



## **Board of Directors Meeting**

**March 24, 2023 at 9:00 AM  
Ball's Falls Centre for Conservation  
3292 Sixth Avenue, Jordan, ON**

### **Agenda**

#### **CALL TO ORDER – ROLL CALL / STAFF INTRODUCTIONS**

*The Niagara Peninsula watershed is situated within the traditional territory of the Haudenosaunee, Attiowonderonk (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**

##### **3.1. Minutes of the Annual General Meeting dated February 17, 2023 (For Approval)**

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#### **4. CHAIR'S UPDATE**

#### **5. CORRESPONDENCE**

##### **5.1. Correspondence dated February 24, 2023 from Ann-Marie Norio, Regional Clerk, Niagara Region, RE: Appointment of Public Member to the Niagara Peninsula Conservation Authority Board (For Receipt)**

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#### **6. PRESENTATIONS**

##### **6.1. Joshua Diamond Manager, Watershed Monitoring and Reporting RE: NPCA Watershed Report Card (For Receipt) (This presentation corresponds to Agenda Item 9.1.)**

##### **6.2. Chandra Sharma, C.A.O. RE: NPCA Progress on Strategic Plan KPI's and 2023 Service Area Priorities (For Receipt)**

**7. DELEGATIONS**

**8. CONSENT ITEMS**

**9. DISCUSSION ITEMS**

**9.1. Report No. FA-06-23 RE: NPCA Watershed Report Card (For Approval)  
(Report to be provided under separate cover.)**

**9.2. Report No. FA-07-23 RE: Wainfleet Bog Committee Terms of Reference (For Approval)**

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**9.3. Report No. FA-09-23 RE: Official Re-Designation of Beach Closings  
Beneficial Use Impairment (For Approval)**

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**9.4. Report No. FA-10-23 RE: Member Appointment to NPCF, Governance and  
Finance Committees (For Approval)**

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**10. COMMITTEE REPORTS**

**11. MOTIONS**

**12. NOTICES OF MOTION**

**13. NEW BUSINESS**

**14. CLOSED SESSION**

**14.1. A proposed or pending acquisition or disposition of land by the NPCA  
(Confidential Report No. FA-11-23 will be circulated under separate cover.)**

**15. ADJOURNMENT**



**64<sup>TH</sup> ANNUAL GENERAL MEETING MINUTES  
ONLINE VIDEO CONFERENCE  
AND IN-PERSON MEETING  
Friday, February 17, 2023  
9:30 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:** R. Foster  
B. Clark  
B. Grant  
D. Huson  
J. Metcalfe  
P. O'Neill  
M. Tadeson

**MEMBERS ABSENT:** M. Seaborn

**STAFF PRESENT:** C. Sharma, CAO / Secretary – Treasurer  
G. Bivol, Clerk  
E. Augustino, Water Quality Technician  
I. Bradnam, Administrative Assistant, Planning and Development  
A. Christie, Director, Conservation Areas  
N. Devos, Park Manager  
M. Ferrusi, Manager, People and Performance  
L. Gagnon, Director, Corporate Services  
N. Green, Manager, Climate Change and Special Programs  
L. Lee-Yates, Director, Planning and Development  
S. Mastroianni, Manager, Planning and Permits  
S. Miller, Senior Manager, Water Resources  
G. Shaule, Administrative Assistant, Corporate Administration

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

## **1. GREETINGS BY THE CHAIR**

Chair Foster welcomed attendees.

## **2. APPROVAL OF AGENDA**

Resolution No. FA-01-2023  
Moved by Member Clark  
Seconded by Member Huson

**THAT** the agenda for the Niagara Peninsula Conservation Authority's 64<sup>th</sup> Annual General Meeting held on Friday, February 17, 2023 **BE APPROVED** with the addition of Report No. FA-08-23 RE: Covid Vaccination Policy as Discussion Item 11. e).

**CARRIED**

### 3. DECLARATIONS OF CONFLICT OF INTEREST

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None declared.

### 4. CONCLUSION OF 2022 BUSINESS

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Chair Foster offered parting comments and then declared the Chair and Vice Chair seats vacant. C.A.O. Sharma presided over the election of Board Chair and Vice Chair for 2023.

### 5. ROLL CALL – 2023 BOARD MEMBERS

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For election purposes, roll call was taken again.

### 6. ELECTION / APPOINTMENT OF OFFICERS

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- a) Appointment of Scrutineers - Ms. Sharma called for a vote on the following motion in the event of an election.

Resolution No. FA-02-2023

Moved by Member Foster

Seconded by Member Metcalfe

**THAT** in the event of a vote for the position of Chair and/or Vice Chair, Grant Bivol and Lise Gagnon **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 Huson

**THAT** Board Member Robert Foster **BE NOMINATED** as Chair of the Board of Directors for the Niagara Peninsula Conservation Authority for 2023.

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 resolution.

Resolution No. FA-03-2023

Moved by Board Member Huson

Seconded by Board Member Metcalfe

**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 Foster

**THAT** Board Member John Metcalfe **BE NOMINATED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2023.

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-04-2023

Moved by Member Huson

Seconded by Board Member O'Neill

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

**CARRIED**

Resolution No. FA-05-2023

Moved by Member Huson

Seconded by Member O'Neill

**THAT** Robert Foster **BE APPOINTED** as Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2023.

**CARRIED**

Resolution No. FA-06-2023

Moved by Member Foster

Seconded by Member O'Neill

**THAT** John Metcalfe **BE APPOINTED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2023.

**CARRIED**

Ms. Sharma turned the proceedings over to Chair Foster to preside over the balance of the meeting. Chair Foster called for a vote to acknowledge the Membership of the incoming Board of Directors.

Resolution No. FA-07-2023

Moved by Member Huson

Seconded by Member Metcalfe

**THAT** the Listing of Members Appointed for the 2023-2026 Term of the NPCA Board **BE RECEIVED**.

**CARRIED**

c) Appointment to Conservation Ontario for 2023

Resolution No. FA-08-2023

Moved by Member Tadeson

Seconded by Member O'Neill

1. **THAT** the Robert Foster, Chair of NPCA for 2023, or Vice Chair 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-09-2023

Moved by Member Grant

Seconded by Member Metcalfe

**THAT** Diana Huson **BE APPOINTED** to the Niagara Peninsula Conservation Foundation for 2023.

**CARRIED**

e) Appointment to the Finance Committee

Resolution No. FA-10-2023

Moved by Member Clark

Seconded by Member Metcalfe

**THAT** the following Board Members **BE APPOINTED** to the Finance Committee for 2023: Diana Huson and Brian Grant.

**CARRIED**

f) Appointment to Governance Committee

Resolution No. FA-11-2023

Moved by Member Huson

Seconded by Member Metcalfe

**THAT** the following Board Members **BE APPOINTED** to the Governance Committee for 2023: Brad Clark and Michelle Seaborn.

**CARRIED**

g) Appointment of Auditors

Resolution No. FA-12-2023

Moved by Member Grant

Seconded by Member Clark

**THAT** the Niagara Peninsula Conservation Authority **APPOINTS** KPMG LLP as its auditors for the 2023 fiscal year.

**CARRIED**

## 7. APPROVAL OF MINUTES

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- a) Minutes of the Full Authority Meeting dated December 16, 2022
- b) Minutes of the Closed Session Meeting dated December 16, 2022

Resolution No. FA-13-2023

Moved by Member Huson

Seconded by Member Metcalfe

1. **THAT** the minutes of the Full Authority Meeting dated December 16, 2022 **BE APPROVED**.
2. **AND THAT** the closed session minutes of the Full Authority Meeting dated December 16, 2022 **BE APPROVED** to remain private and confidential.

**CARRIED**

## 8. CORRESPONDENCE

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- a) Correspondence dated December 19, 2022 to Provincial Land Use Plans from Leslie Rich, Policy and Planning Specialist, Conservation Ontario RE: Review of A Place to Grow and Provincial Policy Statement (ERO#019-6177)
- b) Correspondence dated December 28, 2022 to Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario from Jennifer Keyes, Director, Resources Planning and Development Policy Branch Ministry of Natural Resources and Forestry RE: Legislative and regulation changes affecting conservation authorities
- c) Correspondence dated December 20, 2022 to Chandra Sharma NPCA CAO from Evelyn Eichenbaum, Clerk, Haldimand County RE: Council Appointments as of November 15, 2022

Resolution No. FA-14-2023

Moved by Member Clark

Seconded by Member Huson

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

- Correspondence dated December 19, 2022 to Provincial Land Use Plans from Leslie Rich, Policy and Planning Specialist, Conservation Ontario RE: Review of A Place to Grow and Provincial Policy Statement (ERO#019-6177);
- Correspondence dated December 28, 2022 to Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario from Jennifer Keyes, Director, Resources Planning and Development Policy Branch Ministry of Natural Resources and Forestry RE: Legislative and regulation changes affecting conservation authorities; and
- Correspondence dated December 20, 2022 to Chandra Sharma NPCA CAO from Evelyn Eichenbaum, Clerk, Haldimand County RE: Council Appointments as of November 15, 2022.

**CARRIED**

## 9. PRESENTATIONS

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- a) NPCA Employee Service Awards Presentation – Kim Frohlich, Steve Miller, Sarah Mastroianni, Ryan Kitchen, Nathaniel Devos, Eric Augustino, Irene Bradnam, Erika Navarro and Natalie Green were acknowledged for their milestone years of service.
- b) 2022 NPCA Year in Review Video – Misti Ferrusi, Manager People and Performance introduced and played the video for the proceedings.

## 10. CONSENT ITEMS

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- a) Report No. FA-49-22 RE: 2022 NPCA Quarterly Progress Report 3 Required for Conservation Authorities Act Amendments - Transition Plan and Agreements - O Reg 687-21

Resolution No. FA-15-2023

Moved by Member O'Neill

Seconded by Member Tadeson

**THAT** Report No. FA-49-22 RE: 2022 NPCA Quarterly Progress Report 3 Required for Conservation Authorities Act Amendments - Transition Plan and Agreements - O Reg 687-21 **BE RECEIVED.**

**CARRIED**

## 11. DISCUSSION ITEMS

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- a) Report No. FA-01-23 RE: Board of Directors' 2023 Meeting Schedule

Resolution No. FA-16-2023

Moved by Member Clark

Seconded by Member Huson

1. **THAT** Report No. FA-01-23 RE: Board of Directors' 2023 Meeting Schedule **BE RECEIVED.**

2. **THAT** Appendices 1 and 2 to Report No. FA-01-23 RE: Board of Directors' 2023 Meeting Schedule **BE APPROVED** with amendment to denote a 9:00 am start time to meetings.

3. **AND THAT** the meeting schedule **BE MADE** available on the NPCA website and **PROVIDED** to the participating and local area municipalities.

**CARRIED**

- b) Report No. FA-02-23 RE: Updated Administrative By-Law

Resolution No. FA-17-2023

Moved by Member O'Neill

Seconded by Member Metcalfe

1. **THAT** Report No. FA-02-23 RE: Updated Administrative By-Law **BE RECEIVED.**



2. **THAT** the NPCA Administrative By-Law dated October 22, 2021 and amending By-law No. 01-2021 **BE REPEALED**.
3. **THAT** the Administrative By-Law attached hereto as Appendix 1 to Report FA-02-23 **BE READ** a first and second time and finally **ADOPTED** this 17<sup>th</sup> day of February, 2023.
4. **THAT** the Terms of Reference for the Public Advisory Committee, once approved by the Board, **BE ATTACHED** to the Administrative By-law in Appendix 5 and **BE DEEMED** thereafter to form a part of said by-law.
5. **THAT** the Terms of Reference for the Wainfleet Bog Advisory Committee **BE REFERRED** to staff for review and subsequent report back to the Board.

