

Board of Directors Meeting
March 22, 9 a.m.
Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON
AGENDA

CALL TO ORDER – ROLL CALL

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

1. APPROVAL OF AGENDA

2. DECLARATIONS OF CONFLICT OF INTEREST

3. APPROVAL OF MINUTES

3.1. Minutes of the Full Authority Meeting dated February 16, 2024

Page 1

3.2. Minutes of the Full Authority Meeting – Closed Session dated February 16, 2024 (distributed separately)

4. CHAIR'S UPDATE

5. CORRESPONDENCE

5.1. Correspondence from Niagara Region dated February 23, 2024 RE: Statutory Public Meeting for a Regional Official Plan Amendment Application – Proposed Law Quarry Expansion, Township of Wainfleet.

Page 7

6. PRESENTATIONS

6.1. NPCA Planning and Permitting Policies Amendments and Transition Plan to Conform to Conservative Authorities Act and New Ontario Regulations
Presented by Leilani Lee-Yates, Director, Planning & Permitting and A/Director, Watershed Strategies & Climate Change.

7. DELEGATIONS

None.

8. CONSENT ITEMS

- 8.1. Report No. FA-08-24 RE: Update on Ball's Falls Thanksgiving Festival 50th Anniversary**
Page 15
- 8.2. Report No. FA-10-24 RE: Compliance and Enforcement 2023 Year-End Summary**
Page 19
- 8.3. Report No. FA-11-24 RE: Planning and Development 2023 Year-End Summary**
Page 25
- 8.4. Report No. FA-14-24 RE: Update on 2024 Hawkwatch Good Friday Open House**
Page 30

9. DISCUSSION ITEMS

- 9.1. Report No. FA-15-24 RE: Single Source Procurement for Ball's Falls Thanksgiving Festival**
Page 33
- 9.2. Report No. FA-09-24 RE: NPCA Planning and Permitting Policies Amendments and Transition Plan to Conform to Conservation Authorities Act and New Ontario Regulations**
Page 37
- 9.3. Report No. FA-13-24 RE: Niagara Peninsula Conservation Authority (NPCA) – Re-Appointment of Officers**
Page 51
- 9.4. Report No. FA-12-24 RE: Delegation of Authority under the Conservation Authorities Act**
Page 54

10. COMMITTEE REPORTS

- 10.1. Governance Committee Minutes dated February 16, 2024**
Page 58
- 10.2. Public Advisory Committee Minutes dated February 27, 2024**
Page 62
- 10.3. Source Protection Authority Committee Minutes, dated October 20, 2023**
Page 66

11. MOTIONS

11.1. Appointment of Auditors

BE IT RESOLVED THAT the Niagara Peninsula Conservation Authority **APPOINTS** KPMG LLP as its auditors for the 2024 fiscal year.

12. NOTICES OF MOTION

13. NEW BUSINESS

13.1. Verbal update RE: Niagara Peninsula Conservation Foundation

14. CLOSED SESSION

14.1. Personal matters about an identifiable individual(s), including NPCA employees – Chief Administrative Officer Performance Evaluation

15. ADJOURNMENT

Board of Directors Meeting

February 16, 2024, 9 a.m.

Ball's Falls Centre for Conservation

3292 Sixth Avenue, Jordan, ON

MINUTES

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

CALL TO ORDER – ROLL CALL

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

MEMBERS PRESENT:

- R. Foster (Chair)
- S. Beattie
- D. Huson
- M. Seaborn
- M. Tadeson
- D. Cridland
- B. Grant
- P. O'Neill
- B. Clark

REGRETS:

- J. Metcalfe

STAFF PRESENT:

- C. Sharma, CAO / Secretary – Treasurer
- E. Baldin, Manager, Land Planning
- W. Baldin, Manager, Digital Transformation & IT
- A. Christie, Director, Conservation Areas
- J. Culp, Manager, Compliance & Enforcement
- M. Davis, Manager, Office of the CAO & Board
- D. Deluce, Sr. Manager Planning & Infrastructure
- M. Ferrusi, Manager, People & Performance
- L. Gagnon, Director, Corporate Services
- L. Lee-Yates, Director, Planning and Development
- A. Powell, Manager, Conservation Areas Programs & Services
- G. Shaule, Administrative Assistant

Chair Foster yielded the floor to Chandra Sharma, CAO / Secretary – Treasurer, to provide staff introductions.

Formal introductions to Wendy Baldin, Manager, Digital Transformation & IT and Melanie Davis, Manager, Office of the CAO & Board were provided for the Board's information.

1. APPROVAL OF AGENDA

Resolution No. FA-01-2024

Moved by Donna Cridland

Seconded by Diana Huson

THAT the Agenda as presented **BE APPROVED**.

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

No declarations.

3. APPROVAL OF MINUTES

Resolution No. FA-02-2024

Moved by Michelle Seaborn

Seconded by Patrick O'Neill

THAT the Minutes from the Full Authority Meeting dated December 15, 2023, **BE APPROVED**.

CARRIED

4. CHAIR'S UPDATE

- Eager to see several positive, exciting opportunities for discussion today.
- Foundation has been quite busy, looking forward to Member Huson's update on their efforts.

5. CORRESPONDENCE

Resolution No. FA-03-2024

Moved by Mark Tadeson

Seconded by Diane Huson

THAT the following correspondence distributed for the meeting held February 16, 2024 **BE RECEIVED**

- Correspondence from Niagara Region dated January 30, 2024 RE: Recommendation Report – Approval of Official Plan Amendment and Approval of Local Official Plan Amendment, Port Colborn Quarries Pit 3 Extension;
- Correspondence from the Town of Niagara-on-the-Lake dated February 8, 2024 RE: Notice of Decision for an Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision regarding Tawny Ridge Estates (Phase 1); and
- Correspondence from the Town of Niagara-on-the-Lake dated February 8, 2024: Notice of Decision for an Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision regarding Tawny Ridge Estates (Phase 2).

CARRIED

6. PRESENTATIONS

None.

7. DELEGATIONS

None.

8. CONSENT ITEMS

8.1. Report No. FA-04-24 RE: Human Resources & Health & Safety – 2023 Update.

Resolution No. FA-04-2024

Moved by Stew Beattie

Seconded by Brian Grant

THAT Report No. FA-04-24 RE: Human Resources & Health & Safety – 2023 Update **BE RECEIVED**

CARRIED

8.2. Report No. FA-02-24 RE: Final Progress Report Required for Conservation Authorities Act Amendments - Transition Plan and Agreements – O. Reg. 687/21.

Resolution No. FA-05-2024

Moved by Brad Clark

Seconded by Donna Cridland

THAT Report No. FA-02-24 RE: Final Progress Report Required for Conservation Authorities Act Amendments - Transition Plan and Agreements – O. Reg. 687/21 **BE RECEIVED.**

CARRIED

9. DISCUSSION ITEMS

9.1. Report No. FA-01-24 RE: Third Party Fundraiser Event at Ball's Falls.

Adam Christie, Director, Conservation Areas spoke to the report.

Resolution No. FA-06-2024

Moved by Michelle Seaborn

Seconded by Patrick O'Neill

THAT Report No. FA-01-24 RE: Third Party Fundraiser Event at Ball's Falls **BE RECEIVED;**

AND THAT the Third-Party Fundraiser Event as detailed in Report No. FA-01-24 **BE APPROVED.**

CARRIED

9.2. Report No. FA-03-24 RE: Solar Eclipse Planning.

Adam Christie, Director, Conservation Areas, provided an overview of report contents.

Discussion ensued regarding accessibility, parking capacity, and ticket uptake.

Resolution No. FA-07-2024

Moved by Diana Huson

Seconded by Mark Tadeson

THAT Report No. FA-03-24 RE: Solar Eclipse Planning Update **BE APPROVED**;

THAT staff continue **TO COORDINATE** with all levels of government and other agencies to ensure effective management of this historic event in NPCA's watershed;

AND FURTHER THAT a report **BE PRESENTED** to the Board of Directors after the event for information.

CARRIED

9.3. Report No. FA-05-24 RE: Completed Acquisition – Lathrop Parcel.

Eric Baldin, Manager, Land Planning, provided an overview of the report.

Resolution No. FA-08-2024

Moved by Diana Huson

Seconded by Brian Grant

THAT Report No. FA-05-24 RE: Completed Acquisition – Lathrop Parcel **BE RECEIVED**;

AND THAT the Town of Pelham and Regional Municipality of Niagara **BE INFORMED**.

CARRIED

9.4. Report No. FA-07-24 RE: NPCA Annual General Meeting 2024.

Chandra Sharma, CAO / Secretary – Treasurer, spoke to the report.

Resolution No. FA-09-2024

Moved by Donna Cridland

Seconded by Stew Beattie

THAT Report No. FA-07-24 RE: NPCA Annual General Meeting 2024 Meeting **BE RECEIVED**;

AND THAT the NPCA Annual General Meeting **BE SCHEDULED** April 19, 2024 as an exemption to NPCA Administrative By-Law;

AND FURTHER THAT NPCA Meeting Scheduled approved December 15, 2023 **BE REVISED** and circulated to participating and local area municipalities for information.

CARRIED

10. COMMITTEE REPORTS

None.

11. MOTIONS

None.

12. NOTICES OF MOTION

None.

13. NEW BUSINESS

- Member Cridland provided an update on the Provincial Agricultural Rep appointments. After following up with the Ministry of Natural Resources and Forestry, it has been clarified that there are no ongoing recruitment efforts for empty representative.

13.1 Verbal update RE: Nagara Peninsula Conservation Foundation

- Education Bursary will be offered this year to 12 high school students.
- Radio stations and the Rotary Club of Pelham partnered with NPCF for a tree-planting event.
- Trivia Night scheduled on Wednesday February 21, 2024, hosted by the Niagara Falls Rotary Club with proceeds going to NPCF.
- Town of Pelham has chosen to gift Comfort Maple Pens to visiting dignitaries.
- Collaboration underway with Exchange Brewery for an Earth Day promotion.

14. CLOSED SESSION

Resolution No. FA-10-2024

Moved by Brad Clark

Seconded by Brian Grant

THAT the Board move into closed session at **9:32 am**

CARRIED

Resolution No. FA-11-2024

Moved by Michelle Seaborn

Seconded by Mark Tadeson

THAT the Board move into open session at **10:33 am**

CARRIED

14.1. DIRECTION ARISING FROM CLOSED SESSION

Resolution No. FA-12-2024

Moved by Stew Beattie

Seconded by Donna Cridland

BE IT RESOLVED THAT staff proceed as directed in closed session pertaining to Confidential Report No: FA-06-24.

CARRIED

15. ADJOURNMENT

The Full Authority Board Meeting on December 15, 2023 was **ADJOURNED** at 10:34 a.m.

Administration

Office of the Regional Clerk

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7

Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977

www.niagararegion.ca

February 23, 2024

CL 3-2024, February 22, 2024
PEDC 2-2024, February 7, 2024
PDS 3-2024, February 7, 2024

Township of Wainfleet
Niagara Peninsula Conservation Authority

SENT ELECTRONICALLY

Statutory Public Meeting for a Regional Official Plan Amendment Application - Proposed Law Quarry Expansion, Township of Wainfleet
PDS 3-2024

Regional Council, at its meeting held on February 22, 2024, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 3-2024, dated February 7, 2024, respecting Statutory Public Meeting for a Regional Official Plan Amendment Application - Proposed Law Quarry Expansion, Township of Wainfleet, **BE RECEIVED** and **BE CIRCULATED** to the Township of Wainfleet and the Niagara Peninsula Conservation Authority.

A copy of PDS 3-2024 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

js

CLK-C 2024-15

cc: S. Norman, Senior Planner
M. Sergi, Commissioner, Growth, Strategy and Economic Development
N. Oakes, Executive Assistant to the Commissioner, Growth, Strategy and Economic Development

Subject: Statutory Public Meeting for a Regional Official Plan Amendment Application - Proposed Law Quarry Expansion, Township of Wainfleet

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 7, 2024

Recommendations

1. That this Report **BE RECEIVED** for information; and
2. That this Report **BE CIRCULATED** to the Township of Wainfleet and the Niagara Peninsula Conservation Authority.

