

**FULL AUTHORITY MEETING
ON-LINE VIDEO CONFERENCE**

**Friday, April 16, 2021
9:45 A.M.
(Immediately following the
Source Protection Authority Meeting)
A G E N D A**

CALL TO ORDER – ROLL CALL

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

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

- a) Minutes of the Full Authority Meeting dated March 19, 2021 (For Approval)

Page #1

- b) Minutes of the Full Authority Closed Session Meeting dated March 19, 2021 (enclosed separately to remain private and confidential) (For Approval)

- c) Minutes of the Special Full Authority Meeting dated March 30, 2021 (For Approval)

Page # 9

4. CORRESPONDENCE

- a) Correspondence dated January 28, 2021 from Conservation Ontario to the Provincial Planning Policy Branch RE: Conservation Ontario's Comments on the "Proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order" (ERO #019-2811) (For Receipt)

Page # 11

- b) Correspondence dated March 25, 2021 from Conservation Ontario to MMAH RE: Conservation Ontario's Comments on "Proposed changes to Minister's zoning orders and the Planning Act" (ERO #019-3233) (For Receipt)

Page # 14

- c) Correspondence dated March 30, 2021 from Conservation Ontario to MNRF RE: Conservation Ontario's Comments on the proposal to "Amend Public Lands Act Ontario Regulation 239/13 to remove the 10-day registry waiting period for existing shore land erosion control structures" Regulatory Registry Posting (21-MNRF008) (For Receipt)

Page # 17

5. PRESENTATIONS

- a) Presentation by Steve Miller, Senior Manager, Water Resources RE: NPCA Flood Forecasting and Warning Program Overview

6. DELEGATIONS

7. CONSENT ITEMS

- a) Report No. FA-26-21 RE: Compliance and Enforcement 2021 Q1 Statistics (For Receipt)

Page # 20

- b) Report No. FA-24-21 RE: Review of the Auditor General Report-Recommendation 9 (For Receipt)

Page # 23

8. DISCUSSION ITEMS

- a) Report No. FA-22-21 RE: Niagara Coastal Community Collaborative Partnership MOU (For Approval)

Page # 29

- b) Report No FA-27-21 RE: NPCA Section 28 Regulation Mapping (For Approval)

Page # 32

- c) Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments (For Approval)

Page # 36

9. COMMITTEE REPORTS

9.1 GOVERNANCE COMMITTEE

- 9.1.1 Minutes of the Governance Committee Meeting dated March 11, 2021 (For Receipt)

Page # 42

- 9.1.2 Report No. FA-21-21 RE: Integrity Commissioner Services (For Approval)

Page # 45

- 9.1.3 Report No. FA-23-21 RE: Governance Committee – 2021 Work Plan (For Approval)

Page # 50

9.2 STRATEGIC PLANNING COMMITTEE

- 9.2.1 Minutes of the Strategic Planning Committee Meeting dated March 19, 2021 (For Receipt)

Page # 53

10. NOTICES OF MOTION

11. MOTIONS

- a) Enhancing Trails in the NPCA Watershed (by Vice Chair Mackenzie)

Page # 55

12. NEW BUSINESS

- a) Verbal Update from the C.A.O.

13. CLOSED SESSION

14. ADJOURNMENT



**FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Friday, March 19, 2021
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. *NPCA Administrative By-law*

MEMBERS PRESENT: B. Johnson (Chair)
S. Beattie
R. Brady
B. Clark
D. Coon-Petersen (arrived 9:40 a.m.)
D. Cridland
L. Feor
R. Foster
J. Hellinga
D. Huson
J. Ingrao
K. Kawall
B. Mackenzie
J. Metcalfe
W. Rapley
B. Steele (arrived 9:49 a.m.)
M. Woodhouse
B. Wright

MEMBERS ABSENT: R. Shirton
E. Smith

OTHERS: T. Kitay, Director, Planning and Building Services, City of St. Catharines
J. Oblak, Chair, NPCA Public Advisory Committee

STAFF PRESENT: C. Sharma, C.A.O. / Secretary – Treasurer
G. Bivol, Clerk
R. Bisson, Manager, Communications and Public Relations
A. Christie, Director, Operations
J. Culp, Supervisor, Permits and Compliance
D. Deluce, Senior Manager, Planning and Regulations
J. Diamond, Water Quality Specialist
M. Ferrusi, Manager, Human Resources
K. Frohlich, Ecologist
L. Gagnon, Director, Corporate Services
E. Gervais, Procurement Specialist
S. MacPherson, Restoration Project Lead
S. Mastroianni, Manager, Planning and Development
S. Miller, Senior Manager, Water Resources

T. Proks, Source Water Protection Co-ordinator
K. Royer, Coordinator, Community Outreach and Volunteers
G. Shaule, Administrative Assistant
G. Verkade, Senior Manager, Integrated Watershed Planning/Information Management

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

1. APPROVAL OF AGENDA

Resolution No. FA-37-2021

Moved by Member Beatty

Seconded by Member Brady

THAT the Full Authority Agenda dated March 19, 2021 **BE APPROVED**.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

a) Minutes of the Full Authority meeting dated February 18, 2021

b) Minutes of the Full Authority Closed Session meeting dated February 18, 2021

Resolution No. FA-38-2021

Moved by Member Clark

Seconded by Member Cridland

THAT the minutes of the following meetings **BE ADOPTED** as presented:

- The Full Authority meeting minutes dated February 18, 2021; and
- The closed session meeting minutes dated February, 2021 to remain private and confidential.

CARRIED

NPCA 2020 Year in Review Video Presentation – This presentation, being Item 5. a) was moved up in the proceedings to occur in advance of Item 4. Correspondence as listed on the agenda. Discussion ensued following presentation of the video.

Resolution No. FA-39-2021

Moved by Member Coon-Petersen

Seconded by Member Feor

THAT the NPCA 2020 Year in Review Video Presentation **BE RECEIVED**

CARRIED

4. CORRESPONDENCE

- a) Correspondence dated March 1, 2021 from the City of St. Catharines, City Clerk Bonnie Nistico-Dunk RE: Stormwater Fees Financing Study – Member Huson requested that this subject be considered within the strategic planning process.

Resolution No. FA-40-2021

Moved by Member Foster

Seconded by Member Feor

THAT the correspondence dated March 1, 2021 from the City of St. Catharines, City Clerk Bonnie Nistico-Dunk RE: Stormwater Fees Financing Study **BE RECEIVED**.

CARRIED

Resolution No. FA-41-2021

Moved by Member Huson

Seconded by Member Feor

THAT the NPCA **SUPPORTS** in principle potential partnership opportunities with the City of St. Catharines on stormwater fees and credit programs.

CARRIED

- b) Correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Niagara Official Plan Process and Local Municipality Conformity

Resolution No. FA-42-2021

Moved by Member Huson

Seconded by Member Ingrao

THAT the correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Niagara Official Plan Process and Local Municipality Conformity **BE RECEIVED**.

CARRIED

- c) Correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Natural Environment Work Program – 2nd Point of Engagement

Resolution No. FA-43-2021

Moved by Member Kawall

Seconded by Member Mackenzie

THAT the correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Natural Environment Work Program – 2nd Point of Engagement **BE RECEIVED**.

CARRIED

- d) Correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Review of Options – South Niagara Aquifer

Resolution No. FA-44-2021

Moved by Member Metcalfe

Seconded by Member Rapley

THAT the correspondence dated March 3, 2021 from the Regional Municipality of Niagara, Regional Clerk, Anne-Marie Norio RE: Review of Options – South Niagara Aquifer from Ann-Marie Norio, Regional Clerk, Niagara **BE RECEIVED**.

CARRIED

- e) Correspondence dated March 8, 2021 from the City of St. Catharines, City Clerk Bonnie Nistico-Dunk RE: Air and Water Monitoring Results, 282 and 285 Ontario Street – C.A.O. Sharma introduced T. Kitay, Director, Planning and Building Services, City of St. Catharines. Members posed questions. Discussion ensued.

Resolution No. FA-45-2021

Moved by Member Steele

Seconded by Member Woodhouse

THAT the correspondence dated March 8, 2021 from the City of St. Catharines, City Clerk Bonnie Nistico-Dunk RE: Air and Water Monitoring Results, 282 and 285 Ontario Street **BE RECEIVED**.

CARRIED

Resolution No. FA-46-2021

Moved by Member Huson

Seconded by Member Feor

THAT the NPCA **SUPPORTS** in principle potential partnership opportunities with the City of St. Catharines on stormwater fees and credit programs.

CARRIED

5. PRESENTATIONS

- a) NPCA 2020 Year in Review Video Presentation – This item was moved to occur prior to Item 4. Correspondence.
- b) Verbal Update from Jackie Oblak, Chair NPCA Public Advisory Committee

Resolution No. FA-47-2021

Moved by Member Beattie

Seconded by Member Wright

THAT the Verbal Update from Jackie Oblak, Chair NPCA Public Advisory Committee **BE RECEIVED**.

CARRIED

6. DELEGATIONS

None.

7. CONSENT ITEMS

- a) Report No. FA-18-21 RE: NPCA Communications and Marketing 2020 Year End Summary

Resolution No. FA-48-2021

Moved by Member Brady

Seconded by Member Clark

THAT Report No. FA-18-21 RE: NPCA Communications and Marketing 2020 Year End Summary **BE RECEIVED**.

CARRIED

- b) Report No. FA-19-21 RE: Wainfleet Bog Pathway Designation

Resolution No. FA-49-2021

Moved by Member Cridland

Seconded by Member Coon-Petersen

1. **THAT** Report No. FA-19-21 RE: Wainfleet Bog CA Pathway Designation **BE RECEIVED**.
2. **AND FURTHER THAT** this report **BE CIRCULATED** to the Regional Municipality of Niagara and the Township of Wainfleet.

CARRIED

8. DISCUSSION ITEMS

- a) Report No. FA-13-21 RE: 2021 Restoration Projects Approval - Second 2021 Application Intake

Resolution No. FA-50-2021

Moved by Member Feor

Seconded by Member Foster

1. **THAT** Report No. FA-13-21 RE: 2021 Restoration Projects Approval- Second 2021 Application Intake **BE RECEIVED**.
2. **AND THAT** restoration projects selected from the Second 2021 Application intake (as per Appendix 1) **BE APPROVED**.

CARRIED

9. COMMITTEE ITEMS

9.1 FINANCE COMMITTEE

- 9.1.1 Minutes of the Finance Committee Meeting dated February 24, 2021

Resolution No. FA-51-2021

Moved by Member Kawall

Seconded by Member Hellinga

THAT the minutes of the Finance Committee Meeting dated February 24, 2021 **BE RECEIVED**.

