to require the authority to make a decision upon reconsideration of a fee within 30 days. Further, the amendments allow a person to appeal the decision to the Local Planning Appeal Tribunal or to bring the matter directly to the Tribunal if the authority fails to render a decision within 30 days.</p>	<p>Some concern. Multiple appeals of fees have the potential to undermine CA Board direction with regard to cost recovery and to divert both financial and staff resources away from the primary work of the conservation authority.</p>
<p>Provincial oversight</p> <p>New sections 23.2 and 23.3 of the Act would allow the Minister to take certain actions after reviewing a report on an investigation into an authority’s operations. The Minister may order the authority to do anything to prevent or remedy non-compliance with the Act. The Minister may also recommend that the Lieutenant Governor in Council</p>	<p>No concern. This appears to be an expansion of powers previously provided to the Minister.</p>

Description of Proposed Amendments	Implications to Conservation Authorities
appoint an administrator to take over the control and operations of the authority.	
<p>Ministerial Review of Permit Decisions</p> <p>Subsection 28.1 (8) of the Act currently allows a person who applied to a conservation authority for a permit under subsection 28.1 (1) to appeal that decision to the Minister if the authority has refused the permit or issued it subject to conditions. Subsection 28.1 (8) is repealed and replaced with provisions that allow the applicant to choose to seek a review of the authority's decision by the Minister or, if the Minister does not conduct such a review, to appeal the decision to the Local Planning Appeal Tribunal within 90 days after the decision is made. Furthermore, if the authority fails to make a decision with respect to an application within 120 days after the application is submitted, the applicant may appeal the application directly to the Tribunal.</p>	<p>Significant concern. These amendments provide two pathways for an applicant to appeal a decision of an Authority to deny a permit or the conditions on a permit. One is to ask the Minister to review the decision; the other is to appeal directly to the Local Planning Appeal Tribunal. Appeals brought through these processes will create additional workload for the Authority and increase the amount of time that a permit appeal process takes.</p> <p>New guidelines will need to be created to support the Minister and the LPAT in their decision-making processes. There is no reference to a complete application being submitted prior to the 120 day "clock" being started.</p>
<p>Minister's Order Re. S. 28 Permit</p> <p>New section 28.1.1 of the Act allows the Minister to order a conservation authority not to issue a permit to engage in an activity that, without the permit, would be prohibited under section 28 of the Act. After making such an order the Minister may issue the permit instead of the conservation authority.</p>	<p>Significant concern. These powers appear to be similar to a Minister Zoning Order provided for under the <i>Planning Act</i>. Should the Minister decide to use these powers it appears that the CA may be required to ensure compliance with the Minister's permit.</p>
<p>Cancellation of Permits</p> <p>Section 28.3 of the Act is amended to allow a decision of a conservation authority to cancel a permit or to make another decision under subsection 28.3 (5) to be appealed by the permit holder to the Local Planning Appeal Tribunal.</p>	<p>Some concern. Some conservation authorities use the cancellation of a permit as part of their compliance approach; the ability to appeal to the LPAT will add 90 days to the process prior to a LPAT hearing taking place. Renders the tool ineffective if the permit holder decides to appeal.</p>
<p>Entry Without Warrant, Permit Application</p>	<p>Some concern. The changes are to amendments previously adopted but not proclaimed. For considering a permit application, the officer is now required to give reasonable notice to the owner and to the</p>

Description of Proposed Amendments	Implications to Conservation Authorities
Subsection 30.2 (permit application) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.	occupier of the property, which may result in increased administrative burden for the CA. It also appears to remove the ability to bring experts onto the site.
Entry Without Warrant, Compliance Subsection 30.2 (compliance) of the Act sets out circumstances in which an officer may enter land within the area of jurisdictions of an authority. Those circumstances are revised.	Significant/Some concern. The revisions essentially undo any enhanced powers of entry found within the yet to be proclaimed enforcement and offences section of the Act. The result is that CAs essentially maintain their existing powers of entry, which are quite limited. Conservation authorities will likely have to rely on search warrants to gain entry to a property where compliance is a concern. Reasonable grounds for obtaining a search warrant cannot be obtained where the activity cannot be viewed without entry onto the property (i.e. from the road).
Stop (work) Order Section 30.4 of the Act is repealed. That section, which has not yet been proclaimed and which would have given officers the power to issue stop orders to persons carrying on activities that could contravene or are contravening the Act, is repealed.	Significant concern. This is an important enforcement tool that conservation authorities have been requesting for years. Without this tool, conservation authorities must obtain an injunction to stop unauthorized activities which represents a significant cost to the taxpayers.
Regulations Made By Minister and LGIC The regulation making authority in section 40 is re-enacted to reflect amendments in the Schedule.	No concern.
Throughout the legislation all references to the Mining and Lands Commissioner has been replaced with the Local Planning Appeal Tribunal	Some concern. The LPAT lacks the specialized knowledge that the MLT has with regard to S. 28 applications. There is also a significant backlog of cases at the LPAT.
Planning Act – Exclusion of CAs as Public Body Subsection 1(2) of the <i>Planning Act</i> is amended to remove Conservation Authorities as a public body under the legislation. Conservation	Significant concern. There is lack of clarity on the implications of this amendment. The intent of the amendment is to remove from conservation authorities the ability to appeal to LPAT any <i>Planning Act</i> decisions as a public body or to become a party to an appeal. Conservation

Description of Proposed Amendments	Implications to Conservation Authorities
<p>authorities will not be able to independently appeal or become a party to an appeal as a public body at the LPAT.</p>	<p>authorities will instead be required to operate through the provincial one window approach, with comments and appeals coordinated through MMAH. Note that the one window planning system is typically enacted for the review of Official Plans and Official Plan Amendments. It is expected that conservation authorities will retain the ability to appeal a decision that adversely affects land that it owns however that has not been confirmed.</p>

November 19, 2020

Honourable Doug Ford
Premier of Ontario
Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Dear Premier Ford,

RE: Bill 229 Schedule 6 - Changes to Conservation Authorities Act

The Niagara Peninsula Conservation Authority (NPCA) has been committed to keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources in our watershed.

We are writing to express our extreme concern with regards to Schedule 6 of Bill 229. The proposed changes have a direct negative impact on decades of on-the-ground watershed planning, monitoring, and ecosystem management measures put in place to keep our residents safe from natural hazards and protect Ontario's precious natural resources for future generations. The need for investment in green space for the health and well being of our communities has been clearly exposed during the COVID Pandemic. Local CA's were challenged to deploy resources on the frontlines for the mental and physical well being of our communities.

NPCA appreciates the need for transparency and accountability. Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. For the NPCA, this work was initiated as the result of the 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO) and has been fully implemented. For most CA's, Administrative By-Laws are completed and already address these concerns including making key documents publicly available including; meeting agendas, meeting minutes, and annual audits.

We would like to stress that a majority of proposed amendments contained within Schedule 6 of Bill 229 are contrary to the spirit of Auditor Generals recommendations, against the basic standards of good governance, and disrespect watershed science and evidence-based planning decisions.