**CARRIED**

c) Report No. FA-03-23 RE: Niagara Peninsula Conservation Authority (NPCA) – Appointment of Regulations Officers

Resolution No. FA-18-2023  
 Moved by Member Tadeson  
 Seconded by Member Huson

1. **THAT** Report No. FA-03-23 RE: Niagara Peninsula Conservation Authority (NPCA) – Appointment of Regulations Officers **BE RECEIVED**.
2. **AND THAT** Nicholas Stasiak and Carly Tessaro, **BE APPOINTED**, for the term of employment with the NPCA, as Officers of the NPCA and Provincial Offences Officers.

**CARRIED**

d) Report No. FA-04-23 RE: Updated Public Advisory Committee Terms of Reference

Resolution No. FA-19-2023  
 Moved by Member Grant  
 Seconded by Member Huson

1. **THAT** Report No. FA-04-23 RE: Updated Public Advisory Committee Terms of Reference **BE APPROVED**.
2. **THAT** Public Advisory Committee Terms of Reference **BE APPENDED** to the Administrative By-Law.
3. **THAT** staff **BE DIRECTED** to proceed with Public Advisory Committee member recruitment.
4. **AND FURTHER THAT** the Public Advisory Committee Terms of Reference **BE CIRCULATED** to NPCA member municipalities to support committee member recruitment.

**CARRIED**

e) Report No. FA-08-23 RE: Covid Vaccination Policy

Resolution No. FA-20-2023  
 Moved by Member Grant  
 Seconded by Member Huson

1. **THAT** Report No. FA-08-23 RE: COVID-19 Vaccination Policy **BE RECEIVED**.

2. **THAT** the current Vaccination Policy dated September 2021 be **RESCINDED**.

**CARRIED**

## 12. COMMITTEE REPORTS

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None

## 13. MOTIONS

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None

## 14. NOTICES OF MOTION

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None

## 15. NEW BUSINESS

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- a) Niagara Peninsula Conservation Foundation Update – Verbal – Both CAO Sharma and Chair foster spoken of the Foundation workplan, fundraising campaign, board membership, and volunteer opportunities.
- b) Member Clark acknowledged the efforts of the staff and past Board in addressing challenges and resolving issues facing the organization at the beginning of the last term.

## 16. ADJOURNMENT

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By consensus, the meeting adjourned at 10:34 a.m..

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Robert Foster, Chair  
Niagara Peninsula Conservation Authority

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

**Administration**

Office of the Regional Clerk

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February 24, 2023

Chandra Sharma, CAO/Secretary-Treasurer  
Niagara Peninsula Conservation Authority  
250 Thorold Road West; 3rd Floor  
Welland, ON L3C 3W2

***SENT ELECTRONICALLY***

**RE: Appointment of Public Member to the Niagara Peninsula Conservation Authority Board  
Minute Item 10.2 CL 3-2023, February 23, 2023**

Regional Council at its meeting held on Thursday, February 23, 2023, passed the following resolution:

That Report CLK 2-2023, dated February 23, 2023, respecting Public Member Appointment to the Niagara Regional Police Services Board and Niagara Peninsula Conservation Authority Board, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the recommendations contained in Confidential Appendix 1 to Report CLK 2-2023 **BE APPROVED** confirming the Public Members for appointment to the Niagara Regional Police Services Board and the Niagara Peninsula Conservation Authority Board;
2. That Nyarayi Kapisavanhu **BE APPOINTED** as the Public Member to the Niagara Police Services Board for the remainder of this term of Council (until November 14, 2026) or until a successor is appointed; and
3. That Donna Cridland **BE APPOINTED** as the Public Member to the Niagara Peninsula Conservation Authority Board for the remainder of this term of Council (until November 14, 2026) or until a successor is appointed.

**Appointment of Public Member to the Niagara Police Services Board**

February 24, 2023

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If further information is required regarding this appointment, please contact me at 905-980-6000 Ext. 3220 or by email [ann-marie.norio@niagararegion.ca](mailto:ann-marie.norio@niagararegion.ca)

Yours truly,



Ann-Marie Norio  
Regional Clerk  
CLK- C 2023-025

**CONTACT INFORMATION**

Donna Cridland

Phone:

Email:

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**Report To: Board of Directors**

**Subject: Updated Wainfleet Bog Committee Terms of Reference**

**Report No: FA-07-23**

**Date: March 24, 2023**

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**Recommendations:**

1. **THAT** Report No. FA-07-23 RE: Updated Wainfleet Bog Committee Terms of Reference **BE APPROVED**.
2. **THAT** NPCA 2022 Board appointee Jack Hellinga **BE DESIGNATED** to serve as a citizen member on the Wainfleet Bog Committee for the 2022-2026 term of the Committee.
3. **THAT** the updated Wainfleet Bog Committee Terms of Reference **BE CIRCULATED** to Committee members for information and to support future committee member recruitment as needed.
4. **AND FURTHER THAT** the NPCA Administrative By-Law be updated, as appropriate.

**Purpose:**

The purpose of this report is to present the updated Terms of Reference of the Wainfleet Bog Committee (WBC) for Board approval.

**Background:**

The Wainfleet Bog is located north of the Lake Erie shoreline within the Township of Wainfleet and the City of Port Colborne. The Wainfleet Bog was historically mined for peat, which resulted in significant adverse impacts to this rare and unique ecosystem. The two largest landowners of the Wainfleet Bog natural area are the NPCA and the Ministry of Natural Resources and Forestry (MNRF), with NPCA retaining the largest land holding. The Wainfleet Bog Conservation Area, acquired by the NPCA in 1995, is the largest NPCA land holding at approximately 2,000 acres or 800 hectares. The Wainfleet Bog is a provincially significant wetland and is the largest, least disturbed bog remaining within the Carolinian region of Ontario. This rare ecosystem provides habitat to a variety of unique plants and animals, as well as a variety of recreational uses.

A Management Plan and site Restoration Plan were developed by NPCA staff in 1997 with input from a variety of stakeholders. Identified objectives were to restore a healthier state of the Wainfleet Bog, provide passive recreation and educational opportunities, as well as include self-sustaining

management strategies with little to no human intervention, multi-use site opportunities, and at minimal cost. NPCA staff continues to implement management actions aligned with the Management Plan. Monitoring of water levels, vegetation progress and site wildlife continues monthly and annually to assess the progress of the management plan. The plan continues to be relevant with ongoing reviews and updates to the management plan scheduled. A management plan update (as needed) will be scheduled in future years along with other NPCA lands as part of the recent Conservation Authorities Act updated regulation requirement.

With interest in enhancing our collaborative efforts with stakeholders, staff moved to establish a Wainfleet Bog Advisory Committee. This effort was endorsed and approved by the Board of Directors through several resolutions, including:

- FA-126-2021 – Endorsing staff recommended approach for the future management of drainage in the Wainfleet Bog; creation of a stakeholder and community advisory committee;
- FA-195-2021 – Approval of WBAC Terms of Reference;
- FA-27-2022 – WBAC membership appointments for an original term of 4 years.

Staff has since led two WBAC meetings in May and October of 2022, with members appointed from the NPCA Board, the municipalities of Wainfleet and Port Colborne, First Nations, science and academia, ENGOs, and other stakeholders.

## **Discussion:**

Review of the committee Terms of Reference was required as result of:

- Changes to the Conservation Authority Act related to advisory committees
- Changes to NPCA Board composition
- Nature of committee work – More hands-on (operational) versus advisory

Section 4 of the NPCA's Administrative By-Law addresses advisory and standing committees. The WBAC has been included as an advisory committee in the by-law since December 2021 after approval of Resolution No. FA-215-2021. The by-law was most recently revised and approved by the Board of Directors via Resolution No. FA-17-2023 which included direction to review advisory committee composition and structure. In addition, the revised by-law also includes wording adjustments such that the Board Chair and Vice-Chair are now designated as Ex-Officio members to a committee as needed and defined within the Terms of Reference for each committee.

The following discussion presents some of the proposed changes to the Terms of Reference and associated rationale:

### **Title and Mandate:**

The committee is proposed to be an ad-hoc working committee of the NPCA to keep the mandate distinct from the NPCA's Public Advisory Committee. NPCA staff proposed to work closely with the members of the committee in a collaborative, hands-on fashion to undertake future planning and management of the Bog. Working committees are commonly used by Conservation Authority staff that require stakeholder engagement on a variety of issues and implementation of projects related to the Authority's mandate. Committees related to specific conservation areas are often formed as

management plans are developed and/or certain issues require a broader, facilitated discussion amongst various stakeholders. It is important to note that recent legislative changes to the Conservation Authorities Act require Conservation Authorities to develop management plans for each of their properties. As the NPCA develops management plans for each of its 41 properties, it is anticipated that working committees, or stakeholder advisory committees, will be required for several properties to assist and guide management plan development.

#### Term of Committee and Duration of Meetings:

Members of the WBAC are currently appointed for a term of four years. At the end of four years, members will be appointed for two-year terms, to be extended for an additional two years if needed, as reflected in the revised Terms of Reference. Working or ad hoc committees are typically established in response to specific issues or projects that are shorter in nature. Shorter terms for members will better reflect the nature of the required work while also providing flexibility to members and staff leads to participate in and coordinate the Wainfleet Bog Committee as effectively as possible.

#### Board Representation:

Changes to NPCA Board composition as of January 2023 have resulted in a smaller Board. The NPCA Board-appointed representative on the WBAC is currently not a member of the Board. While Board membership may be welcome and defined in the Terms of Reference for each staff working committee, it would no longer be a requirement. Staff acting as liaisons between committee membership and the Board can reduce time commitments for Board members while also reducing or streamlining working committee items that require Board approval or endorsement. Staff are recommending that former Board appointee, Jack Hellinga, continue to serve on the committee under the citizen capacity. Jack brings a wealth of experience and knowledge and has contributed significantly to the work of committee in its first year. Mr. Hellinga's professional and political experience will be invaluable to the WBC as the committee works to guide management actions at the bog and revise the management plan for the property.

The revised WBC Terms of Reference are attached as Appendix 1 and includes the following key changes:

- Format change to follow NPCA Terms of Reference template for committees;
- Designation as an ad-hoc working committee;
- Edits to committee title, mandate, membership, and member recruitment sections;
- Other administrative edits to use language consistent with other committee Terms of Reference.

#### **Financial Implications:**

There are no financial implications as the recruitment process and WBC coordination are included as part of regular NPCA operations and existing budget.

Staff working committees not requiring Board member participation might result in modest savings for Board per diems and mileage charges.

## **Links to Policy/Strategic Plan:**

Staff working committees will support land management and land operation programs at NPCA. Developing management plans for all NPCA properties is a legislated requirement resulting from recent changes to the Conservation Authorities Act. Staff working committees will support management plan development and help staff achieve Strategic Plan objectives 1.4 (management plans for every property), 4.2 (fostering relationships with the community, non-government organizations, and others).