Key Facts

- The purpose of this report is to provide information for a Regional Official Plan Amendment (ROPA) application Statutory Public Meeting, which is being held in accordance with the prescribed requirements of Section 17 of the Planning Act.
- The purpose of the statutory meeting is to receive comments from the public with respect to the ROPA application submitted by Waterford Sand and Gravel Ltd. for a proposed expansion of the Law Quarry in the Township of Wainfleet. A Location Map is included as Appendix 1.
- In addition to the ROPA, applications have also been submitted to amend the Township of Wainfleet Official Plan and Zoning By-Law. These applications are being reviewed concurrently.
- Staff are not making a recommendation, and no decision or approvals are sought from Council at this time.
- This Statutory Public Meeting was advertised by posting notices on the subject lands, mailing notice to residents within 120 metres of the subject lands, and e-mailing notice to agencies and utilities. In addition, notice was also posted on the Region's website and social media pages.
- The Township of Wainfleet will hold a separate Statutory Public Meeting for the Local Official Plan and Zoning By-Law Amendment applications.

Financial Considerations

There are no financial considerations arising from this report as the cost of work associated with application processing and review is recovered through planning fees in accordance with the Council-approved Schedule of Rates and Fees. Costs of advertising for open houses and public meetings are paid by the applicant, and the Region has entered into a Cost Acknowledgement Agreement with the applicant to cover other costs associated with the application (i.e., aggregate advisor and peer reviews).

Analysis

Background

An application for a Regional Official Plan Amendment (ROPA) to permit the expansion of the Law Quarry operation was received on June 22, 2022. The application was deemed complete on July 22, 2022. To date no comments from the public have been received on the application.

Regional Official Plan Policies

The Niagara Official Plan (NOP) was approved, with modifications, by the Minister of Municipal Affairs and Housing and came into effect on November 4, 2022. Policy 7.12.2.5 of the NOP states that development applications deemed complete prior to the date of the NOP approval shall be permitted to be processed and a decision made under the 2014 Regional Official Plan (ROP) policies. As noted above the ROPA application was deemed complete on July 22, 2022, and is therefore being processed under the 2014 ROP. A Draft Regional Official Plan amendment is included as

Appendix 2.

Site Location

The subject lands are located within the Township of Wainfleet and described as Part of Lots 6 & 7, Concession 2, Part of Road Allowance between Lots 5 & 6, Concession 2 (Geographic Township of Wainfleet), and Township of Wainfleet in the Regional Municipality of Niagara.

These lands are bound by the existing Law Quarry operation (Aggregate Resources Act Licence #4464 & 607541) to east, Provincial Highway 3 to the south, Graybiel Road to

the West, and the Wainfleet Bog to the north. A Location Map is included as **Appendix 1**.

JART Process

To coordinate the technical review of the applications, a Joint Agency Review Team (JART) was formed. The JART consists of planning staff from the Region, the Township, and the Niagara Peninsula Conservation Authority (NPCA). The purpose of JART is to share information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. Staff from applicable provincial ministries are being engaged through the JART process as well.

The JART does not make a recommendation on the application, rather the JART works to:

- ensure that the required range of studies and work is completed by the applicant;
- ensure that the studies are sufficient in terms of their technical content;
- coordinate the review of the studies and work of the applicant either by technical staff or by peer reviewers;
- ensure a coordinated public and stakeholder consultation and engagement process; and
- prepare a technical JART report on the application once all reviews are complete.

The JART report will be used independently by planning staff at the Region and the Township as the technical basis to develop their respective recommendation reports.

Material Submitted in Support of the Applications

In support of the ROPA application the following technical studies have been submitted:

- Planning Justification Report and ARA Summary Statement
- Consultation Summary and Strategy
- Agricultural Impact Assessment
- Archaeological Assessments
- Acoustic (Noise) Assessment Report
- Blasting (Vibration) Impact Assessment
- Air Quality Impact Assessment
- Financial Impact Assessment & Economic Benefits Analysis

- Level 1 & 2 Water Resources Study
- Natural Environment Level 1 & 2 Report
- Visual Impact Assessment
- Traffic Impact Study
- Cultural Heritage Evaluation Report

The Region, on behalf of the Joint Agency Review Team (JART) has retained an Aggregate Advisor and consulting teams to assist with the review and peer review of many of the individual technical studies.

In addition, the Aggregate Resources Act (ARA) Site Plan drawings are being reviewed as part of the ROPA process. The ARA Site Plans outline the proposed operating conditions of the quarry and are the primary tool used by the Province for enforcement. All of the proposed mitigation measures for each of the individual technical studies are noted and included as part of the Site Plans.

An index of all technical material that have been submitted to date is included as **Appendix 3**, and can be accessed on the [Region's website](https://www.niagararegion.ca/official-plan/amendments.aspx):
(<https://www.niagararegion.ca/official-plan/amendments.aspx>)

Associated Applications

A separate Statutory Public Meeting regarding the Local Official Plan Amendment and Zoning By-law Amendment will be held by the Township of Wainfleet at a later date. Separate notice of this meeting will be distributed by the Township.

In addition, the applicant has also filed an application to the Ministry of Natural Resources and Forestry for a licence under the Aggregate Resources Act. The Aggregate Resources Act application process includes a separate public consultation and notification process. Any comments submitted to Niagara Region or Township of Wainfleet regarding the Planning Act applications should also be submitted in response to the Aggregate Resources Act notices.

Next Steps

The review of the application and supporting technical information is ongoing. Regional staff, supported by other members of the JART, the Aggregate Advisor, and Peer Reviewers are analyzing the applications and supporting studies relative to Regional and Provincial planning documents. All comments submitted on this application,

including those received through this Statutory Public Meeting will be responded to by staff through a future recommendations report.

Alternatives Reviewed

The Planning Act (R.S.O. 1990) requires that all complete applications be processed and that public consultation be conducted as part of all proposed amendments to municipal official plans. Notice has been provided for this Statutory Public Meeting as required by the legislation.

As this report is for information, and the Public Meeting is a statutory requirement, there are no alternatives to review.

Relationship to Council Strategic Priorities

This report is not linked to strategic priorities. The review of applications to amend the Regional Official Plan is a legislative process under the Planning Act (1990).

Other Pertinent Reports

PDS 22-2022	Initiation Report for the Proposed Law Crushed Stone Quarry Regional Official Plan Amendment
CWCD 2022-253	Notice of ARA Public Open House – Proposed Law Quarry Expansion (Wainfleet)

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Growth Strategy and Economic
Development

Recommended by:

Michelle Sergi, MCIP, RPP
Commissioner
Growth Strategy and Economic
Development

Submitted by:

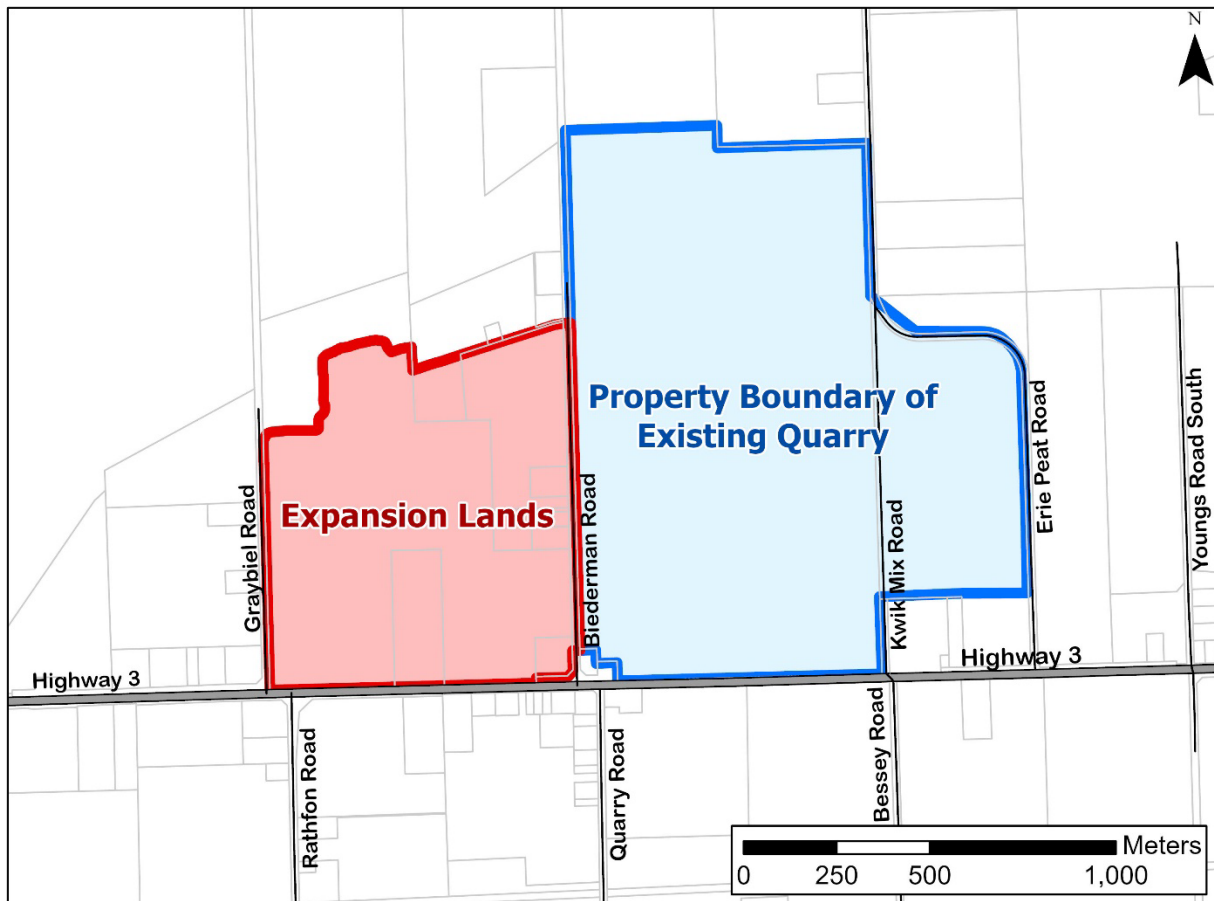
Ron Tripp, P.Eng.
Chief Administrative Officer

This report was reviewed by Erik Acs, MCIP, RPP, Manager of Community Planning and Angela Stea, MCIP, RPP, Director of Corporate Strategy and Community Sustainability.

Appendices

Appendix 1	Site Location Map
Appendix 2	Draft Regional Official Plan Amendment
Appendix 3	List of Technical Materials Submitted in Support of the Application

Appendix 1
PDS 3-2024
Site Location Map
Proposed Law Quarry Expansion
Township of Wainfleet



Report To: Board of Directors

Subject: Update on Ball's Falls Thanksgiving Festival 50th Anniversary

Report No: FA-08-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-08-24 RE: Update on Ball's Falls Thanksgiving Festival 50th Anniversary **BE RECEIVED.**

Purpose:

To provide an update to the NPCA Board of Directors regarding NPCA staff planning for the 2024 Ball's Falls Thanksgiving Festival and 50th Anniversary celebration.

Background:

The Niagara Peninsula Conservation Authority (NPCA) hosts the Ball's Falls Thanksgiving Festival at Ball's Falls Conservation Area annually over the four-day Thanksgiving holiday weekend in October, Friday through Monday. This event is the NPCA's signature annual event and is regarded as a "Niagara tradition" within the local community.

Since the return of in-person events following the pandemic, the Festival has seen some enhancements to programming and features, as well as an increasing attendance. In 2023 the Festival surpassed record attendances with an estimated 28,000 attendees and visitors over the four-day weekend, taking part in shopping from over 150 unique craft and artisan vendors, enjoying local craft food and beverage including local beer and wine, as well as musical and family entertainment on the main stage.

Discussion:

NPCA is celebrating the 50th anniversary of the Ball's Falls Thanksgiving Festival in 2024. Recognized as one of the most popular and highly regarded festivals in Niagara, staff are eager to celebrate this milestone with the community. Beginning in 2023, NPCA staff have been planning accordingly for an elevated program and event.