The proposed changes are contrary to the fiduciary responsibilities of a public body and challenges the purpose of CAs to address watershed issues that transcend municipal boundaries. The Auditor General, in her Audit, recommended that the Ministry of the Environment, Conservation and Parks clarify board members' accountability to the CA, to which the ministry responded in agreement.

Additionally, NPCA's community appointed members (as with all CA's community appointed members) bring a diverse range of expertise and skill set to the current Board. The proposed amendments are of concern to both NPCA and our partner municipalities as municipalities will no longer be able to appoint a member of the public to the Board. Also, the specification of 'municipal councillor' rather than "municipally elected official" may exclude Mayors.

The proposed changes to a CA's mandate are problematic. CAs are resource management agencies and have a long history of studying and understanding our watersheds. This has significantly assisted our municipal partners in their work, particularly around Land Use Planning, in understanding priority areas for protection and restoration. We also provide residents of our watershed with important programs for restoration that is not provided by any other level of government. Removal of the Natural Resource Mandate of CAs as stated in Section 20 opens the door for the Province to scale back the important work of CAs such as watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis. CAs will now have to rely on the Province to include these functions specifically in a Regulation.

As you are also aware, CA's have a critical role in protecting lives and property from natural hazards and we achieve that through our Permit process and our involvement in municipal Land Use Planning. The proposed amendments will limit a CA's ability to undertake non-partisan, transparent, and technically sound decision making and will allow individuals to circumvent the technical CA permitting process.

The MECP has indicated that the proposed changes around appeals being heard by the LPAT is intended to make the Permit process more efficient. We are concerned that given the appeal periods specified in the proposed changes combined with the amount of time it takes to go through an appeal at the LPAT, this will have the opposite effect on Permit timelines. In addition, where the Minister issues an order to make a decision on a Permit application, it is not clear how decisions would be made and if watershed context, or CA Board of Directors' approved regulatory policies will be regarded. CA staff provide evidence-based expertise on a diverse range of technical issues including, water resources engineering, environmental planning and ecology, necessary for sound decision making. This newly proposed process may be perceived as lacking transparency.

For the reasons stated above, the proposed changes will result in increased legal costs to CA's municipalities, and/or all Permit applicants. Staff will end up spending significant amount of time preparing for and attending unnecessary LPAT hearings and will lead to a more burdensome, litigious and adversarial process. This will significantly set back the Client Service improvements undertaken by CA's in the past few years.

The Mining and Lands Tribunal has the case law history and experience in adjudicating Conservation Authorities Act cases. It is not clear what support will be available to LPAT members to be able to provide timely, consistent and sound decisions.

As presented, the proposed changes would see the removal of the unproclaimed Sections that would have enabled a Stop-Work Order for enforcement purposes. This tool was recently added to the legislation (2019), after years of debate, to enable CAs to immediately stop activities which could cause high risk to life and property and environmental damage and allow time for a negotiated resolution of the matter. This is a major setback as CA's would continue to lack the legal authority to require a person committing a violation to cease. The violation could continue while the CA is investigating leaving the only recourse for the CA to seek a court injunction thus further burdening an already overwhelmed legal system.

In the protection of life and property from natural hazards, the guidance Conservation Authorities generally follow is provided directly from the Province, if there is an issue with the way permitting decisions are being made by the CA's, then addressing the outdated guidance from the Province

would be somewhere to start. The current direction that has been taken by-passes the necessary work the Province needs to do to update the process and instead chooses to undermine the organization that is tasked with completing this work. This is extremely short-sighted, and it does not solve the underlying issues. The Province needs to make a commitment to begin to uphold their responsibility to provide adequate, clear, up-to-date and fair guidance to ensure that any decisions being made with respect to natural hazards, are done in the best interest of the Province of Ontario and ALL of the people that live here, political-interests and self-interests aside.

The loss of the right of appeal for a CA on Land Use Planning decisions is concerning. This creates the potential for decisions contrary to CA Regulations or hazard mandate being left unchallenged. It would also mean that a CA could be in a position where a Permit cannot be issued for a project authorized by a municipality. This would add considerable delays for developers and runs contrary to streamlining CA roles in Permitting and Land Use Planning.

This change is also of significant concern for NPCA as a Landowner as it takes away NPCA's right to appeal planning decisions as a landowner when infrastructure or other activities may be proposed on CA lands.

The 2019 Provincial Flood Advisor's report noted the important role that CAs play in the Land Use Planning process. This report states the main legislative tools used to manage flood risk include the Planning Act together with the Provincial Policy Statement (PPS) and the Conservation Authorities Act. As a result of the Flood Advisor's recommendations, the 2020 PPS was revised to state that mitigating natural hazard risks, including those associated with climate change, will require the province, planning authorities, and conservation authorities to work together. This change may also limit future ability of CA's to address extreme weather and climate change issues.

As such, the NPCA Board of Directors respectfully requests that the Government of Ontario remove the proposed Schedule 6 from Bill 229 and continue to work with Conservation Ontario and the 36 Conservation Authorities on regulations proposed under the previous Bill 108 to achieve the desired improvements within the Conservation Authorities Act.

Thank you for your kind consideration and understanding the urgency of this matter. For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,

Brenda Johnson
Chair, NPCA

Bruce MacKenzie
Vice Chair, NPCA

Cc Bonnie Lysyk - Auditor General of Ontario
Honourable Steve Clark - Minister of Municipal Affairs and Housing
Honourable John Yakabuski – Minister of Natural Resources and Forestry
Honourable Jeff Yurek - Minister of the Environment, Conservation and Parks
Honourable Rod Phillips – Minister of Finance



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November 16, 2020

Mayor Hewitt and Council
 P.O. Box 400
 Cayuga, ON
 L8P 4Y5

Dear Mayor Hewitt and Council,

RE: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

The Niagara Peninsula Conservation Authority (NPCA) has been keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources across Niagara, Hamilton and Haldimand watersheds. Collaboration with NPCA's municipal partners has been a critical factor in our collective success on the ground.

Schedule 6 of Bill 229, proposes amendments which we believe have the potential to add significant delays in the planning and permitting process, add costs and have the potential for significant impacts on our collective ability to provide flooding and natural hazards management/protection and drinking water protection to our communities. The proposed changes also appear contrary to the Special Advisor's Report on Flooding and Ontario's Flooding Strategy, as well the 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO).

During the Pandemic, NPCA experienced an increase in illegal activities on our lands and regulated areas. In regards to our enforcement functions, conservation authorities must rely on their municipal partners to assist with stop orders under municipal by-laws or the Building Code, when appropriate. This puts undue stress on municipalities to provide services to the conservation authorities (CA's). Major offences result in unnecessary costs to conservation authority and municipal budgets, as well as to the taxpayers/property owners for damages.

Under the proposed changes, if applicants are not satisfied with decisions made by the Hearing Boards (CA Board of Directors or Executive), then applicants can now appeal directly to the Minister or to the Local Planning Appeal Tribunal (LPAT). These changes could add significant delays and more costs for developers, municipalities, conservation authorities and the Province to manage the excessive appeal system.

Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. We have also invested significantly on improved governance based on the Auditor General's recommendations. We believe that Board appointments remain the decision of the municipality in consultation with conservation authorities. We have made great strides and seek your support to ensure that we will be able to continue to build on our successes.

We are writing to seek the endorsement from our municipal partners through adoption of appropriate resolution. (A sample resolution is attached for your consideration.) We request your support in encouraging the Province of Ontario to work with conservation authorities to address

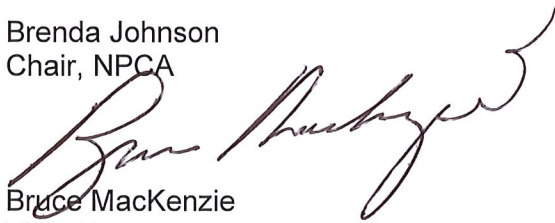
their concerns and to repeal or amend changes to the *Conservation Authorities Act* and the *Planning Act*.

For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,

A handwritten signature in black ink that reads "Brenda Johnson". The script is fluid and cursive.

Brenda Johnson
Chair, NPCA

A handwritten signature in black ink that reads "Bruce MacKenzie". The script is fluid and cursive.

Bruce MacKenzie
Vice Chair, NPCA

Proposed Resolution for Municipalities

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, and engaging in review and appeal of municipal planning applications:

WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*;

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

THEREFORE, BE IT RESOLVED:

1. **THAT** the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*.
2. **THAT** the Province of Ontario delay enactment of clauses affecting municipal concerns.
3. **THAT** the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes.
4. **THAT** the Province respect the current conservation authority/municipal relationships.
5. **AND THAT** the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.



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

November 16, 2020

Wayne Gates
 MPP, Niagara Falls
 Constituency Office
 Unit 1
 6746 Morrison St.
 Niagara Falls, ON
 L2E 6Z8

Dear Mr. Gates,

RE: Changes to Conservation Authorities Act and Conservation Authorities' Role in Land Use Planning

The Niagara Peninsula Conservation Authority (NPCA) has been keeping the environment, people and property of our watershed safe from natural hazards for the past 61 years with a mandate to further the conservation, restoration, development and management of natural resources in our watershed.

We are writing to express our extreme concern about Bill 229. The proposed changes have a direct negative impact on decades of on-the-ground watershed planning, monitoring, and ecosystem management measures put in place to keep our residents safe from natural hazards and protect Ontario's precious natural resources for future generations. The need for investment in green space for the health and well being of our communities was clearly exposed during the COVID Pandemic. Local CA's were challenged to deploy resources on the frontlines for the well being of our communities.

NPCA appreciates the need for transparency and accountability. Over the past few years, we have invested heavily in implementing measures for the highest standards of customer service for our residents. For NPCA, this work was initiated as the result of 2018 Special Audit of NPCA by the Office of the Auditor General of Ontario (OAGO) and has been fully implemented. For most CA's, Administrative By-Laws are completed and already address these concerns including making key documents publicly available; including meeting agendas, meeting minutes, and annual audits.

We note that a majority of proposed amendments are contrary to the spirit of Auditor Generals recommendations, against the basic standards of good governance, and disrespect watershed science and evidence-based planning decisions. We respectfully state that:

1. Proposed changes to both the *Conservation Authorities Act* and the *Planning Act* risk watering down or losing the conservation authorities' science-based watershed approach which currently protects Ontario's environment.
2. Proposed changes will actually create more costs, delays and red tape around permit and planning applications and appeals.
3. Limiting Conservation Authorities ability to independently appeal decisions made around permits and municipal planning applications will put more people and infrastructure at risk of flooding and other natural hazards and add additional stressors to Ontario's biodiversity.

OUR ASKS

NPCA respectfully asks you to consider the impacts these proposed changes will have on the safety of your local environment, your constituents and their safety and we request:

1. That Province take a step back and rethink the provisions of Schedule 6. That the proposed Schedule 6 not be enacted in its present form. Ministry officials continue to work with CA's in good faith on regulations as proposed under previous Bill 108.
2. **Section 20 Mandate:** That the "Natural Resource Mandate" of CA's as stated in Section 20 be respected to allow for important work on watershed-scale monitoring, data collection management and modelling; watershed-scale studies, plans, assessments and strategies; and watershed-wide actions including stewardship, communication, outreach and education activities that protect our environment on a watershed basis.
3. **Planning Act Amendment:** That an amendment be made to limit appeals as a public body to conformity with section 3.1 (natural hazards) of the Provincial Policy Statement. Retain the ability of CAs as landowners to participate in appeals affecting their land.
4. **Section 28:** The proposed amendments to the Section 28 regulation will **negatively impact a CA's ability to protect life and property**, through limiting a CA's ability to independently apply their watershed science, allowing individuals to circumvent the CA permitting process and by tying up CA staff in unnecessary appeal processes. This proposal does not improve transparency, consistency in decision-making and nor does it streamline the process. In fact, this proposal will result in a significantly longer approval process which might jeopardize the health or safety of persons or result in the damage or destruction of property.
5. Amend or Specify in the legislation that the appeal for a non-decision after 120 days can only be made when the conservation authority has deemed the application to be complete.
6. Amend or Enact one of the three possible alternatives in its place: a) Develop provincial guidance that defines how to establish fees in consultation with municipal partners and other stakeholders. If the CA is not in compliance with the guidance, the Minister could make an order under S. 23 to amend the CA fees policy. B) Enable the fee policy to go through public consultation via the ERO or C) require the approval of the Minister of the CA fee policy to avoid multiple appeals regarding the same fee schedule. Remove the right of appeal to the LPAT.
7. Repeal. Conservation authorities' inability to stop work has a significant negative impact on public health and safety. Laying charges and obtaining court injunctions is unnecessarily costly for the taxpayers and the accused.
8. **Regulation making powers for prescribing standards and requirements for Non-Mandatory (i.e. Local) programs and services:** Repeal All clauses and amendments relating to the ability to prescribe standards and requirements (including repeal of Section 21.1.1(5), Section 21.1.2 Prescribed Standards, Section 21.1.2 (3) b) Terms and Conditions, and Section 21.1.2(4) Conflict; and Including amendment of i.e. deletion of references to regulations in Section 21.1.1(1), and, 21.1.2 (1).

9. **Governance 4a – Duty of Members:** Repeal the change to the 'Duty of Members' from furthering the objects of the authority to representing the interest of their municipality. It contradicts the fiduciary duty of a Board Member to represent the best interests of the corporation they are overseeing. It puts an individual municipal interest above the broader watershed interests further to the purpose of the Act. It basically undermines the ability of the CA Board to address the broader environmental/resource management issues facing our watersheds today. Discourse on these issues and consideration of programs and services that address watershed-wide issues that span municipal boundaries is paramount in a time of increasing climate change, etc.
10. **Member Appointments:** A number of amendments have been made regarding CA Board appointments. Of concern are new clauses that require municipalities to only appoint municipal councillors and that the Chair/Vice Chair rotate every two years between different municipalities.