## **Related Reports and Appendices:**

Appendix 1: Updated Wainfleet Bog Committee Terms of Reference (Draft)

## **Authored by:**

*Original Signed by:*

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Eric Baldin BES, MES  
Manager, Land Planning

## **Submitted by:**

*Original Signed by:*

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



# Niagara Peninsula Conservation Authority

## TERMS OF REFERENCE

## WAINFLEET BOG COMMITTEE

### Committee Type

Ad-Hoc Working Committee

### Purpose

To provide collaborative perspective, guidance and expert advice in the review and revision of Management Plan. Support NPCA in the implementation of the Wainfleet Bog Management Plan and other site strategies of the Wainfleet Bog Conservation Area.

### Committee Mandate

The Committee collaborates with and advises staff on matters of interest related to the Wainfleet Bog Conservation Area. Members of WBC will serve in a non-governance capacity with a focus on providing advice and recommendations for consideration by NPCA staff.

### Membership

The WBC shall consist of up to Ten (10) members comprising multi-stakeholder representation including: residing area municipalities, conservation/naturalist clubs, science/academia, Indigenous representatives, and NPCA staff. The NPCA recognizes diversity as a source of strength and works to champion inclusive attitudes and encourage adoption of inclusive approaches that lead to full and meaningful participation of all.

#### 1. REPRESENTATIVE SEAT STRUCTURE:

The WBC shall consist of the following representation:

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

#### 2. Internal or external persons (experts) may be invited to attend the meetings at the request of staff, on behalf of the WBC, to provide advice and assistance where necessary.

#### 3. WBC members may cease to be a member of the Committee if they:

- Resign from the Committee;
- No longer objectively represent their respective sector;
- Fail to adhere to NPCA Code of Conduct and Media protocols;

- Fail to meet their responsibilities, prompting the Committee to recommend their removal to the NPCA CAO.
4. **DECISION MAKING AND RULES OF ENGAGEMENT:**  
Recommendations of the WBC are by consensus and advisory only. No formal voting process is required. Should a consensus not be reached by the WBC on any major topic the topic will be taken to the NPCA CAO, or the Board of Directors as needed, for consideration.
  5. As the WBC is a staff working committee and not a formal decision-making body, quorum is not required for meetings to proceed.

Note: Indigenous representation on the WBC does not fulfill or replace the NPCA commitments for engaging with Indigenous communities, nor do they affect protocols created by Indigenous Peoples for engaging government, industry or others, or for gathering, documenting, management or sharing Indigenous knowledge.

## **Member Roles and Responsibilities**

WBC member roles and responsibilities are as follows:

- Act as Champions/Ambassadors for the Wainfleet Bog ecosystem.
- Advise on potential partnership opportunity and fundraising.
- Provide a conduit to the local community within their sector to facilitate development and implementation of the Management Plan.
- Provide input based on their expertise and experience.
- Review meeting materials in advance of the meetings and arrive prepared to provide a broad perspective on the issues under consideration.
- Submit agenda items to staff at a minimum of two (2) weeks prior to the meeting date for approval.
- Make every effort to attend regularly scheduled meetings. If not available, notify the NPCA staff lead on inability to attend at least one day prior to the meeting date.
- Agree to describe, process, and resolve issues in a professional and respectful manner.
- Provide constructive input to help identify future projects or strategic priorities for consideration, respective of their sector representation.
- Members are encouraged to go back to their respective sectors with information received at WBC meetings to notify of opportunities to give feedback.

## **Meetings**

Meetings will be held ad hoc, or a minimum of twice per year. Additional meetings or workshops may be held at the discretion of the staff liaison if required for timely matters. Email communications to WBC members will also be provided.

Meetings may be held virtually, in-person or hybrid, to be determined by NPCA staff and committee members.

In-person meetings will be held at locations determined by NPCA staff and committee members.

Meetings are expected to take approximately one and a half (1.5) hours. Exceptions may occur from time to time to deal with significant items.

## **Member Recruitment**

Potential applicants will be assessed and recommended for appointment-based vacancies and the applicant's ability to meet expectations of a member as outlined in the Member Roles and Responsibilities section above. Exceptions made for externally appointed members (i.e. First Nations and Metis). Seats may remain vacant until candidates with the requisite background and skills can be identified.

The Call of Expressions of Interest may be made public and published via NPCA website, social media venues and local print media, as needed.

Applicants shall be required to submit the following information:

- Contact information
- Area of expertise, general availability, why they want to serve WBC
- Highest level of education
- Professional/employment background and professional memberships.

Applications will be evaluated by staff and recommended to the CAO based on 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.

Final recommendation of candidates will be presented to the CAO for appointment. NPCA maintains a strong policy of equal opportunity. The NPCA recognizes that diversity is a source of strength and works to champion inclusive attitudes and approaches to recruitment that lead to full and meaningful participation of all.

NOTE: Personal member information, other than name and resident municipality, will be kept confidential in accordance with Provincial legislation.

## **Terms of Appointment and Vacancies**

Upon establishment of the Committee, members will be appointed to serve for a term of TWO (2) years beginning in January of that year. Committee Term can be extended for an additional TWO (2) years if deemed necessary, to complete ongoing work. Positions vacated will be filled through a "Call for Expression of Interest" to be conducted as required. In the event of a vacancy during a regular term, the vacancy may be filled for the remainder of that term.

The NPCA may, or upon receipt of a recommendation from the NPCA staff lead or CAO, terminate a member's appointment based on a careful review of conditions including:

- Breach of NPCA, Code of Conduct and media protocols;
- Absence at WBC meetings (3 meetings in continuation) without satisfactory reason.

## **Administration**

### NPCA Staff Leadership

To provide leadership, NPCA staff will serve as the Facilitator of WBC. NPCA staff will provide administrative services for the WBC, including preparation and distribution of agendas, recording of meeting minutes/notes, reports, and general information as required. The responsibilities include:

- Building consensus
- Providing leadership and ensuring the fair and effective functioning of the Committee
- Scheduling meetings and notifying WBAC members
- Inviting special guests to attend meetings when required
- Guiding the meeting according to the agenda and time available
- Ensuring all discussion items end with a decision, action, or definite outcome
- Review and approval of draft minutes before distribution
- Approving agenda items and correspondence
- Approving delegations for Advisory Committee meetings
- Act as a conduit between the WBC and the NPCA CAO and Board of Directors as required

### Reporting

Meeting Agendas will be prepared by the NPCA's staff in consultation with the WBC.

Minutes shall be recorded and circulated to members. Staff reports to the Board will be presented as needed for information and /or approvals.

### Resources & Budget

One senior staff and one committee administrative coordinator will be provided by NPCA in kind. Facility or other supports will also be provided in kind. Members of Committee will be subject to NPCA volunteer policies, code of conduct, and media protocols. Provision of mileage or other reimbursement is not applicable for volunteer members. Small meeting expense may be covered as part of NPCA's regular budgets as appropriate at the discretion of senior staff.

Other subject matter experts (NPCA staff) may attend as necessary. Committee will be coordinated by NPCA staff.

## **Amendments**

The Terms of Reference and the role of the WBC shall be reviewed and assessed every 2 years by NPCA staff and presented to the CAO for approval.

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**Report To: Board of Directors**

**Subject: Official Status Re-designation of Niagara River ‘Beach Closings’ Beneficial Use Impairment (BUI)**

**Report No: FA-09-23**

**Date: March 24, 2023**

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**Recommendation:**

1. **THAT** Report No. FA-09-23 RE: Official Status Re-designation of Niagara River ‘Beach Closings’ Beneficial Use Impairment (BUI) **BE RECEIVED**.
2. **THAT** a letter **BE WRITTEN** to the Town of Niagara-on-the-Lake thanking them for their collaborative efforts with the NPCA to improve the Niagara River’s water quality and ecosystem health as part of the Niagara River Remedial Action Plan program.
3. **AND THAT** Report No. FA-09-23 **BE CIRCULATED** to the watershed municipalities and the Niagara Parks Commission.

**Purpose:**

The purpose of this report is to inform the NPCA Board of Directors about the official status re-designation of the Niagara River Beach Closings Beneficial Use Impairment (BUI) to ‘not impaired’. Re-designating the status of a BUI from ‘impaired’ to ‘not impaired’ is considered a tremendous environmental achievement for the RAP and its AOC.

**Background:**

The Niagara River was identified as one of 43 Great Lakes’ Area of Concern (AOC) in the late 1980s due to water quality and habitat problems. Several partners (including the NPCA) have been working together to improve the Niagara River’s water quality and ecosystem health as part of a local Remedial Action Plan (RAP). Each RAP aims to restore up to fourteen (14) environmental challenges referred to as beneficial use impairments (BUIs) that are the result of historical environmental degradation. Improving BUIs is done through implementing targeted monitoring and/or remediation efforts.

When the Niagara River was first identified as a bi-national AOC, there were nine (9) impairments, two (2) requiring further assessment, and three (3) beneficial uses deemed not impaired. Since the early 1990s, water quality problems restricted recreational swimming at the only public swimming beach on the Canadian side of the Niagara River resulting in one of these impairments (i.e., *Beach Closings* BUI). There is no beach water quality impairment on the U.S. side of the Niagara River.

Re-designating the status of a BUI from ‘impaired’ to ‘not impaired’ is considered a tremendous environmental achievement for the RAP and its AOC. To re-designate the status of a BUI, a RAP team must demonstrate that all remedial actions are complete and specific delisting/restoration criteria are met through the completion of an assessment report. If there is community support for the re-designation, the RAP team submits its recommendation to the Governments of Canada and Ontario for final approval and removal of the BUI. A comprehensive *Beach Closings* BUI Status Assessment Report was completed in 2021, which indicated that the BUI delisting/restoration criteria were met and recommended that the status of the *Beach Closings* BUI for the Canadian side of the Niagara River be officially changed to ‘not impaired’ (Appendix 1).

## Discussion:

Queen’s Royal Beach in the Town of Niagara-on-the-Lake (NOTL) is the only public swimming beach on the Canadian side of the Niagara River. Investigative monitoring carried out in the Niagara River from 2010-2018 indicated that the water quality issues at this beach were related to storm sewer outfall discharging near the beach. Eighteen (18) priority remediation actions within the sewer catchment area to improve water quality at the beach were identified by a technical expert working group and implemented by the Town of NOTL from 2018 to mid-2020. Actions included installing raccoon grates, sewer infrastructure improvements (fixing cracks, joint offset, connection problems), implementing several best management practices (e.g., regular maintenance of catch basins), disconnecting a wading pool from the storm system, and constructing a bioswale (low-impact development feature) in Simcoe Park.

To meet the RAP BUI criteria, at least 80% of beach sampling events had to meet the provincial water quality guideline (200 *E. coli* colony forming units per 100 mL) over three consecutive years. Given the dynamic nature of beach environments and natural influences (e.g., wildlife, rainfall), it is unlikely for a beach to be entirely free of *E. coli* bacteria 100% of the time. Before remediation efforts began in 2018, 44% to 75% of the beach samples met provincial water quality targets. Water quality monitoring at the beach was carried out three times per week during the remediation process. Results indicate year-over-year improvements in water quality at the beach, with 83% to 91% of samples meeting targets in each swimming season from 2018-2020. Other low-level sources of *E. coli* (e.g., from wildlife, wind, waves, and upstream sources) may occasionally continue to impact beach water quality; however, risk management actions (e.g., continued monitoring, website communication, signage) are in place to inform visitors and protect human health. A comprehensive *Beach Closings* BUI Status Assessment Report was completed in 2021, which indicated that the BUI delisting/restoration criteria were met and recommended that the status of the *Beach Closings* BUI for the Canadian side of the Niagara River be officially changed to ‘not impaired’.