CARRIED

- a) Report No. FA-14-21 RE: Procurement – 2020 Activity – L. Gagnon, Director, Corporate Services spoke to the report.
- b) Report No. FA-15-21 RE: Banking and Investments – 2020 Activity – L. Gagnon, Director, Corporate Services spoke to the report. Discussion ensued.

- 9.1.2 Report No. FA-16-21 RE: Award of Legal Services Standing Offer of Agreement

Resolution No. FA-52-2021
Moved by Member Huson
Seconded by Member Ingrao

1. **THAT** Report FA-16-21 RE: Award of Legal Services Standing Offer of Agreement **BE RECEIVED**.
2. **THAT** the Legal Services Standing Offer of Agreement **BE APPROVED** to award for a three (3) year term (2021-2024) with the option to renew for two (2) one (1) year extensions to Legal Firm(s) listed in this report for each of their respective practice disciplines.

CARRIED

9.1.3 Report No. FA-17-21 RE: Finance Committee – 2021 Work Plan

Resolution No. FA-53-2021
Moved by Member Mackenzie
Seconded by Member Metcalfe

1. **THAT** Report No. FA-17-21 RE: Finance Committee – 2021 Work Plan **BE RECEIVED**.
2. **THAT** the Finance Committee - 2021 Work Plan attached as Appendix 1 **BE APPROVED**.

CARRIED

9.2 PUBLIC ADVISORY COMMITTEE

9.2.1 Minutes of the Public Advisory Committee Meeting dated February 25, 2021

Resolution No. FA-54-2021
Moved by Member Kawall
Seconded by Member Huson

THAT the minutes of the Minutes of the Public Advisory Committee Meeting dated February 25, 2021 **BE RECEIVED**.

CARRIED

10. NOTICES OF MOTION

- a) Community Connecting Trails (by Vice Chair Mackenzie) – In the absence of formal wording for the motion, it was stated that this matter would come forward to the subsequent meeting.

11. MOTIONS

- a) Motion RE: NPCA Appointment to the Foundation

Resolution No. FA-55-2021
Moved by Member Foster
Seconded by Member Feor

WHEREAS it has been determined that the CAO Chief Administrative Officer /Secretary-Treasurer of NPCA will participate as an ex-officio member on the Board of the Niagara Peninsula Conservation Foundation and another Authority Board member needs to be

appointed to fill the second Director position on the Foundation;

NOW THEREFORE, BE IT RESOLVED:

1. **THAT** Board Member Donna Cridland **BE APPOINTED** to the Board of Directors of the Niagara Peninsula Conservation Foundation with re-affirmation to occur at the Annual General Meeting of the NPCA in June, 2021.

2. **AND FUTHER THAT** the Niagara Peninsula Conservation Foundation **BE** so advised.

CARRIED

12. NEW BUSINESS

- a) Verbal Update from the C.A.O. - Chief Administrative Officer, Chandra Sharma provided her update to the Board. Members added additional verbal updates to ongoing matters and posed questions. Discussion ensued.

Resolution No. FA-55-2021

Moved by Member Rapley

Seconded by Member Steele

THAT the verbal update from C.A.O. Sharma **BE RECEIVED**.

CARRIED

13. CLOSED SESSION

- a) A Proposed or Pending Acquisition or Disposition of Land

Resolution No. FA-57-2021

Moved by Member Mackenzie

Seconded by Member Clark

THAT the meeting of the Board of Directors of the Niagara Peninsula Conservation Authority **CONVENE** in closed session at 11:23 a.m. in accordance with Section 10.1 of the NPCA Administrative By-law for the discussion on a proposed or pending acquisition or disposition of land.

CARRIED

Resolution No. FA-58-2021

Moved by Member Clark

Seconded by Member Woodhouse

THAT the meeting **RECONVENE** in open session at 12:06 p.m..

CARRIED

Resolution No. FA-59-2021

Moved by Member Cridland

Seconded by Member Mackenzie

THAT staff **BE INSTRUCTED** to proceed in accordance with direction issued in closed session.

CARRIED

14. ADJOURNMENT

Resolution No. FA-60-2021

Moved by Member Ingrao

Seconded by Member Kwall

THAT the Full Authority Meeting **BE ADJOURNED** at 12:10 p.m..

CARRIED

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority

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

**SPECIAL FULL AUTHORITY
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Tuesday, March 30, 2021
9:00 a.m.**

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

MEMBERS PRESENT: B. Johnson (Chair)
S. Beattie
R. Brady
B. Clark (arrived 9:08 a.m., departed 11:48 a.m.)
D. Cridland
L. Feor
R. Foster
J. Hellinga (arrived 9:40 a.m.)
J. Ingrao
K. Kawall
B. Mackenzie (arrived 9:11 a.m.)
W. Rapley (arrived 9:06 a.m., departed 10:10 a.m.)
E. Smith (arrived 11:02 a.m.)
B. Steele (departed 12:14 p.m.)
B. Wright

ABSENT: D. Huson
D. Coon-Petersen
J. Metcalfe
R. Shirton
M. Woodhouse

STAFF PRESENT: C. Sharma, C.A.O. / Secretary – Treasurer
G. Bivol, Executive Clerk
N. Green Project Manager, Strategic Plan

OTHERS: K. Baker, StrategyCorp Inc.
J. Matheson, StrategyCorp Inc.
A. Grove White, StrategyCorp Inc.

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

1. ADOPTION OF AGENDA

As a quorum of the Board was not present for the adoption of the agenda, the agenda was approved by general consensus of the Members in attendance.

2. DECLARATION OF CONFLICT OF INTEREST

None.

3. PRESENTATIONS

NPCA Board of Directors Strategic Planning Engagement Session - Chief Administrative Officer Chandra Sharma spoke, introducing John Matheson of StrategyCorp Inc. who then conducted a facilitated discussion including break-out sessions in smaller groups. Members provided feedback and summarized discussion after each of the breakout sessions. The proceedings progressed as follows:

- The first breakout session began at 9:40 a.m. and reconvened at 10:11 a.m..
- The proceedings recessed at 10:45 a.m. and reconvened at 11:03 a.m..
- The second breakout session began at 11:06 a.m. and reconvened at 11:37 a.m..

Attendees provided closing comments.

4. NEW BUSINESS

None.

5. ADJOURNMENT

Resolution No. FA-61-2021.
Moved by Member Kawall
Seconded by Member Smith

THAT the Special Full Authority Meeting **BE ADJOURNED** at 12:33 p.m.

Brenda Johnson, Chair
Niagara Peninsula Conservation Authority

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



January 28, 2021

Provincial Planning Policy Branch
777 Bay Street
13th Floor
Toronto, ON M7A 2J3

Re: **Conservation Ontario's Comments on the "Proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order" (ERO #019-2811)**

Provincial Planning Policy Branch:

Thank you for the opportunity to provide comments on the "Proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). Comments submitted by Conservation Ontario should not be construed as limiting any comments submitted by individual CAs.

It is understood that changes were made to Section 47 of the *Planning Act* through the enactment of Bill 197, the *COVID-19 Economic Recovery Act* in July, 2020. These changes provide the Minister of Municipal Affairs and Housing with enhanced powers related to site plan control and inclusionary zoning outside of the Greenbelt Area when issuing a zoning order. These enhanced Minister's Zoning Orders (MZO) would supersede municipal site plan authority and could be used to require agreements related to inclusionary zoning to facilitate affordable housing. These enhanced powers could be applied to new MZOs or retroactively, without giving notice beforehand.

Through its review of conservation authorities, the province has identified mandatory programs and services that CAs shall provide including: risk of natural hazards; and, duties, functions and responsibilities as a source protection authority under the *Clean Water Act*; and, under the *Lake Simcoe Protection Act*. Our comments are focused on these mandatory programs and services.

Natural Hazards

It is recommended that the Ministry consider a limitation on the use of (enhanced) Minister's Zoning orders in areas subject to natural hazards, particularly as it relates to the control of flooding and erosion. This will help minimize the risk to people and property associated with development in areas prone to natural hazards. It is acknowledged that recent changes to the *Conservation Authorities Act* provide for the consideration of Section 28 permits as it relates to properties zoned through the MZO process, including the requirement to enter into an agreement with the CA. It is recommended that the province continue to treat hazardous lands as a constraint to development through the planning process.

Addressing hazardous lands through the zoning process or at minimum through site plan control, will reduce the potential for increased risks to public safety.

The site plan stage is where detailed design is developed. Beyond comments related to section 3.1 of the Provincial Policy Statement, it is at this point that conservation authorities through agreements with their municipal partners, provide expertise on items such as stormwater management. CA staff work collaboratively with their municipal partners and the applicants to negotiate reasonable terms with regard to hazards management as part of site plan control. In some cases, site plan control is utilized to enable tools such as easements to be granted. These easements can be critical for the maintenance of slope protection works, floodplains and setback from wetlands. The removal of the municipal use of site plan control will remove the ability of CAs to provide input and apply their expertise through this planning process. This will in turn, limit the CAs' (and other regulatory agencies') ability to work collaboratively with the municipalities, which could result in a delay to the approval of the overall development.

Source Protection Authority under the Clean Water Act

The *Clean Water Act* ensures communities protect their drinking water supplies through prevention – by developing collaborative, watershed-based source protection plans that are locally driven and based on science. Careful implementation of the source protection plans ensure that the drinking water of 95% of Ontarians is safeguarded. The *Clean Water Act* requires that a decision under the *Planning Act* that relates to the source protection area shall conform with the significant threat policies and designated Great Lakes policies and have regard to other policies set out in the source protection plan. Section 105 of the *Clean Water Act* requires that if there is a conflict between the *Clean Water Act* and another Act, regulation or instrument, the provision that provides the greatest protection to the quality and quantity of the water prevails. Therefore it is strongly recommended that any MZO issued by the province conform with the Source Protection Plan Policies as described in s. 39 (1) (a) (b) in the *Clean Water Act* and ensure that any conflicts are resolved with regard to the greatest protection of drinking water.

Duties, Functions and Responsibilities under the Lake Simcoe Protection Act

It is noted that site plan control is where the Lake Simcoe Region Conservation Authority (LSRCA) has the greatest ability to implement many of the policies of the *Lake Simcoe Protection Plan* (LSPP), including related to stormwater management and hydrogeology. Section 41 of the *Planning Act* allows for legal agreements to be entered into as a part of the approval process. Working with municipal partners, many of the technical requirements recommended by LSRCA to support the implementation of the LSPP have traditionally been addressed through the agreement process. There is concern that without the ability to enter into these agreements that the targets of the LSPP will not be met.