There is no opportunity to manage these legislative amendments through the regulations process as Bill 229 has removed the ability to prescribe by regulation, the composition, appointment, or qualifications of members of CAs. Given the already identified regulatory consultations planned and the pressures from COVID exacerbating municipal councillors' time, respectfully request that proclamation of these governance changes be delayed for at least a few years. This would allow time for CA's to collaboratively work on the necessary policies to support effective Board governance.

We recommend that Board appointments should remain the decision of the municipality but there will be practical limitations for these new requirements to be met (e.g. some CAs have only one or a few municipalities in their jurisdiction; some have more than 50% citizen appointees).

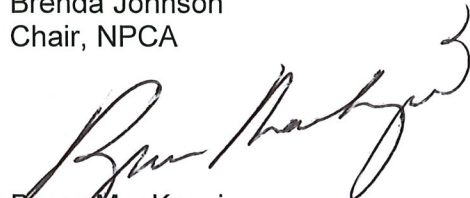
We request delay in proclamation until after regulations consultations are completed over the next number of years with appropriate parties.

Thank you for your kind consideration and understanding the urgency of this matter. For any questions, or clarity on these matters kindly contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Respectfully,



Brenda Johnson
Chair, NPCA



Bruce MacKenzie
Vice Chair, NPCA

Report To: NPCA Public Advisory Committee

Subject: NPCA Public Advisory Committee meeting dates 2021

Report No: PAC-01-20

Date: November 26, 2020

Recommendation:

1. That Report No. PAC-01-20 regarding the NPCA Public Advisory Committee 2021 Meeting Dates **BE RECEIVED**.
2. **THAT** the NPCA Public Advisory Committee **APPROVE** the 2021 meeting dates for the Public Advisory Committee.

Purpose:

The purpose of this report is to establish the NPCA 2021 Public Advisory Committee meeting schedule for internal business planning purposes and public awareness, accessibility and transparency.

Background:

The calendar of NPCA Public Advisory Committee meetings for the year is typically approved in advance as members have various obligations and schedules. The schedule attached as Appendix 1 continues the existing practice of convening meetings at 5 p.m. on Thursdays near the end of the month. As per past practice, meetings have not been scheduled during the summer months of July- August and the week of holiday weekends and other known events (e.g. March Break).

Related Reports and Appendices:

1. Appendix 1: NPCA Advisory Committee 2021 Meeting Schedule

Authored by:

Kerry Royer

Coordinator, Community Outreach

Reviewed by:

Renee Bisson, Manager – Communications and Public Relations

Submitted by:

Chandra Sharma
CAO/Secretary-Treasurer

Appendix 1 to Report No: PAC-01-20

Proposed Meeting Dates 2021

Thursday January 28, 5 p.m.

Thursday April 29, 5 p.m.

Thursday June 24, 5 p.m.

Thursday October 28, 5 p.m.

Report To: Public Advisory Committee

Subject: 2021 Restoration Project Evaluation Criteria

Date: November 26, 2020

Recommendation:

THAT Report PAC-01-20 RE: 2021 Restoration Project Evaluation Criteria BE RECEIVED;

THAT the NPCA Public Advisory Committee ENDORSE the proposed Restoration Project Evaluation Criteria.

Purpose:

The purpose of this Report is to inform the Public Advisory Committee of updates made for the 2021 Niagara Peninsula Conservation Authority (NPCA) Restoration Grant Program evaluation criteria

Background:

At the April 2019 Full Authority meeting the Board of Directors approved the implementation of a revitalized Restoration Grant Program aligned with NPCA mandate and the Auditor General's recommendation to develop and implement a strategy to target areas of the watershed based on water quality monitoring and other information on the health of the watershed.

Since the launch of the Restoration Grant Program in 2019, over 100,000 trees and shrubs have been planted, totaling over 48 hectares of reforestation, and over 21,000 square meters of riparian habitat being created. Additionally, over 7 hectares of wetland has been created and six Agricultural Best Management Practices projects have been completed. Finally, in 2020, the Restoration Grant Program was able work with the Community Engagement team to engage 96 community volunteers for more than 240 volunteer hours in completing projects, a value of at least \$3600.00.

An application in-take date was set for November 9th, 2020 for the 3rd year of the Restoration Program and over 50 applications were received from watershed landowners and local partners. These applications will be reviewed, evaluated, and brought forward to the standing staff-led Restoration Program Review Committee in November 2020.

Potential projects are evaluated utilizing specific evaluation criteria for each project category (See Appendix 1). Projects that meet a minimum score of 60% through the evaluation process are considered for funding. Projects are selected based on available budget and in comparison, to other eligible applications. Projects must have a direct environmental benefit to water quality, wildlife habitat and forest cover resulting in measurable results.

Preference is given to projects in Priority Areas for water quality improvement; forest cover and wetland habitat based on data and guidelines derived from the following documents:

- Annual NPCA Water Quality Reports, Niagara Peninsula Conservation Authority, 2007-2019.

- Nature for Niagara's Future Project; a Natural Heritage Systems Assessment; Niagara Peninsula Conservation Authority, 2011.

- How Much Habitat is Enough? 3rd Edition; Environment Canada, 2013.

- Southern Ontario Wetland Conversion Analysis, Final Report; Ducks Unlimited Canada, March

Discussion:

Consistent with the recommendations made by the Auditor General of Ontario, the Restoration Grant Program established an objective evaluation process to direct funding towards projects that best achieve its goals utilizing the best available watershed science.

In early 2020, NPCA staff generated and refined mapping to update criteria used to help evaluate potential Restoration Grant Program projects. Program evaluation matrices (See Appendix 1.) were updated to reflect the new mapping and to increase the precision of project evaluation. This work was undertaken in consultation with the Restoration Program Review Committee to aid in identifying priority areas for water quality, forest cover and percentage of historical wetland extents on a sub-watershed scale (See Appendix 2.). The Restoration Grant Program's evaluation system will continue to be refined as new data becomes available.

Related Reports and Appendices:

Appendix 1: 2021 Project Evaluation Matrices
Appendix 2: Associated Maps

Authored by:

Original signed by:

Stuart McPherson
Restoration Specialist

Reviewed by:

Original signed by:

Geoff Verkade
Senior Manager, Integrated Watershed Planning/
Information Management

2021 Restoration Program Guidelines

Section 1- Program Description

The NPCA is taking action to restore and improve water quality, wildlife habitat and forest cover across the NPCA watershed. The NPCA will continue to offer a restoration program with the vision of:

'Fostering collaboration among partners in the watershed to protect and restore water quality and diverse habitats by completing projects that meet the long-term mandate of the NPCA.'

The Restoration Program is shaped by the following **Guiding Principles**:

- a) Embracing partnerships and shared responsibility;
- b) Leveraging funding opportunities for an incentive-based cost sharing program;
- c) Promoting of adaptive management to meet the changing needs on the landscape;
- d) Conveying awareness of the benefits of environmental restoration and to celebrate success.