In a joint outreach and engagement effort with the Town of NOTL, NPCA staff and RAP partners conducted extensive outreach and engagement activities from June 2021 – May 2022 to seek input from the public, local First Nations, Métis Nation of Ontario, and U.S. RAP counterparts on the report’s recommendation. Given the restrictions due to the COVID-19 pandemic in 2021, virtual engagement tools and techniques were used to involve various stakeholders in the BUI re-designation process (e.g., social media, the [NPCA’s GetInvolved](#) online engagement portal, the [Niagara River RAP website](#), E-newsletter, and a YouTube video). To ensure access to technology was not a barrier to participation, other traditional (non-virtual) methods were also used (e.g., direct email, newspaper ad, radio interviews, place-based signage) to inform the public about the engagement opportunities. A paper survey was available upon request. Efforts to inform and engage a wide range of people in providing feedback was successful, as summarized in the infographic below:



The results of the outreach and engagement efforts showed overall support for the change in status of the Niagara River RAP's *Beach Closings* BUI to 'not impaired'. There were no concerns raised from local Indigenous communities and letters of support were received from U.S. counterparts. The results were summarized and included in the final assessment report (Appendix 1) which was submitted to Governments of Canada and Ontario for review and approval in July 2022.

On March 1, 2023, the NPCA received an official letter from Environment and Climate Change Canada to confirm that, after a comprehensive review of the submitted assessment report, the *Beach Closings* BUI in the Niagara River is officially designated 'not impaired' (Appendix 2).

The official re-designation of the *Beach Closings* BUI is a tremendous environmental accomplishment for the NPCA and all Niagara River RAP partners in their pursuit of improved water quality and ecosystem health in the Niagara River. Although this positive news signals an important milestone, there is more work to be done. The RAP team continues to implement priority actions, as identified in its 5-year [Delisting Strategy](#), to restore four (4) remaining impairments related to fish consumption, sediment quality, habitat, and fish & wildlife populations.

### Financial Implications:

There are no financial implications. The Niagara River Remedial Action Plan program is funded through agreements with Environment and Climate Change Canada and the Ontario Ministry of the Environment, Conservation and Parks.

### Links to Policy/Strategic Plan:

Goal 1.3: restore and enhance natural habitat, water resources, and forest cover; 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 outcome and impact; Goal 4.3: improve engagement with local First Nations, Métis, and Inuit peoples that supports shared stewardship.



## **Related Reports and Appendices:**

Report No. FA-36-21 RE: Niagara River 'Beach Closings' Beneficial Use Impairment (BUI) Status Assessment and Re-designation

Appendix 1: Beach Closings Beneficial Use Impairment Status Assessment Report for the Niagara River (Ontario) Area of Concern

Appendix 2: Official re-designation letter from Environment and Climate Change Canada

## **Authored by:**

*Original Signed by:*

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

## **Submitted by:**

*Original Signed by:*

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





# ASSESSMENT REPORT

BEACH CLOSINGS  
BENEFICIAL USE IMPAIRMENT #10

2021



**BEACH CLOSINGS BENEFICIAL USE IMPAIRMENT  
STATUS ASSESSMENT REPORT  
for the Niagara River (Ontario) Area of Concern**

**FINAL**

**Prepared June 2021**

**Final draft endorsed by Niagara River Remedial Action Plan Council in October 2021, revised June 2022**

**Submitted to Canada-Ontario Agreement Annex 4 Co-Leads in July 2022**

Suggested citation: Green, N. 2021. Beach Closings Beneficial Use Impairment Assessment Report for the Niagara River (Ontario) Area of Concern. Welland, ON. pp. 17.

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# EXECUTIVE SUMMARY




This document serves to present an updated assessment on the *Beach Closings* Beneficial Use Impairment against the established delisting criteria. Based on the monitoring results and the evaluation, this report outlines the recommendation to change the status to not impaired for the Canadian side of the Niagara River Area of Concern.

The *Beach Closings* Beneficial Use Impairment (BUI) is meant to indicate water quality issues due to bacterial pollution from fecal pollution sources (e.g., sewage waste). Historically, the *Beach Closings* BUI has been designated as impaired in the Niagara River Area of Concern (AOC) since the inception of the Remedial Action Plan (RAP) program and was first listed in the RAP Stage 1 Report (1993). It remained impaired due to high levels of *E. coli* bacteria at Queen’s Royal Beach in the Town of Niagara-on-the-Lake—the only beach that is considered to be a public swimming beach on the Niagara River.

Recent extensive water quality monitoring, microbial source tracking studies, storm sewer investigations, and implementation of remedial actions have resulted in significant water quality improvements at the Niagara River beach. Additional risk management actions will remain in place to ensure people are aware of potential risks and help them make decisions to protect their health.

This assessment report reviews recent information to examine whether the BUI delisting criteria have been met. Further, all remedial actions identified in the Niagara River Delisting Strategy were completed, as planned (Appendix 1). Community outreach and engagement conducted in 2021 and 2022 indicates support for changing the status of the *Beach Closings* BUI (Appendix 2).

Below is a summary of the BUI delisting criteria and the result of this assessment.

For the Niagara River (ON) AOC, the Beach Closings BUI will no longer be considered impaired when:	Assessment Result
1) Prominent sources of fecal pollution that could contaminate the beach or recreational waters are known <u>and</u> remedial actions to address known sources are identified and completed;	
2) At least 80% of the geometric mean results of recreational water samples (when sampled at least once per week) meet the Ontario Ministry of Health Recreational Water Quality Guideline (≤200 CFU/100 mL) each swimming season for a minimum of three years;	
3) Risk management actions (e.g., postings, signage, education, rain rule) are in place to protect human health.	

Through this report, the Remedial Action Plan (RAP) Committee is requesting the governments of Canada and Ontario officially change status of the *Beach Closings* BUI for the Canadian side of the Niagara River to ‘NOT IMPAIRED’.



## BACKGROUND

Swimming is a fun and healthy way for people to enjoy the waters of the Great Lakes and is considered a beneficial use under the Canada-U.S. Great Lakes Water Quality Agreement (GLWQA). When something interferes with the ability to enjoy water (like poor water quality leading to a beach posting), it is considered a Beneficial Use Impairment, or BUI. The BUIs are used by the local Remedial Action Plan (RAP) team to focus restoration needs, track progress and report on success. When assessed, the cumulative status of the BUIs inform the RAP team about the overall condition of the Niagara River—which was listed as a Great Lakes Area of Concern (AOC) in 1987. When the required actions for each BUI identified by the RAP are complete and locally defined goals (called delisting criteria) are met, then the Niagara River can be removed from the list of AOCs.

The *Beach Closings* BUI is meant to address water quality issues due to bacterial pollution from fecal pollution sources (e.g., sewage waste). This was one of the main environmental concerns when the Niagara River was first listed as an AOC. Swimming in waters with bacterial pollution increases the risk of infections of the ear, eye, nose, throat, and skin and may cause diarrhea if that water is ingested (Niagara Region 2021). *Escherichia coli* (*E. coli*) is used as an indicator of fecal pollution for the purpose of beach monitoring across Ontario. Each AOC has its own set of goals and actions to guide remediation and tackle the key issues impacting the water quality impairment.

For the Niagara River (ON) AOC, the *Beach Closings* BUI will no longer be considered impaired when:

- 1) Prominent sources of fecal pollution that could contaminate the beach or recreational waters are known and remedial actions to address known sources are identified and completed;
- 2) At least 80% of the geometric mean results of recreational water samples (when sampled at least once per week) meet the Ontario Ministry of Health Recreational Water Quality Guideline ( $\leq 200$  CFU/100 mL) each swimming season for a minimum of three years;
- 3) Risk management actions (e.g., postings, signage, education, rain rule) are in place to protect human health.

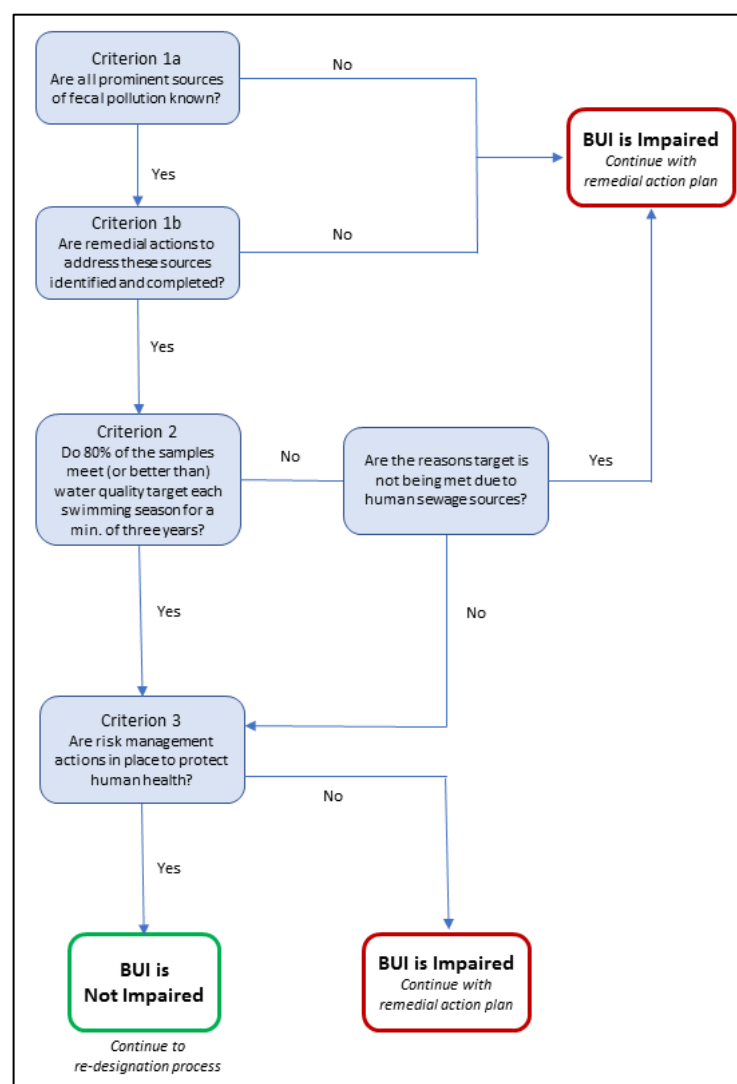
The *Beach Closings* BUI has been noted as impaired on the Canadian side of the Niagara River AOC since the RAP Stage 1 Report (NRRAP 1993), which provided a description of environmental conditions and identified problems in the AOC. The 1993 Report indicated that beach closings on the Canadian side, “had occurred fairly routinely over a decade and that issues were related to combined sewer overflows, slow moving waters in nearshore swimming areas, and plentiful waterfowl”. At that time, there were other public swimming beaches on the Canadian side of the Niagara River, but they have since been removed from the list of public beaches by the Niagara Parks Commission due to public safety concerns rather than water quality issues. Today, Queen’s Royal Beach (QRB), located in the Town of Niagara-on-the-Lake (NOTL) at the mouth of the Niagara River, is the only public swimming beach within the Ontario waters of the Niagara River.

