



Board of Directors Meeting

Niagara Peninsula Conservation Authority

June 16, 2023 at 9:00 AM

3292 Sixth Avenue, Jordan, ON

Agenda

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

3.1. Minutes of the Full Authority Meeting May 19, 2023 (For Approval)

Page # 1

3.2. Closed Session Minutes of the Full Authority Meeting May 19, 2023 (Private and Confidential - To be provided under separate cover- For Approval)

4. CHAIR'S UPDATE

5. CORRESPONDENCE

5.1. Correspondence dated May 18, 2023 from Conservation Ontario to the Ministry of Municipal Affairs and Housing, RE: Comments on Site Plan for Residential Developments 10 of Fewer Units (ERO #019-6822) (For Receipt)

Page # 8

5.2. Correspondence dated June 11, 2023 from Jennifer Saunders RE: Bill 23 (For Receipt)

Page # 10

5.3. Correspondence from the Town of Bradford West Gwillimbury dated June 9, 2023 RE: Resolution No. 2023-199 (For Receipt)

Page # 11

6. PRESENTATIONS

6.1. PowerPoint Presentation by Natalie Green, Manager, Climate Change and Special Programs, RE: Progress Update: Niagara River Remedial Action Plan 2019-2023 (For Receipt)

Page # 14

7. DELEGATIONS

8. CONSENT ITEMS

8.1. Report No. FA-27-23 RE: NPCA Brand Identity Guidelines (For Receipt)

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9. DISCUSSION ITEMS

9.1. Report No. FA-05-23 RE: NPCA Section 28 Permit Signatory Delegation (For Approval)

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9.2. Report No. FA-26-23 RE: 2024 Budget Assumptions and Process (For Approval)

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9.3. Report No. FA-28-23 RE: Agreements of Services with Municipalities as required under the Conservation Authorities Act Phase 1 Regulation (For Approval)

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10. COMMITTEE REPORTS

11. MOTIONS

12. NOTICES OF MOTION

13. NEW BUSINESS

14. CLOSED SESSION

14.1 Litigation or Potential Litigation – Verbal Update by Jason Culp, Manager, Compliance and Enforcement

15. ADJOURNMENT

Board of Directors Meeting Minutes

**May 19, 2023 at 9:00 AM
Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON**

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

CALL TO ORDER

Chair Foster called the meeting to order at 9:01 a.m..

MEMBERS PRESENT:

R. Foster (Chair)
B. Clark
D. Cridland
B. Grant
P. O'Neill (arrived 9:05 a.m.)
D. Huson
J. Metcalfe
M. Seaborn
M. Tadeson

STAFF PRESENT:

C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
E. Baldin, Manager, Land Planning
A. Christie, Director, Conservation Areas
C. Coverdale, Business and Financial Analyst
J. Culp, Manager, Compliance and Enforcement
M. Ferrusi, Manager, People and Performance
L. Gagnon, Director, Corporate Services
E. Gervais, Manager, Corporate Services
N. Green, Manager, Climate Change & Special Programs
L. Lee-Yates, Director, Planning and Development
S. Miller, Senior Manager, Infrastructure Engineering and Asset Management
G. Shaule, Administrative Assistant
J. Sinibaldi, Manager, Strategic Business Planning and Public Relations
G. Verkade, Senior Manager, Integrated Watershed Strategies

1. APPROVAL OF AGENDA

Resolution No. FA-47-2023

Moved by Member Grant

Seconded by Member Cridland

THAT the agenda for the Full Authority Meeting dated May 19, 2023 **BE ADOPTED**.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

3.1. Minutes of the Full Authority Meeting dated April 21, 2023

Resolution No. FA-48-2023

Moved by Member Metcalfe

Seconded by Member Seaborn

THAT the minutes of the Full Authority Meeting dated April 21, 2023 **BE ADOPTED**.

CARRIED

4. CHAIR'S UPDATE

The Chair acknowledged Members' birthdays.

5. CORRESPONDENCE

5.1. Correspondence dated May 5, 2023 to Ministry of Municipal Affairs and Housing (MMAH) from Angela Coleman General Manager, Conservation Ontario RE: Conservation Ontario's Comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)" (ERO #019-6821)

5.2. Correspondence dated May 9, 2023 to Ministry of Environment Conservation and Parks (MECP) from Nicholas Fischer, Policy and Planning Coordinator, Conservation Ontario RE: Conservation Ontario's comments on "Moving to a project list approach under the *Environmental Assessment Act*" (March 2023 Update) (ERO#019-4219)

5.3. Correspondence dated May 8, 2023 from Natasha Huyer RE: Save wetlands from Bill 23 and changes to the Ontario Wetland Evaluation System by Ford - Leilani Lee-Yates, Director, Planning and Development provided additional information and indicated that the NPCA would be petitioning local M.P.P.'s for action on the item.

Resolution No. FA-49-2023

Moved by Member Clark

Seconded by Member Huson

THAT the following documents **BE RECEIVED**:

- Correspondence dated May 5, 2023 to Ministry of Municipal Affairs and Housing (MMAH) from Angela Coleman General Manager, Conservation Ontario RE: Conservation Ontario's Comments on "Proposed Planning Act, City of Toronto Act, 2006, and Ministry of Municipal Affairs and Housing Act Changes (Schedules 2, 4, and 6 of Bill 97 – the proposed Helping Homebuyers, Protecting Tenants Act, 2023)" (ERO #019-6821);
- Correspondence dated May 9, 2023 to Ministry of Environment Conservation and Parks (MECP) from Nicholas Fischer, Policy and Planning Coordinator, Conservation Ontario RE: Conservation Ontario's comments on "Moving to a project list approach under the *Environmental Assessment Act*" (March 2023 Update) (ERO#019-4219); and
- Correspondence dated May 8, 2023 from Natasha Huyer RE: Save wetlands from Bill 23 and changes to the Ontario Wetland Evaluation System by Ford.

CARRIED

6. PRESENTATIONS

- 6.1. C.A.O. Chandra Sharma RE: 2022 NPCA Annual Report** – This presentation was in conjunction with agenda Discussion Item 9.2. Report No. FA-25-23 RE: 2022 NPCA Annual Report. Ms. Sharma presented and discussion ensued.

Resolution No. FA-50-2023

Moved by Member O'Neill

Seconded by Member Cridland

THAT the presentation by C.A.O. Chandra Sharma RE: 2022 NPCA Annual Report **BE RECEIVED**.

CARRIED

- 6.2. Steve Miller, Senior Manager, Infrastructure Engineering and Asset Management RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption** - This PowerPoint presentation by Mr. Miller was related to agenda Discussion Item 9.1. Report No. FA-21-23 RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption. Members posed questions and discussion ensued.

Resolution No. FA-51-2023

Moved by Member Grant

Seconded by Member Seaborn

THAT the presentation by Steve Miller, Senior Manager, Infrastructure Engineering and Asset Management RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption **BE RECEIVED**.

7. DELEGATIONS

None.

8. CONSENT ITEMS

8.1. Report No. FA-20-23 RE: Progress Update for the Niagara River Remedial Action Plan Program (2019-2023)

8.2. Report No. FA-24-23 RE: Compliance and Enforcement Q1 Statistics 2023

Resolution No. FA-52-2023

Moved by Member Metcalfe

Seconded by Member Huson

THAT the following documents **BE RECEIVED**:

- Report No. FA-20-23 RE: Progress Update for the Niagara River Remedial Action Plan Program (2019-2023); and
- Report No. FA-24-23 RE: Compliance and Enforcement Q1 Statistics 2023.

CARRIED

9. DISCUSSION ITEMS

9.1. Report No. FA-21-23 RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption - This report was related to agenda Presentation 6.2. Steve Miller, Senior Manager, Infrastructure Engineering and Asset Management RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption.

Resolution No. FA-53-2023

Moved by Member Clark

Seconded by Member O'Neill

THAT Report No. FA-21-23 RE: Beaver Creek and Big Forks Creek Floodplain Mapping Adoption **BE RECEIVED**.

THAT the NPCA Board **APPROVE** the Beaver Creek and Big Forks Creek Floodplain Mapping reports and associated flood maps for use in the implementation of the NPCA's Ontario Regulation 155/06 and policies.

CARRIED

9.2. Report No. FA-25-23 RE: 2022 NPCA Annual Report - This report was related to agenda Presentation 6.1. C.A.O. Chandra Sharma RE: 2022 NPCA Annual Report.

