

**FULL AUTHORITY MEETING
ON-LINE VIDEO CONFERENCE
Friday, March 25, 2022
9:00 A.M.**

A G E N D A

CALL TO ORDER – ROLL CALL

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

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting (AGM) dated February 18, 2022 (For Approval)

Page # 1

4. CHAIR'S UPDATE

5. CORRESPONDENCE

- a) Correspondence dated March 11, 2022 from Conservation Ontario to Jessica Isaac, Environmental Policy Branch Ministry of Environment, Conservation, and Parks RE: Conservation Ontario's Comments on "Subwatershed Planning Guide" (ERO# 019-4978) (For Receipt)

Page # 10

- b) i) Correspondence from Linda Manson dated March 14, 2022 RE: NPCA as a Weak Link in Niagara's Natural Environment System Policies (For Receipt)

Page # 21

- ii) Correspondence from David Deluce, NPCA Senior Manager, Planning and Regulations dated March 16, 2022 RE: Niagara Peninsula Conservation Authority (NPCA) Comments Consolidated Draft – New Niagara Official Plan (For Receipt)

Page # 27

6. PRESENTATIONS

- a) PowerPoint Presentation by Gregory Ford, Executive Director, Niagara Coastal Community Collaborative RE: 2021 GLLAF partnered VAST (For Receipt)
- b) PowerPoint Presentation by Karen Wianecki, Director of Practice, Planning Solutions Inc. RE: Niagara Peninsula Conservation Authority Phase 1 Policy Document Review (For Receipt - This item is in conjunction with Agenda Item 9. a) Report No. FA-10-22 RE: Niagara Peninsula Conservation Authority Phase 1 Policy Document Review)

7. DELEGATIONS

8. CONSENT ITEMS

- a) Report No. FA-05-22 RE: Human Resources – 2021 Update (For Receipt) Page # 32
- b) Report No. FA-06-22 RE: Marketing and Communications 2021 Year-End Summary (For Receipt) Page # 37
- c) Report No. FA-09-22 RE: Compliance and Enforcement 2021 Year-End Summary (For Receipt) Page # 43

9. DISCUSSION ITEMS

- a) Report No. FA-10-22 RE: Niagara Peninsula Conservation Authority Phase 1 Policy Document Review (For Approval) Page # 48
- b) Report No. FA-04-22 RE: Wainfleet Bog Advisory Committee Membership Appointments (Confidential Appendix A - provided under separate cover) (For Approval) Page # 149
- c) Report No. FA-07-22 RE: NPCA Climate Change Update (For Approval) Page # 152

9. COMMITTEE REPORTS

9.1 PUBLIC ADVISORY COMMITTEE

- a) Minutes of the Public Advisory Committee meeting dated February 24, 2022 (For Receipt) Page # 156

10. MOTIONS

- a) Motion to Appoint an Additional Member to the Governance Committee

Page # 160

11. NOTICES OF MOTION

12. NEW BUSINESS

- a) C.A.O. Updates – Verbal

13. CLOSED SESSION (IF REQUIRED)

14. ADJOURNMENT



**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, February 18, 2022
9:00 A.M.**

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

MEMBERS PRESENT: B. Johnson (Chair)
S. Beattie
R. Brady
D. Cridland
L. Feor
R. Foster
J. Hellinga
D. Huson
J. Ingrao
K. Kwall
B. Mackenzie
J. Metcalfe (arrived 9:29 a.m.)
W. Rapley
R. Shirton
E. Smith (arrived 9:32 a.m.)
B. Steele
M. Woodhouse
B. Wright

MEMBERS ABSENT: B. Clark

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
G. Bivol, Clerk
A. Christie, Director, Land Operations
C. Coverdale, Business and Financial Analyst
J. Culp, Manager, Compliance and Enforcement
D. Deluce, Senior Manager, Planning and Regulations
M. Ferrusi, Manager, Human Resources
L. Gagnon, Director, Corporate Services
N. Green, Project Manager, Niagara Remedial Action Plan
L. Lee-Yates, Director, Watershed Management
S. Miller, Senior Manager, Water Resources
A. Powell, Manager Conservation Area Services
G. Shaule, Administrative Assistant

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

1. GREETINGS BY THE CHAIR

Chair Johnson welcomed attendees.

2. APPROVAL OF AGENDA

Resolution No. FA-01-2022

Moved by Member Brady

Seconded by Member Feor

THAT the agenda for the Niagara Peninsula Conservation Authority's 63rd Annual General Meeting held on Friday, February 18, 2022 **BE APPROVED** as presented.

CARRIED

3. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

4. RECEIPT OF MINUTES – 62nd ANNUAL GENERAL MEETING

- a) Minutes of the NPCA 62nd Annual General Meeting dated June18, 2021

Resolution No. FA-02-2022

Moved by Member Feor

Seconded by Member Foster

THAT the minutes of the NPCA 62nd Annual General Meeting dated June18, 2021 **BE RECEIVED**.

CARRIED

5. PRESENTATIONS

- a) NPCA Employee Service Awards Presentation - Chair Johnson presented.
- b) 2021 NPCA Year in Review Video – A video was presented and screened for the proceedings.

6. CONCLUSION OF 2021 BUSINESS

Chair Johnson and Vice Chair Mackenzie offered parting comments.

Resolution No. FA-03-2022

Moved by Member Huson

Seconded by Member Hellinga

1. **THAT** the Board of Directors **CONCLUDE** the business of 2021.

2. **AND FURTHER THAT** the Chair and Vice Chair seats **BE DECLARED** vacant.

CARRIED

C.A.O. Sharma presided over the election of Board Chair and Vice Chair for 2022.

7. ROLL CALL – 2022 BOARD MEMBERS

For election purposes, roll call was taken again with Member Clark being the sole noted absence.

8. ELECTION / APPOINTMENT OF OFFICERS

a) Appointment of Scrutineers

Resolution No. FA-04-2022

Moved by Member Huson

Seconded by Member Johnson

THAT in the event of a vote for the position of Chair and/or Vice Chair, Grant Bivol and Natalie Green **WILL ACT** as scrutineers.

CARRIED

b) Election of Officers

i) Chair of the Authority

C.A.O. Sharma called for nominations to the position of Chair and received the following:

Nomination:

Moved by Member Steele

THAT Board Member Robert Foster **BE NOMINATED** as Chair of the Board of Directors for the Niagara Peninsula Conservation Authority for 2022.

Ms. Sharma called a second and third time for nominations to the position of Chair. With no further nominations coming forward the Board enacted the following resolutions.

Resolution No. FA-05-2022

Moved by Board Member Steele

Seconded by Board Member Johnson

THAT nominations for NPCA Board Chair **BE CLOSED**.

CARRIED

ii) Vice Chair of the Authority

C.A.O. Sharma called for nominations to the position of Vice Chair and accepted the following:

Nomination:

Moved by Member Huson

THAT Board Member John Metcalfe **BE NOMINATED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2022.

Ms. Sharma called a second and third time for nominations to the position of Vice Chair. With no further nominations coming forward the Board enacted the following resolutions.

Resolution No. FA-06-2022

Moved by Member Foster

Seconded by Board Member Beattie

THAT nominations for NPCA Board Vice Chair **BE CLOSED**.

CARRIED

Resolution No. FA-07-2022

Moved by Member Shirton

Seconded by Member Huson

THAT Robert Foster **BE APPOINTED** as Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2022.

CARRIED

Resolution No. FA-08-2021

Moved by Member Steele

Seconded by Member Hellinga

THAT John Metcalfe **BE APPOINTED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2022.

CARRIED

Ms. Sharma turned the proceedings over to Chair Foster for comment and to preside over the balance of the meeting.

c) Appointment to Conservation Ontario for 2022

Resolution No. FA-09-2022

Moved by Member Mackenzie

Seconded by Member Wright

1. **THAT** the Robert Foster, Chair of NPCA for 2022, or John Metcalfe acting as his/her designate, **BE APPOINTED** as the Authority's voting delegate to Conservation Ontario.

2. **AND FURTHER THAT** the Chief Administrative Officer **BE** the alternate delegate.

CARRIED

d) Appointment to The Niagara Peninsula Conservation Foundation

Resolution No. FA-10-2022

Moved by Member Feor

Seconded by Member Steele

THAT Donna Cridland and Diana Huson **BE APPOINTED** to the Niagara Peninsula Conservation Foundation for 2022.

CARRIED

e) Appointment to the Finance Committee

Resolution No. FA-11-2022

Moved by Member Beattie

Seconded by Member Johnson

THAT the following Board Members **BE APPOINTED** to the Finance Committee for 2022: Stew Beattie, Bruce Mackenzie, Rick Brady, Brenda Johnson, and Malcolm Woodhouse.

CARRIED

f) Appointment to Governance Committee

Resolution No. FA-12-2022

Moved by Member Huson

Seconded by Member Cridland

THAT the following Board Members **BE APPOINTED** to the Governance Committee for 2022: Bruce Mackenzie, Rick Brady, Brenda Johnson, John Ingrao, and Malcolm Woodhouse.

CARRIED

g) Signing Officers

Resolution No. FA-13-2022

Moved by Member Shirton

Seconded by Member Kawall

1. **THAT** the Authority's Chair Robert Foster, Vice Chair John Metcalfe, the Chief Administrative Officer/Secretary-Treasurer Chandra Sharma, and the Director Corporate Services, Lise Gagnon, or any two of them **ARE** hereby **AUTHORIZED** to sign, make, draw, accept, endorse and deliver cheques, promissory notes, bills of exchange, orders for the payment of money and such agreements and instruments as may be necessary or useful in connection with the operation of the said account.

2. **AND FURTHER THAT** any one of the above-mentioned officers **IS** hereby **AUTHORIZED** for and in the name of the Organization to endorse and transfer to the Bank for deposit or discount with or collection by the Bank (but for the credit of the Organization only) cheques, promissory notes, bills of exchange, orders for the payment of money and other instruments, to arrange, settle, balance and certify all books and accounts with the Bank and to sign receipts for vouchers.

CARRIED

9. APPROVAL OF MINUTES

a) Minutes of the Full Authority Meeting dated December 17, 2021

Resolution No. FA-14-2022

Moved by Member Kawall

Seconded by Member Feor

THAT the minutes of the Full Authority Meeting dated December 17, 2021 **BE APPROVED.**
CARRIED

- b) Minutes of the Closed Session Meeting dated December 17, 2021

Resolution No. FA-15-2022

Moved by Member Metcalfe

Seconded by Member Smith

THAT the closed session minutes of the Full Authority Meeting dated December 17, 2021 **BE APPROVED** to remain private and confidential.

CARRIED

10. CORRESPONDENCE

- a) 2022 Provincial Budget Consultation for the Minister of Finance dated January 20, 2022 from Conservation Ontario and 2022 Ontario Budget Consultation – Speaking Notes for Andy Mitchell, Chair, Conservation Ontario dated January 20, 2022
- b) Correspondence dated January 5, 2022 from the Honourable Greg Rickford, Minister of Northern Development, Mines, Natural Resources and Forestry to Conservation Ontario RE: Support by Conservation Authorities during British Columbia's State of Emergency
- c) Correspondence dated January 14, 2022 from Linda Manson to NPCA Board Members RE: Wetland Buffer Setbacks - It was noted that the policy review intended for the March meeting would address setbacks.
- d) Correspondence dated January 17, 2022 from Conservation Ontario to the Honourable Chrystia Freeland, Minister of Finance and the Honourable Steven Guilbeault, Minister of the Environment and Climate Change RE: Support for the Environmental and Economic Sustainability of the Great Lakes
- e) Correspondence dated January 20, 2022 from Conservation Ontario to the EA Modernization Project Team, Environmental Assessment Modernization Branch RE: Conservation Ontario's comments "Moving to a project list approach under the Environmental Assessment Act" (ERO#19-42-19)
- f) Correspondence dated January 21, 2022 from Niagara Regional Clerk, Ann-Marie Norio RE: Uppers Quarry Regional Official Plan Amendment 22
- g) Correspondence dated February 3, 2022 from St. Catharines City Clerk, Bonnie Nistico-Dunk to the Honourable Doug Ford, Premier of Ontario RE: 282 and 285 Ontario Street – Request to the Ministry of the Environment, Conservation and Parks to Appear Before Council

Resolution No. FA-16-2022

Moved by Member Johnson

Seconded by Member Cridland

THAT the following correspondence **BE RECEIVED**:

- 2022 Provincial Budget Consultation for the Minister of Finance dated January 20, 2022 from Conservation Ontario and 2022 Ontario Budget Consultation – Speaking Notes for Andy Mitchell, Chair, Conservation Ontario dated January 20, 2022;
- Correspondence dated January 5, 2022 from the Honourable Greg Rickford, Minister of Northern Development, Mines, Natural Resources and Forestry to Conservation Ontario RE: Support by Conservation Authorities during British Columbia’s State of Emergency;
- Correspondence dated January 14, 2022 from Linda Manson to NPCA Board Members RE: Wetland Buffer Setbacks;
- Correspondence dated January 17, 2022 from Conservation Ontario to the Honourable Chrystia Freeland, Minister of Finance and the Honourable Steven Guilbeault, Minister of the Environment and Climate Change RE: Support for the Environmental and Economic Sustainability of the Great Lakes;
- Correspondence dated January 20, 2022 from Conservation Ontario to the EA Modernization Project Team, Environmental Assessment Modernization Branch RE: Conservation Ontario’s comments “Moving to a project list approach under the Environmental Assessment Act” (ERO#19-42-19);
- Correspondence dated January 21, 2022 from Niagara Regional Clerk, Ann-Marie Norio RE: Uppers Quarry Regional Official Plan Amendment 22; and
- Correspondence dated February 3, 2022 from St. Catharines City Clerk, Bonnie Nistico-Dunk to the Honourable Doug Ford, Premier of Ontario RE: 282 and 285 Ontario Street – Request to the Ministry of the Environment, Conservation and Parks to Appear Before Council.

CARRIED

11. DELEGATIONS

None

12. CONSENT ITEMS

- a) Report No. FA-02-22 RE: Conservation Authority Act Regulatory and Policy Proposals (Phase 2) Environmental Registry of Ontario Posting (ERO #019-4610)

Resolution No. FA-17-2022

Moved by Member Rapley

Seconded by Member Steele

1. **THAT** Report No. FA-02-22 RE: Conservation Authority Act Regulatory and Policy Proposals (Phase 2) Environmental Registry of Ontario Posting (ERO #019-4610) **BE RECEIVED**.
2. **AND FURTHER THAT** staff **CONTINUE** to work with Conservation Ontario to provide input to the Regulatory Proposal.

CARRIED

12. DISCUSSION ITEMS

The proceedings recessed from 10:06 a.m. till 10:16 a.m. to address technical issues.

- a) Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs / Services – It was requested that the report be subsequently forwarded to the Finance Committee.

Resolution No. FA-18-2022

Moved by Member Shirton

Seconded by Member Wright

1. **THAT** Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs/Services **BE RECEIVED** for information.
2. **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.
3. **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.
4. **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.

CARRIED

13. COMMITTEE ITEMS

None

14. MOTIONS

None

15. NOTICES OF MOTION

None

16. NEW BUSINESS

- a) Niagara Peninsula Conservation Foundation Update – Verbal – None
- b) Trails Plan – Members Mackenzie and Huson spoke on trails and trail plans in their respective municipalities with Member Huson suggesting that the NPCA consider integrating its trails on the ‘all-trails site’.
- c) Pandemic Re-opening – Member Huson requested information on plans for office re-opening. C. Sharma indicated that the matter was slated for the next Governance Committee and spoke further about the prospects of a hybrid workplace.

17. ADJOURNMENT

By consensus, the meeting adjourned at 10:56 a.m..

Robert Foster, Chair
Niagara Peninsula Conservation Authority

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



March 11, 2022

Jessica Isaac
Environmental Policy Branch
Ministry of Environment, Conservation, and Parks
40 St Clair Avenue West
10th Floor
Toronto, ON
M4V 1M2
Canada

Re: Conservation Ontario's Comments on "Subwatershed Planning Guide" (ERO# 019-4978)

Dear Ms. Isaac,

Thank you for the opportunity to provide comments on the "Subwatershed Planning Guide" (hereafter referred to as the Guide). Conservation Ontario (CO) is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit in any way comments submitted by a CA on this proposal.

Conservation Ontario strongly supports the role of subwatershed planning in supporting both sustainable and resilient communities and watershed resources. The following general comments on the Guide with some key edits are offered in this regard for the Ministry's consideration. As well, additional detailed comments have been provided in the attachment to this letter.

The Guide should acknowledge that there are many reasons to prepare subwatershed plans in addition to informing land use planning. It is suggested that the purpose is to *guide municipalities in undertaking subwatershed studies for land use and infrastructure planning under the "Planning Act" and assist CAs and other agencies in fulfilling their roles and responsibilities under other provincial legislation*. Both municipalities and CAs have requirements which are informed by subwatershed planning and coordination at the outset is necessary to avoid duplication, unnecessary costs, and delays.

The terms "watershed plan" and "subwatershed plan" are used interchangeably in the Guide which causes confusion. One reason may be that the Provincial Policy Statement (PPS) references "watershed planning" while the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* and *Greenbelt Plan* reference "subwatershed planning." Practically, most studies driven by land use planning are done at the subwatershed scale. Thus, we suggest that the Guide focus on best practices for subwatershed-level planning. A companion document dealing with watershed planning may be something that the Ministry may want to consider in the future as was done in 1993. For this reason, it is suggested that references to watershed planning be retained at a high level to set context at the beginning of the Guide and the description of what a watershed plan includes be removed. A statement should be inserted that states "*practically, most studies that are driven by large-scale or site-specific issues are undertaken at a*

subwatershed scale. For this reason, this Guide is focused on subwatershed planning and supports the intent of the PPS and other provincial plans”.

The ‘Benefits of Watershed and Subwatershed Planning’ outlined in Section 1.2 should explicitly recognize the role they can play in: *“Mitigating or adapting to the effects of climate change”.*

Natural Heritage Systems and natural heritage features, including wetlands, play a critical role in the water resource system and in subwatershed planning; inclusive of their contribution to stormwater management and as realized through low impact development/green infrastructure projects. The direct connection between the natural heritage system and water resources as per the PPS should be acknowledged by adding to the first bullet in Section 1.2 *“Protecting, improving, or restoring the quality and quantity of water and natural features that support ecological and hydrological functions in a watershed, including wetlands”.* Watershed and subwatershed planning also informs the delineation and management of the natural heritage system for land use planning such that: *“Identifying and/or refining the natural heritage system of the watershed”* should be included as an additional benefit.

Timelines for collecting data are inconsistently stated in the document. A minimum timeframe for collecting baseline data should be dependent on the unique features, landforms, and hydrology of the subwatershed. For example, a subwatershed with abundant sensitive natural features may require more intensive data collection over a longer time frame than others. The data collection and monitoring time frame should be: 1) assessed and established at the outset, 2) scientifically defensible, and 3) capture all 4 seasons over time, typically over a period of 3-5 years. For this reason and to ensure timeliness, priority setting, baseline data and monitoring, and “setting the stage” should be triggered as early as possible in the planning process [e.g., growth management planning or completion of a Municipal Comprehensive Review (MCR)].

While it is important to start subwatershed work early in the planning process, staff capacity and expertise levels vary considerably across municipalities and conservation authorities. Provincial funding or other funding mechanisms and staff resources may be required to ensure this work is undertaken and done in an efficient and timely manner, by qualified professionals.

In addition, the Guide should promote more streamlining among agencies and development proponents. Examples include concurrent document updates for secondary plans and zoning and joint public engagement processes for hazard mapping updates and approvals. The Guide should clearly recognize that subwatershed planning is essential for informing land use planning decisions and resource management strategies and that they must be iterative and integrated.

The description in Section 1.7 (and the footnote in Section 1.6) on the roles and responsibilities of CAs and their possible involvement in subwatershed studies is misleading and incomplete. The Guide states that for CAs to be involved in subwatershed planning, an MOU or agreement with the municipality is required and that *“municipalities may decide to enter into agreements with conservation authorities, as appropriate, to undertake a role in the watershed or subwatershed planning.”*

Conservation Ontario strongly supports strengthening the recognition of the roles and expertise that CAs bring to subwatershed planning to ensure it’s a coordinated and therefore streamlined and cost-effective effort. It should be acknowledged:

- that the identification and management of natural hazards, source water protection, conservation lands, provincial groundwater and surface water monitoring, and watershed-based resource management strategies are mandatory programs for CAs as are the planning functions to ensure consistency with the natural hazards policies (except wildland fires) of the PPS as per O. Reg. 686/21. For these reasons, the Guide should strongly promote partnerships between municipalities and CAs for subwatershed planning.
- that some municipalities may request CAs to provide broader technical input (e.g., baseline data collection and monitoring, ecological expertise) and/or assume a lead role for subwatershed planning, where appropriate (i.e., where subwatersheds cross municipal boundaries). Roles and responsibilities should be clarified through the Category 2 and 3 MOUs or service agreements.

The sections on Policy Context (1.6) and Roles and Responsibilities (1.7 as amended) interrupt the flow of the document and could be included as Appendices to keep the Guide focused on best practices. In addition, references in Section 2.1 to the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* and *Greenbelt Plan* could be incorporated into an Appendix. This could be supported by a statement in the main text that indicates “*subwatershed plans should also meet all subwatershed planning requirements specified by the Growth Plan and Greenbelt Plan, where either or both apply*”.

Conservation Ontario supports the need for early and ongoing Indigenous engagement and that it should be emphasized in the Guide as well as the cross reference to section 1.2.2 of the PPS which states that “planning authorities shall engage with Indigenous communities and coordinate on land use planning matters”. It is further suggested that the approach (“how to”) outlined in Section 5 be put into an Appendix or, ideally, be outlined in a separate provincial guideline that provides best practices for Indigenous engagement which would apply to all Ministries and public agencies. In addition to leveraging expertise from the Ministry of Indigenous Affairs and input from Indigenous communities to create such a provincial guideline, it should also build on available resources and tools to assist municipalities in engaging Indigenous interests (e.g., municipal-Indigenous relations resources prepared by the Association of Municipalities of Ontario) and other engagement and relationship building strategies and policies prepared by conservation authorities.

The focus of the Guide is primarily on greenfield development within the Greater Golden Horseshoe. It does not specifically address subwatershed planning in the context of resource management and use (e.g., aggregate extraction) or redevelopment/intensification within urban areas. These types of land use changes may require focus on a different mix of studies and considerations, roles and responsibilities, and outcomes. This should be acknowledged within the Guide. Given that the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe* and associated implementing planning instruments pre-suppose accommodating significant growth through infilling, redevelopment, and intensification, a supplemental Guide should be considered.

Additionally, there have been numerous technical gaps identified in the Guide through conservation authorities’ review. These can be addressed through updates to related technical guidelines (e.g., natural hazards) or the creation of new guidelines (e.g., water resources) or the inclusion of a reference in this Guide to recently updated guidance (e.g., Natural Heritage Reference Manual, draft Low Impact Development (LID) Storm Water Management Guidelines). Overall, updates and new guidelines will have the effect of providing clear guidance for a quicker process. Specifically:

- There is a critical need to modernize the 2002 natural hazards provincial technical guidelines (flooding and erosion) to incorporate climate change and cumulative impact considerations and to update technical criteria, best practices, and policy guidance within them. The technical

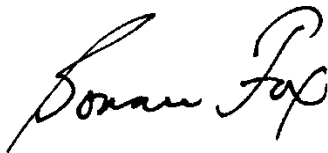
guidelines are currently silent on the risks associated with flood spill hazard and flood mitigation opportunities which is particularly important when considering redevelopment and intensification opportunities as directed by the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe*.

- There is also a need for a provincial Water Resource Technical guide, which could be developed with input from municipalities, CAs, and practitioners.
- Natural Heritage Systems and natural heritage features play a critical role in subwatershed planning and should be expanded upon in the appendix. Existing tools necessary for inventory and assessment of natural heritage systems should be listed (e.g., Natural Heritage Reference Manual, Ontario Wetland Evaluation System, Ecological Land Classification System, etc.).

Finally, it is noted that the water budgets that were completed at the onset of the source water protection program (in most cases over a decade ago) may not reflect new data/available information or newer modelling approaches (including climate change considerations) and evolving land uses to accurately inform subwatershed plans. Appropriate updates should be considered. Provincial investment to modernize and create technical guides and update outmoded water budgets is critical to ensure that sound science and suitable, adaptable, and cost-effective approaches underpin subwatershed planning across Ontario.

Conservation Ontario would be pleased to assist in making timely amendments to the Guide, so it can be released at the earliest opportunity. Should you have any questions about this letter, please contact me at extension 223.

Sincerely,



Bonnie Fox
Policy and Planning Director

1 Attachment: Detailed Conservation Ontario Comments on the Subwatershed Planning Guide

c.c. All CA CAOs/GMs

Conservation Ontario
120 Bayview Parkway, Newmarket ON L3Y 3W3
Tel: 905.895.0716 Email: info@conservationontario.ca
www.conservationontario.ca

ATTACHMENT 1:

Detailed Conservation Ontario Comments on the Subwatershed Planning Guide (March 11)	
Proposal Details	Conservation Ontario's Comments
	1. Background and Context
Purpose of Guide	<ul style="list-style-type: none"> The following edits to the paragraph under section 1.1 "Purpose of Guide" are recommended: <ul style="list-style-type: none"> "The Guide provides best practices, practical approaches and an administrative, planning and technical framework for guiding and streamlining the advice for implementing land use planning policies related to watershed and subwatershed planning process in coordination with planning for water, wastewater and storm water servicing, water resources, drinking water source protection and climate change resilience in Ontario. This document is intended to be used by municipalities and conservation authorities to inform land use and infrastructure planning under the <i>Planning Act</i>, and programs and services under the <i>Conservation Authorities Act</i>, as well as provincial agencies, landowners and developers, and other stakeholders and groups. The best practices and practical approaches contained in this document are intended to guide subwatershed planning in Ontario, primarily for land use and infrastructure planning under the <i>Planning Act</i>."
Benefits of Watershed and Subwatershed Planning	<ul style="list-style-type: none"> It's recommended that the introductory text in this section be edited as follows: "Among other things, this guide promotes consistent application of provincial policies and programs and offers a valuable administrative, planning and technical framework for:". The first bullet be expanded to include "...the quality and quantity of water and natural features that support ecological and hydrological functions in a watershed, including wetlands" The fifth bullet be expanded to read "Identifying surface and groundwater water resource systems..." Two new bullets be included in the list of elements promoted in the guide. 1. "Identifying and/or refining the natural heritage system of the watershed" and 2. "Mitigating or adapting to the effects of climate change". The seventh bullet be amended to read "Streamlining planning processes and reducing unnecessary costs, duplication and delays".
Context	<ul style="list-style-type: none"> No comments.
Watershed vs. Subwatershed Plans	<ul style="list-style-type: none"> Figure 1 in the draft is used as an illustrative graphic taken from another website. This graphic should be re-drafted / updated to one of better quality and improved clarity. The focus of the Guide is "subwatershed planning", therefore, details of what should be a part of a "watershed plan" are not necessary and should be deleted. It is recommended that the text outlining the two purposes for carrying out watershed planning remain, but the subsequent text on watershed planning be deleted. The Province may consider a companion piece on watershed planning at a later date. The first paragraph on subwatershed planning identifies issues which would trigger the need for a subwatershed plan. It is recommended that "(... or intensification and redevelopment) ..." be included in the list of issues. The final paragraph in this section speaks to the intention of watershed and subwatershed planning. It is strongly recommended that this paragraph be amended

	<p>to reflect the Guide’s use in supporting CA programs and services by including “...intended to support land use and infrastructure planning and conservation authority programs and services related to natural hazards and other activities...”.</p> <ul style="list-style-type: none"> It is recommended that a new paragraph be added to the end of this section which reads “Practically, most studies that are driven by local large-scale or site-specific issues are undertaken at a subwatershed scale. For this reason, this Guide is focused on subwatershed planning and supports the intent of the PPS and other provincial plans”.
Relationship of Watershed Planning to Land Use and Infrastructure Planning	<ul style="list-style-type: none"> In first sentence which speaks to the municipal planning processes informed by watershed planning, it is recommended that “natural heritage systems” be included prior to the final example (identification of water resources) ...”. For clarity, recommend the removal of the first portion of paragraph two so that it begins with “They also inform regulatory, policy...”. Figure 2 is difficult to interpret and it is strongly suggested that a simpler chart be developed to better demonstrate how watershed/environmental planning informs both municipal land use and infrastructure planning and CA programs and services, and vice versa.
Policy Context <ul style="list-style-type: none"> Equivalent Studies 	<ul style="list-style-type: none"> As an overarching comment, Conservation Ontario suggests that this section could be summarized, and more detail included in an Appendix. Further to our cover letter, the Footnote should be deleted. The following sentence is recommended to be added to the end of the first paragraph: “The PPS also provides direction on the protection of natural heritage systems which can be informed by watershed and subwatershed planning”. Further, Conservation Ontario notes that details regarding planning authorities' responsibility to conform to land use planning policies in the Source Protection Plan, is notably missing from the policy context section. It is recommended these details be included. The final paragraph in this section lists the information to be included in existing studies to be considered equivalent for the purposes of subwatershed planning. It’s recommended that the following additions be made in the bulleted list. The first bullet should be amended: “The water resource system has been identified using a systems approach that considered natural heritage and policies...”. The fourth bullet should be amended: “Goals, objectives, and targets to protect, improve or restore water quality and quantity, including natural heritage features and systems contributing to water quality and quantity, have been set with...”.
Roles and Responsibilities	<ul style="list-style-type: none"> For consistency with the intent of the Guide, it is recommended that references be made to “subwatersheds” and “subwatershed planning”, rather than “watershed/subwatershed” in most situations. It’s recommended the following edits be made to the second paragraph under the “Municipalities / Planning Authorities” subheading: <ul style="list-style-type: none"> Upper and single-tier municipalities will need to should coordinate with lower tier municipalities, conservation authorities, and other agencies involved in resource management to undertake subwatershed planning across jurisdictional boundaries. Where appropriate, municipalities may enter into agreements with conservation authorities for undertaking subwatershed planning and with lower tier municipalities, and with other agencies involved in resource management. These municipalities may decide to enter into agreements with conservation authorities, as appropriate, to undertake a role

	<p>in the watershed or subwatershed planning. Ultimately, Municipalities and other planning authorities are responsible for ensuring studies are completed and for using watershed /implementing subwatershed plans to inform the municipal land use planning and applicable infrastructure decisions.</p> <ul style="list-style-type: none"> • It's recommended the following edits be made under the "Conservation Authorities" subheading: <ul style="list-style-type: none"> ○ Paragraph 1 – Remove the following sentence, "This Act provides that municipalities within a common watershed...to deliver programs and services in natural resource management". ○ Paragraph 2 – "Pursuant to O. Reg. 686/21, conservation authorities are now required to develop a watershed-based resource management strategy with guiding principles and objectives that inform the design and delivery of the mandatory programs and services related to the delineation and management of natural hazards, source protection, conservation lands, and provincial groundwater and surface monitoring. In addition, conservation authorities may deliver planning services and other watershed programs as specified in a memorandum of understanding or agreement between the conservation authority and one or more municipalities." ○ Paragraph 2 – Remove the following text, "The strategy is to include a summary of existing..., including providing cost estimates for the implementation of those actions". ○ Recommend deletion of paragraph 3 beginning in "Conservation authority involvement in watershed/subwatershed planning..." and ending in "...programs and services related to the risk of natural hazards". ○ Paragraph 4 – In the final sentence, recommend the deletion of "municipally led watershed/" such that the text reads "... inform a subwatershed planning exercise". ○ the deletion of paragraph 5 beginning in "Where, under the <i>Planning Act</i>, the authority..." and ending in "...source protection planning as a mandatory program and service." ○ Paragraph 6 – "Watershed and Subwatershed planning for municipal land use planning purposes should integrate or leverage these other conservation authority watershed-based initiatives." • Under the "Province" subheading, references to "watershed planning" should be amended to read "subwatershed planning".
2. Purpose and Principles of Subwatershed Planning	
Purpose of Subwatershed Plans	<ul style="list-style-type: none"> • To improve flow of the document, Conservation Ontario suggests the removal of the two bulleted lists which separately acknowledge the need for subwatershed planning as required by the Growth Plan and the Greenbelt Plan. This information could be summarized into a brief footnote or separately included in an Appendix. • For the bulleted list under "Specifically, subwatershed plans should:", the following bolded text should be added to bullets seven and eight: <ul style="list-style-type: none"> ○ "Recommended practices should address a range of activities (e.g., woodlot management, development servicing, natural hazard and natural heritage management, etc." ○ "...on the natural environment and determine potential avoidance or mitigation measures..."

	<ul style="list-style-type: none"> Following the bulleted list, the following text should be included in this section: “Subwatershed plans should also meet all subwatershed planning requirements specified by the Growth Plan and Greenbelt Plan, where either or both apply”.
Principles for Subwatershed Planning	<ul style="list-style-type: none"> It’s recommended the following bolded text be added to select principles for subwatershed planning: <ul style="list-style-type: none"> Principle 1 – “... and is informed by watershed plans and watershed strategies, where they exist”. Principle 2 – “...while informing development and infrastructure planning and conservation authority watershed-based strategies, where appropriate”. Principle 7 – “...supported by multi-year data collection to ensure that current pre-development baseline conditions...”. Principle 9 – “The roles and responsibilities of partners, objectives, milestones and timelines...”. Further, it’s recommended a new principle be added to this list which reads, “Planning authorities are encouraged to incorporate robust public engagement processes, including Indigenous communities, to raise public awareness and support for implementation”.
3. Subwatershed Planning Process	
Setting the Stage (Step 1)	<ul style="list-style-type: none"> It’s recommended the following edits be made to the bulleted list in this section. Bolded text is suggested additions, strikethrough text is suggested deletions: <ul style="list-style-type: none"> Bullet 1 – “Identifying partners with a legislative responsibility related to or an interest in participating in the subwatershed process, such as conservation authorities, Indigenous communities, relevant agencies and stakeholders”. Bullet 2 – “Identifying Indigenous First Nations and Metis communities that are affected... The provincial Policy Statement, 2020 requires that planning authorities engage with Indigenous communities and coordinate on land use planning matters (see section 5.0 for more information on partnering and engaging with Indigenous communities)”. Bullet 3 – “Securing agreement consensus from partners on the purpose...”. Bullet 8 – “Determining funding mechanisms and responsibilities early in the process prior to the development milestones and timelines/ This may involve...”. Further, the following edits to Footnote 2 are recommended– “...Until recently, it was not possible feasible to readily map spill areas. Through the use of new accessible tools and technologies...”.
Recognizing and Aligning the Interests (Step 2)	<ul style="list-style-type: none"> The following edits are recommended to the final sentence of paragraph 1: “In establishing a charter, consideration for advancing technical work should be advanced in parallel with land use...”. In the bulleted list under paragraph 2, the following edit to the first bullet: “...data-sharing, monitoring and data collection requirements, and reporting and submission formats, and monitoring and evaluation approaches”. The following edits to the bulleted list following “Members of the steering committee should include as appropriate”: <ul style="list-style-type: none"> Municipality(ies) Planning authorities Conservation authorities Indigenous communities and organizations Watershed or subwatershed councils and/or source protection committee Government Ministries and/or Agencies

	<ul style="list-style-type: none"> ○ Environmental organizations Additional representation on the steering committee, where appropriate, could include: <ul style="list-style-type: none"> – Watershed or subwatershed councils and/or source protection committee – Environmental organizations – Agricultural organizations – Landowners/developers – Other interest groups • The following edits to the paragraph following the above bulleted list, “As you progress through the subwatershed planning process, you may want There may also be a need to establish topical/subject matter...”.
<p>Preparing and Approving the Subwatershed Plan (Step 3)</p> <ul style="list-style-type: none"> • Phase 1: Identification of Existing Conditions and Initial Assessment • Phase 2: Completion of Impact Assessment and Development of the Land Use Scenario • Phase 3: Implementation and Management Strategies • Subwatershed Plan Timelines 	<ul style="list-style-type: none"> • It's recommended that this section be renamed to “Preparing and Approving the Subwatershed Plan (Step 3). • The following edits to the final paragraph before subsection 3.3.1, “The following section outlines the key phases of a subwatershed planning process...existing settlement areas). For periodic update of plans or for plans that are carried out to guide land use changes such as intensification and/or redevelopment in urban areas or resource development (e.g., aggregate extraction), the technical studies required to address specific issues should be defined through the Terms of Reference.” • To maintain the watershed-based approach, the following edit to the first paragraph is requested “...may be broken into smaller coherent areas catchments for the purpose...” • The following edits under subsection 3.3.1 “Phase 1 – Identification of Existing Conditions and Initial Assessment”: <ul style="list-style-type: none"> ○ Data Requirements and Collection: “Generally, a minimum of one year of monitoring data should be collected to satisfy the requirements for identifying existing conditions over four seasons. However, in the case of unusual conditions such as low precipitation years, two to three to five years of monitoring may will be required to give a more-gather a complete set of data for assessing existing baseline conditions over four seasons. For this reason, it is recommended that baseline monitoring be initiated once an area has been identified for potential growth or significant land use change”. ○ For the bulleted list in this subsection, the following edits are requested: <ul style="list-style-type: none"> – “Geomorphology, including sediment transport” – “Natural hazards including flooding, Erosion-erosion and other hazardous sites” – NEW BULLETS “Source water protection vulnerable areas” ○ For the paragraph following the bulleted list, the following edits, “...sensitive features and areas, including appropriate (i.e., science-based and/or as prescribed in regulation or defined in provincial policy) buffers, should be identified...”. ○ Initial Assessment: the following edits to the second paragraph under this subheading: “The initial impact assessment includes an initial technical assessment of climate change vulnerability and resiliency and the impacts to water resource...”. – Additionally, the following minor edit to the fourth paragraph under this subheading: “An appropriate model can be selected in keeping with the provincial technical requirements and standards...”.

