

BOARD OF DIRECTORS MEETING AGENDA

THURSDAY, FEBRUARY 1, 2018

Hamilton Conservation Authority

Vision

HCA works to ensure healthy streams and healthy communities in which human needs are met in balance with the needs of the natural environment, now and in the future.

Mission

To lead in the conservation and sustainable management of our watershed's natural environment.



**Hamilton
Conservation Authority**

Healthy Streams...Healthy Communities!

**Ice Feathers
Valens Lake Conservation Area**

AGENDA FOR BOARD OF DIRECTORS MEETING

Thursday, February 1, 2018 at 7:00 p.m.

- 1. CALL TO ORDER** ~ Pasuta
- 2. DECLARATION OF CONFLICT OF INTEREST**
- 3. APPROVAL OF AGENDA**
- 4. HEARING**
 - 4.1 Plaza Imports Ltd. – 925 Main Street West and 150 Longwood Road South, Hamilton
~ Brian Duxbury, Duxbury Law
~ Sergio Manchia, UrbanSolutions
- 5. DELEGATIONS**
- 6. MEMBER BRIEFING**
 - 6.1 Friends of Westfield Heritage Village – Cheque Presentation
~ Brown/Schofield
- 7. APPLICATIONS – Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses**
 - 7.1 Applications for February 1, 2018 ~ Tellier
- 8. APPROVAL OF MINUTES OF PREVIOUS MEETING**
 - 8.1 Minutes – December 7, 2017
- 9. BUSINESS ARISING FROM THE MINUTES**
- 10. PRE-DISTRIBUTED CORRESPONDENCE**
- 11. OTHER CORRESPONDENCE**
- 12. REPORTS**
 - 12.1 Conservation Advisory Board ~ Topalovic
(Minutes – December 14, 2017)
 - 12.2 Foundation Chairman's Report ~ Wauben
- 13. OTHER STAFF REPORTS/MEMORANDUMS**
 - 13.1 HCA Main Office (Woodend) Emergency Power Supply System – Tender Results ~ Hall
 - 13.2 Current Watershed Conditions as of January 19, 2018 ~ Bastien
 - 13.3 Upcoming HCA and Partner Events ~ Costie
- 14. NEW BUSINESS**
- 15. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY**

RECESS

NOTE:

The second part of the meeting will be the Board of Director's 2018 Annual General Meeting, at which time elections will take place for the following offices (members currently holding these offices are show in brackets):

- Chair (Robert Pasuta)
- Vice-Chair (Santina Moccio)
- Members (5) of Budget & Administration Committee (B&A Committee):
(The Chair and Vice-Chair sit on the B&A Committee)

(Dan Bowman) (Doug Conley)

(Lloyd Ferguson)
- Chair of the Conservation Advisory Board

(Maria Topalovic)

PART TWO OF MEETING

1. APPOINT SCRUTINEERS ~ Neil McDougall
2. ELECTION OF 2018 CHAIRMAN ~ Neil McDougall
3. ELECTION OF 2018 VICE-CHAIRMAN ~ Neil McDougall
4. ELECTION OF 3 MEMBERS TO BUDGET & ADMINISTRATION COMMITTEE ~ 2018 Chairman
5. ELECTION OF CHAIRMAN TO CONSERVATION ADVISORY BOARD ~ 2018 Chairman
6. BOARD REPRESENTATIVES TO CONSERVATION ADVISORY BOARD ~ 2018 Chairman
7. APPOINTMENT OF REPRESENTATIVE(S) TO CONSERVATION ONTARIO ~ 2018 Chairman
8. NEW BUSINESS
9. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY
10. NEXT MEETING – Thursday, March 1, 2018
11. ADJOURNMENT

Information For Members Concerning Section 28 Hearings

The Hamilton Conservation Authority agreed to accept responsibility for the administration of a regulation made under the authority of Section 28 of the Conservation Authorities Act. The regulations are referred to as a Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 (Ontario Regulation 97/04). Associated with the administration of these regulations is the requirement that an applicant be afforded the opportunity for a public hearing (S.28 (12)).

A Hearing is conducted by the Board of Directors. The Board of Directors acts as a tribunal and the hearing is conducted according to the provisions set out under the Statutory Powers and Procedure Act.

It has been the practice of Authority Chairmen to conduct the hearing in as informal a manner as possible, while still having regard to the rules. The evidence has not been given under oath or affirmation.

In giving consideration to the granting or denial of approval, the Board of Directors has regard to:

1. the Provincial Policy Statement, issued under section 3 of the Planning Act and
2. the Authority's own Planning Guidelines.

Overall the Board of Directors must satisfy itself that the following will not be adversely affected: (section 28(a)(c))

1. the control of flooding, erosion, dynamic beaches or
2. pollution or
3. the conservation of land.

After all the information is presented and questions from the Board of Directors or parties to the hearing have been entertained, the Hearing Board may retire to deliberate.

The Board of Directors may either grant approval, with or without conditions, or refuse permission. If permission is refused or conditions imposed, reasons must be given. A resolution adopting the Hearing Board's decision is passed.

The decision is forwarded to the applicant in writing. In the case of refusal or conditions being imposed on the application by the Board of Directors, the notice to the applicant is accompanied by instruction on how an appeal may be filed. An appeal is heard by the Mining and Lands Commissioner, as delegated by the Minister of Natural Resources.

Apprehension of Bias

In considering the application, the Hearing Board is acting as a decision making tribunal. The tribunal is to act fairly.

Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- a) No member of the Authority taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of the apprehension of bias which could jeopardise the fairness and legality of the hearing.
- b) If material relating to the merits of the application that is the subject of the hearing is distributed to Board members before the hearing, the material should also be distributed to the applicant. The applicant may be afforded an opportunity to distribute similar pre-hearing material.
- c) In instances where the Authority has doubts as to whether it can accept a staff recommendation to grant a permit, care must be taken to avoid making a final decision until such time as a hearing is held.

Hearing Procedures
Development, Interference with Wetlands and Alterations to Shorelines and
Watercourses Regulation Application
Hamilton Conservation Authority

- 1 Record of Attending Hearing Board Members
2. The procedures will be conducted according to the Statutory Powers Procedure Act. For matters under Federal jurisdiction, under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question. This must be specifically requested prior to answering each and every question that the witness is concerned may incriminate them.
3. The procedure in general shall be informal without the evidence before it being given under oath or affirmation.
4. If the applicant has any questions to ask of the Hearing Board, or of the Authority representative, they must be directed to the Chair of the Hearing Board.
5. Presentation will be made by Authority Staff. The Hearing Board members may direct questions. The Applicant then can make any comments or questions on the staff report.
- 6 Applicant has the opportunity to present information at the conclusion of the Authority staff presentation. The Hearing Board members may direct questions to the applicant.
7. After all the information is presented, the Hearing Board may adjourn the hearing and retire in private to confer. The Hearing Board may reconvene on the same date or at some later date to advise of the Hearing Boards' decision.
8. The applicant will be advised in writing of the decision with reasons. The applicant can appeal the decision or conditions of the decision within 30 days upon receipt of the written decision to the Minister of Natural Resources.