Resolution No. FA-54-2023

Moved by Member Grant

Seconded by Member Seaborn

1. **THAT** Report No. FA-25-23 RE: Draft 2022 Annual Report **BE RECEIVED** and **APPROVED**.
 2. **AND FURTHER THAT** the final report **BE PUBLISHED** online and **DISTRIBUTED** to participating municipalities, government agencies, community stakeholders, NPCA 2022 Public Advisory Committee, Drinking Water Source Protection Committee, members of NPCA 2022 Board of Directors, and the public in several media formats.
- CARRIED**

10. COMMITTEE REPORTS

None.

11. MOTIONS

- 11.1. Motion to Permit NPCA Chair to Vote at Committee** – The Chair presented this motion. Members posed questions. Discussion ensued.

Resolution No. FA-55-2023

Moved by Member Clark

Seconded by Member Huson

1. **THAT** the Chair **BE GRANTED** full rights and privileges of a full participating member of committee meetings for the remainder of 2023.
2. **AND FURTHER, THAT** the Governance Committee **CONDUCT** a review of the practices being followed by Conservation Authorities when it comes to meeting management and **PROVIDE** recommendations to the NPCA Board on any adjustments that might be required procedurally.

CARRIED

11.2. Motion to Appoint Members to Committees

Resolution No. FA-56-2023

Moved by Member Clark

Seconded by Member Seaborn

1. **THAT** Member Tadeson **BE APPOINTED** to the NPCA Finance Committee for 2023.
2. **AND FURTHER, THAT** Member O'Neill **BE APPOINTED** to the Governance Committee for 2023.

CARRIED

12. NOTICES OF MOTION

None.

13. NEW BUSINESS

13.1. Verbal update RE: Nagara Peninsula Conservation Foundation – Member Cridland spoke on interviews for new Directors and the Foundation’s new staff position. She noted the upcoming Foundation AGM.

14. CLOSED SESSION

14.1. A closed or pending acquisition or disposition of land (Confidential Report No. FA-22-23 RE: 2023 Land Acquisition Targets) – The Chair called for a motion to enter into closed session followed by a short eight-minute recess.

Resolution No. FA-57-2023

Moved by Member Cridland

Seconded by Member Seaborn

THAT in accordance with Section 10.1 of the NPCA Administrative By-law, the Board hereby **PROCEEDS** into closed session at 9:53 a.m. for discussion on matters related a proposed or pending acquisition or disposition of land in conjunction with Confidential Report No. FA-22-23 RE: 2023 Land Acquisition Targets.

CARRIED

Resolution No. FA-58-2023

Moved by Member Seaborn

Seconded by Member Metcalfe

THAT the meeting **RECONVENE** in open session at 10:14 a.m..

CARRIED

Resolution No. FA-59-2023

Moved by Member Huson

Seconded by Member Tadeson

1. **THAT** Recommendations 1 through 5 of Report No. FA-22-23 RE: 2023 Land Acquisition Targets **BE APPROVED** to remain private and confidential.

2. **AND THAT** Recommendations 6 and 7 of the report **BE APPROVED** as follows:

“6. **THAT** the appropriate NPCA officials **BE DIRECTED** to sign the necessary legal documentation to facilitate each of these potential transactions.

7. **THAT** staff **BE DIRECTED** to prepare an annual update on securement results for 2023 to be presented in the first quarter of 2024.”

CARRIED

15. ADJOURNMENT

The Chair declared the meeting adjourned at 10:15 a.m..

Robert Foster
Chair,
Niagara Peninsula Conservation Authority

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



May 18, 2023

Ministry of Municipal Affairs and Housing

Submitted via email: PlanningConsultation@ontario.ca

Re: Conservation Ontario's Comments on "Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister's Regulations under the Planning Act and the City of Toronto Act, 2006" (ERO #019-6822)

Thank you for the opportunity to comment on "Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister's Regulations under the Planning Act and the City of Toronto Act, 2006". Conservation Ontario is the network for Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the comments submitted by individual CAs.

As part of "Helping Homebuyers, Protecting Tenants: Ontario's Housing Supply Action Plan April 2023" the Province introduced Bill 97, the *Helping Homebuyers, Protecting Tenants Act, 2023*. Schedule 6 of the Bill proposes amendments to the *Planning Act* to increase housing supply to reach the goal of building 1.5 million homes by 2031.

One proposed legislative amendment to the *Planning Act* provides the Minister of Municipal Affairs and Housing (MMAH) new regulation-making authority to permit Municipalities to use site plan control for residential developments of 10 or fewer units on a single lot in specific circumstances. As outlined in the proposal, these specific circumstances would include where any part of a parcel of land is located within 120 metres of a shoreline or within 300 metres of a railway line.

In our previous comments on proposed *Planning Act* and *City of Toronto Act* changes proposed through Bill 23 (ERO#019-6163) we note that using site plan controls provides Municipalities greater ability to receive expert input from CAs on detailed design items such as setbacks and the location of buildings concerning hazardous lands and hazardous sites, and protecting sources of drinking water.

Early engagement enables the Municipality, proponent, and CA to address potential issues and opportunities with the application. The proposed legislative amendments (and subsequent regulations) ensure planning authorities can consider site plan components relating to natural hazards, including flooding, erosion, and other natural features.

Draft regulatory text was not included as part of the proposal; it is unknown if future consultation opportunities will occur. In response, Conservation Ontario recommends including

a definition of “shoreline” in the regulation. For consistency, the definition of “shoreline” referenced in the regulation should include that of a lake, river or stream, as outlined in section 34(1)(3.2)(ii) of the *Planning Act* and as well as in the definition of “flooding hazard” in the Provincial Policy Statement (PPS, 2020).

The PPS provides development shall generally be directed to areas outside of hazardous lands adjacent to the shorelines of the Great Lakes – St. Lawrence River System and large inland lakes, as well as river, stream and small inland lake systems impacted by hazards including flooding and erosion. Including the broad definition of a shoreline as that of a lake, river or stream, consistent with the current PPS and the *Planning Act*, will allow CAs to continue to provide useful feedback to planning authorities regarding potentially hazardous lands (e.g., flooding and erosion hazards).

In addition to the proposed specific circumstances to permit use of site plan control for developments of 10 units or less, Conservation Ontario recommends the proposed regulation permit use of site plan control for developments where land is located within a designated vulnerable area in an approved source water protection plan under the *Clean Water Act*. Site plan control is identified in approved source water protection plans as an available tool to ensure development and site alteration activities do not have adverse impacts on drinking water supplies in designated vulnerable areas. Including this specific circumstance in regulation would be beneficial to developers and Municipalities to ensure consistency with source water protection plans prepared under the *Clean Water Act* and to ensure continued protection of Ontario’s drinking water sources.

Thank you for the opportunity to provide comments on “Site Plan for Residential Developments of 10 or Fewer Units – Two Proposed new Minister’s Regulations under the Planning Act and the City of Toronto Act, 2006”. We are pleased to work together to keep development safe from natural hazards and to protect sources of drinking water. We remain committed to working with the Province, Municipalities, and other partners to support increasing the overall supply and diversity of housing types in Ontario while maintaining strong protections for public health, safety and the environment. Please contact Leslie Rich, Policy and Planning Specialist should this letter require any clarification.

Sincerely,



Leslie Rich
Policy and Planning Specialist

c.c: All Conservation Authority CAOs / GMs

From:
To: Jaime.Tellier@conservationhamilton.ca; Tamara.Chipperfield@cvc.ca; [Grant Bivol](mailto:Grant.Bivol@grandriver.ca); espencer@grandriver.ca;
admin@hrca.on.c
Date: June 11, 2023 10:51:22 PM

As a concerned member of the public and regular user of Conservation Authorities, I ask you to please use your knowledge and expertise to contact and influence the Federal Government to intervene where Bill 23 threatens Ontario's wetlands. Since at risk species and fisheries fall under federal jurisdiction, please use all means possible to quickly protect wildlife and woodlots which will be destroyed under Bill 23 and its total disregard for the value of wetlands and the Greenbelt. Federal MPs need to intervene protect Ontario Wetlands and Greenbelt and stop Bill 23 for our children and future generations. Our forests, wetlands, wildlife and fish are so important, they must be protected.

Jennifer Saunders

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

Office of the Mayor

9 June 2023

VIA EMAIL

Hon. François-Philippe Champagne PC MP
Minister of Innovation, Science and Economic Development
Via email: ministerofisi-ministredeisi@ised-isde.gc.ca

Hon. Marie-Claude Bibeau PC MP
Minister of Agriculture
Via email: Marie-Claude.Bibeau@parl.gc.ca

Dear Ministers:

On behalf of the Council of the Town of Bradford West Gwillimbury, we are writing to you pursuant to the enclosed motion to endorse the right-to-repair movement and to call on your government to expedite the promised consultations to enshrine this principle in consumer-protection law, with specific consultations and measures related to supporting the agricultural sector undertaken.