Recommendation: enable municipal site plan control to address natural hazards, source protection and the Lake Simcoe Protection Act as part of the Minister's Zoning Order process or require that these topics be addressed as part of an agreement between the municipality and the development proponent.

Thank you for the opportunity to provide comments on the “Proposed implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order”. Should this letter require any clarification, please contact me at extension 226.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Rich". The signature is fluid and cursive, with the first name "Leslie" written in a larger, more prominent script than the last name "Rich".

Leslie Rich, RPP
Policy and Planning Liaison

c.c. CA CAOs/GMs

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



March 25, 2021

Via Email: PlanningConsultation@ontario.ca

Re: Conservation Ontario's Comments on "Proposed changes to Minister's zoning orders and the Planning Act" (ERO #019-3233)

MMAH staff:

Thank you for providing the opportunity to provide comments on the "Proposed changes to Minister's zoning orders and the Planning Act". Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). Comments submitted by Conservation Ontario should not be construed as limiting any comments submitted by individual CAs through this consultation process.

It is understood that the government is currently consulting on proposed changes to the use of Minister's Zoning Orders (MZOs) under the *Planning Act*. The proposed amendments to the *Planning Act* would make it so that a Minister's Zoning Order would not have to be consistent with the Provincial Policy Statement (PPS). This proposed amendment would not apply to lands located within the Greenbelt Area. In addition, the proposed changes would apply retroactively, such that any existing Minister's Zoning Orders never had to be consistent with the Provincial Policy Statement.

Conservation Ontario has had an opportunity to review the proposal and recommends that the government carefully consider the comments provided by conservation authorities and other stakeholders prior to making any decision to proceed with this amendment to the *Planning Act*. The purpose of the *Planning Act* includes: "to provide for a land use planning system led by provincial policy" and "to provide for planning processes that are fair by making them open, accessible, timely and efficient". The preamble of the Provincial Policy Statement notes that it is "a key part of Ontario's policy-led planning system" and that it "sets the policy foundation for regulating the development and use of land". Primary objectives of the PPS include protecting public health and safety and enhancing the quality of life for all Ontarians. It is recommended that these objectives be maintained through the use of a Minister's Zoning Order.

Through its review of conservation authorities, the province has identified mandatory programs and services that CAs shall provide including: risk of natural hazards; and, duties, functions and responsibilities as a source protection authority under the *Clean Water Act*. From this lens of fulfilling the requirements of conservation authority mandatory programs and services, we offer the following comments.

Natural Hazards

It is recommended that the Minister be consistent with **3.1 (natural hazards)** of the Provincial Policy Statement when issuing zoning orders. This will help minimize the risk to people and property associated with development in areas prone to natural hazards. Through Section 28 of the *Conservation Authorities Act* conservation authorities are empowered to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and inland lakes shorelines, watercourses, hazardous lands and wetlands. They also regulate the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland. As wetlands are considered to be hazardous sites/hazardous lands it is further recommended that the Minister be consistent with **2.1.4 (significant wetlands and significant coastal wetlands)** in the issuance of any zoning order.

It is further noted that outside of CA watersheds there is no equivalent to the Section 28 regulation. In these cases the Minister may have an increased duty of care to ensure that development is directed outside of areas subject to natural hazards.

Source Protection Authority under the Clean Water Act

The *Clean Water Act* ensures communities protect their drinking water supplies through prevention – by developing collaborative, watershed-based source protection plans that are locally driven and based on science. Careful implementation of the source protection plans ensure that the drinking water of 95% of Ontarians is safeguarded. The *Clean Water Act* requires that a decision under the *Planning Act* that relates to the source protection area shall conform with the significant threat policies and designated Great Lakes policies and have regard to other policies set out in the source protection plan. Section 105 of the *Clean Water Act* requires that if there is a conflict between the *Clean Water Act* and another Act, regulation or instrument, the provision that provides the greatest protection to the quality and quantity of the water prevails. Therefore it is strongly recommended that any MZO issued by the province be consistent with **2.2.1 (f) (municipal drinking water supplies)** of the Provincial Policy Statement and conform with the Source Protection Plan Policies as described in s. 39 (1) (a) (b) in the *Clean Water Act*.

In summary, the fundamental principles of good land use planning are established within the Provincial Policy Statement. These principles should apply across the province as was intended by the *Planning Act* and not be limited in application to the Greenbelt Area. Given that the ordinary public notification and consultations processes do not apply to the issuance of Minister's Zoning Orders, it is especially important to maintain a transparent set of public policies to guide the Minister in their decision-making. Conservation authorities providing mandatory programs and services have a responsibility to address risks related to natural hazards (including regulatory responsibilities under Section 28 of the *Conservation Authorities Act*) and fulfilling their roles as source protection authorities under the *Clean Water Act*. It is therefore respectively requested that the Minister continue, at minimum, to be in conformity with 2.1.4, 2.2.1 (f) and 3.1 of the Provincial Policy Statement when issuing Zoning Orders.

Once again, thank you for the opportunity to provide comments on the “Proposed changes to Minister’s zoning orders and the Planning Act”. Should you have any questions regarding this letter, please contact me at extension 226.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Rich". The signature is fluid and cursive, with the first name "Leslie" written in a larger, more prominent script than the last name "Rich".

Leslie Rich, RPP
Policy and Planning Liaison

c.c. all CA GMs/CAOs

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



March 30, 2021

Donna Shaw
Program and Policy Advisor
Crown Forests and Lands Policy Branch
Ministry of Natural Resources and Forestry
300 Water Street, 5th Floor North Tower
Peterborough, ON K9J 3C7

RE: Conservation Ontario's Comments on the proposal to "Amend Public Lands Act Ontario Regulation 239/13 to remove the 10-day registry waiting period for existing shore land erosion control structures" Regulatory Registry Posting (21-MNRF008)

Dear Ms. Shaw:

Thank you for the opportunity to provide comments on the proposal to amend Ontario Regulation 239/19 under the *Public Lands Act* to remove the 10-day registry waiting period for existing shore land erosion control structures. We appreciate the opportunity to meet and discuss with you this regulatory registry posting on March 23rd. Conservation Ontario is the network of Ontario's 36 conservation authorities (CAs). These comments are not intended to limit consideration of comments shared individually by conservation authorities.

It is understood that through O. Reg. 239/13, approval for maintenance, repair or replacement of existing shore land erosion control structures can be obtained from the Ministry of Natural Resources and Forestry (MNRF) by registering the work and following the rules in regulation. Currently, the applicant must wait ten days post registration to commence the work. More recently, the MNRF has been providing expedited work permits for projects which do not meet the rules in regulation. These work permits are generally issued in three days.

Section 8 of O. Reg. 239/13 sets out the rules which must be followed if an individual would like to undertake maintenance, repair or replacement work on existing erosion control structures on shore lands in Ontario following the rules in regulation approach under the *Public Lands Act*. These rules include: only conducting works if the individual is the property owner or is conducting work on behalf of the property owner, maintaining the same footprint of the original structure, and registering the works with the MNRF at least ten business days before work commences, among others. Through the above-noted consultation, MNRF is proposing to amend the rules to reduce the waiting period from ten to zero days which would allow the applicant to commence works in-line with the rules in regulation as soon as the registration has been completed.

While Conservation Ontario has no objection to the proposal to reduce the waiting period for maintenance, repair or replacement works for existing shore land erosion control structures, it is noted that the current regulation does not provide the necessary level of integration with the shoreline planning, management and regulation work being undertaken by conservation authorities on behalf of the province and

municipalities. The current process has presented conservation authorities with significant operational, compliance and enforcement challenges which could be mitigated with effective integration between the approvals provided by MNRF and those provided by the CAs under the *Conservation Authorities Act* and associated regulations. Alternatively, it is recommended that MNRF consider exempting these projects subject to this consultation in CA watersheds.

Should MNRF choose to proceed with this amendment as described, it is recommended that clarity be provided directly in the regulation or within the registration process in MNRF's Natural Resource Registry that **applicants may still be required to comply with any other applicable requirements of law, permits and approvals in respect of the proposed structure or works, including permission under Section 28 of the *Conservation Authorities Act*.** Conservation Ontario notes that text was added to the public-facing webpage for the "streamlined Crown land work permits" announced in 2019 which clarifies that individuals seeking to undertake these works must determine if additional authorizations are required prior to commencing works. Similar text is available on the "Crown land work permits" page on Ontario.ca. It is strongly recommended that a similar piece of clarifying text be provided in the regulation or in the registration process for undertaking maintenance, repair or replacement works for existing shore land erosion control structures. This will assist individuals undertaking these works to be aware that the removal of the "waiting period" does not exempt them from obtaining other approvals as necessary, including those issued under Section 28 of the *Conservation Authorities Act*. Otherwise, MNRF should consider requiring clearance from the CA as part of the "mandatory information" requested on the form implementing the regulation.

It is understood that the ten day waiting period was originally included to enable MNRF staff to undertake routine compliance checks to ensure that the application would meet the rules in regulation requirements. The *Public Lands Act* provides officers with the powers to enter and inspect any private land for the purposes of the Act. These powers are clearly articulated in the "How to apply for a work permit" guidance provided on the "Crown land work permits" public-facing webpage. The webpage outlines that MNRF staff may visit sites to assess the proposed project, as well as inspect the site during the work process or following its completion to ensure compliance with the scope of work outlined in the permit. However, details of these inspection powers are notably absent from the guidance provided for those projects eligible for the rules-in-regulation approach which is the subject of this posting. This oversight should be remedied should the Ministry decide to proceed with this proposal. The Ministry is also encouraged to actively monitor and inspect these undertakings to ensure alignment with the rules outlined in O. Reg. 239/13 and to make any adjustments necessary as a result of impacts to the environment, as well as to ensure the safety of people and property from coastal processes, moving forward.

Through the "summary of proposal" for this consultation, MNRF has identified that maintenance, repair and replacement work on existing shore lands erosion control structures is deemed low-risk in terms of impacts to the environment. Recent shoreline management studies, particularly on the Great Lakes shorelines have demonstrated that cumulatively that is not always the case. These updated management studies and plans are based on modern analytical methods and they more accurately depict current shoreline coastal processes and anticipated impacts from a changing climate. In many cases, CAs are using these plans to guide their decision-making under Section 28 of the *Conservation Authorities Act*. Many existing and failing structures were created in an ad hoc manner and without being designed by a coastal engineer. Due to the high water levels, some of these structures are currently underwater. Their reinstatement following O. Reg. 239/13 would essentially construct a groyne. For these reasons, should better integration between approvals under O. Reg. 239/13 and those issued under the *Conservation Authorities Act* not be possible Conservation Ontario recommends that the Ministry exempt the aforementioned projects within CA watersheds.