	<ul style="list-style-type: none"> • The following edits are recommended under subsection 3.3.2 “Phase 2 – Completion of Impact Assessment and Development of the Land Use Scenario”: <ul style="list-style-type: none"> ○ Paragraph 1 – “The technical assessment of how the subwatershed environment will be affected by the development, land uses changes, or future watershed conditions proposed within...”. ○ Paragraph 1 – The following new sentence be added to the end of the paragraph: “Phase 2 work that directly links to the Phase 1 analysis (e.g., modeling of existing conditions) should be advanced after the Phase 1 studies have been completed and agreed upon by all parties to avoid future conflicts and delays”. ○ The addition of a new bullet which reads “Identification of source protection measures” following the “Identification of services proposed in open space areas” in the bulleted list. ○ In the bulleted list following “The various inputs used to identify targets should include:”, the following edits to the first bullet: “Considerations for directing development in away from hazardous lands”. • The following edits are recommended under subsection 3.3.3 “Phase 3 – Implementation and Management Strategies”: <ul style="list-style-type: none"> ○ The following new sentence be added to the end of the paragraph beginning with “Phase 2 may also identify more detailed technical study...”: “Development of a Terms of Reference for more detailed technical study and additional work may be useful in establishing expectations among agencies and landowners”. ○ In the following paragraph, the addition of the following text: “...deferring components to the more technical local level and vice versa. Subwatershed plans undertaken for the development of greenfield areas, urban redevelopment and intensification areas or significant land use changes should include final characterization and management of watercourses, natural hazards, wetlands and other water resource system and natural heritage features to ensure an accurate calculation of developable are to meet population and employment targets and/or other land use requirements”. • Under subsection 3.3.4 “Subwatershed Plan Timelines”, it’s recommended that references to “watershed conditions” and “watershed components” be edits to read “subwatershed conditions” and “subwatershed components”.
Approval and Implementation of Plan (Step 4)	<ul style="list-style-type: none"> • It’s recommended the following bolded text be added to the second paragraph in this section: “To ensure that best science and sound technical assessments forms the basis of these land use plans...”.
Monitoring and Evaluation (Step 5) Monitoring Evaluation	<ul style="list-style-type: none"> • The following edits under subsection 3.5.1 “Monitoring” are recommended: <ul style="list-style-type: none"> ○ “Subwatershed monitoring while related to implementation monitoring, is about long-term watershed monitoring through an environmental monitoring program....It is vital that monitoring programs continue throughout the subwatershed planning process.”. ○ “The monitoring program, as laid out by the Terms of Reference for the subwatershed plan, should answer...”. • The following edits are recommended to the main paragraph under subsection 3.5.2 “Evaluation”: <ul style="list-style-type: none"> ○ “Adaptive management on a watershed and subwatershed basis includes ongoing learning...”. “Research into issues and innovations, such as addressing climate change or incorporating new development and design best practices, can be

	incorporated into watershed planning in an iterative way, as watershed plans are reviewed...".
4. Public Engagement	<ul style="list-style-type: none"> • The second paragraph under this section speaks to the factors which will influence the nature and extent of the public engagement process. It is recommended that edits be made to clarify that the "requirements for public consultation should adhere to those under the <i>Planning Act</i>...". • Further, following the requirements related to the <i>Environmental Assessment Act</i>, it is recommended that requirements for public consultation through regulations made under the <i>Conservation Authorities Act</i> for hazard delineation and watershed-based resource management strategies (as identified in the public engagement strategy agreed to by the partners) be included in this section.
5. Indigenous Partnerships and Engagement <ul style="list-style-type: none"> • What is it? • Why is it important? • How to do it? • Traditional Ecological Knowledge • Indigenous Subwatershed Planning Resources 	<ul style="list-style-type: none"> • Conservation Ontario supports the inclusion of high-level guidance and best practices to assist planning authorities in engaging and developing partnerships with Indigenous Peoples and communities. It is noted that this section of the guide is very detailed, and as such, may be better placed in a reference document or Appendix in the subwatershed planning guide. Subsections on Traditional Ecological Knowledge and Indigenous Subwatershed Planning Resources should remain in the body of the Guide.
Appendix A – Key Technical Tools and Considerations	<ul style="list-style-type: none"> • For consistency with the intent of the Guide, it is recommended that references be made to "subwatersheds" and "subwatershed planning", rather than "watershed/subwatershed" in most situations. • Under the subheading for "Climate Change", Conservation Ontario requests that "...and Conservation Authority watershed-based resource management strategies" be added to the end of the first sentence. • In addition to the sections included in Appendix A, the addition of two new sections is recommended: Natural Heritage (with a reference to the Natural Heritage Reference Manual) and Cumulative Effects (including how they can be identified and managed through subwatershed planning). Further it's recommended that Appendix A include a reference to other technical guides which are in progress (e.g., the Low Impact Development Stormwater Management Guideline). • It should be noted in the Appendix that the water budgets that were completed at the onset of the source water protection program (in most cases over a decade ago) may not reflect new/available information of modelling approaches and evolving land uses to accurately inform subwatershed plans.

To: NPCA Board Members

From: Linda Manson

RE: NPCA as a weak link in Niagara's Natural Environment System Policies

March 14, 2022

In my January 14, 2022 letter, I implored you to avoid the long-term consequences of continued inaction on the matter of removal of "rogue era exception clauses" in NPCA Policies:

"Just as Niagara Regional Council made its mark by choosing the BEST (Option 3C) direction for Niagara's Environmental System ... You have the power to stop NPCA from continuing to be a weak link in that system. I implore you to DO it ASAP ... So Niagara's new Regional Official Plan does not go to PRINT exposing NPCA's flaws!"

As follow-up, I am attaching: Feedback to the Niagara Region Official Plan Team regarding loopholes and concerns in those new Natural Environment System (NES) Policies — written by me and submitted on behalf of Biodiversity and Climate Action Niagara — citing NPCA policies as a weak link throughout the NES.

This feedback is now a public document re-confirming NPCA policy flaws exposed in the NES.

As long as 'rogue regime' NPCA policies continue to be the status quo, precious natural assets will continue to be destroyed by inaction on your watch — and that will be your legacy.

Linda Manson

P.S. Proposals for Bridgeburg North/Frenchman's Creek (Fort Erie) development and Merritt Road (Pelham/Thorold) extension are in the hands of NPCA staff right now — two huge PSW complexes in urgent danger of being the latest victims of "permissive policies" Ontario's Auditor General repeatedly (since 2018) called for review.

Next 4 pages ...

Feedback to the Niagara Region Official Plan Team

Submitted on behalf of Biodiversity and Climate Action Niagara

RE: Natural Environment System (NES) Policies, Niagara Region ... by Linda Manson, Niagara Falls

[NOTE: Highlighting NOT in original document — added here for ‘NPCA-specific’ reading convenience.]

To: David Heyworth and the Niagara Official Plan Team

RE: Natural Environment System (NES) Policies, Niagara Region
by Linda Manson, Niagara Falls

Submitted on behalf of Biodiversity and Climate Action Niagara.

URGENCY: *Some loopholes need plugging NOW — to invoke environmental protections added under new NES policies. Waiting for Niagara Official Plan (NOP) approval (by council or province?) will be tragically too late. The rush to fast-track the planning process to ‘get in under the wire’ is underway ... and enormous ‘forever’ losses are at stake.*

Case in point: Bridgeburg North /Frenchman’s Creek in Fort Erie — moved UP to #1 in priority (by council approval of staff report on Dec. 13/21) in “anticipated completion” of the NOP in July 2022: “The process of developing Secondary Plans according to the new Regional Official Plan may involve preparation of additional technical studies to evaluate matters such as ... recommendations for protection and conservation of natural heritage features and systems ... that may have an impact on the cost and time spent on future Secondary Plans.” (PDS-105-2021) <https://www.forterie.ca/WebSite/minutes.nsf/0/5A0D345C53850C51852587A600716E6B/%24File/December%2013%20-%20Regular%20Council.pdf> (page 92-93)

Urgent Loophole: 3.1.7.3 [Transition and Implementation] ... b) “Where lands have been draft approved for development ...” **Q: An EIS can be allowed to stand without consideration of NES?** Now that the **Natural Heritage System significance of the Bridgeburg North/ Frenchman’s Creek has been mapped**, if this loophole is not plugged now, the NES will lose all credibility.

Urgent Loophole: 3.1.4.8. “Maintaining Protection for Woodlands that have been Disturbed a) Where a feature was identified as a significant woodland as of the date of approval of this Plan.” **This is excellent EXCEPT ... woodlands will lose status until NOP approved!**
Q: Until NOP is approved by council? Or province? [One town has been waiting since August.]
Q: How can they be protected NOW?

Loopholes in General: **As long as loopholes exist they will be exploited.** Words like “may, generally, encourage, suggest” (of provincial or regional origin) ... ‘exceptions’ dependent on EISs ... and **reliance on NPCA guidelines (with ‘rogue-era’ policies denounced by Ontario’s Auditor General, concerning PSW buffers and biodiversity offsetting, still in force!) ... could all be exploited to bring about downfall of all good intentions in the NES.**

Q: Will you be willing to strengthen the language — to be more enforceable?

Q: [As NPCA role changes] Will NES policies have power to over-ride slack NPCA guidelines?

Loophole: NES Policy 3.1.2.6.2. ... “While Niagara Peninsula Conservation Authority may approve offsetting of wetlands under its Policies and in accordance with its Regulatory role, the use of **offsetting is not supported** by this Plan.” [NPCA is a weak link thru-out NES policies!]

Q: Why not stated as *offsetting is not allowed*?

General Weakness: Lack of expertise/oversight/enforcement at lower tier municipalities.

Case in Point: Richmond Street Forest pond was promised protection (in writing) but recently decimated (wetland full of hibernating frogs was bulldozed, all trees on site were leveled) via ‘work permit to remove dead trees’ (which serve environmental purposes and should have been left standing unless they pose a hazard)—approved by city engineering with no clue of ecology (further proven by approval of plans to put in a stormwater pond right next to the frog pond!) ... And this is only the latest case in a long history of such disgraceful “oops!” across Niagara!

We need to employ ecologists, biologists, environmental policy experts and urban foresters focused solely on protecting our natural environment, with power to enforce NES policies.

Q: What such ‘expertise’ and ‘power’ exists on-staff at Region?

Q: With such ineptitude at local level, how will anything in the NES be respected or enforced?

3.1.8.2. Waiving and Scoping of Studies ... d) “The Region, at its discretion, may delegate the waiving and/or scoping of an environmental impact study and/or hydrologic evaluation to the Local Municipality if the proposed development or site alteration is minor, and if the lands affected are within a settlement area.”

Q: How/why delegate to local municipality — where staff have NO environmental expertise?

NES Policies NOT being considered ... in the rush to approve prior to NOP approval:

3.1.4.12. “Considering Cumulative Impacts Through the Development Application Process

a) ... shall be required ... b) ... related to development impacts on the same or adjacent feature as it relates to impacts on the Region’s Natural Environment System.”

[At NFalls Council meeting Dec 7/21, councillor asked, in relation to this policy: “Was adjacent PSW within Ussher’s Creek complex considered?” Staff answer: “No!” as if why would it be?]

Q: How will this EVER be enforced, with municipal planners so out of touch with NES Policies?

3.1.2.4.6. a) “New development or site alteration within a Provincial Natural Heritage System shall demonstrate that: ii) connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape.”

[NOT being done at Chippawa East— where adjacent PSWs of Ussher’s Creek PSW Complex are across road from each other. Legend’s Estates side NOT even taken into account!]

Q: What recourse will there be to enforce this policy in this case?

Planting Native Species: 3.1.7.10. b) “Local Municipalities are **encouraged to require** native species as conditions of all development and site alteration applications; and c) The Region **encourages** the use of native species plantings at Regional and municipal facilities and along transportation and utility corridors.”

*Q: So municipalities will have **no power to enforce** with developers?*

*Q: Why not **require** native species plantings **on all public lands**?*

Endangered Species: NES policy 3.1.4.3 a) states, “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with Provincial and Federal requirements.” Provincial Policy is only the very least we can do; and the current government has demonstrated no desire to protect endangered species (laws are being weakened even as our NES is being written). Endangered species deserve *better-than-that* protection Region-wide vs. entrusting to local municipalities to possibly strengthen.

[Niagara Falls had a policy of TOTAL protection of endangered species within its Official Plan — until its council lowered the bar to provincial/federal standards for the infamous Thundering Waters Forest (Riverfront Community) development, because that policy was too restrictive for the developer’s plans. If only that TOTAL protection had been at our Regional level!]

Q: (Just like 3C) ... Region has the power to ‘raise the bar’ ... So why not recommend better?

NES Policy 3.1.2.6.3 a) states “ ... an environmental impact study [EIS] will not be required for a proposal for development or site alteration on a site where the only natural heritage feature and area is the habitat of endangered species and threatened species.”

Q: Why is habitat of endangered and threatened species not enough to warrant an EIS?

Questionable Policies/Guidelines:

3.1.2.3 a) Changes to the limits of the Natural Environment Area designation may be considered through the submission of an environmental impact study and/or hydrologic evaluation ... [per] Region’s Environmental Impact Study Guidelines and/or Hydrologic Evaluation Guidelines.

Q: How current are those Regional Guidelines?

Q: Do they still include the Jan 2018 (cabal era) ‘administrative update’ to 2012 guidelines?

Q: What did that cabal era ‘update’ change/add/delete?

3.1.8.4. a) Requiring a Peer Review ... *Q: Why no guidelines of how chosen or by whom?*

3.1.3.1. ... d) “As much of the area adjacent to the shorelines of watercourses and Lakes Erie and Ontario as possible shall be maintained as a naturally vegetated buffer where new lots are being created, where vacant lots are being developed, and when redevelopment on existing lots is proposed. ... i) ... should span the entire water frontage and be **at least 15 metres in depth from the normal high water mark.**” *Q: What is normal today? NFalls Review (Dec.11/21) shows waves crashing over Waverly Woods walkway: New normal? If so, will this policy be enforced?*

3.1.5. “Development or site alteration proposed within or adjacent to a natural hazard ... requires approval of the NPCA; and 3.1.5.1. a) i) Development shall generally be directed to areas outside of hazardous lands adjacent to the shorelines of Lake Erie and Lake Ontario which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards.” Great in theory, but ... !!! NPCA is proving to continue to be a weak link — demonstrated by approvals of development at Waverly Woods and adjacent Harbourside, now being ravaged by shoreline erosion. [Bridgeburg North/Frenchman’s Creek is also a significant flood hazard area!]

Questionable Policies/Guidelines ...

3.1.4.1. Identifying and Protecting Other Woodlands to Maintain Treed Area in the Region

b) Development and site alteration shall not be permitted in other woodlands **unless it has been demonstrated** through the preparation of an environmental impact study that there will be no negative impacts on other woodlands or its ecological functions.

Q: Why allow at all — if serious about protecting woodlands/treed area in the Region?

Q: Relieved to see the 20 ha site south of Hwy#3 removed from urban boundary expansion, but how could it have been recommended in the first place, in light of this NES policy?

3.1.4.2. Protecting Fish Habitat ... **“Development may be exempted** from this requirement provided that: i) the development satisfies Provincial and Federal requirements or has been specifically authorized by the appropriate approval authority; and ii) **the setback, vegetation buffer, stormwater management, and slope related policies** of this Plan are met and **the proposal is not for major development.**

Q: Why not setting standards above provincial level — to actually protect?

Q: Plan is to destroy fish habitat via Merritt Road expansion — a super-wide 4-lane roadway plus bike lanes, plus infrastructure ... and this is not major enough to stop?

Q: Relying on NPCA as approval agency? Fish there have no chance.

3.1.4.4. “Areas of Natural and Scientific Interest (ANSI) ... value related to geology, ecological functions, scientific study, or education and significance ... a) Development and site alteration shall not be permitted within ... or within 50 metres of an [ANSI] unless it can be demonstrated that there will be no negative impacts ...”

Q: Which is it? Not allowed within ANSI? Or within 50 metres of ANSI?

Q: Allows development and site alteration WITHIN ANSIs based on EISs?

3.1.7.5. “Decisions on Applications Related to Previous Site Specific Approvals in the Greenbelt Plan Area a) Where the Regional Official Plan or a Local Official Plan was amended prior to December 16, 2004 to specifically designate land use(s) ... not required to conform with the Greenbelt Plan. b) Where a Zoning By-Law was amended prior to December 16, 2004 to specifically permit land use(s) ... not required to conform with the Greenbelt Plan.”

Q: Are these ‘grand-fathering’ concessions by provincial law? Or is this a Regional exemption?

Q: As worded, would this actually allow development in what are now Greenbelt areas?

Natural Asset Initiative (NAI): After the Official Plan is done, the Region will be undertaking an NAI — calculating the value of services provided by natural assets, as we have for our built infrastructure, so better cost/benefits analysis can be done when development being considered.

Q: How will this subsequently be incorporated/reflected in NES policies and enforcement?

Q: Why is there not even a space slotted for Natural Infrastructure within Infrastructure s.5.2?

Q: What is your NAI timeline?

To: NPCA Board Members cc: CAO
From: Linda Manson

January 14, 2022

I watched the discussion of wetland buffer setbacks at NPCA's December 2021 Board meeting with dismay — again. In spite of the Auditor General's scathing rebuke* and her repeated calls for review of *"permissive policies under the interim [2013] directives regarding developments near wetlands ...,"* those former 'rogue regime' NPCA policies continue to be the status quo — and wetlands continue to fall forever by the wayside, as a result — on your watch!

Two years ago (at Feb '20 Board Meeting) I delegated about the infamous Niagara Falls fiasco called Paradise Niagara/Thundering Waters*/Riverfront (albeit I was not allowed to name it). I detailed how this environmentally devastating project had been allowed to proceed via NPCA's permissive PSW buffer policies ... and begged you to right that wrong of failure to protect.

Since 2013, notoriously weak NPCA policies have been cited, used and abused at will to 'justify' buffers of 15, 10, even 5m — as not only 'allowed,' but the 'new normal' — on plans presented at open houses, public meetings, information sessions and city council meetings ... upheld by NPCA and municipal staff without personal environmental credentials to refute it.

For three years, you have discussed/deferred/referred to staff — failing to prioritize this issue — when all you had to do was **simply pass a motion to delete two rogue 'exception' clauses**!**

And all you did at December's meeting? Was call for yet another 'staff update' in March '22.

As you enter this final year of your term, those rogue wetland policies still remain. Untouched. Since it is the Board's responsibility to set policy and direction? That failure to fix is yours. That flawed 2018 Policy Document? Is now yours. And for those of us who fought our hearts out to over-throw the 'rogue regime,' then save the NPCA? That inaction has been a betrayal.

The only response I ask to this correspondence is action — remembering that Provincial Policy Statement (PPS) standards are merely a baseline you can improve upon. Strong policies are in place and enforced without exceptions in other Conservation Authorities. Why not in Niagara?

Just as Niagara Regional Council made its mark by choosing the BEST (Option 3C) direction for Niagara's Environmental System ... You have the power to stop NPCA from continuing to be a weak link in that system. I implore you to DO it ASAP ... So Niagara's new Regional Official Plan does not go to PRINT exposing NPCA's flaws!

Holding on to Hope (FINAL Time),
Linda Manson

**Please read & heed: 6.2, 6.2.1 and 6.2.2 of Auditor General's Report: Special Audit of NPCA (September 2018)*
https://www.auditor.on.ca/en/content/specialreports/specialreports/NPCA_en.pdf

***Please read & remove these two rogue-era 'exceptions': 8.2.3.3 & 8.2.3.5 of NPCA Policy Document*
<https://npca.ca/images/uploads/common/LandUsePlanning.pdf>

March 16, 2022

Via Email Only

Mr. David Heyworth, MCIP, RPP
Senior Planner
Niagara Region
1815 Sir Isaac Brock Way
Thorold, ON, L2V 4T7

Dear Mr. Heyworth

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Consolidated Draft – New Niagara Official Plan**

Thank you for the opportunity to provide feedback on the draft consolidated new Niagara Official Plan (NOP). We are pleased to see the progress Niagara Region is making on the NOP and appreciate the amount of work involved in this project. Overall, the draft NOP is a significant improvement over the current Official Plan. The NPCA provided comments on the draft Chapter 3 on November 12, 2021. We have reviewed all draft chapters and offer the following comments.

Since our previous comments, the NPCA Board of Directors (the Board) directed NPCA staff to provide an update on the NPCA's Planning and Permitting Policies (NPCA Policies) Review at the March 2022 Board Meeting and a draft of the updated NPCA Policies to be presented to the Board by the end of this year. To facilitate this, our Policy review has been split into two phases. The first phase consists of a jurisdictional scan, gap analysis of the NPCA's Policies and developing a work plan for the second phase. We have retained a consultant to complete this work and provide a report for our March Board Meeting. The second phase will commence immediately following Board endorsement of the findings in phase one and will involve making changes to the NPCA Policies to address the recommendations of phase one.

Several areas of our Policies, particularly around buffer widths, wetlands and compensation are being closely reviewed and will likely change based on the outcome of phase two. As a result of, we have reconsidered some of our previous comments regarding the NOP. This is to help ensure better alignment of future NPCA policies and NOP policies so as to avoid any conflict and better define clear boundaries between the NPCA's role and Region's role in application review.

Chapter 1

The NPCA has no comments on this chapter.

Chapter 2

The NPCA has no comments on this chapter.

Chapter 3

The NPCA previously raised concerns with the new term Other Wetland. We note that the definition has been revised to mean “lands that meet the definition of a wetland, and which have not been evaluated as a provincially significant wetland.” This revision will help prevent conflict between Regional policy and the NPCA’s Regulation. The NPCA has no further concerns with this definition.

The NPCA previously expressed concerns with the wording of Section 3.1.9.5.4 (formerly Section 3.1.2.6.2 (d)) and had suggested revised wording. We note that the wording has been revised as we suggested and have no further concerns with this section.

The NPCA previously requested wording changes to Section 3.1.9.5.4 (formerly 3.1.2.6.2 (d)). We have reconsidered our previous recommendation in the light of our own current policy review and request that Section be revised to delete the last sentence. As our Policies are under review and we don't know what will happen to our current offsetting policies and it is best if reference to NPCA offsetting is removed from the ROP. The NPCA recommends the Region have a stand-alone policy/section to speak to offsetting of not just wetland features but other components of the NES. The lone reference to the Region’s opposition to offsetting within a section about other wetlands leaves it unclear as to the Region’s position of offsetting on other natural heritage features.

The NPCA also expressed concerns with Sections 3.1.9.5.5 and 3.1.9.5.6 (formerly Sections 3.1.2.6.2 (e) and (f)) as they read similar to NPCA policy and the potential for confusion that could create. In reconsidering our comments in light of the uncertainty of what our wetland policies will be following the completion of our review, we recommend deleting policies 3.1.9.5.5 and 3.1.9.5.6. Policy 3.1.9.5.4 directs applicants to the NPCA when development and site alteration is proposed within 30 m of other wetlands in settlement areas that are regulated by the NPCA, at which time NPCA planning staff will advise the applicant and Region of the applicable NPCA policies.

There appears to be a typo in Section 3.1.9.5.7 (makes reference to “another” wetland). It should read as “an other wetland”.

Sections 3.1.9.9 and 3.1.9.10 include policies for buffers outside of settlement areas and within settlement areas respectively. The buffer requirements outside of settlement areas are minimum buffers. We note that within settlement areas, there are no minimum buffers; buffer sizes are to be determined through an environmental impact study (EIS). While the NPCA appreciates that settlement areas are to be the focus of growth so more flexibility in buffer sizes may be warranted, we recommend identifying some minimum buffer requirement within settlement areas.

The NPCA previously noted concerns with Section 3.1.9.10.3 (formerly Section 3.1.2.6.5 (b)) regarding potential conflict with NPCA policies for watercourse buffers. We note that our wording suggestion has been included, therefore we have no further concerns.

Section 3.1.10.2 pertains to mitigative measures to protect, improve or enhance key hydrologic areas and key hydrologic features and states that the Region or local municipality may require conditions of development and appropriate monitoring. As the NPCA regulates features that may be considered key hydrologic features, we recommend reference to the NPCA be included in this Section.

The NPCA previously noted concerns with Section 3.1.16 (formerly Section 3.1.4.6 (b)) and the ability to implement this policy. We support the intent of enhancement areas and note that Section 3.7.7.2 encourages local municipalities to pass site alteration and fill By-laws.

The NPCA previously commented on Section 3.1.23 (formerly Section 3.1.5), suggesting some wording clarification. The NPCA is satisfied with the revised wording in this Section.

Sections 3.1.26 and 3.1.27 pertain to wetland coverage and riparian coverage respectively. We previously noted that this is an important inclusion but the term historical reference conditions should be better quantified. e.g. What conditions are you referring to? Canopy cover? Wetland cover? Water quality? Also, what year is the benchmark? Implementation of the goals will not be achievable unless rigorous accounting of what needs to be maintained is established and quantified as a benchmark and monitored in terms of net gains and losses towards whatever the enhancement goal is established for 2051. A robust watershed based adaptive natural resources management cycle needs to be established to better implement this policy. This comment continues to apply.

Section 3.2.2.5 speaks to the Region preparing subwatershed planning guidelines to assist local municipalities. The province has recently posted provincial draft subwatershed planning guidelines on the Environmental Registry; any guidelines developed by the Region will need to be consistent with provincial guidelines and build upon that direction. The NPCA is well suited to assist the Region in developing subwatershed planning guidelines and we welcome the opportunity to work with the Region in developing such guidelines.

Section 3.2.3.2 describes minimum criteria for a subwatershed study. NPCA staff noticed that there is no specific mention of a water balance/budget. This should be specifically referenced as it is a key component needed for assessing impacts of development to wetlands and watercourses. We also recommend clearly stating that modelling of potential development impacts is a required component of a subwatershed plan. This is necessary in order to properly inform Secondary Plans and other large scale development.

Section 3.5 contains policies for climate change. The NPCA is pleased to see the inclusion of this section, which is more comprehensive than the current climate change policies. Section 3.5.1.7 states that climate change projections will be considered by the Region and local municipalities in land use policies, strategies and guidance, however, it is not clear what this actually means. How are the climate projections developed for Niagara to be considered? Additional clarity and direction in this policy would be helpful and better ensure the policy is implemented effectively.

Section 3.7 pertains to excess soil management and follows the recent direction from the province. Section 3.7.2.2 encourages local municipalities to develop site alteration and fill By-laws. The NPCA is pleased to see the inclusion of this policy and echo the call for local municipalities to develop their own site alteration and fill By-laws.

Chapter 4

Section 4.3.4.3 (c) states that applications for mineral aggregate operations shall consider the policies of the Conservation Authority. The NPCA appreciates providing reference to NPCA policies for such applications as conservation authorities do not have the ability to regulate works under the *Aggregate Resources Act*. We ask that the wording be changed to “have regard to the policies of the Conservation Authority”. This provides more strength to the policy.

Sections 4.3.2.4 and 4.3.9.2 (c) make reference to the Ministry of Natural Resources and Forestry. This should be changed to Ministry of Northern Development, Mining, Natural Resources and Forestry.

Chapter 5

Section 5.2.1.9 requires infrastructure planning to have full regard to natural and cultural heritage. This policy (or a new, stand alone policy) should reference natural hazards. NPCA staff did not see reference to natural hazards within Chapter 5 and it is critical that new infrastructure (particularly roads) avoid natural hazards.

Section 5.2.5.3 lists components of a stormwater management plan to be included for large scale development. The NPCA is generally supportive of this policy but recommend including reference to exploring the feasibility of low impact development measures in such development.

Section 5.2.6.8 (a) notes that the Region will continue to advise local utility providers to consult with the Region and local municipalities. We ask that this policy be amended to include “and the Conservation Authority, where applicable”.

Chapter 6

Section 6.1.1.3 identifies the criteria to be addressed in a District Plan. The NPCA supports these criteria and recommend including “natural hazards” as part of this criteria.

Sections 6.1.4.4 and 6.1.4.5 require the preparation and approval of a terms of reference for Secondary Plans. In both policies, wording should be added to reflect “with input from the Conservation Authority where applicable”.

Section 6.2 pertains to urban design. There is a policy that recommends incorporating different viewsheds into urban design, including viewsheds of significant natural heritage features into (Section 6.2.1.8 (e)). The NPCA supports this approach and encourages the Region and local municipalities to find ways of incorporating natural environmental features (not just significant features) into urban design.

Chapter 7

Section 7.1.3 provides some statements about the NPCA’s regulatory role. The NPCA recommends including a third policy that explains that not all regulated areas are included on the NPCA’s mapping: “While the Niagara Peninsula Conservation Authority makes every effort to ensure its mapping of regulated areas is as accurate as possible, there are instances where a

regulated feature that has not yet been mapped may be present on a property. Where a feature on a property meets the criteria under the *Conservation Authorities Act* and *Regulation 155/06* or its successor, of a feature regulated by the Niagara Peninsula Conservation Authority, such feature shall be considered a feature regulated by Ontario Regulation 155/06, or its successor.”

Section 7.2.1.7 lists situations where an amendment to the Region Official Plan is not required. The NPCA recommends including a policy to note that changes in Schedules to the Region Official Plan resulting from updates to NPCA mapping do not require amendment to the Plan.

Section 7.3.1.4 (f) notes the effect of a proposed change to the Regional Official Plan on the Natural Heritage System. The NPCA recommends that the following be inserted after the word functions: “including cumulative impacts”.

The NPCA supports the Region adopting guidelines as per Section 7.5.5, including guidelines for EIS, hydrologic evaluations and subwatershed studies. Please note that the NPCA will be establishing its own guidelines for EIS and water balance/budgets for the administration of *Regulation 155/06* and to assist with the review of *Planning Act* applications as appropriate. We will work with the Region to ensure consistency to the degree possible between any NPCA guidelines and Region guidelines.

Section 7.6.1.3 (b)(ii) notes that the Region will establish performance measures for gauging the effectiveness of the integrated Regional Natural Heritage System and progress towards climate change mitigation measures. There will need to be careful consideration for the selection of such metrics to ensure accurate and meaningful data is collected. The NPCA would welcome the opportunity to work closely with the Region in this regard in both establishing performance metrics and measuring/monitoring performance of the Region’s Natural Heritage System.

Table 7-1 lists study requirements for a complete application. We recommend that the description for geotechnical and slope stability study be revised to say: “Any development or site alteration proposed near valleylands or hazardous lands identified by regulations of the Niagara Peninsula Conservation Authority”. This reflects the fact that such reports can be required for assessing steep slopes that are not part of a valleyland system.

I trust these comments are helpful for the Region’s on-going work. If you have any questions, please let me know.

Regards,



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

cc: Mr. David Heyworth, MCIP, RPP, Niagara Region (email only)
Ms. Chandra Sharma, MCIP, RPP, NPCA (email only)
Ms. Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP, NPCA (email only)
Ms. Sarah Mastroianni, NPCA (email only)
Mr. Jason Culp, C.Tech., EP, NPCA (email only))
Mr. Geoff Verkade, NPCA (email only)

Report To: Board of Directors

Subject: Human Resources - 2021 Update

Report No: FA-05-22

Date: March 25, 2022

Recommendation:

THAT Report No. FA-05-22 RE: Human Resources - 2021 Update **BE RECEIVED.**

Purpose:

The purpose of this report is to provide the Board with an update of Human Resources actions during 2021.

Background:

The Board has expressed an interest in understanding the Human Resources actions at the NPCA. As a standard governance practice, staff will provide the Board of Directors with an update on Human Resources actions, initiatives, and basic reporting annually.

The previous Human Resources update board report covered up to June 30, 2021. Information contained within this report will cover to mid-March 2022, with subsequent reports occurring annually.

Discussion:

Staffing

Since June 30, 2021, there have been 5 additional full-time (including FT permanent and FT contact and excluding seasonal) staff and 1 departure, resulting a turnover rate of 1.8% and staff levels as of March 15, 2022, of:

- FT permanent: 56
- FT contract: 5
- Seasonal: 15

Funding Applications to support Youth and Student internship opportunities

Grant applications were submitted for a number of wage subsidy programs over 2021 targeting valuable youth employment experiences. By providing opportunities for youth in the areas of Recreation, Heritage, Restoration, Resources and Communications, NPCA was fortunate to have secured a number of youth wage subsidies for a total of \$48,242.

Recruitment & Selection

There were 10 positions posted during this reporting period. Hiring committees are comprised of at least 3 interviewers who evaluate candidates on education and experience qualifications along with qualitative interviews and where possible a practical assessment component. The following is a list of the recruitment activities for the reporting period.

ROLE	CLASSIFICATION	RECRUITMENT STATUS
Planning Ecologist	New Position - permanent	Candidate began 08/09/21
Administrative Assistant, Corporate Services	Backfill - permanent	Candidate began 08/23/21
Manager, Strategic Business Planning & Public Relations	Backfill - contract	Candidate began 09/13/21
Health & Safety/Human Resources Administrator	New Position - permanent	Candidate began 10/04/21
Manager, Planning Ecology	Backfill - permanent	Candidate began 03/07/22
Program Assistant	New Position - contract	Candidate began 03/11/22
Water Resources Engineer	New Position - permanent	Recruitment in Progress
Accounting Coordinator	Backfill - permanent	Recruitment in Progress
Flood Risk Management Officer	New Position - permanent	Recruitment in Progress
Planning Technician	New Position - permanent	Recruitment in Progress

Employee/Labour Relations

No grievances/complaints have been filed during this reporting period with continued relationship building occurring between the employer, employees, and union. The current Collective Bargaining Agreement has expired as of December 31, 2021. Planning is currently underway and negotiations expected to begin within the coming months.

During the later half of 2021, in contemplation of the completed NPCA 10-year strategic plan and the updated Conservation Authorities Act, a re-alignment exercise was completed. Staff consultation was sought to determine the best structure and alignment of the organization to move forward, and feedback was used to guide organizational re-alignment to position the NPCA as leaders in Conservation.

The revised structure was presented to staff in March 2022 and a change management committee has been formed to manage the smooth transition to the newly aligned structure in the coming months.

Departments under the revitalized structure include:

Corporate Administration:

The Corporate Administration Department oversees the authority's administrative and governance functions supporting the Board of Directors and Committees, human resources, health and safety, business planning, and public relations (including communication and marketing). Implementation of Strategic Plan and performance reporting, training and succession planning, and compliance with the Municipal Freedom of Information and Protection of Privacy Act is also led by this department. In addition, the Corporate Administration and Corporate Service will collectively lead coordination with the Niagara Peninsula Conservation Foundation (NPCF).

Business Units include:

- Governance
- People & Performance
- Business Planning & Public Relations

Conservation Areas:

The Conservation Areas Department manages the operation and maintenance of 41 Conservation Areas for recreation, heritage preservation, conservation, and outdoor education. In addition, this department leads the education programming, park events, and services such as weddings and rentals. The new realigned Land Care Business Unit will oversee the day-to-day management and enhancement of passive conservation areas, including trails, and support conservation area Management Plans. This department is also responsible for land lease and property agreements with support from corporate services.

Business Units include:

- Programs & Services (including Education and Cultural Heritage)
- Conservation Parks
- Land Care

Planning & Development:

The Planning and Development Department is responsible for administering and implementing NPCA's legislated and delegated roles in the planning and development approvals. NPCA's advisory and permitting function under the Environmental Assessment Act and associated legislation and input on municipal environmental planning policies and infrastructure development are being strengthened by creating a new Business Unit. The technical review of water resources is also supported by focusing on physical sciences and applied engineering (e.g., hydrology, hydraulics, fluvial geomorphology, and hydrogeology) by understanding water's natural processes, features, and functions within the urban landscape. Finally, a dedicated and experienced Planning Ecology team has also been established in a stand-alone Business Unit to address existing gaps in technical support for plan reviews and permits and natural heritage support.

Business Units include:

- Water Resources
- Planning & Permit Administration
- Environmental Planning & Policy
- Compliance & Enforcement
- Planning Ecology

Watershed Strategies & Climate Change

The Watershed Strategies & Climate Change Department will deliver studies and technical analysis that provide comprehensive, integrated watershed policy and technical direction within the framework of NPCA's new Watershed Resource Strategy. This strategy is to be developed as a Conservation Authorities Act requirement. The climate change mandate includes obtaining the best knowledge of current and future patterns of weather and climate, understanding potential impacts, and recommending actions to build resilience. Coordinated with Corporate Services and Conservation Parks, this department will also facilitate NPCA's corporate climate change action to reduce our own footprint. A new Business Unit will lead the update of NPCA's land management plans, land inventories, and forest management plans. In addition, a dedicated Business Unit will conduct a comprehensive water and biodiversity monitoring program and report through watershed report cards. Coordination of climate change initiatives will be undertaken by dedicated staff under the direct supervision of a Director and sponsorship of the CAO. On-the-ground implementation of watershed restoration strategies, stewardship and community engagement, as well as the Niagara River Remedial Action Program, are other key program areas.

Business Units include:

- Integrated Watershed Planning & Restoration
- Watershed Monitoring and Reporting
- Land Planning
- Climate Change & Special Programs

Corporate Services

The Corporate Services Department provides enabling support for fundamental business operations focusing on organization risks, standard operating procedures, and financial stability. Finance, facilities, fleet, information management, records, organizational insurance, and asset management planning are key functional areas. Additionally, a new project management office is being created to enable NPCA's delivery on infrastructure capital projects related to NPCA assets, as well as flood and erosion mitigation capital projects, using conservation authority environmental assessment process and partnerships with municipalities. Similarly, NPCA will develop a grant centre to facilitate centralized support and tracking/reporting of funding and grants. The Flood Management Program, which includes long-term plans, management of flood risk, operation of flood infrastructure, and flood forecasting and warning, is also part of this department.

Business Units include:

- Finance
- Information Management
- Corporate Support
- Infrastructure Engineering & Asset Management – PMO & Flood Risk Management
- Grant Centre

Performance Management

A structured performance management approach continues with performance reviews occurring annually. 2022 work planning will encompass the deliverables of the Strategic Plan, Conservation Authorities Act transition planning, and the strategic objectives of the re-alignment.

Training

Corporate training occurring during this reporting period has consisted of training on both general and specific applications of Municipal Freedom of Information and Protection of Privacy, Working at Height and Ice Safety Rescue. Various individualized, program specific training has also occurred on an as available basis.

Health & Safety

With continued developments in COVID-19, protocols were reviewed and updated to ensure ongoing safety of staff and customers. With the desire to facilitate a return to office, a vaccination policy was developed and implemented for staff, volunteers, board, and committee members. Further consideration has also been given to the development of an alternative work arrangements policy to allow greater flexibility, work-life balance, improve employee satisfaction and sustain productivity, innovation, and effort. The policy is currently in the review stages with a planned return to the office in April 2022.