Hearing Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning & Engineering
Mike Stone, MCIP, RPP, Manager, Watershed Planning Services

DATE: January 12, 2017

RE: Hearing under Section 28(12) of the *Conservation Authorities Act* for Plaza Imports Ltd. Application for Development in a Regulated Area of the Chedoke Creek Valley at 925 Main Street West and 150 Longwood Road South, City of Hamilton – Application No. H/F,C/17/33

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT the Board of Directors refuse the application made by Plaza Imports Ltd. for development in a regulated area of the Chedoke Creek Valley at 925 Main Street West and 150 Longwood Road South, City of Hamilton, as the development does not conform to the requirements of the Hamilton Conservation Authority's *Planning and Regulation Policies and Guidelines (October, 2011)* as they relate to the implementation of *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*.

BACKGROUND

Site Description

The subject site is comprised of two properties, 925 Main St. W. and 150 Longwood Rd. S. in Hamilton (see Attachment A). The site is located within the Chedoke Creek sub-watershed, and is associated with the Chedoke Creek valley system. The northerly, existing developed portion of 925 Main St. W. is situated on the tableland of the valley, while the southerly portion of this property and the entire 150 Longwood Rd. S. property are situated within the valley itself. Highway 403 borders the site to the south. Chedoke Creek flows through an open concrete-lined channel on the south side of Highway 403 directly opposite the subject properties, before crossing under the 403 and continuing east of the site in an open concrete-lined channel, ultimately draining to Cootes Paradise.

The City's Official Plan and Ainslie Wood Westdale Secondary Plan both designate the valley lands as Open Space. There are no municipally designated natural heritage features ('Core Areas') identified for the subject properties in the City's Official Plan. Official Plan Schedule B – Natural Heritage System, identifies a Linkage Area on lands immediately east of the subject site, which is associated with the Chedoke Creek valley and other identified Core Areas and Open Space lands that connect the site to Cootes Paradise. Although not mapped as a Linkage Area in the Official Plan, the valley slope on the subject site is wooded and contiguous with the wooded valley both to the east and west of the site. The wooded slope on the subject site has been identified as a cultural woodland through a natural heritage constraints assessment completed by Dougan & Associates in January 2015.

The subject properties are regulated pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*. The subject lands are regulated given their association with the Chedoke Creek valley. In particular, the subject properties are affected by the erosion hazard associated with the valley. HCA staff have previously reviewed a floodplain assessment completed for 925 Main St. W., (AMEC Foster Wheeler, December 3, 2015) and accepted the report's findings that the subject site is not affected by any flooding hazard.

The Proposal

The subject application proposes to develop the site with two 15-storey student residences, linked via a 4-storey mixed use podium. The development is proposed to contain 456 suites to accommodate 910 students, 1,380m² of ground floor commercial space, 5,901m² of amenity areas, and a below grade parking garage with 107 vehicle spaces. To accommodate the proposed development, the applicant proposes to reconstruct the valley through the use of fill to create a 3:1 slope and extend the tableland portion of the site by 14 metres to create additional developable land. The

lower portion of the site, located at the bottom of the valley, is proposed to be used for recreational purposes (see Attachment B).

The proposed development is comprised of two properties, 925 Main St. W., which is owned by Plaza Imports Ltd., and 150 Longwood Rd. S., which is owned by the City of Hamilton. HCA understands that Columbia International College is the development proponent, and has worked with the owner of 925 Main St. W. (Plaza Imports Ltd) and their agent (Urban Solutions Planning & Land Development Consultants Inc.) to advance the subject application. HCA further understands the City has declared the property at 150 Longwood Rd. S. surplus, and that Columbia International College intends to purchase this property from the City to allow for the proposed development.

Application Review To Date

HCA staff's involvement in the review of the proposed development of the site began in October 2014 as part of the City of Hamilton's Formal Consultation process (FC-14-085). The development concept reviewed at this time was for a smaller scale proposal consisting of a single 10-storey residential/commercial building, limited to the 925 Main St. W. property. HCA provided written comments to the City and applicant regarding the proposed development concept on February 6, 2015. These comments identified that the property is associated with a regulated valley system, and that a geotechnical investigation would be required to determine the erosion hazard limit on the site and to establish an appropriate development setback from the hazard. To help facilitate this assessment, HCA staff participated in a site visit on January 14, 2015 to identify the existing top of bank.

In April of 2016 applications for an Official Plan Amendment (UHOPA-16-11) and Zoning By-law Amendment (ZAC-16-029) were submitted to the City of Hamilton for the development of the subject site. The applications submitted were for an expanded development (in comparison to the concept reviewed at the time of Formal Consultation) consisting of two 15-storey buildings, as described above. To accommodate the expanded proposal, additional lands from the property at 150 Longwood Rd. S were included in the development area.

The planning applications were required, in part, to change the existing Open Space land use designation associated with the natural valley lands to a land use designation that would allow for the development. A number of supporting reports and technical studies were submitted in support of the planning applications, including a Natural Heritage Constraints Assessment (Dougan & Associates, April 7, 2016), Floodplain Assessment (AMEC Foster Wheeler, December 3, 2015), and Site Slope Reconstruction Report (Landtek Ltd., April 4, 2016). A geotechnical assessment to identify the erosion hazard on site, including the stable top of bank and an appropriate development setback, was not included with the submission.

HCA provided the City with formal comments regarding these applications on May 30, 2016, identifying significant concerns with the proposed filling and development within

the erosion hazard of the valley. As the delegated authority for representing the provincial interest in the implementation of natural hazard policy in municipal planning matters, HCA advised the City that HCA staff were of the opinion the proposal did not comply with municipal, HCA or provincial policy, and therefore recommended the applications be denied. The City has not made a decision on the official plan and zoning amendment applications to date. Generally, a decision on the planning applications should be made prior to a HCA permit application(s), so as to allow the principal and appropriateness of the land use and form of development to be determined through the municipal planning process.

Over the 2016/17 period, HCA met with the proponent's agents and City staff on a number of occasions to discuss concerns and determine if a mutually agreeable development option for moving forward could be found. Those efforts were not successful, and at the request of the proponent's agent, the application form and supporting technical requirements for a permit under HCA's Regulation (*Ontario Regulation 161/06*) were sent to the agent on March 27, 2017. A permit application for the proposed development was subsequently submitted on May 17, 2017. HCA responded to this submission on June 6, 2017 deeming the application incomplete and identifying the outstanding required information. This included an erosion hazard assessment to identify the long-term stable slope profile and erosion hazard limit, plans and cross-sections to show details of the proposed filling and grading of the slope, and an estimation of the volume of fill required for the slope reconstruction.

The outstanding information requirements were discussed further with the applicant and their agent on July 12 and July 17. The applicant subsequently submitted some additional information by way of a technical memo prepared by Landtek Ltd. on August 14, 2017. Concurrently, during this time discussions continued in an effort to find a development option that addressed all issues and concerns. These efforts were again unsuccessful, and on October 16, 2017 the applicant's agent indicated they wished to proceed with the original proposal and requested that HCA schedule a hearing in front of the HCA Board of Directors. Although not all of the outstanding information requirements to support the permit application had been provided, HCA staff scheduled a hearing for the December 2017 Board meeting. Subsequently, the applicant requested a deferral of the Hearing which was granted. The new Hearing date was scheduled for February 1, 2018.

STAFF COMMENT

Applicable Policy

HCA has a mandate to ensure that people and property are protected from impacts associated with natural hazards. The Province has delegated the authority for representing and implementing the provincial interest in natural hazards to Conservation Authorities. In evaluating the subject application, HCA staff must ensure that Provincial and HCA policies regarding development and hazardous lands are considered and met.