Right to Repair is a simple environmental and consumer protection measure: it ensures consumers are able to reasonably access repairs to electronic and other devices at a fair price, rather than creating a monopoly through technology companies only being able to repair their own products. This measure will also help reduce waste by combatting planned obsolescence, where companies make products that are only intended to last for a period of some years, and are not really repairable.

Further, farmers and growers are intimately familiar with the particular nuances of this issue when it comes to increasingly high-tech agricultural equipment. As the “soup and salad bowl of Canada”, Bradford West Gwillimbury is home to many farmers and growers, so we know firsthand how important an issue these consultations will be.

Our Council has shown in recent years that we are at the forefront of advocating for important environmental protections, including the Freshwater Action Fund, and we are grateful to our new Green Initiatives Committee for recommending this current piece of advocacy to protect the environment and consumers.

A copy of the motion is enclosed. We would be happy to meet with you or your representatives to discuss this further.

Sincerely yours,



James Leduc
Mayor

CC: John Barlow, MP Foothills
 Rick Perkins, MP South Shore—St. Margarets
 Alistair MacGregor, MP Cowichan—Malahat—Langford
 Rachel Blaney, MP North Island—Powell River
 Scot Davidson, MP York—Simcoe
 Federation of Canadian Municipalities
 Association of Municipalities of Ontario
 Ontario's Municipal Councils
 Ontario's Conservation Authorities

At its Regular meeting of Council held on Tuesday, June 6, 2023, the Town of Bradford West Gwillimbury Council approved the following resolution:

Resolution: 2023-199

Moved: Councillor Verkaik

Seconded: Councillor Harper

Whereas the “right-to-repair” movement seeks to ensure consumers of electronic products, including mobile phones and computers, as well as agricultural equipment, are able to make routine fixes to damaged products without having to rely on the manufacturer and to affordably make such repairs; and

Whereas this movement and efforts against “planned obsolescence” seeks to ensure affordability for consumers and to protect our environment by reducing electronic waste; and

Whereas the agricultural sector has unique needs related to specialized electronic farm equipment and the ability to make repairs in a timely and affordable manner, especially during the growing season; and

Further to a commitment in the 2023 federal budget that “the government will work to implement a right to repair, with the aim of introducing a targeted framework for home appliances and electronics in 2024. The government will launch consultations this summer, including on the right to repair and the interoperability of farming equipment, and work closely with provinces and territories to advance the implementation of a right to repair” (p. 38); and

Be it therefore resolved that the committee recommend Council endorse the right-to-repair movement through a letter from the Mayor and Green Initiatives Committee Chair to call on the federal government to expedite the promised consultations to enshrine this principle in consumer-protection law, with specific consultations and measures related to supporting the agricultural sector undertaken; and

That a copy of this resolution and letter be shared with the Minister of Innovation, Science and Economic Development; the Minister of Agriculture and their critics; and the Member of Parliament for York—Simcoe; and to the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO) and Ontario’s Municipal Councils, with a request for their endorsement of same.

Result: CARRIED.



Progress Update: Niagara River Remedial Action Plan 2019-2023

Natalie Green, M.Sc., PMP
Manager, Climate Change & Special Programs

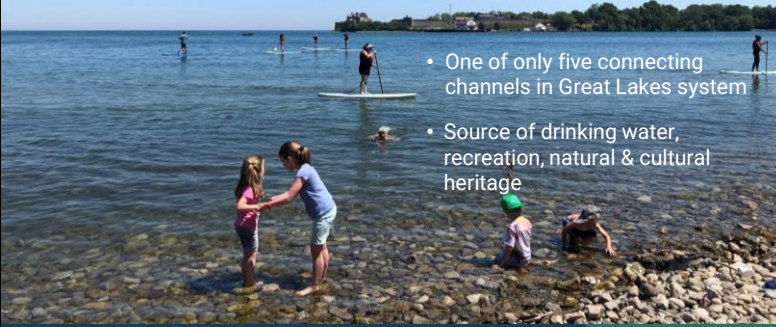


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3

A UNIQUE NATURAL RESOURCE

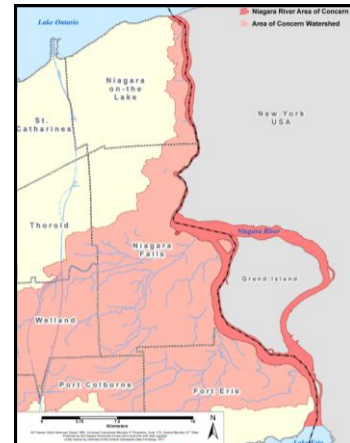


- One of only five connecting channels in Great Lakes system
- Source of drinking water, recreation, natural & cultural heritage





2

Niagara River Area of Concern



- The 58 km connecting channel flowing from Lake Erie to Lake Ontario;
- Main issues: water quality & habitat loss
- One of 5 binational Great Lakes Areas of Concern
- A remedial action plan guides local efforts on each side of the river



4

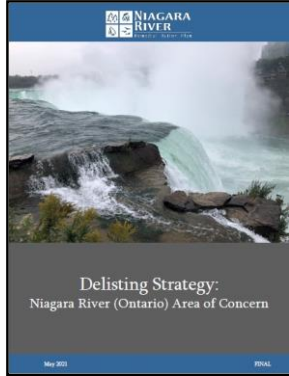


The Remedial Action Plan (RAP) is a locally-driven initiative to restore and protect water quality and ecosystem health in an Area of Concern.



...and many dedicated citizens!

5

















Toward delisting the Niagara River, together!

- Updated summary on remaining BUIs
- Guidance on addressing impairments through specific delisting criteria
- Identified targeted actions for implementation between 2019-2023 to achieve delisting criteria and remove impairments















Currently, 70 actions (91%) are completed or in progress.

7


There are 14 potential impairments linked to human, ecosystem, or economic benefits to be addressed through the RAP.

 Restrictions on Fish Consumption	 Eutrophication or Undesirable Algae	 Restrictions on Drinking Water Consumption
 Degradation of Fish & Wildlife Populations	 Fish Tumours	 Restrictions on Dredging
 Degradation of Benthos	 Degradation of Plankton Populations	 Degradation of Aesthetics
 Beach Closings	 Added Costs to Agriculture or Industry	 Tainting of Fish Flavour
 Loss of Fish & Wildlife Habitat	 Bird or Animal Deformities/ Reproduction Problems	

6

IMPAIRED	NOT IMPAIRED	
 Loss of fish and wildlife habitat	 Tainting of fish flavour	 Eutrophication or undesirable algae
 Restriction on fish consumption	 Degradation of fish and wildlife populations	 Added costs to agriculture or industry
 Degradation of fish and wildlife populations	 Degradation of aesthetics	 Fish tumours or deformities
 Degradation of benthos	 Restrictions on drinking water consumption	 Bird deformities or reproductive problems
	 Degradation of plankton populations	 Beach closings

8

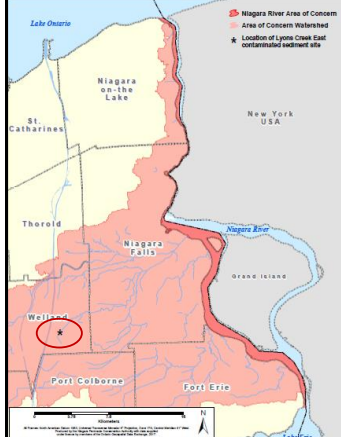


2023 Priorities

- **Delisting Strategy Update**
- **Fish and wildlife populations**
 - Assessment in progress
 - Engagement & outreach planned (Fall 2023)
- **Habitat**
 - Riparian plantings completed
 - 1 more wetland to be completed (Summer 2023)
 - Assessment planned (Fall 2023)
- **Benthos (sediment contamination)**
 - Lyons Creek East Sediment Cleanup project
 - Monitoring, ecological study, sediment transport

Credit: Savannah Bond

9

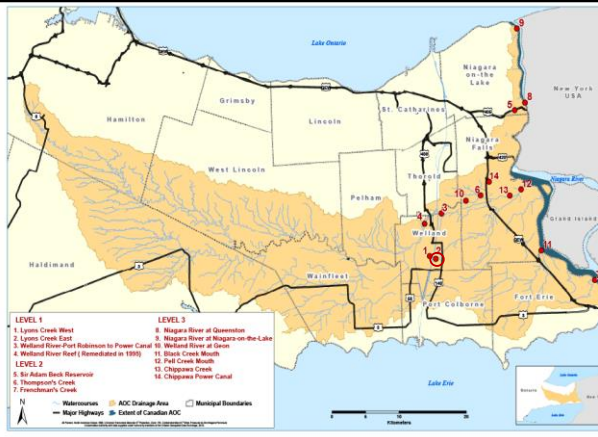


Lyons Creek East

- Tributary of the Welland River in Welland within the Niagara River watershed
- Lyons Creek was bisected for construction of canal
- Made up of series of marshy ponds considered Provincially-Significant Wetlands
- Site is in watershed but hydrologically connected to the Niagara River