Financial Implications:

This is an update report and there are no financial implications.

Links to Strategic Plan:

As a good governance and administrative practice, this report provides updates to the Board on Human Resources practices within the NPCA aligned with the new 10-year strategic plan.

Related Reports and Appendices:

None

Authored by:

Original Signed by:

Misti Ferrusi, CHRL
Manager, Human Resources

Submitted by:

Original Signed by:

Chandra Sharma MCIP RPP
Chief Administrative Officer/Secretary-Treasurer

Report To: NPCA Board of Directors

Subject: Marketing and Communications 2021 Year-End Summary

Report No: FA-06-22

Date: March 25, 2022

Recommendation:

THAT Report No. FA-06-22 RE: NPCA Marketing and Communications 2021 Year-End Summary **BE RECEIVED.**

Purpose:

This report provides the Board of Directors with an overview of the NPCA marketing and communications initiatives implemented throughout 2021. In addition, it showcases how marketing and communications helped the NPCA achieve its goals for the year. The Marketing and Communications team worked with the Board and key staff to achieve their goals and increase their impact. We expanded our impact by choosing strategies and tactics, identifying target stakeholders to advance the organization's mission and objectives, and compelling others to take the desired conservation actions.

Background:

To support, strengthen, and enhance communications capacities throughout the NPCA, the Marketing and Communications team is responsible for:

- Supporting senior management in achieving the aims and objectives outlined within the strategic plan
- Brand and brand positioning development and the production of collateral required for its implementation across the NPCA
- Reputation management, including crisis communications
- Managing the NPCA's owned marketing and communications channels such as the website and corporate social media channels (our presence on Facebook, Twitter, YouTube, Instagram, LinkedIn)
- Market intelligence gathering and research
- Systematically monitoring public opinion in mass media, social media, markets, and politics
- Management of the branding guidelines, design, and print work
- Instilling and communicating good marketing and communications practices across the organization

2021 Communications Summary:

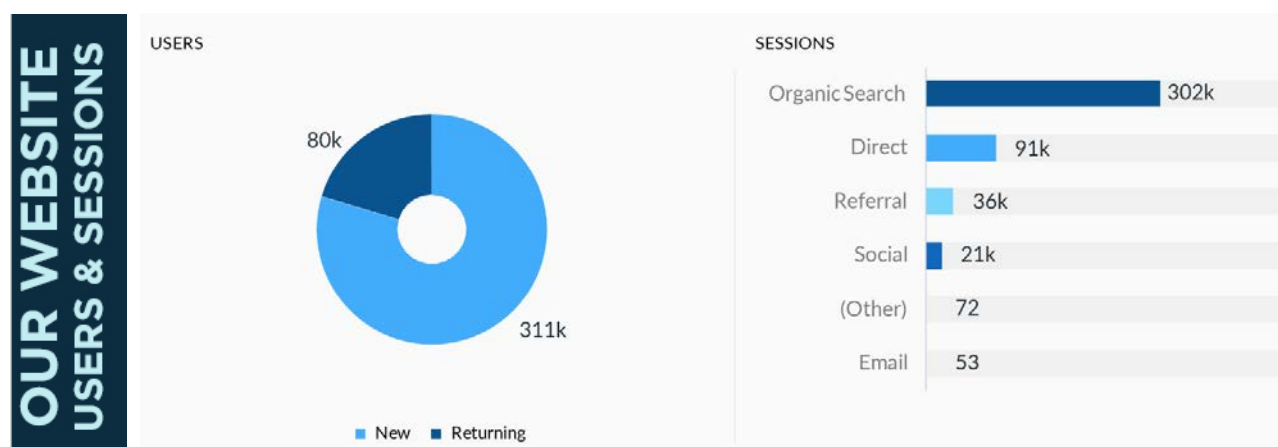
The NPCA corporate strategy is at the core of the marketing and communications framework, which should be the starting point for all organizational decisions. Every function within Marketing and Communications supports four dimensions of corporate value.

1. Enabling Operations – How marketing and communications contribute to organizational objectives, disseminate content and messages for strategic issues, and connect with key stakeholders.

The Marketing and Communications team works collaboratively with internal departments to develop essential stakeholder lists to disseminate information to targeted groups based on the project's scope. In addition, the team determines the communications deliverables and establishes a communications plan appropriate for the needs, timeline, and project size. Each project has different communications needs and relevant stakeholders (e.g., public, municipal partners, park users, and/or community groups).

This team develops appropriate communications tools (e.g., media releases, letters, postcards, social media content, online newsletters, engagement portals) to fit the specific project needs and targeted stakeholder group. For example, we created postcards to target the impacted community for a floodplain mapping project. Similarly, various branded elements are produced each year to ensure that the NPCA brand is easily recognizable when the NPCA communicates with the community. Therefore, the messaging is more likely to be trusted.

Website updates, pages, and content are also managed by this team, with input from various departments, the management team, and the Board of Directors. The website is one of the tools used to disseminate information to the public and to remain transparent. For example, Board meetings (via video), meeting dates, minutes, agendas, and governance policies are easy to find and available to the public. Twenty percent of website traffic is from returning users, 8% of website sessions came from referrals, and 67% were driven from organic searches.



The NPCA saw much success in 2021 by establishing quick turnarounds to address public inquiries through the [Get Involved](#) online engagement portal. The public submitted more than 40 questions, with the majority focused on planning and permits and enforcement and compliance. This online engagement platform has allowed NPCA to streamline email and phone inquiries received on these topics by first addressing frequently asked questions and then providing a new avenue to connect. As a result, more than 10,600 people visited Get Involved NPCA online portal in 2021.

2. Building Intangibles – How marketing and communications build reputation, overall company value, and feature experts in the field.

The Marketing and Communications team goes above and beyond traditional engagement methods, utilizing in-person public open houses and advisory committees to establish transparency and authentic engagement. For example, staff expands the overall company value by engaging and consulting with the Public Advisory Committee in projects requiring various stakeholder viewpoints. This committee is often the first touchpoint to gauge the effectiveness of communication strategies and seek input before communicating to the public or specific stakeholder groups and industries.

Building reputation and increasing brand awareness is a shared responsibility among NPCA staff. Every department interacts with key partners, the public, and communities in one way or another. Marketing and communications build on the thought leadership of the staff by sharing their stories and increasing the awareness of the good work done at the NPCA. The NPCA is considered a leader in environmental conservation, land use planning and hazard management, outdoor education, recreation/adventure, and eco-tourism.

Continuous communication with stakeholders helps build the NPCA's brand, relationship, and value as a trusted expert for our stakeholders, media partners, and the public. As a result, media and community members, such as nature clubs, reach out to the NPCA for support with initiatives, projects, and events. In addition, the media often seek NPCA expert advice on environmental initiatives and issues.

In a year where so many changes have occurred, especially concerning the *Conservation Authorities Act*, marketing and communications improved NPCA's ability to diversify funding sources and agreements. The NPCA has increased the overall company value and strengthened the reputation of the NPCA, which will be beneficial as we enter into new funding agreements with municipal partners.

In 2021 we shared meaningful stories with our communities, including but not limited to:

- 17-year partnership with Friends of One Mile Creek
- Birds on the Niagara, a bi-national celebration of winter birds
- Launch of the 2021-2031 Strategic Plan
- Forest and stream rehabilitation work at Two Mile Creek Conservation Area
- Restoration and water-well decommissioning grant programs
- Holiday winter wonderland coming to Ball's Falls

The NPCA builds trust and credibility in the community and explores partnership opportunities on projects and initiatives that enhance stewardship and advance mutual goals. With the support of our media partners both locally and nationally, the NPCA's work was shared through 45 news releases and 949 earned media stories.

OUR STAFF IN THE NEWS

- [Chandra Sharma, CAO](#)
- [Adam Christie, Director of Operations](#)
- [Natalie Green, Project Manager](#)
- [Stuart McPherson, Restoration Specialist](#)
- [Alicia Powell, Manager of Conservation Areas Services](#)

3. Ensuring Flexibility and Transparency – How marketing and communications build trust, add legitimacy of NPCA values/actions, and build stakeholder networks.

The digital landscape has proven to be the most effective medium to reach and connect with the widest audience across all stakeholder groups. For example, social media has evolved from a tool once used for sharing information to a platform that allows organizations to foster positive relationships and engage directly with their audience.

Digital media is an instrumental tool enabling the Marketing and Communications team to keep the lines of communication open and be more proactive, transparent, and consistent in our approach. We have fostered online communities that are proud of and inspired by their local conservation authority and are always happy to be featured on #SpotlightSaturday. Through these mediums, we also share and promote the valuable work of our partners in conservation, such as local nature clubs and funding municipalities. We continue to empower the community to care for their watershed and feel a sense of ownership and pride when visiting an NPCA Conservation Area.

The NPCA's social media channels promote the organization's valuable work and celebrate the achievements of staff, Board, volunteers, and partners. We highlighted the opportunities and benefits of outdoor recreation and education through digital mediums. Our channels featured projects completed through the restoration and water well-decommissioning programs. In addition, we kept the community informed on potential flooding and showcased conservation leadership on important days such as International Women's Day, Earth Day, Volunteer Recognition Week, and World Wetlands Day.

OUR SOCIALS

342,000 impressions on Twitter

83,214 impressions on LinkedIn

513,700 users through Facebook

250,000 impressions on Instagram

The NPCA generated over 342,000 impressions on Twitter, 83,214 impressions on LinkedIn, connected with 513,700 users through Facebook, and accumulated over 250,000 impressions on Instagram in 2021.

4. Adjusting Strategy – How marketing and communications apply to strategic management, fosters thought leadership, develops innovation potential, builds crisis resilience, and systematically monitors public opinion.

In 2021, the Marketing and Communications team led the strategic management and delivery of several NPCA projects and initiatives. Projects include the Wainfleet Wetlands & Quarry awareness and engagement campaign, Niagara River Ecosystem Indicator Status Change, Beaver Creek & Big Forks Creek Floodplain Mapping Update, and the 2021-2031 Strategic Plan engagement. Staff utilized various tools and tactics to ensure that information reached the target demographics accordingly. In addition, we offered a feedback process that was a positive and seamless experience for all users.

The NPCA engaged with various stakeholder groups and established its knowledge and expertise through these projects. The team shifted to using virtual delivery methods and developing new ways to inspire and share knowledge through different accessible platforms in 2021.

The Marketing and Communications team uses monitoring tools, such as Meltwater, an online media monitoring company, to track, monitor, and analyze online news. In addition, the staff monitors all mentions of the NPCA and related topics/issues. We then adjust marketing and communications strategies, tools, and tactics to analyze those results.

The team systematically monitors public sentiment through comprehensive media monitoring and analysis across online news, social media, print, broadcast, and podcasts. We also track keywords connected to the topics that matter to the NPCA and relate to our mandated work.

The NPCA continues to see a peak in media coverage every year leading up to spring and summer with the opening of conservation areas, in the fall with significant events like the Ball's Falls Thanksgiving Festival, and towards the end of the year with the Ball's Falls Holiday Trail.

When analyzing Niagara Peninsula Conservation Authority's net tonality (perception/tone of voice) in 2021, public sentiment trended upward and was overall positive. Most NPCA news was published in the St. Catharines Standard, Niagara Falls Review, and Welland Tribune, accounting for 42% of the volume share.

OUR STORIES

Editorial exposure increased 5%

The top 25 articles combined for a total reach of 70M

204 articles were shared 11.7K times on social media

Toronto Star article reached 5.7M readers

The top 25 articles in 2021 combined for a total reach of 70 million. For example, the article "[Ours to Discover: More than steel awaits on a day trip to Hamilton](#)," published in the Toronto Star, drove positive sentiment and reached 5.7 million readers. In addition, 610 CKTB provided the highest number of interview and coverage opportunities.

Based on our analysis and another record-breaking year for attendance at conservation areas and events, spending extensive advertising or marketing budgets was unnecessary to promote experiences and opportunities. In addition, NPCA's recreational opportunities were almost always sold out in 2021 without the need for additional news coverage to assist with exposure.

The Niagara Peninsula Conservation Authority had a successful year due to improved media relations and increased trust and support from the community. As a result, the NPCA's reputation continued to trend positively throughout 2021, despite some instances of negative press.

Conclusion:

Marketing and communications play a vital role in promoting the business and mission of the NPCA. In addition, the team tells the stories of the people, the work, and the exceptional value that NPCA delivers to the watershed.

Financial Implications:

All NPCA marketing and communications expenses were allocated in the 2021 operational budget.

Links to Policy/Strategic Plan:

1. [NPCA Media and Communications Policy](#)
2. [NPCA Strategic Plan 2021-2031](#)
 - Goal 3.4 – Promote the watershed as a destination of choice for adventure, culture, and ecological tourism
 - Goal 4.1 – Strengthen government relations toward collective outcomes and impact
 - Goal 4.2 – Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact

Authored by:

Original Signed by:

Rebecca Hull
Manager, Strategic Business Planning & Public Relations

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Compliance and Enforcement 2021 Year-End Summary

Report No: FA-09-22

Date: March 25, 2022

Recommendation:

THAT Report No. FA-09-22 RE: Compliance and Enforcement 2021 Year-End Summary **BE RECEIVED.**

Purpose:

The purpose of this report is to provide the Board with an overview summary of the 2021 activities related to the Compliance and Enforcement business unit within the NPCA.

Background:

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

The NPCA Regulations team currently consists of four staff: two Regulations Officers, a Planning Technician shared with the Planning and Development team (new in 2022) and a Manager. Regulations Officers for the NPCA must pass an approved training course to execute their authority from the Conservation Authorities Act and Ontario Regulation 155/06 "Regulation of Development, Interference with Wetlands, and Alteration to Shorelines and Watercourses" as well as the Provincial Offences Act. NPCA Officers are also designated Provincial Offences Officers and are appointed as Officers of the Conservation Authority by the NPCA Board of Directors.

Discussion:

2021 Year in Review

As with many aspects of the NPCA's operations, compliance and enforcement activities were and continue to be adversely impacted by the COVID-19 pandemic. Health and safety concerns with conducting site inspections, remote work requirements, and the temporary closure and limited

capacity of the Provincial Courts have all impacted staff's capabilities to coordinate compliance and enforcement processes. This has increased the number of files which are still under review due to a backlog of files from 2020 and 2021. Discussions with regulations staff from other Conservation Authorities indicates that this is not a problem unique to the NPCA.

A significant challenge for Regulations staff throughout 2021 continued to be the amount of time dedicated to managing public complaints which ultimately are not within the legislative jurisdiction of the Conservation Authority.

2021 Accomplishments

Throughout 2021 the Regulations team continued to focus on making improvements to service delivery, training, agency and municipal partnerships and compliance forward communications.

To achieve this several key activities included;

- Revising the Compliance & Enforcement webpage to include a detailed FAQ section and enhanced online complaint form.
- Establishing a dedicated enforcement extension (255) for receiving and electronically documenting concerns and complaints.
- Outfitting NPCA Regulations Officers with appropriate uniforms and dedicated NPCA vehicles.
- Developing and implementing several key Compliance & Enforcement Standard Operating Procedures.
- Participating as a member on the Regulations and Compliance Committee of Conservation Ontario.
- Assisting to deliver the first online Level 1 Provincial Offences Officer course for new Conservation Authority regulations staff.
- Participating in the Latonnell Conservation Symposium Section 28 training workshops

Continuous Improvements

A range of continuous improvements are planned for 2022, including but not limited to: a renewed focus on abatement activities and issued Section 28 permits with non-compliance risks or concerns, implementation of the CityView Enforcement Module and CityView Mobile application, a new NPCA Compliance & Enforcement procedural manual to form part of the NPCA Procedural Manual, as well as contributing to be involved in the development of an updated NPCA Policy Document.

Through the 2022 budget process, there is one new shared growth position for a Planning Technician to assist with easing workload constraints related to administrative and technical tasks, responding to and completing an initial review of complaints, and to support the Regulations Officers in their day-to-day functions.

Additionally, the Regulations and Compliance Committee of Conservation Ontario is currently working on the development of Standard Operating Procedures for all Conservation Authorities in relation to Section 28 and Section 29 enforcement activities. NPCA staff participate on this committee. These activity-specific SOPs will form part of the revised Conservation Authority Enforcement Manual (and new NPCA Procedural Manual) which was last updated in 2011.

However, delays by the Provincial government in proclaiming existing sections of the Conservation Authorities Act or developing a regulation(s) resulting from recent changes to the act, will impact the completion of both the SOPs and the revised manual due to legislative uncertainty.

2021 Compliance and Enforcement Statistics

The Regulations team tracks a significant amount of data in relation to each complaint and potential violation reported to and investigated by staff. This is done both to support progressive compliance or enforcement actions if required, provide all Regulations staff with access to pertinent file data, and to identify and assess on-going or continuing concerns, trends, and resourcing requirements. These statistics are only for Section 28 complaints and violations and do not include concerns in relation to Section 29 of the Conservation Authorities Act (Conservation Authority properties) or the Niagara Region Tree and Forest Conservation Bylaw, which the NPCA administered up until January 31, 2021.

Quarterly updates on abatement, compliance and enforcement statistics will also be provided to the Board in April, July, and October in 2022.

The statistics below are from January 1, 2021, to December 31, 2021.

General File Statistics 2021

	2021
Open / Active Files	122
Closed / Resolved Files	208
TOTAL	330

Complaint Validity 2021

	2021
NPCA Jurisdiction	96
Non-NPCA Complaints	123
Section 29 (Operations)	5
Under Review by NPCA	106
TOTAL	330

Complaint / Violation Avenues 2021

	2021
Voicemail / Phone	50
Email / TIPS Online	179
Professional Contacts	55
Officer Found	8
Other / Not Specified	38
TOTAL	330

Notices of Violation 2021

	2021
Notices Resolved	10
Notices Unresolved	15
TOTAL NOTICES ISSUED	25

Complaints and Potential Violations by Municipality 2021

	2021	% TOTAL
Fort Erie	44	13.3%
Grimsby	5	1.5%
Haldimand	11	3.3%
Hamilton	14	4.2%
Lincoln	23	7.0%
Pelham	22	6.7%
Niagara Falls	22	6.7%
Niagara-on-the-Lake	26	7.9%
Port Colborne	26	7.9%
St. Catharines	35	10.6%
Thorold	7	2.1%
Wainfleet	43	13.0%
Welland	23	7.0%
West Lincoln	18	5.5%
No Location	11	3.3%
TOTALS	330	100%

Challenges

The compliance and enforcement business unit is working at capacity to ensure NPCA Section 28 regulatory responsibilities are being adequately managed. The Regulations team strives to maintain a service-oriented, solutions-based approach to compliance complaints and potential violations. However, from 2019 to 2021 complaints increased 200% from 110 in 2019 to 225 in 2020 and 330 in 2021. Additionally, for those files where Notices of Violation have been issued, there is a significant requirement of staff time across multiple departments in order to either facilitate voluntary compliance (i.e., restoration or remediation), or to complete a full investigation and potentially proceed to court action.

Financial Implications:

There are no additional financial implications for the day-to-day operations of the Compliance and Enforcement business unit as the work is accounted for in the 2022 budget. However, should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be costs associated with these activities. Additionally, the NPCA regulations team will continue to employ prioritization strategies to allocate the resources to appropriately respond to the more significant and high-risk contraventions of the *Conservation Authorities Act*.

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

Links to Policy/Strategic Plan:

The duties carried out by the Compliance and Enforcement business unit are part of the Niagara Peninsula Conservation Authority's mandate and support NPCA's Strategy Plan 2021-2031 to protect people and properties from natural hazards and climate impacts.

Related Reports and Appendices:

None.

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

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

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Niagara Peninsula Conservation Authority Policies for the Administration of Ontario Regulation 155/06 and the Planning Act - Phase 1 Review

Report No: FA-10-22

Date: March 18, 2022

Recommendation:

WHEREAS changes to Provincial legislation and plans, including amendments to the *Conservation Authorities Act* and the forthcoming Section 28 Regulation, and updates to the Upper-Tier and Single-Tier Municipal Official Plans have required staff to comprehensively review the “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” (May 1, 2020, office consolidation);

AND WHEREAS since the approval of the NPCA Policy document in 2018, the Niagara Peninsula Conservation Authority (NPCA) Board of Directors have declared a Climate Change Emergency, sent notice to the Province of Ontario to not remove any wetlands that have been designated as Provincially Significant (PSW), and provided renewed corporate direction through the new Strategic Plan 2021-2031;

AND WHEREAS on December 17, 2020, staff commenced the NPCA Policy Document update and Procedural Manual with authorization of the NPCA Board of Directors (FA- 66-20)

AND WHEREAS on April 16, 2021, staff provided an assessment (FA-24-21) in response to the Auditor General’s 2018 report – Recommendation 9 and made a commitment to further improve policies, procedures, and practices in regard to the NPCA planning and permitting role;

AND WHEREAS on December 17, 2021, the NPCA Board of Directors directed staff to propose amendments to NPCA policies to set a minimum 30 metre buffer for natural hazards, wetlands and watercourses, etc. and review the policy regarding exceptions with an update report back to the March 2022 meeting;

THEREFORE, IT BE RESOLVED:

1. **THAT** Report No. FA-10-22 RE: Niagara Peninsula Conservation Authority Phase 1 Policy Document Review with attached Appendix 1, “Niagara Peninsula Conservation Authority (NPCA) – Policy Document Update, Phase 1 Report”, prepared by Planning Solutions Inc. **BE RECEIVED.**

2. **THAT** Interim to the final Procedural Manual being completed, the Toronto and Region Conservation Authority wetland water balance technical guidance documents (received by the NPCA Board on November 11, 2021) currently used as a best practice by NPCA staff to inform Policy 12.4.1 h), “other supporting studies, as required” **BE ADOPTED**.
3. **THAT** the Buffer Width Technical Analysis and Discussion Paper to inform policy development in Phase 2 **BE PREPARED**.
4. **THAT** Interim to the final Procedural Manual being completed, Section 28 Environmental Impact Study (EIS) Guideline **BE PREPARED** for approval by the Board of Directors.
5. **THAT** Interim to the final Procedural Manual being completed, an interim Wetlands Procedure Document **BE PREPARED** for approval by the Board of Directors.
6. **THAT** the Phase 2 Workplan to prepare an updated Policy Document and Procedural Manual by the end of 2022, as provided in the staff report **BE APPROVED**.
7. **THAT** the Phase 2 Workplan **BE GUIDED** by the Amendment Process identified in Policy 12.7.2.1 of the NPCA Policy Document.
8. **AND FURTHER THAT** Phase 2 workplan **BE GUIDED** under the Advice of the NPCA Governance Committee with regular updates to the Board of Directors until the Final Approval of the Policy Document and Procedural Manual.

Purpose:

The purpose of this report is to provide the Board with an overview of the completed Phase 1 review of the “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” (May 1, 2020, consolidation), and the Phase 2 workplan for completing the updated Policy Document and new Procedural Manual. The report identifies immediate technical analysis required to support policy development in Phase 2, and the need to develop interim guidance documents until such time the Procedural Manual is approved.

Background:

The NPCA’s Planning and Permitting Policies, formally known as the, “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act”, was originally approved September 2018 and took effect November 1, 2018. The document was subsequently amended in June 2019 to add lot creation policies and to incorporate housekeeping amendments to the valleyland policies, and was amended again in May 2020 to remove the section dealing with policy variances. It is an important document used by NPCA staff in day-to-day decision making, both with respect to the review of requests for permission under The *Conservation Authorities Act* as well as in the review of applications by NPCA that are submitted to municipalities for approval under the *Planning Act*.

The current NPCA Policy Document requires review and updating based on change of corporate direction through the new Strategic Plan 2021-2031, on-going partner municipal Official Plan

Reviews, changes to Provincial legislation and plans, and recent and pending changes to the *Conservation Authorities Act* and related Regulations. At the December 17, 2020, NPCA Board of Directors Meeting, NPCA staff were authorized to commence the Policy Document update and subsequent Procedural Manual projects.

NPCA planning staff had previously reported to the Board of Directors on April 16, 2021, to provide an assessment of whether the NPCA's 2018 Policy Document policies are more permissive regarding development near wetlands than the *Conservation Authorities Act*, Ontario Regulation 155/06 and the former NPCA 2011 policies, as reported in the Auditor General's 2020 Follow-Up Report on Recommendation Number 9. In reviewing the Auditor General's 2020 Follow-Up Report, NPCA staff provided the justification to the Auditor General's office with the conclusions that the NPCA's 2018 Policies are not more permissive than the *Conservation Authorities Act*, the NPCA's Regulation and the Provincial Policy Statement. Nevertheless, as part of the Phase 1 policy review and gap analysis, the wetland policies within the current NPCA Policy Document have been reviewed against other Conservation Authority policy documents to examine any misalignments or inconsistencies.

Karen Wianecki, Director of Practice, Planning Solutions Inc., who is a Registered Professional Planner and expert in environmental planning with extensive experience working with Conservation Authorities, was retained to build upon work initiated by NPCA staff in 2021 and complete the Phase 1 policy review and gap analysis. The Phase 1 workplan had a four-fold focus:

1. To review NPCA's current Policy Document and identify policy gaps, deficiencies and inconsistencies with existing municipal policy and provincial policy, legislation and guidelines;
2. To review other Conservation Authority policies (with an emphasis on those in the Greater Golden Horseshoe) to identify good policies and good practices and to identify areas where there are points of convergence and divergence, particularly with respect to wetlands and other natural heritage buffer requirements;
3. To recommend technical reviews/studies as well as mapping/data gaps that would support the development of the new Policy Document; and
4. To develop a seven-month workplan for Phase 2.

Phase 1 included a targeted engagement with NPCA Board Members, staff and key clients. The objective was to secure as much insight and information as possible from those who know NPCA's planning review and permitting role intimately well. Input was secured through the following key modalities:

- An online survey that was open from February 7th until February 28th with an invitation extended to:
 - All NPCA Board Members;
 - All Upper-Tier, Single-Tier and Local Area Municipalities across the NPCA Watershed;
- A policy review and gap analysis through:
 - one-on-one interviews with NPCA Management;
 - one-on-one interviews with NPCA planning review, permitting and compliance staff;
- Intelligence gathering through a jurisdictional review of Conservation Authority policies (focused on the Greater Golden Horseshoe CA's) with a particular emphasis on wetland policies, wetland buffers and other natural heritage buffer requirements.

The following eight (8) Conservation Authorities' policy documents were reviewed against the NPCA Policy Document:

- Central Lake Ontario Conservation Authority
- Conservation Halton
- Credit Valley Conservation
- Grand River Conservation Authority
- Lake Simcoe Region Conservation Authority
- Hamilton Conservation Authority
- Toronto and Region Conservation Authority
- Kawartha Region Conservation Authority

Furthermore, a comparative analysis of wetland buffer policies for all 36 Conservation Authorities was completed to assess whether NPCA policies were in alignment with the other Conservation Authorities.

The results of the policy review and gap analysis is presented in the, "Niagara Peninsula Conservation Authority (NPCA) – Policy Document Update, Phase 1 Report", prepared by Planning Solutions Inc. and attached as Appendix 1.

Discussion:

Phase 1 Conclusions

In general, the Phase 1 Report concludes that the NPCA Policy Document offers a solid foundation for NPCA to communicate and further articulate its corporate position on plan review and permitting. The wording of the policies in the current Policy Document meet the intent of the Provincial Policy Statement, and the wording of the policies in the current Policy Document address the Five Tests of a permit application under NPCA's Section 28 Ontario Regulation 155/06 (i.e., control of flooding, erosion, dynamic beaches, pollution and conservation of land).

The Phase 1 Report details a number of gaps, inconsistencies and recommended updates to the current NPCA Policy Document to improve the clarity of policies, reflect recent Provincial legislative and policy changes, and clarify the intent and interpretation of policies. In total, 47 recommendations are presented that range from minor changes such as formatting improvements and references to updated legislation, to more substantial recommendations like undertaking a technical review to assess the appropriate buffers to natural hazards, wetlands and watercourses that are grounded in science and best available guidance and data. The detailed policy analysis and recommendations are appended to the Phase 1 Report.

The policy review and gap analysis identified that Niagara Region is updating its Official Plan to include policies for the identification, protection and enhancement of a new Natural Environment System (i.e., Option 3C). In addition, the City of Hamilton and Haldimand County have yet to release new draft natural heritage or natural hazard policies as part of their Official Plan reviews. The Phase 1 Report recommends that the final Niagara Region Official Plan policies, once approved, should be reflected in the updated NPCA Policy Document, and any additional Upper Tier/Single Tier municipal

planning policies be reviewed during Phase 2 to determine alignment with the NPCA Policy Document.

The amendments to the *Conservation Authorities Act* and first phase regulations will require the NPCA to revisit the existing Protocol with Niagara Region and Memoranda of Understanding (MOUs) with the City of Hamilton and County of Haldimand for the review of *Planning Act* applications. The updated MOUs with the watershed partner municipalities must be submitted to the Ministry of the Environment, Conservation and Parks (MECP) by January 1, 2024. Changes to MOUs may result in additional updates to the NPCA's Policy Document to clarify NPCA's role in reviewing of *Planning Act* applications related to natural hazards, resource management and natural heritage.

Another factor that affects the update to the NPCA Policy Document is the unknown release date of the *Conservation Authorities Act* Section 28 Regulation. When the Regulation is released by the Province, the NPCA Policy Document will require a review to ensure it is consistent with the Conservation Authority roles, responsibilities and authority under the Regulation.

Buffer Width Technical Analysis and Discussion Paper

The Phase 1 Report summarizes in detail a buffer width comparative analysis of Conservation Authority policies. The report concludes that there is variation of buffer widths to regulated features across the Conservation Authority policy documents. These differences are reflective of the different watershed-specific landscapes and natural systems, types of land use within the watersheds and applicable Provincial Plan vegetation protection zones. There is, however, consistency in policies to allow some flexibility to reduce buffer widths subject to the completion of an Environmental Impact Study (EIS) to the satisfaction of the Conservation Authority and in accordance with their guidelines. To inform the review of buffer widths within the NPCA Policy Document that is reflective of the unique characteristics of the NPCA watersheds, staff will immediately initiate a buffer width technical analysis and produce a discussion paper. The results of this technical work will be presented to the Governance Committee in August 2022, and will feed into the policy development that will proceed within the Phase 2 workplan.

Section 28 Environmental Impact Study Guideline

The implementation of the NPCA Policy Document requires in many cases the completion of an Environmental Impact Study (EIS) to assess the impact of proposed development and site alteration on regulated features and their functions, and identify the mitigative response to those impacts. To provide clarity to landowners, applicants, and consultants regarding the NPCA's expectations and requirements for completing an EIS in support of a Section 28 work permit application, NPCA staff will immediately initiate the development of a Section 28 EIS Guideline interim to the completion of the Procedural Manual. The interim EIS Guideline will be presented to the Governance Committee in May 2022.

Wetlands Procedure Document

Interim to the completion of the Procedural Manual, staff have identified the need to develop a Wetlands Procedure Document that will outline the process and study requirements for the identification, evaluation, study, protection and enhancement of regulated wetlands. This type of procedure document will provide clarity and certainty for landowners, applicants, and consultants to

understand NPCA's expectations and study requirements when proposed development or site alteration affects regulated wetlands.

As part of the interim Wetlands Procedure Document, staff will clarify the intent and use of policy 8.2.2.8, Wetland Reconfiguration and Compensation for Non-Provincially Significant Wetlands, and will provide guidance on NPCA's expectations and requirements for satisfying the various tests of this policy. It is important to note that this policy does not apply to Provincially Significant Wetlands, is only considered where no reasonable alternative exists to locate a proposed development, site alteration or activity outside of a Non-Provincially Significant Wetland, and when the policy is implemented, NPCA staff aim to achieve a net gain to the natural system functions. The interim Wetlands Procedure Document will be presented to the Governance Committee in May 2022. Through the Phase 2 workplan, policy 8.2.2.8 will be reviewed in detail.

Wetland Water Balance Analysis Guidance

The science and practice of wetland water balance analysis emerged within the Conservation Authority community approximately a decade ago and has become a standard practice for assessing impacts of land use changes on the hydrology and ecological functions of wetlands. The Toronto and Region Conservation Authority (TRCA) and Credit Valley Conservation (CVC) partnered to develop study procedures and guidelines for conducting a wetland water balance analysis.

Currently, NPCA planning, ecology, hydrogeology and water resources engineering staff work as a multidisciplinary team to review *Planning Act*, and Section 28 work permit applications and identify the need for a wetland water balance analysis where required. Staff refer to the TRCA technical guidance documents when providing direction to applicants and their consultants. As such, staff recommend that interim to the final Procedural Manual being completed, the Board formally adopt the use of TRCA's wetland water balance guidance documents as a best practice.

Phase 2 Workplan

The goal of the Phase 2 workplan is to produce an updated NPCA Policy Document and accompanying Procedural Manual for approval from by the NPCA Board of Directors on or before December 2022. Phase 2 will be carried out in accordance with the Amendment Process outlined in Policy 12.7.2.1 of the NPCA Policy Document over a 7 to 8-month timeframe beginning April 2022 and concluding by December 2022. The following key tasks to be undertaken during Phase 2 include (but are not limited to) the following:

1. Review key background documents including changes to relevant legislation, NPCA Board meeting minutes, the "Special Audit of the Niagara Peninsula Conservation Authority" prepared by the Office of the Auditor General of Ontario, dated September 2018, the summary of NPCA staff's internal workshop on policy gaps, and the Public Advisory Committee Discussion Paper.
2. Review the Phase 1 Policy Gap Analysis Report that identifies key policy gaps to be addressed in the new Policy Document.
3. Monitor and incorporate, as appropriate, relevant policies being developed in connection with the draft Niagara Region Official Plan Natural Environment System policies and other Upper-Tier/Single-Tier policies, as appropriate.
4. Undertake a jurisdictional review of other Conservation Authority Procedural Manuals and Technical Guidelines.

5. Develop a robust internal engagement strategy that includes effective engagement with NPCA staff, NPCA Board Members and Public Advisory Committee Members.
6. Develop a robust public and stakeholder engagement strategy that ensures ongoing communication with interested parties and provides multiple opportunities for involvement and input.
7. Prepare the updated Policy Document and Procedural Manual.

Engagement and ongoing communication within NPCA and with the public and stakeholders will be critical to the success of the project. The project outcomes will be informed by a robust and inclusive community, stakeholder and partner engagement strategy that is tailored to meet the needs of NPCA, its partners and clients.

Figure 1, below illustrates the four (4) components of the Phase 2 workplan. Beginning in April 2022, NPCA staff will release a Request for Proposal to retain a consultant to support staff with undertaking the comprehensive workplan.



Figure 1. NPCA Policy Document Update Phase 2 Workplan

The first component will be carried out from April to June 2022, and involves:

- The project start-up,
- Undertaking document reviews and jurisdictional scans related to policy and procedural manual good practices,
- Engagement with NPCA staff, Board Members, the Public Advisory Committee (PAC) and watershed municipal partners to identify Policy Themes and Policy Options,
- Initiating the Buffer Width Technical Analysis and Discussion Paper,
- Initiating Section 28 Environmental Impact Study (EIS) Guidelines for approval in May 2022, and
- Initiating Wetlands Procedure Document for approval in May 2022.

The second component will be conducted from July to August 2022, and will focus on Engagement and Consultation, including:

- Workshop with Key Watershed Municipal Partners,
- Meetings with key Stakeholders, determined through guidance from PAC, and
- Community Meetings & Interactive Opportunities for Input, such as public information centres and digital engagement.

The third component will be completed from August to September 2022, and will focus on Policy Development that will include:

- Assessing the input received on key Policy Themes and Policy Directions,
- Identifying proposed policy changes,
- Assessing the impact of policy changes for landowners and stakeholders across the NPCA watersheds,
- Public communications summarizing engagement results and proposed policy changes, and
- NPCA Board of Directors update report that will also bring forward draft policies related to priority areas identified through consultations.

The fourth component of the workplan will be completed from September to November 2022, and will entail preparing the updated Policy Document and Procedural Manual, and will result in:

- Release of the draft updated NPCA Policy Document in October that will allow for additional review and input,
- Re-engagement with watershed municipal partners, key stakeholders and community members,
- Drafting the updated Policy Document,
- Drafting the Procedural Manual, and
- Presenting the final Policy Document and Procedural Manual to the NPCA Board of Directors for approval.

At key milestones in the process, NPCA staff will report to the Governance Committee to elicit advice and guidance. Staff will report to the Governance Committee once during each component of the Phase 2 workplan.

Is it important to note that the timing of when the Section 28 Regulations are released by the Province, and the forthcoming updates to the Provincial technical guidance on shoreline hazards will likely affect final updates to the Policy Document. That being said, staff are committed to bringing forward an updated Policy Document and new Procedural Manual for approval by the Board of Directors by the end of 2022, and will identify if subsequent updates will be required as a result of pending Provincial direction.

Conclusion:

The completion of the Phase 1 policy review and gap analysis establishes the foundation for moving forward with updating the NPCA Policy Document and developing a Procedural Manual for the implementation of NPCA's planning and permitting policies through the Phase 2 workplan. The Phase 2 outcomes will be informed by a robust and inclusive community, stakeholder and partner engagement strategy that will be tailored to meet the needs of NPCA, its partners and clients.

Staff have identified critical work that can be initiated immediately, interim to the completion of Phase 2 that will provide needed technical guidance on buffer widths, clarity and guidance for undertaking an EIS, and certainty around NPCA's procedures for the identification, evaluation, study, protection and enhancement of regulated wetlands.

Financial Implications:

The budget for the NPCA Policy Document and Procedural Manual projects was included in the 2021 special projects budget and is recommended to be carried over into 2022.

Links to Policy/Strategic Plan

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

Related Reports and Appendices:

Appendix 1 – "Niagara Peninsula Conservation Authority (NPCA) – Policy Document Update, Phase 1 Report", prepared by Planning Solutions Inc.