The following outlines the key provincial and HCA hazard policies relevant to the subject application.

Provincial Policy

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS provides a policy framework for allowing appropriate development, while protecting resources of provincial interest, conserving the natural and built environment, and ensuring public health and safety.

With respect to natural hazards, the PPS states that development shall generally be directed to areas outside of hazardous lands, including lands affected by erosion hazards (PPS 3.1.1). It is further indicated that development shall not be permitted within areas that would be rendered inaccessible to people and vehicles during times of hazardous conditions, unless it has been demonstrated the site has safe access appropriate for the nature of the development and the hazards (PPS 3.1.2). Development may be permitted in those portions of hazardous lands where the effects and risks to public safety are minor and can be mitigated in accordance with provincial standards (PPS 3.1.7). Notwithstanding these policies, the PPS specifically prohibits development in hazardous lands where the use is an institutional use, including schools (PPS 3.1.5).

HCA Policy

In accordance with *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*, no person shall undertake development in a regulated area without permission from the HCA. HCA may grant permission (issue a permit) for development in a regulated area if, in its opinion, the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development.

HCA's *Planning & Regulation Policies and Guidelines*, as approved by the HCA Board of Directors in October 2011, were developed to support the administration of HCA's Regulation (*Ontario Regulation 161/06*) and to implement provincial policy (PPS) direction, including provincial natural hazard policies. HCA applies these policies to its review of planning and regulation proposals.

HCA policies do not permit development, including the construction of buildings and placement of fill, within erosion hazard limits associated with valley systems. The following policies are particularly relevant to the subject application:

Policy 2.1.2.3 (a) – Development activities and uses on natural valley slopes will generally be prohibited. At its discretion, however, the Authority may permit the following uses:

- i. Passive recreation and associated structures (e.g. staircases);
- ii. Structures associated with erosion and sediment control; and
- iii. Any other relevant or appropriate use and/or development as deemed satisfactory by the Authority.

Policy 2.1.2.3 (d) – Any development proposals adjacent to valleylands must be located outside of the erosion hazard limit and incorporate a vegetation protection zone appropriate for the features associated with that valley.

Policy 2.1.2.3 (h) – The Authority requires that a minimum erosion access allowance of 6m be incorporated into the development proposal, where possible, and that the erosion access allowance permit access from a municipal roadway to and along the top of slope for regular maintenance purposes and/or to repair protection works.

Policy 5.1 (b) – Fill placement, dumping or removal shall not be permitted within hazardous lands, with the following exceptions:

- i. Where fill is required in order to ensure the long-term stability of a slope to protect existing development and no new developable lands are created;
- ii. As part of cut and fill operations, in accordance with the policies of section 2.1.1.5;
- iii. Within the Dundas Special Policy Areas, in accordance with the applicable SPA policies; or
- iv. Importation of soil for the purposes of agricultural soil enrichment in accordance with normal farm practices.

City of Hamilton Urban Official Plan

While not directly applicable to the review of the subject application for a permit under HCA's regulation, staff note the City of Hamilton Urban Official Plan (UHOP) also contains natural hazard policies relevant to the proposed development. The City of Hamilton UHOP is required to be consistent with provincial policy direction (PPS) regarding development in hazardous lands. These policies would be applied to the City's consideration of the Official Plan Amendment and Zoning By-law Amendment applications for the proposed development.

The UHOP recognizes the significance of hazardous lands, and the risks and constraints they pose to development (Chapter B, Section 3.6.5). The general intent of the hazard policy framework in the UHOP is to direct development to areas outside of hazard lands, so as to reduce risks to residents and the potential for public costs from hazards. The UHOP generally limits permitted uses within hazard lands to conservation management and passive recreation. Land uses which could be affected by hazardous conditions or which could increase the inherent hazard are to be prohibited under the UHOP.

Application Assessment

The subject properties are affected by erosion hazards associated with the Chedoke Creek valley system. The current application proposes significant development within the valley and its associated erosion hazard. This includes major fill placement and grading work to engineer a new valley top of bank and 3:1 slope profile 14 metres to the south of existing top of bank in order to create new additional developable ('tableland') area (see Attachment B). Although a detailed grading plan has not been provided, HCA staff estimate the proposal would require approximately 14,400m³ (1,440 dump truck loads) of engineered fill to reconstruct the valley slope.

As reviewed above, provincial policy (PPS) generally directs development to areas outside of hazardous lands, with the overarching objective of minimizing risk to life and property. The technical guidelines that have been developed by the province to support implementation of the PPS natural hazard policies identify prevention, through the orderly planning of land use to avoid development in areas which may pose a risk to public health and safety, as the preferred approach for addressing natural hazards.

While the natural hazard policies of the PPS do provide some opportunity for development in hazardous lands under certain circumstances (e.g. slope erosion protection works to protect existing development), HCA staff are of the opinion these provisions do not accommodate the subject development and its proposed filling and reconstruction of the valley to establish new developable lands. In staff's opinion there are potential public safety and property risks associated with the proposed development of an institutional use within valley lands susceptible to erosion hazards. As the delegated authority for representing the provincial interest in natural hazard policy matters, it is the HCA staff professional opinion the proposal is not consistent with the PPS.

HCA policy, as outlined above, does not permit development within the erosion hazard associated with river/stream valley systems. This includes a prohibition on fill placement within hazardous areas to create additional developable lands. In considering HCA's policies, it is the HCA staff professional opinion the conditions under which a permit can be issued under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* are not met.

The policy direction and importance of directing development to areas outside of hazardous lands is based not only on science relating to natural hazards, but also on real life experience. There are examples across the Province of development historically taking place within hazardous lands, specifically ravine lands, with resultant failure of ravine slopes and damage to property or loss of use with the subsequent economic and social losses. Locally, this issue was highlighted in an October 13, 2017 article entitled "Cracks in the foundation: The price of living on the edge", where the City was considering purchasing a residential property due to slope failure issues. This is but one example of ravine slope failure issues in the City of Hamilton. Provincial and HCA

policies are in place to direct development outside of hazardous lands wherever possible to avoid future issues and to learn from the past.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2014 – 2018 outlines its major goals and objectives for advancing the Authority's Vision and Mission to ensure healthy streams and communities through leadership in conservation and sustainable management of the watershed. HCA implements a wide variety of programs to fulfill this mandate, including programs to protect people and property from natural hazards. Administration of HCA's regulation (*Ontario Regulation 161/06*) contributes to the achievement of these program objectives and HCA's Strategic Plan more generally.

AGENCY COMMENTS

There is none.

LEGAL/FINANCIAL IMPLICATIONS

It is important to note that approval of this application may create liabilities for the Hamilton Conservation Authority. As a regulatory agency with responsibility for reviewing development proposed in natural hazard prone areas, the HCA is aware that there are erosion hazard issues on this property that may be exacerbated by the proposed filling and development of the valley. The HCA Board of Directors need to be aware of these possible eventualities and the associated liability to the Hamilton Conservation Authority if this application is approved.

CONCLUSION

The subject application proposes development within the Chedoke Creek valley system and its associated erosion hazard. This includes the proposed reconstruction of the existing valley through filling and grading work that would remove the woodland and move the existing valley top of bank 14 metres southwards to establish a new engineered top of bank and 3:1 slope profile, to create new developable land.