The 2024 Festival will run from 10:00 am – 5:00 pm Friday, October 11 through Monday, October 14th at Ball's Falls Conservation Area. To celebrate the 50th anniversary of the Thanksgiving Festival, NPCA staff have planned four new initiatives:

1. 50th Anniversary Celebration Dinner

A celebratory dinner hosted offsite on Thursday, October 10, for invited guests and dignitaries, bringing together past staff, volunteers and creators who have contributed to this legacy event over the past 50 years.

2. Saturday Evening Musical Entertainment

Extended Festival programming on Saturday, October 12, offering an elevated musical performance by a recognized Canadian talent or act on the main stage.

3. Thanksgiving Festival Merchandise

NPCA and Festival-branded merchandise will be available for sale online in advance and in-person at the event. Merchandise may include branded drinkware, reusable tote/shopping bags, and apparel.

4. Step into Nature and Celebrate – Passive Parks Promotions

Recognition and promotion of NPCA's conservation areas in Festival marketing and materials drawing visitor attention to recent enhancements at conservation areas such as Cave Springs, Rockway and St. Johns and promoting the value of the NPCA's NaturePlus Pass program.

These initiatives, along with concerted marketing through various channels, support the NPCA in creating a memorable, celebratory event that maintains sustainability.

In addition to these offerings, the Thanksgiving Festival brings the original 1800's heritage village to life, with historical demonstrations by dedicated volunteer and staff interpreters and docents, early settlement trades and crafts on display, as well as guided building tours and grist mill operations. The Thanksgiving Festival represents a significant annual opportunity for the NPCA to engage with thousands of visitors and share both natural and cultural heritage features and conservation education with the watershed, while celebrating the fall and harvest season and supporting local vendors and artisans.

NPCA staff are completing event planning and logistics at an advanced rate in order to better promote the Festival, increasing awareness and advanced ticket sales. The community can stay updated on the Festival at the dedicated festival website: www.thanksgivingfestival.ca. More information, such as craft and artisan vendors, musical acts and sponsorship opportunities will be released this spring and summer.

Financial Implications:

The delivery of this program will not impact the municipal levy. Other financial implications include increased expenses associated with elevated entertainment and musical acts, corresponding production services, cost-of-goods-sold associated with Festival merchandise, and expenses associated with hosting the 50th Anniversary Celebration Dinner. To mitigate these expenses, NPCA staff are seeking third-party event sponsorship and grant programs, applying a revenue-generating approach to merchandising, and selling tickets for the Celebration Dinner to recover costs associated.

Links to Policy/Strategic Plan

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

Goal 3.2 – Lead nature education, environmental stewardship, and volunteerism.

Goal 3.3 – Improve cultural connections and heritage appreciation.

Goal 3.4 – Promote the watershed as a destination of choice for adventure, culture, and ecological tourism.

Goal 4.2 – Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact.

Goal 6.2 – Optimize self-generating revenue using innovative approaches.

Related Reports and Appendices:

None.

Authored by:

Original Signed By

Alicia Powell
Manager, Conservation Area Services

Reviewed by:

Original Signed By

Adam Christie
Director, Conservation Areas

Submitted by:

Original Signed By

Chandra Sharma
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: Compliance and Enforcement 2023 Year-End Summary

Report No: FA-10-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-10-24 RE: Compliance and Enforcement 2023 Year-End Summary
BE RECEIVED.

Purpose:

The purpose of this report is to provide the Board with an overview summary of the 2023 activities related to the Compliance and Enforcement business unit within the Niagara Peninsula Conservation Authority (NPCA).

Background:

Under amendments to Ontario Regulation 686/21: Mandatory Programs and Services that will come into force on April 1, 2024, conservation authorities are required to prepare and publish an annual report that outlines statistics on permits, including reporting on its level of compliance with the requirements of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits), made under the Act, respecting the application for and issuance of permits, including any associated timelines.

Since 2021, and as part of continuous customer service improvements, the NPCA has been reporting quarterly and annually on Compliance and Enforcement activities. Staff will continue to provide summary reports in accordance with the Regulation. Furthermore, the proclamation of new sections of the *Conservation Authorities Act* and associated regulations will provide an opportunity in 2024 to further clarify and promote the NPCA's compliance and enforcement roles and jurisdiction to the public, partner municipalities and other regulatory agencies.

In July 2022, the NPCA Board approved the Section 28 Procedural Manual through report FA-28-22. 2023 was the first full year of implementing the new manual including enhanced processes and metrics for program review.

Discussion:

The Compliance and Enforcement service area at the NPCA plays a pivotal role in the protection and conservation of wetlands, shorelines, and escarpment areas in the NPCA's jurisdiction. The NPCA Compliance and Enforcement team currently consists of five staff: three Regulations Officers, a Planning Technician shared with the Planning and Development team, and a Manager.

2023 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. This information captures NPCA work permit complaints and violations and does not include concerns related to activities on NPCA properties, which is tracked by the Conservation Areas division staff.

The statistics below are from January 1, 2023, to December 31, 2023. 2023 represents the first full year of implementation of the NPCA Section 28 (i.e. works permits) Procedural Manual and tracking of associated metrics.

Table 1: General Annual File Statistics 2023

	2023
Open / Active Files	54
Closed / Resolved Files	303
TOTAL	357

Table 2: Complaint Validity 2023

	2023
NPCA jurisdiction – valid concern	251
Not NPCA jurisdiction or valid concern – file closed	76
Under review by NPCA or not specified	30
TOTAL	357

Table 3: Complaint / Violation Avenues 2023

	2023
TIPS – email, voicemail, online form	184
Staff Voicemail / Phone / Email	39
Professional Contacts	91
Officer Found	24
Other / Not Specified	19
TOTAL	357

Table 4: Complaints By Regulated Feature 2023

	2023
Lake Ontario Shoreline	3
Lake Erie Shoreline	65
Wetlands and Wetland Buffers	113
Watercourses and Watercourse Buffers	79
Valleyland and Valleyland Buffers	18
Floodplains	31
Hazardous Lands	1
Municipal Drains / Watercourses	3
Other / Not Specified	44
TOTAL	357

* Regulated Features was not specifically tracked until 2023.

Table 5: Complaints and Potential Violations by Municipality 2023

	2023	% TOTAL
Fort Erie	81	22.7%
Grimsby	9	2.5%
Haldimand	19	5.3%
Hamilton	18	5.0%
Lincoln	30	8.4%
Pelham	13	3.6%
Niagara Falls	30	8.4%
Niagara-on-the-Lake	15	4.2%
Port Colborne	19	5.3%
St. Catharines	15	4.2%
Thorold	13	3.6%
Wainfleet	40	11.2%
Welland	23	6.4%
West Lincoln	27	7.6%
No Location	5	1.4%
TOTALS	357	100%

* Total percentage may not equal 100% due to rounding.

Table 6: Notices of Violation 2023

	2023
Notices Resolved	20
Notices Unresolved / In Progress	18
TOTAL NOTICES ISSUED	38

Table 7: Risk and Response Levels 2023 (as per Section 28 Procedural Manual)

	2023
No Risk	95
Low	96
Moderate	123
High	22
Other / Not Specified	21
TOTAL	357

* Risk Assessment Level was not tracked in related data until 2023.

2023 Year in Review

The Compliance and Enforcement team strives to maintain a service-oriented, solutions-based approach to compliance complaints and potential violations. From 2019 through 2023, complaints have consistently risen from 110 in 2019 to 225 in 2020, 330 in 2021, 320 in 2022 and 357 in 2023, resulting in a 224.5% increase over 5 years. A portion of this increase is attributed to better working relationships with other regulatory agencies and inter-agency reporting. Complaints related to issues not within the jurisdiction of the NPCA represented approximately one-third of complaints received by the NPCA.

Additionally, for those files where Notices of Violation have been issued, there has been an increase in the severity of the occurrences. This results in increased staff time required across multiple departments to either facilitate voluntary compliance (i.e., permission for unauthorized works, restoration, or remediation), or to complete a full investigation and potentially proceed to court action. Legal costs associated with files which proceeded to court action also increased in 2023.

2023 was the first full year of implementing the new Section 28 Procedural Manual, enabling enhanced processes and metrics for program review. This included risk assessments of complaints and associating reported occurrences with primary and secondary regulated features (i.e., shoreline is the primary feature associated with a floodplain).

2023 Accomplishments

Throughout 2023 the Regulations team continued to focus on making improvements to service delivery, training, agency and municipal partnerships, and compliance forward communications. This included:

- Implementing the Board approved NPCA Section 28 Procedural Manual for Compliance and Enforcement activities and tracking key metrics.
- Outfitting NPCA Regulations Officers with appropriate uniforms and a dedicated NPCA branded vehicle.
- Developing and implementing several key Compliance and Enforcement Standard Operating Procedures.

- Participating as a member on the Regulations and Compliance Committee of Conservation Ontario, including an appointment of NPCA to the Executive of the Committee in the position of Vice-Chair.
- Assisted with delivering the Level 1 Provincial Offences Officer training course for new Conservation Authority regulations staff.
- Presenting at, and participating in, the Latonnell Conservation Symposium Section 28 training workshop.

Customer Service and Process Improvements

A range of continuous improvements are planned for 2024, including but not limited to: a renewed focus on abatement activities and issued Section 28 permits with non-compliance risks or concerns, Officer safety and training, enhancing the use of available technologies and continuing to focus on building effective partnerships with municipal bylaw staff and other regulatory agencies.

Additionally, the Regulations and Compliance Committee of Conservation Ontario has recently completed the development of several Standard Operating Procedure templates for all Conservation Authorities in relation to work permits and activities on conservation authority land enforcement activities.

Conservation Ontario is also revising the Conservation Authority Enforcement Manual which was last updated in 2011. The NPCA Section 28 Procedural Manual for Compliance and Enforcement activities will also be updated to reflect any required revisions the changes to the *Conservation Authorities Act* and new Regulation, and the best practices identified by Conservation Ontario.

Financial Implications:

Operations of the Compliance and Enforcement business unit are accounted for in the 2024 budget. Should any complaint or violation proceed to the issuance of a summons and court proceedings, there will be costs associated with these activities that have been accounted for in the departmental operating budget.

Additionally, the NPCA regulations team will continue to employ prioritization strategies including the new Section 28 Procedural Manual to allocate the resources to appropriately respond to the more significant and high-risk contraventions of the Conservation Authorities Act.

Links to Policy/Strategic Plan:

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

Related Reports and Appendices:

Report No. FA-28-22 RE: NPCA Section 28 Compliance and Enforcement Procedural Manual

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

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

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Planning and Development 2023 Year-End Summary

Report No: FA-11-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-11-24 RE: Planning and Regulations 2023 Year-End Summary **BE APPROVED.**

Purpose:

The purpose of this report is to update the Board of Directors on the Planning and Regulations activities during 2023. The reporting of statistics within the Planning and Regulations division is a requirement of the NPCA Client Service Standards Document and Conservation Ontario.

Background:

The Planning and Development department is responsible for providing mandatory permitting and natural hazard review planning services under the *Conservation Authorities Act* and related regulations to our municipal clients and the public. This includes responding to information requests, reviewing applications under the *Planning Act*, *Niagara Escarpment Planning and Development Act*, Environmental Assessments, and municipal Building Permit applications where there are natural hazards and features regulated by the NPCA.

Under amendments to Ontario Regulation 686/21: Mandatory Programs and Services that will come into force on April 1, 2024, conservation authorities are required to prepare and publish an annual report that outlines statistics on permits. This includes reporting on its level of compliance with the requirements of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits), made under the Act, respecting the application for and issuance of permits, including any associated timelines.

Since 2021, and as part of continuous customer service improvements, the NPCA has been reporting annually to Conservation Ontario on permit review times, in

addition to the bi-annual reporting done to the NPCA Board of Directors. Staff will continue to provide summary reports in accordance with the Regulation.

Discussion:

In 2023, staff processed 379 work permits under Section 28 of the *Conservation Authorities Act*. In addition, there was a total of 1259 applications (plan review, permit review and infrastructure review) reviewed by the Planning and Development department, a slight 8% decrease from 2022. Planning and Development staff reviewed:

- 211 *Planning Act* (various types and complexity);
- 32 Niagara Escarpment Commission (NEC) Development Permit applications;
- 298 municipal Building Permit applications;
- 99 property information requests;
- 215 *Planning Act* pre-consultation proposals;
- 7 proposals relating to the provincial Section 28 Regulations Team (DART) Protocol under the *Drainage Act*; and
- 18 Environmental Assessments.