The *Beach Closings* BUI status remained ‘Impaired’ in the RAP Stage 2 Report (NRRAP 1995) and in the subsequent 2009 RAP Stage 2 Update Report due to bacteria levels not meeting the water quality goals at QRB, particularly in 2009. The RAP Stage 2 Update Report (NRRAP 2009) indicated that the source of contamination at QRB was likely from the nearby storm sewer outfall and recommended further studies to determine whether the contamination was anthropogenic (from human sources) and if the source could be remediated. From 2010-2018, thorough investigations into the bacterial pollution

source(s) were completed and 18 priority actions were identified by a Technical Expert Working Group in 2019 (Appendix 1). Between 2018 and mid-2020, the Town of NOTL and other relevant partners implemented remedial and monitoring actions to address the specific challenges impacting water quality at QRB.

The assessment of the *Beach Closings* BUI delisting criteria and discussion for changing the BUI status to 'Not Impaired' is outlined in the following sections of this report.

## ASSESSMENT OF BUI DELISTING CRITERIA



A BUI assessment is the formal process by which a local RAP team evaluates the status of a particular impairment. It is conducted once all identified remedial actions have been completed.

This assessment examines and summarizes the information related to each of the three delisting criteria identified for the *Beach Closings* BUI from 2018-2020 to determine if delisting criteria were met.

The Assessment Framework (Fig. 1) was developed in 2018 to support the evaluation of the *Beach Closings* BUI status.

For more information about the NRRAP assessment and re-designation process, refer to the Niagara River's Delisting Strategy (Green et al. 2021).

**Figure 1.** Beach Closings BUI assessment framework for determining BUI status.

## Assessment of Criterion #1

This BUI delisting criterion examines if all prominent sources of fecal pollution are known and whether remedial actions have been identified and completed as necessary. It is meant to ensure a course of action is identified and completed if significant sources of fecal pollution are found. Remedial actions noted in this criterion target locally-controllable human sources (e.g., human sewage rather than waterfowl fecal waste) as these are tied to the legacy concerns of the AOC and RAP program.

In response to recommendations in the Stage 2 Update Report (NRRAP 2009), scientists from Environment and Climate Change Canada (ECCC) conducted microbial source trackdown studies using DNA markers from 2010-2015 to identify the source (human or animal) of bacterial pollution at beaches in the Niagara Region, including QRB. The studies found that:

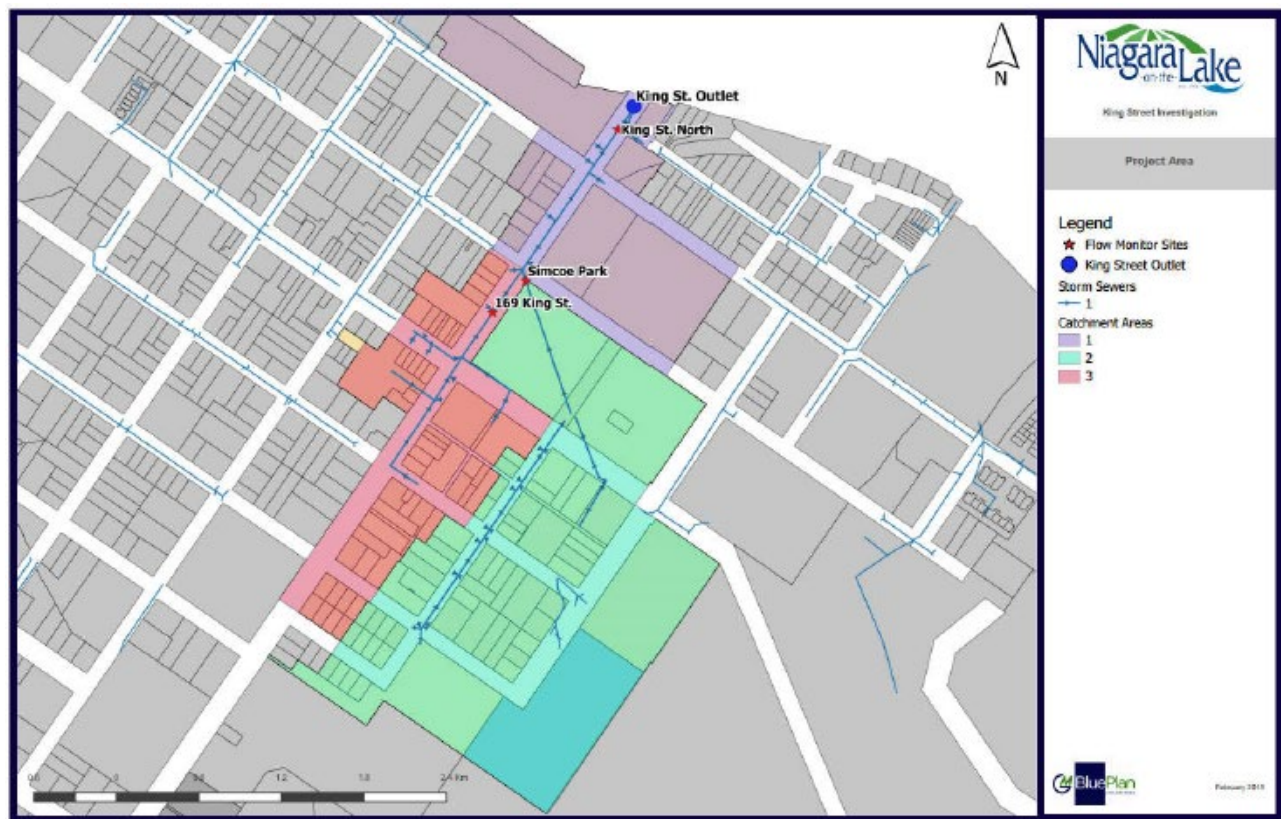
- a microbial DNA marker indicating human sewage contamination was detected more often at QRB than any other Niagara Region beach included in the study;
- low levels of *E. coli* bacteria (usually from human sources) at the beach come from upstream sources in the Niagara River;
- high levels of *E. coli* at QRB were strongly linked to the stormwater outfall near the beach;
- subsequent studies also identified low levels of fecal pollution from gulls at QRB and at the storm outfall typically associated with rain events.

Overall, the microbial source trackdown results between 2010-2015 identified that the King Street Stormwater Outlet (KSSO), which discharges stormwater immediately east of QRB, was the key source of contamination that required further investigation and remediation (Fig. 2). The Town of NOTL subsequently received funding from Environment and Climate Change Canada between mid-2017 to early 2019 to investigate the KSSO catchment area (Fig. 3) to identify the potential sources of *E. coli* that were impacting QRB.



**Figure 2.** View of the Niagara River from the King Street Storm Outlet located near the Queen's Royal Beach (located to the left of the image; not shown).





**Figure 3.** Map of the King Street Storm Sewer catchment area (Coveart 2021).

The engineering firm retained by the Town of NOTL to conduct the storm sewer investigations found that the KSSO catchment area had several issues with bacterial contamination linked to improper sewer connections, abandoned sewer infrastructure, low flow cross-connections (between storm and sanitary sewers), and stormwater infrastructure in poor/failing condition. A detailed report (GMBP 2019) outlined findings of the investigations and provided recommendations to address the most prominent sources of bacterial contamination in the KSSO catchment area. The Niagara River RAP technical expert working group reviewed and prioritized these recommendations into a list of remaining actions that guided remediation efforts (refer to Appendix 1). From 2018-2020, a water quality monitoring program, extensive field investigation program, and rehabilitation of identified infrastructure deficiencies were undertaken within the KSSO drainage area with a focus on reducing levels of *E. coli* at QRB. With the most prominent issues identified, the Town of NOTL began completing remedial actions in 2018 to resolve problems with the storm sewer system potentially impacting water quality at QRB. For example, raccoon grates were



**Figure 4.** The biofiltration facility installed in Simcoe Park in the Town of NOTL (October 2020).



installed in 2019, sewer infrastructure improvements (fixing cracks, joint offset, connection problems) were completed in 2019/20, several best management practices were implemented (e.g., regular maintenance of catch basins), and a bioswale (low-impact development feature) was constructed in Simcoe Park in 2020 (Fig. 4). The bioswale uses one meter of engineered filter media comprised of sand, soil and organic matter to provide quality control treatment for two stormwater outfalls with a 4.2 ha catchment area, which ultimately discharge to the KSSO, thereby reducing the amount of bacterial loading at QRB. A report by GMBLuePlan Engineering (Coveart, 2021) indicates that the efficacy of these remedial actions in the KSSO catchment area have been successful in improving water quality (Table 1). Specifically, post-remediation sampling (2020) at the KSSO outfall indicated minimal levels of human sources of *E. coli* and confirms that the outfall is no longer a significant source of human sewage. Further, the construction of the bioswale at Simcoe Park has significantly improved water quality. Monitoring at the site indicates it is 89-95% effective at reducing bacteria.

**Table 1.** Summary of water quality monitoring results (2018-2020) in specific areas of focus in the KSSO.

Area of Focus	Summary of Results
KSSO Outlet discharging to the beach	<ul style="list-style-type: none"> <li>Only 20% of samples collected from KSSO in 2020 showed presence of human sources of <i>E. coli</i> compared to 2018 (where all samples collected had the presence of human source of <i>E. coli</i>).</li> <li>The maximum amount of human DNA marker found in dry weather samples was reduced by 68%.</li> <li>The maximum amount of human DNA marker in wet weather samples was reduced by 77% (compared to 2020) and 85% (compared to 2019).</li> <li>82% reduction of other animal source <i>E. coli</i> DNA markers (non-human and non-gull) in wet weather.</li> <li>99% reduction in human DNA marker compared to highest recorded value in 2014.</li> </ul>
Simcoe Park bioswale	<ul style="list-style-type: none"> <li>Human DNA marker (max amount) detected during wet weather was reduced by 93%.</li> <li>95% reduction of maximum values found for Other Animal source (non-human and non-gull) <i>E. coli</i> during wet weather</li> <li>89% reduction of average values for Human DNA marker (wet weather)</li> <li>Average values for Other Animal source (non-human and non-gull) <i>E. coli</i> during wet weather – 94% reduction.</li> </ul>

While the Town of NOTL had completed all priority actions as part of the RAP requirements by mid-2020, it initiated additional infrastructure upgrades to the King Street drainage area during the 2021 season, including the installation of trenchless structural lining in the mainline sewer pipes within the KSSO catchment area.

In summary, all significant sources of fecal pollution are known and remedial actions to address these known sources are identified and completed. **The assessment shows that delisting criterion #1 has been met.**

## Assessment of Criterion #2

BUI delisting criterion #2 specifically relates to the water quality condition at the beach due to bacteria from anthropogenic sources (i.e., human sewage). It is meant to ensure that remedial actions (identified and addressed through criterion 1) are having a positive impact on water quality at the beach.