Provincial and HCA policies take a preventative approach to addressing the potential risks and impacts associated with natural hazards by generally directing development to areas outside of hazardous lands. It is the HCA staff professional opinion the natural hazard policy framework outlined in the PPS and HCA's *Planning and Regulation Policies and Guidelines* (October, 2011) does not support the proposed development.

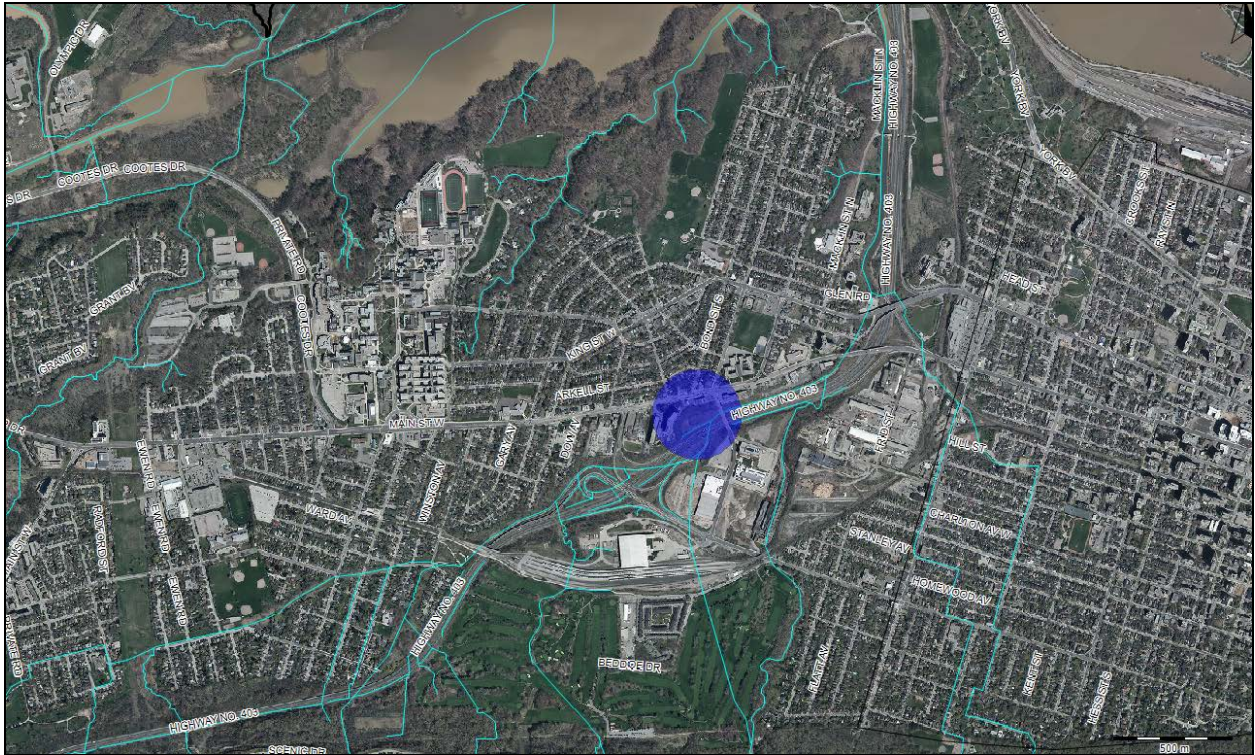
The proposed development does not meet the conditions under which HCA may issue a permit under *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*.

Given land use intensification pressures in the City, HCA staff are also concerned that if the application is approved it may set a precedent and lead to similar proposals for development and infilling of watershed valley systems in the future.

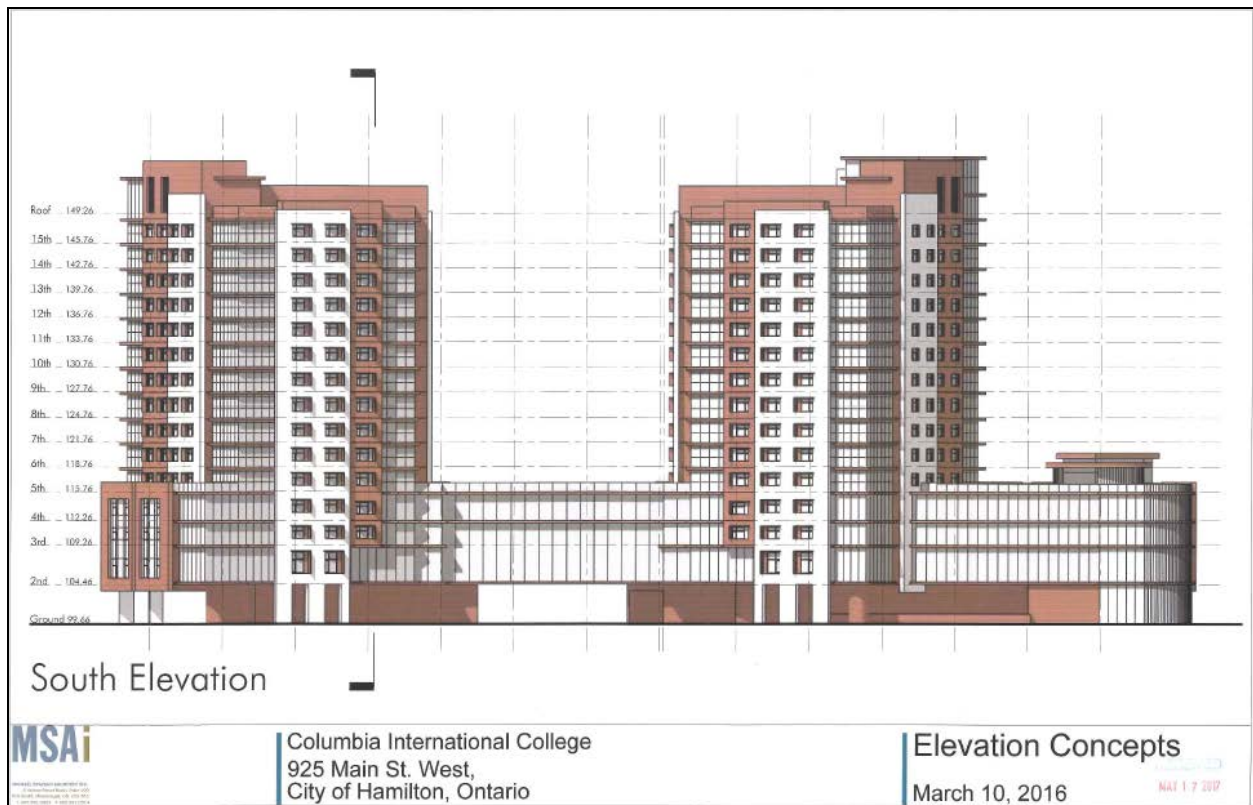
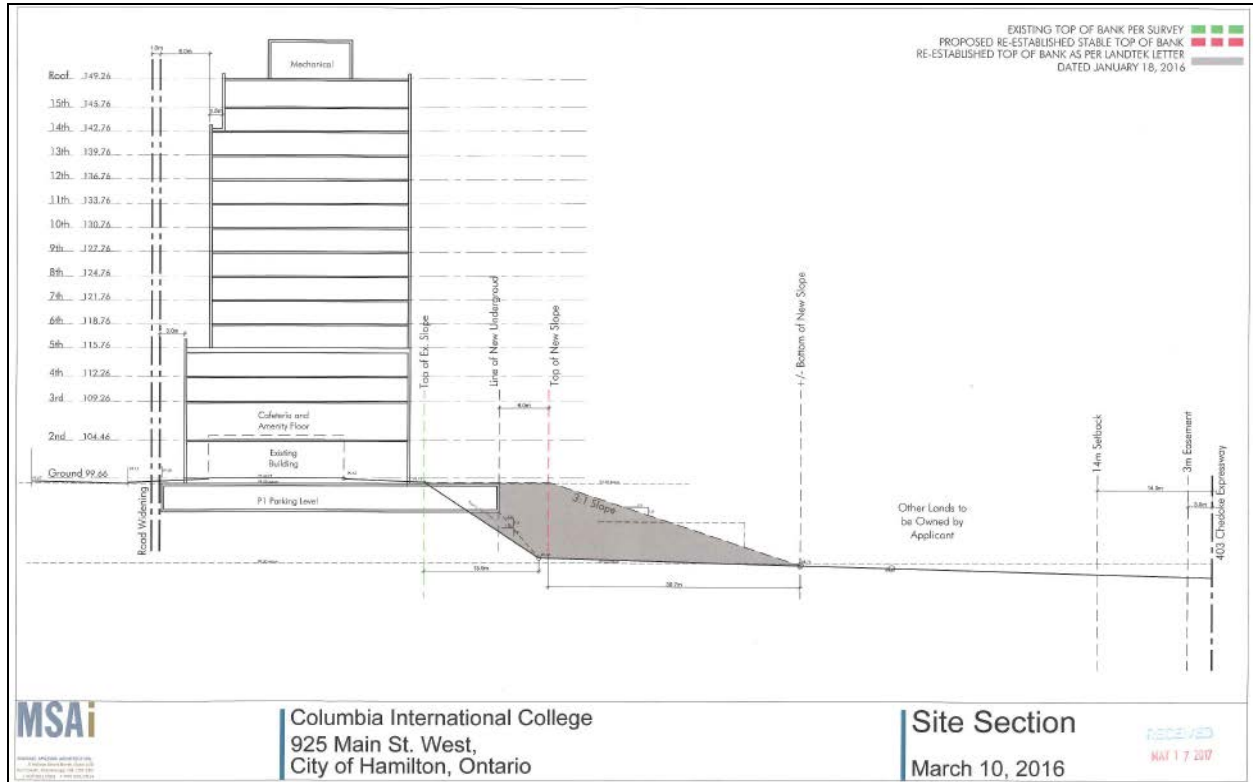
As such, it is the recommendation of HCA staff that the application be refused.