Appendix 1 illustrates application review activity by municipality within NPCA's watershed jurisdiction.

In 2023, 76% of all permits were reviewed within the Conservation Ontario timeframes, with an average processing time for permits was 24 days. A detailed break-down of permit reviews and associated timelines is provided in Table 1. The percentage of permits reviewed within the Conservation Ontario timeframes are broken down by permit types in Table 2.

Table 1: NPCA 2023 Permit Processing Times by Type

Permit Type	Permits Issued within CO Guidelines	Permits Issued outside of CO Guidelines	Total Permits Issued
Routine Permit (1-14 Days)	103	48	151
Minor Permit (15-21 Days)	128	28	156
Major Permit (22-28 Days)	59	13	72
Total	290	89	379

Table 2: NPCA 2023 Permits Processed by Conservation Ontario Guidelines

Permit Type	% Processed within CO Guidelines	% Processed outside of CO Guidelines
Routine Permit (1-14 Days)	68%	32%
Minor Permit (15-21 Days)	82%	18%
Major Permit (22-28 Days)	82%	18%
All Permits	76%	24%

With the new legislated requirement for annual reporting that outlines statistics on permits and our level of compliance, staff are working with Conservation Ontario and other conservation authorities to ensure consistent reporting. We will be updating our client service standards to reflect any changes required to meet the provincial reporting standards.

Customer Service and Process Improvements

The Planning and Development department continues to improve customer service delivery and streamline file processing times, including:

- Hired a new Senior Watershed Planner to focus on NPCA municipal infrastructure review;
- Hired a new Water Resources Engineer to provide technical review of applications;
- Implemented new internal processes, such as triage meetings, to streamline the technical review of applications;
- Completion of the Big Forks Creek and Beaver Creek Floodplain Mapping Projects;
- Flood Plain Mapping Projects for Oswego Creek, Drapers Creek and Coyle Creek initiated – expected completion time Q2 2024;
- On-going updates to Regulation Mapping based on permit and planning approvals, and updated floodplain mapping;
- Initiated the review of wetland Regulation Mapping;
- On-going monitoring and responding to Provincial policy matters posted on the Environmental Registry of Ontario; and
- On-going support of municipal partners on large-scale Official Plan reviews and Secondary Plans.

In 2024, staff will prioritize the implementation of administrative and regulatory mapping updates resulting from the proclaimed amendments to the *Conservation Authorities Act* and related regulations, which will further improve the delivery of quality and timely services.

Financial Implications:

There are no financial implications contained in this report.

Links to Policy/Strategic Plan

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

Related Reports and Appendices:

Appendix 1 – Application Review Activity by Municipality

Authored by:

Original signed by

David Deluce, MCIP, RPP
Senior Manager, Environmental Planning & Policy

Reviewed by:

Original signed by

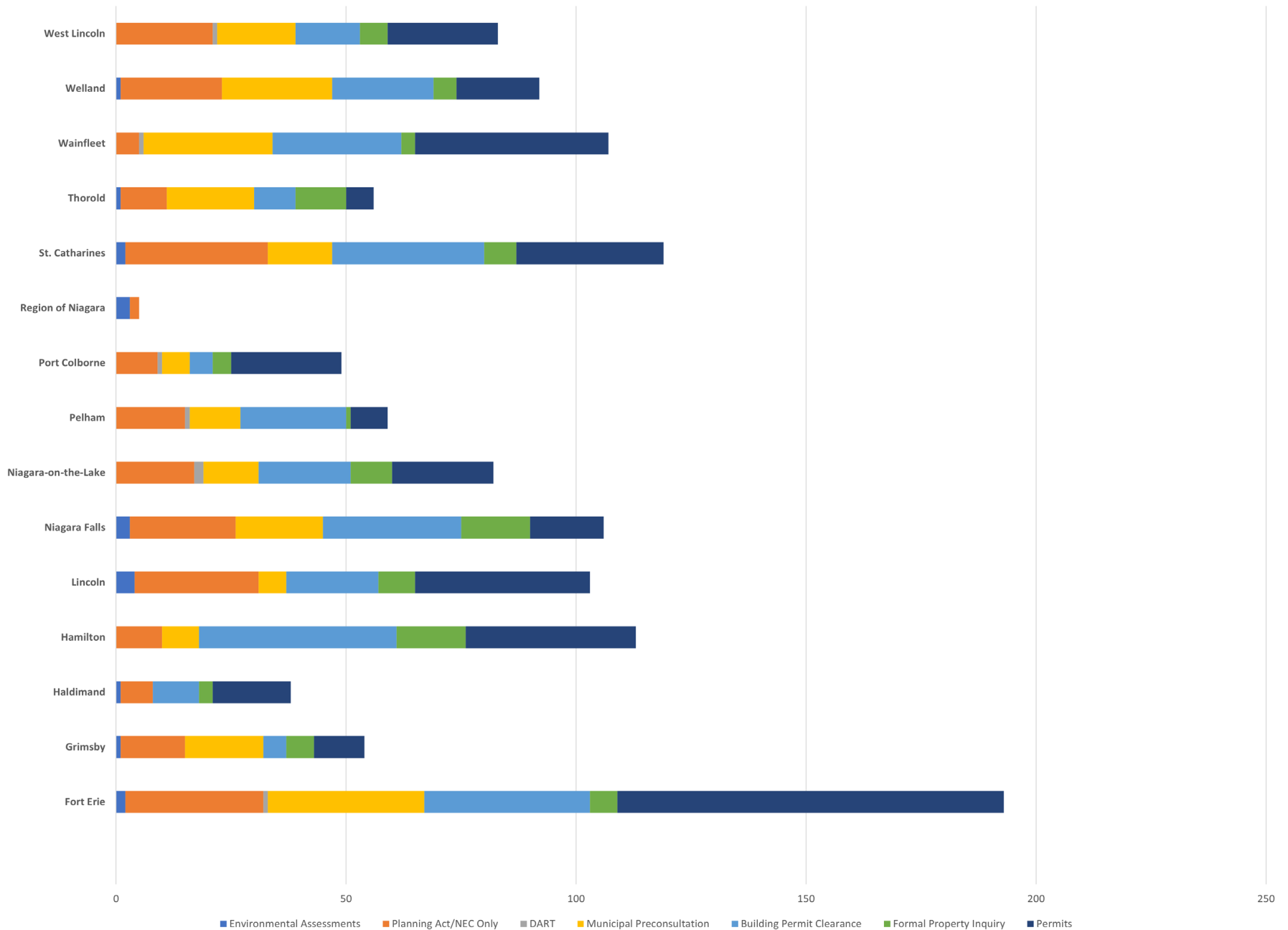
Leilani Lee-Yates, BES, MSPL.RPD, MCIP, RPP
Director, Planning and Development

Submitted by:

Original signed by

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

Appendix 1 - Application Review Activity by Municipality



Report To: Board of Directors

Subject: Update on 2024 Hawkwatch Good Friday Open House

Report No: FA-14-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-14-24 RE: Update on 2024 Hawkwatch Good Friday Open House **BE RECEIVED.**

Purpose:

To provide an update to the NPCA Board of Directors regarding the Good Friday Open House event hosted in partnership between NPCA and Niagara Peninsula Hawkwatch (NPH) on Friday, March 29, 2024.

Background:

Since 1974, both professional and trained volunteer spotters and counters have stationed themselves at Beamer Memorial Conservation Area (CA) to observe and record the annual spring raptor migration. The annual migration occurs from March 1 – May 15, and Beamer Memorial CA is considered one of the best vantage points to observe northern migration among species such as Bald and Golden Eagles, various hawk species, American Kestrels, Turkey Vultures and other birds of prey.

Community-based ecological organization, Niagara Peninsula Hawkwatch (NPH) is a collective of volunteers dedicated and trained to support the collection of this critical information, which contributes to substantial migratory bird datasets within North America. As part of its community outreach and awareness, NPH has traditionally hosted an Open House event at Beamer Memorial CA on Good Friday. In collaboration with NPCA, this program supports equitable access to greenspace and free environmental education and passive recreation opportunities.

The last time NPH and NPCA hosted the Hawkwatch Good Friday Open House was in 2019 due to the pandemic, and a lack of supportive and accessible infrastructure at the conservation area to allow for public programming.

Report No. FA-14-24

Update on 2024 Hawkwatch Good Friday Open House

Page 1 of 3

Discussion:

NPH is celebrating the 50th anniversary of the annual hawkwatch and monitoring of the spring raptor migration over the Niagara escarpment in 2024. NPH volunteers and NPCA staff began diligently planning in 2023 for an accessible and educational Open House event to celebrate the 50th anniversary.

Recognized as one of the best locations and most comprehensive data sets in North America, NPH is an important community organization comprised of citizen scientists and birdwatchers from across the region.

While the event was traditionally hosted at Beamer Memorial CA, the conservation area does not provide sufficient parking and no longer meets the needs of guests for this event. Accessibility concerns and limited support infrastructure, such as washrooms or indoor spaces and presentation capability have become challenges as the event has grown. When considering accessibility, safety, and indoor space for presentations with audio/visual capability, the Centre for Conservation offers an ideal location and venue, a short distance across the escarpment from Beamer.

The 2024 Niagara Peninsula Hawkwatch Open House will run from 10:00 am – 3:00 pm on Friday, March 29th at Ball's Fall's Conservation Area.

To celebrate the 50th anniversary of the Niagara Peninsula Hawkwatch, NPH has organized a full day of activities and programming at the Centre for Conservation at Ball's Falls. This includes special guest speakers and experts such as: NPH Education Coordinator Catherin Manschot, live bird-of-prey demonstrations by the Canadian Raptor Conservancy, and children's activities led by Niagara Nature Tours.

La Casetta food truck will be on site for the duration of the event with hot food and beverages for families to enjoy, and hiking trails will be open for visitors to explore in their own self-guided birdwatching. All marketing and promotions of the Open House event will additionally encourage visitors to observe the migration from Beamer throughout the season.

The NPCA looks forward to welcoming visitors and birders from across the watershed and beyond on Good Friday for the first-ever Open House held at Ball's Falls and in honour of the 50th anniversary of the Niagara Peninsula Hawkwatch.

Financial Implications:

There are no financial impacts associated with hosting the Good Friday Hawkwatch Open House at Ball's Falls Conservation Area in 2024.

Links to Policy/Strategic Plan

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

Goal 3.2 – Lead nature education, environmental stewardship, and volunteerism.

Goal 3.4 – Promote the watershed as a destination of choice for adventure, culture, and ecological tourism.

Goal 4.2 – Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact.

Related Reports and Appendices:

None.

Authored by:

Original Signed By

Alicia Powell
Manager, Conservation Area Services

Reviewed by:

Original Signed By

Adam Christie
Director, Conservation Areas

Submitted by:

Original Signed By

Chandra Sharma
Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: Single Source Procurement for Ball's Falls Thanksgiving Festival

Report No: FA-15-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-15-24 RE: Single Source Procurement for Ball's Falls Thanksgiving Festival **BE RECEIVED;**

AND THAT a single source contract to TNR Productions Inc. in the amount of \$56,204.00 (plus non-recoverable HST) **BE APPROVED.**

Purpose:

The purpose of this report is to seek the approval of a single source procurement contract for special musical entertainment, stage and equipment rentals, and main stage entertainment production for the 50th annual Ball's Falls Thanksgiving Festival, in accordance with NPCA's purchasing policies.

Background:

On April 16, 2020, the Board of Directors approved the Procurement Policy to provide staff direction on the acquisition of products and services for the NPCA.

The acquisition of a recognized and awarded musical artist to perform at the 50th Annual Ball's Falls Thanksgiving Festival is exempt from the Procurement Policy under Section 8.2 Allowable Exceptions for Non-Competitive Procurement, which states:

"Non-competitive Procurement of Goods and Non-Consulting Services are allowed, subject to appropriate Procurement approvals, in the following circumstances:

... vi. for the Procurement of original works of art;"

Therefore, the procurement of an elevated musical artist, and the required staging, backline and production required of such an artist, is exempt from the Procurement Policy. The policy stipulates procurements exceeding \$25,000 require Board approval for exceptions under Section 8.2.