Thank you for the opportunity to provide comments on the proposal to amend Ontario Regulation 239/19 under the *Public Lands Act* to remove the ten-day registry waiting period for existing shore land erosion control structures. Should you have any questions about this letter, please contact Leslie Rich at extension 226 or Nicholas Fischer at extension 229.

Sincerely,

A handwritten signature in black ink that reads "Leslie Rich". The signature is written in a cursive, flowing style.

Leslie Rich
Policy and Planning Liaison

cc. All CA CAOs/GMs

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

Report To: Board of Directors

Subject: Compliance and Enforcement 2021 Q1 Statistics

Report No: FA-26-21

Date: April 16, 2021

Recommendation:

THAT Report No. FA-26-21 RE: Compliance and Enforcement 2021 Q1 Statistics **BE RECEIVED.**

Purpose:

The purpose of this report is to provide the Board with an overview of activities related to the Compliance and Enforcement within NPCA Jurisdiction from January 1, 2021 to March 31, 2021 (Q1 of 2021).

Background:

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

As previously reported in Report No. FA-03-2021, the Compliance and Enforcement unit committed to providing three quarterly reports and one annual report to the Board of Directors on statistics tracked by staff.

Discussion:

Compliance and Enforcement Statistics

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

Quarterly updates on abatement, compliance and enforcement statistics will also be provided to the Board in July and October in 2021 and an annual summary for 2021 in January 2022.

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

General File Statistics

Total number of complaints/violations received by Regulations staff = 65

Number of open regulations files = 28

Number of closed regulations files = 37

Complaint Validity

Total number of complaints investigated and determined to be within NPCA jurisdiction = 25

Total number of complaints under review = 22

Total number of complaints not within NPCA jurisdiction or frivolous = 18

Of the 65 total complaints, those specifically related to NPCA permit non-compliance = 9

Complaint/Violation Avenues

Voicemail / phone = 20

Email to staff or TIPS email online = 39

Personal / Professional Communication = 5

Officer Found (no complaint received) = 0

Other/NA = 1

Notices of Violation

Issued = 9

Resolved = 0

Complaints/Violations by Municipality

Fort Erie = 11

Grimsby = 0

Haldimand = 3

Hamilton = 0

Lincoln = 6

Pelham = 4

Niagara Falls = 4

Niagara-On-The-Lake = 7

Port Colborne = 10

St. Catharines = 6

Thorold = 1

Wainfleet = 8

Welland = 3

West Lincoln = 0

Unknown = 2 (due to anonymous complaints with no location information)

The Q1 statistics for 2021 would appear to indicate a significant increase in demands on regulations staff in relation to complaint/violation response. During the same time period in 2019 regulations staff received and responded to 20 complaints/violations. During the same time period in 2020 regulations staff received and responded to 14 complaints/violations. Typically, complaints and violations in Q1 of each year are generally lower than in following quarters. Based on the number of complaints/violations in Q1, it is expected that total complaints/violations for 2021 may exceed those in 2020, which as previously reported significantly exceeded the total complaints/violations for 2019.

Financial Implications:

There are no additional financial implications for the current day-to-day operations of the Compliance and Enforcement business unit as the work is accounted for in the 2021 budget. However, should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be costs associated with these activities.

As development pressures and complaints/violations increase throughout NPCA's jurisdiction, there will be need for increased abatement, compliance and enforcement presence including follow-up on issued Section 28 Permits. This will lead to a requirement for additional compliance and enforcement staff which would be a future financial impact. Alternatively, a reduction in levels of service and complaint/violation response currently provided by the Compliance and Enforcement unit may need to be considered. Staff's commitment to enhanced statistical reporting, recording and analysis of compliance and enforcement related data will assist in quantifying resource and staffing requirements moving forward.

Links to Policy/Strategic Plan:

The duties carried out by the Compliance and Enforcement business unit are part of the Niagara Peninsula Conservation Authority's mandate and are essential to our watershed.

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

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

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Review of Auditor General 2018 Report – Recommendation 9

Report No: FA-24-21

Date: April 16, 2021

Recommendation:

THAT Report No. FA-24-21 RE: Review of Auditor General 2018 Report – Recommendation 9 **BE RECEIVED.**

Purpose:

The purpose of this report is to provide an assessment of whether or not the NPCA's 2018 Planning and Permitting Policies (Policies) are more permissive regarding development near wetlands than the *Conservation Authorities Act (Act)*, *Ontario Regulation 155/06* and the NPCA's 2011 Policies as reported in the Auditor General's 2020 Follow-Up Report on Recommendation Number 9.

Background:

Recommendation 9 of the Auditor General's Special Report states:

To ensure that development is directed away from areas of natural hazards where there is an unacceptable risk to public health and safety or of property damage, we recommend that the Niagara Peninsula Conservation Authority (NPCA):

- *finalize, as soon as possible, its policies for reviewing development proposals and work permit applications; and*
- *in finalizing such policies, ensure that the criteria for where development is allowed is consistent with Section 3.1 of the Provincial Policy Statement and the Conservation Authorities Act.*

At the time the Auditor General (AG) was preparing the 2018 Special Report, the NPCA was in the process of finalizing its Planning Policies. In the 2020 Follow-Up Report, the Auditor General noted the following updated in regards to NPCA's work towards fulfilling Recommendation 9:

In our 2018 audit, we reviewed the most recent draft available of the NPCA's proposed policies for reviewing development proposals and work permit applications to determine whether they were consistent with Section 3.1 of the Provincial Policy Statement and the Conservation Authorities Act (Act). We found that they incorporated the more permissive policies under the interim directives regarding developments near wetlands and valley lands.

In our follow-up, we reviewed the final revised policies against Section 3.1 of the Provincial Policy Statement and the Act. We found that the new policy regarding development near wetlands is more permissive than both the 2007 policies and the 2013 interim directives, and may be more permissive than the direction set out in the regulation under the Act. For example, the regulation prohibits development in areas where the proposed development could interfere with the wetland's functions, including areas within 120 metres of a provincially significant wetland and 30 metres of other types of wetlands. Exceptions may be made if, in the conservation authority's opinion, the development will not negatively affect the area's ecological and hydrological functions. Under the NPCA's new policies, new development—including subdivisions and major commercial, industrial or institutional uses—may be permitted within 30 metres of a provincially significant wetland if NPCA staff determine that the reduced distance (from 120 metres to 30 metres) is warranted based on the scale, nature and proximity of the proposed development. The policies state that NPCA staff may consider various factors, including the presence of sensitive ecological features, and may require that an environmental impact or similar studies be conducted, but does not describe what steps the NPCA will take to assess and ensure no negative impacts.

As requested by the Board, NPCA staff have completed a review of the Auditor General's 2020 Follow-Up Report and present our findings below.

Discussion:

In response to the AG's 2020 assessment that the NPCA's 2018 Policies may be more permissive than *Ontario Regulation 155/06* (NPCA Regulation) and the Planning Act, staff provide the information below:

NPCA Section 28 Regulation

The CA Act provides the legislative framework in which a Conservation Authority may establish a Regulation over areas in which it has jurisdiction (e.g. wetlands, valleylands, Great Lakes Shorelines, hazardous lands, watercourses). The Act simply gives a Conservation Authority the ability to make a Regulation and the legal parameters of the Regulation. The Regulation may be prohibitive or permissive (Permits)

The NPCA Regulation was created under Section 28 of the Act and came into effect on May 4, 2006. The NPCA Regulation provides more details around what the NPCA regulates and the process for giving permission for development or interference in a Regulated Area. The wording in Section 2, Subsection 1 of the NPCA Regulation starts as a prohibition:

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are...

The Regulation then describes the various areas that the NPCA regulates. It is important to note the wording "subject to section 3". Section 3 reads as follows:

*3. (1) The Authority may grant permission for development in or on the areas described in subsection 2 (1) if, **in its opinion**, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development (emphasis added).*

Section 3 allows for the NPCA to issue permission (e.g. a Permit) for an activity that would be prohibited. In issuing such permission, the NPCA needs to meet five tests (commonly referred to as the five tests). The wording “in its opinion” is important as this gives the NPCA discretion in determining how a request for permission meets the five tests. The expression of the NPCA’s opinion for the purpose of Section 3 is its Planning and Permitting policies. This is the case for all Conservation Authorities. The NPCA Regulation does not specify a minimum setback. Based on the above, staff opine that the NPCA’s new policies are not more permissive than the Act or the NPCA’s Regulation.

Planning Act and Provincial Planning Statement

With the Provincial Policy Statement (PPS), there is no prescribed minimum setback from a wetland for development. Section 2.1.8, which pertains to the adjacent lands of certain natural heritage features, including provincially significant wetlands (PSWs), states:

Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Consistency with Section 2.1.8 of the PPS is demonstrated by an Environmental Impact Study (EIS). This is the standard used by municipalities and Conservation Authorities to determine an appropriate buffer for a PSW. The EIS studies the PSW, looking at the various ecological functions it provides, the nature of the proposed development adjacent to it and recommends an appropriate buffer and mitigation measures to ensure no negative impact. Based on the above, staff consider the NPCA’s 2018 Policies to be consistent with Section 2.1.8 of the PPS.

NPCA Planning Policies

The NPCA’s previous policies were originally established in 2007 and last updated in 2011. Section 3.24 (c)(1) of previous policies read as follows:

Except as described in Section 3.24.1 (c) 4 herein, development and/or site alteration will not be permitted within the adjacent lands of any wetland (30 m or 98 feet), unless the hydrological and ecological function of adjacent lands has been evaluated and it has been demonstrated to the satisfaction of the NPCA that there will be no negative impacts on natural features or their ecological functions. Development proposals may require the completion of an EIS or similar study and should utilize all opportunities for the protection and rehabilitation of the wetland feature.

There was no minimum prescribed buffer for new development within 30 metres of a wetland. The policy relied on staff expertise (in the case of a small-scale proposal) or an EIS in the case of a large scale proposal to assess the impact of a proposal.

There was a separate policy for major development – Section 3.24.1 (c) (4) (ii) that had different wording regarding a 30 metre buffer:

For major development (as determined by the NPCA) including, but not limited to; plans of subdivision; extensions of draft approval for existing plans; and, major commercial, industrial, or intuitional, no new development is permitted within 30 m of a PSW.