The top line **Goals** of the Restoration Program are to:

- 1) **Improve** water quality, wildlife habitat, and forest cover to the benefit of local ecosystems and the overall health of the watershed;
- 2) **Monitor, assess, and communicate the change** of these conditions in the watershed; and
- 3) **Enable innovative approaches, partnerships, and solutions** to improve water quality, wildlife habitat, and forest cover.

This guide provides information on funding opportunities, eligibility requirements, the application and evaluation process. You're welcome to apply for 2021 funding, or, if you have questions contact the NPCA for further information at 905-788-3135 or by email at restoration@npca.ca.

Section 2- Who Can Apply?

1. Private and Public Landowners
2. Incorporated Non-Governmental Organizations (NGOs)
3. Non-incorporated organizations (Nature Clubs, "Friends of" organizations)

Section 3- Project Process

- Step 1. Applicant expresses interest; site visit by NPCA staff; applicant completes application form
- Step 2. Project application evaluated by NPCA staff
- Step 3. Project approval by Restoration Program Review Committee and NPCA Board of Directors
- Step 4. Detailed Project Plan completed with NPCA staff; Landowner/Partner Agreement signed
- Step 5. Project implementation
- Step 6. Project closing/reconciling accounts
- Step 7. On-going monitoring/assessment where applicable (1, 3, 5 and 10 year)

Section 4- Restoration Project Categories

	Eligible Project Types	Funding Rate	Funding Ceiling	Application Date for 2021 projects
1	Livestock Restriction & Crossings	Up to 75%	\$10,000	November 9th, 2020
2	Conservation Farm Practices	Up to 75%	\$5,000	November 9th, 2020
3	Tree Planting/ Woodland Restoration	Up to 75%	\$10,000	November 9th, 2020
4	Instream/Riparian Habitat Restoration	Up to 75%	\$10,000	November 9th, 2020
5	Wetland Restoration	Up to 75%	Excavation \$15,000 Planting \$5,000	November 9th, 2020
6	Upland Habitat Restoration	Up to 75%	\$5,000	November 9th, 2020
7	Nutrient Management	Up to 75%	\$12,000	November 9th, 2020
8	Water Conservation Practices	Up to 75%	\$5,000	November 9th, 2020
9	Cover Crops	\$50/acre up to 50 acres	\$2,500	August 15th, 2020*

*Applications will be accepted in August 2020 for 2021 projects.

** Funding rates and ceilings are program guidelines only; funding ceilings and rates may be changed at the discretion of the Restoration Program Review Committee.

Section 5- Application Evaluation

Application forms and their supporting materials will be screened for completion to ensure they meet the eligibility requirements before being reviewed and ranked by NPCA staff. The potential project will be evaluated based on specific evaluation criteria for each project category (see Appendix A).

Projects that meet a minimum score of 60% through the evaluation process will be considered by the Restoration Program Committee for funding. Funding is contingent on available budget and other eligible applications.

Projects must have a direct environmental benefit to water quality, diverse habitat and forest cover resulting in measurable results (see Appendix). Project plans, developed with NPCA staff, will outline the performance measures meant to be achieved through the project. These may include; number of trees planted, hectares of wetland created, squared metres of riparian habitat etc.

Preference will be given to projects in Priority Areas for water quality improvement; forest cover and wetland habitat based on data and guidelines derived from the following documents:

- Annual NPCA Water Quality Reports, Niagara Peninsula Conservation Authority, 2007-2019.
- Nature for Niagara's Future Project; a Natural Heritage Systems Assessment; Niagara Peninsula Conservation Authority, 2011.
- How Much Habitat is Enough? 3rd Edition; Environment Canada, 2013.
- Southern Ontario Wetland Conversion Analysis, Final Report; Ducks Unlimited Canada, March 2010.

Section 6 - Project Approval

Restoration staff will visit the project site with the applicant and the applicant will complete an application form. The potential project will be evaluated based on the criteria outlined in Section 9 - Project Descriptions. The projects will be assessed, scored and ranked against other eligible projects. Projects that are not selected may be considered for the following year. Project approval letters will be sent once a project has been approved.

Section 7 – Funding

Approved projects will receive 75% funding, up to the program category cap limit. The landowner and/or partner organization is responsible for the remaining 25% or greater of the costs. NPCA grant dollars can be combined with other funding (i.e., Ducks Unlimited, Forests Ontario). In cases where the applicant receives additional funding, the NPCA will cover 75% of the remaining costs up to the project cap limit (see Example 3). Where the NPCA and Partner Agencies have entered a Memorandum of Understanding alternative funding models may be used.

Example 1. A reforestation project costs \$11,050. The NPCA grant covers 75% of the costs - \$8,287.50. The applicant is responsible for the remaining \$2,762.50.

Example 2. A manure storage project costs \$18,000. The NPCA grant would reach its program category cap limit of \$12,000. The applicant organization is responsible for the remaining \$6,000.

Example 3. A wetland creation project costs \$23,800. The applicant organization receives grants for \$14,600 from another source. The NPCA Grant would then cover 75% of the remaining costs (\$6,900), the landowner is responsible for the remaining costs (\$2,300)

Payment of project expenditures (contractors, project materials) will be dependent on project specifics, in some cases the landowner will pay the project costs and be reimbursed for the NPCA's contribution when the project is complete; in other cases the NPCA will pay the project costs and the applicant will pay their contribution in two installments. In this case, a deposit at the beginning of the project and the remainder at project completion once all accounts are reconciled.

Section 8 - General Program Guidelines

To qualify for funding the following guidelines must be met:

- 1) Projects must be within the NPCA watershed (see Figure 1).
- 2) Projects must demonstrate improvement to local water quality, habitat and/or forest cover.
- 3) Projects that will result in the most significant benefits to water quality and habitat are prioritized for funding. Project approval will be based on a detailed evaluation with selection by members of an established technical advisory committee.
- 4) Landowners must contribute financially to the project.
- 5) Applicants must complete a Restoration Program application and sign a Project Agreement form before the project commences.
- 6) The NPCA must review and approve all projects before project commencement.
- 7) Projects are to take place within the calendar year.
- 8) Landowners may have up to two active projects in any one year.
- 9) Projects that are ordered or are for compensation are not eligible for funding.
- 10) Project plant material (trees, shrubs, wildflowers) shall be native to Southern Ontario; non-native or invasive species are not eligible for funding.