Discussion:

The NPCA is celebrating the 50th anniversary of the Ball's Falls Thanksgiving Festival in 2024. Recognized as one of the most popular and highly regarded festivals in Niagara, staff are eager to celebrate this milestone with the community. Beginning in 2023, NPCA staff have been planning accordingly for an elevated program and event.

In addition to the regular Festival hours and programming, the NPCA will be hosting an elevated musical act on the main stage for entertainment on the evening Saturday, October 12 from 5:00 pm – 7:00 pm.

It's anticipated that a larger-scale musical act for Saturday evening will attract a larger, broad audience to the Festival. Acts of this nature typically cost over \$20,000 per performance, and require specific staging, lighting, backline, and sound production to meet performance contract requirements.

Due to the intention to host an elevated act and the expected requirements, NPCA sought music procurement and production company recommendations from local municipalities and operators that host comparable events, concerts, and festivals. Through that process, TNR Productions Inc., operated by David Rapelje of Welland, Ontario, was identified as an industry leader in musical talent procurement, concert staging and production, and is the service provider of choice among many operators and organizations across Niagara, Ontario, and Canada.

TNR Productions Inc. offers a turnkey solution for music events and concerts, from talent procurement and contracting, stage and equipment rentals, liaison between artist and venue, and day-of concert production.

TNR Productions Inc. has provided a detailed, on-budget proposal for the procurement of a headline musical act, as well as all required staging, lighting and backline rentals and day-of production for all four days of the Thanksgiving Festival, as well as the elevated Saturday night act.

Based on review of the proposal by NPCA staff, extensive experience, and recommendations from municipalities and event organizers, NPCA staff recommend the procurement of TNR Productions Inc. for the delivery of a headline musical act and all associated equipment and production required.

Financial Implications:

A total contract award to TNR Productions Inc. is priced at \$56,204.00 plus non-recoverable HST, breakdown of cost details can be found in Appendix A.

All Festival products and support services including entertainment, stage and backline rentals and production are budgeted for within the approved 2024 NPCA Operating Budget and will not impact the approved 2024 municipal levy.

Links to Policy/Strategic Plan

Goal 3.3 – Improve cultural connections and heritage appreciation.

Goal 3.4 – Promote the watershed as a destination of choice for adventure, culture, and ecological tourism.

Goal 4.2 – Foster relationships with the community, non-government organizations, businesses, agriculture, industry, and academic institutions for collective outcomes and impact.

Goal 6.2 – Optimize self-generating revenue using innovative approaches.

Related Reports and Appendices:

None.

Authored by:

Original Signed By

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Reviewed by:

Original Signed By

Adam Christie
Director, Conservation Areas

Submitted by:

Original Signed By

Chandra Sharma

Chief Administrative Officer/Secretary-Treasurer

Report To: Board of Directors

Subject: New Conservation Authorities Act Legislative and Regulatory Requirements – NPCA Housekeeping Policy Amendments and Transition Plan

Report No: FA-09-24

Date: March 22, 2024

Recommendation:

WHEREAS the Niagara Peninsula Conservation Authority (NPCA) Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority was approved by the Board of Directors on November 4, 2022, through Resolution No. FA-105-2022, with additional approval of deferred policies on November 18, 2022, through Governance Committee Recommendation No. GC-37-2022;

WHEREAS on February 16, 2024, the Ministry of Natural Resources and Forestry issued a notice on the Environmental Registry of Ontario of the government's decision to proclaim legislative and regulatory amendments under the *Conservation Authorities Act* that will all come into force on April 1, 2024;

NOW THEREFORE IT BE RESOLVED THAT Report No. FA-09-24 RE: New Conservation Authorities Act Legislative and Regulatory Requirements – NPCA Housekeeping Policy Amendments and Transition Plan **BE APPROVED**;

THAT staff **BE AUTHORIZED** to revise NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority to include housekeeping amendments described in Appendix 1 for implementation on the provincially set date of April 1, 2024;

THAT staff **BE AUTHORIZED** to implement the transition plan identified in Appendix 2 and to report to the Board periodically on these matters;

THAT a copy of the Board of Directors decision and Report FA-09-24 RE: New Conservation Authorities Act Legislative and Regulatory Requirements – NPCA Housekeeping Policy Amendments and Transition Plan be **CIRCULATED** to the Office of the Clerk for NPCA’s watershed upper, single and lower-tier municipalities for their information, and **POSTED** on the NPCA’s website.

Purpose:

The purpose of this report is to inform the Board of the new provisions under the *Conservation Authorities Act* and new regulations coming into effect on April 1, 2024, to provide a summary of key changes, and to seek approval of staff recommendations for housekeeping amendments to the NPCA Policy Document and a transition plan for conforming to the legislative and regulatory changes.

Background:

In recent years, the *Conservation Authorities Act*, has been amended through several pieces of legislation starting in 2017 with the *Building Better Communities and Conserving Watersheds Act*, and more recently in late 2022 through the *More Homes Built Faster Act* (Bill 23). These amendments have been implemented at various times per legislative proclamations. In late 2022, a regulatory proposal for “Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario” was posted on the Environmental Registry of Ontario (ERO) for consultation.

Conservation authorities across the province, including the NPCA, have provided comments to the Provincial Government on the proposed changes either directly or through Conservation Ontario. During the consultation on Bill 23, the NPCA sent comments directly through the ERO and was invited to make a delegation to the Standing Committee on Heritage, Culture and Infrastructure Policy.

On February 16, 2024, the Ministry of Natural Resources and Forestry (MNRF) provided notice that the proclamation of provisions of the *Conservation Authorities Act* related to work permits and compliance and enforcement, as well as the approval of Ontario Regulation (O. Reg.) 688/21: Rules of Conduct in Conservation Areas, O. Reg. 41/24: Prohibited Activities, Exemptions and Permits, and amendments to O. Reg. 686/21: Mandatory Programs and Services made under the act (O. Reg. 42/24), will all come into effect on April 1, 2024.

E-laws has been updated to include the proclamation date within the *Conservation Authorities Act* and the new regulations:

- Conservation Authorities Act: <https://www.ontario.ca/laws/statute/90c27>
- O. Reg. 688/21: Rules of Conduct in Conservation Areas: <https://www.ontario.ca/laws/regulation/210688>

Report No. FA-09-24

New Conservation Authorities Act Legislative and Regulatory Requirements –
NPCA Housekeeping Policy Amendments and Transition Plan
Page 2 of 14

- O. Reg. 41/24: Prohibited Activities, Exemptions and Permits:
<https://www.ontario.ca/laws/regulation/r24041#BK0>
- O. Reg. 42/24: Mandatory Programs and Services:
<https://www.ontario.ca/laws/regulation/r24042>

Effective April 1, 2024, O. Reg. 41/24: Prohibited Activities, Exemptions and Permits sets out details on prohibited activities and areas where a conservation authority permit is required, exemptions from a permit for certain low-risk activities, the process for applying for a conservation authority permit, and service requirements for conservation authorities in reviewing permit applications. The new regulation will apply to all conservation authorities and the existing 36 conservation authority-specific regulations (“Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses”) will be revoked.

Amendments to O. Reg. 686/21: Mandatory Programs and Services, also in effect April 1, 2024, prescribes requirements for conservation authorities to prepare an annual report that outlines statistics on permits, including reporting on their level of compliance with the requirements set out in O. Reg. 41/24

Since 2018, the NPCA Planning and Development division has been developing policies, procedural guidance, customer service standards and regulatory mapping updates to improve customer service delivery and respond to the on-going changes to the *Conservation Authorities Act*.

In 2020, the process to update the NPCA Policy Document began and in 2022, the Board of Directors approved an updated Policy Document and Procedural Manual to provide much-needed clarity and direction to staff and applicants for planning and permit applications under the current legislation while establishing a solid foundation for future updates that would be required. This focus on continuous improvement has positioned NPCA to effectively transition to preparing new and updated policies and procedures to ensure the Planning and Development programs and services conform to the pending legislative and regulatory changes.

Discussion:

The new legislative structure includes requirements for the administration of work permits, enforcement of offences and public use of conservation authority properties in both the *Conservation Authorities Act* and regulations. The following summary highlights key changes resulting from the passing of the new regulation and the enactment of amended sections under the *Conservation Authorities Act*.

Defining Regulated Activities and Areas

- The term, “development” has been replaced by “development activity” but the definition remains the same.
- The definition of a “watercourse” has been amended to require that a watercourse be a defined channel, having a bed and banks or sides (formerly defined as an identifiable depression in the ground).
- The definition of “pollution” is removed, which is an amendment related to the new criteria or ‘tests’ of a permit.
- The regulated area adjacent to a wetland is changed to 30m for all wetlands and there are no size thresholds. The former legislation included 120m for provincially significant wetlands and wetlands greater than two hectares in size, and 30m for wetlands less than two hectares in size.
- The hazard allowances, which are regulated areas adjacent to apparent and non-apparent river or stream valleys (including floodplains) has been standardized for all conservation authorities. The existing exception for hazard allowance to non-apparent valleys has remained unchanged for the NPCA.
- The description of regulated areas adjacent or close to the Great Lakes-St. Lawrence River System continues to include the 100-year flood level, plus the appropriate allowance for wave uprush and also specifies, “other water-related hazards, including ship-generated waves, ice piling and ice jamming.”
- A standard 30m allowance from a dynamic beach associated with waterfront lands has been added.
- A standard additional 15m allowance inland from the further extent of the regulated areas from the Great Lakes-St. Lawrence River System has been included.

Regulation Mapping

- Maps depicting regulated areas must be made available to the public on an authority’s website, and any other means the authority considers advisable.
- At least once annually the authority must review mapping to determine if updates are required and make any updates available to the public.
- Where significant mapping updates are to be made, an authority shall provide notice to the public, municipalities, and stakeholders at least 30 days prior to any authority meeting to consider the changes.
- Regulation continues to state that in the case of a conflict regarding the boundaries of the regulated areas, the description of those areas in O. Reg. 41/24 prevails over the depiction of the areas in the maps.

Exemptions for Low-Risk Activities

- A number of development activities considered low-risk are exempt from requiring a permit.
- The exempted development activities are mainly minor in nature and would fall under the NPCA “minor” or “routine” permit category. There are size threshold and location criteria that also must be met.
- Generally, the exempted activities include:
 - Seasonal or floating dock
 - fencing
 - agricultural in-field erosion control structures
 - non-habitable accessory structures
 - non-habitable garage reconstruction
 - unenclosed detached decks or patio
 - installation/maintenance of tile drains
 - installation/maintenance of an offline pond for watering livestock
 - the maintenance or repair of municipal drains (previously permits were required for municipal drain works within wetlands). Conservation Ontario is seeking clarification from the Province on revisions to the DART protocol.
 - maintenance/repair of private driveway/laneway or public road/driveway

Permit Application Requirements

- An authority and applicant can engage in pre-submission consultation. If an applicant requests a pre-submission consultation, the authority is required to engage in the consultation.
- More detailed list of permit application requirements, including fee submission and landowner authorization.
- The applicant must be notified in writing within 21 days of receiving an application if application is deemed complete.
- Once an application is deemed complete, no new studies/plans can be requested unless agreed to by the applicant; however, the authority may ask the applicant for clarification or further details regarding any matter related to the application.
- An applicant may request an administrative review by an authority if they do not receive a notice of complete application within 21 days or if the applicant disagrees with the authority’s determination of a complete application or the request for additional information/studies/plans is unreasonable.
 - Administrative reviews must be completed within 30 days of request.
 - There is no appeal mechanism if the applicant disagrees with the outcome of the review.

- Requests for permit fee reconsideration must be responded to within 30 days and can be appealed to the Ontario Land Tribunal (OLT) for non-decision or continued objection to fee amount.