11

- 14 historical contaminated sediment sites on Canadian side Niagara River
- **Level 1:** contamination requiring cleanup
- **Level 2 & 3:** little to no risk to humans and wildlife; no remedial action required



LEVEL 1

1. Lyons Creek West
2. Lyons Creek East
3. Welland River Port Robinson to Power Canal
4. Welland River (Recontaminated in 1990)

LEVEL 2

5. St. Adam's River
6. Thompson's Creek
7. Frenchman's Creek


LEVEL 3

8. Niagara River at Glenora
9. Niagara River at Niagara-on-the-Lake
10. Welland River at Glenora
11. Black Creek Mouth
12. Port Creek Mouth
13. Chippewa Creek
14. Chippewa Power Canal

Legend:

- Watershed
- Major Highways
- ADC Drainage Area
- Extent of Canadian AOC
- Municipal Boundaries

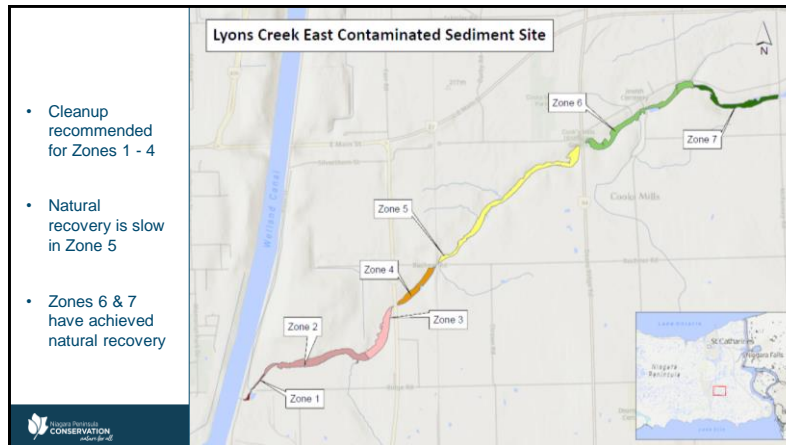
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Lyons Creek East

- Historic PCB contamination within a portion of the creek
- Last contaminated sediment site as part of Niagara River Remedial Action Plan
- LCE has been monitored over 15 years as per selected sediment management option
- Scientific results indicate that natural recovery has not been achieved in some areas of the creek.

12



13

Community Outreach & Engagement

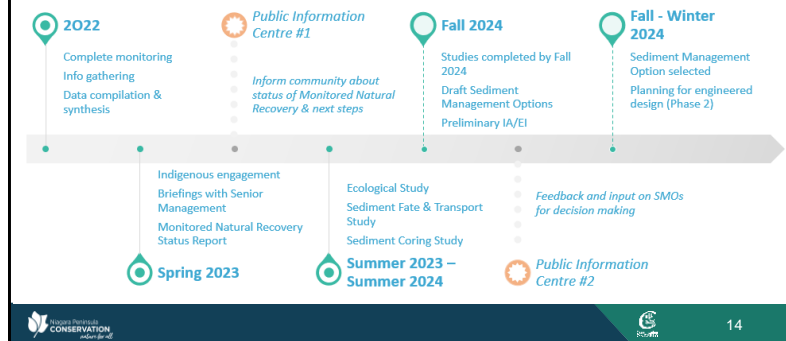
- Public Information Centre on May 30, 2023 in Welland
- Over 60 people in attendance
- Local residents well-informed, involved in past discussions
- Overall feedback was positive
- Efforts will continue through Get Involved platform, RAP e-newsletter, meetings, and additional public sessions.



getinvolved.npca.ca/lyons-creek-east

15

Sediment Cleanup Planning (2022 – 2024)



14



16

Report To: Board of Directors

Subject: NPCA Brand Identity Guidelines

Report No: FA-27-23

Date: June 16, 2023

Recommendation:

1. **THAT** Report No. FA-27-23 RE: NPCA Brand Identity Guidelines **BE RECEIVED**.

Purpose:

This report is to inform the Board of Directors of the finalization of the Niagara Peninsula Conservation Authority's (NPCA) new internal *Brand Identity Guidelines*, which were recently shared with all staff. This report is also to make the Board aware that this corporate identity resource is available to all members as part of NPCA's ongoing organizational renewal, brand refresh, and rebranding roll-out plan.

Background:

NPCA's Department of Strategic Business Planning & Public Relations is pleased to share the organization's new *Brand Identity Guidelines*. This is a foundational document that supports and enhances NPCA's brand identity and organizational renewal. The guidelines were developed to help all facets of the organization better understand and work with the new NPCA logo to strengthen our public-facing identity and ensure consistent messaging across all business areas.

The attached internal guidelines include more on the background and current iteration of NPCA's tulip tree leaf logo, as well as easy-to-follow instructions on how to best use the newly redesigned logo and its associated colours, fonts, layouts, etc. There are also examples throughout the document of our newly branded letterhead, report and presentation files, email signatures templates, and virtual meeting backgrounds.

Discussion:

Proper design, visual graphics, and consistency can drive awareness of NPCA's services and programs, as well as promote the organization's vision, mission, mandate, and key interests. A logo is just one element of communications and marketing that unifies any organization and projects a common brand. The purpose of the NPCA logo is to visually identify programs, services,

and operations carried out by NPCA and its community partners so that everyone who encounters it is reminded of the ways that NPCA serves the watershed.

The newly branded materials highlighted throughout the *NPCA Brand Identity Guidelines* are resources that are available to all NPCA Board members. If you should require access to any of the materials featured in the *Guidelines* or are approached for them by any third parties, as per the *2023-26 Board Member Handbook*, please reach out to the Department of Strategic Business Planning & Public Relations for support.

Related Reports and Appendices:

Appendix 1: NPCA Brand Identity Guidelines, developed by Rob Petrullo, Multimedia Marketing Specialist

Authored by:

Original Signed by:

Jeffrey Sinibaldi
Manager, Strategic Business Planning & Public Relations

Reviewed and Submitted by:

Original Signed by:

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



Identity Guidelines

Niagara Peninsula Conservation Authority

Identity Guidelines

Content

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The Tulip Leaf	8
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Welcome to the NPCA Brand Identity Guidelines

Introduction.

The Niagara Peninsula Conservation Authority (NPCA) *Brand Identity Guidelines* have been designed to help the organization better understand and work with the NPCA logo. This helps to strengthen NPCA's identity and ensure consistent messaging across business areas.

Proper design, visual graphics, and consistency can drive awareness of our services and programs, as well as promote NPCA's vision, mission, and key interests.

A logo is one element of communications and marketing that unifies our organization and projects our common brand.

The purpose of the NPCA logo is to identify programs, services, and operations carried out by NPCA. The logo helps to ensure that everyone who encounters it is reminded of the ways that NPCA serves the watershed.

This document is the foundation to support and enhance our brand identity. It has been created to help the organization understand and work with our logo, which in turn strengthens NPCA's identity. This document outlines the basic graphic components of our logo, its proper use, the colour palette associated with the logo, as well as corporate fonts and usage.

We hope that you find all that you need within this document. Should you have any questions, please contact the Department of Strategic Business Planning and Public Relations.

Rob Petrullo

Multimedia Marketing Specialist

Mission.

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

Vision.

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



The Tulip Leaf

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

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

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

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

1970'S



The Niagara Peninsula
Conservation Authority

1980'S



Niagara
Peninsula
Conservation
Authority

1990'S



Guiding Principles

- Watersheds transcend municipal boundaries.
- We are committed to working with the watershed community to support and create climate-resilient and connected natural systems.
- Natural green infrastructure is critical to life.
- Our day-to-day work conserves and restores our communities' integral ecological, socio-economic, public safety, and health services.
- Diverse experiences and ideas lead to better and stronger collective impact and outcomes.
- We seek to exemplify inclusion and equity through meaningful engagement and collaboration.
- Innovation requires learning from each other and the past.
- As a result, we are progressive, resilient, adaptable, and strive for continuous improvement to remain a trusted and valued partner.

Logo.

Icon and Significance



Three:

- Representation of NPCA three regional upper-tier municipalities. *Niagara - Hamilton - Haldimand.*
- Three is significant with its connection of the past, present and future.

Water:

- Represented with blue text
- Water droplet found on the left side of the icon

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

Pointed leafs represent direction and upward motion. The steep drop off represents the escarpment that makes our watershed so unique.

Lettermark

Niagara Peninsula
CONSERVATION
nature for all

The lettermark section of the logo is created with 2 typeface families.