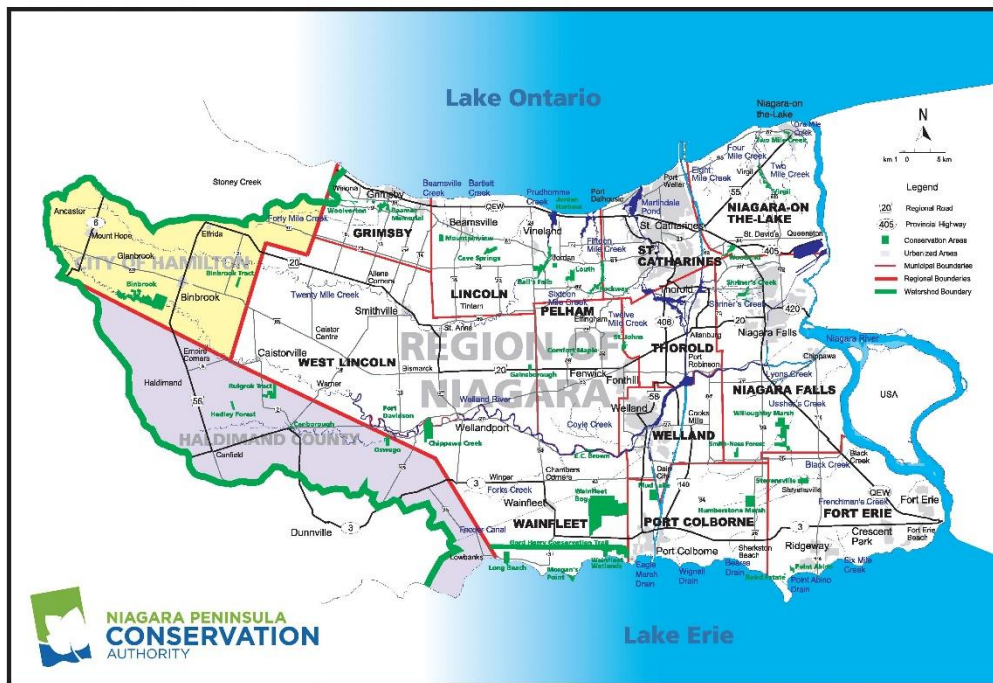


Figure 1. NPCA Watershed Boundary

Section 9 - Project Descriptions

See appendices for project category descriptions, eligible projects, requirements and evaluation criteria.

2021 Livestock Restrictions & Crossings Evaluation

Project Address:

Watershed:

Project Description:

Application

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

- 1) Does the current system allow for livestock access to a watercourse? (**10 points**)
- 2) Is the watercourse currently being farmed through? (**10 points**)
- 3) Is there a watercourse through the project site (within 30m)? Yes (see below) / No (**0 points**)

Cold Water System (**3 points**) Warm Water System (**2 points**)

- 4) Does project contribute to a headwater area (watershed of 1st or 2nd order stream) (**4 points**)
- 5) Does the current system not allow for alternative crossings or watering sites? (**3 points**)
- 6) Does the project property have an Environmental Farm Plan? (**1 point**)
- 7) Is it part of a larger naturalization project? (**3 points**)
- 8) Is project adjacent to a significant feature? (**1 point**)
- 9) Is there identified fish habitat type on site?
| Not identified (**0 points**) Type 3 (**1 point**) Type 2 (**2 points**) Type 1 (**3 points**)
- 10) Are there additional sources of funding?
| Funding secured (**3 points**) Unsecured but pending (**1 point**) Not Secured (**0 point**)
- 11) Does the site fall within the Priority Areas for Water Quality?
 Grades F& D (**4 points**) Grades C&B (**3 points**) Grade A (**1 point**)

Staff Comments:

2021 Conservation Farm Practices*Project Address:**Watershed:**Project Description:***Application**

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

1) Site size or length?

<10m OR < 1 Acre (**1 point**) 11-50m OR 1 to 2.5 Acres (**3 points**)51-150m OR 2.5 to 5.0 Acres (**4 points**) 151-250m OR 5-10 Acres (**5 points**)251- 500m OR 10-20 Acres (**7 points**)> 500m or > 20 Acres (**10 points**)2) Is there a watercourse through or adjacent to the project site (within 30m)? Yes (See below)/ No (**0 Points**)Cold Water System (**5 points**)Warm Water System (**4 points**)3) Does project contribute to a headwater area (watershed of 1st or 2nd order stream)? (**4 points**)4) Does the project property have an Environmental Farm Plan? (**4 points**)5) Does project increase connectivity to existing habitat, reducing fragmentation? (**4 points**)6) Is it a part of a larger naturalization project? (**1 point**)

7) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**1 point**) ___ Not Secure (**0 point**)8) Does the site fall within the Priority Areas for Water Quality? (**4 points**)Grades F& D (**4 points**) Grades C&B (**3 points**) Grade A (**1 point**)**Staff Comments:**

2021 Tree Planting Evaluation*Project Address:**Watershed:**Project Description:***Application**

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

1) Tree planting size

< 1 acre (**1 point**) 1 Acre to 2.5 acres (**2 points**) >2.5-5 acres (**3 points**)>5-10 acres (**4 points**) >10 acres (**6 points**)2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream)? (**2 points**)3) Is there a watercourse through or adjacent to planting (within 30m)? Yes (see below)/No (**0 Points**)Cold Water System (**4 points**) Warm Water System (**3 points**) Intermittent/ Swale (**1 point**)4) Is it part of a larger naturalization project? (**1 point**)

5) Does project increase connectivity to existing habitat or reduce fragmentation?

Corridors <50m wide (**1 point**) Corridor 50-100m wide (**2 points**) Corridors >100m wide (**3 points**)6) Does project increase interior forest area as defined by *How Much Habitat is Enough?* (**2 points**)7) Is project within 2km of another forest patch? (**1 point**)8) Does project increase the size of the largest forest patch per watershed? (**1 point**)9) Does project increase habitat to adjacent to or surrounding a significant feature? (**3 points**)10) Is project replanting in damaged or degraded habitat? (**2 points**)

11) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**2 points**) Not Secured (**0 points**)

12) Does the site fall within the Priority Areas for Forest Cover?

<15% cover (**4 points**) 15-30% cover (**3 points**) >30-40% cover (**2 points**) >40% cover (**1 point**)

13) Does the site fall within the Priority Areas for Water Quality?

Grades F& D (**3 points**) Grades C&B (**2 points**) Grade A (**1 point**)**Staff Comments:**

2021 Instream/ Riparian Habitat Evaluation*Project Address:**Watershed:**Project Description:***Application**

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

1) Site length

< 10m (**1 point**) 11-50m (**2 points**) >50-100m (**3 points**) >100-500m (**4 points**) > 500m (**5 points**)

2) Is there a watercourse through the project site (within 30m)

Cold Water System (**3 Points**) Warm Water System (**2 points**)3) Does the project area contribute to a headwater area (watershed of 1st or 2nd order stream)? (**2 points**)

4) Is there an existing vegetated buffer or is a proposed buffer on at >80% stream

< 1m (**0 points**) <5m (**1 point**) >5-10m (**2 points**) >10-15m (**3 points**) >15-30m (**4 points**) >30m (**5 points**)5) Is it part of a larger naturalization project? (**1 Point**)6) Is project adjacent to a significant feature? (**2 points**)7) Will the project provide cover on the watercourse? (**2 points**)8) Does project increase connectivity to existing habitat, reducing fragmentation (**3 points**)9) Will the project result in both sides being vegetated? (**3 points**)

10) Is watercourse identified MNRF fish habitat?

Not identified (**0 points**)Type 3 (**2 point**)Type 2 (**3 points**)Type 1 (**4 points**)

11) Are there additional sources of funding?