Prior to 2017, the Niagara Region Public Health Unit (NRPHU) monitored Queen's Royal Beach water quality weekly as part of its regional beach monitoring program during the swimming season defined as May (Victoria Day) to September (Labour Day). In 2017, the NRPHU determined that several beaches (including QRB) would be removed from their sampling schedule to allow for increased sampling and data accuracy at the most popular beaches (A. Habjan, personal communication, May 2019). To fulfill the RAP goals and the Town of NOTL's desire to maintain the QRB as a public swimming beach, partner organizations involved in the Niagara River RAP worked together to ensure the beach continue to be monitored. The Town of NOTL monitored water quality at the beach three times per week during the swimming season 2018-2020 with funding support from ECCC, Ontario Ministry of Environment, Conservation and Parks (MECP) and technical support from the NRPHU and the Niagara Peninsula Conservation Authority (NPCA) (Fig. 4). During that time, the NRPHU provided training for Town of NOTL water quality staff and conducted sample analysis to ensure adherence to the sample collection and analysis protocols for quality assurance and for comparison to previous sampling.



*Figure 5. Staff at the Town of NOTL collect a sample at QRB (June 2019).*

In Ontario, the water quality guidelines are set by the Ontario Ministry of Health and Long-Term Care (OMHLTC) (OMHLTC, 2018) with delivery by the local Public Health Units. People are advised to avoid using recreational waters when the geometric mean<sup>1</sup> of *E. coli* is higher than 200 colony forming units (CFU) per 100 mL and the beach is 'Posted' (i.e., swimming/recreational water contact should be avoided due to unsafe conditions). A beach is closed when there is a high risk of impacting human health due to poor water quality or immediate health hazards that make it unsafe for recreational body contact (e.g., blue-green algae, chemical spill, oil). To date, no Niagara Region beaches have ever been 'closed' due to water quality and/or severe health hazards (A. Habjan, personal communication, May 2019).

The BUI delisting criterion #2 target is at least 80% of sampling events meeting the provincial water quality guideline assessed over a three-year period. Prior to 2018, 44%-75% of the beach samples met water quality targets. Results of the water quality sampling in 2018, 2019, and 2020 indicate that the beach consistently met the RAP water quality targets in each swimming season. Details on sampling and

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<sup>1</sup> The **geometric mean** is a calculation used to average the bacterial levels of *E. coli* in samples collected from recreational water. Monitoring public beaches for *E. coli* bacteria and the use of the geometric mean approach permits more meaningful statistical evaluations. Assessment of the bacterial quality of recreational water requires more than a single result. Due to the uneven distribution of bacteria throughout a liquid medium, the count of microorganisms in a single "grab sample" does not represent the average concentration in a particular body of water. A single random sample may demonstrate a concentration that is far above or below the average. To obtain an accurate assessment of the quality of recreational water, the results of a number of samples shall be combined in such a way that a random, unrepresentative sample will not unduly influence the average (OMHLTC, 2018a).

results are outlined in two separate reports (Laufman & Moura, 2020; Laufman & Patel, 2021). Below is a summary of the key findings from the water quality monitoring studies:

Year	% samples met water quality target
2018	83
2019	81
2020	91

Given the dynamic nature of beach environments and natural influences (e.g., wildlife, rainfall), it is unlikely for a beach to be entirely free of *E. coli* bacteria or better than provincial guidelines 100% of the time (ECCC/USEPA 2018). Past microbial source tracking studies completed in the Niagara River by ECCC (2010-2015) indicate that the Niagara River itself delivers low concentrations of *E. coli* to the beach, usually associated with low level human sewage impacts linked to wastewater treatment bypasses or heavy rainfall events farther upstream (NRRAP 2019). However, the three years of beach monitoring highlighted in this assessment shows *E. coli* levels are within the provincial guideline-based delisting criteria. Other persistent, low-level sources of *E. coli* are likely to come from various types of wildlife at the beach which is supported by the field observations made during beach monitoring (2018-2020). Water quality monitoring staff noted the frequent presence of gulls and geese at QRB. Microbial source tracking analysis also confirmed the presence of gull DNA markers as well as 'Other Animals' (there were no other DNA markers used to identify other suspected animals such as horses and racoons). 'Other Animals' was thought to include racoons as their presence in the storm sewers was confirmed in 2017 and remedial actions were taken to prevent their entry into the KSSO area (e.g., installation of racoon prevention grates and a one-way check valve on the storm outlet at the beach). Horses are the other suspected source of 'Other Animal' DNA as there is a horse carriage route in the area that may contribute low levels of *E. coli* through run-off to the storm system. To address this potential issue the Town of NOTL installed additional remedial measures (i.e., smart sponges) in targeted locations to capture fecal contamination from runoff to protect water quality at QRB. Furthermore, the Town of NOTL may re-route the horse carriages away from the KSSO catchment area and may consider adding other management options to reduce droppings on the roads. Results show that these remedial actions have reduced the maximum amount of 'Other Animal' microbial DNA in samples from the KSSO from 2018-2020 by 99% in dry weather and 89% in wet weather (Coveart 2021). The Town of NOTL will continue to monitor the beach by collecting samples 3 times per week with analysis support by the Niagara Region Public Health Unit (NRPHU). This long-term collaborative sampling will be reviewed and confirmed annually.

In summary, over 80% samples collected during each swimming season met the provincial water quality target of  $\leq 200$  *E. coli* CFU/100 mL each year for the last 3 years (i.e., 2018, 2019, 2020). **Results of the assessment shows that criterion #2 has been met.**

### Assessment of Criterion #3

The third and final BUI delisting criterion is meant to mitigate health risks associated with swimming in contaminated waters. Given that it is unlikely for beach water to be 100% free of *E. coli*, there is always a low level of inherent risk associated with swimming at public beaches. The protection of human health can be achieved through numerous risk management methods such as appropriate signage indicating best practices (e.g., wash hands after swimming and before eating, do not swim when water is wavy or if it has rained within the past 24 hours, check the website for beach monitoring results).

In line with the risk management actions required to meet criterion #3, the Niagara River RAP partners have implemented several risk management actions:

- A webpage was added to the Town of NOTL website to communicate best practices for swimming at QRB and to share beach monitoring results;
- The NRRAP website contains a webpage to communicate similar best management practices and has a link to the NOTL beach webpage;
- The NRPHU will continue to post data on its Open Data Portal website where it can be downloaded.
- A sign is in development and will be installed at the beach to further protect beachgoers from potential bacteria in the water.
- Although not required, a sign may be also installed at the storm outlet advising people not to let pets drink the water.

Given all these risk management actions are completed or in progress, **criterion #3 has been met.**

## RECOMMENDATION

As a result of recent water quality monitoring, microbial source tracking studies, storm sewer investigations, and implementation of remediation and risk management actions, the Niagara River (ON) *Beach Closings* BUI delisting criteria have all been met.

Recent outreach and engagement activities indicate overall support from the RAP stakeholders, Indigenous partners, local municipal government, U.S. agencies, and the community (Appendix 2).

**It is recommended that the status of the *Beach Closings* BUI for the Canadian side of the Niagara River be officially changed to ‘NOT IMPAIRED’.**

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- Laufman K. and P. Moura. 2020. Queen’s Royal Beach Water Quality 2019 Monitoring and Data Analysis Report. Town of Niagara-on-the-Lake, Ontario, Canada. [\[Download\]](#)
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Niagara River Remedial Action Plan (NRRAP). 1995. The Cleanup Connection: Remedial Action Plan Stage 2 Report (Recommended Plan). ISBN 0-7778-3897-4.

Niagara River Remedial Action Plan (NRRAP) 2009. Niagara River Remedial Action Plan Stage 2 Update

Ontario Ministry of Health and Long-Term Care (OMHLTC). 2018. Operational Approaches for Water Quality Guideline.

**Appendix 1.** The list of recommended actions identified by the RAP's Technical Expert Working Group members in 2019 as part of the development of the Delisting Strategy. All actions with a check mark are complete.

#	Recommended Action	2019	2020	2021	2022	2023	Beyond	Lead(s)
<b>REMEDIAL ACTION(S)</b>								
10.1	Disconnect the wading pool in Simcoe Park from the lateral storm sewer connection and connect to the sanitary sewer system.	<input checked="" type="checkbox"/>						NOTL
10.2	Implement grate improvements to the Wellington Street storm sewer inlet to prevent racoon entry.	<input checked="" type="checkbox"/>						NOTL
10.3	Implement storm grate outlet improvement and structural lining of storm sewer on Davy Street.		<input checked="" type="checkbox"/>					NOTL
10.4	Repair the laterals with large and medium joint offsets at property line.		<input checked="" type="checkbox"/>					NOTL
10.5	Remediate the sanitary manhole with the Region of Niagara sewage forcemain connection.		<input checked="" type="checkbox"/>					NOTL, Niagara Region
10.6	Rehabilitate the storm manhole and outlet in poor condition located on King Street and Front Street.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					NOTL
10.7	Abandonment of poor condition mainline sanitary sewer on King street.		<input checked="" type="checkbox"/>					NOTL
10.8	Implement low-impact development (LID) stormwater management techniques in Simcoe Park to reduce bacterial loadings to the storm sewer system.		<input checked="" type="checkbox"/>					NOTL, ECCC, MECP
	<ul style="list-style-type: none"> <li>If <i>E. coli</i> results do not improve after LID construction in Simcoe Park, then LID techniques at the storm outfall near QRB (King Street Storm Outlet) could be considered.</li> </ul>			N/A				
10.9	Implement regular maintenance of catchbasins and storm drains in the King Street Storm Outlet (KSSO) catchment area, including (but not limited to):							NOTL
	<ul style="list-style-type: none"> <li>Perform sump maintenance (annually) to remove sediment and debris in catchbasins.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
	<ul style="list-style-type: none"> <li>Flush the King Street Storm Outlet catchment area once grates installed on Wellington Street storm inlet (min. once per year thereafter). After flushing, conduct a visual inspection of storm sewer sumps to ensure they are free of debris. If not, they must be cleaned.</li> </ul>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	
	<ul style="list-style-type: none"> <li>Manual labour required where difficult truck access is noted (e.g. Simcoe Park) for catchbasin sump cleaning in spring and fall annually.</li> </ul>		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	

#	Recommended Action	2019	2020	2021	2022	2023	Beyond	Lead(s)
<b>WATER QUALITY MONITORING</b>								
10.10	Collect water samples from QRB three times per week during the swimming season and analyze for levels of <i>E. coli</i> (note: this sampling began in 2018).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	NOTL (collection) NRPHU (analysis)
10.11	Confirm that the QRB will continue to be monitored at least once per week during the swimming season and analyze for levels of <i>E. coli</i> beyond the RAP.		<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	NOTL (collection) NRPHU (analysis)
10.12	Collect monthly (May-Oct) water samples from the stormwater outfall near QRB for <i>E. coli</i> testing.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					NPCA, NOTL
10.13	Collect water samples from the storm sewer catchment area to validate the efficacy of the LID stormwater management techniques.		<input checked="" type="checkbox"/>					NOTL
10.14	Collect water samples from QRB and stormwater outfall to be tested for presence/absence of human DNA markers.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					NOTL
<b>OUTREACH &amp; EDUCATION</b>								
10.15	Notify the public of beach postings at QRB due to elevated levels of <i>E. coli</i> using existing methods such as NRPHU website and signage at the beach (NOTL Parks & Recreation Dept.).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>					NRPHU, NOTL
10.16	Continue to communicate information to public about making safe swimming choices (e.g., avoid swimming 24-48h after rainfall, check NRPHU website before entering water, wash hands after swimming, etc.).	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	NRPHU (2019) NOTL (2020 - beyond)
10.17	Design and install improved signage at the QRB to communicate beach postings, swimming safety, and risk management practices (e.g., rain rule, washing hands, etc.).			<input checked="" type="checkbox"/>				NOTL
10.18	Design/install interpretive signage to highlight the LID project at Simcoe Park.			<input checked="" type="checkbox"/>				NOTL, NRRAP
<b>REPORTING</b>								
10.19	Gather all relevant water quality information for the past three years at QRB and conduct an assessment of the BUI.		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				NRRAP
	• If not impaired, proceed with re-designation process			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
	• If still impaired, further discussions will be required.			N/A				

## Appendix 2 – Outreach and Engagement Summary & Results

### OVERVIEW

Engaging and obtaining input from the broad range of community groups involved in the RAP initiative (public, Indigenous peoples, municipalities, private sector, etc.) is vital to the success of restoring the Niagara River AOC. There are many different organizations and local citizens involved in the Niagara River RAP initiative through their participation in the RAP Implementation and Public Advisory Committees. The RAP committees provide critical input and endorses all major reports before they are released for public review. In December 2020, the RAP committees received two presentations summarizing all research findings relating to the *Beach Closings* BUI and agreed that an assessment report should be prepared to determine if all BUI criteria were met. In April 2021, the RAP committees agreed to move forward with the public review period to seek input on the recommendation to officially change the BUI status from ‘impaired’ to ‘not impaired’.