The wording “as determined by the NPCA” provided discretion in what was considered major development. This discretion was used to entertain subdivisions with buffers less than 30 metres and maintain conformity with the NPCA Policies.

In the review that led to the current NPCA Policies, the intention was to remove inconsistencies within the 2011 policies and better ensure consistency with the PPS. For example, the 2011 Policies included an existing lot of record policy that allowed for a single detached dwelling on an existing lot of record within a PSW, which was contrary to the PPS. This section was removed in the 2018 Policies. The 2018 Policies clarified flexibility in determining the size of a wetland buffer while at the same time providing a clear minimum buffer requirement for lot creation. This resulted in a minimum 15 metre buffer for lots created through subdivision. Before implementation of the 2018 Policies, wetland buffers obtained for subdivisions were typically less than 15 metres.

Consistency with Other Ontario Conservation Authorities

To provide context of how the NPCA’s wetland buffer requirements for lot creation compare to other Conservation Authorities, NPCA staff reviewed the policies of other Conservation Authorities relating to wetland buffers for lot creation. Table 1 is a summary of the results.

It is important to note that Planning Policies for each CA will differ based on watershed characteristics and land use.

Buffer Minimum	Number of Conservation Authorities
No minimum	20
30 metres	8
120 metres	1
Policies not available	6
Total	35

Table 1

The results in Table 1 show that while there are different approaches to establishing wetland buffers, more than half of all Conservation Authorities do not have a minimum buffer requirement. The category of “no minimum” includes situations where a Conservation Authority policy stipulates a minimum buffer but provides an exception where the minimum buffer may be reduced through an EIS. As can be seen, the NPCA’s policies are not out of line with those of other Conservation Authorities.

Conclusion

In reviewing the Auditor General’s 2020 Follow-Up Report, NPCA staff provided the justification to the Auditor General’s office and respectfully disagreed with the conclusions that the NPCA’s 2018 Policies are more permissive than the Act, the NPCA’s Regulation and the PPS.

With respect to the 2011 Policies, there are some areas that did become more permissive (e.g. allowing for passive recreational uses within PSWs) but there are other sections that became more restrictive (e.g. dwellings on existing lot of record).

With regards to 2013 interim directives, the purpose was to guide staff with the interpretation of policies until such time a full policy updated can be implemented. These were based on staff

response to a Court decision that determined Conservation Authority policies cannot be prohibitive (this decision was later (approx. 4 years) overruled in a higher Court decision on a different case).

In 2016 staff were instructed to discontinue following the Directives and finalize what became the 2018 policies. Between 2016 and 2018 staff continued to follow the 2011 policies.

NPCA Current Practice and Actions

In light of the Auditor General's 2020 Follow-Up Report, it is important to note NPCA staff are taking proactive actions to better protect wetlands and other Regulated Areas in our Watershed. A proactive, site-specific, triage approach is being considered for environmental design and planning to demonstrate an env-first approach to development. NPCA staff will engage municipal partners and industry stakeholders in a proactive manner to achieve best results on the ground.

As endorsed by the Board in December 2020, staff have started the review process of the NPCA Policies. In addition, a new Procedural Manual is being developed this year to provide direction on implementing the NPCA's Policies and other Regulation procedures. A comprehensive updated of NPCA regulation mapping is being initiated with an aim to update various components of our Regulatory mapping such as unmapped wetlands and karst features.

Staff are committed to improving how the NPCA manages its watershed. The initiatives noted above and more will help move NPCA forward as a leader in environmental management and improve the quality of the environment in Niagara.

Financial Implications:

As this is an information report, there are no financial implications.

Links to Policy/Strategic Plan

The information presented in this report demonstrates consistency with the NPCA's Mission Statement: "To implement our *Conservation Authorities Act* mandate by remaining a responsive, innovative, accountable and financially sustainable organization."

Related Reports and Appendices:

None

Authored by:

Original Signed by:

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

Reviewed and Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Niagara Coastal Community Collaborative Partnership MOA

Report No: FA-22-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-22-21 RE: Niagara Coastal Community Collaborative Partnership MOA **BE RECEIVED.**
2. **AND FURTHER THAT** staff **BE AUTHORIZED** to enter into a Memorandum of Agreement (MOA) with the Niagara Coastal Community Collaborative.

Purpose:

The purpose of this report is to seek the Board of Directors approval to enter into a partnership Memorandum of Agreement (MOA) with the Niagara Coastal Community Collaborative (NCCC).

The proposed partnership is based on a mutual interest in shoreline resiliency and nature-based solutions to the benefit of the overall health of the Niagara Peninsula's coastal ecosystems. It will provide a formal framework to facilitate collaboration on the financing of forthcoming restoration projects through the NPCA Restoration Grant Program, implementation of Niagara's Visual Assessment Survey Tool (VAST) project awarded through provincial Great Lakes Local Action Fund (GLLAF) funding, as well as future efforts to towards shoreline resiliency in across NPCA watersheds.

Background:

Since 2019, NPCA has entered into partnership agreements with several non-government organizations and community groups to frame financial collaboration on restoration efforts through the NPCA Restoration Grant Program. These agreements outline a mutual interest in some aspect of local conservation and/or restoration and provide an opportunity to append schedules for additional select projects that fit within the mandate of the agreement.

The Niagara Coastal Community Collaborative is dedicated to optimizing and expanding local action to build a healthy and resilient Lake Erie coastal ecosystem that supports the community's economic, recreational, and health and well-being needs. NCCC operates in the Niagara Peninsula portion of the Lake Erie coast with acknowledgement that the area that influences this coast includes all the

watersheds contributing to the lake. It works on three ecological priorities that guide their activities: nature-based shorelines, healthy beaches, and habitat and species.

In October of 2020, NPCA led a joint submission with NCCC to the provincial Great Lakes Local Action Fund. The GLLAF was established by the province to help small-scale community projects and actions provide a positive environmental impact on the Great Lakes, including social and or economic benefits to their communities in Ontario within the Great Lakes and St. Lawrence River Basin.

Discussion:

The NPCA and NCCC were notified by the province in February that the project proposed in partnership to the GLLAF in late 2020 was successful for a total funding contribution of \$48,940.00. This citizen science monitoring project will focus on engaging local communities to monitor their shorelines. Community-based initiatives are extremely valuable as they establish a foundation for watershed residents to collect complementary data and supplemental information on the health of their coast. This information can be used to better appreciate the local impacts of climate change and other influences on the shoreline as observed knowledge that can inform advocacy for the protection and restoration of their waterfronts and broader watershed environment.

By providing leadership in citizen science, NCCC will be able to further partner with NPCA to collaboratively engage the coastal communities of Lake Erie towards stewardship and championship of shoreline resiliency and healthy coastal ecosystems. The NCCC will be responsible for leading project implementation in collaboration with support from the NPCA and Niagara College Canada who are also participating.

The NPCA reached agreement with the province to accept the GLLAF funds through a formal Ontario Transfer Payment Agreement (TPA) in March. The TPA stipulates for accountability purposes, that NPCA as the official recipient, ensure any funds distributed to third parties in partnership such as NCCC for the lead of implementation activities, are covered by an agreement. As a result, the proposed partnership Memorandum of Agreement (MOA) between NPCA and NCCC will include an additional schedule fulfilling the separate agreement requirement outlining the financial covenants and associated needs to satisfy the Provincial TPA .

The MOA also primarily sets the stage for financial cooperation on future restoration projects the NCCC may submit through the NPCA Restoration Grant Program like those already in place with existing partners such as Trout Unlimited, Ducks Unlimited, and Landcare Niagara.

Most importantly, the MOA establishes a highly strategic partnership with respect to demonstrating leadership and shared responsibility towards developing strategies for shoreline resiliency in the Niagara Peninsula considering NCCC has already mobilized the coastal community into action.

Financial Implications:

The first project under this MOA is Niagara's Visual Assessment Survey Tool (VAST) project. Total value of the project is \$144,740.00.

Funding provided through GLLAF is \$ 48,940.00.

The NPCA cash commitment to the project is \$3000.00.

Further in-kind contributions to the project in sunk costs for software and staff time total \$24,250.

Related Reports and Appendices:

None attached.

Authored by:

Original Signed by:

Geoff Verkade
Senior Manager, Integrated Watershed Planning/Information Management

Reviewed by:

Original Signed by:

Lise Gagnon, CPA, CGA
Director, Corporate Services

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Section 28 Regulation Mapping

Report No: FA-27-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-27-21 RE: Section 28 Regulation mapping base **BE RECEIVED**.
2. **THAT** the updated to Section 28 Regulation mapping **BE CARRIED OUT** in a phased approach based on most current information available on regulated natural hazard features.
3. **THAT** the NPCA's member municipalities and other stakeholders **BE CONSULTED** during the update process.
4. **AND FURTHER THAT** staff **REPORT** back to seek Board endorsement on Phase 1 updated mapping and Phase 2 workplan.

Purpose:

The purpose of this report is to inform the NPCA Board of the jurisdiction-wide update to NPCA's Section 28 Regulation mapping based upon the most current information related to natural hazards features.

Background:

Regulation Mapping

Regulation mapping is a tool that conceptually shows the area of land within NPCA's jurisdiction that is likely to be subject to the Regulation. The Regulation limit boundary is based on the best technical information available to NPCA at the time of the preparation of the map. The mapping represents spatial information for each of the regulated features and areas, which is integrated to form one conceptual boundary of the Regulation limit.

The mapping is not a "statutory map", which means that the mapping does not have the force of law. The actual regulatory requirements are found within the provisions of Ontario Regulation 155/06, as amended. The mapping is best considered as a screening tool for NPCA, municipalities and the public that indicates where the Regulation likely applies rather than a rigid boundary (unlike, for example, a schedule in a Zoning By-law), thereby assisting with implementation of NPCA's

regulatory permitting responsibilities. This mapping can be updated by NPCA as new information becomes available.

Need for Regulation Mapping

NPCA has a regulatory permitting responsibility to protect people, the environment and property from natural hazards associated with flooding, erosion and slope instability, and to conserve valleylands, wetlands, watercourses and the shoreline of Lake Erie and Lake Ontario. Pursuant to Section 28 of the *Conservation Authorities Act*, NPCA administers a “Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation”, (the Regulation), approved by the Minister of Natural Resources and Forestry and known as Ontario Regulation 155/06, as amended. Key objectives of the Regulation include preventing or reducing the risk to life and property; minimizing negative impacts on natural features, functions, and systems; and preventing the creation of new hazards or aggravation of existing hazards.