Attachment A – Site Location

925 Main Street West and 150 Longwood Road South, City of Hamilton



Attachment B – Development Proposal





Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer/Director, Watershed Planning and Engineering

PREPARED BY: Jaime Tellier, Watershed Officer

DATE: January 17, 2018

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 Applications for February 1, 2018

HCA Regulation applications approved by staff between the dates of November 23, 2017 and January 17, 2018 are summarized in the following Summary Enforcement Report (SER-1/18).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-1/18 as information.

HAMILTON REGION CONSERVATION AUTHORITY

DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS

January 17, 2018

**Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority,
February 01, 2018**

The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).

SUMMARY ENFORCEMENT REPORT SER 1/18

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
F/F,C/17/14	29-Mar-17	22-Nov-17	29		261 Hwy 5 W Lot 19, Concession 3 Flamborough	Construction of a new convenience store, restaurant, gas pumps and associated service installation and grading associated with site plan application DA-11-189 in a regulated area of Borer's Creek.	Approved subject to standard conditions
H/F,C/17/95	17-Nov-17	23-Nov-17	7		695 Nash Rd N Lot 28, Concession BF Hamilton	Construction of a new detached garage in the Regulatory Floodplain of Redhill Creek.	Approved subject to standard conditions
SC/F,C,A/17/75	07-Sep-17	24-Nov-17	26		32 Lakeshore Dr Lot 11, Concession BF Stoney Creek	Retrofit of an existing shoreline retaining wall and construction of a detached deck in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/C/17/96	22-Nov-17	01-Dec-17	12		24 Faircourt Dr Lot 26, Concession 3 Stoney Creek	Construction of a detached garage in a regulated area of Battlefield Creek.	Approved subject to standard conditions
H/F,C/17/92	14-Nov-17	04-Dec-17	13		Pt Lt 31, Con 3, Queenston Rd and Redhill Creek Lot 31, Concession 3 Hamilton	Completion of erosion repairs to a ravine slope associated with an existing stormwater outfall in a regulated area of Red Hill Creek.	Approved subject to standard conditions
SC/F,C,A/17/77	08-Sep-17	04-Dec-17	52		76 Seabreeze Cres Lot 10, Concession BF Stoney Creek	Construction of a new shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions

HAMILTON REGION CONSERVATION AUTHORITY**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS****January 17, 2018****Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority,
February 01, 2018****The proposed works are subject to Ontario Regulation 161/06, and in particular Section 2, Subsection (1).****SUMMARY ENFORCEMENT REPORT SER 1/18**

SC/F,C,A/17/70	23-Aug-17	04-Dec-17	51		80 Seabreeze Cres Lot 10, Concession BF Stoney Creek	Construction of a new shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/F,C,A/17/71	23-Aug-17	04-Dec-17	51		82 Seabreeze Cres Lot 10, Concession BF Stoney Creek	Construction of a new shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
H/F,C,A/17/81	25-Sep-17	14-Dec-17	40		55 Dartnall Rd Lot 2, Concession 8 Hamilton	Replacement of an existing pipeline ground bed system in a regulated area of Hannon Creek within the Mount Albion Conservation Area.	Approved subject to standard conditions
F/F,C/17/85	17-Oct-17	15-Dec-17	20		Pt Lt 28 and 29, Cons 3 and 4 Lot 28, 29, Concession 3, 4 Flamborough	Completion of the existing Line 10 decommissioning in a regulated area of West Spencer Creek and the Hayesland-Christie Provincially Significant Wetland Complex.	Approved subject to standard conditions
F/F,C/17/94	14-Nov-17	21-Dec-17	35		443 Hwy 8 Lot 32, Concession 2 Flamborough	Installation of a gas service line for a private property in a regulated area of Middle Spencer Creek.	Approved subject to standard conditions
SC/F,C/17/98	18-Dec-17	09-Jan-18	24		803 Barton St E Lot 12, Concession 1 Stoney Creek	Installation of cable conduit in a regulated area of Watercourse No. 5, of the Stoney Creek Numbered Watercourses.	Approved subject to standard conditions
F/F,C,A/17/30	09-May-17	15-Jan-18	77		Pt Lt 21, Con 2, Rock Chapel Rd Lot 21, Concession 2 Flamborough	Completion of scour protection works on an existing bridge (Bridge 080) in a regulated area of Borer's Creek.	Approved subject to standard conditions

HAMILTON REGION CONSERVATION AUTHORITY

MINUTES

Board of Directors Meeting

December 7, 2017

Minutes of the Board of Directors meeting held on Thursday, December 7, 2017 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario at 7:00 p.m.