Funding secured (**2 points**) Unsecured but pending (**1 point**) Not secured (**0 points**)

12) Does the site fall within the Priority Areas for Water Quality?

Grades F& D (**4 points**) Grades C&B (**3 points**) Grade A (**1 point**)**BONUS POINTS:** Does project involve removal of existing fish barrier? (**3 points**)**BONUS POINTS:** Does project involve removing an existing wetland from a watercourse?Within a Cold-Water System (**2 points**)Within a Warm Water System (**1 point**)**Staff Comments:**

2021 Wetland Habitat Restoration/Creation Evaluation*Project Address:**Watershed:**Project Description:***Application**

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

1) Proposed wetland size

< 0.25 acres (**2 points**) >0.25 to 0.5 acres (**3 points**) >0.5 to 1 acre (**4 points**) >1 acre (**6 points**)2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream)? (**2 points**)3) Does the project increase floodplain storage (**3 points**)4) Is it part of a larger naturalization project? (**1 point**)5) Does project increase connectivity to existing habitat, reducing fragmentation? (**2 points**)6) Does project increase habitat adjacent to or surrounding a significant feature? (**3 points**)

7) Will there be addition of a vegetated buffer or is there an existing vegetated buffer on >80% of wetland?

< 5m (**0 points**) >5-10m (**2 points**) >10-15m (**3 points**)>15-30m (**4 points**) >30m (**5 points**)8) Will excavated fill stay on-site? (**3 points**)

9) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**2 points**) No additional funding (**0 points**)

10) Does the site fall within the Priority Areas for Water Quality?

Grades F& D (**3 points**) Grades C&B (**2 points**) Grade A (**1 point**)

11) Location requirement to meet recommended 40% historic wetland extent?

< 15% required (**1 point**) >15-30% (**2 points**)>30-40% required (**3 points**) >40% Required (**4 points**)**BONUS POINTS:** Is proposed site within 2km of Lake Ontario, Lake Erie or the Niagara River? (**3 points**)**Staff Comments:**

2021 Upland Habitat Restoration Evaluation*Project Address:**Watershed:**Project Description:***Application**

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

1) Project area size

< 0.25 acres (**1 point**)>0.25 to 0.5 acres (**2 points**)>0.5 to 1 acre (**3 points**)>1-5 acres (**5 points**)>5 Acres (**7 points**)2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream)? (**2 points**)3) Is there a watercourse through or adjacent to planting (within 30m)? Yes (see below)/ no (**0 points**)Cold Water System (**3 Points**) Warm Water System (**2 points**)4) Is it part of a larger naturalization project? (**1 point**)

5) Does project increase connectivity to existing habitat, reducing fragmentation

Corridors <50m wide (**2 point**) Corridor 50-100m wide (**4 points**) Corridors >100m wide (**5 points**)6) Does project increase habitat to adjacent or surrounding a significant feature? (**3 points**)7) Does the surrounding landscape support a diversity of land uses (hedgerows, wetland, etc.)? (**3 points**)8) Is the project adjacent to an existing upland habitat? (**2 points**)9) is project replanting in damaged or degraded habitat? (**2 points**)

10) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**2 points**) No additional funding (**0 points**)11) Does the site fall within the Priority Areas for Water Quality Improvement? (**4 points**)**Staff Comments:**

2021 Nutrient Management Evaluation

Project Address:

Watershed:

Project Description:

Application

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

- 1) Is there a watercourse through or adjacent to the project site (within 30m)? Yes (see below)/ No (**0 Points**)

Cold Water System (**5 Points**) Warm Water System (**4 points**)

- 2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream) (**4 points**)

- 3) Is this project replacing a system that is currently failing or does not exist? (**6 points**)

- 4) Does the current system allow for nutrients to contaminate watercourses? (**7 points**)

- 5) Does the project eliminate nutrients from entering a watercourse? (**4 points**)

- 6) Does the project property have an Environmental Farm Plan? (**1 point**)

- 7) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**2 points**) No additional funding (**0 Points**)

- 8) Does the site fall within the Priority Areas for Water Quality?

Grades F& D (**4 points**) Grades C&B (**3 points**) Grade A (**1 point**)

Staff Comments:

Water Conservation Practices Evaluation Matrix

Project Address:

Watershed:

Project Description:

Application

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Project Evaluation

- 1) Is there a watercourse through or adjacent to the project site (within 30m)? Yes (see below)/ No (**0 points**)

Cold Water System (**4 points**) Warm Water System (**3 points**) Drainage Ditch (**2 points**)

- 2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream) (**4 points**)

- 3) Is this project replacing a system that is currently failing or does not exist? (**8 points**)

- 4) Does the current system allow for nutrients to contaminate watercourses? (**8 points**)

- 5) Does the project property have an Environmental Farm Plan? (**2 points**)

- 6) Are there additional sources of funding?

Funding secured (**3 points**) Unsecured but pending (**2 points**) No additional funding (**0 points**)

- 7) Does the site fall within the Priority Areas for Water Quality Improvement?

Grades F& D (**6 points**) Grades C&B (**4 points**) Grade A (**2 points**)

Staff Comments:

2022 Cover Crops Evaluation

Project Address:

Watershed:

Project Description:

Application

Does this project fit within the guidelines? (Yes/No)

Complete application? (Yes/No)

Is the applicant willing to sign a project agreement? (Yes/No)

Has this applicant previously received funding for cover crops at this project site? (Yes/No)

Project Evaluation

1) Is there a watercourse through or adjacent to the project site (within 30m)

Cold Water System (**5 Points**) Warm Water System (**4 points**)

2) Does project contribute to a headwater area (watershed of 1st or 2nd order stream) (**4 points**)

3) Does the project site currently allow for bare soils in winter? (**9 points**)

4) Does this project site presently spread manure in winter? (**9 points**)

5) Does the project property have an Environmental Farm Plan? (**1 point**)

6) Are there additional sources of funding?