The Regulation enables NPCA to prohibit or regulate development in areas of land associated with natural hazards, wetlands and watercourses, collectively known as NPCA’s Regulated Area. The Regulation also prohibits, in the absence of a permit from NPCA, alteration of the channel of a watercourse and interference with a wetland. Natural hazards and environmental features and the associated regulated areas are described in law through the text of the Regulation. The Regulation also provides for the creation of Regulation mapping.

The mapping does not indicate areas where development is prohibited, but rather areas where development will need to take into consideration certain constraints from natural hazards or features, and for which a permit is required from NPCA prior to development activity commencing. In addition to facilitating NPCA’s permitting responsibilities, the mapping is also used to inform NPCA’s roles and responsibilities for reviewing applications under the *Planning Act* and *Environmental Assessment Act*.

Discussion:

Technical Components of Regulation Mapping

Technical analysis that supports the mapping includes flood plain studies, provincial wetland mapping, ecological land classification mapping, digital elevation models, aerial photography, valleyland mapping, watercourse meander belt analysis, watercourse location mapping and shoreline hazard assessment studies. Site-specific investigations and studies are required to precisely define the location of hazards and features and the legal extent of the Regulation, which typically occurs through consultation between landowners and NPCA staff during the review of a development application or proposal.

Regulation Mapping Update

NPCA has the ability to update the mapping as new information becomes available. Updates to the Regulation mapping help landowners considering or proposing development, and assist both NPCA and municipal staff in coordinating development and infrastructure review. The last jurisdiction-wide update was completed by NPCA in 2005 as part of the Generic Regulation conformity exercise. Since that time, NPCA has made site-specific incremental updates as information has become available such as incorporating a new flood plain mapping study.

Using the guidance provided by Conservation Ontario, the proposed comprehensive update during Phase 1 to the existing mapping will focus on housekeeping updates since 2005. This project will also identify any gaps for Phase 2 work. Phase 2 will consist of a more significant update involving new studies to identify and/or update regulated features on a watershed-scale.

It must be noted that legislative changes through Bill 229 regulations are being monitored by staff for any impacts on NPCA's regulations and mapping.

Municipal and Stakeholder Consultation

Due to the comprehensive nature of the proposed mapping changes, NPCA staff will be consulting with member municipalities, and stakeholders prior to finalizing the mapping update. This will be carried out during the Summer and Fall of 2021. Consultation on the mapping is timely given the upcoming updates to municipal official plans in response to updated provincial policies and legislation. These consultations will also be coordinated with NPCA's discussions on updated MOU and SLA's with partner municipalities resulting from recent Bill 229 updates.

Tracking Map changes and Record Keeping

Changes to the Regulation mapping are currently tracked in NPCA's Geographic Information System (GIS) databases. Each new change will be recorded for NPCA regulations maps across jurisdiction. A protocol for future tracking and changes will also be developed for transparency and consistency to ensure Phase 2 work and future annual changes follow standard protocols. Annual changes to mapping can be triggered by updates resulting from NPCA or municipal studies. In the case of an update that involves substantial changes, a report will be brought to the Authority.

Next Steps and Future Updates

- Approximate timeline of Phase 1 completion is anticipated to be in December 2021.
- Once finalized, staff will submit the final Phase 1 mapping for endorsement by the NPCA Board. This will also include a workplan for Phase 2 to address any gaps related to data and analysis;
- Updated mapping will be circulated to NPCA municipalities for their use and training session will be hosted for municipal staff as needed;
- NPCA's Open Data Portal will be updated with updated mapping for public use and live consumption.
- Conservation Ontario and appropriate Ministries will also be notified.
- Staff will continue to monitor the mapping for future changes that will be compiled and implemented on an annual basis.
- Staff will monitor new regulations that may have implications for NPCA Regulation and regulation mapping, and address changes as needed.

Updated Regulation mapping will ensure that NPCA staff, municipalities, stakeholders and the public have the most accurate and current information to inform decision-making. It will also help improve NPCA's service delivery and enhance coordination between NPCA and municipal staff.

Financial Implications:

Funding to support Phase 1 work and gap analysis will be completed within NPCA's approved 2021 budget. Phase 2 work will be included as part of NPCA 2022 Budget for Board Approval.

Links to Policy/Strategic Plan**Related Reports and Appendices:**

None

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Expanding the Greenbelt Proposal – NPCA Comments

Report No: FA-25-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-25-21 RE: Expanding the Greenbelt Proposal – NPCA Comments **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to provide the NPCA's comments on the Expanding the Greenbelt Proposal to the Environmental Registry of Ontario and partner municipalities in Welland River and Twenty Mile Creek watershed **BE ADVISED**.

Purpose:

The purpose of this report is to inform the Board of an initiative by the Province to expand the Greenbelt and the NPCA's comments on this initiative.

Background:

On February 17, 2021, the Ministry of Municipal Affairs and Housing (MMAH) posted a notice on the Environmental Registry of Ontario launching a consultation on expanding the size of the Greenbelt Plan Area and enhancing the 'quality' of the Greenbelt. Two priority areas have been identified by the ministry:

1. Lands in and around the Paris Galt Moraine, which is a physiographic area currently located outside the Greenbelt in Waterloo Region and Brant and Wellington Counties;
2. Ideas for adding, expanding and further protecting Greenbelt Urban River Valleys.

Principles articulated by MMAH for potential expansions include expansions that:

- Support existing Greenbelt Plan objectives, vision and goals of providing permanent protection to the agricultural land base and ecological and hydrological features, areas and functions occurring on the landscape and providing for the inclusion of publicly owned lands in urban river valleys.
- Connect physically and/or functionally to the current Greenbelt by building upon the natural heritage, water resource and agricultural systems approach of the Greenbelt Plan and should

be directly connected or have a strong functional connection to not create unconnected islands of Greenbelt land.

While the province's focus is on the two priority areas highlighted above, they have also indicated they would consider input regarding other potential areas to grow the Greenbelt as well as other priorities that should be considered. It should be noted that the Province is not considering any land removals, land exchanges or policy changes at this time. Comments are requested by the close of the consultation period on April 19, 2021.

Note that Conservation Ontario has solicited comments from Conservation Authorities, to which the NPCA provided comments on March 29, 2021.

Discussion:

There is a portion of the Greenbelt within the NPCA Watershed (see Appendix 1), however, the two geographic areas of focus for growth are not located within the NPCA Watershed. As such, staff offered no comments on the merits of including those geographic areas. The other component of the Greenbelt that the Province is focusing on is Urban River Valleys. There is one existing designated Urban River Valley in the NPCA Watershed (Lower Twelve Mile Creek in St. Catharines).

The Province introduced Urban River Valleys into the Greenbelt Plan added in the 2017 update as a way to bring river valleys into urban areas outside of the Greenbelt. The goal of including these new features was to provide additional connections between the Greenbelt area and the Great Lakes and to protect natural and open space lands. Another important consideration is that the policies for Urban River Valleys only applies to publicly owned lands. Many of the existing watercourses in the municipalities that are outside the Greenbelt area are far removed from a direct connection to the Great Lakes, thus would not be suitable as an Urban River Valley.

In lieu of recommending new Urban River Valleys, staff recommended in comments to Conservation Ontario that consideration be given to extending the Greenbelt Natural Heritage System along the Welland River Valley and Twenty Mile Creek Valley. Both of these systems have their headwaters in the Greenbelt and are significant hydrologically and in a natural heritage context. Incorporating them into the Greenbelt Natural Heritage System would help in protecting these important systems.

The Greenbelt Natural Heritage System (NHS) is a Provincial framework derived from coarse data. While this was a good start at the time, this is an opportunity to refine the NHS and fill in gaps that are missing, not just in Niagara but across the entire Greenbelt area. Conservation Authorities, such as the NPCA, have helpful data available to help identify gaps in the NHS and should be approached for such data.

Financial Implications:

There are no financial implications to the recommendations of this report.

Links to Policy/Strategic Plan

Commenting on Provincial Policy initiatives supports the Strategic Plan's Mission Statement "to implement our *Conservation Authorities Act* mandate by remaining a responsive, innovative, accountable and financially sustainable organization" by "working in collaboration with our partners in conservation".

Related Reports and Appendices:

Appendix 1 – Map of the Greenbelt in the NPCA's Watershed.

Appendix 2 – NPCA Comments to Conservation Ontario

Authored by:

Original Signed by:

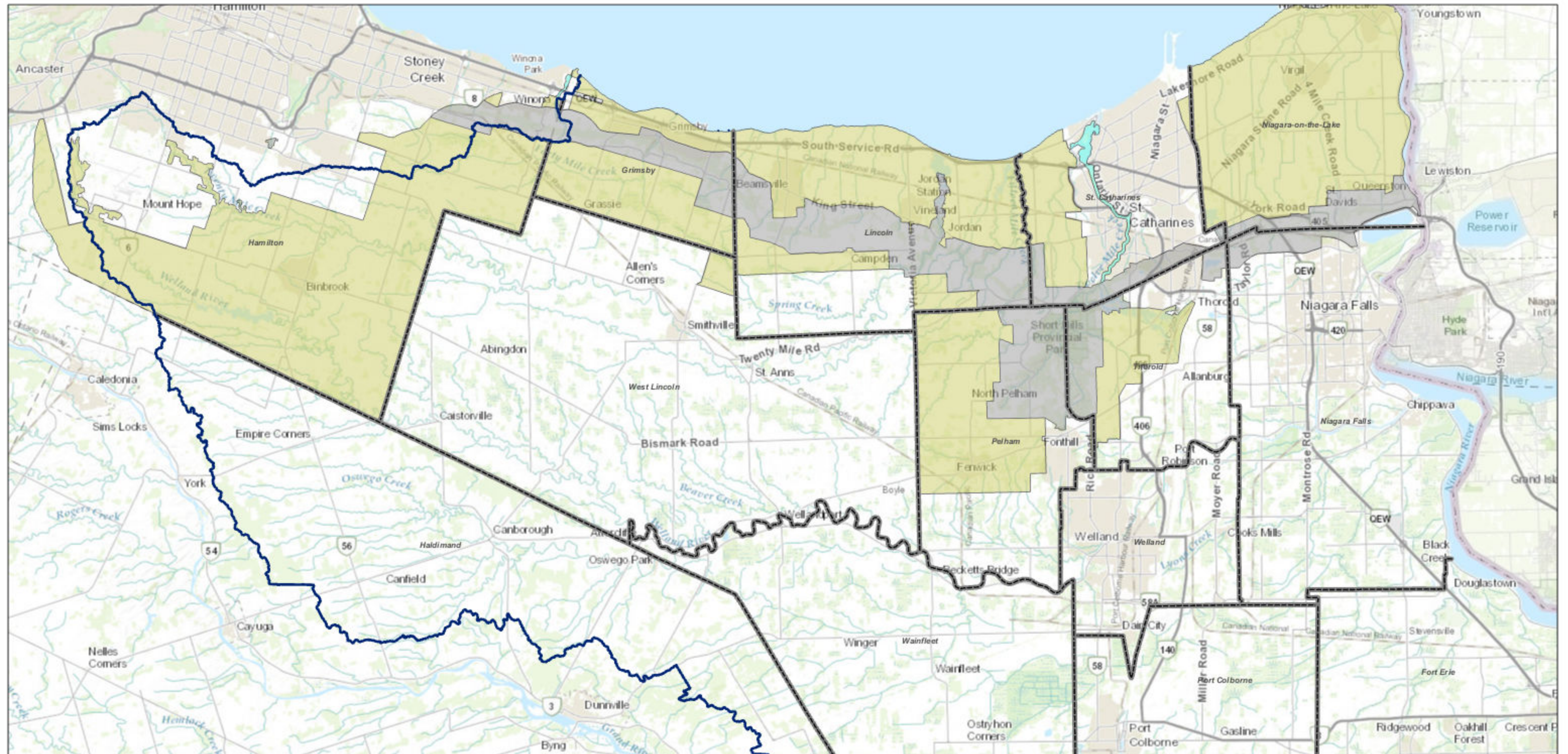
David Deluce, MCIP, RPP
Senior Manager, Planning & Regulations