The purpose of the outreach and engagement activities related to the *Beach Closings* BUI was to: (1) inform the public about the work completed to improve water quality at Queen’s Royal Beach and that an assessment indicates all RAP goals were met; (2) engage the public and other RAP stakeholders in providing input on the recommendation to change the BUI status from ‘impaired’ to ‘not impaired’.

This section of the assessment report summarizes the outreach and engagement activities and associated results. Overall, many people were aware of the recommendation to re-designate the *Beach Closings* BUI and results indicate support from the local U.S. agencies, Indigenous partners, municipal government, and the public.

### OUTREACH & ENGAGEMENT METHODS

Given the restrictions due to the COVID-19 pandemic, virtual engagement tools and techniques were used to involve various stakeholders in the BUI re-designation process such as social media, the NPCA’s Get Involved online engagement portal, the Niagara River RAP website, E-newsletter, and a YouTube video.

Anticipating there may be limitations for involvement due to lack of internet/computer access, other traditional (non-virtual) methods were used (e.g., direct email, newspaper ad, radio interviews, place-based signage; Fig. 6) to inform the public about the engagement opportunities. In addition, we were prepared to accommodate requests for a paper copy of the report or survey. Table 1 provides a summary of each method with targeted audience and additional details.

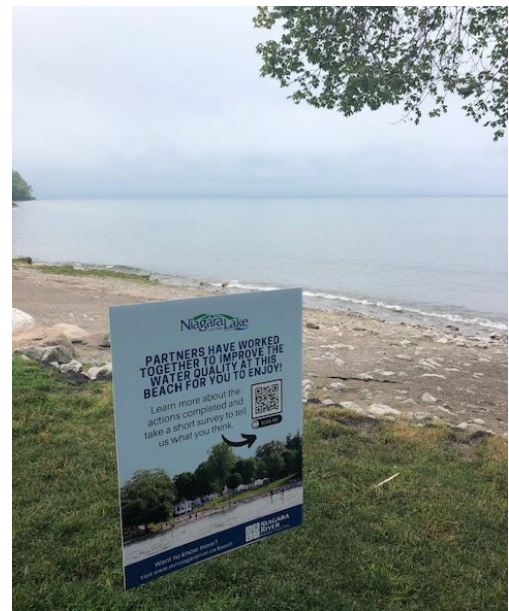


Figure 6. Temporary signage placed at Queen’s Royal Beach during the engagement period to encourage people to learn more and participate.



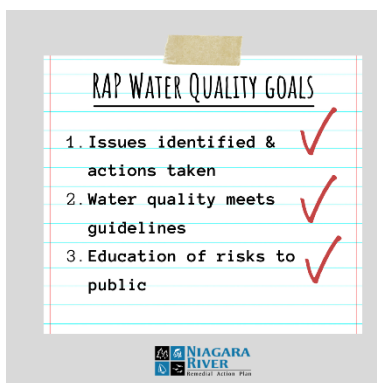
**Table 1.** Overview of outreach and engagement tools/tactics, intended audiences, and additional details for each.

Tool / Tactic	Audience(s)	Additional Details
Get Involved site - project webpage	All	The NPCA's Get Involved platform was utilized to facilitate online information sharing and engagement. The project page included an overview of the BUI and work done, educational video, important links (e.g., Assessment Report, beach monitoring results), engagement timeline, FAQs, digital comment box, and a survey. <a href="https://getinvolved.npca.ca/niagara-river-beach">https://getinvolved.npca.ca/niagara-river-beach</a>
RAP website	All	New website landing page created to facilitate information sharing and engagement <a href="http://www.ourniagarariver.ca/beach">www.ourniagarariver.ca/beach</a>
E-Newsletter	All	A short blurb and link to more information was included in the <a href="#">June</a> and <a href="#">July</a> editions of the Niagara River RAP's e-newsletter.
Direct emails	Indigenous communities	Direct emails to Indigenous partners (Mississaugas of the Credit First Nation, Métis Nation of Ontario) and local First Nations (Six Nations of the Grand River and Haudenosaunee Confederacy) to inform them of the assessment report and to accommodate their desired level of engagement and preferred method of providing input.
	Unites States EPA New York State	Formal letters prepared and sent by the Niagara River RAP's Canada-Ontario representatives to relevant contacts at the New York State Department of Environmental Conservation and the United States Environmental Protection Agency (Region 9) which both oversee the U.S. side of the Niagara River Area of Concern.
Social media	General Public	Social media images/key messages shared throughout the public review period across Facebook, Instagram, and Twitter platforms from the RAP accounts, Town of NOTL account, and NPCA account. Targeted ad promoted using Facebook boost of the 30s video (see below) to broaden reach in the area.
Media Release	General public	Formal media release sent to all local media contacts and posted to the NPCA's website. The media release helped us garner further exposure through written newspaper articles and a radio interview with the RAP Project Manager. A list of media coverage is provided in the results section. <a href="https://npca.ca/newsroom/article/niagara-river-rap-water-quality-improvement-queens-royal-beach">https://npca.ca/newsroom/article/niagara-river-rap-water-quality-improvement-queens-royal-beach</a>
Newspaper ad	General Public	Ads placed in all three Niagara daily and weekly newspapers and NOTL-specific newspapers (Lake Report and NOTL Local) on July 15, 2021. To support non-virtual outreach and engagement opportunities (phone number provided). See page 14 for example ad.
Educational video	All	Informational video to highlight the key findings of the assessment report: <a href="https://youtu.be/c8_gwEzy8cr">https://youtu.be/c8_gwEzy8cr</a> Promotional (30 sec) video shared as an ad on social media to garner broader awareness/input: <a href="https://youtu.be/xK-SLxWsOgo">https://youtu.be/xK-SLxWsOgo</a>
Presentations	NPCA Board of Directors and Public Advisory Committee	The RAP Project Manager (NPCA staff) provided a verbal update at the NPCA's Public Advisory Committee meeting as well as prepared a formal report to the NPCA's Board of Directors ( <a href="#">Report #FA-36-21</a> ) to inform both groups about this important milestone and opportunities to provide input.
On-site signage	Beach users	Temporary signage with a call to action and QR code to fill out the survey was placed at the beach from July 5-Aug 6, 2021.
Survey	All	A brief survey was developed to gather demographic information and feedback from the community. Survey was offered digitally as well as in paper to accommodate all interested participants.

## EXAMPLES OF OUTREACH MATERIALS



Ad featured in the Lake Report newspaper on July 15, 2021.



Examples of social media graphics that were used in a variety of posts throughout the engagement period.

## RESULTS OF OUTREACH & ENGAGEMENT

To understand if we were successful in informing and engaging people in this opportunity to provide input on the recommendation to change the status of the *Beach Closings* BUI, we tracked several metrics throughout the engagement period. Taken together, these metrics indicate that the RAP's outreach and engagement initiative performed well, and many people were aware and engaged in providing feedback (as summarized in the infographic below).

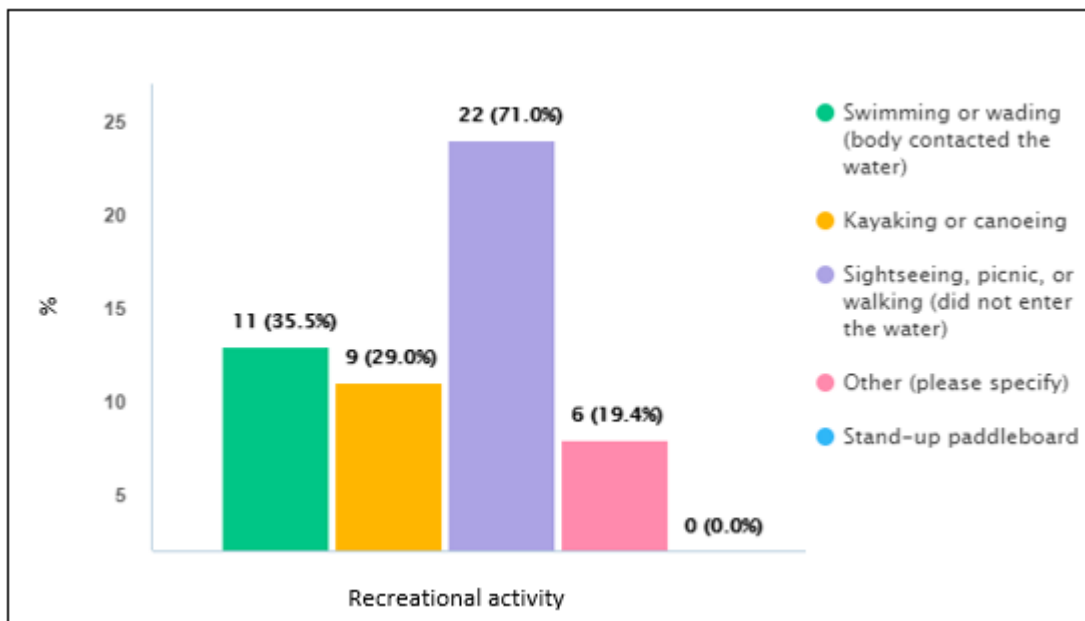


### Survey results

A survey, consisting of 14 specific questions, was launched on July 5 until August 6, 2021 to gather input from the community about the recommendation to re-designate the status of the Beach Closings BUI. The digital survey was made available through the NPCA's Get Involved online engagement platform and promoted using existing RAP channels and on social media in partnership with the NPCA and the Town of NOTL. A paper survey was made available to those that requested it (none were requested).

In total, 33 surveys were completed by members of the public. Most of the surveys were submitted by residents of the Niagara Region (87.9%) while 6.1% of respondents were from Ontario (outside of Niagara) and 6.1% from the United States. Of those from the Niagara Region, the majority (62.1%) noted living in the Town of Niagara-on-the-Lake (NOTL).