PRESENT:

Robert Pasuta, in the Chair	
Dan Bowman	Kris Brown
Chad Collins	Susan Fielding
Lloyd Ferguson	Brad Gautreau
Aidan Johnson	Maria Topalovic

Ine Wauben, Foundation Chair

REGRETS: **Doug Conley, Santina Moccio**

STAFF PRESENT: **Jonathan Bastien, Scott Bearman, Rondalyn Brown, Lisa Burnside, Gord Costie, Grace Correia, Matt Hall, Bruce Harschnitz, Paul Karbusicky, Darren Kenny, Sara Kinnear, Neil McDougall, Colin Oaks, Val Pazzi, Scott Peck, and Nancy Watts**
- HCA Staff

OTHERS: **Richard Leitner - Media**

1. CALL TO ORDER

The Chair called the meeting to order and welcomed everyone present.

2. DECLARATIONS OF CONFLICT OF INTEREST

The Chair asked members to declare any conflicts under the Board's Governance Policy. There were none.

3. APPROVAL OF AGENDA

The Chair requested any additions or deletions to the agenda. The Chair indicated that the order of delegations under 4.1 has been changed and there is a new item under 10.1 Other Correspondence; and one legal/property item under 14.1.

BD12,2492 MOVED BY: Dan Bowman
SECONDED BY: Kris Brown

THAT the agenda be approved as amended.

CARRIED

4. DELEGATIONS

4.1 Delegation – Proposed Expropriation at 31 Fallsview Road, Dundas

Robert Pasuta introduced Moyez Ladhani. Moyez requested a 20 minute extension for his PowerPoint presentation and members approved the extension.

Moyez stressed that the Hamilton Conservation Authority needs to stop the proposed expropriation and indicated that it is bad for the community, landowners, the City of Hamilton, and Hamilton Conservation Authority.

Moyez spoke about the increased crowds coming into the area, trespassing on landowner's properties, and ongoing issues. The shuttle works to move people, however, the volume of visitors need to be addressed.

In conclusion, Moyez stated that the proposed expropriation needs to stop and start a master plan on this area in Greenville.

Robert Pasuta thanked Moyez for his presentation.

4.2 Delegation – Proposed Expropriation at 31 Fallsview Road, Dundas

Robert Pasuta introduced Luc Lalonde. Luc requested a 5 minute extension for his presentation and members approved the extension.

Luc provided a verbal presentation. Luc spoke briefly on his background growing up in a small community. Luc indicated that these 24/7 issues in this Greenville area will not go away with the proposed expropriation plan.

In closing, Luc advised that he is worried about tourism in the Tew Falls and Webster Falls, area is taking priority over concerns for the environment. Meaningful and inclusive dialogue with the community must be part of the solution.

Robert Pasuta thanked Luc for his presentation.

4.3 Delegation – Proposed Expropriation at 31 Fallsview Road, Dundas

Robert Pasuta introduced John Wells.

John provided a verbal presentation and indicated that it would be brief. John is good friends with Luc and Moyez and understands what they are going through living in this area with three children. The overcrowding, lack of privacy, and patrons coming up to their house for a glass of water or to use their washroom.

In conclusion, John advised that we should pause about what we are doing with this situation and appreciated this opportunity to speak.

Robert Pasuta thanked John for his presentation.

4.4 Delegation - Proposed Expropriation at 31 Fallsview Road, Dundas

Robert Pasuta introduced Barrie Boatman. Barrie requested a 5 minute extension for his PowerPoint presentation and members approved the extension.

Barrie advised that he feels the decision to expropriate is regrettable and that the decision should be reconsidered. The fundamental problem is too many visitors. Expropriation should be an act of last resort and surely there are options such as the shuttle and City extension of sidewalks.

Barrie outlined G.R.E.A.T. (Greenville Rejects Expropriation and Tyranny) community group that will fight expropriation if it is not rescinded.

Robert Pasuta thanked Barrie for his presentation.

Robert indicated that this situation is difficult.

5. MEMBER BRIEFING

There was none.

6. APPLICATIONS - DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES

(Copies of the supporting staff report are available from the Authority's Administration Office)

Darren Kenny presented the report.

BD12,2493 **MOVED BY:** **Dan Bowman**
SECONDED BY: **Aidan Johnson**

THAT the Board of Directors receive the Summary Enforcement Report SER – 10/17.

CARRIED

7. MINUTES OF PREVIOUS MEETING (November 2, 2017)

BD12,2494 **MOVED BY:** **Kris Brown**
SECONDED BY: **Brad Gautreau**

THAT the Board of Directors approve the following recommendation:

THAT the minutes of the Board of Directors meeting held on November 2, 2017 be approved.

CARRIED

8. BUSINESS ARISING FROM THE MINUTES

There was none.

9. PRE-DISTRIBUTED CORRESPONDENCE

The following correspondence was received:

9.1 Letter from Save Our Spring Committee re Ancaster Wells

BD12,2495 **MOVED BY:** Aidan Johnson
SECONDED BY: Dan Bowman

THAT the pre-distributed correspondence be received.

CARRIED

10. OTHER CORRESPONDENCE

The following other correspondence was received:

10.1 Email from David Murray re Ancaster Wells

BD12,2496 MOVED BY: Aidan Johnson
SECONDED BY: Chad Collins

THAT the other correspondence be received.

CARRIED

11. REPORTS

11.1 Conservation Advisory Board (Minutes – November 9, 2017)

Maria Topalovic presented the minutes of the Conservation Advisory Board meeting held on November 9, 2017 and indicated that there were no motions requiring Board of Directors approval.

Motion to Receive the Minutes

BD12,2497 MOVED BY: Maria Topalovic
SECONDED BY: Susan Fielding

THAT the minutes of the Conservation Advisory Board meeting held on November 9, 2017 be approved as amended.

CARRIED

11.2 Foundation Chairman's Report

Ine Wauben, Chair reported on the following:

- Total Donations for November - \$100,760 as follows:
 - \$47,335 for our Highest Priority Fund
 - \$29,300 for Westfield Heritage Village (\$27,000 of which is from the Friends of Westfield volunteer group through the operation of their gift shop and the proceeds of their fundraising events)
 - \$10,000 to subsidize bus trips to the Outdoor Environmental Education program for at-risk schools
 - \$7,500 for invasive species educational signage in HCA Conservation Areas
 - \$3,000 from the Memorial Bench program

- The remaining \$3,625 came in donations for Land Securement, Outdoor Environmental Education, Trail Development, Saltfleet Conservation Area and the Fifty Point Trail Loop

We also disbursed \$40,600 from our endowment funds for the Outdoor Environmental Education Program and upkeep of the Eramosa Karst Conservation Area.

- Year-to-Date:
 - This brings our cumulative fiscal-year (December 2016 to November 2017) revenue to \$526,613.
- Fall Appeal:

In mid-October we sent letters to 506 recent donors and Board Members from the Foundation, HCA and CAB. This letter asked recipients to consider a gift to the Foundation and highlighted our commitment to getting children learning outside through the HCA's Outdoor Environmental Education Program.

By the end of November, we received \$11,154 from 57 donors. More donations continue to come in as year-end approaches. Members interested in pledging a donation are encouraged to speak with Grace Correia.

Robert Pasuta thanked Ine for this report and thanked the Foundation for all their support.

12. OTHER STAFF REPORTS/MEMORANDUMS

12.1 Tender Quote for Christie Lake Dam Low Flow Valve Repair/Replacement - Addendum

Scott Peck presented the report. A memorandum was brought forward to the September 7 Board of Directors meeting indicating that the repair/replacement of two 24" low flow valves is required to maintain the design performance of the low flow discharge system of the Christie Reservoir and Middle Spencer Creek. A request for quotation package was sent out and two proposals were submitted.