Niagara Peninsula - **Gotham XNarrow**

Conservation - **Gotham Bold**

Nature for all - **Amithen Regular**

Logo Dimensions and Specifications



The icon and letter-mark are in a ratio of 1:3. The required free space needed for the placement of the Niagara Peninsula Conservation logo is shown above using the letter C that is found on the word CONSERVATION.

The purpose of the “*nature for all*” wordmark is to represent our *2021-31 Strategic Plan*.

Social Media Icons



For the primary Niagara Peninsula Conservation Authority social media channels, an NPCA icon has been developed. This logo contains many visual references to the full logo, but has been formed to fit into a square frame. It is used for NPCA’s main social media channels only.

Minimum size for the social media icon is 30 pixels wide.

Note: We are currently in the process of developing social media guidelines and corresponding icons for departments and operational units.

Logo Use



Improper Uses

By following the standards outlined in this guide you will present the Authority's identity at its best. While it is not possible to cover all the types of improper uses, here are some common errors to avoid:

- Do not change the colours of the logo.
- Do not add any other type or graphic elements to the logo.
- Do not alter the relationship of the logo elements or change the typeface.
- Do not use the logo on busy backgrounds.
- Do not condense or expand the proportions of the logo.
- Always work from original files and specify the exact official colours for reproduction.
- Do not shadow the logo.

If you have any questions about the appropriate application of the logo or other identity guidelines, contact the business planning and public relations team.



Embroidery



typography - Branding Design.

Gotham Typeface

The image displays the letters 'Aa' in a large, bold, teal-colored font. The font is a clean, modern sans-serif typeface, specifically Gotham, which is characterized by its geometric shapes and high legibility. The 'A' is tall and narrow, while the 'a' is rounded and compact, both maintaining a consistent weight and style.

Typography is the style and arrangement of text. Good typography not only improves legibility, it can give the printed word a tone of voice. Typography enhances, supports, and can be the key visual element that triggers emotion or connects readers to a brand and its defining elements.

Our corporate design typeface is Gotham – a clean and modern font – available in a variety of weights. Because the font scales well, it is a good choice for both body copy and headlines. Gotham Narrow can be used to create contrast between headlines and subheaders. Gotham will be used for marketing, advertising and annual reports. Internal letters and stakeholder communication will be using the Arial Font family.

Typography.

Typefaces found in the Logo

Gotham Bold

**AaBbCcDdEeFfGgHhIiJjK LIMmNnOo
PpQqRrSsTtUuVvWwXxYyZz
0123456789 (&?!/,;:-_*)**

Gotham X-Narrow Book

AaBbCcDdEeFfGgHhIiJjK LIMmNnOo
PpQqRrSsTtUuVvWwXxYyZz 0123456789
(&?!/,;:-_*)

Amithen

*AaBbCcDdEeFfGgHhIiJjK
LlMmNnOoPpQqRrSsTtUuVv
WwXxYyZz
0123456789 (&?!/,;:-_*)*

Internal Staff and Board Report Font

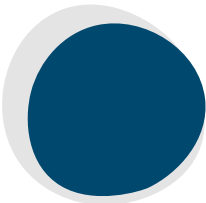
Arial Font Family

AaBbCcDdEeFfGgHhIiJjKLIMmNnOo
PpQqRrSsTtUuVvWwXxYyZz 0123456789
(&?!/,;:-_*)

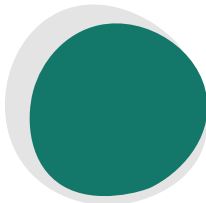
All text size should be at a minimum of 12pt to be AODA compliant

colour palette.

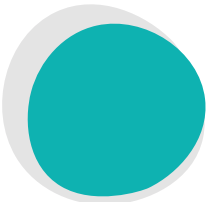
Colour Palette.



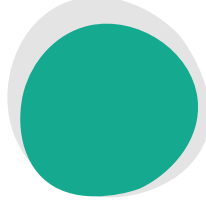
Earth Blue
CMYK 93 - 23 - 0 - 62
Pantone 7700 C
RGB 0 - 73 - 110
HTML #00496E



Winter Pine
CMYK 85 - 33 - 62 - 15
Pantone 3282 C
RGB 26 - 120 - 106
HTML #1A786A



Sea Foam
CMYK 76 - 4 - 35 - 0
Pantone 3258 C
RGB 0 - 178 - 177
HTML #00B2B1



Mellow Green
CMYK 79 - 8 - 55 - 0
Pantone 346 C
RGB 0 - 169 - 143
HTML #00A98F

Tints are allowed for all the colours above

Tints



Tints



company stationery set.

Letterhead and Business Card



Letterhead Parameter.

Paper Dimensions
Legal and Letter

Paper Weight
120 gram white

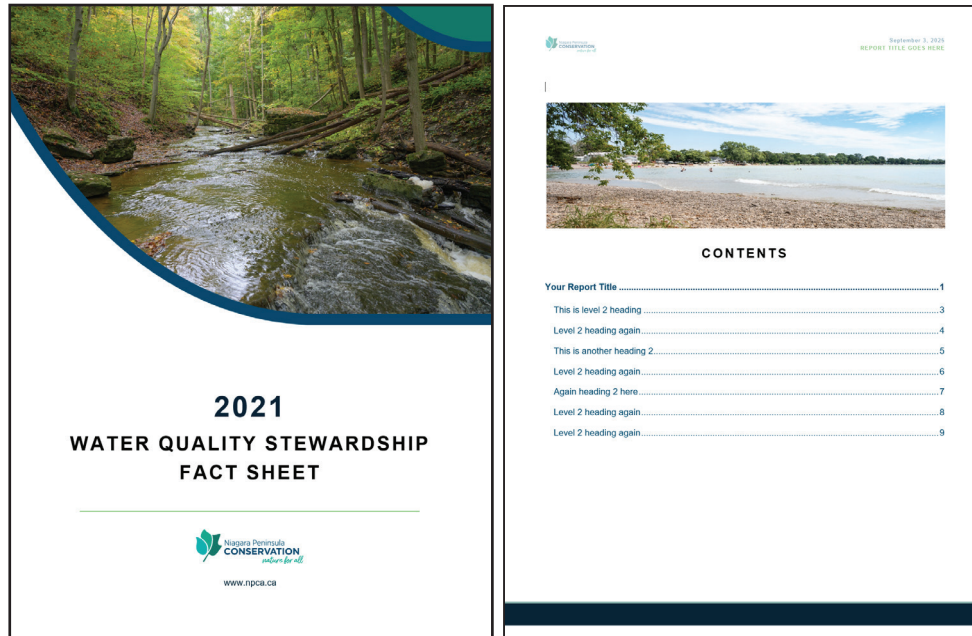
Print Color Format
CMYK



Business Card Parameter.

Card Dimensions, 3.5 x 2.25 inches, Paper Weight 12pt
CS, white FSC , Print Color Format, CMYK

NPCA report file.



NPCA email signature.



Xxxxx XXXXXXX (BSc)
XXXXX XXXXXXX XXXXXXXXXXXX

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext XXXXXX
www.npca.ca
XXXXXXX@npca.ca

company presentation file.



CLICK TO ADD SUBTITLE

AGENDA

INTRODUCTION
PRIMARY GOALS
AREAS OF GROWTH
TIMELINE
SUMMARY

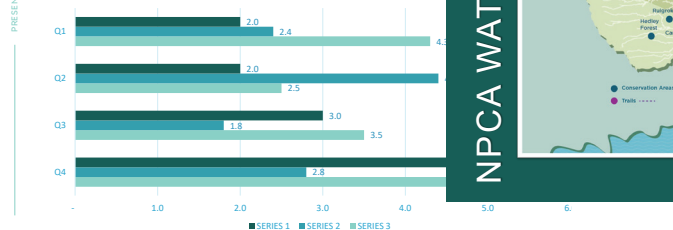


ABOUT THE NPCA

- Founded in 1959 under the Conservation Authority Act
- "Objects of a Conservation Authority are to provide, in the area over which it has jurisdiction, programs and services designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals."
- Oversees the Niagara Peninsula watershed, encompassing the Niagara Region, portions of the City of Hamilton, portions of Haldimand County.
- Manages 41 Conservation Areas, including four flagship properties such as Ball's Falls, Birtbrook, Long Beach and Chippawa Creek. These lands are held in public trust for recreation, heritage preservation, conservation, and education.



QUARTERLY PERFORMANCE



NPCA WATERSHED



virtual meeting backgrounds.

Photos from our Conservation Areas



our team. our mission.

Our passionate, professional, and hard-working staff are at the very core of our commitment to shape the next 10 years of conservation across the Niagara Peninsula watershed. Our refreshed NPCA logo and these *Brand Identity Guidelines* are also tied to the priorities and goals of our *2021-31 Strategic Plan*.