Authored by:

Original Signed by:

Leilani Lee-Yates
Director, Watershed Management

Submitted by:

Original Signed by:

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

NIAGARA PENINSULA CONSERVATION AUTHORITY (NPCA) – POLICY DOCUMENT UPDATE

PHASE 1 REPORT

Abstract

Niagara Region Conservation Authority (NPCA) is commencing a review of its current Policy Document – NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 1, 2020). NPCA is advancing this project in two phases. Phase 1 consists of a policy review and gap analysis – the results of which are contained in this Report, to be presented to the NPCA Board of Directors at its March 25th, 2022 meeting. Phase 2 will build on the findings and recommendations of Phase 1 and will be completed over a seven-month timeframe, and will result in the development of a new updated NPCA Policy Document and an implementing Procedural Manual. This Report summarizes the input received during Phase 1 and includes a recommended Work Plan for Phase 2.

Prepared for the Niagara Peninsula Conservation Authority by K. R.
Wianecki, M.Pl. MCIP, RPP Director of Practice, Planning Solutions

Inc.

Dated: March 10, 2022

Contents

Preface	4
1.0 Introduction	6
1.1 Project Purpose, Overview & Background	6
1.2 Project Approach & Methodology	7
2.0 Current NPCA Policy Document – Overall Assessment.....	8
2.1 Document Development.....	8
2.2 Document Structure & Format	9
2.2.1 Current NPCA Policy Document.....	9
2.2.2 GGH Conservation Authorities – Policy & Regulation Manual Structure and Formatting .	10
3.0 Current NPCA Policy Document – Content	11
3.1 Policy Document – Updates, Gaps, Inconsistencies & Deficiencies	11
3.1.1 Recommended Updates.....	11
3.1.2 Gaps	15
3.1.3 Inconsistencies	21
3.1.4 Deficiencies	21
4.0 Specific Insight from the ‘Other Jurisdictional’ Review	22
4.1 SECTION 28 RESPONSIBILITIES	22
4.1.1 Flood Hazard	22
4.1.2 Shoreline Hazard	24
4.1.3 Valleylands	26
4.1.4 Hazardous Lands	29
4.1.5 Wetlands	31
4.1.6 Watercourse Policies	36
4.1.7 Conservation of Land	37
4.2 LEGISLATIVE RESPONSIBILITIES ASSIGNED THROUGH THE PLANNING ACT	38
4.2.1 ANSIs	38
4.2.2 Significant Wildlife Habitat Policies	39
4.2.3 Habitat of Threatened and Endangered Species Policies	40
4.2.4 Woodlands Policies	41
4.2.5 Fish Habitat Policies	41
5.0 Survey Results	43
6.0 General Findings	46
6.1 The Current NPCA Policy Document	46

6.2	Comparing the Current NPCA Policy Document with Other GGH CA's	46
7.0	Where To From Here...Recommended Next Steps.....	53
8.0	Summary & Conclusions	57
APPENDIX A.....		58
NPCA CURRENT POLICY DOCUMENT: GAPS, DEFICIENCIES & INCONSISTENCIES		58
APPENDIX B.....		71
COMPARISON OF OTHER GGH CA POLICIES – SECTION 28 OF THE CAA		71
APPENDIX C.....		88
COMPARISON OF OTHER GGH CA POLICIES – PLANNING ACT		88

Preface

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

The NPCA implements an integrated, systems approach to watershed management, balancing human, environmental and economic needs and recognizing the relationship between ecosystem functions and human or anthropogenic activities.

Conservation Authorities were created through Provincial legislation (at the request of watershed municipalities), are administered by the Ministry of Environment, Conservation and Parks (MECP) and have been delegated responsibility from the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) to represent provincial interests regarding natural hazards encompassed by Policy 3.1 of the Provincial Policy Statement (PPS) (2020). These responsibilities include providing comments on policy documents (e.g. Official Plans and Comprehensive Zoning By-laws) and applications submitted for approval under the Planning Act.

In addition, NPCA is a regulatory authority mandated to implement Ontario Regulation 155/06: Development Interference with Wetlands and Alterations to Shorelines and Watercourses, pursuant to Section 28 of the Conservation Authorities Act. The purpose of OR 155/06 is to ensure that proposed changes (e.g. development and site alteration) to a property are not affected by natural hazards, such as flooding and erosion, and that the changes do not put people and/or other properties at greater risk from these hazards. The purpose is also to protect the hydrologic and ecological functions of wetlands as defined through the Conservation Authorities Act, depending on whether development is within the wetland or adjacent lands.

NPCA has environmental planning policies that guide NPCA's position on environmental planning matters in relation to the input provided to municipal planning partners through Official Plans, Zoning By-laws as well as in the review of site-specific applications submitted to NPCA under the Planning Act and related legislation. These policies – contained in the NPCA's Policy Document – provide NPCA Board members, staff, municipalities, proponents of development, private landowners and community groups with an understanding of NPCA's role, mandate and responsibilities regarding the review of planning documents and applications. These policies must be clear and offer a degree of predictability and, to the extent possible, consistency in the review of these matters. The policy document was last amended in 2020.

NPCA is committed to ensuring that its policies are up-to-date and reflective of new information, studies, statutes, policies and provincial technical guidelines. The Board has directed staff to undertake a review of the current Policy Document. This work is being carried out in two (2) Phases. The first Phase consists of a policy review and gap analysis. It also includes a proposed seven-month work plan for Phase 2 that will unfold throughout 2022 and result in the development of an updated Policy Document and an accompanying Procedural Manual.

This Phase 1 Report summarizes the results of the current Policy Document review and gap analysis.

The Policy Document that emerges from Phase 2 and the accompanying Procedural Manual must be developed to:

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

1.0 Introduction

The NPCA is one of 36 Conservation Authorities in Ontario. Each conservation authority delivers programs and services to manage natural resources and protect people and their properties from natural hazards such as flooding and erosion. The Conservation Authorities Act establishes the legislative framework for the creation, funding and operation of conservation authorities in Ontario. Administered by the Ministry of the Environment, Conservation and Parks (MECP), the Act requires that conservation authorities undertake activities to “further the conservation, restoration, development and management of natural resources.”

The Niagara Peninsula Conservation Authority (NPCA), located on the traditional territory of Indigenous peoples dating back countless generations, serves over half a million people¹ in the Niagara Peninsula, encompassing the entire Niagara Region (made up of 12 local municipalities), 21% in the City of Hamilton and 25% in Haldimand County. Covering an area of 242,900 ha, NPCA manages forty-one conservation areas. The NPCA is governed by a Board of Directors appointed by the municipalities within the NPCA’s jurisdiction. In 2020, NPCA received 4% of its funding from planning and development related services.²

1.1 Project Purpose, Overview & Background

At the Dec. 17, 2020, NPCA Board of Directors Meeting, NPCA staff were authorized to commence the Planning and Permit Policy Update and subsequent Procedural Manual projects. The NPCA’s Planning and Permitting Policies, formally known as ‘NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 1, 2020)’, was originally approved September 2018 and took effect November 1, 2018. The document was subsequently amended in June 2019 to add lot creation policies and to incorporate housekeeping amendments to the Valleyland policies, and was amended again in May 2020 to remove the section dealing with policy variances. It is an important document used by NPCA in day-to-day decision making, both with respect to the review of requests for permission under The Conservation Authorities Act as well as in the review of applications by NPCA that are submitted to municipalities for approval under The Planning Act.

The Policy Document is much like a municipal Official Plan. It is a compendium of NPCA’s official “opinion” for the purpose of applying Subsection 3(1) of Ontario Regulation 155/06. NPCA staff rely on the policies contained in the Policy Document when commenting on applications under the Planning Act, as well as when NPCA is processing Permits under Section 28 of the Conservation Authorities Act. In addition, it is used by NPCA partners and clients including developers and their agents to understand NPCA’s approach and policy platform. The Policy Document is designed to be a living document. Staff continually review and amend the document as required, based on Board approval.

Since the adoption of the NPCA Policy Document, the Board of Directors has declared a Climate Change Emergency and sent notice to the Province of Ontario not to remove any wetlands that have been designated as Provincially Significant Wetland (PSW). The current NPCA Policies do not reflect this direction.

¹ 520,000 residents in the watershed based on the 2020 NPCA Annual Report.

² NPCA 2020 Annual Report. NPCA Financials, p. 5.

There are several other areas within the current NPCA Policy Document that need updating based on change of corporate direction through the new Strategic Plan 2021-2031, on-going partner municipal Official Plan Reviews, Provincial legislation and/or recent and pending changes to the Conservation Authorities Act and related Regulations. It is the combination of these factors that have staff preparing to proceed with a full review of the document.

While the NPCA Policy Document is essential for providing NPCA staff's official opinions, there is a requirement for a proper Procedural Manual to ensure consistency in administering the policies. Currently, many of the NPCA's Planning and Permitting procedures are not well documented or have not been documented. Having all applicable procedures recorded and in one central document provides clarity for staff and customers as to how our processes work.

It is the priority of the NPCA Board of Directors and staff to approve an updated NPCA Policy document and Procedural Manual in 2022. Staff have been directed to report back to the NPCA Board of Directors in March 2022, to provide a full update on the project progress, with particular attention to policy gaps related to wetland protection and buffer widths to all natural features. This is an initiative that will provide a firm foundation for NPCA to move forward to develop a Policy Document that is modernized, relevant, reflective and user-friendly. Importantly, the new Policy Document must also be broadly supported particularly by staff and the NPCA Board of Directors.

Phase 1 had a four-fold focus:

1. To review NPCA's current Policy Document and identify policy gaps, deficiencies and inconsistencies with existing municipal policy and provincial policy, legislation and guidelines;
2. To review other Conservation Authority policies (with an emphasis on those in the Greater Golden Horseshoe) to identify good policies and good practices and to identify areas where there are points of convergence and divergence, particularly with respect to wetlands and other natural heritage buffer requirements;
3. To recommend technical reviews/studies as well as mapping/data gaps that would support the development of the new Policy Document; and
4. To develop a seven-month work plan for Phase 2.

Phase 1 did not include the development of a new Policy or Procedural Manual. This work will be undertaken in Phase 2.

1.2 Project Approach & Methodology

The project unfolded in a logical, iterative and evolutionary manner. From the outset, the Working Group made the fundamental decision to engage NPCA Board Members, staff and key clients and partners in Phase 1. The objective was to secure as much insight and information as possible from those who 'know NPCA's planning review and permitting role' intimately well. With that objective in mind, a multi-faceted approach to intelligence gathering, information sharing and laser-focused engagement was implemented. Input was secured through the following key modalities:

- An online survey that was open from February 7th until February 28th with an invitation extended to:
 - All NPCA Board Members;
 - All Upper-Tier, Single-Tier and Local Area Municipalities across the NPCA Watershed;
- A policy review and gap analysis through:
 - one-on-one interviews with NPCA Management;
 - one-on-one interviews with NPCA planning review, permitting and compliance staff;
- Intelligence gathering through a jurisdictional review of Conservation Authority policies (focused on the Greater Golden Horseshoe CA's) with a particular emphasis on wetland policies, wetland buffers and other natural heritage buffer requirements.

The Conservation Authority policies selected for review against the NPCA Policy Document included:

- Central Lake Ontario CA
- Conservation Halton
- Credit Valley Conservation
- Grand River CA
- Lake Simcoe Region CA
- Hamilton Conservation
- Toronto and Region CA
- Kawartha Region CA

These eight (8) Conservation Authorities were selected for several reasons. They are all experiencing high growth pressure. All are located in close proximity to NPCA and they are all located in the Greater Golden Horseshoe, with the exception of Kawartha Region CA which was chosen because of the extensive work KRCA has done to engage the agricultural community in the development of its policy platform.

2.0 Current NPCA Policy Document – Overall Assessment

A key area of focus for the Phase 1 work involved a review of the current Policy Document to identify any policy deficiencies, inconsistencies and gaps that may exist between the NPCA Policy Document and existing provincial policy, legislation and guidelines as well as Regional planning documents. In addition, Phase 1 included a comparative analysis of NPCA policies with the other GGH Conservation Authorities.

2.1 Document Development

Placed in context, the current NPCA Policy Document is two (2) years old, having been approved in 2018, amended in 2019 and again in 2020. While there are several policy and legislative changes that have emerged since the Policy Document was approved by the NPCA Board of Directors, other Conservation Authorities are relying on Policy & Planning Manuals that are far more outdated than the one in place at NPCA. The following table provides an overview of Conservation Authorities in the Greater Golden Horseshoe and the date that their Policy Manuals were approved:

Conservation Authority	Policy Document Approval Date
Conservation Halton	April 27, 2006 (last amended November 26, 2020)
Credit Valley Conservation	April 2010
Grand River CA	October 15, 2015
Hamilton Conservation	October 6, 2011
NPCA	September 25, 2018
Kawartha Region CA	2012 (Revised 2013)
Toronto and Region Conservation	November 28, 2014
Lake Simcoe Region CA	January 3, 2022

Observation: The NPCA Policy Document was developed and approved in 2018, amended in 2019 and 2020. With the exception of Lake Simcoe Region Conservation Authority, all of the other Conservation Authorities under review are relying on policy documents that are far more outdated than the one in place at NPCA.

2.2 Document Structure & Format

2.2.1 Current NPCA Policy Document

NPCA's current Policy Document, as noted previously, was approved by the Board of Directors in 2018 and amended in 2020. The document is 165 pages in length, organized on the basis of 13 Chapters, the latter consisting of a definitions chapter.

- ❖ Chapter 1 includes an overview of the purpose and objectives of the document as well as an outline of how the document is structured. Chapter 1 also speaks to the Authority and the role of the NPCA and includes a general overview of the watershed.
- ❖ Chapter 2 provides a summary of the legislative and planning context. An overview of integrated watershed management, together with subsections that address The Conservation Authorities Act, The Planning Act, the Provincial Policy Statement, Provincial Plans (e.g. Greenbelt Plan, Places to Grow: The Growth Plan for the Greater Golden Horseshoe, Niagara Escarpment Plan), Regional and Local Plans as well as information about both the Canadian and Ontario Environmental Assessment Acts are provided. Other applicable legislation (e.g. The Building Code Act, The Drainage Act, The Federal Fisheries Act, The Federal Migratory Birds Act, The Ontario Water Resources Act, The Clean Water Act, The Federal Species at Risk Act, and The Endangered Species Act) are all referenced.
- ❖ Chapter 3 outlines NPCA's principles and vision for integrated watershed management and include General Policies for Regulated Areas, activities that are subject to an NPCA work permit (as well as those activities that do not require a permit), and the use of native plant species.
- ❖ Chapter 4 addresses flooding hazards and explains River and Stream flooding, one zone, two zone and special policy area considerations.
- ❖ Chapter 5 outlines Great Lakes and Niagara River shoreline hazards.
- ❖ Chapter 6 discusses Valleyland erosion hazards.
- ❖ Chapter 7 provides an overview of hazardous sites and hazardous lands and includes information about karst formations and back-dune areas.
- ❖ Chapter 8 focuses on wetlands, including specific development in Areas of Interference, public infrastructure and stormwater among other topics.

- ❖ Chapter 9 addresses watercourses and references the need for an Environmental Impact Study (EIS).
- ❖ Chapter 10 focuses on fill placement including the authority to regulate fill placement as well as exceptions.
- ❖ Chapter 11 provides information on Municipal Drains.
- ❖ Chapter 12 addresses other policies and tools, and includes references to Climate Change and its impacts within the watershed, NPCA's role in planning and the NPCA work permit process. Reference is made to supporting studies (e.g. EIS, Geotechnical Study, Flood Plain Study and Hydraulic Analysis, Coastal Study, Stormwater Management Plans and Hydrological Study, Erosion and Sediment Control Plans, Landscaping and Vegetation Plans). Reference is also made in Chapter 12 to Watershed and Subwatershed Plans and the process required to update the Policy Document.
- ❖ Chapter 13 contains definitions.

There are four Appendices including:

- Section 28(3) Conservation Authorities Act Hearing Guidelines, October 2005
- MNR Delegation of Natural Hazards to Conservation Authorities
- Conservation Authorities Act, Ontario Regulation 155/06
- Correspondence from the Welland River Floodplain Committee

Observation: The current Policy Document consists of one document that addresses both the plan review function provided by NPCA to its watershed municipal partners and its regulatory responsibilities for permits issued under The Conservation Authorities Act.

Observation: The current Policy Document is cumbersome to navigate. Determining NPCA position on any given issue requires a review of an entire section (e.g. Hazardous Lands, Wetlands, etc.) A more structured document is needed – one that presents NPCAs position separately for new development and for existing development.

2.2.2 GGH Conservation Authorities – Policy & Regulation Manual Structure and Formatting

Perhaps what is most obvious when a comparative analysis of other Conservation Authority Policy & Regulation Documents is undertaken is the lack of consistency in structure and format. The structure and format of the GGH conservation authority policy documents fall into several categories, as follows:

- Permitting responsibilities only (LSRCA, GRCA)
- Separate Chapters for plan review & permitting responsibilities (TRCA, CLOCA, CVC)
- One document that combines both plan review and permitting (NPCA)

In some cases, conservation authorities have developed one comprehensive document to address both plan review and permitting, addressing the dual functions of the conservation authority on a topic-specific basis. In other cases, the conservation authority has developed one document with different chapters devoted to its regulatory responsibilities under The Conservation Authorities Act and a separate chapter to outlined its plan input and review responsibilities under The Planning Act (TRCA, CLOCA, CVC). The latter approach clearly identifies the position of the conservation authority from a regulatory lens and the approach that will be recommended by the conservation authority to the planning approval authority. From an end-users perspective, it may be easier to understand the role of

NPCA if the dual functions are addressed separately in the document. Still other conservation authorities (Lake Simcoe, Grand River) publish only their regulatory policies and there are no documents available through a general web-search that yielded a plan input and review policy manual.

3.0 Current NPCA Policy Document – Content

A key objective of Phase 1 was to review the current Policy Document to identify any policy deficiencies, inconsistencies and gaps between the current NPCA Policy Document and existing provincial policy, legislation and guidelines as well as existing Regional environmental planning policies. Perhaps the most critical question is whether the Five Tests of a Permit Application under NPCA’s Section 28 Regulation are being met by the policies contained in the current Policy Document. In this respect, it is vital to note that the policies included in the NPCA Policy Document do meet the Five Tests of a Conservation Authority (control of flooding, erosion, dynamic beaches, pollution, and the conservation of land.)

It is important to note at the outset that there is support from those who participated at a staff level in Phase 1 that an update of the Policy Document would be beneficial.

The following offers a summary of the gaps, inconsistencies and recommended updates that are required to the current NPCA Policy Document.

3.1 Policy Document – Updates, Gaps, Inconsistencies & Deficiencies

A detailed review of the current NPCA Policy Document identified a number of gaps, inconsistencies and deficiencies. These have been summarized in tabular form in Appendix A. The following general summary captures the key issues of note.

3.1.1 Recommended Updates

Document Title: The title of the document references only the Planning Act. The legislative framework is broader. The Title should reflect this.

Recommendation: *Change the Title to accurately reflect the focus and orientation of the document.*

Portability: The new Policy Document will need to be readily and easily accessible by NPCA staff and others who may be conducting work in the field. The format of the new document should take into account the need for portability.

Land

Acknowledgement: There is no land acknowledgement in the current Policy Document. The Land Acknowledgement that is contained in the NPCA Strategic Plan should be included in the new Policy Document.

Recommendation: *Include a Land Acknowledgement, similar to that which has been included in the new NPCA Strategic Plan.*

Introduction: The document begins with reference to The Living Landscape. For the average reader, this is not a simple context or concept to grasp. The document should begin with a statement of purpose – what is the Policy Document and who is it intended for.

Recommendation: *Include a Statement of Purpose at the outset of the updated document, including who will use the document and how it offers value.*

Audience: There is no reference in the current document to the intended audience. NPCA may wish to include a Section in the new document as follows:

WHO HAS THIS MANUAL BEEN PREPARED FOR?

This updated Manual will serve many uses and many users, and for this reason, every effort has been made to create a document that is easy to understand and easy to use:

- It will provide NPCA staff that will receive, review and evaluate applications against the policies contained within the document;
- It will provide direction to municipalities (both local and regional) who will take these policies and incorporate them further in their planning review functions and in Official Planning documents;
- It will provide guidance and direction to landowners who will utilize these policies in preparing applications for Section 28 permits and/or proposals for approval under The Planning Act;
- It will provide guidance and direction to members of the farming community, special interest groups and environmental organizations across the NPCA watershed;
- It will provide guidance and direction to the development community (applicants and their agents) who will utilize these policies in preparing their proposals for consultation, review and approval;
- It will provide guidance and direction to community stakeholders who have an interest in protecting, preserving and enhancing those natural features and functions of the watershed that are worthy of protection;
- It will instill confidence among Provincial partners that matters of stated Provincial interest have been accurately interpreted and are being applied appropriately; and finally
- It will help other municipal, provincial and federal agencies coordinate the administration of their own jurisdiction and policies with those of NPCA.

Recommendation: *That NPCA examine the utility of the Policy Document as a communications tool to better explain its role and responsibilities to key partners and members of the public.*

Recommendation: *That NPCA explore in general, the opportunity to enhance the use of graphics and user-friendly formatting in the updated Policy Document.*

Partners: The current Policy Document makes reference to watershed municipal partners and to existing provincial plans. It may be useful to include a section in the new document to identify how NPCA works with its partners. It may also be useful to include a “Who Does What” document to delineate the functional split between NPCA and its regulatory partners.

Recommendation: *Include a reference to key partners, their role and how NPCA interacts with others – watershed municipalities, key provincial agencies.*

Legislative Changes:

Since the approval of NPCA's current Policy Document, the Province has undertaken several significant Provincial legislative initiatives that impact the role of Conservation Authorities in general. Some of these include:

- Bill 108, the *More Homes, More Choices Act, 2019* introduced major amendments to the *Conservation Authorities Act*. Schedule 2 of this omnibus bill contained proposed revised wording for the amendments to the *Conservation Authorities Act* (CAA). Bill 108 received Royal Assent on June 6, 2019. While Bill 108 is now law, its provisions will come into effect at various times, including the amendments to the CAA.
- Bill 229, *Protect, Support and Recover from COVID-19 Act (Budget Measures), 2020* came into law on December 8, 2020. Schedule 6 of the bill introduced several fundamental changes to the *Conservation Authorities Act* (CAA) that affect the scope of the CAA and the role of conservation authorities in general.
- Bill 197, *COVID-19 Economic Recovery Act* received Royal Assent on July 21, 2020. Among other specifics, the government expanded its powers under the *Planning Act* to issue Ministers Zoning Orders without the required public consultation. Reference to MZOs is needed in the new document.
- Updates to the *Drainage Act* and recent decisions regarding a new Minister's Regulation under the *Drainage Act* need to be reflected in the updated Policy Document.
- Proposed changes to the *Ontario Building Code* would increase the floor area from 10 m² to 15 m² for structures that do not require a building permit. NPCA policies would need to be updated once the legislative changes have been confirmed.

Recommendation: *Update all legislative and policy references pertaining to conservation authorities specifically (Conservation Authorities Act, Growth Plan, PPS)*

Recommendation: *Include updated changes to CA mandate (mandatory and non-mandatory).*

Recommendation: *Include a new section to address Minister's Zoning Orders.*

Recommendation: *Include as appropriate, additional references to new legislative changes and how these impact NPCA and its policies (e.g., Ontario Building Code)*

Provincial Policy Changes:

- 2020 Provincial Policy Statement: On February 28, 2020, the Minister of Municipal Affairs and Housing released the Provincial Policy Statement, 2020. It came into effect in May 2020. All decisions on or after the effective date under the *Planning Act*, or that affect a planning matter are required to be consistent with the new PPS. Decisions issued prior to that date will continue to be required to be consistent with the 2014 PPS.
- It will be critical in Phase 2 to carefully cross-reference the NPCA Policy Document and the PPS, Greenbelt Plan, Niagara Escarpment Plan and Growth Plan. For example, there are changes to the PPS, Greenbelt Plan, Growth Plan that promote on-farm diversified uses. These are non-traditional agricultural uses and development and may require consideration by NPCA if policies are not aligned

accordingly. NPCA policies need to be clear to facilitate uses and structures while remaining in compliance with the PPS, CAA and Regulations.

Recommendation: *That the Phase 2 work focus on cross-referencing the PPS, Greenbelt Plan and Growth Plan to ensure that any changes are appropriately aligned with NPCA policies.*

- A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020): Reference to the Growth Plan and its implications for the NPCA watershed is recommended.

Municipal Policy Changes:

The Region of Niagara is updating its Official Plan. Discussions with NPCA have been ongoing with reference to the Natural Environment System in particular. At this time, the preferred option approved by Regional Council for a Regional Natural Environment System identified in the Regional Official Plan is Option 3C. The draft consolidated Regional Official Plan includes new policies related to the identification, protection and enhancement of the Natural Environment System. Furthermore, the City of Hamilton and Haldimand County have yet to release any draft natural heritage or natural hazard Official Plan policies.

Recommendation: *That the final Region of Niagara Official Plan policies, once approved, be reflected in the updated NPCA Policy Document.*

Recommendation: *That any additional Upper Tier/Single Tier planning policies be reviewed in Phase 2 and aligned with the updated NPCA Policy Document.*

Municipal MOUs:

The NPCA and Niagara Region have a Protocol in place that articulates the roles and responsibilities of the NPCA in reviewing and commenting on Planning Act applications related to natural hazards and regulatory requirements. The Regional MOU dates back to 2018.

An MOU is also in place between Haldimand County and NPCA (together with the Grand River CA and Long Point Region CA). This MOU dated September 2019 specifies the functional split between the County and the CAs. Given the legislative changes that have been announced at the provincial level, any changes to the MOU must be reflected in the new Policy Document.

There is an MOU with the City of Hamilton that is presently under review. The outcome of these discussions will need to be reflected in the updated Policy Document.

The MOU between the Region of Hamilton-Wentworth (now the City of Hamilton) and the Hamilton Conservation and NPCA dates back to 1996. In the event that this MOU is revisited, the new Policy Document will require updated references to the role that NPCA plays in supporting the City of Hamilton.

NPCA also has a signed MOU with OPG that was approved July 24, 2019 and identifies a series of approved ongoing projects (e.g. Upgrade NPCA Stream Gauge Station on the Welland River; Survey

Equipment and Software to measure river cross section and water velocity; data management system to collect, analyze, and report stream gauge flows and water data; Welland River Floodplain Project.)

The reference to existing MOUs is included in s. 2.4.1 of the Policy Document – The Provincial Policy Statement. A separate section is recommended.

As per direction through the CAA Phase 1 regulations, NPCA will need to revisit the MOUs and Protocol, which may result in additional policies clarifying NPCA's review of Planning Act applications related to natural heritage.

Recommendation: *Include updated references to the Provincial Policy Statement 2020.*

Recommendation: *Include a reference to the role that NPCA has under each MOU and include any new MOU details and protocols in the updated Policy Document.*

3.1.2 Gaps

Internal NPCA Policy Changes:

NPCA as an organization has undergone significant change from a governance lens. Since the approval of the current Policy Document in 2018, the organization has developed a new Strategic Plan, among other key initiatives. The Vision and strategic directions that are contained in the new NPCA 10-Year Strategic Plan need to be reflected in the new Policy Document. Figure 2.1 should be examined against the new Strategic Plan and updated accordingly.

Recommendation: *Include a reference to NPCA's new 10-Year Strategic Plan and update schematics.*

Policy Objectives: NPCA may wish to consider including a statement of Policy Objectives in the updated Policy Document to reflect direction in the new 10-Year Strategic Plan, direction from the new CAA, PPS and other legislation.

Recommendation: *Consider including updated General Policy Objectives in the front end of the updated Policy Document.*

General Policies:³ NPCA may wish to consider rewording the General Principles in the current Policy Document to reflect the following, as appropriate:

A precautionary approach to natural hazard management shall be taken, such that risk associated with natural hazards are controlled by prohibiting development and site alteration in areas where there is an unacceptable risk to public health or safety or of property damage;

³ These general principles mirror those found in the Central Lake Ontario Conservation Authority Policy & Procedural Document for Regulation and Plan Review, February 24, 2014.

Proper natural hazard management requires that natural hazards be recognized and addressed in a manner that is integrated with land use planning and maintains environmental and ecosystem integrity;

Effective floodplain management can only occur on a watershed and littoral reach basis with due consideration given to cumulative effects and associated environmental and ecosystem impacts;

Local conditions vary along floodplains and shorelines including depth, velocity, littoral drift, fetch, accretion, deposition, valleyland characteristics, etc. and accordingly must be taken into account in the planning and management of natural hazards;

Where a regulated area pertains to more than one water-related hazard (e.g. lands susceptible to flooding that are part of a wetland), policies will be applied jointly, and where applicable, the more restrictive policies apply;

Applications related to existing development that is susceptible to natural hazards must demonstrate that there is no increase in risk to public safety or property damage and no new hazards are created;

There are no adverse hydraulic or fluvial impacts on rivers, creeks, streams, or watercourses;

Wherever possible, development must not preclude access for emergency works and maintenance to erosion hazards;

Works are constructed, repaired and/or maintained according to accepted engineering principles and approved engineering standards or to the satisfaction of NPCA, whichever is applicable based on the scale and scope of the project;

All new buildings must have safe access;

Development must protect, maintain and wherever possible enhance the natural heritage system and the features and functions that comprise the system;

Wherever possible, groundwater recharge functions which support natural features or hydrologic or ecological functions on-site and adjacent to the site will be maintained or enhanced;

As it relates to the administration of Ont. Reg. 155/06, prior to the issuance of a permission, NPCA must be satisfied that the control of flooding, erosion, dynamic beaches, pollution, or the conservation of land will not be adversely affected by developing, including during and post development.

Recommendation: *Consider including updated General Principles in the front end of the document; reference to NPCA's new Strategic Plan.*

Local Watershed

Context:	There is an opportunity to include updated demographics and a renewed focus on the changes that are taking place across the watershed.
Recommendation:	<i>Include updated demographics and additional local watershed context into the updated Policy Document. Consider including updated General Principles in the front end of the document, and reference to NPCA's new 10-Year Strategic Plan.</i>
Climate Change:	A greater emphasis on the changing climate and the implications for NPCA should be highlighted in the updated Policy Document. One of the Five Tests of a conservation authority includes the 'conservation of land.' Building resilience across the watershed factors prominently in this regard. The reference to the changing climate from the lens of resiliency will be critical in the updated document and the work that is being done by NPCA to think strategically to address climate change should be referenced.
Recommendation:	<i>Include a more prominent focus on the changing climate and implications for the watershed and the role of NPCA.</i>
Recommendation:	<i>That NPCA examine opportunities to incorporate green infrastructure and Low Impact Development (LID) into the updated Policy Document to encourage the use and application of LID in development proposals.</i>
Cumulative Impacts:	At the present time, there are few references to cumulative impacts throughout the document. This should be addressed in Phase 2.
Recommendation:	<i>That NPCA review all policies from the perspective of cumulative impacts in Phase 2.</i>
Infrastructure:	Rather than including policies that pertain to infrastructure throughout the Policy Document, NPCA may wish to consider the inclusion of a general infrastructure policy/section in the updated Policy Document.
Recommendation:	<i>That NPCA include a stand alone Infrastructure Section/policy in the updated Policy Document that references infrastructure. That NPCA in Phase 2 ensure that the stand alone infrastructure policies are cross-referenced with those in the updated Policy Document.</i>
Mapping:	Mapping updates are underway. This work should be reflected in the new Policy Document.
Recommendation:	<i>That NPCA map known regulated areas using best available data and information and that NPCA use this mapping to illustrate the regulatory policy framework as required under Ontario Regulation 155/06.</i>

Multiple Hazards:	The new Policy Document needs to address situations involving multiple natural hazards or risks (i.e. fill in a wetland; development in an ANSI that is also a wetland, etc.)
Recommendation:	<i>Include a policy to address multiple natural hazards on the same site.</i>
Riverine Erosion Hazard:	The riverine erosion hazard allowance, as specified by the Province, is 6 metres, NPCA policy uses a setback from the stable slope allowance of 7.5 metres, while other conservation authorities use different setbacks. The policy further states that at the discretion of NPCA, any setback that is proposed to be less than 7.5 metres may be required to be supported by a geotechnical study.
Recommendation:	<i>That NPCA determine the technical guidance and policies for shoreline and riverine erosion and floodplain hazard allowances that are appropriate for the NPCA watersheds.</i>
Decks, Boardwalks	There are a number of policies that do not include certain uses, such as decks and other cantilevered overhangs, boardwalks and other structures, shoreline railways. Replacement of derelict buildings is another example.
Recommendation:	<i>That Phase 2 include a detailed review of permitted and prohibited uses to ensure that all have been accurately and aptly captured in the updated document.</i>
Change in Use	The current document addresses changes in use under each topic. It may be more appropriate to address changes in use up front in one policy.
Recommendation:	<i>That changes in use be addressed in Phase 2 and that NPCA determine whether an up-front 'change in use' policy should be included.</i>
Urban Infilling	This is a gap. The Growth Plan and emerging Upper Tier/Single Tier OP policies need to be examined to ensure alignment with NPCA policies. Urban infilling needs to be defined.
Recommendation:	<i>It is recommended that during Phase 2, the Growth Plan and emerging Upper Tier/Single Tier Official Plan intensification and densification policies be examined to ensure alignment with respect to infilling.</i>
Passive Recreational Uses	The term 'passive' is open to interpretation. This policy needs to be revisited in Phase 2.
Recommendation:	<i>That the policies pertaining to "passive recreational uses" be revisited during Phase 2.</i>
Recommendation:	<i>That clear definitions of passive and active recreation be included in the updated Policy Document.</i>
Back-Dune Areas	Determine whether a separate policy is needed for back-dune areas in Phase 2 and ensure that there is a reference to mapping of back-dune areas.

Recommendation: *That the need for a separate back-dune policy be examined and that a reference to mapping back-dune areas be addressed in Phase 2.*

Unevaluated Wetlands Greater clarity is needed with respect to unevaluated wetlands. This needs to be addressed in Phase 2.

Recommendation: *That the policies pertaining to unevaluated wetlands be examined in Phase 2.*

Valleylands Current valleylands policies are complex and challenging to understand. These should be revisited in Phase 2 to determine if reformatting can be considered to ensure these are easy to understand.

Recommendation: *That the current format of the Valleyland policies be examined in Phase 2.*

Wetlands Current wetlands policies are complex and challenging to understand. These should be revisited in Phase 2 to determine whether they can be reformatted so they are easier to understand and to ensure policies are aligned.

Recommendation: *That the policies pertaining to wetlands and areas of interference be revisited in Phase 2 to determine if they can be reformatted so they are easier to understand and to ensure that policies are aligned.*

**Wetlands
Reconfiguration
& Compensation**

A review of this policy is needed. Recommend that this be undertaken in Phase 2 and that the final Region of Niagara OP policies be examined in this regard.

Recommendation: *That the policies pertaining to wetland reconfiguration and compensation be reviewed in Phase 2.*

Watercourses Policies are needed for watercourses that do not provide hydrological or ecological functions. Headwater drainage features and their importance on the landscape should also be included.

Recommendation: *That the policies pertaining to watercourses that do not provide hydrological and ecological functions be reviewed in Phase 2.*

Municipal Drains More fulsome policies pertaining to Municipal Drains is needed. These policies should be reviewed in Phase 2.

Recommendation: *That the policies pertaining to Municipal Drains be reviewed in Phase 2.*

**Development
Officers**

These policies should be reviewed and updated to reflect direction in the forthcoming Compliance and Enforcement Procedures Manual and Standard Operating Procedures.

Recommendation: *That the policies pertaining to Development Officers be reviewed in Phase 2.*

Study Types Reference to Feature-based Water Balance Assessments should be included. In developing the Procedural Manual, other studies may be identified.

Recommendation: *That the types of studies to be undertaken be examined during Phase 2 and incorporated accordingly in the updated Policy Document.*

Technical Studies There are a number of policy areas that would benefit from additional technical support and guidance (i.e. wetland buffers)

Recommendation: *That staff identify studies that could commence immediately to support the implementation of current policies and provide much needed direction to staff.*

Recommendation: *NPCA staff should adopt the use of best available guidance documents from the Province and other conservation authorities interim to the Procedural Manual being completed (e.g. the TRCA wetland water balance risk evaluation, monitoring and modelling protocols).*

Watershed and Subwatershed Plan

These policies should be reviewed and updated to reflect direction in the Growth Plan regarding municipal-led watershed and subwatershed planning and the continuing role of NPCA as a watershed management agency that undertakes watershed/subwatershed planning and science-based research to support growth within the NPCA watershed. Furthermore, these policies should be reviewed to reflect the requirement under Ontario Regulation 686/21 for conservation authorities to develop a Watershed-based Resource Management Strategy.

Recommendation: *That the policies pertaining to Watershed and Subwatershed Planning be reviewed in Phase 2.*

Mineral Aggregates That policies pertaining to Mineral Aggregates be considered in Phase 2.

Recommendation: *That policies pertaining to Mineral Aggregates be considered in Phase 2.*

Definitions There are a number of definitions that require updating and several that are missing from the current Policy Document. The definitions should be reviewed and updated in Phase 2.

Recommendation: *That the Definitions be reviewed and updated in Phase 2.*

3.1.3 Inconsistencies

There are several areas within the current NPCA Policy Document that appear to be inconsistent. Policies pertaining to fill for example state that a work permit is not required for less than 50m³ of inert fill. It is recommended that this policy (3.3.4.3) be reviewed in Phase 2 to determine whether it should be eliminated and/or revised.

Recommendation: *That the fill policies be reviewed in Phase 2.*

There are several areas within the current Policy Document that could be clarified to provide clearer direction. These are not inconsistencies per se but the lack of clarity suggest that they could be misinterpreted. One example is the requirement for a 5 metre wide corridor for new habitable buildings and structures that is specified in 5.2.13 but not in 5.2.5. There are policies that pertain specifically to wetlands that require clarification. The current Policy Document includes a blanket statement that suggests no development within 5 metres of a wetland (8.2.3). The intent of this policy is not completely clear but was developed to apply to situations where existing development abuts a wetland and a landowner may wish to build an accessory structure. NPCA policy indicates that a setback of 5 metres would be required regardless.

In addition, the current Policy Document with respect to wetlands does not distinguish between major development (large scale) and more minor development – the same provisions and requirements apply.

Moving forward with Phase 2, NPCA should ensure that the policies are clear and that they are reasonably, fairly and consistently applied, as appropriate.

3.1.4 Deficiencies

An in depth examination of the current NPCA Policy Document did not indicate that any of the policies are deficient. They appear to meet the intent of the Provincial Policy Statement and the Five Tests of a Conservation Authority.