Both proposals significantly exceeded the preliminary budget of \$60,000. The Board of Directors were advised of this at the September meeting and staff indicated they would review the proposal and seek additional Provincial funding and report back. Staff reassessed the budget in order to successfully complete the project before March 15, 2018 and focussed on the replacement of the valves as the preferred option based on the tenders received. Additional funding through the Ministry of Natural Resources and Forestry Water and Erosion Control Infrastructure (WECl) Fund was secured. This is a 50/50 funding source

with the HCA funds for the project being utilized from the Watershed Planning & Engineering budget.

Based on the review of the proposals provided by both bidders, it is recommended that the work for the replacement of two low flow valves be awarded to Trade-Mark Industrial Inc.

BD12,2498 **MOVED BY:** **Susan Fielding**
SECONDED BY: **Kris Brown**

THAT the Board of Directors approve the following recommendations:

THAT the proposal related to replacement of Two (2) 24" Low Flow Valves at Christie Lake Conservation Area submitted by Trade-Mark Industrial Inc. be accepted at a cost of \$96,589 plus HST.

CARRIED

12.2 Tender Award – Christie Lake Conservation Area Pond Decommissioning and Fish Habitat Improvement Project, Pond 7 (Phase 6)

Scott Peck presented the report. A tender package for construction services for the decommissioning of Pond 7 was prepared and sent to six contractors and advertised in the Daily Commercial News.

Based on the review of the proposals, it is recommended that the tender be awarded to the low bidder R & M Construction.

HCA has received funding from DFO under the RFCPP to implement Phase 6 of the Christie Lake Conservation Area Pond Decommissioning and Fish Habitat Improvement Project over the 2017-2018 period.

The decommissioning of Pond 7 will build on restoration work that has been completed since 2014, and contribute to the improvement of the fishery and restoration of natural self-sustaining stream systems at Christie Lake Conservation Area.

BD12,2499 **MOVED BY:** **Lloyd Ferguson**
SECONDED BY: **Susan Fielding**

THAT the Board of Directors approve the following recommendations:

THAT subject to final endorsement of the Pond 7, Phase 6 Agreement and Work Plan by the Department of Fisheries and Oceans, the tender for construction services for Pond 7 (Phase 6) of the Christie Lake Conservation Area Pond Decommissioning and Fish Habitat Improvement Project be awarded to R&M Construction for a total cost of \$143,904.78 including HST.

CARRIED

12.3 Current Watershed Conditions as of November 24, 2017

Jonathan Bastien provided an update on the current conditions. The current water levels are well below critical levels and there are presently no watercourse flooding concerns. Staff are currently drawing down operating reservoir levels to winter levels at Christie Lake.

BD12,2500

**MOVED BY: Chad Collins
SECONDED BY: Dan Bowman**

THAT the Board of Directors approve the following recommendations:

THAT the memorandum titled Current Watershed Conditions as of November 24, 2017 be received.

CARRIED

12.4 Upcoming HCA and Partner Events

Gord Costie provided an update of the upcoming events that are included in the agenda package.

13. NEW BUSINESS

There was none.

14. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY

BD12,2501

**MOVED BY: Chad Collins
SECONDED BY: Aidan Johnson**

THAT the Board of Directors moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, two legal/property matters were discussed.

At this point it is 10:00 p.m. and a motion needs to take place for the meeting to continue past 10:00 p.m.

BD12,2502 **MOVED BY:** Aidan Johnson
SECONDED BY: Chad Collins

THAT the Board of Directors approve the following recommendations:

THAT the Board of Directors meeting continue past 10:00 p.m.

CARRIED

14.1 Confidential Verbal Update – BD/Dec 01/2017

Lisa Burnside and Scott Peck provided a verbal update.

14.2 Confidential Verbal Discussion – BD/Dec 02-2017

Discussions took place amongst the board members. The recommendation has been moved out of in camera.

BD12,2503 **MOVED BY:** **Susan Fielding**
SECONDED BY: **Dan Bowman**

THAT the Board of Directors moves out of *in camera*.

CARRIED

14.3 Ancaster Well

At this evenings Board meeting, a member of the public approached the Chairman during the course of the meeting between agenda items, petitioning to be allowed to speak as a delegation on the Ancaster Well.

The following motion was presented.

BD12,2504**MOVED BY: Chad Collins
SECONDED BY: Susan Fielding****THAT the Board of Directors approve the following recommendations:****THAT no further delegations will be accepted in regard to the Ancaster Well, subject only to future legislative change, as this recognizes that the board has reached a resolution to the issue of the Ancaster well access that meets both provincial and Hamilton Public Health Department requirements and requires no further discussion.****CARRIED****15. NEXT MEETING**

The next meeting of the Board of Directors and AGM will be held on Thursday, February 1, 2018 at 7:00 p.m. at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

16. ADJOURNMENT

On motion, the meeting adjourned.

HAMILTON CONSERVATION AUTHORITY**Conservation Advisory Board****MINUTES****December 14, 2017**

Minutes of the Conservation Advisory Board meeting held on Thursday, December 14, 2017 at HCA's Woodend Administration Building commencing at 7:00 p.m.

PRESENT:**Maria Topalovic, Chair****Rob Booth****Kris Brown****Frank Cucullo****Brad Gautreau****Cheryl Larocque****Morgan Pirie****John Shaw****Kristen Brittain****Lydia Cartlidge****Joanne Di Maio****Donna Kydd****Chris Michels****Marie Robbins****REGRETS:****John Barkovic, Susan Fielding, Santina Moccio, Duke O'Sullivan, Robert Pasuta, Wayne Terryberry****STAFF PRESENT:****Rondalyn Brown, Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Bruce Harschnitz, Judy Love, Sheila O'Neal, Scott Peck, and Jeff Stock – HCA Staff****OTHERS:****Richard Leitner - Media****1. CHAIR'S REMARKS**

Maria Topalovic welcomed everyone and indicated the regrets received for the meeting.

2. DECLARATION OF CONFLICT OF INTEREST

The Chair asked members to declare any conflicts of interest. There was none.

3. APPROVAL OF THE AGENDA

Maria Topalovic indicated that the member briefing under 6.1 will be presented prior to 5.1 - Stewardship Awards and there will be an item under 11.1 In camera to discuss a property/legal matter.

CA1725 **MOVED BY:** **Joanne Di Maio**
SECONDED BY: **Donna Kydd**

THAT the agenda be approved as amended.

CARRIED

4. DELEGATIONS

There was none.

5. STEWARDSHIP AWARDS

Lisa Burnside welcomed everyone to the HCA's Conservation Awards ceremony. Lisa indicated that Maria and she are very pleased to be presenting six awards this evening.

The Conservation Award recognizes individuals, community groups and organizations that have made a significant contribution to conservation in our watershed.

Community Award

In the category of "Community Award", HCA celebrates FOTEK Inc. (Friends of the Eramosa Karst).

FOTEK members have spent a decade working to protect the Eramosa Karst Area of Natural and Scientific Interest (ANSI) in Upper Stoney Creek through their volunteer advocacy and fundraising efforts.