Permits

- Existing permit approval ‘tests’ related to “pollution” and “conservation of land” are removed.
- New tests added for consideration of “unstable soil or bedrock”, “health or safety of persons”, and “damage or destruction of property”. The control of flooding, erosion, and dynamic beaches remains.
- Permit conditions are limited to those which assist in preventing or mitigating hazards or effects on health and safety or property damage, or which support permit administration.
- Maximum period of validity for permits increases from 24 to 60 months.
- If the authority fails to give the applicant notice of a decision on a complete application within 90 days, the applicant can appeal directly to the OLT. Former guidance through Conservation Ontario has been to provide notice of a decision within 30 days for minor permits and 90 days for major permits.
- New powers for the Minister of Natural Resources and Forestry to issue permits and/or direct an authority not to issue a permit.
- Applicants may request a Minister’s review where the authority refuses a permit or imposes conditions on a permit to which an applicant objects. The Minister’s decision is final.
- An applicant may appeal an authority’s decision to refuse a permit or issue a permit subject to conditions following a hearing of the Board to the OLT.
- Provision allows for the exemption of development from obtaining a permit within a municipality prescribed by regulation where the development has been authorized under the *Planning Act*. However, a regulation under this section **has not** been made at this time.

Enforcement and Offences

- Appointment of Officers moved from individual regulations (to be revoked) to Part VII of the *Conservation Authorities Act*.
- Minor changes to provisions for power of entry to private property.
- New powers for Officers to issue Stop Orders where:
 - Officer forms reasonable grounds to believe that a person is engaging in activity or about to engage in activity that contravenes the Act, regulations or permit conditions;
 - Activity has caused or is causing significant damage that would affect natural hazards, health and safety of persons or damage property; or
 - Order will prevent/reduce damage.

- Maximum penalties for offences increased – up to \$50,000 and up to three months imprisonment for individuals and \$1 million for corporations, plus additional daily fines and/or court-imposed amounts.

Reporting and Policies

- Authorities shall develop policy and procedure documents for permit applications and reviews.
- Authorities shall prepare and publish an annual report that outlines statistics on permits and its level of compliance with the requirements of O. Reg. 41/24.

Conservation Areas

- Enactment of O. Reg. 688/21: Rules of Conduct in Conservation Areas replaces individual conservation authority regulations.
- Outlines prohibited activities and activities requiring a permit on lands owned by conservation authorities.
- Enforcement provisions remain unchanged.

Transition Plan to Achieve Conformity with Legislation

Given the short amount of transition time (six weeks) to the date (April 1, 2024) the amended legislation and regulations come into force, conservation authorities are working closely with Conservation Ontario to ensure conformity to the Legislation is achieved in a timely and coordinated manner. NPCA has been proactively working on some of these items over the past few years. While NPCA is expected to comply with the proclaimed pieces of legislation as of April 1, 2024, best efforts will be made to prepare and update policies and procedures in a timely yet thorough manner.

It is recommended that the NPCA take a phased approach to implementing the changes, beginning with key housekeeping amendments to the NPCA Policy Document and administrative updates to forms and templates, followed by more comprehensive work requiring further time and resources.

Appendix 1 describes the nature of the proposed housekeeping amendments to the NPCA Policy Document that staff will endeavour to have completed and posted to the NPCA website by April 1, 2024. These amendments include updating legislation and regulation references, revising definitions, revising descriptions of regulated areas, updating references to the 'tests' of a permit and including the permit exemptions.

Appendix 2 includes a transition plan that identifies the administrative updates, such as re-delegation of authority for permits, re-appointment of Officers, and

updates to permit application forms and templates that will be in place by April 1, 2024, and the long-term workplan with general timelines that are required to bring the NPCA policies and procedures in conformity with the amended legislation and regulations.

Planning and Development staff will report to the Board of Directors periodically to provide status updates on the implementation of the transition plan.

Financial Implications:

There are no financial implications associated with this report. Resources required to implement the legislative and regulatory changes under the *Conservation Authorities Act* are funded through the approved budget.

Links to Policy/Strategic Plan

The mandated regulatory role of conservation authorities aligns with the NPCA's 10-year Strategic Plan goals to protect people and properties from natural hazards and climate impact, and maintain a high standard of client services, tools and procedures for planning review and permits.

Related Reports and Appendices:

Appendix 1 – Housekeeping Amendments to the NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority

Appendix 2 – NPCA Planning and Development Transition Plan to Conform to Legislative and Regulatory Changes Under the *Conservation Authorities Act*

Authored by:

Original signed by:

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

Submitted by:

Original signed by:

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

Report No. FA-09-24

New Conservation Authorities Act Legislative and Regulatory Requirements –
NPCA Housekeeping Policy Amendments and Transition Plan
Page 8 of 14

Appendix 1

Housekeeping Amendments to the NPCA Policy Document: Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority

It is recommended that the following housekeeping amendments be made to the NPCA Policy Document to provide the necessary clarity and guidance for the implementation of legislative and regulatory amendments under the *Conservation Authorities Act* that come into force on April 1, 2024.

Section of NPCA Policy Document	Description of Housekeeping Amendments
<p><u>Part A: Watershed Context</u> <u>Chapter 1: Introduction</u></p> <p>This section provides an introduction, watershed context, direction from the 10-year Strategic Plan, a summary of roles and responsibilities of the NPCA and the Legislative Framework affecting NPCA's plan review and permitting functions.</p>	<p>Updates to this section will include:</p> <ul style="list-style-type: none"> • Changing references of the former O. Reg. 155/06 to O. Reg. 41/24. • Update references to numbering of sections within the <i>Conservation Authorities Act</i> that have changed. • Revise references to the permit approval 'tests' • Further clarify NPCA roles and responsibilities to align with the legislative changes.
<p><u>Part B: Environmental Planning</u> <u>Chapter 2: Environmental Planning Areas of Interest</u></p> <p>This section contains policies related to NPCA's role and responsibilities related to the review of applications under the <i>Planning Act</i> and other legislation.</p>	<p>Updates to this section will include:</p> <ul style="list-style-type: none"> • Removal to references to natural heritage and stormwater management plan review services and related municipal MOUs, which is no longer allowed under changes to O. Reg. 686/21. • Changing references of the former O. Reg. 155/06 to O. Reg. 41/24. • Update policies related to permit exemptions for maintenance and repair of municipal drains. • Update references to numbering of sections within the <i>Conservation Authorities Act</i> that have changed. • Further clarify NPCA roles and responsibilities to align with the legislative changes. <p>Future amendments to this section will be required after the release of the pending Provincial Planning Statement, and the</p>

Section of NPCA Policy Document	Description of Housekeeping Amendments
<u>Part B, Chapter 2 continued</u>	updated Drainage Act and Conservation Authorities Act Protocol. The <i>Environmental Assessment Act</i> is currently under review, and future amendments to this section may be required to align with changes to the Act.
<u>Part C: Policies for the Administration of Ontario Regulation 155/06</u> This section provides detailed policies for the specific areas regulated by the NPCA.	Updates to this section will include: <ul style="list-style-type: none"> • Changing references of the former O. Reg. 155/06 to O. Reg. 41/24. • Update references to numbering of sections within the <i>Conservation Authorities Act</i> that have changed. • Change specific section references within the new O. Reg. 41/24. • Revise policies related to the former permit ‘tests’ to reflect the deletions and additions in the <i>Conservation Authorities Act</i> and O. Reg. 41/24. • Update policies for development activities that do not require a permit as identified in O. Reg. 41/24. • Replace “development” with “development activity”. • Revise definition of “watercourse”. • Update descriptions of regulated areas adjacent or near the Great Lakes-St. Lawrence River System and areas adjacent to wetlands in accordance with the changes in O. Reg. 41/24. • Update the Hazardous Lands policies to include “unstable soil” and “bedrock”. <p>Future amendments to this section may be required upon the completion of the updates to the Lake Ontario and Lake Erie Shoreline Management Plans that may result in recommended changes to policies based on revised technical information.</p>
<u>Definitions</u>	The definitions section will be updated to revise any changes to definitions resulting

Section of NPCA Policy Document	Description of Housekeeping Amendments
Includes definitions of terms used in the document.	from the amendments to the <i>Conservation Authorities Act</i> and O. Reg. 41/24/
<u>Appendix A</u> : Ministry of Natural Resources and Forestry (MNRF) Delegation of Natural Hazards to Conservation Authorities MOU	This appendix will be deleted, because O. Reg. 686/21 mandates the role and responsibilities of conservation authorities to provide programs and services for the purpose of commenting on prescribed Acts related to the natural hazard risks and ensuring decisions under the <i>Planning Act</i> are consistent with the natural hazard policies in policy statements and provincial plans.
<u>Appendix B</u> : Conservation Authorities Act, Regulation 686/21, Mandatory Programs and Services	O. Reg. 686/21 has been amended since the date of the NPCA Policy Document was approved. As such the most recent version of the regulation will be included in this Appendix.
<u>Appendix C</u> : Conservation Authorities Act, Ontario Regulation 155/06	This Appendix will be changed to replace O. Reg. 155/06 with a copy of O. Reg. 41/24
<u>Appendix D</u> : Municipal Plan Review MOUs	The MOUs with City of Hamilton and Haldimand County will be removed, because NPCA no longer provides natural heritage and stormwater management plan review services to the municipalities.
<u>Appendix E</u> : NPCA By-law 01-2021, Being a By-law to Amend the NPCA Administrative By-law governing the calling of meetings and procedures to be followed at meetings	Conservation Ontario is updating their Hearing Guidelines to reflect amendments to the <i>Conservation Authorities Act</i> related to hearing requests and notifications. Future amendments to the NPCA Administrative By-law will be required at which time this Appendix will be updated to include the new By-law.

Appendix 2

NPCA Planning and Development Transition Plan to Conform to Legislative and Regulatory Changes Under the Conservation Authorities Act

The following transition plan identifies a phased approach to bring the NPCA policies and procedures in conformity with the legislative and regulatory changes under the *Conservation Authorities Act*. Planning and Development staff will report to the Board of Directors periodically to provide status updates on the implementation of the transition plan. In the meantime, NPCA Planning and Development staff will ensure that the authority continues to carry out its duties, functions and responsibilities to administer and enforce the provisions of Part VI and VII of the *Conservation Authorities Act* and any regulations made under those Parts.

Review of Permit Applications

Applications for permission to develop in a regulated area or interfere with a wetland or watercourse **received prior to April 1, 2024**, will be subject to the provisions of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O. Reg. 155/06) in effect at the time the application was received. If the subject application for the proposed works is not within an area or an activity regulated under the new regulation (O. Reg. 41/24), then the applicant will be advised in writing that a permit is not required for the proposed works. All applications **received on or after April 1, 2024**, will be subject to the provisions of O. Reg. 41/24.

Review of Planning Applications

For planning applications **submitted prior to April 1, 2024**, the NPCA will continue to review the application in accordance with O. Reg. 155/06 that was in effect at the time the application was received and in accordance with O. Reg. 686/21: Mandatory Programs and Services. NPCA staff will note in their comments that O. Reg. 41/23 comes into effect on April 1, 2024, however, the application continues to be reviewed in accordance with O. Reg. 155/06. Those planning applications **submitted after April 1, 2024**, will be reviewed in accordance with O. Reg. 41/24 and O. Reg. 686/21.

Violation Notices and Legal Actions

Violation Notices issued **prior to April 1, 2024**, will be addressed and remedied by CA Provincial Offences Officers in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (O. Reg. 155/06).

Violation Notices issued **prior to April 1, 2024**, for works in an area or activity no longer regulated under the new O. Reg. 41/24, upon satisfactory resolution of the matter, the proponent will be issued a letter advising that the works occurring in violation of O. Reg. 155/06 have remedied/ rectified and the violation notice is revoked.

Violation notices issued and prosecutions commenced on or after April 1, 2024, will confirm with Parts VI and VII of the Act and O. Reg. 41/24.