Unknowns:

In addition to the legislative and policy changes that have been announced since the current NPCA Policy Document was approved, there are a number of unknowns and moving pieces that will need to be considered in the update of the Policy Document.

- The Conservation Authorities Act has been updated but regulations pertaining to Section 28 planning and permitting have not yet been proclaimed;
- The Region of Niagara Official Plan update remains ongoing. The Natural Environment System policies are continuing to be finalized.
- City of Hamilton and Haldimand County natural heritage and natural hazards Official Plan policies are still being developed.

4.0 Specific Insight from the ‘Other Jurisdictional’ Review

In order to gain insight from others, a jurisdictional review of several Conservation Authorities was completed. Perhaps most critically, this comparative review focused first and foremost on the legislative responsibilities assigned to NPCA under Section 28 of the Conservation Authorities Act. In addition, however, a further review of how other Conservation Authorities articulate policies that are related to their assigned responsibilities under the Planning Act were also examined.

A synopsis of the review, by topic, follows.

4.1 SECTION 28 RESPONSIBILITIES

The purpose of the jurisdictional review was to undertake a comparative analysis of the policies in place in the current NPCA Policy Document to determine whether and how they align with those in place in other CA jurisdictions. Critical to the jurisdictional review is whether NPCA current policies meet the Five Tests of a Conservation Authority as prescribed under the legislation.

4.1.1 Flood Hazard

Current NPCA Policy:

As outlined in the current Policy Document, NPCA implements a one-zone concept to flood plain management. This means that generally, most forms of development or site alteration are prohibited within the regulatory floodplain. There are no two-zone areas in the watershed. A two-zone concept will only be considered by NPCA where a request is put forward by a municipality within the floodplain.

Where a one-zone policy applies, NPCA does not support the creation of lots in flood hazards. Lot additions and boundary adjustments may be supported where it has been demonstrated that sufficient room exists outside of the flood hazard to accommodate a building envelope, including space for servicing and amenities.

Current NPCA policies permit a range of uses including: agricultural uses that do not require permanent, closed structures or any major alteration of the landscape; additions or extensions that are minor in scale to existing primary agricultural operations; flood, erosion and sediment control measures; open space and recreational uses including parks, trails, gardens, nurseries; swimming pools; parking lots, driveways and private roads; raw materials and equipment, infrastructure subject to approval under the Environmental Assessment Act; roads constructed under the Drainage Act that account for flooding potential at the site and other uses not likely to incur or create damage from floodwaters. Replacement or relocation of existing buildings and structures is permitted subject to a number of caveats.

Prohibited uses in the floodplain refer to sensitive land uses and emergency facilities. Development within or adjacent to the meander belt is not addressed in the current NPCA Policy Document.

Observation: The current Policy Document includes reference to the Fort Erie Industrial Park Special Policy Area. NPCA may wish to review the policies in Phase 2 to ensure that the SPA policies that are included in the updated Policy Document provide up-to-date direction to Fort Erie in the event that an SPA update may be required.

Other CA Policies:

The type of prohibited uses in the floodplain is generally consistent across the Conservation Authorities under review. In addition to sensitive institutional uses and essential emergency service uses, CLOCA also refer to uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Conservation Halton policies are extremely detailed. Permission for minor additions (Conservation Halton specifies that they must be legally established year-round uses only) are permitted in accordance with similar requirements specified by NPCA (e.g. flooding depth and velocity, no interference with flood conveyance, floodproofing). Conservation Halton policies are prescriptive and direct. No new development, including lot creation or site alteration is permitted within the flooding and erosion hazard limits. Detailed provisions regarding alteration to watercourses and floodplains, private road access, water taking structures, minor additions are included. Conservation Halton policies include detailed policies that address existing development within or adjacent to the meander belt.

The list of uses that are permitted in the one zone by Hamilton CA includes a similar but somewhat expanded list including: agriculture or open space uses that do not require permanent, closed structures or any major alteration of the landscape, gardens, nurseries and open arboretums, flood, erosion and sediment control structures, replacement structures or minor additions to existing structures, non-structural uses such as forestry and wildlife management, municipal infrastructure that must be located in the floodplain as determined through a Class EA process.

CVC policies do not permit development and site alteration within the floodway where a one-zone policy applies. Development may be permitted where a two-zone concept exists. CVC policies stipulate that lots created through plan of subdivision or consent are set back a minimum of whichever is greater: 10 metres from the limit of the flood hazard, 10 metres from the limit of the erosion hazard or 10 metres from the limit of the dynamic beach hazard.

GRCA policies are particularly detailed. Permitted uses and conditions are outlined where the one-zone applies, including minimum and maximum building sizes. Policies address ground floor additions, additional storeys, replacement of existing residential buildings or structures damaged or destroyed by causes other than flooding, relocation of existing structures, non-habitable buildings or structures, above and below ground swimming pools, non-habitable buildings or structures associated with rural residential uses may be permitted (minimum of 10m² and less than 100 m²).

All CAs prohibit development in hazardous lands and hazardous sites and specify the prohibition of:

- An institutional use (hospitals, nursing homes, preschool, school nurseries, day care and schools as well as those associated with the safe evaluation of the sick, the elderly, persons with disabilities or the young during an emergency;
- An essential emergency service such as that provided by fire, police and ambulance stations and electrical substations as it would be impaired during an emergency as a result of erosion, the failure of floodproofing measures and/or protection works; or
- Uses associated with the disposal, manufacture, treatment or storage of hazardous substances.

Key Learnings:

The key difference between NPCA and some of the other jurisdictions that were examined is the broad application of the one-zone concept across the NPCA watershed, and the restrictions that are associated with that approach. It is important to recognize that the watershed characteristics dictate the approach that is most appropriate. With respect to the one-zone policies that are articulated in the NPCA Policy Document, the NPCA approach mirrors that in place in the other conservation authorities examined. Policies included in the NPCA for the one-zone and two-zone are in alignment. Other CA policies offer more detailed policy provisions simply as a result of the one-zone and two-zone concepts that apply in their respective watersheds. Some differences in the development standards that are prescribed are evident from one jurisdiction to another. Regardless of the extent of the one-zone concept in the NPCA watershed, the policies that are prescribed by NPCA in the one-zone are similar to those in place with respect to the application of the one-zone in other Conservation Authorities examined.

4.1.2 Shoreline Hazard

Current NPCA Policy:

In general, the current NPCA Policy Document notes that development is restricted within the shoreline flood and erosion hazard and is subject to mitigation measures. Certain forms of development are prohibited. Prohibited uses mirror those that are identified for the floodway (e.g. emergency services facilities, hospitals, nursing homes, daycares, pre-schools and schools.) NPCA permits repairs and maintenance, including interior alteration to existing buildings and structures within the flood hazard, dynamic beach hazard, the stable slope allowance and the erosion allowance.

New habitable buildings and structures are not permitted within the stable slope allowance or the dynamic beach hazard. They may be permitted within the flooding hazard provided the wave uprush hazard can be mitigated, no openings are constructed below the regulatory 100 year flood elevation and safe access and egress is provided. They may be permitted within the erosion hazard allowance provided they meet the requirements of the shore protection works standard, utilizes maximum lot depth and width, rely on a setback from the stable slope allowance of 7.5 metres (25 feet).

Additional storeys to existing development within the shoreline flood hazard and or the erosion allowance may be permitted provide safe access and egress is provided, no new dwelling units are created, improvements are made to accommodate additional storeys and the proposed addition is not located in the stable slope allowance.

Replacement and relocation of existing habitable buildings and structures are not permitted where they have been destroyed by flood or erosion. Replacement may be permitted provided adequate shore protection is in place, a minimum setback of 7.5 metres from the stable top of slope is provided and that any setback less than 7.5 metres is supported by a geotechnical study. The NPCA must also be satisfied that no practical alternative exists outside of the erosion hazard. Reconstruction or relocation may be permitted with the stable slope allowance provided the building is the same use, same size or smaller than the original, no practical alternative exists, adequate shore protection is in place, a supporting geotechnical study is provided and all other policies are met. Reconstruction or relocation by forces other than flood and erosion may be reconstructed within the dynamic beach hazard provided the building is of the same use, same size or smaller than the original, the design minimizes impact on the dynamic beach, no practical alternative exists and all other relevant policies are met.

Non-habitable major structures are not permitted within the stable slope allowance or the dynamic beach hazard. They may be located within the erosion allowance provided adequate shore protection exists, maximum lot depth and width are utilized and a stable slope allowance setback of 7.5 metres is applied. Any reduction in the 7.5 metre setback must be supported by a geotechnical study.

Decks and Non-Habitable minor structures are not permitted in the stable slope allowance or the dynamic beach hazard. Minor structures may be permitted within the flooding hazard provided safety concerns due to flooding are addressed. Minor structures within the erosion allowance may be permitted provided adequate shore protection exists and the structure does not obstruct maintenance access to and along existing shoreline protection works.

Swimming pools are not permitted within the shoreline flooding hazard, stable slope allowance or dynamic beach hazard. They may be permitted within the shoreline erosion hazard provided adequate shore protection exists, a setback of 7.5 metres from the stable top of slope is provided for and any reduction in setback is supported by a geotechnical study. In addition, drainage works must be addressed and the location of the pool does not obstruct maintenance access to and along existing shoreline protection works.

Boardwalks and other structures are not permitted within the dynamic beach hazard except as dune cross-overs at selected points. They are not permitted along the shore within the stable slope allowance and only perpendicular access to the shoreline is permitted. They may be permitted within the flooding hazard provided safety concerns due to flooding are addressed and they may be permitted within the erosion allowance provided the structure is not at risk to erosion hazard for 10 years (3 metres).

New septic systems are not permitted within the shoreline hazard area. Septic replacement may be permitted provided the five tests can be met.

With respect to lot creation, NPCA permits lot creation in those portions of the shoreline hazard areas where the effects and risks to public safety are minor and can be mitigated in accordance with provincial standards and where:

- Development and site alteration is carried out with floodproofing standards, protection works standards and access standards;
- Safe access and egress is provided during times of flooding, erosion and other emergencies;
- New hazards are not created and existing hazards are not aggravated; and
- No adverse environmental impacts will result.

Other CA policies:

The overall position of the Province with respect to shorelines that are susceptible to flooding, erosion and dynamic beach hazards, is that development will be directed to areas outside of the hazardous lands.

The jurisdictional review provided evidence that the other CAs recognize that there may be some situations where development may be considered within the less hazardous portions of the hazardous lands. All apply a combination of three hazards to define hazardous lands related to shoreline hazards, erosion hazards and dynamic beach hazards, as appropriate. Shoreline development setbacks are established based on shoreline protection works, sufficient unobstructed land-based maintenance

access is provided to and along shoreline protection works, appropriate flooding and erosion allowances, and a long-term stable slope allowance.

Conservation Halton articulates shoreline development setback standards in its Policy Document. Repairs, maintenance and interior alterations that do not increase the size or change the use of an existing building or structure do not require a permit from Conservation Halton. No new development or redevelopment is permitted within the dynamic beach hazards. In areas where the flooding and erosion hazard exists, new habitable development including major additions may be permitted (flood free access and egress and dry floodproofing) along with new habitable minor additions to existing buildings or structures. Despite minor, non-habitable detached structures being permitted, Conservation Halton also states that the cumulative impact of multiple accessory structures on the subject property will be taken into account.

Furthermore, Conservation Halton's policies state that additions to existing buildings and structures may be permitted within the flooding hazard provided the addition is 50% or less of the original habitable floor area to a maximum footprint of 100 m². Accessory buildings or structures are not permitted within the stable slope allowance or the dynamic beach hazard limit. Accessory buildings and structures may be permitted within the Lake Ontario flood hazard limit in keeping with wet floodproofing requirements, etc. Reconstruction is not permitted within the dynamic beach hazard. Reconstruction may be permitted within the flood hazard and erosion hazard limits subject to specific conditions including that previous buildings or structures were not damaged or destroyed by a Lake Ontario shoreline hazard event.

CVC prohibits residential, commercial and industrial buildings and structures within the erosion hazard or dynamic beach hazard limit.

Key Learnings:

The NPCA policies support the provincial position with respect to shorelines that are susceptible to flooding, erosion and dynamic beach hazards. The current policies direct development to areas outside of the hazard but recognize that in some situations, development may be considered within the less hazardous portions of the hazardous lands. This approach is in keeping with the policies that are in place in the other GGH Conservation Authorities that were examined.

4.1.3 Valleylands

Current Approach – NPCA

NPCA policies in general do not permit development within valleyland erosion limits, with the exception of the following:

- Erosion and sediment control structures
- Flood protection works
- Infrastructure approved through an environmental assessment process where the control of erosion, flooding, pollution and the conservation of land will not be affected or can be satisfactorily mitigated
- Minor removal (less than 25 m³) and placement of fill and site grading within the erosion hazard (not below the top of slope)

Sensitive uses and emergency services facilities are prohibited. Lots created through consent to maintain 7.5 metre setback except where Geotechnical Study indicates that some infringement can be accommodated on-site while maintaining bank stability and no long term environmental adverse

impacts. No setbacks less than 3 metres. Lots created through plan of subdivision are required to maintain a minimum setback of 7.5 metres.

Use	Specific NPCA provisions
Existing Development within 7.5 m of the stable top of slope	Replacements may be permitted to existing buildings and structures where they are within 7.5 metres of the stable top of slope.
Existing Lots of Record outside of Urban Areas	Minimum setback of 7.5 metres from the NPCA approved physical top of slope. A smaller setback may be considered subject to a geotechnical study that indicates that on-site mitigative measures can be carried out and no adverse long terms environmental impacts. No setback reduction to less than 3 metres and no development beyond the physical top of slope.
Existing Development Located on the Valley Wall	Reconstruction or alteration to locate outside of valley and associated tableland regulation limit. No increase in the size of the building. Maximum of 28 square metres may be permitted. Geotechnical study to determine the risk of the proposed work. No change in land use and no increase in the number of dwelling units. Adequate safe ingress and egress. No need to increase the size or location of a private subsurface sewage disposal system. No adverse impacts to ecological features and functions and conservation of land is maintained. No increase in risk with the Five Tests under the CAA.
New Development – Erosion Access Allowance	Minimum 7.5 metre from approved top of slope. Valley to be maintained in a natural state and no disturbance of grades or vegetation below the physical top of slope or within the 7.5 m setback.
Urban Area Infilling	Reduced setback in consultation with the municipality. Geotechnical study to be completed.
Passive Recreational Uses within Valleyland Erosion Hazard	No adverse impacts on ecological features or functions. All new development is set back from stable top of slope or toe of slope. Proposed access routes and lookouts may require Geotechnical study. Revegetation plan is submitted indicating no net loss of natural vegetation.
Overland Drainage	Directed away from valley slopes. Overland flow to be dispersed before discharge over the physical top of slope. No concentrated flow to be permitted. Overland flow to not be compromise the long term stability of the slope – may require a Geotechnical Study. Overland flow to not adversely impact ecological features or functions of the valley.

Other CA policies:

Appendix B-1 contains detailed information about setbacks for valleylands as specified by the GGH CAs under review. This information is presented in tabular form.

In the case of other CA policies that were reviewed, there is a recognition that regulated tablelands adjacent to the top of bank should be left in a natural state (i.e. not manicured lawn) in order to provide for the natural succession of vegetation from the valleylands onto the tableland to provide a buffer to the valleyland vegetation and root system.

In the case of GRCA, where the valley slopes in Apparent Valleys that have a slope inclination of 15% or greater, the limit of the Regulated Area is the top of slope (which includes both the Riverine Erosion Hazard and other Valleylands plus an allowance of 15 metres.)

GRCA policies are focused on the riverine erosion and riverine flooding hazard. In the case of existing development in the riverine erosion hazard allowance – Apparent Valleys with slope inclinations of 20% or greater, GRCA permits non-habitable accessory buildings or structures associated with existing residential, industrial, commercial and institutional uses provided the development setback is not less than 6 metres. Ground floor additions to existing residential, industrial, commercial and institutional uses provided the development setback is not less than 6 metres. An additional storey to existing buildings and structures provided the existing development setback is maintained. New multi-lot or multi-unit uses (residential, commercial, industrial, institutional) , large scale uses such as golf courses provided all building lots or greens and fairways are set back in their entirety a minimum of 6 metres. Buildings or structures on single lots not associated with multi-lot or multi-unit uses, large scale uses or commercial/institutional complexes and the replacement or relocation of existing buildings or structures provided a development setback of not less than 6 metres.

In the case of development in the riverine erosion hazard allowance –apparent valleys with slope inclinations of 20% or greater, GRCA may permit development provided there is no feasible alternative outside of the Regulated Area, the proposed development is not subject to a riverine erosion or riverine flooding hazard, there is no impact on existing and future slope stability, the risk of creating new riverine erosion hazards or aggravating existing riverine erosion hazards is negligible, the potential of increased loading forces on the top of slope is address through appropriate structural design, the potential for surficial erosion is addressed by a drainage plan, access into and through the valley for preventative actions or maintenance or during an emergency is not prevented and an appropriate setback is established.

In the case of development associated with existing uses in the riverine erosion hazard – Apparent Valleys with slope inclinations of 20% or greater, GRCA may permit development provided there is no feasible alternative, the site is not in a high risk reach, the proposed development or structure is located in an area of least risk, it is located in an area where the factor of safety is not less than 1.1-1.3, there is no impact on existing and future slope stability and bank stabilization or erosion protection work are not required, he risk of creating new riverine erosion hazards or aggravating existing riverine erosion hazards is negligible, the potential of increasing leading forces on the top of slope is addressed through appropriate structural design, access into and through the valley for preventative actions or maintenance is not prevented and the potential for surficial erosion is addressed by a drainage plan. GRCA may permit:

- Non-habitable buildings or structures associated with an existing residential use and accessory buildings or structures associated with an existing industrial/commercial/institutional use > 10m² but less than or equal to 46.5m²
- Additions may be permitted provided the combined area of the existing non-habitable accessory building or structure and the addition is equal to or less than 46.5m²
- Ground floor additions to existing residential/commercial/industrial/institutional uses provided the addition is less than 50% of the original ground floor area of the structure or building to a maximum footprint of 46.5m²
- An additional storey to existing buildings or structures.

Key Learnings – Valleylands Policies

The criteria set out in the GGH CA policies for establishing valley slope hazards is based on established geotechnical principles. There is also a recognition in the policies that an additional setback is required to ensure the long term integrity of the slope and associated ecological components. While the distance specified by each GGH CA varies with respect to setbacks and buffer requirements, the principles upon which the slopes are assessed are similar.

Part of the challenge in comparing CA policies is the way in which they are presented in the respective policy manuals. In some cases, specific development provisions are outlined for major and minor valley systems (e.g. Conservation Halton, Grand River CA.) Conservation Halton requires a buffer or setback for development within 15 metres of the stable top of bank for major valley systems and for minor valley systems.

Other CAs present their policies for development (buildings or structures) based on their location within or adjacent to an Apparent Valley and a Not Apparent Valley.

The current NPCA Policy Document includes Valleyland policies but does not provide specific direction for major and minor valley systems. NPCA policies generally prohibit development within valley land erosion hazard limits but does provide discretion to permit replacements of existing buildings and structures, as well as additions to existing buildings and structures where they exist within 7.5 metres of the stable top of slope. Existing lots of record adjacent to valleys (bank height equal to or greater than 3 metres) requires a 7.5 metre setback from the NPCA physical top of slope but again there is a policy that states:

“Notwithstanding the minimum 7.5 metre setback noted in this policy, a smaller setback may be considered where an existing lot of record contains insufficient depth to accommodate required setbacks and a geotechnical investigation reveals that some infringement within the setback area, together with mitigative measures can be accommodated on-site while maintaining bank stability and will result in no adverse long term environmental impacts. In no case shall the setback reduction be such that development is allowed beyond the physical top of slope. In no case shall the setback be reduced to less than 3 metres.”

Moving forward with the development of policies in Phase 2, NPCA should ensure that the intent of this policy is clarified.

4.1.4 Hazardous Lands

Current Approach – NPCA

In general, NPCA prohibits development and or site alteration on or near hazardous sites, including karst formations, back-dune areas and other areas where unstable soils and bedrock are known to exist. Sensitive uses including hospitals, nursing homes, daycare facilities, pre-school and schools are prohibited along with emergency services facilities.

Despite the general prohibition, current NPCA policy does indicate that development may be permitted subject to the completion of a geotechnical study to demonstrate that all hazards and risks have been addressed and that there are no negative impacts on the ecological function of natural features. In addition, NPCA's current Policy Document indicates that development and or site alteration may be permitted on or near hazardous sites where the effects and risk to public safety are minor and can be

mitigated. The NPCA policies reference development and or site alteration within 50 metres of a hazardous site subject to a geotechnical study and potentially an EIS. Infrastructure that is approved through an environmental assessment may be approved where the Five Tests under the Conservation Authorities Act have been addressed. No water wells within 50 metres of a karst feature are permitted. Despite the broad statement that development and or site alteration is not permitted on or near hazardous sites, NPCA policy provides for lot creation in those portions of hazardous lands and hazardous sites where the effects and risks to the public are minor and can be mitigated.

Other CA policies:

Lake Simcoe Region CA defines hazardous lands to include organic soils and unstable bedrock. While the LSRCA policies in general indicate that development shall not be permitted within hazardous lands associated with unstable soils or unstable bedrock, the policies do indicate that permission may be granted if there is no reasonable alternative location for the development outside of the hazardous lands, the proposed development is supported by a Geotechnical Study and the proposed developed is designed to address the hazards and risks associated with the site, as identified in the Geotechnical Study.

As a general policy, CVC prohibits residential, commercial and industrial buildings and structures within hazardous lands associated with unstable soil and unstable bedrock. CVC specifies the determination and limits of hazardous lands associated with unstable soil or unstable bedrock to be determined through site specific field investigations and technical reports where required. CVC policies do recognize that certain types of development must locate within hazard lands and may permit such works where they have been addressed through an environmental assessment, comprehensive environmental study or technical report and the Five Tests will not be affected. This includes but is not limited to:

- Infrastructure, including stormwater management facilities;
- Development associated with passive or low intensity outdoor recreation and education;
- Development which by its nature must locate within hazardous land such as marinas, boat houses, docks, boat launching facilities, or similar development;
- Development associated with conservation or restoration projects or management activities following sustainable management practices;
- Hazardous land remediation or mitigation works to protect existing development; and
- Interference or development to implement the recommendations of an environmental assessment, comprehensive environmental study or technical report completed to the satisfaction of CVC.

Key Learnings:

The NPCA policies support the provincial position with respect to hazardous lands. The current policies direct development to areas outside of the hazard but recognize that in some situations, development may be considered within the less hazardous portions of the hazardous lands. This approach is in keeping with the policies that are in place in the other GGH Conservation Authorities that were examined. Several Conservation Authorities have noted in their policy documents that determining the limits of hazard lands associated with unstable soil or unstable bedrock will be made through a site specific field investigation and technical reports where required. CVC also notes that there must be no reasonable alternative in order for permission to be considered.

4.1.5 Wetlands

Current NPCA policy:

NPCA prohibits development and or site alteration within a wetland. NPCA defines areas adjacent to wetlands where development could impact the hydrologic function of the wetland (areas of interference) based on wetland classification:

- PSW and wetlands greater than 2 hectares, the area of interference can be up to 120 metres from the boundary of the wetland;
- For wetlands less than 2 hectares, the area of interference is 30 metres.

Replacement structures may be permitted if there is no alternative location, the structure is restored to its original form and floodproofing measures are implemented where required. Accessory structures and building additions are not permitted. Ponds will only be permitted if there is no impact to existing hydrological function or hydrological regime and the overall ecological function of the wetland and adjacent lands is improved. Conservation and restoration projects may be permitted where overall ecological and hydrological function is improved. An EIS may be required. In some cases, passive recreational uses may be permitted provided there is no increase to public safety from natural hazards, the area of construction disturbance is minimized, existing topography is maintained, trails are established using organic, pervious surfaces or boardwalks that will not impact natural vegetation, tree removal is avoided or minimized, a re-vegetation plan is approved and there is no net loss of natural vegetation and the overall ecological and hydrological function of the wetland are maintained.

Development in Areas of Interference:

Development within 30 metres:

In general, no development and site alteration is permitted within 30 metres of a wetland. The following uses may be permitted: infrastructure, conservation and restoration projects, passive recreational uses, replacement structures, accessory structures and minor additions and other forms of development that do not adversely impact the ecological and hydrological function of the wetland and where the proposed development meets the Five Tests.

Reductions in the 30 metre requirement may be considered based on:

- The nature of the proposed development
- Proximity to the wetland of existing structures
- Adjacent land use
- Condition of the 30 metre Regulated area
- Extent of existing natural buffer
- Other ecological or hydrological function considerations specific to the site
- The availability of alternative locations outside of the 30 metre buffer
- A determination of whether an EIS or Hydrological Study will be required

No development is permitted within 5 metres of a wetland.

New Development Within 30 metres of a Wetland

- no new septic systems are permitted within 30 metres;

- septic system replacement will be permitted within 30 metres of any wetland only where no alternative location outside of the 30 metres exists in proximity to the residence.
- For major development, no new development is permitted within 30 metres of a PSW. Any reduction will be considered based on a site specific evaluation by NPCA staff to determine whether a reduction is warranted, depending on the scale, nature and proximity of the proposed development and considering the following:
 - The nature of the proposed development
 - Proximity to the wetland
 - Adjacent land use
 - Condition of the 30 metre Regulated area
 - Extent of existing natural buffer
 - Presence of existing roads
 - Removal of invasive species
 - Presence of sensitive ecological features
 - Other ecological or hydrological function considerations specific to the site
 - Other items as required

30 metres and 120 metres of a PSW

Development may be permitted between 30 metres and 120 metres of a PSW where there are no negative impacts on the ecological and hydrological function of the wetland. NPCA has the ability to regulate development within 30 metres and 120 metres of a PSW on a site by site basis, where the nature of the proposed development merits consideration of the Five Tests under the Conservation Authorities Act and or there exists potential interference with the ecological or hydrological function of the wetland. An EIS may be required.

Public Infrastructure

Public infrastructure may be permitted within a wetland provided it is supported by an environmental assessment or a comprehensive EIS, no reasonable alternative location exists outside of the wetland, any impacts to flood flows, flow storage or groundwater movement are mitigated, the proposed infrastructure is designed to fully address impacts to existing hydrological function, hydrological regime and ecological function of the wetland and adjacent lands, and infrastructure approved through an environmental assessment process shall require a work permit to develop from the NPCA.

Other CA policies:

Appendix B-2 provides, in tabular form, detailed information about the wetland buffers specified by all 36 Conservation Authorities. This Appendix also provides more detailed information about the buffers and policies for the Conservation Authorities under review.

The following offers a summary of the wetland policies.

Hamilton Conservation:

Development, site alteration and/or interference with wetlands is generally not permitted:

- In or on the areas of Non-PSWs
- Within the adjacent lands of PSWs – 120 metres
- Within the adjacent lands of Non-PSWs – 30 metres

unless the hydrological, hydrogeological and ecological function of the lands and adjacent lands has been evaluated and there will be no negative impacts on natural features or their ecological functions. An EIS may be required.

No development, site alteration and/or interference with a wetland is permitted within a PSW.

No development, site alteration and/or interference with wetlands is permitted within 30 metres of any wetland.

Lake Simcoe Region CA:

Development and/or interference in any way shall generally be prohibited within all wetlands.

Development within a PSW may be approved for public infrastructure (roads, pipelines, water and sewer services), passive trails, conservation or restoration projects provided there is demonstrated need and no alternative, the Five Tests are met, interference of natural features and hydrologic and ecological functions are acceptable through EIS, Geotechnical Study, hydrogeological study).

Development within a wetland may be approved provided:

- Wetland is not PSW
- There is demonstrated need and no alternative location
- The Five Tests can be met
- EIS, geotechnical study, hydrogeological study, water balance, etc.) demonstrate Interference of the natural features and hydrologic and ecological functions have no negative impact
- Mitigation plans prepared to compensate for loss of wetland features and functions

Minimum 120 metre setback from the boundary of all PSW for all new development. This may be reduced provided no negative impact on the hydrologic function of the wetland. May, depending on the nature and scale of the proposed development, require a hydrologic study to demonstrate no negative impact on the wetland. Landscaping and habitat restoration plan to enhance ecological features and functions will also be required.

Minimum 30 metre setback from the boundary of all unevaluated wetlands for new development. May be reduced provided no negative impact on the hydrologic function. May, depending on the nature and scale of the proposed development, also require hydrologic study to demonstrate no negative impacts as well as a landscaping plan and habitat restoration plan to enhance ecological features and functions associated with the wetland.

GRCA:

Subdivisions and condominiums within a wetland or area of interference previously approved by a municipality under the Planning Act with GRCA support may be permitted provided that:

- The proposed development met the policies in effect at the time of draft approval
- The proposed development is modified in accordance with GRCA policies for wetlands and areas of interference, wherever possible.

TRCA:

Development and interference will not be permitted within the Regulated Area associated with wetlands except in accordance with general development policies.

Development and interference will not be permitted within PSW, a wetland on the Oak Ridges Moraine, a wetland within the Niagara Escarpment Plan Area, or other wetlands greater than .5 ha in size.

Development and interference may be permitted within other wetlands less than .5 ha in size, where:

- The wetland is not part of a PSW, wetland on the ORM or within the NEP area
- Interference on the natural features, ecological functions and hydrological functions are acceptable and the ecological functions and hydrological functions can be maintained or enhanced within the subwatershed or planning area through compensatory restoration works of sufficient scale and scope in accordance with TRCA standards
- Wetland is not part of an ecologically functional corridor or linkage between larger wetlands and other habitats
- The wetland is not part of a Provincially or municipally designated and protected natural feature or system, a significant woodland or hazardous land
- The wetland is not significant wildlife habitat or habitat for Provincially or regionally significant species and
- The wetland is not part of a significant groundwater recharge or discharge area

Where it can be demonstrated that interference is acceptable and the Five Tests are met, TRCA may permit:

- Public or essential infrastructure where justification is provided through an EA or comprehensive environmental study
- Conservation or restoration projects or management activities
- Hazardous land remediation or mitigation works to protect existing development; and
- Low intensity and non-intrusive minor recreational uses (e.g. outdoor education)

Existing buildings and structures within a wetland that are destroyed or damaged by causes beyond the owner's control may be replaced or reconstructed if there is no feasible alternative outside the wetland. Replacement shall not exceed the size or footprint of the original building or structure, nor intensify the existing use.

Where buildings or structures exist within 30 m of a PSW or wetland on the ORM, reconstruction, alterations or additions may be permitted in accordance with the General Policies and where it can be demonstrated that: there are no adverse impacts to the hydrologic function of the wetland, the overall existing drainage patterns will be maintained, disturbances to natural vegetation communities contributing to the ecological function and hydrologic function of the wetland are avoided, disturbed area, soil compaction and impervious areas are minimized, development is located above the high water table, best management practices are used to maintain water balance and control erosion and sedimentation and the development is setback 10 m from the wetland and maintains as much setback from the wetland as possible but is no closer than the existing development.

Where buildings or structures already exist within 10 m of other wetlands, reconstruction, alterations or additions may be permitted in accordance with TRCA general policies and where it can be demonstrated that the above criteria have been met and the development maintains as much setback from the wetland as possible but is no closer than the existing development.

Property improvements and accessory structures associated with existing residential use within 30 m of a wetland (decks, minor alterations to grade/landscaping and swimming pools) may be permitted where the above criteria have been met.

Key Learnings:

As evident from the above table, there is variation in the prescribed buffer setbacks for Provincially Significant Wetlands and for wetlands greater than 2 hectares in size. Hamilton Conservation policies

indicate that development, site alteration, and/or interference with wetlands will generally not be permitted in or on the areas of Non-PSWs; within the adjacent lands of PSWs (120 metres); or within the adjacent lands of Non-PSWs (30 m). A 30 metre wetland buffer for PSW has been identified by: TRCA, CVC (can be reduced through an EIS), CLOCA (can be reduced through an EIS), NVCA, GRCA, Halton Region (greater setbacks may be required), Lower Trent (30 metre minimum), Maitland Valley, St. Clair Region and Mississippi Valley. A 30 metre setback for non-PSW has been referenced by Hamilton Conservation (EIS requirement), KRCA and ORCA – both requiring an EIS to consider any reduction in buffer width.

There are several Conservation Authorities that do not specify a minimum buffer width. These include: GRCA, Lower Thames, Upper Thames, Cataraqui Region, Kettle Creek, Long Point, Grey Sauble, Saugeen, Crowe Valley, South Nation, North Bay Mattawa and Sault Ste. Marie. Buffer information is not available for Essex Region, Raisin Region, Conservation Sudbury, Lakehead Region or Catfish Creek.

Policy details differ based on CA jurisdiction. Conservation Halton policies are extremely prescriptive. For example, development that is permitted between 30 metres and 120 metres of a PSW or a wetland equal to or greater than 2 hectares in size (that require only a building permit) and would be subject to a letter of clearance from the Authority include:

- a) A single family residential dwelling equal to or less than 500 square metres in size;
- b) Swimming pools, decks, non-habitable accessory structures to a single-family residential dwelling that combined are equal to or less than 500 square metres in size;
- c) Farm buildings and structures equal to or less than 700 square metres in size;
- d) Additions to existing residential buildings or structures provided the addition does not result in the entire building or structure being greater than 500 square metres in size;
- e) Additions to existing agricultural buildings or structures provided the addition does not result in the entire building or structure being greater than 700 square metres in size;
- f) Residential septic systems;
- g) Ponds less than or equal to 500 square metres in size; and
- h) Landscaping and minor grading associated with (a) – (f) above.

No new development is permitted within 30 metres of a PSW unless it is an existing lot of record or where buildings or structures already exist within 30 metres of a PSW or a wetland greater than or equal to 2 hectares. No encroachment is permitted within 15 metres of the wetland. Conservation Halton policies specify when a letter of clearance is required for development between 30 metres and 120 metres of a PSW or a wetland greater than or equal to 2 hectares in size that is subject only to a building permit. Hamilton Conservation does not permit development, site alteration or interference with wetlands:

- In or on the areas of non-PSWs;
- Within the adjacent lands of PSWs (120 m); or
- Within the adjacent lands of non-PSWs (30 m)

Unless the hydrological, hydrogeological and ecological function of the lands and the adjacent lands have been evaluated and it has been demonstrated that there will be no negative impacts. An EIS may be required. Hamilton Conservation policies (3.1.7) specifically state that except as provided above:

- no development, site alteration, and/or interference with wetlands is permitted within a PSW;

- no development, site alteration, and/or interference with wetlands is permitted within 30 m of any wetland;
- The viability of locating the development proposal on a portion of the property outside of the 30 m area of interference of a PSW must be examined in all cases and applied wherever possible”;
- the limit of any wetland will be established in the field by the Authority staff and municipal staff, with reference to provincial mapping.

Like other CAs that reference interference on the natural features, ecological functions and hydrological functions, TRCA also considers whether the wetland is part of an ecologically functional corridor or linkage with larger wetlands and other habitats and whether the wetland is part of a Provincially or municipally designated ad protected natural feature or system, a significant woodland or hazardous lands, whether it is significant wildlife habitat or habitat for Provincially or regionally significant species and whether it is part of a significant groundwater recharge or discharge area. TRCA has specific policies that pertain to reconstruction, alterations or additions to existing development. The KRCA Policy Document indicates that the Authority will require the maintenance of a wetland buffer of an appropriate width based on intended land use, site conditions and wetland type or sensitivity as determined by KRCA staff. The KRCA document includes the table adapted from Best Management Practices 15: Buffer Strips developed by OMAFRA, 2004. Both TRCA and Conservation Halton make reference to existing lots of record.

The NPCA policies meet the Five Tests of the Conservation Authorities Act. Wetland policies as prescribed by current NPCA policy are not out of alignment with those in place among other Conservation Authorities. Across the CA landscape, buffer widths vary and in many cases are subject to the completion of an EIS.

4.1.6 Watercourse Policies

Current Approach – NPCA

Where development and site alteration is proposed adjacent to a watercourse, the NPCA shall require the establishment of a natural buffer of between 15 metres (49 feet) and 10 metres (33 feet) based on the following:

- a) A 15 metre natural buffer for watercourses containing permanent flow, cool water or coldwater systems or specialized aquatic or riparian habitat (such as but not limited to fish spawning areas, habitat of species at risk or species of concern, forested riparian areas or Type 1 Critical Fish Habitat);
- b) A 10 metre natural buffer for watercourses containing intermittent flow, warmwater systems or general/impacts aquatic or riparian habitat, or Type 2 Important Fish Habitat or Type 3 Marginal Fish Habitat;
- c) Other considerations which may impact pollution or the conservation of land.

NPCA however notes that reductions of these buffer requirements will only be considered in special circumstances based on a site specific evaluation by NPCA staff to determine whether a reduction is warranted. In any case, no development is permitted within 5 metres of a watercourse.

Other CA policies:

In some cases, Conservation Authorities do not specify setbacks from watercourses (GRCA, LSRCA). In other cases, watercourse setback is specified in the form of buffers from each side of the watercourse. CLOCA specifies a 30 metre buffer but notes this may be reduced to a minimum of 15 metres adjacent to warm water streams if there is no negative impact to the feature or function. Conservation Halton provides for a similar 15 metre setback from the bankfull channel of any warmwater baitfish watercourse and a minimum of 30 metre setback from the bankfull channel of any coldwater/cool water watercourse. Conservation Halton also notes that exceptions may be considered on a site specific basis in areas of existing development where the works will not encroach into the setback any further than the existing building/structure and where no reasonable alternative exists.

Key Learnings:

When compared with other GGH CAs, NPCA buffer policies for watercourses appear to provide greater flexibility. Despite a 15 metre setback for watercourses containing permanent flow, cool water or coldwater systems or specialized aquatic or riparian habitat and a 10 metre natural buffer for watercourses containing intermittent flow and warmwater systems, NPCA considers setback reductions in special circumstances and specifies that no development or site alteration will be permitted within 5 metres of a watercourse. There do not appear to be any CAs under review who, even in special circumstances, would permit development within 5 metres of a watercourse.