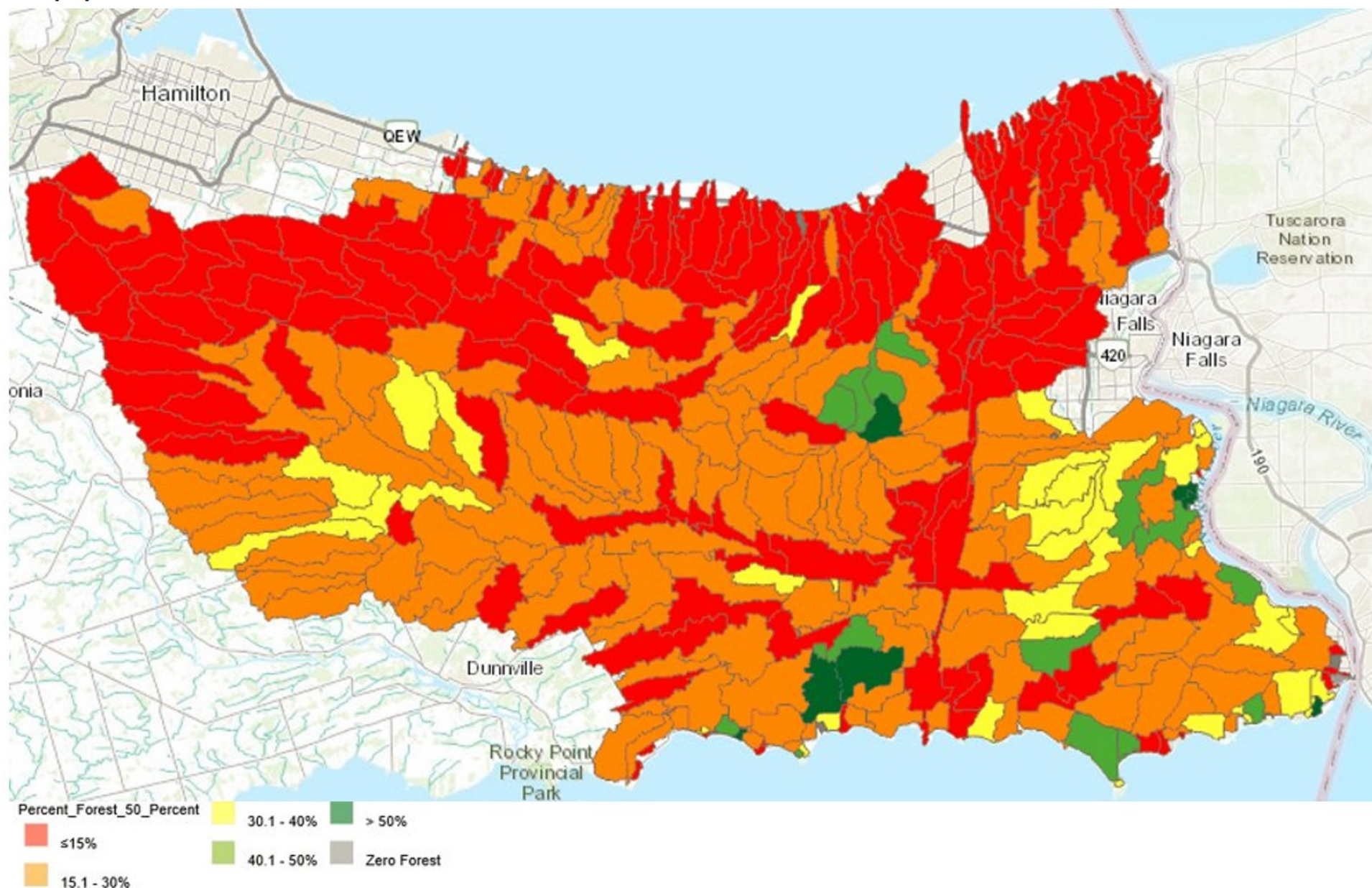
Funding secured (**3 points**) Unsecured but pending (**2 points**) No additional funding (**0 Points**)

7) Does the site fall within the Priority Areas for Water Quality?

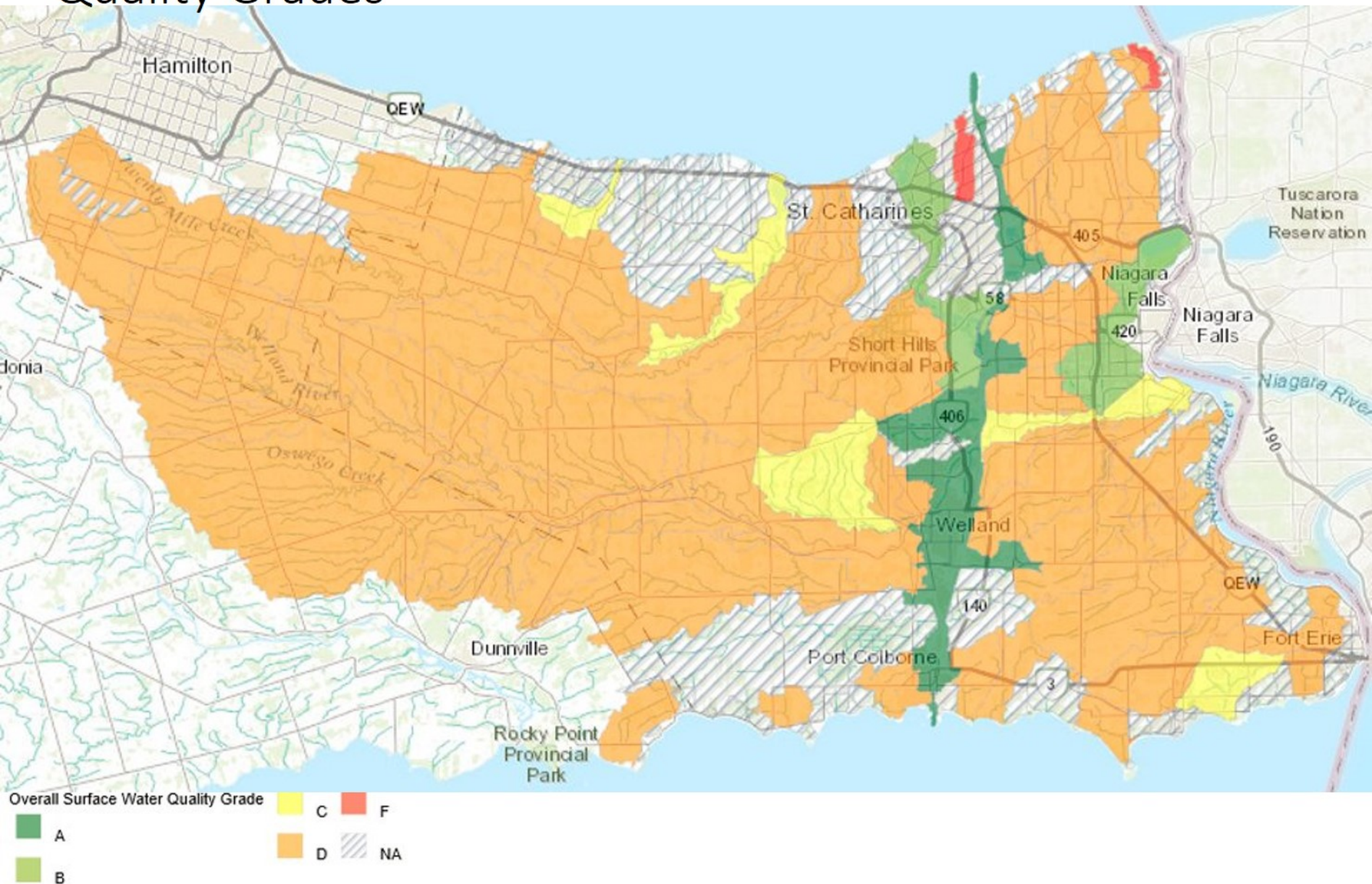
Grades F& D (**4 points**) Grades C&B (**3 points**) Grade A (**1 point**)

Staff Comments:

Appendix 2- NPCA Watershed –Forest Cover



Appendix 2- NPCA Watershed –Overall Surface Water Quality Grades



Appendix 2-NPCA Watershed -Wetland Cover