Although not explicitly stated, our brand directly correlates to our commitment to Organizational Excellence. By ensuring that these guidelines and the use of our logo are applied in a consistent and meaningful way, we are better able to showcase our team's unified voice and our public commitment to protect nature with a forward-looking vision of shared greenspaces and clean water for all.

Together we can leverage our natural advantage to do incredible things and lead significant change for the communities that we serve throughout the watershed.



Report To: Board of Directors

Subject: NPCA Section 28 Permit Signatory Delegation

Report No: FA-05-23

Date: June 16, 2023

Recommendation:

1. **THAT** Report No. FA-05-23 RE: NPCA Section 28 Permit Signatory Delegation **BE RECEIVED**.
2. **THAT** the Board **APPROVES** the Senior Manager, Environmental Planning and Policy, and Manager, Planning and Permits to be additional signatories on Section 28 routine and minor work permits.

Purpose:

The purpose of this report is to obtain Board approval to allow the Senior Manager, Environmental Planning and Policy and Manager, Planning and Permits to be signing authority on Section 28 routine and minor work permits that meet NPCA policies. The Director, Planning and Development and the CAO/Secretary Treasurer will continue to have signing authorities on all Section 28 work permits that meet the NPCA policies.

Background:

Section 28(1) of the *Conservation Authorities Act, R.S.O. 1990, c. C.27*, allows for the authority, subject to the approval of the Minister, to make regulations applicable in the area under its jurisdiction. For the NPCA, this regulation is Ontario Regulation 155/06: Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses. To allow for works within these regulated areas, conservation authorities issue permission as per Section 28(3) of the Act, in the form of work permits, if they are consistent with their policies.

The signing authorization regarding permit issuance is outlined in Section 28(2) of the Act as it states:

“A regulation made under subsection (1) may delegate any of the authority’s powers or duties under the regulation to the authority’s executive committee or to any other person or body, subject to any limitations and requirements that may be set out in the regulation. 1998, c. 18, Sched. I, s. 12.”

Currently, the Director, Planning and Development and the CAO/Secretary-Treasurer have the delegated authority to sign the Section 28 work permits. As part of our efforts to continuously improve service delivery within the Planning and Development department, and in anticipation of

prescribed and streamlined planning and permit approvals required under recent provincial legislation and pending changes to the *Conservation Authorities Act*, staff are seeking approval from the Board of Directors to delegate limited signatory authority for certain Section 28 works permits.

Discussion:

The ability to delegate additional identified individuals to sign work permits is essential to ensure the NPCA meets permit review timelines, as prescribed by the province, and detailed in the “NPCA Client Service Standards for Plan and Permit Review” that was endorsed by the NPCA Board on May 21, 2020 (Resolution No. FA-64-2020). This ensures that the NPCA provides a client-centric focus on the timely issuance of permits.

The “NPCA Client Service Standards for Plan and Permit Review” includes client service target timelines that have been developed with guidance from Conservation Ontario as best-practices for the NPCA. Generally, the standard review time for a Section 28 works permit is two weeks to one month depending on the complexity of the file. In some cases, resubmissions are required to demonstrate the proposed works can be supported by NPCA’s policies.

Un-proclaimed amendments to the *Conservation Authorities Act*, will introduce a legislated timeline for decisions on permit applications. Upon proclamation of the Lieutenant Governor, Section 28.1 (22) of the *Conservation Authorities Act*, states that if a complete application for a permit is made to the authority, and if the authority fails to give the applicant notice of a decision with respect to the application within 120 days after the application is made, the applicant may appeal the application directly to the Local Planning Appeal Tribunal.

Several continuous improvement initiatives and projects were implemented in 2022 and are underway in 2023 to support the Planning and Development department in providing timely reviews of Section 28 work permits. These initiatives include the updated NPCA Planning & Permitting Policy Document, new NPCA Procedural Manual, backfill of vacant positions, updates to Regulatory Mapping, and regular coordination meetings with Municipal partners and the Niagara Escarpment Commission. To further strengthen our delivery of services, the inclusion of additional signatories for Section 28 work permits will allow senior management to allocate permit approvals to help increase approval timelines.

It is recommended that the Senior Manager, Environmental Planning and Policy, and the Manager, Planning and Permits be signatories for routine and minor Section 28 work permits. A “routine” permit involves an application with a very small project scope, very low level of risk and involves a low level of staff involvement. A “minor” permit involves an application with a moderate project size, level of risk, location, and/or other factors resulting in a moderate level of staff involvement. Approximately 40% of permits issued in 2022 fall within the routine and minor application categories.

The Director, Planning and Development and the CAO/Secretary-Treasurer continue to have the delegated authority to sign all types of Section 28 work permits that meet NPCA policies. It is also important to note that specific permit applications can still be referred to the Board of Directors for their input and decision if, in the opinion of staff, the application has the potential for a Hearing and conflicts with NPCA existing policies.

Financial Implications:

There are no financial implications associated with this report.

Links to Policy/Strategic Plan:

The daily work of the Planning and Development department contributes to a healthy and resilient climate and supports sustainable growth by protecting people and properties from natural hazards and climate impacts, and maintaining a high standard of client services, tools, and procedures for regulating and issuing permits consistent with NPCA policies.

Related Reports and Appendices:

None

Authored by:

Original Signed by:

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

Reviewed and Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: 2024 Budget Assumptions and Process

Report No: FA-26-23

Date: June 16, 2023

Recommendation:

1. **THAT** Report No. FA-26-23 RE: 2024 Budget Assumptions and Process **BE RECEIVED**.
2. **THAT** the budget assumptions for the 2024 Operating and Capital Budgets as identified in the report **BE APPROVED** for use in the development of the 2024 budgets.
3. **THAT** 2024 draft budget **BE DEVELOPED** in conformity to the updated Conservation Authorities (CA) Act and Ontario Regulation 402/22: Budget and Apportionment.
4. **THAT** staff **BE DIRECTED** to include a provision for an economic increase (COLA) to satisfy the terms of the OPSEU collective agreement and address inflationary pressures on non-salary in the spirit of municipal budget guidelines, once released.
5. **THAT** staff **BE DIRECTED** to continue discussions relative to known funding gaps, land securement, service level agreements and/or memoranda of understanding with municipal partners.
6. **THAT** a list of current known unfunded priorities **BE PREPARED** for the Board's consideration in conjunction with 2024 budgets.
7. **THAT** the Preliminary 2024 Budget **BE REVIEWED** by the Finance Committee and brought back to the Board of Directors at the September 2023 meeting for approval.
8. **AND FURTHER THAT** the funding municipalities **BE ADVISED** thirty days in advance of the Levy vote in accordance with the Conservation Authorities (CA) Act and Ontario Regulation 402/22.

Purpose:

The purpose of Report No. FA-26-23 is to seek the Board of Director's approval on 2024 Budget assumptions and process.

Background:

In the development of the recommended budget assumptions for the 2024 budget process, Staff will consider the following:

- Funding municipalities guidelines
- Cost of living adjustments (COLA) and grid step increases
- Inflation (Consumer price index – CPI)
- Multi-year contractual obligations, including OPSEU collective agreement provisions
- Operating, capital, and program pressures
- Board approved Fee Policy and full cost accounting.
- Focus on internal efficiencies
- General economic outlook
- Impacts on service delivery
- Asset management and state-of-good repair
- Impacts and transition of Conservation Act amendments

Discussion and Financial Implications:

Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services and Ontario Regulation 402/22: Budget and Apportionment require the NPCA to complete the budget transition and conformity process by January 2024.

Additionally, Ontario Regulation 399/22: Amendments to Transition Plans and Agreements for Programs and Services required NPCA to execute Service Level Agreements with Funding municipalities by January 1, 2024.

Programs and Services:

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

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

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

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

Levy Apportionment

O. Reg 402/22 – Budget and Apportionment retains the three current methods of apportioning expenses/costs.

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

Levy Apportionment by Type of Costs

As per the Legislation, CA's are able to apportion costs for all category 1 (mandatory) programs and services and can only apportion costs for category 2 and 3 programs and services with agreements in place with the municipality(ies). General operating expenses or capital costs (formerly referred to as 'corporate administrative costs') can be levied without agreement. As part of the budget process, and in keeping with current practice, CA's are required to consider the use of self-generated revenue as per Board approved Fee Policy.

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

Land Acquisition Contribution:

The draft Land Securement Strategy 2022-2032 provided the framework for the NPCA to secure public greenspace effectively using established best practices, sound decision-making, sustainable and innovative financial models, and collaboration.