4.1.7 Conservation of Land

While a detailed analysis follows, one area that warrants specific mention is the reference to ‘conservation of land’ as one of the Five Tests that must be met in order for a work permit to be issued. Unlike flooding, erosion, dynamic beach and pollution, conservation of land is considered by conservation authorities in general, and by NPCA in particular, in a variety of ways. Applications for permission are viewed first and foremost, from an integrated, holistic and systems lens. NPCA has defined and articulated goals and objectives that pertain specifically to enhancement, restoration and protection. The current Policy Document also includes a definition of conservation of land and defines the term to mean ‘the protection, management, or restoration of lands within the watershed ecosystem for the purpose of maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed.’ In carrying out its permitting responsibilities, NPCA assesses applications to ensure there are no adverse environmental impacts to existing natural features and/or ecological functions as a result of the proposed development. This approach is mirrored in other GGH CAs. Specific reference to the conservation of land and pollution should be included in the updated Policy Document.

Conservation Halton addresses the conservation of land specifically, as follows:

2.10 Conservation of Land and Pollution

Where development is proposed within an area regulated pursuant to Ontario Regulation 162/06, it will be assessed based on whether the development will affect the conservation of land and/or pollution. Applications will be assessed to ensure no adverse environmental impacts to existing natural features and/or ecological functions as a result of the proposed development. A net environmental benefit will be encouraged. In addition, applications will be reviewed to determine whether there is any potential for a deleterious physical substance or other contaminant to be generated by the development.

In addition to assessing applications to ensure there are no adverse environmental impacts to existing natural features and/or ecological functions as a result of the proposed development, NPCA also develops and maintains programs that will conserve natural resources. NPCA ensures water resources are properly safeguarded, managed and restored, develop programs that promote watershed stewardship practices that lead to healthy watersheds and provides opportunities to connect people to the natural environment. The current Policy Document includes numerous references to the conservation of land (37 in total). In Phase 2 it may be advisable to ensure that NPCA continues to have policies in place that support the conservation of land.

Observation: That the updated Policy Document include policies that ensure continued support for the conservation of land.

4.2 LEGISLATIVE RESPONSIBILITIES ASSIGNED THROUGH THE PLANNING ACT

In addition to assessing whether the current NPCA Policy Document includes policies that meet the Five Tests of the Conservation Authorities Act, additional work was undertaken to evaluate the current policies that apply to NPCA's assigned responsibilities under the Planning Act.

NPCA does not have stand-alone policies in the current Policy Document relating to ANSIs or Woodlands as these are a municipal jurisdiction. Significant Habitat of Threatened and Endangered Species are Provincial jurisdiction and Fish Habitat falls under the responsibility of the Department of Fisheries and Oceans. That said, it is of value of examine the other GGH CA policies to offer a full picture of the approach taken by others to address their responsibilities under the Planning Act. These findings have been captured below.

4.2.1 ANSIs

Current Approach – NPCA

There are no specific stand-alone policies in the current NPCA Policy Document that relate specifically to ANSIs. NPCA does address ANSIs if they fall within a regulated feature – a wetland for example – and rely on the planning policies that are in place at the watershed municipal level. The approach taken by NPCA is not to duplicate municipal planning policy but rather to utilize the municipal policies that are in place.

Other CA policies:

Appendix C-1 identifies in tabular form, detailed information about setbacks from ANSIs, as specified by the other GGH CAs under review.

There is tremendous variation in the degree to which ANSIs are addressed in the Conservation Authority jurisdictions that were examined. In some cases, specific policies are included (e.g. Conservation Halton, Hamilton Conservation). In other cases, ANSIs are identified as part of the Natural Heritage System (e.g. TRCA). Other Conservation Authorities acknowledge that the exact limit of life science ANSIs is to be determined by the Ministry of Natural Resources (CVC). Grand River CA and Lake Simcoe Region CA include only general guidelines in their documents that pertain to natural hazards and natural features.

Credit Valley Conservation does not support development and site alteration within provincial and regional life science ANSIs. A comprehensive environmental study or technical report to determine the setback from provincially and regionally significant ANSIs is referenced.

Conservation Halton and Hamilton Conservation take a similar policy approach. Conservation Halton states that an EIS is required for planning application within or adjacent to ANSIs and makes reference to the 50 metre buffer. No development or site alteration within or adjacent to ANSIs unless there are no negative impacts on the natural features or their ecological functions. Hamilton Conservation directs development and site alteration away from provincially significant ANSIs unless it can be demonstrated through an EIS that there are no negative impacts on the natural features or functions. No development or site alteration within 50 of the boundary of the area unless the ecological function has been evaluated and an EIS shows no negative impacts.

TRCA addresses its approach from the lens of the natural system, citing the inclusion of:

- Valley and stream corridors
- Wetlands
- Fish habitat
- Woodlands
- Wildlife habitat
- Habitat of endangered and threatened species
- Species of concern
- Areas of Natural and Scientific Interest
- Environmentally Significant Areas (ESAs)

TRCA policies make reference to the PPS as setting the standards for conservation at a provincial level, but indicate that municipalities can go beyond this standard to reflect the needs for conservation at a local scale. TRCA takes the approach that all natural features and areas within the Natural System should be protected from development, site alteration, and infrastructure.

Key Learnings – ANSIs

Conservation Authorities direct development and/or site alteration away from Provincially Significant Areas of Natural and Scientific Interest unless it can be demonstrated through an EIS that there will be no negative impacts on the natural features or the ecological functions.

Development and/or site alteration will not be permitted on lands adjacent to Provincially Significant ANSIs unless the ecological function of the adjacent lands has been evaluated and an EIS has demonstrated that there will be no negative impacts on the natural features or their ecological functions. CLOCA, Conservation Halton and Hamilton Conservation all refer to 50 metres. LSRCA and GRCA do not specify the adjacent land width. KRCA has identified a 50 metre adjacent land width for Earth Science ANSIs and a 120 metre adjacent land width of 120 metres for Life Science ANSIs. TRCA policies refer to 120 metres but state that this distance will be determined by local site conditions and the nature of development.

4.2.2 Significant Wildlife Habitat Policies

Current Approach - NPCA:

There are no specific stand-alone policies that apply to wildlife habitat in the current NPCA Policy Document. NPCA relies on planning policies that are in place in watershed municipal planning documents and relies on these policies in carrying out its plan review function.

Other CA policies:

Appendix C-2 identifies in tabular form, setback information for wildlife habitat, as specified in the policy documents of the GGH CAs under review.

In most cases, the distance from significant wildlife habitat varies from one CA to another. What is common however, is the specification that the distance will be determined through a comprehensive environmental study or technical report. While some CAs (CLOCA, TRCA, KRCA) specify 120 metres from adjacent lands, there are other CA's who do not specify a specific buffer width (GRCA, LSRCA, Conservation Halton). KRCA notes further that advice from the Province will be obtained regarding the presence of known wildlife habitat.

Key Learnings

Setbacks from significant wildlife habitat areas are widely varied among the jurisdictions examined. In some cases (LSRCA, GRCA, NPCA), specific reference to setbacks is not provided. In other cases, there is no specified setback but the requirement that an EIS be to determine appropriate setbacks (CVC, Conservation Halton). Hamilton Conservation specifies a 50 metre setback while Kawartha Region and Otonabee Region specify a 120 metre setback, again subject to a site-specific technical report or environmental study.

4.2.3 Habitat of Threatened and Endangered Species Policies

Current Approach – NPCA:

The current NPCA Policy Document does not contain stand-alone policies pertaining to the habitat of endangered and threatened species. NPCA relies on the policies that are in place at the watershed municipal planning level and utilize these policies in carrying out its plan review function.

Other CA policies:

Appendix C-3 identifies in tabular form, setback and buffer information , as specified in the policy documents of the GGH CAs under review.

In the case of GRCA and LSRCA, specific provisions were not identified. TRCA has adopted a natural heritage system approach and considers a number of factors including local site conditions and the nature of development into account. Hamilton Conservation specifies a 50 metre buffer but notes this may be reduced through an EIS. Conservation Halton also requires a 50 metre buffer but stipulates that an EIS is required for any planning application within 50 metres. Kawartha recommends no development or site alteration be permitted in habitat of threatened or endangered species except as permitted by the Province. KRCA has identified 120 metres in its policies but notes this adjacent land setback may be reduced if the ecological function of adjacent lands have been evaluated and there is no negative impact on natural features or their ecological functions.

Key Learnings

The Provincial Policy Statement indicates that development and site alteration shall not be permitted within significant habitat of endangered species or threatened species. In addition, development and site alteration shall not be permitted on lands adjacent to this habitat unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. The Ministry of Natural Resources Natural Heritage Reference Manual considers adjacent lands to be 50 metres.

None of the Conservation Authorities under review permit development and/or site alteration in the significant habitat of threatened or endangered species. Most CAs under review recognize the 50 metre delineation of adjacent lands as specified by the Province and also uphold the requirement for the ecological function of adjacent lands to be evaluated with no ensuing negative impact on the natural features or their ecological functions.

4.2.4 Woodlands Policies

Current Approach – NPCA

The current NPCA Policy Document does not contain stand-alone policies with respect to significant woodlands. NPCA relies on the policies contained in existing watershed municipal planning documents to carry out its plan review function.

Other CA policies:

Appendix C-4 contains, in tabular form, more detailed information about setbacks and buffers as specified by the Conservation Authorities under review.

The PPS states that development and site alteration should not occur within or adjacent to significant woodlands unless it can be demonstrated that there will be no negative impacts on the natural features or their ecological functions. MNR Natural Heritage Manual provides direction for identifying significant woodlands and considers adjacent lands to be within 50 metres.

Conservation Halton requires an EIS for planning applications within or adjacent to significant woodlands. Conservation Halton specifies that efforts are made to work with planning authorities to identify and designate significant woodlands in Official Plans and zoning by-laws in appropriate Greenlands and Conservation Management zones. A minimum 10 metre development and site alteration setback from dripline, confirmed through an EIS is recommended outside of the Niagara Escarpment Plan Area and the Greenbelt Plan Area. Within the Greenbelt Plan Area and Niagara Escarpment Plan Area, a minimum 30 metre vegetated protection zone is recommended.

In the case of GRCA and LSRCA specific woodlands policies are not available on the website. CLOCA specifies a minimum 10 metre buffer from the drip line while CVC specifies a minimum 120 metre buffer with a minimum buffer of 10 metres from the drip line. Hamilton Conservation policies specify a 50 metre buffer, noting that development and/or site alteration within 50 metres of the boundary of the woodland will not be permitted unless the ecological function of the adjacent lands has been evaluated and an EIS has demonstrated that there will be no negative impacts on the natural features or on their ecological functions. TRCA, KRCA and ORCA all refer to no development or site alteration within 120 metres of a significant woodland.

Key Learnings

There is no standard approach evident among the Conservation Authorities under review. Actual setbacks and buffers vary but in addition, the Conservation Authorities under review specify a minimum buffer width in some cases while in others the policies articulate a standard setback.

4.2.5 Fish Habitat Policies

Current Approach – NPCA

The current NPCA Policy Document is silent with respect to fish habitat.

Fish Habitat			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC	15 metres from the channel bank for a warm water or altered fisheries stream or 30 metres measured from the channel bank for a cold water potential coldwater fisheries stream	Building envelope to be set back a distance to be determined through a comprehensive environmental study or technical report.	
CLOCA	Not Specified		
GRCA	Not Specified		
Hamilton Conservation	30 m	An undisturbed vegetation protective zone running along both sides of all watercourses is required. May be reduced through EIS. Minimum 15 m vegetative protective zone for all important (Type 2) and Marginal (Type 3) Habitats – 30 m total. A minimum 30 m vegetative protective zone for all Critical (Type 1) Habitats – 60 m total. For critical habitats, buffers may be adjusted upwards based on the findings of a fisheries habitat assessment.	3.1.3
Conservation Halton	Minimum setback of 30 metres from the bankfull channel of any coldwater/coldwater watercourse and warmwater sportfish watercourse 15 metres from the bankfull channel of any warmwater baitfish watercourse	An additional allowance may be required from the long-term migration of the watercourse (i.e. erosion or meander belt allowance). Exceptions on a site by site basis where no encroachment and where no other reasonable alternative exists	2.6.1
KRCA	120 metres or 300 metres for at capacity lake trout lakes	May be reduced through EIS	

Other CA policies:

Appendix C-5 provides, in tabular form, more detailed information about setbacks and buffers that are prescribed in the policy documents of other Conservation Authorities under review.

There is evidence of setback variability among the GGH CA's under review. While most CA's draw a setback distinction between warm water and cold water streams, the setbacks are varied. CVC stipulates a 15 metre setback from the channel bank for warm water or altered fisheries streams or 30 metres measured from the channel bank for a cold water or potential coldwater stream but notes that the building envelope will be setback a distance to be determined through a comprehensive environmental study or technical report. Like NPCA, CLOCA and GRCA do not specify setbacks in their policy documents. Hamilton Conservation specifies a 30 metre undisturbed vegetation protection zone running along both sides of all watercourses is required but suggests this may be reduced through EIS. Conservation Halton stipulates a minimum setback of 30 metres from the bankfull channel of any coldwater watercourse and warmwater sportfish watercourse, noting an additional allowance may be required from the long-term migration of the watercourse. A 15 metre setback from the bankfull channel of any warmwater baitfish watercourse is also specified by Conservation Halton, with exceptions on a site by site basis where there are no other reasonable alternatives and where there is no encroachment.

Key Learnings:

There is a tremendous degree of variability among the CAs under review – both from the lens of the level of policy detail provided and the specified setbacks. There does not appear to be a consistent approach among the CAs under review.

5.0 Survey Results

The NPCA, together with the Consultant (Planning Solutions Inc.), developed a Phase 1 Survey to provide an opportunity for focused input by NPCA staff, Board Members and watershed municipal partners. The survey was designed to allow invited participants to share their views respecting the current Policy Document. The survey was launched on February 7th, 2022 using a Survey Monkey platform, and was monitored by Planning Solutions Inc. The survey closed on March 2, 2022.

In total, ten responses were received. Five responses were received from NPCA Board Members, 3 were from members of the Public Advisory Committee and 2 were received from watershed municipal partners. Of those who responded, there was a 100% completion rate. The typical time spent to complete the survey was 48 minutes. None of the survey questions were skipped.

Key Observations from Survey Responses:

Familiarity With the Current Policy Document: Of those who responded to the survey, 40% indicated they were very familiar with the current Policy Document and 60% indicated they were somewhat familiar with the document.

Document Adequacy: Of those who responded to the survey, 10% indicated they felt the current document is adequate for NPCA to address its planning review and permit mandate. 80% were of the view that it is not adequate and 10% did not know. Respondents (60%) also indicated that they have heard from others who are of the view that the document is inadequate for NPCA to address its planning review and permit mandate.

Areas of Document Inadequacy: Of those who responded to the survey,

- 66.67% indicated that in their view the current policies do not provide enough protection of the natural environment;
- 55.56% were of the view that the document contains outdated policies;
- 44.44% were of the view that:
 - The policies do not offer sufficient direction and are difficult to interpret
 - The policies are difficult to enforce

Of the responses received, 62.50% indicated that others have suggested the current NPCA policies do not offer enough protection of the natural environment, with 50% of respondents indicating that others have shared with them that the policies in their view are being applied inconsistently. 37.50% of respondents indicated that others have expressed to them that the role and mandate of NPCA is not clear, the current document is not consistent with provincial policy, legislation and guidelines and that NPCA is not enforcing its policies.

Biggest Issues/Areas of Concern: Respondents indicated their biggest concern was with wetlands and wetland buffers. Flooding hazards and watercourses also factored prominently among the biggest issues identified with the current NPCA Policy Document. Wetland and wetland buffer policies were also identified by respondents as key issues others had shared with them. Flooding hazards also factored significantly but the role of NPCA under the Conservation Authorities Act and the Planning Act were also noted as concerns that had been expressed to respondents by others.

Gaps, Inconsistencies & The Need for Policy Clarity: Of those who responded, 80% indicated that in their opinion there are gaps in the current Policy Document. 60% indicated that in their opinion, there are inconsistencies in the current Policy Document that need to be addressed with 50% suggesting there are policies that are unclear.

A similar 50/50 split was noted in the responses that were provided suggesting that there are policies in the current Policy Document that are no longer relevant and should be removed.

Technical Studies: Several respondents suggested the need for NPCA to adopt TRCA's Wetland Water Balance Risk Evaluation. In addition, it was suggested that a more progressive approach needs to be taken with respect to Environmental Impact Studies that advances a more holistic view of the environment. Additional comments suggested that historically, EIS were narrowly scoped leading to a typical outcome that finds little or nothing that should be protected or mitigated and in future, it was suggested that they should be conducted by a neutral third party. Moving forward with a consistent requirement that EIS are peer reviewed was also suggested. A Geotechnical Guide that specifies the minimum requirements for geotechnical studies that are undertaken when variances/deviations to the slope stability policies/requirements are requested in a development application was also suggested. Floodplain mapping updates are needed to reflect climate change impacts. Natural Asset inventories should be completed with a focus on urban and near urban areas. Wetland evaluation on unevaluated or mapped areas of potential was also suggested. A 30 metre natural buffer, one respondent noted, for all natural hazards should be applied consistently.

Mapping/Data Gaps: 77.78% of respondents to the survey indicated that in their view there are mapping and/or data gaps within the NPCA watershed that need to be addressed to support the new Policy Document. Reference was made to watercourses and agricultural ditches, updated watershed mapping, updated floodplain mapping, climate mapping to scale, ground truthing to address gaps in mapping where features are identified but do not exist. The suggestion was also made to develop

updated wetland mapping and updated floodplain mapping along with a public-facing mapping tool for private landowners to determine the status of their lands and any constraints.

Other Policy-Related Issues: A number of additional policy-related issues were identified by those who responded to the survey. Better coordination in the construction and maintenance of Municipal Drains, not competing with private business (i.e. weddings, etc.), removal of the Guiding Principles as these do not belong in a policy document.

Building A Solid Process to Update the Policy Document: The importance of stakeholder and public engagement was identified in several responses. Engaging with agricultural stakeholders before the Spring and Summer begins was noted as important. Keeping the public engaged and importantly, aware of any proposed changes and how it will impact them was also suggested. The timing for the Phase 2 work was suggested in several cases as taking too long. A shorter timeframe to complete the work was recommended by several respondents who suggested an August/September target date for the new Policy Document to be finalized. The development of a Procedural Manual could follow but several respondents highlighted the need for the current Board to be able to approve the new document. One respondent suggested some sections of the policy document – wetlands and watercourses and their buffers – should be fast-tracked and presented to the Board in May 2022. Be certain to develop a document that is easily understood by the public. One respondent suggested striking a Board Member Committee to help advance the Phase 2 process.

6.0 General Findings

It is important to note that this work focused specifically on a comparative analysis of select high-growth CAs. It examined only the policies that have been articulated by the selected Conservation Authorities and did not examine the way in which policies have been implemented – only what is specified in the policy and planning manuals.

6.1 The Current NPCA Policy Document

In general, the Policy Document offers a solid foundation for NPCA to communicate and further articulate its corporate position on plan review and permitting. Upon review, there are several areas where updates were noted and gaps were identified. These have been identified previously – please see section 3.1

6.2 Comparing the Current NPCA Policy Document with Other GGH CA's

This initiative set out to examine the current NPCA Policy Document to identify gaps, deficiencies and inconsistencies with other policy documents. This work involved examining the current Policy Document in detail, speaking with staff and key partners who are familiar with the current NPCA Policy Document and inviting input from Board Members, watershed municipal partners and members of the Public Advisory Committee. This work also involved undertaking a comprehensive assessment of the current NPCA Policy Document with other high-growth Greater Golden Horseshoe CA's.

In carrying out this Phase 1 work, a number of questions emerged. A summary of the findings appear below.

How does the NPCA Policy Document compare in general to other GGH CA Policy Manuals?

Policy & Regulation/Planning Manuals have been developed at different times by the CAs under review. NPCA's current Policy Document is one of the more recent documents to be released, having been approved by the NPCA Board in 2018, and amended in 2019 and 2020. The structure of the policy and planning documents is widely varied from one CA to another. There is no consistent format in the way the documents are structured:

- Some CA's present their responsibilities under The Planning Act and the Conservation Authorities Act together (as in the case of NPCA);
- Other CA's present their responsibilities under the Planning Act separately than their assigned responsibilities under the Conservation Authorities Act;
- Some CA's present only their assigned responsibilities under the Conservation Authorities Act. Their responsibilities under the Planning Act are not publicly available from their websites (LSRCA, GRCA).

In addition to the format and orientation of the policy documents under review, the level of policy detail was widely varied from one CA to another. There is little consistency in the level of policy detail that is provided. In some cases, policies contained in GGH CA policy and planning manuals are highly prescriptive. Conservation Halton offers a case in point. In other cases, GGH CA policy manuals present their policy positions in a more generic light. Credit Valley Conservation offers a case in point but it is worth noting that CVC has developed an accompanying Procedures Manual to provide additional direction to staff and applicants.

Some CA's present only their assigned responsibilities under the Conservation Authorities Act. Their responsibilities under the Planning Act are not publicly available from their websites (LSRCA, GRCA).

FINDING: THERE IS LITTLE CONSISTENCY IN THE FORMAT, ORIENTATION AND STRUCTURE OF THE GGH CA POLICY DOCUMENTS UNDER REVIEW.

Is the current NPCA Policy Document outdated? Does it contain outdated policies and references?

NPCA's current Policy Document does not contain outdated policies.

NPCA's current Policy Document does contain several outdated references that require updating. This is no different from the other GGH CA policy documents under review. In fact, NPCA's current Policy Document is more up-to-date than most of the documents that are being utilized by other CAs, given its more recent approval in 2018 and amended in 2019 and 2020. The current Policy Document needs to be updated to reflect:

- Changes to the Conservation Authorities Act and Regulations, and the role of Conservation Authorities;
- Reference to the 2020 Provincial Policy Statement;
- Reference to the NPCA new 10-Year Strategic Plan;
- Reference to ancillary legislation that impacts NPCA and Conservation Authorities in general;
- Land Acknowledgement;
- Reference to the Niagara Parks Commission

FINDING: THERE ARE SEVERAL UPDATES TO THE CURRENT POLICY DOCUMENT THAT ARE NECESSARY TO REFLECT RECENT LEGISLATIVE AND POLICY CHANGES.

Are there policies in the current NPCA Policy Document that are not clear?

There are a number of areas where clarity with respect to the current policies is needed. The removal of ambiguous terms and presenting the policies in a clear and definitive manner would be particularly beneficial. There are a number of examples of ambiguous references throughout the current Policy Document. These have been highlighted earlier in the document but the wording of policies and reference to vague terminology can be found throughout the current Policy Document. The following offers an example:

4.2.3. Uses Prohibited Within the Floodplain – “any other uses deemed to be inappropriate.”

In addition to the issue of policy clarity, NPCA's current Policy Document could benefit from a simpler presentation of policies. For example, including a list of those activities that do not require a work permit in a table, or the presentation of NPCA's Lot Creation policies again in tabular form would allow material to be presented in a clear manner.

The way in which the current NPCA Policy Document is written is that policies commence with a blanket prohibition and then go on to indicate when development and/or site alteration may be permitted. This

is not out of alignment with other CAs, but it is out of alignment with those that have taken a very prescriptive and direct approach in their respective policy documents.

Virtually every policy contained in the current Policy Document indicates that development and/or site alteration will not generally be permitted and then provides a statement to suggest when and how and under what conditions development could be permitted. This offers an impression that the policies are more permissive than they are, or are intended to be. There are a number of Conservation Authorities that have adopted a similar approach in presenting their policy platform, acknowledging the need for flexibility to make decisions and recommendations in keeping with the local context.

FINDING: THERE ARE SEVERAL AREAS IN THE CURRENT NPCA POLICY DOCUMENT THAT REQUIRE CLARIFICATION.

Are there policy gaps that need to be addressed in the current NPCA Policy Document?

There are several gaps in the current NPCA Policy Document that need to be addressed:

- Ministers Zoning Orders
- Karst formations
- Aggregate
- Climate Change
- Intended Audience for the Policy Manual
- Reference to changes in use (up zoning and downzoning)
- Policies for areas adjacent to NPCA lands
- Policies for watercourses no longer providing hydrological and ecological functions
- Meander belts
- Unevaluated wetlands
- Situations involving more than one regulated area and associated clarification regarding the constraints and policies that take precedence.

There are also a number of definitions that require updating and/or inclusion.

Is there a misalignment between the policies contained in the current NPCA Policy Document?

There are several policies that appear to be inconsistent in the current NPCA Policy Document. One area of inconsistency relates to fill policies. The current document states that fill less than 50m³ does not require a work permit but this conflicts with other policies that prescribe where a work permit for fill placement is required.

The same policies apply to both major and minor development. Need to determine whether this consistency is needed or the scale of development should be taken into account vis-à-vis NPCA permitting requirements.

Is there a misalignment between the current NPCA Policy Document and the other Conservation Authority policies under review?

Despite the presence of some degree of alignment between select Conservation Authorities (Conservation Halton and Hamilton CA, for example), there is wide variation in the level of detail, the uses that are prohibited (and permitted) and in particular, setbacks and buffers that are specified – whether they are for significant woodlands, significant wildlife habitat, threatened and endangered species habitat, buffers for watercourses, or wetlands. As a result, it is difficult if not impossible to suggest discrete ways in which the NPCA Policy Document can be brought into alignment with all of the CA policy documents under review, given the fact that they are all so inherently different.

Several examples follow:

- With respect to Areas of Natural and Scientific Interest, some Conservation Authorities reference setbacks; others refer to buffers. Still others refer to minimum buffers. While some CAs under review highlight a 50 metre buffer, others indicated that the distance would be determined through a comprehensive environmental study, technical report or EIS. The current NPCA Policy Document does not contain stand-alone policies for ANSIs.
- With respect to Significant Wildlife Habitat and Significant Habitat of Threatened or Endangered Species, some GGH CAs specify a 50 metre set back but suggest this can be reduced through an EIS. In other cases, a 120 metre buffer to be determined though EIS is specified. Still in other instances, the setback is not specified.
- There is similar variability in approach with respect to significant woodlands policies.

It is worth noting however that unlike other GGH CA Policy Manuals under review, the current NPCA Policy Document does not contain stand-alone policies for:

- Significant Areas of Natural and Scientific Interest
- Habitat of Threatened and Endangered Species
- Significant Wildlife Habitat
- Significant Woodlands
- Fish Habitat

Is there a misalignment between the current NPCA Policy Document and the Draft Region of Niagara Official Plan?

It is important to recognize that work by the Region of Niagara to review and update its Official Plan is ongoing. While as of this writing, it appears that Option 3C is the preferred option as expressed by the Region of Niagara, the Regional Official Plan has not been approved by the Province. At this time, one area of potential misalignment relates to offsetting. The Region does not entertain offsetting while NPCA's current Policy Document does contain a policy to address wetland reconfiguration, enhancement and compensation. It is important to note however, that other Conservation Authority policy documents include a similar offsetting/compensation policy.

It is important to note that the Region of Niagara Draft Official Plan (Option 3C) includes specific policy provisions relating to significant woodlands, other woodlands, significant valleylands, significant wildlife habitat and areas of natural and scientific interest. In each case the Draft ROP specifies no development or site alteration unless an EIS demonstrates no negative impacts on the natural features or their ecological functions. The current NPCA Policy Document does not contain stand alone policies for these features.

Once the Region of Niagara Official Plan has been adopted, staff intend to focus on the development of updated EIS Guidelines – an initiative that will be undertaken in collaboration with NPCA.

There is an opportunity to work together more closely on the EIS Guidelines and other initiatives as well as with respect to public education and outreach regarding the jurisdictional roles and responsibilities between the Region and NPCA.

FINDING: THERE IS AN OPPORTUNITY TO WORK MORE CLOSELY WITH KEY MUNICIPAL PARTNERS TO DEVELOP UPDATED EIS GUIDELINES AND TO ADVANCE A COORDINATED PUBLIC EDUCATION AND OUTREACH INITIATIVE.

Is the current NPCA Policy Document in alignment with the other Conservation Authority policies under review with respect to wetland and other natural heritage buffers?

The Provincial Policy Statement provides no direct guidance related to ecological buffers but offers some indirect guidance through the Natural Heritage Reference Manual (OMNR 2010). Specific recommendations are not identified because appropriate widths for buffers can depend on the sensitivity and functions of the features and proposed adjacent land uses. The Oak Ridges Moraine Conservation Plan, Greenbelt Plan and Lake Simcoe Protection Plan all refer to buffers to natural heritage features as vegetation protection zones, and require these VPZ to be at least 30 metres on all significant (or key) natural heritage features outside the settlement or urban areas. The Lake Simcoe Protection Plan further requires these areas to be comprised of self-sustaining vegetation. VPZs in the settlement or urban areas are usually determined through Environmental Impact Studies on a case by case basis and are required to conform with the policies of the local planning authority. The Niagara Escarpment Plan does not include minimum buffer requirements but does include a number of policies that relate both to buffers and setbacks. The Conservation Authorities Act does not include minimum buffers or prescribed minimum setbacks from natural features.

There are several Conservation Authorities (TRCA for example) that have noted in their policy documents that the PPS prescribes standards for protection of ANSIs but that there is latitude for municipalities to go beyond this standard to reflect the needs of conservation at a local level.

When viewed in a comparative light, the GGH CA policy documents refer interchangeably to buffers and setbacks. There is little consistency in policy direction and established positioning. There are a range of factors that are taken into account by Conservation Authorities in determining appropriate buffer requirements and setbacks. These include:

- The area and nature of the feature being protected
- The anticipated adjacent land use or uses
- The functions that the buffer is anticipated to perform
- The local context (slopes, soils, surface drainage, groundwater conditions and flows).

A buffer strip is a strip of vegetated land that separates development from environmentally sensitive areas and reduces the impact of human disturbance. Setbacks are a land use or planning term that describe a minimum distance between any structure and a specified line. Setbacks can include ecological buffers but they are distances from a fixed building/structure/infrastructure and are not necessarily vegetated.

Another term that is frequently referenced in the GGH CA policy documents is “adjacent lands.” Among the CAs under review, reference to adjacent lands – 50 metres, 120 metres, etc. – triggers an environmental study and typically an Environmental Impact Study. Adjacent lands may include an ecological buffer but their function is to allow the CA to properly confirm the natural area feature boundaries and assess the potential impact or impacts to the natural area or areas.

In many cases, other Conservation Authorities (i.e. CLOCA) have worked closely with their municipal watershed planning partners to develop solid vegetative buffer policies that are included in both the local and Regional Official Plan. Conservation Halton includes in its policy document a statement as follows:

“Conservation Halton endeavours to set back development from natural features and hazardous lands such as watercourses, valleylands, wetlands, shorelines, etc. Ideally a vegetation protection zone should be established within these setbacks. It is intended that the vegetation protection zone should utilize vegetation native to the watershed and be established to achieve and be maintained as natural self-sustaining vegetation, wherever possible. Invasive species will not be permitted on any plans. In some cases, (i.e., Greenbelt Plan Area) vegetation protection zones are required as per the policies of that Plan.

While the establishment of natural self-sustaining vegetation is preferred, it is not required, if the land is, and will continue to be, used for agricultural purposes.”

In terms of the current NPCA Policy Document,

- NPCA buffers for watercourses appear to be more lenient than other GGH CA policies under review.
- NPCA buffers for ANSIs, Significant Woodlands, Significant Wildlife Habitat, Habitat of Threatened or Endangered Species and Fish Habitat are not specified. Buffers to these features and areas are determined by watershed municipal partners, the Provincial Ministries or federal Department of Fisheries and Oceans. Other GGH CA policy documents specify buffer widths in their policy documents.
- NPCA makes reference to setbacks in the current Policy Document but makes reference to Environmental Impact Studies as a means of reducing specified setbacks. This is consistent practice among the GGH CAs under review.

With respect to NPCA’s wetland policies and buffers, the single biggest issue from the author’s lens is the way in which the policies are worded. Conservation Halton and Hamilton Conservation policies are definitive and clear. NPCAs policies, like a number of other CAs, offer a degree of flexibility to make decisions and to determine the best approach given the local context. The one issue of note with respect to NPCA’s wetland policies is the statement that reads “no development is permitted within 5 metres of a wetland.” It does not appear that a statement to this effect is included in any of the other GGH CA’s under review.

The NPCA Board of Directors at its December 17th, 2021 meeting directed staff to review and propose amendments to NPCA policies to set a minimum 30 metre buffer for natural hazards, wetlands and watercourses. It is recommended that a Technical Review be completed to assess the appropriate

buffers to natural hazards, wetlands and watercourses across the NPCA watershed that are grounded in science and best available guidance and data.

Recommendation: ***That a Technical Review be conducted to assess the appropriate buffers to natural hazards, wetlands and watercourses across the NPCA watershed that are grounded in science and best available guidance and data.***

7.0 Where To From Here...Recommended Next Steps

Based on the 7-month timeframe for completion of Phase 2, the following work plan is recommended.

PURPOSE OF THE POLICY DOCUMENT UPDATE:

Niagara Peninsula Conservation Authority is undertaking a review and update of its Policy Document – ‘NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 2020, Consolidation).’

At the Dec. 17, 2020, NPCA Board of Directors Meeting, NPCA staff were authorized to commence the Planning and Permit Policy Update and subsequent Procedural Manual projects. The NPCA’s Planning and Permitting Policies, formally known as ‘NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning’, was last updated after extensive public consultation and approved by the NPCA Board of Directors in November of 2018. It was amended in 2019 and 2020. It is an important document used by NPCA in day-to-day decision making, both with respect to the review of requests for permission under The Conservation Authorities Act as well as in the review of applications by NPCA that are submitted to municipalities for approval under The Planning Act.

While the NPCA Policy Document is essential for providing NPCA staff’s official opinions, there is a requirement for a proper Procedural Manual to ensure consistency in administering the policies. Currently, many of the NPCA’s Planning and Permitting procedures are not well documented or have not been documented. Having all applicable procedures recorded and in one central document provides clarity for staff and customers as to how our processes work.

It is the priority of the NPCA Board of Directors and staff to approve an updated NPCA Policy document and Procedural Manual in 2022. This is an initiative that is a top priority for the NPCA Board and once completed, will provide a firm foundation for NPCA to articulate its planning and permitting policies in a Policy Document and accompanying Procedural Manual that are both fulsome, relevant and user-friendly.

The updated Policy Document must have a broad base of support – from NPCA staff and Board Members, stakeholders, government and industry partners and community members.

OBJECTIVES OF THE PROJECT:

The objectives of the Phase 2 work are straightforward: to produce a comprehensive, relevant and user-friendly Policy Document and accompanying Procedural Manual – one that articulates NPCA’s assigned planning and permitting responsibilities and position under The Conservation Authorities Act and the Planning Act.

Critical to the success of the Phase 2 work is the development of a Policy Document that has broad support. The Policy Document must be practical, pragmatic and implementable. It must recognize the unique features of the watershed and it must present policies that are reflective of these unique watershed attributes.

DESIRED OUTCOMES:

1. **A practical, pragmatic and clear Policy Document and accompanying Procedural Manual that articulates a compelling policy approach and clear directions for policy implementation.**
2. **An engaged community of partners, stakeholders and the public.**
3. **A Policy Document this reflects the regulatory requirements associated with The Conservation Authorities Act, the Planning Act as well as legislative responsibilities assigned to NPCA through other legislation.**

PHASE 2 PROJECT GOAL:

This goal of the Phase 2 work is to produce an updated Policy Document and accompanying Procedural Manual to the NPCA Board of Directors on or before December 2022.

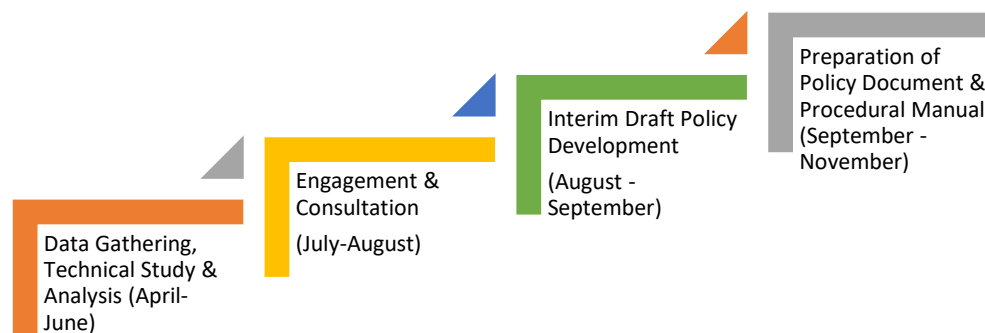
SCOPE OF WORK:

The following key tasks to be undertaken during Phase 2 include (but are not limited to) the following:

1. Review key background documents including changes to relevant legislation, NPCA Board meeting minutes, the “Special Audit of the Niagara Peninsula Conservation Authority’ prepared by the Office of the Auditor General of Ontario, dated September 2018 as well as the summary of NPCA staff’s internal workshop on policy gaps and the Public Advisory Committee Discussion Paper.
2. Review the Phase 1 Policy Gap Analysis Report that identified key policy gaps to be addressed in the new Policy Document.
3. Monitor and incorporate, as appropriate, relevant policies being developed in connection with the Draft Region of Niagara Official Plan Environmental System policies and other Upper-Tier policies, as appropriate.
4. Undertake a jurisdictional review of other Conservation Authority Procedural Manuals and Technical Guidelines.
5. Develop a robust internal engagement strategy that includes effective engagement with NPCA staff, NPCA Board Members and Public Advisory Committee Members.
6. Develop a robust public and stakeholder engagement strategy that ensures ongoing communication with interested parties and provides multiple opportunities for involvement and input.
7. Prepare the updated Policy Document and Procedural Manual.

Engagement and ongoing communication within NPCA and with the public and stakeholders will be critical to the success of the project. This initiative is already generating interest from special interest groups and members of the public. The development of a new NPCA Policy Document will generate tremendous stakeholder and public interest. The project outcomes will be informed by a robust and inclusive community, stakeholder and partner engagement strategy that is tailored to meet the needs of NPCA, its partners and clients. The process should build on engagement work that has already been undertaken by NPCA and by municipal partners. Engagement should be innovative and thoughtful. It should facilitate diverse forms of dialogue, synthesize findings and results, and ensure that there is an appropriate feedback loop between the project team, NPCA Board and staff, stakeholders and the public.