Reviewed and Submitted by:

Original Signed by:

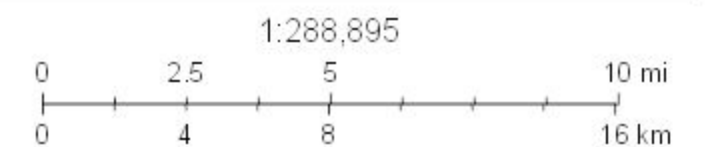
Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

Appendix 1 - Greenbelt Area in NPCA Watershed



4/8/2021, 2:25:05 PM

- Corporate Watershed Divide NPCA
- Member Municipal Boundary Line
- MEMBER MUNICIPALITY Labels
- Greenbelt - Plan Designations
- NEC
- Protected Country
- Urban River Valley



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

Consultation on growing the size of the Greenbelt

(ERO#019-3136)

Consultation Table

Please submit comments to Nicholas Fischer (CO) by March 29th, 2021

[\(mailto:nfischer@conservationontario.ca\)](mailto:nfischer@conservationontario.ca)

Name: David Deluce, MCIP, RPP – Senior Manager, Planning & Regulations

Conservation Authority:

As a reminder, please submit one comment table per CA. Thank you.

Consultation on growing the size of the Greenbelt	
Discussion Questions	CA Comments
What are your thoughts on the initial focus area of the Study Area of the Paris Galt Moraine?	This is outside of our watershed, therefore, we have no comments
What are the considerations in moving from a Study Area to a more defined boundary of the Paris Galt Moraine?	This is outside of our watershed, therefore, we have no comments
What are your thoughts on the initial focus area of adding, expanding and further protecting Urban River Valleys?	While we are supportive in principle to adding more Urban River Valleys, we don't have a lot of contiguous, open channel rivers running through our Urban Areas that would be suitable candidates for inclusion.
Do you have suggestions for other potential areas to grow the Greenbelt?	The NPCA recommends including the valley system for Twenty Mile Creek and the Welland River within the Greenbelt NHS. The headwater areas of both these rivers is already within the Greenbelt NHS. In the case of Twenty Mile Creek, the lower reach is also part of the Greenbelt NHS. It does not make sense for the middle reach to not be included.
How should we balance or prioritize any potential Greenbelt expansion with the other provincial priorities mentioned above? (see ERO posting for priorities)	It is acknowledged that growth management is important but equal importance must be placed on protecting the natural heritage system and water resources systems of the Greenbelt and Growth Plan.
Are there other priorities that should be considered?	No further comments.

General Comments

<i>Consultation on growing the size of the Greenbelt</i> <u>ERO#019-3136</u>	No further comments.
---	----------------------

**GOVERNANCE COMMITTEE
ONLINE VIDEO CONFERENCE
MEETING MINUTES
Thursday, March 11, 2021
9:30 a.m.**

MEMBERS PRESENT: R. Foster, Chair
R. Brady
B. Clark
J. Ingrao
B. Johnson
K. Kawall
B. Mackenzie
E. Smith
M. Woodhouse (attended 9:40 a.m.)

STAFF PRESENT: C. Sharma, Chief Administrative Officer / Secretary - Treasurer
G. Bivol, Clerk
M. Ferrusi, Manager, Human Resources

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

1. APPROVAL OF AGENDA

There were no changes, additions or deletions to the agenda.

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF THE MINUTES

- a) Minutes of the NPCA Governance Committee meeting dated November 5, 2020

Recommendation No. GC-01-2021

Moved by Member Ingrao

Seconded by Member Kawall

THAT the minutes of the meeting of the NPCA Governance Committee dated November 5, 2021 **BE ADOPTED.**

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

None.

6. DELEGATIONS

None.

7. Consent Items

None.

8. DISCUSSION ITEMS

- a) Report No. GC-01-21 RE: Required Revisions to the Administrative By-Law Resulting from Conservation Authorities Act Amendments

Recommendation No. GC-02-2021

Moved by Member Clark

Seconded by Member Brady

THAT Report No. GC-01-21 RE: Required Revisions to the Administrative By-Law Resulting from Conservation Authorities Act Amendments **BE RECEIVED.**

CARRIED

- b) Report No. GC-02-21 RE: Governance Committee – 2021 Work Plan

Recommendation No. GC-03-2021

Moved by Member Clark

Seconded by Member Kawall

1. **THAT** Report No. GC-02-21 RE: Governance Committee – 2021 Work Plan **BE RECEIVED.**

2. **THAT** the Governance Committee - 2021 Work Plan attached as Appendix 1 **BE APPROVED.**

CARRIED

- c) Report No. GC-03-21 RE: Public Sector Salary Disclosure

Recommendation No. GC-04-2021

Moved by Member Clark

Seconded by Member Kawall

THAT Report No. GC-03-21 RE: Public Sector Salary Disclosure **BE RECEIVED.**

CARRIED

d) Report No. GC-04-21 RE: Integrity Commissioner Services

Recommendation No. GC-05-2021

Moved by Member Brady

Seconded by Member Ingrao

1. **THAT** Report No. GC-04-21 RE: Integrity Commissioner Services **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to execute agreements, as appropriate, to obtain Integrity Commissioner Services for the NPCA.

CARRIED

- e) Discussion RE: Leadership on Committees (Verbal) -The Chair spoke to this issue identifying a need to distribute Committee Chair responsibilities across the entire Membership of the Board. It was noted that Committee structure and Board Member participation could be addressed once partner municipalities determined Board size and composition.
- f) Discussion RE: Board Chair / Vice Chair Election Process (Verbal) – Lengthy discussion ensued with respect to process and criteria for selecting Board Chair and Vice Chair including discussion on requesting notice of interest from candidates. It was directed that this matter could be further discussed at a later date to be determined.

9. NEW BUSINESS

- a) Process for Delegations to the Board – Board Chair Johnson indicated that she wanted to discuss at the next Governance meeting a revision to the process for delegations appearing at the Board.

10. ADJOURNMENT

At the direction of the Committee Chair, the meeting adjourned at 10:42 a.m..

Robert Foster,
Committee Chair

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

Report To: Board of Directors

Subject: Integrity Commissioner Services

Report No: FA-21-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-21-21 RE: Integrity Commissioner Services **BE RECEIVED**.
2. **THAT** staff **BE AUTHORIZED** to execute agreements, as appropriate, to obtain Integrity Commissioner Services for the NPCA.

Purpose:

The purpose of this report is to seek Board of Director approval to execute agreements for Integrity Commissioner Services, as endorsed by the Governance Committee.

Background:

Throughout 2020, the Governance Committee revised and approved an updated Board Code of Conduct and Code of Conduct complaint procedure to provide for further demonstrated transparency and accountability of Board Members.

On October 1, 2020, the Governance Committee approved staff to enter into agreements with partner municipalities to facilitate shared services of Integrity Commissioners.

Discussion:

In discussions with partner municipalities and their integrity commissions it was determined that:

- a) Agreements be directly with Integrity Commissioners (instead of individual municipalities) to ensure accurate and consistent application of the NPCA code of conduct.
- b) A roster of three investigators comprised of partner municipality Integrity Commissioners be created who can carry out investigations for their respective municipalities.
- c) A single Integrity Commissioner be appointed to provide non-investigative services such as education and board member advice.

Accordingly, staff will now proceed with execution of agreement with three Integrity Commissioners (Hamilton, Haldimand, and Niagara) based on Governance Committee approval. Additionally, Niagara Region's Integrity Commissioner will be appointed to provide non-investigative advisory services and training as Niagara is NPCA's largest municipality.

Some administrative edits have been made to the NPCA's Code of Conduct process to ensure it is consistent with these changes. A copy of the updated document is attached in Appendix 1.

Financial Implications:

Costs will only occur in the event services are requested in line with the Code of Conduct.

Links to Policy/Strategic Plan

The Board has been clear in their desire to be transparent, accountable and to work with integrity and honesty. Execution of this agreement will demonstrate this commitment as well as providing a venue for further education of board members.

Related Reports and Appendices:

Appendix 1: Revised NPCA Board of Director's Code of Conduct Complaint Process

Authored by:

Original Signed by:

Misti Ferrusi, BA, CHRL
Manager, Human Resources

Submitted by:

Original Signed by:

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

NPCA Board of Director's Code of Conduct Complaint Procedure

The Niagara Peninsula Conservation Authority expects all Board Members to abide by the NPCA Board Code of Conduct. When an individual suspects a Board Member has violated the Code of Conduct, the following procedure shall be followed:

Complainants are encouraged file a complaint immediately after an alleged incident or immediately upon becoming aware of an incident. All incidents should be reported within 60 days of the complainant becoming aware of it or as soon as reasonably possible.

Any Code of Conduct complaints shall be submitted in writing to the Appropriate Authority in accordance with the chart below.

Respondent to the Complaint	Parties Responsible to Receive the Complaint (Appropriate Authority)
Board Member	Chair of the Board Vice-Chair of the Board CAO
NPCA Chair of the Board	Vice-Chair of the Board CAO
NPCA Vice-Chair of the Board	Chair of the Board CAO

1.0 Self-Declaration

1.1 In the event a Board member believes they have violated the Code of Conduct, they shall advise the Appropriate Authority in writing of the violation immediately.