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

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

By collaborating with other land securement organizations and partners, applying for funding where possible, and launching a targeted landowner outreach program, the NPCA can expect to secure a minimum of 180 hectares (i.e., average 20 ha annually, 1 property per year secured) by 2032. As landowner outreach and land securement projects occur, momentum of the land securement program will likely increase and give rise to more landowner and funder/partner interest. If executed consistently, the more aggressive/optimal land securement target of 360 hectares secured by 2032 (i.e., average of 40 ha annually, two properties per year) may become attainable.

Annual Land Securement Investment Required:

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

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

In 2023, NPCA received land securement contributions from Niagara Region and Haldimand County. Discussions with the City of Hamilton are ongoing in advance of 2024 budgets. 2023 land securement contributions were leveraged by almost 200% with \$500,000 of Federal funding in 2023 (as of June 12, 2023).

Strategic Plan:

As per current practice, 2024 budget will be aligned with NPCA's 10-year strategic plan. Through six overarching priorities and twenty-one specific, measurable goals, the plan builds on the principles of conservation leadership, customer service, collaboration, and accountability to nature. For the first time, the NPCA's strategic plan has a strong focus on outcomes and performance measures. Each of the strategic priorities has specific, measurable, attainable, realistic, and timely goals to ensure the NPCA is delivering on its mandate and desired outcomes as well as comprehensive metrics to measure the success of our organization's activities and to support the achievement of our key performance indicators (KPIs). Strategic actions and priorities are being integrated within the Watershed-based Resource Management Strategy to be initiated as a requirement of the updated *Conservation Authority Act* regulations.

Unfunded Pressures:

In keeping with the previous budget cycles, an extensive review of unfunded operating and capital pressures is currently underway for the 2024 budget process and included below the line in budget presentations. This critical exercise is intended to identify to stakeholders the required investments in the NPCA for long term sustainability of the organization, and support asset management state of good repair protocols.

Relevance to Authority Policy:

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

Links To Policy/Strategic Plan:

Financial Sustainability:

Goal 6.1 Ensure responsible, sustainable, and sound fiscal practices

Connecting People to Nature:

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

Related Reports and Appendices:

Available upon request:

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

Prepared by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Agreement of Services with Municipalities as required under the Conservation Authorities Act Phase 1 Regulation

Report No: FA-28-23

Date: June16, 2023

Recommendation:

1. **THAT** Report No. FA-28-23 RE: Agreements of Services with Municipalities as required under the Conservation Authorities Act Phase 1 Regulation **BE RECEIVED**.
2. **THAT** staff **BE DIRECTED** to circulate the draft Agreement of Services, as appended, for discussion with NPCA's partner municipalities as part of the 2024 Budget process, related to Category 2 and 3 Programs and Services.
3. **THAT** this report **BE CIRCULATED** to NPCA's partner (funding) municipalities, lower-tier municipalities, Ministry of Natural Resources and Forestry (MNRF) and Ministry of Environment Conservation and Parks (MECP).
5. **THAT** the final Agreements of Services **BE PRESENTED** to the NPCA Board of Directors for final approval.
6. **AND FURTHER THAT** the final executed Agreements of Services **BE POSTED** online as required by the Conservation Authorities Act.

Purpose:

The purpose of this report is to update the Board of Directors on ongoing municipal consultations and seek direction on Memorandums of Understandings and Service Level Agreements (i.e. Agreements of Services) with Partner Municipalities as required under the *Conservation Authorities Act* Phase 1 Regulation to be delivered by January1, 2024, as per the Act Transition requirements.

Background:

The Phase 1 Regulations requires Conservation Authorities (CAs) to prepare an Inventory of Programs and Services and circulate the Inventory to all participating (funding) municipalities, as well as other lower-tier municipalities with whom the CA intends to enter into an Agreement of Services. The Inventory was required to be submitted to the Ministry of Environment, Conservation and Parks (MECP) and municipalities by February 28, 2022 and changes to the Inventory are allowed after that date in response to municipal feedback.

On February 18, 2022 the Board approved NPCA's Inventory of Programs and Services (FA -03-22) recommending:

"THAT Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs/Services **BE RECEIVED** for information.

THAT the Inventory of Programs and Services **BE SUBMITTED** to the Ministry of Environment Conservation and Parks (MECP) as required under Ontario Regulation 687/21 and **CIRCULATED** to participating municipalities;

THAT the Inventory of Programs and Services **BE SHARED** with NPCA jurisdiction municipalities, as appropriate, throughout 2022-2023 to inform discussions related to NPCA services;

AND FURTHER THAT the Final Programs and Services Inventory **BE SUBMITTED** to MECP at the end of the Conservation Authorities Act Transition period along with a copy of Municipal Agreements."

Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services (as amended) requires CAs to execute Agreements for Services with participating (funding) municipalities by January 1, 2024. Agreements are only required for Programs and Services under Category 2 and 3 below:

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

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

Discussion

Discussions are ongoing with NPCA's municipal partners since February 2022. The Inventory of Programs and Services has also been updated based on input from Niagara Region. The Inventory has provided the basis for discussions with participating (funding) municipalities for the provision of municipally requested programs and services.

The attached Draft 1 "NPCA Agreement for Services" template has been coordinated with neighboring CA's and Conservation Ontario and will be updated, as required, by municipal review during the Budget process.

The deadline for execution of agreements with participating (funding) municipalities for Category 2 and Category 3 programs and services, remains January 1, 2024. Should an extension be required, the written request for extension must be submitted to the Minister on or before October 1, 2023.

NPCA staff continue to carry out discussions and Agreement of Services development with participating (funding) municipalities in accordance with the timelines set out in NPCA's Transition Plan and as part of the 2024 Budget process.

Lower-tier municipalities in Niagara Region, which are not levied for CA services, can enter into Agreements of Services on a fee-for-service basis when a local municipality wishes to procure NPCA to deliver services that are not procured through the Regional municipality. It is important to note that the NPCA can no longer provide natural heritage review services under prescribed legislation such as the *Planning Act*.

Over the past few years, NPCA has initiated meetings with lower-tier municipalities to understand the needs of each municipality, as well as helping partner municipalities understand the information and expertise available through NPCA services. Agreements with lower-tier municipalities will be negotiated and executed on a longer time frame as the need for these services emerge.

All Agreements for Services will be brought back to the Board of Directors for final approval and will be posted on the NPCA website for full transparency.

Financial Implications:

There is no immediate financial impact due to carrying out the recommendations above. However, it should be noted that significant amount of staff time is being invested in completing *Conservation Authorities Act* transition requirements.

Related Reports and Appendices:

Appendix 1 – Draft NPCA Agreement of Services

Links To Policy/Strategic Plan:

NPCA is required to execute Agreements of Services for Category 2 and 3 services with Partner Municipalities under the updated *Conservation Authorities Act*.

Strategic Plan Strategy: Financial Sustainability and Partner of Choice

Goal 4. 1 Strengthen Government relations towards collective outcomes and impact.

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

Submitted by:

Original Signed by:

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

AGREEMENT FOR SERVICES

THIS AGREEMENT dated this ____ day of _____, 2023.

BETWEEN:

NIAGARA PENINSULA CONSERVATION AUTHORITY
(hereinafter called the “NPCA”)

OF THE FIRST PART

– and –

_____,
(Hereinafter called the “Municipality”)

OF THE SECOND PART

WHEREAS the NPCA is a Conservation Authority established under the Conservation Authorities Act (“Act”) and is governed by its members appointed by participating municipalities in accordance with the Act;

AND WHEREAS the Participating Municipality is located wholly or in part within the area under the jurisdiction of NPCA;

AND WHEREAS the Municipality is a lower tier Municipality in the Region of Niagara located wholly or in part within the area under the jurisdiction of NPCA;

AND WHEREAS, pursuant to the Act, Conservation Authorities are permitted to provide non-mandatory programs and services under a memorandum of understanding or such other agreement as may be entered into with a Participating Municipality;

AND WHEREAS the Participating Municipality is requesting the NPCA to deliver non-mandatory programs and services within NPCA’s area of expertise and jurisdiction, that fall within the Services Areas attached hereto as Schedule “A”;

AND WHEREAS the NPCA proposes and is prepared to provide certain non-mandatory services to the Municipality, attached hereto as Schedule “A”;

AND WHEREAS the Council of the Participating Municipality has authorized the Participating Municipality to enter into this Agreement for Services with the NPCA for the delivery of programs and;

AND WHEREAS under the *Act*, certain programs and services may be provided at the request of participating municipalities, outside of the budget and apportionment process, through individual procurement agreements, which agreement are not affected or precluded by means of this Agreement for Services;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained in this Agreement for Services, including the exchange of promises it contains, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

Scope and Use

1. The NPCA agrees to provide to the Participating Municipality the non-mandatory services attached hereto as Schedule “A”.
2. Notwithstanding the foregoing, the Participating Municipality acknowledges and agrees that all programs and services identified in Schedule “A” also be included in a Watershed-based resource management strategy that the NPCA is required to develop and implement under the *Act*.