Based on the defined 7-month time horizon and the scope of work identified, it is recommended that the Phase 2 work plan build on work already undertaken by NPCA. It is further recommended that a logical, straightforward approach be advanced with Phase 2 unfolding through four critical components as follows:



April 2022: Finalize RFP and release for tender. Secure successful service provider for April 2022 project commencement.

April 2022: Letters of invitation to key stakeholders and partners to indicate this work is advancing. Early meetings recommended with key stakeholders (e.g. agricultural community, Indigenous representatives).

Recommend the creation of an Internal Working Group to oversee the project, with regular engagement of the NPCA Board and the Public Advisory Committee.

Component 1: Data Gathering, Technical Study & Analysis (April – June 2022)

April/May 2022: Project Commencement – Preparatory Phase

- Initial Meeting with the Project Lead & Working Group:
 - Confirm workplan and schedule
 - Confirm reporting and communication protocols
 - Confirm roles and responsibilities of team members
 - Identify key points of contact
 - Discuss milestone dates
 - Transfer background documents to consultant
 - Identify jurisdictions for review (Procedural Manuals and Technical Guidelines)
- Develop Comprehensive Engagement Strategy – Ratified By Working Group (Working Group Meeting #2)
 - Internal Engagement with NPCA
 - Who, How and When
 - External Engagement with clients, partners and stakeholders
 - Who, How and When
 - External Engagement with Members of the Public

- Who, How and When (Pop-Up Events, Digital Engagement, Information Centres, etc.)

- Develop early Project Communications
 - NPCA Web Portal & Dedicated Email/Contact
 - Frequently Asked Questions
 - Newsletter

June 2022:

Data Gathering

- Background Document Review
- Jurisdictional Scan & Summary of Good Practices
- Identification of Initial Issues/Themes

Internal Engagement (Purpose – to Identify Initial Issues/Themes)

- NPCA Board Engagement
- Workshop with NPCA Staff
- Workshop with PAC
- Workshop with Watershed Municipal Partners

Identification of Policy ‘Themes’

- Development of ‘Policy Themes’ for engagement
- Key areas for engagement (Valleylands, Wetlands)
- Identification of Policy Options

Component 2: Engagement & Consultation (July – August 2022)

Meetings with Key Watershed Municipal Partners

- Workshop with Watershed Municipal Partners

Meetings with key Stakeholders, determined through guidance from PAC

- Government (Watershed Municipalities, Provincial and Federal Partners)
- Indigenous Communities & Government
- Industry (Development Community, Agriculture, etc.)
- Community (Special Interest Groups, community organizations)

Community Meetings & Interactive Opportunities for Input

- Pop-up Events
- Information Centres
- Digital Engagement Opportunities (Surveys)

Component 3: Interim Draft Policy Development (August – September 2022)

- Assessment of input received on key policy ‘themes’
- Identification of Proposed Policy Changes
- Identification of the Impact of Changes for landowners and stakeholders across the NPCA Watershed
- Updated Newsletter summarizing input received, proposed Policy Changes and potential impacts
- NPCA Board status update – bring forward draft policies related to priority areas

Component 4: Preparation of Policy Document & Procedural Manual (September – November 2022)

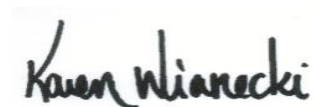
- Release of Draft Policy Document in October to allow for additional review and input
 - Re-engagement with Watershed Municipal Partners
 - Re-engagement with key Stakeholders
 - Re-engagement with Community Members
- Draft 1 and Draft 2 – Policy Update
- Draft 1 and Draft 2 – Procedural Manual
- Final Policy Document & Procedural Manual presented to NPCA Board – the timing for the release of the s. 28 Regulation by the Province will affect when the final documents will be presented to the Board for approval.

8.0 Summary & Conclusions

This Report summarizes the work undertaken during Phase 1 of the Policy Document review and update project. It reflects the insight and opinions that were shared through the one-on-one interviews with NPCA staff, key watershed municipal partners and others. It is also reflective of the opinions that were shared by those who completed the survey and documents the practices and policies that are in place across the Greater Golden Horseshoe Conservation Authorities. The observations that have been shared by the consultant with respect to the current NPCA Policy Document also reflect the professional opinion of the consultant and the observations made throughout the document review. The proposed seven-month workplan that has been shared herein is also reflective of a process that is being presented as a proposed approach, again for the consideration of the NPCA Board of Directors.

The recommendations and key findings are premised on a detailed evaluation of all input by the Consultant and are being presented to the Niagara Peninsula Conservation Authority for review and consideration.

All of which is respectfully submitted,



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

APPENDIX A

NPCA CURRENT POLICY DOCUMENT: GAPS, DEFICIENCIES & INCONSISTENCIES

Observation: The wording of the policies in the current Policy Document appears to meet the intent of the Provincial Policy Statement.

Observation: The wording of the policies in the current Policy Document appears to address the Five Tests (of a permit application under NPCA's Section 28 Regulation).

Unknowns:

In addition to the legislative and policy changes that have been announced since the current NPCA Policy Document was approved, there are a number of unknowns and moving pieces that will need to be considered in the update of the Policy Document.

- The Conservation Authorities Act has been updated but regulations pertaining to Section 28 planning and permitting have not yet been proclaimed;
- The Region of Niagara Official Plan update remains ongoing. The Natural Environment System policies are continuing to be finalized.
- City of Hamilton and Haldimand County natural heritage and natural hazards Official Plan policies are still being developed.

There are several gaps in the current Policy Document that NPCA should consider addressing in the update. These appear as follows, in the order in which they appear in the current document.

Section Reference	Issue	Details
1.1	Document Purpose	A Statement of Purpose is missing from the outset of the Manual. It commences with a discussion of the Living Landscape Process – a concept that is difficult to understand. Suggest an Introduction, Purpose, General Principles and Intended Audience be included upfront.
1.4	Authority	Seems out of place. Some reference to key NPCA partners should be included up front. Recommend including a section upfront to outline the responsibilities of CA's in general.
1.5.1	Role of the NPCA	Requires updating in light of the CAA legislative changes. Updates are needed to reflect the 2020 Provincial Policy Statement. Also need to include new corporate priorities and strategic directions resulting from the new NPCA Strategic Plan.
1.5.2	Our Watershed	Updated demographics and some discussion of local context would place the policies in context. NPCA is a high growth CA – this combined with emerging challenges like Climate Change should be front and centre.
2.0	Planning & Legislative Context	Recommend this section be rewritten and updated to include the following information:

Section Reference	Issue	Details
		<ul style="list-style-type: none"> - What legislative authority do CAs have? - What responsibilities are assigned to CAs under the CAA? - What responsibilities are assigned to CAs under the Planning Act? - What responsibilities are assigned to CAs under other legislation?
Figure 2.1	IWM & Roles of NPCA	Review this figure against the new Strategic Plan, Conservation Authorities Act and Regulations, and update accordingly.
Figure 2.2	NPCA Policy Document	Review this figure against current applicable legislation, regulations and programs.
2.2	Conservation Authorities Act	<p>Requires updating based on the new CAA and Regulations – mandatory programs and services to be reflected along with the role of NPCA.</p> <p>This section outlines what NPCA can do. It may be valuable to also identify what NPCA cannot do.</p> <p>Ministers Zoning Orders needs to be included here.</p> <p>Reference to Special Purpose Bodies is needed (i.e. Metrolinx).</p>
2.3	The Planning Act	Consider moving the ‘types of development applications’ (12.2.2.2) reviewed by NPCA from the back of the document up front to provide appropriate context and a more fulsome picture of the responsibilities of NPCA under the Planning Act.
2.3.1	The PPS	Updated reference to the 2020 PPS.
2.3.2	Provincial Plans	Consider include a reference to what the individual Provincial Plans mean for NPCA and for the watershed. Include the local context. Identify how NPCA works with key provincial partners and agencies.
2.3.3	Regional and Local Plans	Include a reference to the MOUs that are in place between NPCA and its watershed planning partners. Details could be included in an Appendix.
2.4	Environmental Assessment Act	Provide information about the role of NPCA under the EAA. Additional information to explain Conservation Ontario’s Class EA for Remedial Flood and Erosion Control Projects is needed as it is referenced here – what is this Class EA and what are the implications across the watershed?
2.4.2	Canadian Environmental Assessment Act	Remove ambiguity – “The CEAA is generally similar to...” Ensure the document is direct, clear and definitive.
2.5	Other Relevant Legislation	The Drainage Act is an important piece of legislation for NPCA. More details are needed about the DART

Section Reference	Issue	Details
		<p>protocol and the process followed by NPCA with respect to drains.</p> <p>Recommend adding the Niagara Escarpment Planning and Development Act to this section.</p> <p>More than a cursory reference is needed to the other legislation cited in this section. What are the implications for NPCA and others? Does the reference to the Niagara River RAP belong in the Other Relevant Legislation section?</p>
Following 2.5	Gap	A statement should be included to indicate that NPCA is only one agency involved in the development process in Ontario. Obtaining permission from NPCA does not guarantee or ensure approvals from others and similarly, the granting of approvals from other agencies does not automatically suggest that permission will be obtained from NPCA.
3.0	Guiding Principles and General Policies	<p>These are wordy. Is there value in connecting these to your new guiding principles that are outlined in the new NPCA Strategic Plan. Recommend that these Guiding Principles be reviewed as part of the Phase 2 work, with input from stakeholders and community members.</p> <p>Recommend that a reference be included to identify how NPCA makes decisions on permit applications and how NPCA comments to municipalities on planning matters.</p>
3.3	General Policies	Gap: Recommend that policies be included to address lands adjacent to NPCA-owned lands and the NPCA's role as a landowner when development is proposed adjacent to NPCA-owned lands.
3.3.2	Detailed Mapping of Regulated Areas	<p>Mapping updates are underway. It is recommended that:</p> <p>NPCA map known regulated areas using best available data and information;</p> <p>NPCA use the mapping to illustrate the regulatory policy framework; and</p> <p>NPCA clarify in the updated document that the text of the Regulation identifies the features and areas that NPCA regulates and that this prevails over the mapping.</p>

Section Reference	Issue	Details
3.3.3.2	Typical Activities Subject to an NPCA Work Permit	Revisit this list and ensure it is as exhaustive as possible. Remove as much of the ambiguity as possible from the current document.
3.3.3.3	Development Permits within the Niagara Escarpment Plan Area	This is buried. It should be highlighted up front – perhaps under General Principles. NPCA is unable to issue a permission prior to the issuance of a Development Permit by the NEC. This reference should be clear: “ Developers and their agents as well as landowners should be aware that a Development Permit for work must be obtained first from the NEC. NPCA is unable to issue a permit until an NEC Development Permit has first been issued.”
3.3.4	Activities which do not require a Work Permit	Recommend that these be included in a table or in a bulleted list. Readers should be able to see at a glance what activities are permit-exempt.
3.3.4.2	Agricultural Lands within the NPCAs Regulated Area	<p>Use the wording from the 2020 PPS: Site alteration as per the 2020 PPS is defined as “activities such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site.”</p> <p>It is recommended that cross-references between the NPCA Policy Document and the PPS, Greenbelt Plan and Growth Plan are made. For example, the current NPCA Policy Document includes a statement that reads: “certain forms of value-added agri-tourism” are defined. There are changes to the PPS, Greenbelt Plan and Growth Plan that promote on-farm diversified uses. These forms of agriculture are not traditional and may require consideration if NPCA policies would support development to facilitate on-farm diversified uses or whether NPCA policies need to be clarified to facilitate the uses and structures while remaining in compliance with the PPS, CAA and Regulations.</p>
3.3.4.3	Fill not Exceeding 50m ³ of Material	The term ‘inert fill’ requires definition. Secondly, the document appears to be inconsistent as it suggests that no permit is required for the placement of inert fill less than 50m ³ . Recommend that this policy be clarified further in Phase 2.
Following 3.3	Lot Creation	Suggest a Lot Creation section to identify NPCAs position on the creation of new lots in areas under regulation by NPCA...one chart delineating setbacks for new development.
Following 3.3	Inter-Relationships Between Policies	Need a policy to address multiple hazards or multiple risks on site and NPCAs approach to addressing these situations.

Section Reference	Issue	Details
4.1.5.4	Fort Erie Industrial Park SPA	It is recommended that this section be updated to be consistent with Provincial guidance on SPA's. Changes to the limit of SPAs and OPAs within SPAs must be approved by the Province. It is recommended that this section be reviewed during the Phase 2 work to ensure that it reflects the important role that NPCA plays with respect to ensuring that guidance from the Province is followed, that mapping and technical support is provided and that support is provided to the municipality.
4.2.3	Uses Prohibited within the Flood Hazard	Remove ambiguity as much as possible – “any other use or development deemed to be inappropriate based on the objectives stated in 4.2.1”
4.2.6	Accessory Structures	Inconsistent with the general provisions of 3.3.4. If non-habitable accessory structures less than 10 m ² do not require a work permit, this should be listed in 3.3.4. Recommend in Phase 2 that this policy be revisited in light of the recent ERO posting regarding increasing the size of a non-habitable structure so that a building permit is not required under the Building Code be assessed.
4.2.10	Fencing	“Fencing generally does not require a work permit”. Remove as much ambiguity as possible. Also this is inconsistent with 3.3.4.3 as it states “the placement of fill or changing or grades within a regulated area would be subject to formal approval under OR 155/06...”
4.2.14	Gap: Flood Plain Spill Area	It is recommended that: NPCA examine its mapping to determine whether known spill areas have been identified; Conservation Halton's new Spill Area policies be examined as part of the Phase 2 work; Spill Area be included in the definitions section.
5.1	What Are Shoreline Hazards?	Recommended that the impacts of a changing climate be taken into account vis-à-vis the impact on shoreline hazards and whether policies and technical standards need to be updated. Policies will need to take into account the work that is underway to update the Lake Erie Shoreline Management Plan this year and work

Section Reference	Issue	Details
		that will be undertaken next year to update the Lake Ontario Management Plan. Recommend that this section be revisited in Phase 2 once the technical work is completed.
5.1.2	Niagara River Policy Framework	The Niagara River is not a typical watercourse – it is a connecting channel. In some areas it is regulated but not in others. Clarity is needed regarding NPCA’s jurisdiction.
5.1.3.2	Approach to Flood Hazards along the Great Lakes	“In general, development is restricted within the shoreline flood hazard and is subject to mitigation measures. Certain forms of development are prohibited.” Policy needs to be clear – what is restricted and what is prohibited? Remove as much ambiguity as possible.
5.1.4.1	Approach to Erosion Hazards along the Great Lakes	“In general, development is restricted within the erosion hazard and is subject to mitigation measures. Certain forms of development are prohibited.” Policy needs to be clear – what is restricted and what is prohibited? Remove as much ambiguity as possible.
5.1.4.2	Erosion Allowance and Slope Stability Allowance	Should some reference be included to erosion at the mouth of the Niagara River and the role/involvement of the Niagara Parks Commission?
5.2	Policies for Planning and Regulating Shoreline	Some discussion generally of the three hazards associated with shoreline hazards is recommended: Shoreline flooding, shoreline erosion hazard and dynamic beach hazard. Recommended that NPCA include specific policies to delineate what is permitted in each of the three hazards under the headings: <ul style="list-style-type: none"> • New Development • Existing Buildings and Structures Alterations: <ul style="list-style-type: none"> ○ Additions, Expansions & Enlargements ○ Reconstruction & Replacement
5.2.5	Gap: New Habitable Buildings and Structures	There is no reference to the 5 metre wide access corridor required to access shoreline protection. It is referenced in 5.2.12 but not in this section. The policy is not clear. NPCA position needs to be clear – is this recommended or required?
5.2.5.1	New Habitable Building and Ground Floor Additions	“Uses a setback from the stable slope allowance of 7.5 metres. At the discretion of the NPCA, any setback that is proposed to be less than 7.5 metres may be required to be supported by a geotechnical study.” Is this required or not? Recommend that NPCA determine whether technical guidance for shoreline erosion and flood hazard allowances is adequate.

Section Reference	Issue	Details
5.2.6	Replacement and Relocation of Existing Habitable Buildings and Structures	Clear NPCA position is needed. If the policy is not to permit replacement of existing habitable buildings or structures, this should be specified. The policy is not easy to understand.
5.2.8	Gap: Decks and Non-Habitable minor Structures	Cantilevered decks and/or other overhangs should be included here.
5.2.9	Swimming Pools	Clarification is needed: do these policies apply to both inground and above ground pools?
5.2.10	Gap: Boardwalks and Other Structures	Shoreline railways should be included here. Is additional direction needed in relation to 'other access' to the shore (i.e. steps). The term 'perpendicular access' should be clarified.
5.2.12	Ecosystem Approach to Shoreline Protection Works	Some examples may be of assistance in providing greater clarity and direction.
5.2.13	Shoreline Protection Works	Clarification is needed in relation to access to sites where shore protection is proposed. More detail is required in relation to "water lots" and "water's edge deeds" and whether landowner permission varies based on specific deeded lots and/or seasonal access. Recommend that NPCA seek further legal counsel to clarify the issue of access.
5.2.13	Gap: Shoreline Protection Works	The requirement for a 5 metre wide access to and along the shoreline protection works is specified here but is not included in 5.2.5. Need to ensure that these two policies are consistent and that it is clear as to whether this 5 metre wide access is a requirement or a recommendation.
5.2.13	Shoreline Protection Works	Sub-bullet (c) states "the works may be required to be designed and the installation supervised by a professional engineer..." Should this be may or shall? Clarification is needed.
5.2.14	Changes in Use	Rather than dealing with changes in use in each section, NPCA may wish to address changes in use up front in the document.
5.2.15	Lot Creation in the Shoreline Hazard Areas	Consider approaches used by other CAs. Ausable Bayfield CA states: "Whenever possible along the ABCA shoreline, the use of development setbacks, the relocation of existing buildings, and the acquisition of shoreline property by public organizations (i.e. municipalities and ABCA) should be utilized rather than the construction of shore protection structures."
6.1.4.4	Defining the Erosion Hazard	NPCA to better explain the 7.5 metre slope stability allowance from the most landward location of either

Section Reference	Issue	Details
		the stable top of slope or the physical top of slope, given that OR 155/06 allows the NPCA to regulate development within 15 metres of the stable top of slope. Additional clarification as to why the 7.5 metres has been selected is required.
6.1.4.8	Geotechnical Study	“The NPCA also reserves the right to have studies updated where the time of the report is considered to be outdated.” Under what conditions/circumstances would NPCA determine a report is outdated. Further direction is needed.
6.2	Policies for Planning and Regulating Valleyland Erosion Hazards	Policies indicate that development within valleyland erosion hazard limits shall generally not be permitted but then indicate certain forms of development may be permitted at the discretion of the NPCA. This policy direction requires clarification.
6.2.5.2	Gap: Urban Area Infilling Situations	<p>Recommended during Phase 2 that the Growth Plan and emerging Upper Tier/Single Tier OP policies on intensification and densification be examined to ensure alignment with respect to infilling.</p> <p>Recommend that Urban Area Infilling be defined. Are accessory structures, pools, etc. considered urban infilling.</p> <p>The policy needs to state that the setbacks will not be reduced to the point that development or site alterations (including lot creation) will be permitted to extend beyond the top of slope onto the valley wall.</p>
6.2.6	Passive Recreational Uses within Valleyland Erosion Hazard	That the policies pertaining to “passive recreational uses” be revisited during Phase 2 to ensure the term is well defined and not open to interpretation or that unintended consequences result. The definition for “active recreational uses” should be examined as well.
6.2.8	Overland Drainage	<p>Should there be a reference to flow designed with naturalized channel principles to mimic natural features and functions?</p> <p>Would this require a scoped EIS? If so, this should be specified.</p>
6.2.10	Valleyland Policy Direction for Official Plans and Zoning By-laws	<p>Suggest more definitive policies. Instead of saying “local municipalities are encouraged...”, it would be clearer to state “NPCA will recommend that watershed municipalities...”</p> <p>The reference to “in some situations, enhancement by natural landscaping...” is ambiguous. It should be clear where and when this requirement applies.</p>

Section Reference	Issue	Details
	Gap: Bioengineering	Determine whether the term 'bioengineering' reflects current terminology.
7.0	Hazardous Sites	Further policy clarity is needed with respect to hazardous slopes not associated with a valley, back shore dunes and areas of potential karst features. More direction is needed about what is permitted and how the hazards can be addressed (avoided, mitigated). Slopes not associated with valleylands would include the Niagara Gorge, Niagara Escarpment.
7.1.1.	Hazardous Sites and Hazardous Lands	What is missing is information about hazardous sites in the NPCA watershed. This would provide important context. Recommend including an overview of local conditions.
7.1.4	Gap: Back-Dune Areas	Include reference to mapping of back-dune areas.
7.2.2	Development Regulation on Hazardous Sites	The policy states that generally development and/or site alteration shall not be permitted on or near hazardous sites but then states that development may be permitted subject to the completion of a geotechnical study.
7.2.3	Development within 50 metre of a Hazardous site	The policy states that generally development and/or site alteration shall not be permitted on or near hazardous sites but then states that development may be permitted subject to the completion of a geotechnical study. An EIS may also be required...it is important to identify when and under what conditions a geotechnical study and/or EIS would be required.
Following 7.2.8	Gap: Back-Dune Areas	Should there be a separate policy to address back-dune areas?
8.1.2.3	Unevaluated Wetlands	Greater clarity is needed with respect to unevaluated wetlands.
8.1.4	EIS	Need to clarify when an EIS is required.
8.1.5	Hydrological Study	"Depending on the nature of the proposed development" is vague and requires clarification to identify when a hydrological study would be required.
8.2	Policies for Planning and Regulating Development and Interference with Wetlands	Policies are very challenging to understand. It may be easier if they were presented under the headings: <ul style="list-style-type: none"> - New Development - Existing Development <ul style="list-style-type: none"> ▪ Additions, Expansions & Enlargements ▪ Replacement & Relocation
8.2.2.2	Gap: Replacement Structures	Consider the approach that other CAs are using. For example, LSRCA states that it may grant approval provided the structure to be replaced is not a derelict building.

Section Reference	Issue	Details
8.2.2.3	Gap: Accessory Structures and Building Additions	Where are docks addressed?
8.2.2.4	Ponds	Do the same policies apply for new ponds and for changes to existing ponds? The policy does not provide clear direction – on the one hand it states that ponds will generally not be permitted within any wetland and then states that ponds will only be permitted if it can be demonstrated through appropriate studies that the proposed pond will not have any impact to the existing hydrological function or hydrological regime of the wetland and improve the overall ecological function of the wetland and adjacent lands.
8.2.2.6	Passive Recreational Uses within a Wetland	How would situations where landowners are using their own land for trail/access purposes be addressed. This should be identified.
8.2.2.7	Wetland Reconfiguration and Compensation Context	Review of this policy is needed. Need to take into account the final ROP policies and whether offsetting is included in the Region's final policies.
8.2.2.8	Wetland Reconfiguration and Compensation for Non-Provincially Significant Wetlands	Review of this policy is needed.
8.2.3	Development in Areas of Interference	It states no development and site alteration within 30 metres of a wetland and then identifies uses that may be permitted within 30 metres. It is recommended that buffer widths be examined in more detail as part of Phase 2.
8.2.4	Lot Creation within 30 metres	It states that lot creation should not be permitted within 30 metres of a wetland but then indicates that lot creation may be permitted between 30-15 metres subject to an EIS. It is recommended that buffer widths be examined in more detail as part of Phase 2.
8.2.3.5	Proposed New Development within 30 metres of a wetland.	Policy is not clear...particularly (c) For major development (as determined by the NPCA) including, but not limited to; plans of subdivision; extensions of draft approval for existing plans; and, major commercial, industrial, or institutional uses, no new development is permitted within 30m of a PSW. Reductions will only be considered based on a site specific evaluation by NPCA staff to determine whether a reduction is warranted, depending on scale, nature

Section Reference	Issue	Details
		<p>and proximity of the proposed development, the following may be taken into consideration:</p> <p>The NPCA policies need to be in alignment with other wetland policies that are specified in the Policy Document. It is recommended that this policy be reviewed to ensure consistency with other similar policies in this section in Phase 2. It is also recommended that buffer widths be examined in more detail as part of Phase 2.</p>
8.2.6	Stormwater	"NPCA may require". Remove as much ambiguity as possible.
9.1.1	Gap: Watercourses	<p>Policies are needed for watercourses that are no longer serving a purpose. Need to include policies to address the removal or enclosure of a watercourse and instances where the watercourse no longer exists.</p> <p>Headwater drainage features and their importance on the landscape should also be included.</p>
9.2	Policies for Watercourse Interference	Policies are needed to provide NPCA position relating to piping of smaller watercourses through the review of subdivision applications.
9.2.3.2	Criteria for Assessing Watercourse Alterations	How is 'minor works' defined. This requires clarification.
11.2.5	New Municipal Drains, Extensions and Alterations	No reference to the provincial methodology for new drains. Clear direction for municipalities is needed. Reference to the DART Protocol and interface between the CAA and the Drainage Act is required.
12	Other Tools and Policies	Section on Climate Change needs to be rewritten to reflect direction within the PPS, provincial plans, CAA and regulations, and emerging Official Plan policies.
12.3.5	Development Officers	During Phase 2, this section and policies should be reviewed and updated to be consistent with direction in the new Compliance and Enforcement Procedural Manual and Standard Operating Procedures.
12.4.1	Study Types	Reference to Water Balance is missing and should be included. During Phase 2, and as a result of the development of a Procedures Manual, other studies may be identified.
12.5	Watershed and Subwatershed Plan	This section needs to be updated to reflect the direction with the Growth Plan regarding municipal-led watershed and subwatershed planning, and the continuing role of NPCA as a resource management agency to undertake watershed/subwatershed

Section Reference	Issue	Details
		planning and science-based research to support growth within the NPCA watersheds.
	Gap: Mineral Aggregates	Policies to address mineral aggregates should be included in the updated policy document.
13.0	Definitions	<p>The following definitions require updating/inclusion:</p> <ul style="list-style-type: none"> Access Standard Adjacent Lands Areas of natural and scientific interest Coastal Wetland Endangered species Essential emergency service Fish Habitat Green Infrastructure Ground water feature Habitat of endangered species and threatened species Hazardous forest types for wildland fire Hazardous substances Impacts of climate change Infrastructure (sewage and water systems are listed but the definition does not specify that this does not necessarily mean private septic systems.) Institutional use Interference Low Impact Development Major facilities Mineral aggregate operation Mineral aggregate resources Natural heritage features and areas Natural heritage system Negative impacts Recreation Residence surplus to a farming operation River, stream and small inland lake systems Rural areas Rural lands Sensitive Sensitive land uses Site Alteration Spill Area Two-zone concept Urban Infilling Vulnerable Wayside pits and quarries Wildlife habitat Woodlands

APPENDIX B

COMPARISON OF OTHER GGH CA POLICIES – SECTION 28 OF THE CAA

APPENDIX B-1: SECTION 28 REGULATORY RESPONSIBILITIES: VALLEYLANDS

Confined/Apparent Valley Systems			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC	Minimum 5 metres from the approved top of bank or from the combined distance from the Stability and Erosion Components; or the setback shall be 5 metres from the Regulatory Flood Plain whichever is greater	Defined valleylands are those where valley slopes are greater than or equal to 2 metres in height.	3.2 Lot Creation
CLOCA	120 m (Adjacent land width)	Minimum buffer = The greater of the top of bank plus 10 m or the defined hazard limit	Note: when top of bank is greater, the access allowance would be included in the 10m buffer from the top of bank.
GRCA	From stable top of bank, plus 15 metres to a similar point on the opposite side		O.R. 150/06
Conservation Halton	Minimum 15 metres from the toe of any major valley slope. Minimum of 7.5 metres from the toe of any minor valley slope.		2.2
KRCA	6 metres from the limit of the stable top of slope or predicted long term stable slope (taking into account toe erosion allowance, where applicable).		3.3.2 Lot Creation
ORCA	6 metres from the limit of the stable top of slope or predicted long term stable	may be reduced in accordance	2.2.2 (1) Lot Creation

Confined/Apparent Valley Systems			
Conservation Authority	Setbacks for subdivisions	Comments	Section
	slope(taking into account toe erosion allowance, where applicable)	with a comprehensive environmental study or site-specific technical report	
LSRCA	from the stable top of bank plus 15 metres, to a similar point on the opposite side		

Unconfined/Not Apparent Valley Systems			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC	Minimum setback shall be represented by the greater of the following: i) 5 metres horizontal measured from the limit of the 'Regulatory Flood Plain' (figure A type I) or; ii) 15 metres measured from the channel bank for a warmwater or altered fisheries stream or 30 metres measured from the channel bank for a cold water or potential coldwater fisheries stream (1) (Figure A type ii); or iii) 5 metres measured from the Erosion Component for the channel bank (2) (Figure By Type 111);or iv) 5 metres measured from the combined distance of the Erosion Component and Stability Component (i.e. channel bank height is greater than 2 metres). (In this regard, it is recommended that the applicant also give due consideration to appropriate provincial or municipal standards and /or by law-requirements).		5.3.3.1
GRCA	where the river or stream valley is not apparent, the valley extends the greater of, (A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus an allowance not to exceed 15 metres, to a similar point on the opposite side, and (B) the distance from a watercourse or the predicted meander belt of a watercourse, expanded as required to convey the flood		

Unconfined/Not Apparent Valley Systems			
Conservation Authority	Setbacks for subdivisions	Comments	Section
	flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;		
Conservation Halton	15 metres from the greater of the limit of the flood plain or the predicted meander belt width of a watercourse associated with a major valley system and within 7.5 metres from the greater of the limit of the flood plain or the predicted meander belt width of a watercourse associated with a minor valley system, where a valley is not apparent		2.2
KRCA	6 metres from the maximum extent of the greater of the flooding hazard limit or the predicted meander belt width		3.3.2 Lot Creation Policies
ORCA	The greater of the flooding hazard limit, or the predicted meander belt width, plus 6 metres	May be reduced in accordance with a comprehensive environmental study or site-specific technical report	2.2.2 (1) Lot Creation
LSRCA	<p>The distance from a point outside the edge of the maximum extent of the floodplain under the applicable flood event standard, plus 15 m to a similar point on the other side</p> <p>The distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event, plus 15 metres, to a similar point on the opposite side.</p>		

APPENDIX B-2: SECTION 28 REGULATORY RESPONSIBILITIES: WETLANDS

Conservation Authority	Setback from wetlands for Subdivisions	Comments	Section
NPCA		<p>Areas of interference adjacent to wetlands that the NPCA may regulate:</p> <ul style="list-style-type: none"> • 120m for PSW and wetlands greater than 2ha • 30m for wetlands less than 2 hectares <p>No new major development permitted within 30 metres of a PSW but reductions may be considered based on NPCA evaluation.</p>	8.2
Hamilton CA	Not specified	No development within non-PSW; 120 m. of a PSW and within 30 m. of a non PSW unless the hydrological, hydrogeological, and ecological function of the subject lands and of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on natural features or their ecological functions, such proposals may require the completion of an EIS, and should utilize all opportunities for protection and rehabilitation of the wetland feature.	3.1.7
Toronto & Region CA	30 metres (PSW, ORM, NEP) 10 metres for other wetlands	<p>New development is not permitted within 30 metres of a PSW, wetland in the Oak Ridges Moraine or Niagara Escarpment and any contiguous natural features and areas that contribute to the conservation of land;</p> <p>Other wetlands, no development within 10 metres.</p> <p>A buffer of less than 10 m (or less than 30m) from a PSW may be permitted in accordance with federal, provincial and municipal</p>	<p>7.4.4.1.1 (Underground Infrastructure)</p> <p>7.5.2.4 (ZBA, Subdivisions/ Condos and Consents)</p> <p>8.7 (Development/interference in wetlands)</p> <p>8.9 (Infrastructure)</p>

Conservation Authority	Setback from wetlands for Subdivisions	Comments	Section
		requirements for properties undergoing redevelopment, which may require an EIS that would include recommendations to enhance and manage the feature and the buffer.	
Credit Valley Conservation	30 metres but may be reduced through an EIS	Generally 30 metres from PSW but may be reduced in accordance with a comprehensive environmental study or site-specific technical report	6.2 (lot creation) 7.4 (other forms of development)
Central Lake Ontario Conservation Authority	30 m. PSW; 15 m. non-PSW	Minimum Buffer. 10 m from the limit of other wetlands.	8.4 (Lot Creation)
Lake Simcoe Region Conservation Authority	120 m. for PSW/30 m. for non-PSW but may be reduced	Buffer may be reduced where there is no negative impact to the hydrologic function; Requires an EIS	
Grand River Conservation Authority	No minimum	Requires an EIS to assess hydrologic and ecological impact to wetland;	8.4.9
Kawartha Conservation	120 m. PSWs/30 m. non-PSW but may be reduced	Minimum setbacks may be reduced through an EIS so long as does not encroach into the feature	3.3.2
Nottawasaga Valley Conservation Authority	30 m.	EIS required for development between 30 m. and 120 m.	4.7.4.2
Otonabee Region Conservation Authority	120 m. PSWs/30 m. non-PSW but may be reduced	Minimum setbacks may be reduced through an EIS so long as does not encroach into the feature	2.2.2
Lower Thames Valley Conservation Authority	No minimum specified	Allowed where away from sensitive features; Requires an EIS	N/A
Upper Thames River Conservation Authority	No minimum specified	No development in the wetland but development may occur in the adjacent lands subject to an EIS (Planning Act reviews are treated in separate policies than s. 28 Permit applications)	3.2.6 and 3.3.2
Ganaraska Region Conservation Authority	30 m.	No option to reduce below 30 m. for subdivisions	4.0
Rideau Valley Conservation Authority	120 m.	Wetland policy appears to make no exception for new lot creation	1.8

Conservation Authority	Setback from wetlands for Subdivisions	Comments	Section
Cataraqui Region Conservation Authority	No minimum for lot creation	Policy document is silent on lot creation but does indicate in the discussion about Planning Act, that the CA works with the municipality and applicant to modify the proposal	2.4.1
Halton Conservation	30 m. wetlands greater than 2 ha./15 m. wetlands less than 2 ha.	Policy stipulates that an EIS may be required to demonstrate no negative impact and that a greater setback may be required.	2.39 and 2.40
Kettle Creek Conservation Authority	No minimum	EIS required to demonstrate no impact to the hydrologic function	
Long Point Conservation Authority	No minimum	EIS required to demonstrate no impact to the hydrologic function	8.6.11
Lower Trent Conservation	In general, 30 m. minimum	Policy allows discretion and only recommends a 30 m. minimum (as opposed to using “shall maintain”	3.8.4 (iv)
Grey Suable Conservation	No minimum	Must demonstrate no negative impact to the hydrologic function of the wetland	8.5.6
Saugeen Conservation	No minimum	Buffer determined through an EIS	3.5.3
Maitland Conservation	30 metres	Policy document is silent on lot creation but does indicate in the discussion about Planning Act, that the CA works with the municipality and applicant to modify the proposal	7.4.2.1
Ausable Bayfield Conservation	Not Available	Not Available	Not Available
St. Clair Conservation	30 metres		1.4.2.1
Essex Region Conservation Authority	Not Available	Not Available	Not Available
Crowe Valley Conservation Authority	No minimum	Must demonstrate no negative impact to the hydrologic function of the wetland	7.4.3.4
Quinte Conservation	No minimum	EIS would be required to ensure no negative impact to the hydrologic function	8.7
Mississippi Valley Conservation Authority	30 metres	EIS would be required to ensure no negative impact to the hydrologic function	9.4
South Nation Conservation	No minimum	EIS would be required to ensure no negative impact to the hydrologic function	7.4.4

Conservation Authority	Setback from wetlands for Subdivisions	Comments	Section
Raisin Region Conservation	Not Available	Not Available	Not Available
North Bay – Mattawa Conservation Authority	No minimum	EIS may be required	9 (of Wetland Policy)
Conservation Sudbury	Not Available	Not Available	Not Available
Mattagami Region Conservation Authority	Not Available	Not Available	Not Available
Lakehead Region Conservation Authority	Not Available	Not Available	Not Available
Sault Ste. Marie Conservation Authority	No minimum	There is no specific section for wetlands in their Policy document – there is a requirement for an EIS for large placement of fill within 120 metres of a wetland	4.2.4
Catfish Creek Conservation Authority	Not Available	Not Available	Not Available

Within Any Wetland:

Hamilton Conservation	<p>Development, site alteration and/or interference within wetlands will not be permitted in or on the areas of PSWs. This includes additions, accessory structures, decks and/or pools. An exception may be considered for replacement structures.</p> <p>No roads or driveways through any wetland to access building sites.</p> <p>Ponds will not be permitted within any wetland.</p>
Conservation Halton	<p>Development is prohibited within 120 metres of a PSW and all wetlands greater than or equal to 2 hectares in size. Development is prohibited within 30 metres of all wetlands less than 2 hectares in size.</p>
CLOCA	<p>Policies for development within wetlands and interference with wetlands:</p> <p>Development is prohibited within wetlands except for the following:</p> <ul style="list-style-type: none"> ○ Dredging of existing ponds may be permitted subject to appropriate floodplain hazard policies and provided no adverse impact on

	<p>wetland feature or function and all dredging material is placed a suitable distance from the wetland</p> <ul style="list-style-type: none"> ○ Single dwelling on an existing vacant lot of record provided the use, erection and location is permitted by municipal zoning by-law, no alternative location is available, hazards related to organic soils can be addressed; EIS demonstrates that development will not impact wetland feature or functions ○ Public infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities may be permitted provided wetland loss or interference is minimized, the five tests can be met, interference on natural features and hydrologic and ecological functions have been deemed acceptable; demonstrated need and no reasonable alternative ○ Conservation or restoration projects may be permitted if interference is deemed acceptable ○ Trails may be permitted if no alternative location and interference deemed acceptable ○ Development within a wetland may be permitted if the wetland is less than 0.5 hectares and it can be demonstrated through environmental impact study that there is no feasible alternative location and the wetland is not within a floodplain or part of a natural heritage system. ○ Development within or interference to an anthropogenic or non-natural created wetland may be permitted where the wetland is less than 2 hectares, provided it is not a PSW, is not located in a floodplain and compensation in the form of enhanced wetland features and functions is provided ○ Stream, bank and channel realignment, stabilization, lowering, channelization or straightening to improve hydraulic and fluvial processes or aquatic habitat may be permitted within riparian wetlands if the interference has been deemed acceptable ○ Interference by selective tree harvesting employing good forestry practices may be permitted provided EIS demonstrates no negative impact on hydrologic or ecological functions ○ Reconstruction of existing structures may be permitted provided the replacement structure is restored to its original footprint or smaller and there is no feasible alternative location ○ Accessory structure less than 10m² associated with an existing use that is located outside of the hazard area may be permitted if there is no feasible alternative location outside of the wetland and the interference on features and functions is deemed acceptable
TRCA	<p>No development is permitted within the greater of:</p> <ul style="list-style-type: none"> - 30 m of a PSW or wetland on the ORM or within the NEPA and any contiguous natural features and areas that contribute to the conservation of land; or - 10 m of other wetlands and any contiguous natural features or areas that contribute to the conservation of land; or