1.1.1 The Board member shall be given an opportunity to meet with Appropriate Authority as well as any other party deemed appropriate in an attempt to resolve the matter within 5 business days of receipt.

1.1.2 If the matter cannot be resolved, the item will be forwarded to the appropriate Integrity Commissioner for investigation (see Formal Investigation)

2.0 Board Member Complaint from a Board Member

2.1 Prior to the launch of a formal complaint, Board members are encouraged to bring suspected matters of violation to the attention of the member in question in an effort to resolve the issue within 24 to 48 hours.

2.1.1 Members are encouraged to document any behaviours, actions, witnesses and conversations should they be required.

2.2 If the issue has not been resolved amicably and the Board member wishes to make a formal complaint, they shall do so in confidentiality by completing the identified complaint form to be submitted to the Appropriate Authority within 5 business days.

2.3 All complaints must be dated and signed by an identifiable individual.

- 2.4 The complainant shall receive confirmation of receipt of the complaint within 5 business days.
- 2.5 In the event clarification is needed, the complainant shall be contacted to provide further required information.
 - 2.5.1 The Appropriate Authority reserves the right to terminate the complaint in the event it has been resolved, if it is a duplicate complaint (and/or merge it with an existing complaint), in the event it is deemed frivolous or vexatious or in the event it is not deemed to be a complaint. Complainants will be advised if a complaint has been terminated.
- 2.6 Informal Resolution: The Board member in question will be given an opportunity to address the issue and the Appropriate Authority will attempt to resolve the issue through informal means to the satisfaction of the concerned parties.
 - 2.6.1 Informal means may include, but is not limited to clarification, joint discussions or mediation.
 - 2.6.2 The Appropriate Authority has the ability to include any other party in discussions deemed appropriate towards aiding in resolution.
- 2.7 If the matter cannot be resolved, the item will be forwarded to an investigator from the Integrity Commissioner Services roster for investigation (see Formal Investigation)

3.0 Formal Investigation

- 3.1 In the event a complaint is not terminated and/or an informal resolution is not practical or successful, a formal investigation shall ensue, and the complaint will be forwarded to the selected investigator from the Integrity Commissioner Services roster for investigation.
 - 3.1.1 The Integrity Commissioner Services roster will be composed of the Integrity Commissioners from each of the appointing municipalities.
 - 3.1.2 Complaints regarding Members will first be routed to the Integrity Commissioner for their appointing municipality.
 - 3.1.3 In the case of a conflict or other issue as determined by the appropriate authority, an alternate investigator from the Integrity Commissioner Services roster will be selected.
- 3.2 Upon receipt of a formal complaint, the investigator will enter into a "Consent and Confidentiality" Agreement with the complainant prior to beginning the investigation.
- 3.3 The summary and results of the investigator's report will be provided to the Full Board in open session. Based on the report, should it be concluded that a Board member has breached the Code of Conduct, a letter will be forwarded to the representative's appointing municipal Council, by the Board Chair or in his/her absence, the Vice-Chair, advising of said breach. The decision for the Board member to continue representing their municipality and/or any other penalty will be determined by the appointing municipal Council.
 - 3.3.1 At the conclusion of an investigation, if it is deemed in the best interest of the Authority that a board member be placed on leave, this shall be communicated in writing to the Board member.

4.0 Confidentiality

- 4.1 All complaints will be treated as confidential and sensitive to the extent possible and as permitted by law.

- 4.2 All documentation related to a Board member Code of Conduct complaint will be kept confidentially by the CAO for a period of five (5) years following resolution or the conclusion of the investigation, unless required to be disclosed by law.
- 4.3 All Board members that are the subject of a complaint shall maintain their board member status until that time in which an appointing municipality determines any penalties or changes, if applicable.

Report To: Board of Directors

Subject: Governance Committee – 2021 Work Plan

Report No: FA-23-21

Date: April 16, 2021

Recommendation:

1. **THAT** Report No. FA-23-21 RE: Governance Committee – 2021 Work Plan **BE RECEIVED**.
2. **THAT** the Governance Committee - 2021 Work Plan attached as Appendix 1 **BE APPROVED**.

Purpose:

The purpose of this report is to present, for formal Board approval, the Governance Committee's 2021 Work Plan as endorsed by the Committee.

Background:

At the March 11, 2021 meeting of the NPCA Governance Committee, the Committee passed the following recommendation for ratification to the Board of Directors as follows:

1. **THAT** Report No. GC-02-21 RE: Governance Committee – 2021 Work Plan **BE RECEIVED**.
2. **THAT** the Governance Committee - 2021 Work Plan attached as Appendix 1 **BE APPROVED**.

At the Committee level, minor amendments were made to specifically reflect a timeline for addressing next steps to Auditor General recommendations. Staff also moved the timeline for Board Self-Evaluation items to the fourth quarter of 2021 to reflect the approved procedure for the Board Evaluation Process as outlined in Report No.GC-05-20.

Discussion:

The 2021 Governance Committee Work Plan identifies key initiatives and establishes timelines for the year ahead. Implementation of the work plan will ensure proper governance oversight and direction in particular with respect to changes necessitated by Bill 229, Protect, Support and Recover from COVID-19 Act. Additionally, the Committee Work Plan enables staff to efficiently integrate Board objectives into the daily operations and administration of the NPCA.

Related Reports and Appendices:

Appendix 1: Governance Committee – 2021 Work Plan (Draft)

Authored by:

Original Signed by:

Grant Bivol
Clerk/Board Secretariat

Submitted by:

Original Signed by:

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

Governance Committee Annual Work Plan - 2021

	Quarter 1			Quarter 2			Quarter 3			Quarter 4		
	JAN-2021	FEB-2021	MAR-2021	APR-2021	MAY-2021	JUN-2021	JUL-2021	AUG-2021	SEP-2021	OCT-2021	Nov-2021	DEC-2021
DRAFT												
Governance Committee			11-Mar			24-Jun			23-Sep			16-Dec
Full Authority Board		18-Feb	19-Mar	16-Apr	21-May	18-Jun	16-Jul		17-Sep	15-Oct	19-Nov	17-Dec
1. Work Plan												
Workplan to the Board for approval			X									
2. Legislative Updates												
Conservation Authorities Act amendments			X			X			X			X
Administrative By-Law Review												X
3. Board Training												
Generation of Training Schedule						X						
4. Board Self-Evaluation												
Implementation of evaluation model - launch												X
Board evaluation												X
5. Corporate Policies and Procedures												
Long Term HR Plan									X			
Integrity Commissioner Agreement						X						
MOU and SLA									X			
6. Other												
Auditor General Recommendations next steps (if required)						X			X			X
Salary Disclosure			X									
FOI Statistical Reporting						X						

**STRATEGIC PLANNING COMMITTEE MEETING
ON-LINE VIDEO CONFERENCE
MEETING MINUTES
Friday, March 19, 2021
12:20 p.m.**

MEMBERS PRESENT: K. Kawall (Chair)
S. Beattie
R. Brady
J. Hellinga
D. Huson
B. Johnson
B. Mackenzie
W. Rapley
M. Woodhouse
B. Wright

OTHERS PRESENT: D. Cridland

STAFF PRESENT: C. Sharma, C.A.O. / Secretary – Treasurer
G. Bivol, Clerk
R. Bisson, Manager Communications and Public Relations
N. Green, Project Manager

The Chair called the meeting to order at 12:21 p.m.

1. APPROVAL OF AGENDA

Recommendation No. SPC-05-2021

Moved by Member Huson

Seconded by Member Woodhouse

THAT the Strategic Planning Committee Meeting agenda dated Friday March 19, 2021 **BE APPROVED** as presented.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None declared.

3. APPROVAL OF MINUTES

- a) Minutes of the NPCA Strategic Planning Committee meeting dated January 21, 2021.

Recommendation No. SPC-06-2021

Moved by Member Brady

Seconded by Member Huson

THAT the minutes of the NPCA Strategic Planning Committee meeting dated January 21, 2021 **BE APPROVED**.

CARRIED

4. CORRESPONDENCE

None.

5. DELEGATIONS

None.

6. PRESENTATIONS

None.

7. CONSENT ITEMS

None.

8. DISCUSSION ITEMS

Report No. SPC-02-21 RE: Strategic Planning Update March 2021 and Public Survey - Natalie Green, Project Manager presented the report. Discussion ensued.

Recommendation No. SPC-07-2021

Moved by Member Woodhouse

Seconded by Member Rapley

THAT Report No. SPC-02-21 RE: Strategic Planning Update March 2021 and Public Survey **BE RECEIVED.**

CARRIED

9. NEW BUSINESS

None.

10. ADJOURNMENT

By consensus of the membership, the Strategic Planning Committee meeting of January 21, 2021 adjourned at 1:10 p.m.

K. Kawall
Committee Chair

C. Sharma, MCIP, RPP
Chief Administrative Officer / Secretary
- Treasurer

Motion: Enhancing Trails in the NPCA Watershed

WHEREAS the public has shown a strong desire and need to be out in nature in the NPCA watershed and across Ontario and it has been demonstrated that being in nature benefits our physical and mental health;

WHEREAS the Province and the Region of Niagara have identified that the population of Niagara is expected to grow by 226,000, or 50% by 2051;

WHEREAS the popularity of the present community-connecting trails like the Friendship Trail, Niagara River Waterfront Trail, Seaway Canal Trail, Dofasco Trail and the Gord Harry Trail is well documented;

WHEREAS there are a large number of unopened road allowances and abandoned rail lines and other possible corridors that are presently not accessible to the public that have the capability of making physical connections between the municipalities in Niagara and with Hamilton and Haldimand County;

WHEREAS Conservation Authorities including the NPCA have been shown to be agencies that can plan for and develop trails throughout their watersheds;

NOW, THEREFORE BE IT RESOLVED:

1. **THAT** NPCA, being the agency with 2,845 ha of public land connecting Niagara, Hamilton and Haldimand, **CONVENE** a forum to bring agencies and municipalities in its watershed together to facilitate planning and development of an inter-jurisdictional trails network connecting municipalities, neighbourhood, employment areas, and nature destinations.
2. **THAT** NPCA municipalities **BE ENCOURAGED** to adopt, through official plan updates, expanded trail networks using publicly owned corridors, abandoned rails lines, and other opportunities.
3. **THAT** NPCA staff **EXPLORE** formal partnership opportunities with municipalities to map, built, and enhance trail connections.
4. **AND FURTHER THAT** a copy of this motion **BE CIRCULATED** to the local and regional municipalities within NPCA's jurisdiction.