To understand if we were hearing feedback from beachgoers, we asked survey participants if they'd ever visited the Queen's Royal Beach in the Town of NOTL. Results show that 93.9% of respondents visited the beach at least once and most (56.7%) had visited the beach within the last week. We also asked about the types of recreational usage at the beach as anecdotal evidence suggested the beach was not often used for swimming. The survey confirms that most people (71%) prefer to use the beach for sightseeing, picnic or walking (do not enter the water) while 35.5% enjoy swimming at the beach (Fig. 7). Other responses included allowing their dog to swim in the water, showing tourists Fort Niagara across the water, and having dinner nearby.



**Figure 7.** Percentage of respondents that indicated they participate in one or more of the listed recreational activities when they visited QRB (n=31).

Overall, there is good support for changing the status of the Beach Closings BUI from 'Impaired' to 'Not Impaired'. We asked participants to rate their agreement with changing the BUI status on a scale of 1 to 5 (1= Strongly Disagree and 5= Strongly Agree). The average rating of agreement was 3.7 indicating positive support. The majority (66.7%) of participants in agreement (either 'Strongly Agree' or 'Agree'). In total, 21.2% of respondents selected 'Disagree' and 12.1% chose 'Neutral'. No participants selected 'Strongly Disagree'.

A total of 24 participants provided additional feedback to explain the reason for their comments. Most comments were positive and several people noted the following reasons for agreeing with the change of status: all actions were completed, data and report supports change, long-time swimmer/diver with no issues, water quality is improved. Those that were neutral or did not agree with the status change provided reasons that are not within the scope of the BUI such as issues related to trash/garbage, that all actions still 'in progress' need to be completed, that the beach water quality needs to be 100% safe (rather than 80% of samples meeting water quality standards), washrooms being closed in 2020, local urban sprawl/deforestation, and weeds/algae in the water. One person that disagreed with the recommendation had not visited the beach. The feedback was considered and did not result in any changes to the report or its recommendation.

Participants were thanked for their feedback upon completing the survey and encouraged to contact staff by email or phone with additional questions. There were no inquiries related to the BUI.

### Media Coverage

A media release was sent to all local media contacts and the *Beach Closings* BUI outreach and engagement campaign garnered media attention in the community. Below is a summary and links to various media coverage:

- Niagara This Week (also appeared in all of the local Daily newspapers and the Star): <https://www.niagarathisweek.com/community-story/10434972-water-quality-improving-at-queen-s-royal-beach-public-feedback-requested/>
- NOTL Local: <https://notllocal.com/2021/07/14/13748>



- Lake Report: <https://img1.wsimg.com/blobby/go/80918cb8-76d5-4cb4-902d-b164080ed0bc/THELAKEREPORTJuly222021forweb.pdf>
- Newstalk Radio 610 CKTB: <https://www.iheartradio.ca/610cktb/audio/natalie-green-npca-project-manager-niagara-river-action-plan-1.15601813?mode=Article>

## **INDIGENOUS ENGAGEMENT**

There are three First Nation communities located within the Treaty lands of the Niagara Peninsula watershed: Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (SNGR) and Haudenosaunee Confederacy.

Staff from the MCFN's Department of Consultation and Accommodation have participated in the RAP's Implementation & Public Advisory Committee since 2018. Even though staff participate in the Committee and are part of the decision-making process for recommending change in BUI status, the RAP Team wanted to ensure that MCFN Staff had ample opportunity to review the documents and provide feedback. An email with all supporting information was sent in early June 2021 and a virtual overview presentation was given to DOCA staff in October 2021. After the presentation, DOCA staff confirmed that there were no concerns or disagreement with changing the BUI status to Not Impaired.

Although invited, staff with the SNGR have yet to participate in the RAP's Implementation & Public Advisory Committees. To ensure active dialogue, ECCC and MECP representatives for the RAP reached out to staff from the SNGR through several meetings, phone calls, and emails to invite participation in the RAP. As part of those conversations, the Niagara River beach assessment report and supporting material (e.g., dedicated webpage and video) were shared with SNGR staff, and summary slides were presented to them outlining the remedial actions taken to address the impairment and the monitoring results that show the BUI delisting criteria have been met. There have been no concerns raised from SNGR with changing the BUI status to Not Impaired.

There have been several attempts since 2018 to engage the Haudenosaunee Confederacy in the RAP process, including letters and emails requesting a meeting with the Haudenosaunee Confederacy Chiefs Council to discuss the AOC/RAP program and welcome opportunities for dialogue. There has never been a response.

The Métis Nation of Ontario (MNO) has had participation on the RAP's Implementation & Public Advisory Committee since 2019; however, there was a change in representation in 2020 resulting in a break in representation when the assessment results were presented to the committee. Therefore, the new staff person at MNO was emailed in May 2021 to formally request a review of the BUI Assessment Report and offer to set up a meeting to discuss, if desired. The MNO staff person consulted with the MNO Region 9 Council, which did not express any concern regarding the BUI Assessment report and did not request an information sharing meeting to discuss.

## **U.S. CONSULTATION**

As a binational AOC, the Niagara River (ON) RAP re-designation process includes consultation with its American counterparts. In June 2021, the NRRAP's ECCC and MECP representatives sent a request for review and feedback (via direct email) to the U.S. RAP agencies.

On July 6, 2021, the New York State Department of Environmental Conservation (which coordinates the Niagara River U.S. RAP) sent a letter of support for the re-designation of the BUI. Additionally, the U.S.

Environmental Protection Agency sent an email to the RAP Team on July 27, 2021 to congratulate the partnership and to provide their support for the re-designation of the BUI to 'Not Impaired'.

## **CONCLUSION**

In summary, the results of the outreach and engagement efforts show general support for the change in status of the Niagara River RAP's *Beach Closings* BUI to 'Not Impaired'. There are no concerns raised from local Indigenous communities. Together, these results indicate broad agreement with the Niagara River (ON) RAP's recommendation to officially remove this impairment.

## **ACKNOWLEDGEMENTS**

The Niagara River RAP gratefully acknowledges the contributions of the staff from the Town of NOTL (Beth Audet & Lauren Kruitbosch) and the Niagara Peninsula Conservation Authority (NPCA) (Erika Navarro) for providing their expertise and assistance for this outreach & engagement initiative. Special thanks to Heather Frank (RAP Project Assistant) for her tremendous support with social media graphics, data gathering, and everything in between.

Funding for this engagement was provided by Environment and Climate Change Canada and the Ontario Ministry of the Environment Conservation and Parks through the Niagara River RAP, in partnership with the NPCA.



VIA E-Mail

March 1, 2023

Natalie Green  
Manager, Climate Change and Special Programs  
Niagara Peninsula Conservation Authority  
250 Thorold Road West  
Welland, Ontario  
L3C 3W2

Dear Ms. Green,

Re: Status of the Beach Closings Beneficial Use Impairment – Niagara River Area of Concern

Based on a comprehensive review by Environment and Climate Change Canada and the Ontario Ministry of Environment, Conservation and Parks of the following report:

- *Beach Closings Beneficial Use Impairment Assessment Report for the Niagara River (Ontario) Area of Concern (2021)*

I am pleased to inform you that this beneficial use impairment is hereby designated as “not impaired”, pursuant to the provisions of the Canada-US Great Lakes Water Quality Agreement, 2012.

Congratulations to the Remedial Action Plan Coordinating Committee, partner agencies and stakeholders, and the local community for attaining this important milestone. I look forward to continued collaboration toward our shared goal of restoring the Niagara River Area of Concern.

Sincerely,

Jennifer  
McKay

Digitally signed by: Jennifer McKay  
DN: CN = Jennifer McKay email =  
Jennifer.McKay@ec.gc.ca C = CA O =  
Environment and Climate Change  
Canada OU = RDG ON Region  
Date: 2023.03.01 17:22:30 -05'00'

Jennifer McKay  
A/Regional Director General, Ontario Region  
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Jennifer Vincent, A/Associate Regional Director General, Environment and Climate Change Canada (ECCC)  
Steve Clement, A/Manager, Great Lakes Areas of Concern, ECCC  
Carla Torchia, Manager, Great Lakes National Programs Office, ECCC



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**Report To: Board of Directors**

**Subject: Member Appointment to the NPCF, Governance and Finance  
Committees**

**Report No: FA-10-23**

**Date: March 24, 2023**

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**Recommendation:**

1. **THAT** Report No. FA-10-23 RE: Member Appointment to the NPCF, Governance and Finance Committees **BE RECEIVED**.
2. **THAT** Donna Cridland **BE APPOINTED** to the Governance and Finance Committees of the Niagara Peninsula Conservation Authority for 2023.
3. **THAT** Donna Cridland **BE APPOINTED** to the Niagara Peninsula Conservation Foundation Board of Directors for 2023.

**Purpose:**

The purpose of this report is to fill outstanding vacancies on both the Niagara Peninsula Conservation Authority (NPCA) Governance and Finance Committees and to appoint a NPCA Board Member to the Niagara Peninsula Conservation Foundation (NPCF).

**Background:**

At the Annual General Meeting (AGM) of the NPCA held on February 17, 2023, the Board of Directors made appointments from amongst its membership to a number of internal NPCA committees, to the NPCF, and to the Niagara Drinking Water Source Protection Committee. With citizen appointments to the NPCA Board still pending from the participating municipalities, a number of committee positions remained unfilled after the AGM. In the intervening period since, the Regional Municipality of Niagara has appointed Donna Cridland as its citizen appointee to the NPCA Board of Directors for the 2023-2026 term of office. Member Cridland is a past NPCA Board Member having served on the last term of the Board and brings prior experience with NPCA committees. Member Cridland also currently serves on the Board of Directors of the NPCF as a citizen member, having been so appointed at the conclusion of her term on the NPCA.

## **Discussion:**

Both the NPCA Finance and Governance Committees each require a minimum of three Board Members (in addition to the Board Chair and Vice Chair who sit ex-officio). At the AGM, only two of the required three appointments were made to each of the aforementioned committees. Member Cridland has subsequently applied to sit on both the Finance and Governance Committees. There is no maximum membership number stipulated for either committee in their respective terms of reference, paving the way for additional appointments if deemed preferable at some point in the future.

Finally, although already a citizen Board Member of the NPCF, it is prudent for the NPCA to formally designate Member Cridland as its Board representative on the NPCF. This is largely an administrative change that would see her vacating her citizen member seat to become the NPCA member representative on the NPCF Board alongside Member Diana Huson who was appointed at the AGM as well. This would leave the NPCF to fill a vacant Board position at its own discretion. No additional NPCA appointments to the NPCF would thereafter be required.

## **Financial Implications:**

There are no added financial implications to making these appointments.

## **Links to Policy/Strategic Plan:**

Being a 'Partner of Choice' and striving for 'Organizational Excellence' are pillars of the 2021-2031 Strategic Plan. By ensuring compliance with the terms of reference for internal committees and by properly aligning NPCA Board appointments and representation on the NPCF, the NPCA remains accountable and re-enforces its standing in the community.

## **Related Reports and Appendices:**

Correspondence dated February 24, 2023 from Ann-Marie Norio, Regional Clerk, Niagara Region, RE: Appointment of Public Member to the Niagara Peninsula Conservation Authority Board

## **Authored by:**

*Original Signed by:*

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Grant Bivol  
NPCA Clerk

## **Submitted by:**

*Original Signed by:*

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