NPCA Planning and Development Transition Plan

Actions	Timeline
Delegation of authority for permit signatories to CAO, Director of Planning and Development, Senior Manager of Environmental Planning and Policy, and Manager of Planning and Permits	March 22, 2024 Board Approval (Report No. FA-12-24)
Delegation of authority for permit administrative reviews to CAO and Director of Planning and Development	March 22, 2024 Board Approval (Report No. FA-12-24)
Re-appointment of Officers under the <i>Conservation Authorities Act</i>	March 22, 2024 Board Approval (Report No. FA-13-24)
Communication to watershed municipalities	March 2024 May 2024 – training session with Niagara Area Planners
Prepare a Permit Pre-Submission Consultation Checklist	April 1, 2024
Revise Permit Application Form	April 1, 2024
Revise Permit Template	April 1, 2024
NPCA Policy Document Housekeeping Amendments	March 22, 2024 Board Approval (Report No. FA-09-24) April 1, 2024 Completion
Update NPCA Planning and Permits website to include revised permit application documents, updated NPCA Policy Document and related Board Reports	April 1, 2024
Update NPCA Section 28 Compliance and Enforcement Procedural Manual	May 2024
Update Compliance and Enforcement Standard Operating Procedures	May 2024
Update NPCA Client Service Standards for Plan and Permit Review	Summer 2024
Conservation Ontario is preparing an updated guidance document on service delivery standards	
Prepare administrative review policies and procedure	Summer 2024
Conservation Ontario is preparing a new guidance document for administrative reviews	

Actions	Timeline
<p>Update the hearing procedures within the NPCA Administrative By-law</p> <p>Conservation Ontario is updating their Hearing Guidelines</p>	<p>To be determined based on timing of Conservation Ontario updating their Hearing Guidelines and any additional broader updates to the by-law</p>
<p>Update NPCA Planning and Permitting Procedural Manual</p> <p>Board Resolution No. FA-105-22 authorizes staff to maintain and update the procedural manual as needed to reflect evolving best practices and technical guidance documents issued from Provincial Ministries</p>	<p>Review of the procedural manual has begun. Updates will be made on an on-going basis as staff receive further guidance from Conservation Ontario and the Province releases updated technical guidelines. Updated versions and notices will be posted to the NPCA Planning and Permitting website and shared with watershed municipalities.</p>
<p>Regulation mapping updates</p>	<p>Regular updates to the regulation mapping to reflect planning and permit approvals are on-going. Updates to wetlands and watercourses have begun and are anticipated to be completed in 2025. Staff will provide a status update on the mapping workplan by end of 2024.</p>
<p>Workplan for comprehensive review of NPCA Policy Document</p>	<p>Present workplan to Board for approval by end of 2024</p>
<p>Presentations and communications to broader stakeholders and communities</p> <p>Staff are reaching out to various stakeholders and communities through the NPCA Public Advisory Committee</p>	<p>On-going outreach and engagement throughout 2024</p>

Report To: Board of Directors

**Subject: Niagara Peninsula Conservation Authority (NPCA) –
Re-appointment of Officers**

Report No: FA-13-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-13-24 RE: Niagara Peninsula Conservation Authority (NPCA) – Re-appointment of Officers **BE RECEIVED;**

AND THAT the NPCA Regulations Officers named below, **BE RE-APPOINTED**, under Section 30.1 of the *Conservation Authorities Act* beginning April 1, 2024, for the terms of their employment with the NPCA, as Officers of the NPCA and Provincial Offences Officers;

AND THAT the NPCA Conservation Areas staff named below, **BE RE-APPOINTED**, under Section 30.1 of the *Conservation Authorities Act*, beginning April 1, 2024, for the terms of their employment with the NPCA, as Officers of the NPCA and Provincial Offences Officers.

Purpose:

To re-appoint the following Regulations Officers: Jason Culp, Bob Hayslip, Sean Callaghan and Marlo Ostapiak as Officers and Provincial Offences Officers for the purposes of compliance and enforcement of Regulations made pursuant to Sections 28 and 30.1 of the *Conservation Authorities Act*, in force as of April 1, 2024, and the *Trespass to Property Act* by the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA).

To re-appoint the following Conservation Areas staff: Adam Christie, Rob Shoalts, Alicia Powell, Nathaniel Devos, Mike Macintyre, Mike Boyko, Brent Cumming, Jeff Fazekas, Moriah Tempest and Josie Rutka as Officers and Provincial Offences Officers for the purposes of compliance and enforcement of Regulations made pursuant to Sections 29 and 30.1 of the *Conservation Authorities Act* and the *Trespass to Property Act* by the Board of Directors of the Niagara Peninsula Conservation Authority.

Background:

On April 1, 2024, Part VII Enforcement and Offences of the *Conservation Authorities Act* will be proclaimed. Ontario Regulation (O. Reg) 686/21: Mandatory Programs and Services under the *Conservation Authorities Act* requires that Conservation Authorities provide programs and services to ensure and enforce the provisions of Part VI (Regulations of Areas over which Authorities have Jurisdiction) and Part VII (Enforcement and Offences) of the Act and any regulations made under those Parts.

Previously, Officers were appointed under Section 28 of the *Conservation Authorities Act*, as of April 1st, 2024, it will be Section 30.1. This administrative change in applicable Sections of the *Conservation Authorities Act* requires that existing Officers be re-appointed under Section 30.1 by the Board of the NPCA in order to fulfill class designation requirements for NPCA Officers to also be designated Provincial Offences Officers.

Furthermore, the Minister of Natural Resources and Forestry has implemented under the authority of Subsection 1(3) of the *Provincial Offences Act*, a class designation process for all Conservation Authorities whereby a Conservation Authority Officer appointed under the applicable Section of the *Conservation Authorities Act* shall be designated by the Minister simultaneously as a Provincial Offences Officer. Once appointed, Officers have the authority to enforce offences and Regulations under the *Conservation Authorities Act*, in addition to the *Trespass to Property Act*, when carrying out their duties within the jurisdiction of the Conservation Authority.

The prerequisite to the Minister's Provincial Offences Officer appointment is that all candidate officers:

- i. Be adequately trained in the legislation to be enforced, including the *Provincial Offences Act*;
- ii. Have proof of a clean criminal record check, and;
- iii. Be appointed as an Officer to enforce Conservation Authority legislation at an official Board meeting.

Pursuant to the approval of the above-noted re-appointments, the Minister's requirements will have been addressed. There are no new appointments of Officers at this time.

NPCA Officers are appointed specifically for the sections of the *Conservation Authorities Act* they are responsible for enforcing. NPCA Regulations Officers are responsible for compliance and enforcement on private and public properties subject to Ontario Regulation 41/24 and Section 28 of the *Conservation Authorities Act*. NPCA Conservation Areas staff (Superintendents, Land Care Coordinators) are responsible for compliance and enforcement in active parks and on lands owned by the NPCA where the rules of conduct in conservation areas, permitted uses and activities on the property are subject to Ontario Regulation 688/21 and Section 29 of the *Conservation Authorities Act*.g

Financial Implications:

There are no financial implications specific to the appointment of NPCA Officers or Provincial Offences Officers.

Links to Policy/Strategic Plan:

The duties carried out by appointed Officers are part of the NPCA's mandate and support NPCA's *Strategic Plan 2021-2031* to protect people and properties from natural hazards and climate impacts.

Related Reports and Appendices:

None.

Authored by:

Original Signed by:

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

Reviewed by:

Original Signed by:

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

Submitted by:

Original Signed by:

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

Report To: Board of Directors

Subject: Delegation of Authority under the Conservation Authorities Act

Report No: FA-12-24

Date: March 22, 2024

Recommendation:

THAT Report No. FA-12-24 RE: Delegation of Authority under the *Conservation Authorities Act* **BE RECEIVED;**

AND THAT the Board **DELEGATE AUTHORITY**, under Section 28.4 of the *Conservation Authorities Act*, to the CAO/Secretary-Treasurer and Director, Planning and Development as signatories on Section 28 work permits beginning April 1, 2024, for the terms of their employment with the Niagara Peninsula Conservation Authority (NPCA);

AND THAT the Board **DELEGATE AUTHORITY**, under Section 28.4 of the *Conservation Authorities Act*, to the Senior Manager, Environmental Planning and Policy, and Manager, Planning and Permits as signatories on Section 28 “routine” and “minor work” permits that are not exempt beginning April 1, 2024, for the terms of their employment with the NPCA;

AND THAT the Board **DELEGATE AUTHORITY**, under Section 28.4 of the *Conservation Authorities Act*, to the CAO/Secretary-Treasurer and Director, Planning and Development to carry out administrative reviews of complete permit applications under Section 8 of Ontario Regulation 41/24 beginning April 1, 2024, for the terms of their employment with the NPCA.

Purpose:

To obtain Board approval to re-delegate permit signatory authority for all Section 28 work permits to Chandra Sharma, CAO/Secretary-Treasurer, and Leilani Lee-Yates, Director, Planning and Development pursuant to Section 28.4 of the *Conservation Authorities Act*, in force as of April 1, 2024.

To obtain Board approval to re-delegate permit signatory authority for “routine” and “minor works” Section 28 work permits to David Deluce, Senior Manager, Environmental Planning and Policy, and Sarah Mastroianni, Manager, Planning and Permits pursuant to Section 28.4 of the *Conservation Authorities Act*, in force as of April 1, 2024.

To obtain Board approval to delegate authority to Chandra Sharma, CAO/Secretary-Treasurer, and Leilani Lee-Yates, Director, Planning and Development to undertake administrative reviews of complete permit applications pursuant to Section 28.4 of the *Conservation Authorities Act* and Section 8 of Ontario Regulation (O. Reg. 41/24), in force as of April 1, 2024.

Background:

On April 1, 2024, subsection 28 (2) Delegation of Powers of the *Conservation Authorities Act* will be repealed and Part VI (Regulations of Areas over which Authorities have Jurisdiction) of the *Conservation Authorities Act*, and O. Reg. 41/24 will come into force.

Section 28.4 Delegation of Power under the amended Act allows a conservation authority to delegate any of its powers related to the issuance or cancellation of permits under the Act or its regulations to any other person or body, subject to any limitations or requirements that may be prescribed by regulation. As a standard best practice, many conservation authorities have delegated powers to their executive committees and/or staff related to the granting of work permits.

Through previous Board approvals, specific senior management staff have been delegated the authority to sign Section 28 Permits as part of the authority’s commitment to excellent customer service delivery and continuous improvement.

Discussion:

The ability to delegate authority to senior staff to sign work permits is essential to ensure the NPCA meets the permit review timeline of 90 days, as prescribed by the Province under the amendments to the *Conservation Authorities Act* that come into force on April 1, 2024. If the NPCA fails to give the applicant notice of a decision with respect to a permit application within 90 days after the application is deemed complete, the applicant may appeal the application directly to the Ontario Land Tribunal (OLT). The delegation of signatories for work permits ensures that the NPCA provides a client-centric focus on the timely issuance of permits.

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

demonstrate the proposed works can be supported by NPCA's policies. These guidelines will be updated as part of the overall workplan to bring NPCA's policies and procedures into conformity with the legislative and regulatory changes to the *Conservation Authorities Act*.

Several continuous improvement initiatives and projects have been implemented in recent years to support the Planning and Development division in providing timely reviews of Section 28 work permits. These initiatives include the updated NPCA Policy Document and Procedural Manual, backfilling of vacant positions, regular staff file triage meetings, updates to Regulatory Mapping, and regular coordination meetings with Municipal partners and the Niagara Escarpment Commission.

Effective on April 1, 2024, Section 8 of O. Reg. 41/24 will allow for an applicant to request a review of the conservation authority if:

- a) The applicant has not received a written notice from the authority within 21 days of submitting an application that states whether the permit application is deemed to be complete;
- b) The applicant disagrees with the authority's determination that the application for a permit is incomplete; or
- c) The applicant is of the view that a request by the authority for other information, studies or plans to form a complete application is not reasonable.

This administrative review requested by an applicant shall be completed by the authority no later than 30 days after it is requested. The authority must:

- a) Confirm that the application meets the requirements of a complete application or provide reasons why the application is incomplete; or
- b) Provide reasons why a request for other information, studies or plans to form a complete application is reasonable or withdraw the request for all or some of the information, studies or plans.

It is recommended that the CAO/Secretary-Treasurer and the Director, Planning and Development be delegated the authority to carry out the permit related administrative review as an additional customer service measure to ensure we satisfy legislative timelines. The recommended delegation is low risk to the authority, given the decision is related to an administrative matter, the review is not subject to the *Statutory Powers Procedure Act*, and there is no mechanism for an appeal of the decision.

Further, this approach is consistent with current practice wherein the Director of Planning and Development is the NPCA Client Service Facilitator under our Client Service Standards for Plan and Permit Review.

Financial Implications:

There are no financial implications associated with this report.

Links to Policy/Strategic Plan

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

Related Reports and Appendices:

None.