Term of Agreement

3. The term of this Agreement shall be for a period of five (5) years commencing on January 1, 2024 and running until December 31, 2028 (the “**Initial Term**”),
4. This Agreement shall be reviewed by the parties within six months of the end-date of the Initial Term for the purpose of determining whether or not this Agreement for Services is to be renewed by the parties, and discussing the terms of any renewal, including, but not limited to, whether any changes will be made to the non-mandatory programs and services attached hereto as Schedule “A”. It shall be the NPCA’s responsibility to initiate the review with the Participating Municipality.
5. The NPCA and the Participating Municipality may renew this Agreement for Services for an unlimited number of additional five (5) year terms (the “**Renewal Term(s)**”), provided that any renewed Agreement for Services must also be reviewed by the parties six months prior to the end-date of any such Renewal Term(s), as set out in paragraph 4, above.
6. This Agreement for Services may be terminated by either party prior to the end of the Initial Term or any Renewal Term(s), upon delivery of a written “Notice of Early Termination” as per the Notice clause 19, below, from the terminating party to the non-terminating party at least six months before the early termination date, which date is to be specified in the written “Notice of Early Termination”.

7. The Participating Municipality and NPCA will strive to facilitate open and timely communication at all levels. The resolution of disputes that may arise between the parties to this Agreement for Services during the Initial Term and/or any Renewal Term(s) shall be subject to alternative dispute resolution for the settling of disputes outside the Court system, which shall include, first, a mediation to be conducted by a mutually agreed-upon mediator at such time as may be mutually agreed upon by the NPCA and the Participating Municipality, and, second, should mediation be unsuccessful, an arbitration to be conducted by a mutually agreed-upon arbitrator at such time and pursuant to such procedural rules as may be mutually agreed upon by the NPCA and the Participating Municipality. The cost of any mediation and/or arbitration shall be borne in equal shares by the NPCA and Participating Municipality.
8. The NPCA will not add to or delete from the services or programs funded through the levy without first consulting with the Participating Municipality and entering into a written agreement to this Agreement for Services with the Participating Municipality.
9. The Participating Municipality acknowledges and agrees that by executing this Agreement for Services, it is confirmed that the terms of this Agreement for Services have been reviewed and approved by a resolution of the Council of the Participating Municipality.
10. This Agreement for Services does not preclude the parties identifying or entering into agreements with respect to opportunities for further collaboration to the benefit of both parties, and is intended to ensure efficiency, transparency and accountability in the use of resources, including in-kind services and assistance, coordination of complementary policy and program initiatives and projects involving third parties.
11. The resolution of the NPCA Board of Directors to execute this Agreement for Services shall be attached hereto as Schedule 'B'.
12. The resolution of Council of the Participating Municipality to execute this Agreement for Services shall be attached hereto as Schedule 'C'.

Agreement for Services Available to the Public

13. As required by the *Act* and/or its regulations, this Agreement for Services shall be made available to the public, including on the NPCA website.

Fees and Payment

14. The costs associated with non-mandatory programs and services falling within Category 2 and/or 3 under the *Act* and/or its regulations shall, subject to this Agreement for Services, be reviewed by the parties on an annual basis as part of

the NPCA annual budget (operating and capital) approval process, in line with budget guidelines.

15. NPCA's final approved budget shall be appended annually hereto as Schedule 'D'.
16. The fees apportioned to the Participating Municipality will be calculated annually using the Modified Current Value Assessment (MCVA) or the benefit based method, unless otherwise noted as being attributable directly to the Participating Municipality as a special benefiting levy in Schedule 'A'.
17. NPCA may charge a user fee in the delivery of any programs and services listed in Schedule 'A', as appropriate, to assist with costs of NPCA programs or services provided under this Agreement for Services. Such user fees shall only be imposed in accordance with NPCA's Fee Policy and Fee Schedules adopted in accordance with the provisions of the *Act*, or otherwise in accordance with provisions set out in an agreement between NPCA and the Participating Municipality.
18. An 'Annual Notice to Pay' shall be sent to the Participating Municipality following NPCA budget approval and payment for annual fees shall be made by the Participating Municipality in four quarterly installments by the end of each fiscal quarter in each calendar year.

Notice

19. Any notice in respect of this Agreement for Services shall be in writing and shall be sufficiently given or made if made in writing and either delivered in person during normal business hours of the recipient on a business day to the party for whom it is intended to the address as set out below, or sent by registered mail or by email addressed to such party as follows:

- (1) in the case of the Municipality, to:
[Participating Municipality]

[Address]

Attention: [Name]

Email: [Email address]

- (2) in the case of NPCA, to:
Niagara Peninsula Conservation Authority
250 Thorold Road West, 3rd Floor
Welland, ON - L3C 3W2

Attention: Chandra Sharma, CAO/Secretary-Treasurer

Email: csharma@npca.ca

or to such other addresses as the parties may from time to time set out in writing, and any notice so made or given shall be deemed to have been duly and properly made or given and received on the day on which it shall have been so delivered or, if mailed, then, in the absence of any interruption of postal service affecting the delivery or handling thereof, on the third business day after the date of mailing.

Force Majeure

20. Neither party shall be in default with respect to the performance or non-performance of the terms of this Agreement for Services resulting directly or indirectly from causes beyond its reasonable control (other than for financial inability) that could not reasonably have been foreseen, including, without limitation, any delay caused by war, invasion, riots, acts of terrorism or sabotage, acts of government authority (other than by the Participating Municipality), plague, epidemic, pandemic, natural disaster, strike, lock-out, inability to procure material, or other cause, and the performance of such term or terms shall be extended for a period equivalent to the period of such delay. This provision should not relieve the Participating Municipality of its obligation to pay fees and costs when due.

Governing Law

21. This Agreement for Services shall be governed by and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein and shall be treated in all respects as the locus of contract.

No Agency

22. Nothing herein contained shall make or be construed to make the Participating Municipality or the NPCA a partner of one another nor shall this Agreement for Services be construed to create a partnership, joint venture, principal-agent relationship or employment relationship in any way or for any purpose whatsoever between the Participating Municipality or the NPCA or between the Participating Municipality, the NPCA and a third party. Nothing in this Agreement for Services is to be construed as authorizing one of the NPCA or the Participating Municipality to contract for or to incur any obligation on behalf of the other of them or to act as agent for the other of them. Any reference herein to the Participating Municipality shall be interpreted to include its boards, agencies, commissions, and subsidiary operations.

Invalidity of any Provision

23. If any provision of this Agreement for Services is invalid, unenforceable or unlawful, such provision shall be deemed to be deleted from this Agreement

for Services and all other provisions shall remain in full force and effect and shall be binding in all respects between the parties hereto.

Further Assurances

24. The Parties hereto agree to execute and deliver to each other such further written documents and assurances from time to time as may be reasonably necessary to give full effect to the provisions of this Agreement for Services.

Amendments

25. This Agreement for Services cannot be altered, amended, changed, modified, or abandoned, in whole or in part, except by written agreement executed by the parties, and no subsequent oral agreement shall have any validity whatsoever.

Binding Agreement

26. This Agreement for Services shall ensure to the benefit and be binding upon the parties hereto and their respective heirs, executors, representatives and successors permitted hereunder.

Execution

27. This Agreement for Services may be executed in counterparts and when each party has executed a counterpart, each of such counterparts shall be deemed to be an original and all of such counterparts, when taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF the Participating Municipality and the NPCA have signed this Agreement for Services on the following page.

[Signature page follows]

SIGNED, SEALED AND DELIVERED THIS ____ DAY OF _____, 2023.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Per: _____
Chair – Robert Foster

Per: _____
Chief Administrative Officer/Secretary-Treasurer – Chandra Sharma

I/we have the authority to bind the Corporation

SIGNED, SEALED AND DELIVERED THIS ____ DAY OF _____, 2023.

NIAGARA REGION / CITY OF HAMILTON / COUNTY OF HALDIMAND

Per: _____
Mayor -

Per: _____
TBD water

I/we have the authority to bind the Corporation

Schedule 'A'
To be provided to Municipalities

DRAFT

Schedule 'B'
NPCA Board Approval Resolution
2024 Budgets and Municipal Levies

DRAFT

Schedule 'C'
Niagara Region (City of Hamilton, Haldimand County)–
Council Approval Resolution
NPCA 2024 Budgets and Municipal Levies

DRAFT

Schedule 'D'
NPCA 2024 Budgets and Municipal Levies

DRAFT