	<ul style="list-style-type: none"> - Setback based on the results of a comprehensive environmental study or technical report; or - Development limits established and agreed to by TRCA during a Planning Act or EA process including distances prescribed by federal, provincial or municipal requirements.
LSCRA	<p>Development and interference in any way shall be prohibited within all wetlands. Development within a PSW may be permitted for public utilities or public infrastructure provided there is demonstrated need and no reasonable alternative location outside the wetland, the five tests are met, interference of the natural features and hydrologic and ecological functions are deemed acceptable through an EIS, geotechnical study, hydrogeological study.</p> <p>Development may be approved if:</p> <ul style="list-style-type: none"> - Not a PSW - Demonstrated need and no alternative location - Five tests can be met - Interference of the natural features and hydrologic and ecological functions have been determined to have no negative impact through EIS, geotechnical study or hydrogeological study - Mitigation plan is prepared to compensate for loss of wetland features and functions <p>Existing buildings and structures within a wetland – approval to replace structure or construct accessory structures may be permitted provided:</p> <ul style="list-style-type: none"> - Structure to be replaced is not a derelict structure - Structure is replaced within existing disturbed area - No viable alternative location on the property outside of the wetland - All other natural hazards associated with the site are addressed - Development located above the high-water table - Existing drainage patterns are maintained - Best management practices are used to maintain water balance and control erosion and sedimentation <p>Interference by selective tree harvesting using good forestry practices may be permitted provided no negative impact on hydrologic and ecological functions as demonstrated through EIS or equivalent.</p>
GRCA	<p>Development within a naturally-occurring wetland may be permitted where the wetland is less than .5 ha and it can be demonstrated the wetland is not:</p> <ul style="list-style-type: none"> - Part of a PSW - Located within a floodplain or riparian community - Part of a Provincially or municipally designated natural heritage feature, a significant woodland, or hazard land - A bog, fen - Fish habitat - Significant wildlife habitat - Confirmed habitat for a Provincially or regionally significant species as determined by MNRF or the municipality - Part of an ecologically functional corridor or linkage between larger wetlands or natural areas - Part of a groundwater recharge area or - Groundwater discharge area associated with any of the above <p>Development within or interference with an anthropogenic wetland less than 2 hectares may be permitted where it can be demonstrated that the wetland functions</p>

	<p>can be maintained or enhanced elsewhere within the subwatershed or planning area and the wetland is not:</p> <ul style="list-style-type: none"> - Part of a PSW - Located within a floodplain or riparian community - Part of a Provincially or municipally designated natural heritage feature, a significant woodland, or hazard land - Fish habitat - Significant wildlife habitat - Confirmed habitat for a Provincially or regionally significant species as determined by the MNRF or the municipality - Part of an ecologically functional corridor or linkage between larger wetlands or natural areas - Part of a groundwater recharge area or - A groundwater discharge area associated with any of the above <p>Public infrastructure including but not limited to roads, sanitary sewers, utilities, water supply wells, well houses and pipelines within a wetland larger than .5 ha may be permitted provided an EA or other comprehensive plan demonstrates that all alternatives to avoid wetland loss or interference have been considered and that the proposed alignment minimizes wetland loss or interference to the greatest extent possible and where unavoidable, intrusions on significant natural features or hydrologic or ecological functions are minimized and that best management practices including site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions. Where an EA or other comprehensive plan is available and supported by GRCA, GRCA will request a more detailed site-specific study (i.e. Scoped EIS) consistent with the comprehensive plan. This study to determine a more precise area wetland boundary and demonstrate how hydrologic and ecological functions will be restored and enhanced.</p> <p>Dredging of existing ponds within a wetland may be permitted. All dredged material to be placed at a suitable distance from the wetland.</p> <p>Wetland Conservation Projects within wetlands and areas of interference may be permitted where an EIS demonstrates how the hydrologic and ecological functions will be protected, created, restored and/or enhanced.</p> <p>Stormwater Management Facilities within a wetland may be approved for flood control provided that a comprehensive plan demonstrates that all alternatives to avoid wetland loss have been considered and a flood control structure is required to alleviate an existing or erosion problem of a regional scope, and where it can be demonstrated that:</p> <ul style="list-style-type: none"> - All structural components and actively managed components are outside of the wetland - A detailed EIS demonstrates how hydrologic and ecological functions will be protected, restored and/or enhanced - Pollution and sedimentation during construction and post construction are minimized using best management practices - Design and maintenance requirements as determined by GRCA are met - Works are constructed, repaired or maintained according to accepted engineering principles and approved engineering standards
--	---

CVC	<p>No development or interference within a regulated area. Interference with a wetland may be permitted if the five tests are met. Works that must locate within wetlands may be permitted subject to EA, comprehensive environmental study or technical report demonstrating interference is acceptable and five tests can be met. This may include but is not limited to:</p> <ul style="list-style-type: none"> - Infrastructure, including stormwater management facilities - Development associated with passive or low intensity outdoor recreation and education - Development associated with conservation or restoration projects or management activities following sustainable management practices - Interference or development to implement the recommendations of an EA, comprehensive environmental study or technical report <p>No interference or development that proposes to modify wetlands and natural features and areas contributing to the conservation of land to create additional useable area or to accommodate or facilitate development unless the modifications have been addressed through an EA or comprehensive environmental study demonstrating that interference is acceptable and that the five tests are met.</p> <p>Additions to existing buildings and structures will not be permitted in PSW or other wetlands 2 ha or greater in size.</p> <p>Additions to existing buildings and structures may be permitted in other wetlands less than 2 ha in size and/or other areas.</p> <p>Accessory buildings or structures will not be permitted within PSW or other wetlands 2 ha or greater in size. Accessory buildings and structures may be permitted in other wetlands less than 2 ha in size and other areas.</p> <p>Restoration will not be permitted within PSW or other wetlands 2 ha or greater in size. Restoration may be permitted within other wetlands less than 2 ha in size and other areas where no new septic systems are required. Existing septic systems may be replaced provided there are no feasible alternative locations outside of the wetland or other area and the replacement does not encroach any closer to the wetland.</p>
-----	--

Within 30 m of any Wetland:

Hamilton Conservation	<ul style="list-style-type: none"> - Within 30 metres of PSWs and within 30 metres of Non-PSWs, permit is required as well as an EIS. - Where buildings and structures already exist, no new septic systems, no swimming pools (above or below ground), replacement structure may be permitted and an accessory structure may be permitted to encroach any closer to the wetland than existing development at its closest point. - Existing septic systems may be upgraded and/or replaced if no viable alternative - Replacement structure and accessory structure may be permitted to encroach closer than existing development at its closest point
-----------------------	--

Conservation Halton	<p>Where buildings and structures already exist within 30 metres of PSW or a wetland greater than 2 hectares in size:</p> <ul style="list-style-type: none"> ○ No new septic systems ○ Existing septic systems may be replaced provided no feasible alternative and no closer encroachment than existing system ○ Addition, reconstruction or alteration does not encroach closer ○ Even if existing development is closer than 15 metres, no new development within 15 metres of the wetland ○ Hydrologic evaluation may be required to determine any negative impact on hydrologic functions <ul style="list-style-type: none"> - Where existing lot of record and residential dwelling in existence prior to May 11, 2006, and no land outside of the 30 metres adjacent, pools, decks and non-habitable accessory structures may be permitted subject to no development within 15 metres and hydrologic evaluation may be required - No new development permitted within 30 metres of PSW or a wetland greater than or equal to 2 hectares in size
CLOCA	<ul style="list-style-type: none"> - Public infrastructure (roads, sewers, flood and erosion control works) may be permitted if there is demonstrated need and no location outside of 30 m buffer - Conservation and restoration projects may be permitted - Development associated with public lands (passive or low intensity outdoor recreation and education, trail system) may be permitted - Land uses under the Planning Act may be permitted provided previous approvals were granted with CLOCA support following an environmental review - Single dwelling on an existing vacant lot of record, minor additions to existing buildings/structures, accessory buildings/structures – less than 500 m² and reconstruction of existing buildings may be permitted, provided: <ul style="list-style-type: none"> ○ Minimum 15 m buffer from PSW or wetlands greater than or equal to 2 ha or a minimum buffer of 10m from wetlands between .5 ha and 2 ha in size ○ All development including grading is outside the wetland and maintains as much buffer as feasible ○ Disturbances to natural vegetation are avoided ○ Overall drainage patterns to be maintained ○ Disturbed area and soil compaction is minimized ○ Development where appropriate is located above the high water table ○ All septic systems are located a minimum of 15 metres from the wetland and minimum of .9 metres above the water table ○ Impervious areas are minimized ○ Area between proposed development and the wetland is or will consist of dense vegetation

	<ul style="list-style-type: none"> ○ Best management practices are used to maintain water balance, control sediment and erosion, buffer wetlands, limit impact on wildlife species
TRCA	See provisions above. No development within 30 m of a PSW or wetland on the ORM or in the NEPA and any contiguous natural features and areas that contribute to the conservation of land...
LSRCA	-
GRCA	Development within an area of interference less than or equal to 30 m from a wetland may be permitted in keeping with general policies and where an EIS demonstrates no negative or adverse hydrological or ecological impacts on the wetland, all development is located outside the wetland and maintains as much setback as feasible, development is located above the water table, septic systems are located a minimum 15 m from the wetland and .9 m above the water table.
CVC	-

Within 15 metres of wetlands less than 2 hectares in size:

Conservation Halton	<p>Where buildings or structures exist within 15 metres of wetland less than 2 hectares in size, reconstruction, alteration or additions may be permitted subject to the following:</p> <ul style="list-style-type: none"> -no new septic systems -existing septic systems may be replaced provided no feasible location outside of the 15 metre limit and no closer encroachment than existing -reconstruction, alteration or addition does not encroach any closer than existing -even if existing development is closer than 7.5 metres, no new development is permitted within 7.5 metres -hydrologic evaluation may be required <p>Where existing lot of record and residential dwelling in existence prior to May 11, 2006 and no land exists outside of the 15 metres adjacent, pools, decks and non-habitable accessory structures may be permitted but:</p> <ul style="list-style-type: none"> -no development permitted within 7.5 metres of the wetland -hydrological evaluation may be required <p>Except as provided, no new development in wetlands less than 2 hectares in size.</p>
---------------------	--

30 and 120 m of PSW:

Hamilton Conservation	<p>Provided no major fill and where required an EIS:</p> <ul style="list-style-type: none"> -single family dwelling less than 200 m² -swimming pools, decks, accessory structures to single family residential dwelling (total 300 m²) -replacement structures
-----------------------	---

	<ul style="list-style-type: none"> -minor additions to existing residential structures, provided no closer encroachment and in total less than 300 m² -residential septic systems -replacement provided no closer encroachment -agricultural buildings/structures provided BMPs are implemented and proper manure storage -minor additions to existing agricultural buildings/structures provided that combined with existing buildings are less than 700 m² -landscaping and minor grading
Conservation Halton	<p>Where only a building permit is required:</p> <ul style="list-style-type: none"> -single family dwelling less than 500 m² -swimming pools, decks, non-habitable accessory structures to a single family dwelling that combined are less than 500 m² -farm buildings less than 700 m² -residential septic systems -ponds less than or equal to 500 m² -landscaping and minor grading associated with the above
CLOCA	Development within 30-120 metres from a PSW or a wetland greater than 2 hectares in size, which may result in the interference on the hydrologic function of the wetland may be permitted if an EIS is submitted to assess the impact on the wetland and recommends appropriate mitigation measures
GRCA	<p>Development within 30-120 m from a wetland that may result in hydrologic impact may be permitted where an EIS demonstrates that the general policies are met.</p> <p>EIS may not be required in an area of interference between 30-120 m from a wetland if the potential hydrologic and ecological impacts are negligible. This includes but is not limited to single family residences, additions and accessory structures for which less than 1 ha is required for grading.</p>
TRCA	New development within an area of interference may be permitted if technical reports demonstrate that general policies can be met.

15 metres and 30 metres – for wetlands less than 2 hectares in size

Conservation Halton	<p>Where only a building permit is required, development may be permitted and will require only a letter of clearance:</p> <ul style="list-style-type: none"> -single family residential dwelling less than 500 m² -swimming pools, decks, on-habitable accessory structures to a single-family dwelling than are in total less than 500 m² -farm buildings or structures that in combination with existing are less than 700 m² -residential septic systems -ponds less than 500 m² -landscaping and minor grading associated with the above <p>Where no alternative exists, crossing of a Non-PSW less than 2 hectares in size may be considered where the crossing is required to access residential, commercial or agricultural operation where no access currently exists and where the crossing is generally less than 30 metres in length and 10 metres in width, where the wetland is not contained in a valley and provided the crossing</p>
---------------------	---

	<p>is designed to provide safe access and egress, maintains the existing hydrologic regime in and adjacent to the wetland, minimizes the impact of flood flows and groundwater movement and accounts for wildlife movement and habitat.</p> <p>Compensating wetland, equivalent to the area disturbed by the crossing, must be created in close proximity to the crossing.</p>
CLOCA	-development proposed within 15-30 metres from a non PSW greater than .5 ha and less than 2 ha which may result in the interference on the hydrologic function of the wetland may be permitted if an EIS is submitted which assesses the impacts on the wetland and recommends appropriate mitigation measures

Mitigation/Compensation for Wetland Loss:

Conservation Halton	Compensating wetland, equivalent to the area disturbed by the crossing, must be created in close proximity to the crossing.
Hamilton Conservation	No reference to wetland compensation.
CLOCA	No reference to wetland compensation.
LSRCA	<p>LSRCA shall consider compensation if EIS demonstrates loss of wetland features and ecological function. Mitigation Strategy is based on:</p> <ul style="list-style-type: none"> - replacing the natural feature to achieve no net loss in area - replacing associated ecological function of the feature - compensation shall be as close to the site as possible except where better/more wetland values can be protected or where the long-term integrity of near sites are threatened
GRCA	Reference to development within or interference with an anthropogenic wetland less than 2 ha may be permitted where it can be demonstrated that wetland functions can be maintained or enhanced elsewhere within the subwatershed and the wetland is not part of a PSW, located in a floodplain or riparian community, part of a Provincially or municipally designated natural heritage feature, a significant woodland or hazard land, fish habitat, significant wildlife habitat, confirmed habitat for a Provincially or regionally significant species as determined by MNRF or the municipality, part of an ecologically functional corridor or linkage between larger wetlands or natural areas, part of a groundwater recharge area or a groundwater discharge area associated with any of the above.

APPENDIX B-3: SECTION 28 REGULATORY RESPONSIBILITIES: WATERCOURSES

Conservation Authority	Setback	Details	Section
NPCA	15 m for watercourses containing permanent flow, cool water or coldwater systems or specialized aquatic or riparian habitat 10 m natural buffer for watercourses containing intermittent flow, warmwater systems	Reductions considered only in special circumstances. No development or site alteration within 5 metres of a watercourse.	
CVC	30 metres from the bankfull flow location of watercourses		6.2.1
CLOCA	120 metres (Adjacent lands width)	30 m buffer from each side of the watercourse. Reduction to a minimum of 15m adjacent to warm water streams may be considered if no negative impact to feature of function	
Conservation Halton	Minimum 30 m setback from the bankfull channel of any coldwater/coolwater watercourse and warmwater sportfish watercourse and 15 m from the bankfull channel of any warmwater baitfish watercourse.	An additional allowance may be required from the long-term migration of the watercourse (i.e. erosion or meander belt allowance). Exceptions may be considered on a site specific basis in areas of existing development where the works will not encroach into the setback any further than the existing building/structure and where no other reasonable alternative exists. Additional setbacks may be required as per MNRF and DFO.	2.6.1
Hamilton Conservation	Minimum 15 m vegetation protection zone for all coldwater or marginally coldwater (coolwater) watercourses – 60 m total.	Where watercourses have not been studied as to thermal regimes or fish population, the 30 m vegetation protection zone is required. Greater vegetation protective zones may be required in some areas as a result of sensitive soil conditions and or in the habitat of endangered or threatened species.	<u>2.1.3</u>

Conservation Authority	Setback	Details	Section
		Vegetation protective zone for a meandering stream shall be the greater of the meander belt allowance or the required vegetation protective zone for warmwater, marginally coldwater, or coldwater watercourses.	
LSRCA	Not Specified		
GRCA	Not Specified		

APPENDIX C

COMPARISON OF OTHER GGH CA POLICIES – PLANNING ACT

APPENDIX C-1: PLANNING ACT RESPONSIBILITIES: ANSIs

Significant ANSIs			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not specified		
CVC		A distance to be determined through a comprehensive environmental study or technical report for regionally and provincially significant ANSIs	6.2.1
CLOCA	50 m(Adjacent lands width)	Minimum buffer to be determined through EIS	8.4 Lot Creation
GRCA	Not Available		
LSRCA	Not Available		
Hamilton Conservation	50 m	May be reduced through EIS	3.1.6
CHalton	50 m	May be reduced through EIS	3.6.7
TRCA	120 m for adjacent lands	Distance will vary depending on the scale and scope of an application for development and site alteration, the anticipated sensitivity of the natural features and areas and any intervening land uses.	7.4.2.1
KRCA	120 metres for Significant Life Science ANSIs 50 metres for Significant Earth Science ANSIs		3.3.2 Lot Creation
ORCA	50 metres		2.2.2 (1) Lot Creation

APPENDIX C-2: PLANNING ACT RESPONSIBILITIES: SIGNIFICANT WILDLIFE HABITAT

Significant Wildlife Habitat			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC		A distance to be determined through a comprehensive environmental study or technical report	6.2.1
CLOCA	120 m (Adjacent lands width)	Minimum buffer to be determined through EIS	8.4 Lot Creation
GRCA	Not Available		
Hamilton Conservation	50 m	May be reduced through EIS	3.1.5
TRCA	120 metres from adjacent lands	Distance will vary depending on the scale and scope of an application for development, site alteration, the anticipated sensitivity of the natural features and areas and intervening land uses.	
C Halton	Not Specified	No negative impacts through EIS	3.6.6
KRCA	120 metres from the limit of the habitat as identified through a technical evaluation completed in accordance with the Ministry of Natural Resources' Significant Wildlife Habitat Technical Guide (1999). KRCA will seek advice from the Ministry of Natural Resources with respect to the presence of known significant wildlife habitat.		3.3.2 Lot Creation
LSRCA	Not Available		
ORCA	120 metres from the limit of the habitat as defined through an EIS in accordance with MNRF's Significant Wildlife Habitat Technical Guide (1999) ORCA will seek advice from MNRF with respect to the presence of known significant wildlife habitat		2.2.2 (1) Lot Creation

APPENDIX C-3: PLANNING ACT RESPONSIBILITIES: HABITAT OF THREATENED AND ENDANGERED SPECIES

Habitat of Threatened and Endangered Species			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC		A distance to be determined through a comprehensive environmental study or technical report	6.2.1
CLOCA	120 m (Adjacent lands width)	Minimum buffer to be determined by MNR	8.4 Lot Creation
GRCA	Not Available		
LSRCA	Not Available		
Hamilton Conservation	50 m	May be reduced through EIS	3.1.3
Conservation Halton	50 metres	EIS required for any planning application within 50 m	3.6.2
KRCA	No development to be permitted in significant habitat except as permitted by MNR. No development or site alteration on adjacent lands (120 metres).	Adjacent land setback may be reduced if ecological function of adjacent lands have been evaluated and no negative impact on natural features or their ecological functions. EIS may be required to demonstrate no negative impact.	3.3.2 Lot Creation
ORCA		A distance to be determined through an EIS or Technical Study submitted for approval by MNRF.	2.2.2 (1) Lot Creation
TRCA	120 metres from adjacent lands	Distance will vary depending on the scale and scope of an application for development, site alteration, the anticipated sensitivity of the natural features and area and intervening land uses.	

APPENDIX C-4: PLANNING ACT RESPONSIBILITIES: SIGNIFICANT WETLANDS

Significant Woodlands			
Conservation Authority	Setbacks for subdivisions	Comments	Section
NPCA	Not Specified		
CVC	10 m from the drip line of significant woodlands		6.2.1
CLOCA	120 metres (Adjacent lands width)	Minimum buffer - 10 m from drip line	8.4 Lot Creation
GRCA	Not Available		
Hamilton Conservation	50 m	May be reduced through EIS	3.1.4
LSRCA	Not Available		
Conservation Halton	50 metres	<p>EIS required for planning applications within or adjacent to significant woodlands.</p> <p>Minimum buffer – 10 metres from drip line to be confirmed through EIS outside of the Greenbelt Plan Area and the Niagara Escarpment plan Area.</p> <p>Within the Greenbelt Plan, minimum 30 metre vegetated protection zone as per policies of the Greenbelt Plan</p>	3.6.4
TRCA	120 metres from adjacent lands	Distance will vary depending on the scale and scope of an application for development, site alteration, the anticipated sensitivity of the natural features and areas and intervening land uses.	
KRCA	120 metres		3.2.2 Lot Creation Policies
ORCA	120 metres	may be reduced in accordance with a comprehensive environmental study or	2.2.2 (1) Lot Creation

Significant Woodlands			
Conservation Authority	Setbacks for subdivisions	Comments	Section
		site-specific technical report	

Report To: Board of Directors

Subject: NPCA Wainfleet Bog Advisory Committee Member Appointments

Report No: FA-04-22

Date: March 25, 2022

Recommendation:

1. **THAT** Report No. FA-04-22 RE: NPCA Wainfleet Bog Advisory Committee Member Appointments **BE RECEIVED**.
2. **THAT** the NPCA Board of Directors **APPOINTS** the individuals identified in the confidential Appendix1 to the NPCA Wainfleet Bog Advisory Committee.
3. **THAT** Appendix 1 **BE** hereafter **DEEMED** a public document.
4. **AND FURTHER THAT** as per Wainfleet Bog Advisory Committee Terms of Reference, Board Member _____ **BE APPOINTED** to the NPCA Wainfleet Bog Advisory Committee for the duration of their term on the NPCA Board.

Purpose:

The purpose of this report is for the NPCA Board of Directors to approve the appointments to the NPCA Wainfleet Bog Advisory Committee.

Background:

At the June 18, 2021 Board meeting a resolution was carried to endorse the staff recommended approach for the future management of drainage in the Wainfleet Bog. That recommended approach included that staff would create a Wainfleet Bog standing Committee.

On November 19, 2021 the NPCA Board of Directors approved the NPCA Wainfleet Bog Advisory Committee Terms of Reference. The Terms of Reference was developed to initiate an advisory committee to provide collaborative perspective, guidance and expert advice in the review, revision and implementation of the Wainfleet Bog management plan and other site strategies of Wainfleet Bog Conservation Area.

Discussion:

The NPCA Wainfleet Bog Advisory Committee Terms of Reference was developed to initiate an advisory committee to provide collaborative perspective, guidance and expert advice in the review, revision and implementation of the Wainfleet Bog management plan and other site strategies of Wainfleet Bog Conservation Area. The Terms of Reference outlined the membership representation:

The Public Advisory Committee shall consist of the following representation:

- TWO (2) members representing local municipal government (Wainfleet and Port Colborne)
- TWO (2) members representing stakeholders
- TWO (2) members representing conservation/naturalist clubs or ENGO's
- ONE (1) member representing the science/academia sector
- TWO (2) members representing First Nations
- TWO (2) for the NPCA (NPCA Board and senior staff member).

The Terms of Reference also included details on the application process and how NPCA staff will evaluate the applicants which included the following criteria:

- Knowledge and experience related to the sector representation
- Knowledge of the Niagara Peninsula Conservation Authority
- Experience working on multi-sector committees
- Relevant volunteer/community service work related to the seat they are applying for.

As per the NPCA Wainfleet Bog Advisory Committee Terms of Reference an expression of interest was sent to the public on February 1, 2022 via NPCA Website, social media, and local print media. Additionally, post cards were sent to all Wainfleet residents and radio, and television interviews were conducted with NPCA staff. The NPCA sent appointment letters to the Township of Wainfleet, City of Port Colborne, Six Nations of the Grand River and Mississaugas of the Credit First Nation. The City of Port Colborne declined the invitation to participate. The Mississaugas of the Credit First Nation have not responded to the invitation to participate as of March 9, 2022. The NPCA received 25 total applications by the February 28, 2022 deadline.

The 25 applications were evaluated by an interdepartmental committee of NPCA staff, including representation from Land Operations, Communications, Watershed Planning and Water Resources following the Terms of Reference guidance. Following evaluation, NPCA staff recommend the establishment of the Wainfleet Bog Advisory Committee to be comprised of members as listed in Appendix 1.

Financial Implications:

There are no financial implications associated with this report. The NPCA Wainfleet Bog Advisory Committee has an in-kind budget of \$2,500.00 for NPCA staff time, which is included in the 2022 operating budget.

Links to Policy/Strategic Plan:

The creation of the NPCA Wainfleet Bog Advisory Committee affiliates with developing plans to update management plans and developing strategies to manage invasive species to enhance biodiversity at NPCA properties. These initiatives support the Conservation Authorities Act and Goal 1.4 of the NPCA Strategic Plan.

Related Reports and Appendices:

1. Confidential Appendix 1 - NPCA Wainfleet Bog Advisory Committee Appointed Members (enclosed separately)

Authored by:

Original Signed by:

Adam Christie
Director, Land Operations

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: NPCA Climate Change Update

Report No: FA-07-22

Date: March 25, 2022

Recommendation:

1. **THAT** Report No. FA-07-22 RE: NPCA Climate Change Update **BE RECEIVED**.
2. **AND FURTHER THAT** staff **PROVIDE** annual updates to the Board of Directors on the progress of the NPCA's Climate Action Plan.

Purpose:

The purpose of this report is to provide an update on the status of the Niagara Peninsula Conservation Authority's (NPCA) climate change actions.

Background:

On July 17, 2019, the NPCA Board of Directors declared a climate change emergency through approval of Resolution No. 174-2019 recognizing the need to take action that will contribute to the mitigation of, and adaptation to, the effects of climate change across the NPCA watershed. Over the past few years, NPCA staff have continued to build adaptation capacity and resiliency through watershed management programs such as water and climate monitoring, flood forecasting and warning (NPCA's Flood Forecasting and Warning network is among the most advanced in the province), flood plain mapping and flood infrastructure risk management.

Recently, the NPCA acquired two environmentally significant properties in the City of Hamilton and the Township of Wainfleet in Niagara Region (in 2019 and 2021). Conservation areas (approx. 2,881 ha) provide critical public greenspace for community well-being and health while serving as a sink to sequester carbon and build climate resilience. These lands are further enhanced through the implementation of reforestation, wetland enhancement, and naturalization projects across the NPCA's jurisdiction.

Strategic Plan (2021-2031)

The NPCA's new 10-year strategic plan included a range of climate-related actions across six strategic priorities. These actions will be integrated within the overarching framework of the watershed-based resource management strategy required to be completed as part of the recent

Conservation Authority Act updates. Together, these initiatives provide a roadmap to address future watershed challenges faced by growth and extreme weather impacts. The strategic plan also identifies a strong corporate commitment to transition towards becoming a net-zero organization.

Organizational Re-alignment 2022

Expedited action on climate change was considered as one of the key focus areas during the NPCA's organizational alignment process in March, 2022. A new division (Watershed Strategies & Climate Change) has been created with a mandate to focus on applied climate research, technical expertise, and on-the-ground actions to build climate resilience. Using the best available climate science, this division will deliver studies and technical analyses that provide comprehensive, integrated watershed policy and technical direction within the framework of the NPCA's new watershed-based resource management strategy. This division will also be responsible for coordinated corporate climate change actions across the organization to reduce the NPCA's carbon footprint.

Discussion:

A high-level overview of key actions to be taken by the organization is provided below. In the coming months, these actions will be consolidated into a cohesive Climate Action Plan with measures and outcomes and an implementation plan. As discussed above, NPCA actions are focused both within the community/watershed jurisdiction as well as internally.

Adaptation – Building Resilience within the Niagara Peninsula Watershed

Within the framework of the new and proposed watershed-based resource management strategy required as part of the Conservation Authorities Act, the NPCA will undertake the following:

- work with academic partners to develop a climate research agenda for applied solutions to address the watershed;
- undertake local and regional vulnerability and risk analyses to understand impacts and develop adaptation strategies, using the best available historic data and climate projections for our jurisdiction (understanding risk in flood vulnerable areas will be a priority);
- identify and address data and monitoring gaps in NPCA programs to monitor future conditions for climate resiliency;
- update its shoreline management plans with climate resiliency considerations utilizing the Ministry of Northern Development, Mining, Natural Resources and Forestry's (NDMNR) updated technical guidance for shoreline hazards;
- expand its restoration program to build a robust and resilient land base (already initiated);
- enhance tree planting initiatives across the NPCA's jurisdiction with a focus on carbon sequestration, increased tree canopy, and natural heritage biodiversity (a federal 2 Billion Trees funding application with full municipal collaboration is currently underway);
- quantify the value of the carbon potential of natural areas and forests within the NPCA jurisdiction;

- increase the resiliency of its lands through management plan updates (e.g., a 10-year program of land management plan update will take climate mitigation and adaptation into consideration);
- increase publicly accessible and biodiverse greenspace through land acquisition opportunities with an objective to increase green infrastructure for multiple benefits (including climate adaptation);
- advance implementation of Low Impact Development (LID) solutions through its capital projects as well as through other partnership opportunities;
- establish a green infrastructure and sustainable technologies program; and
- undertake natural asset management accounting to add green infrastructure to the NPCA's asset portfolio and take the lead to advance the state of practice in the NPCA's jurisdiction.

Mitigation - (Reducing the NPCA's Carbon Footprint)

The NPCA further commits to:

- undertake a climate and sustainability audit of NPCA facilities to collect baseline data;
- establish greenhouse gas reduction targets and actions [NPCA facilities - conservation parks and buildings (energy and water)];
- establish waste reduction targets;
- increase use of renewable energy at NPCA facilities using the Ball's Falls LEED facility as a model;
- continue to undertake feasibility of hosting carbon neutral events at facilities such as green weddings and facilitate third-party events to follow sustainability principles (currently underway, as appropriate);
- transition to 100% electric vehicles (and other equipment, as feasible);
- assess and implement operational actions for corporate sustainability such as reducing the use of paper, plastic, and examining the social impact of our day-to day actions (currently underway);
- understand the carbon potential of the NPCA's natural systems to examine the feasibility of voluntary carbon offsetting (proposal developed pending funding); and
- undertake the necessary studies and analysis with the intent to implement (or construct) a carbon neutral headquarters.

Engagement, Education and Collaboration

The NPCA will:

- collaborate with municipal partners, ENGOs and academic institutions to advance research and on-the-ground action;
- work with private sector partners to advance climate actions across sectors;
- continue to advance citizen science initiatives such as the Niagara Coastal Community Collaborative community science VAST system monitoring for climate impacts on shorelines;
- prepare education materials and host events for community and stakeholder awareness; and
- ensure a strong climate focus through the development of the NPCA's outreach education and engagement strategy.

Conclusion and Next Steps

The NPCA is committed to demonstrating leadership in addressing climate change and sustainability practices. Priority actions provided in the staff report will be refined and integrated into the NPCA's Climate Action Plan to be completed in 2022.

Staff will provide annual updates to the Board of Directors on the progress of the NPCA's Climate Action Plan.

Financial Implications:

There are no financial implication emerging directly from this report. Resource needs will be identified as part of long-term business plans for specific activity and addressed through future budgets and fundraising.

Links to Policy/Strategic Plan:

Climate change has been identified as a critical priority under the NPCA's 10-year strategic plan.

Submitted by:

Original Signed by:

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



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

**Thursday, February 24, 2022
5:00 p.m.**

MEMBERS PRESENT:	J. Oblak (Committee Chair) C. Ecker-Flagg R. Foster, NPCA Chair E. Furney K. Huxley M. Kauzlaric D. Kelly H. Korosis J. Musso J. Schonberger D. Speranzini
MEMBERS ABSENT:	J. Ariens N. Seniuk
STAFF PRESENT:	C. Sharma, C.A.O. / Secretary – Treasurer G. Bivol, Clerk D. Deluce, Senior Manager, Planning and Regulations R. Hull, Manager, Strategic Business Planning and Public Relations L. Lee-Yates, Director, Watershed Management E. Navarro, Communications Specialist A. Powell, Manager, Conservation Area Services K. Royer, Coordinator, Community Outreach

Chair Oblak called the meeting to order at 5:02 p.m.. Member Cindilee Ecker-Flagg offered an opening statement acknowledging the spirit of co-operation achieved with the Committee.

1. APPROVAL OF AGENDA

Recommendation No. PAC-01-2022

Moved by Member Kelly

Seconded by Member Speranzini

THAT the agenda for the February 24, 2021 NPCA Public Advisory Committee meeting **BE ADOPTED** as amended with the addition of an agenda item 10. c) Flood Advisory Notification Comment.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

Member Speranzini stated for the record that her opinions as expressed are her own and not that of her employer.

3. APPROVAL OF MINUTES

- a) Minutes of the Public Advisory Committee Meeting dated November 25, 2021

Recommendation No. PAC-02-2022

Moved by Member Speranzini

Seconded by Member Kauzlaric

THAT the minutes of the NPCA Public Advisory Committee meeting dated November 25, 2021 **BE APPROVED**.

CARRIED

4. CORRESPONDENCE

None

5. PRESENTATIONS

- a) Project Introduction: Planning Policy Review by David Deluce, NPCA Senior Manager, Planning and Regulations – Mr. Deluce presented via PowerPoint. Leilani Lee-Yates, Director of Watershed Management spoke. Discussion ensued.

Recommendation No. PAC-03-2022

Moved by Member Furney

Seconded by Member Huxley

THAT the PowerPoint presentation by David Deluce, NPCA Senior Manager, Planning and Regulations RE: Planning Policy Review **BE RECEIVED**.

CARRIED

- b) Introduction of the NPCA Chair – Committee Chair Oblak called for comments from the new NPCA Chair, Rob Foster. Chair Foster introduced himself to the members before leaving the proceedings to tend to a prior engagement.

6. DELEGATIONS

None

7. CONSENT ITEMS

- a) Report No. FA-68-21 RE: NPCA Transition Plan in Accordance with Section 21.1.4 of the

Conservation Authorities Act - Chandra Sharma, C.A.O. / Secretary - Treasurer offered background and presented the report. Discussion ensued.

Recommendation No. PAC-04-2022

Moved by Member Ecker-Flagg

Seconded by Member Musso

THAT NPCA Report No. FA-68-21 RE: NPCA Transition Plan in Accordance with Section 21.1.4 of the *Conservation Authorities Act* **BE RECEIVED**.

CARRIED

- b) Report No. FA-03-22 RE: Conservation Authorities Act – Update on Inventory of Programs/Services - Chandra Sharma, C.A.O. presented. Discussion ensued.

Recommendation No. PAC-05-2022

Moved by Member Korosis

Seconded by Member Schonberger

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

CARRIED

- c) Report No. PAC-01-22 RE: Update on 2022 NPCA Events and Programs

Alicia Powell, NPCA Manager of Conservation Area Services spoke to the report.

Recommendation No. PAC-06-2022

Moved by Member Huxley

Seconded by Member Kelly

THAT NPCA Report No. PAC-01-22 RE: Update on 2022 NPCA Events and Programs **BE RECEIVED**.

CARRIED

8. DISCUSSION ITEMS

- a) Climate Change Verbal Update by the Chandra Sharma, NPCA C.A.O. – Ms. Sharma spoke on opportunities and future initiatives for the NPCA to combat climate change.

Recommendation No. PAC-07-2022

Moved by Member Furney

Seconded by Member Speranzini

THAT the verbal update on Climate Change by Chandra Sharma, NPCA C.A.O. **BE RECEIVED**.

CARRIED

9. COMMITTEE REPORTS

None

10. NEW BUSINESS

- a) C.A.O. Update (Verbal) – Ms. Sharma spoke about funding approvals recently received by the NPCA, the NPCA Annual Report and the outreach for Board Members for the Niagara Peninsula Conservation Foundation.

Recommendation No. PAC-08-2022

Moved by Member Huxley

Seconded by Member Furney

THAT the verbal update from Chandra Sharma, NPCA C.A.O. **BE RECEIVED.**

CARRIED

- b) Members' Updates (Verbal) – Information / Issues / Items of Interest – Chair Oblak spoke on options for an informal outdoor gathering of the Committee in the coming months.

Recommendation No. PAC-09-2022

Moved by Member Huxley

Seconded by Member Ecker-Flagg

THAT the Members' Updates for Information / Issues / Items of Interest **BE RECEIVED.**

CARRIED

- c) Flood Advisory Notification Comment – The Chair noted that Members were now receiving notification of flood advisories but could opt out by notifying NPCA staff.

11. ADJOURNMENT

Resolution No. PAC-10-2022

Moved by Member Musso

Seconded by Member Korosis

THAT this meeting of the NPCA Public Advisory Committee **BE ADJOURNED** at 6:24 p.m..

CARRIED

Jackie Oblak
Public Advisory Committee Chair

Chandra Sharma
Chief Administrative Officer / Secretary –
Treasurer



NIAGARA PENINSULA
CONSERVATION
AUTHORITY

250 Thorold Road, 3rd Floor, Welland ON L3C 3W2
Tel: 905-788-3135
Fax: 905-788-1121
www.npca.ca

DATE: March 25, 2022

MOTION:

Moved By: _____

Seconded By: _____

THAT Board Member Brad Clark **BE APPOINTED** to the Governance Committee for 2022.

Chair: _____