Authored by:

Original signed by:

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

Submitted by:

Original signed by:

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

**Governance Committee Meeting
MINUTES
Niagara Peninsula Conservation Authority
February 16, 2024**

MEMBERS PRESENT: R. Foster
D. Cridland
M. Seaborn, Governance Committee Chair
P. O'Neill
B. Clark
S. Beattie

MEMBERS ABSENT: J. Metcalfe

STAFF PRESENT: C. Sharma, Chief Administrative Officer /
Secretary - Treasurer
M. Davis, Manager, Office of the CAO & Board
M. Ferrusi, Manager, People and Performance
G. Shaule, Administrative Assistant, Corporate
Administration

Chair Seaborn called the meeting to order at 10:51am

1. APPROVAL OF AGENDA

Resolution No. GC-01-2024
Moved by Donna Cridland
Seconded by Stew Beattie

THAT The Governance Committee Meeting Agenda dated Thursday
November 9, 2023 **BE APPROVED.**

CARRIED

2. DECLARATIONS OF CONFLICT OF INTEREST

None.

3. APPROVAL OF THE MINUTES

Resolution No. GC-02-2023
Moved by Brad Clark

Seconded by Rob Foster

THAT the following Governance Committee Minutes **BE APPROVED**:

- Minutes of the Governance Committee Meeting dated September 15, 2023; and
- Closed Session Minutes from Governance Committee Meeting dated September 15, 2023.

CARRIED

4. CORRESPONDENCE

None.

5. PRESENTATIONS

None.

6. DELEGATIONS

None.

7. CONSENT ITEMS

7.1. Verbal Update RE: Salary Disclosures

7.2. Verbal Update RE: Integrity Commissioner

Resolution No. GC-03-2023

Moved by Brad Clark

Seconded by Donna Cridland

THAT both Verbal Updates RE: Salary Disclosures and Integrity Commissioner Services **BE RECEIVED**;

AND THAT staff explore costs of service provision through the agreement between the Regional Municipality of Niagara and their Integrity Commissioner Services and report back to the Governance Committee.

CARRIED

8. DISCUSSION ITEMS

8.1. Report No. GC-01-24 RE: Delegations of the Responsibilities the *Municipal Freedom of Information and Protection of Privacy Act*

Melanie Davis, Manager, Office of the CAO & Board, provided a brief overview.

Resolution No. GC-04-2023

Moved by Donna Cridland

Seconded Brad Clark

THAT Report No. GC-01-24 regarding the delegation of responsibilities under the *Municipal Freedom of Information and Protection of Privacy Act* **BE RECEIVED**;

AND THAT the responsibilities of the Head under the *Municipal Freedom of Information and Protection of Privacy Act* be delegated to the Manager, Office of the CAO & Board, who shall serve as the Freedom of Information (FOI) Coordinator;

AND THAT staff prepare correspondence outlining the delegation of responsibilities to be sent to the Information and Privacy Commissioner of Ontario for their records;

AND FURTHER THAT the FOI Coordinator complete an annual statistical report to be provided to the Board for information, and report to the Governance Committee on FOI and privacy matters as deemed necessary or appropriate.

CARRIED

8.2. Report No. GC-02-24 RE: Governance Committee – 2024 Work Plan

Melanie Davis, Manager, Office of the CAO & Board provided a brief overview. Discussion regarding priorities identified in the Work Plan ensued.

Resolution No. GC-05-2023

Moved by Stew Beattie

Seconded by Rob Foster

THAT Report No. GC-02-24 RE: Governance Committee – 2024 Work Plan **BE RECEIVED**;

AND THAT the Governance Committee – 2024 Work Plan attached as Appendix 1 **BE APPROVED**.

CARRIED

9. NEW BUSINESS

Chandra Sharma, CAO / Secretary – Treasurer, provided an update on a Memorandum of Understanding presented to the Authority by **HOPA (full name)** to launch a collaborative forum on a potential brown field development for a future Great Lakes Innovation Centre in Port Colborne.

10. CLOSED SESSION

None.

11. ADJOURNMENT

The Governance Committee Meeting was ADJOURNED at 11:22 a.m.

**PUBLIC ADVISORY COMMITTEE
MEETING MINUTES
NPCA Main Office
250 Thorold Road West, 3rd Floor, Welland**

**Tuesday, February 27, 2024
5:00 PM**

CALL TO ORDER – ROLL CALL

MEMBERS PRESENT: Lennie Aarts
Philip Beale
Lageera Chatheechan
David Cribbs, Vice Chair
George McKibbin
Jonathan Musso
Naheed Qureshi
William Rapley
Albert Witteveen, Chair
David Wyllie
Cindilee Ecker-Flagg

MEMBERS ABSENT: Tracy Boese
Robert Foster
Leslie Clarke

STAFF PRESENT: C. Sharma, C.A.O. / Secretary – Treasurer
W. Baldin, Manager, Digital Transformation & IT
M. Davis, Manager Office of the CAO & Board
A. Christie, Director, Conservation Areas
J. Diamond, Manager, Watershed Monitoring and Reporting
B. Lee, GIS Specialist
L. Lee-Yates, Director, Planning & Development and
A/Director, Watershed Strategies & Climate Change
A. Powell, Manager, Conservation Areas' Programs &
Services
K. Royer, Coordinator, Community Engagement
G. Shaule, Administrative Assistant

Public Advisory Committee Chair Albert Witteveen called the Public Advisory Committee meeting to order at 5:03 p.m.

1. OPENING WELCOME FROM NOKOMIS CINDILEE ECKER-FLAGG

2. APPROVAL OF AGENDA

Recommendation No. PAC-01-2024

Moved by D. Wyllie

Seconded by G. McKibbin

THAT the Public Advisory Committee Agenda dated February 27, 2024
BE APPROVED.

CARRIED

3. DECLARATIONS OF CONFLICT OF INTEREST

None.

4. APPROVAL OF MINUTES

Recommendation No. PAC-02-2024

Moved by L. Aarts

Seconded by P. Beale

THAT the Public Advisory Committee Meeting Minutes, dated November 30, 2023 **BE APPROVED.**

CARRIED

5. CORRESPONDENCE

None.

6. PRESENTATIONS

6.1 **Presentation RE: GIS public-facing web-app.**

Brian Lee and Wendy Baldin provided a presentation and answered questions. Members asked to submit feedback to gis@npca.ca.

6.2 **Presentation RE: Green Infrastructure Updates and Conservation Area improvements.**

Adam Christie provided a presentation and answered questions. Niagara College was consulted with project. Discussion ensued.

6.3 **Presentation RE: Conceptual Framework – Integrated Watershed Monitoring Program**

Josh Diamond provided a presentation and answered questions.

Recommendation No. PAC-03-2024

Moved by P. Beale

Seconded by W. Rapley

THAT the following presentations **BE RECEIVED** for Information:

- GIS public-facing web-app;
- Green Infrastructure Updates and Conservation Area improvements Conceptual Framework; and
- Integrated Watershed Monitoring Program.

CARRIED

7. DELEGATIONS

None.

8. CONSENT ITEMS

8.1 NPCA Main Office Relocation – Verbal update provided by Chandra Sharma, CAO / Secretary – Treasurer.

Informed the Committee that the Annual General Meeting will be at the new head office location at 3350 Merrittville Hwy Thorold. Celebrating 65 years, April 19th, 2024. PAC Members will receive formal invitations to attend opening celebrations.

Recommendation No. PAC-04-2024

Moved by W. Rapley

Seconded by D. Wyllie

THAT NPCA Main Office Relocation verbal update **BE RECEIVED** for information.

CARRIED

9. DISCUSSION ITEMS

9.1 Report No. PAC-01-24 RE: Ball's Falls Festival 50th Anniversary Planning

Recommendation No. PAC-05-2024

Moved by P. Beale

Seconded by G. McKibbin

THAT Report No. PAC-01-24 RE: Ball's Falls Festival 50th Anniversary Planning **BE RECEIVED**.

CARRIED

10. COMMITTEE REPORTS

None.

11. NEW BUSINESS

11.1 Members' Updates (Verbal) – Information/Issues/Items of Interest

- Member Baird shared an update regarding research initiatives at the Global Centre for Climate Change Impacts on Transboundary Waters. The current focus is on the Great Lakes, with Niagara Region included as an area of interest.
- Seedy Saturday event was well attended and successful.
- Clean Air Hamilton Committee – air quality and effects of climate change
- Discussion held regarding highlights from the Birds on Niagara event held February 16-19.

11.2 PAC 2024 Workplan Discussion

- Circulating presentations in advance for comments was suggested.
- Discussion held regarding *Conservation Authorities Act* enactment and regulatory changes. Housekeeping changes to NPCA policies be brought forward for further discussions at Board meeting. Include Board report from PAC with transition plan to be a part of it.
- Discussion regarding increased engagement between meetings, staff will circulate proposed Work Plan spreadsheet, further feedback from members is encouraged.
- New provincial regulations O. Reg 41/24 and O. Reg 668/21 come into effect April 1, 2024.
- Staff will circulate monthly emails to Public Committee members regarding:
 - Volunteer and employment opportunities;
 - Upcoming community events;
 - Projects/portal updates; and
 - Full Authority Board agenda package and presentations.

12. ADJOURNMENT

Recommendation No. PAC-06-2024

Moved by D. Cribbs

Seconded by P. Beale

THAT Public Advisory Meeting **ADJOURN** at 6:58 p.m.

CARRIED

**SOURCE PROTECTION
AUTHORITY ON-LINE VIDEO
CONFERENCE AND IN-PERSON
MEETING**

**Ball's Falls Centre for Conservation
3292 Sixth Avenue, Jordan, ON
Friday, October 20, 2023, 9 a.m.**

MINUTES

CALL TO ORDER – ROLL CALL

MEMBERS PRESENT: R. Foster (Chair)
S. Beattie
D. Cridland
B. Grant
P. O'Neill
D. Huson
J. Metcalfe
M. Seaborn
M. Tadeson

REGRETS: B. Clark

STAFF PRESENT: C. Sharma, CAO / Secretary – Treasurer
A. Christie, Director, Conservation Areas
C. Coverdale, Business & Financial Analyst
J. Culp, Manager, Compliance & Enforcement
D. Deluce, Senior Manager Environmental Planning & Policy
L. Gagnon, Director, Corporate Services
L. Lee-Yates, Director, Planning and Development
S. Miller, Senior Manager, Infrastructure Engineering & Asset Management
A. Parks, Manager, Planning Ecology
T. Proks, Source Water Protection & Hydrogeology Specialist
K. Royer, Community Outreach and Engagement Specialist
G. Shaule, Administrative Assistant

The Chair called the meeting to order at 9:02 a.m.

1. DECLARATIONS OF CONFLICT OF INTEREST

2. APPROVAL OF AGENDA

- a) Approval of the Agenda of the Source Protection Authority Meeting dated October 20, 2023

Resolution No. SPA-07-2023

Moved by Stew Beattie
Seconded by Diana Huson

THAT the Agenda of the Source Protection Authority Meeting dated October 20, 2023 **BE APPROVED**

CARRIED

3. MINUTES

- a) Approval of the Minutes of the Source Protection Authority Meeting dated April 21, 2023

Resolution No. SPA-08-2023

Moved by Donna Cridland
Seconded by John Metcalfe

THAT Minutes of the Source Protection Authority Meeting dated April 21, 2023 **BE APPROVED**

CARRIED

4. CORRESPONDENCE

5. PRESENTATIONS

6. DELEGATIONS

7. CONSENT ITEMS

8. DISCUSSION ITEMS

9. NEW BUSINESS

10. CLOSED SESSION

- a) Report No. SPA-04-23 RE: SPC Member Appointment (Confidential Report – circulated under separate cover for Members only – for adoption in open session)

Resolution No. SPA-09-2023

Moved by Michelle Seaborn
Seconded by Mark Tadeson

THAT Report No. SPA-04-23 RE: SPC Member Appointment **BE ADOPTED** in open session.

THAT Report No. SPA-04-23 RE: SPC Member Appointment **BE RECEIVED** and hereafter **DEEMED** a public document.

THAT the Source Protection Authority **APPOINT** Ms. Terri Bulman to represent the Public-at-Large on the Niagara Peninsula Source Protection Committee for a term of 5 years.

CARRIED

11. ADJOURNMENT

The Source Protection Authority Meeting on October 20, 2023 was **ADJOURNED** at 9:08 a.m.