In 2008, they successfully lobbied the Municipal and Provincial Governments to have the core Eramosa Karst Conservation Area lands donated to the Hamilton Conservation Authority. FOTEK has since worked to have the Karst "Feeder Lands" protected through a long-term lease from the Province. They continue to work with HCA and Hamilton Conservation Foundation on plantings and fundraising for future improvements to the conservation area.

To date, FOTEK has helped protect 270 acres of land, donated \$25,000 to the Hamilton Conservation Foundation's Eramosa Karst Fund and contributed over 10,000 hours of volunteer time. Thank you and congratulations to FOTEK on celebrating its 10th Anniversary in 2017.

Citizen Award

In the category of "Citizen Award", HCA celebrates Marion and Rick Robertson. Westfield Heritage Village has been benefited greatly from the efforts of Marion and Rick Robertson. The successes of the Teaching Forest, Native Garden, Bee Hives and educational tours into the forest, would not have been accomplished without their hard work, passion, and dedication.

At Valens Lake and Christie Lake Conservation Areas, the Robertson's maintain Wood Duck boxes and yearly submit a report to HCA and Ducks Unlimited.

At Valens, the Robertson's have participated in bird and amphibian monitoring. They have donated trees and in 2016 they started up the Friends of Valens.

Thank you and congratulations Marion and Rick.

Education Award

In the category of "Education Award", HCA celebrates Calvin Christian School Grade 8 Students. Students from Calvin Christian School observed invasive plant species at a nearby conservation area and that sparked an idea to help inform visitors about local Invasive Species.

HCA staff and teachers from Calvin Christian School met and the idea for an Invasive Species Interpretive Sign project grew.

Not only did the students work hard at researching and designing the interpretive information for these signs, they also set about successfully applying for a \$7,500 grant from TD Friends of the Environment Fund.

As a result six interpretive signs will soon be installed at the conservation areas.

Thank you and congratulations Calvin Christian School and Grade 8 Students.

Watershed Steward

In the category of "Watershed Steward", HCA celebrates Jeff and Helen Nichol.

The flowing waters of Middle Spencer Creek are surrounded and protected by a lush diversely vegetated streamside buffer on the Nichol property. Turtles, birds and myriads of other creatures find the property so hospitable. The Nichols have

a fond appreciation for wildlife and they nurture a strong desire for protecting the lands.

By allowing a diversity of trees, shrubs and herbaceous plants to flourish beside the creek and throughout the property the Nichols are providing habitat, stability and tranquility. Through the act of protecting their biodiverse landscape, coupled with efforts put forth to maintain its ecological health and vitality, the Nichols' recognition as watershed stewards is well deserved.

Thank you and congratulations Jeff and Helen.

Watershed Steward

In the category of "Watershed Steward", HCA celebrates Lara and Paul Grunthal.

Re-establishing a biologically diverse and resilient woodland has been a top priority for the Grunthals. A headwater tributary of Spring Creek flows through an old conifer plantation that has since begun to fade.

The Grunthals are passionate about understanding the dynamic land in which they reside and they have put forth tremendous effort to turn the trend toward rejuvenation while working to restore the ecological function of their property.

Through the support of the Hamilton Watershed Stewardship Program, the trend of habitat fragmentation has been halted and the remaining long lived oaks, maples and cherries are being complemented with vibrant new saplings that support native insects and birds.

The Grunthals' land maintenance practices have delivered great results. Their continued work will benefit the plants and animals inhabiting the Dundas Valley.

Thank you and congratulations Lara and Paul.

Watershed Steward

In the category of "Watershed Steward", HCA celebrates Kristie and Fraser Galer.

An idyllic view at the western tip of the Dundas Valley is certain inspiration to the Galers. With their intent to re-forest parts of the property and plans to continue to naturalize portions of 77 acres of land, the Galers are stewarding for the future of their land.

Headwater tributaries of Spring Creek will benefit from the Galers' intent to rehabilitate them to utmost health where they flow across the property. A healthier Spring Creek will enjoy cool comfort as it flows into the surrounding

forest. A spring fed pond on the property supports frogs, turtles, and breeding birds.

The homestead of the property has been converted into an energy efficient home with solar panels, rainwater as the only water source and high efficiency windows.

Kristie and Fraser Galer as watershed stewards will truly be architects to an ecologically bright future.

Thank you and congratulations Kristie and Fraser.

As Watershed Stewards we ask that you post the Stewardship Award sign you receive tonight in a prominent location on the property, not only to promote and recognize what you are doing, but to encourage others to do the same. Thank you for making a significant contribution to the health of the watershed.

6. MEMBER BRIEFING

6.1 Watershed Stewardship Projects and Initiatives

Jeff Stock presented a PowerPoint presentation on the 2017 Hamilton Watershed Stewardship Program and answered member's questions.

Jeff provided a summary of projects that the Watershed Stewardship supported in 2017:

- Chedoke Creek
 - The project took place at Dundurn Avenue at a Unitarian Church that has had a group of volunteers from the Congregation creating a teaching garden that is composed of a variety of native trees, shrubs, and herbaceous species.
- Borers Creek
 - This was a landowner who was interested in creating a wind break around his agricultural operation. Windbreaks reduce soil erosion, protect a variety of win-sensitive crops, and increase bee pollination. They can also spread snow evenly across a field, increasing spring soil moisture.
- Spring Creek
 - The project took place on a property that is one of our Watershed Stewardship award recipients. This property had been a pine plantation that has been succeeding over time with new species. We had two volunteer days to remove as many invasive plants as possible and to plant new stock using deer resistant plants as deer herbivory was somewhat

exacerbating the situation. We used a lot of the leftover invasive plant material as brush piles to create habitat for insects and birds.

- West Spencer Creek
 - The landowner was interested in planting up his grassed waterway and building a nesting structure for the barn swallows inhabiting the area. Barn swallows are currently at risk. We planted up this grassed waterway to support water quality improvement, and introduce a variety of sun loving, wet habitat species like willows, dogwood, poplars, and wildflowers. This will help shade out the invasive reed canary grass that had choked out the waterway
- Ancaster Creek
 - The neighbor, a member of Trout Unlimited Canada (TUC) was interested in improving the channel flow of the creek. There had been significant buildup of wood that had made its way into the creek causing major logjams. Over a couple of volunteer days, we not only removed the significant logjams but also used some of the materials to in fill erosion happening during high flow events.

Jeff provided a summary of outreach events held in 2017:

- Collaborative Event -Rifle Range Prairie with MNRF Stewardship Rangers
 - We hosted the MNRF Stewardship Rangers. They travel across the Region helping different organizations fulfill environmental efforts. Last year's crew voted cleaning up the Rifle Range Quarry Prairie of Invasive Species as their favorite event of the summer.
- Collaborative Event – Tew Lookout Planting with Canon Canada
 - We also hosted Canon Canada for a second year for their “Branch Out Hamilton” Annual Volunteer Event. Ecology and Stewardship collaborated to have them plant up around the Tew Lookout Area, restoring a decommissioned trail using a variety of oak woodland species. They also generously donated to pay for the plants.
- Walking Tours – Spencer Creek and the Town of Dundas, A Historic Walking Tour
 - We hosted a historic walking tour through rural Dundas and Lower Spencer Creek, using a local historian to weave how the City was formed and how the creek was the foundation to its development.
- Walking Tours – Swift Adaptation, The Birds of Urban Hamilton
 - The event was an urban bird walk to engage with Urban Hamilton in an unconventional way. We walked the downtown core identifying birds, habitat food, and walked on a set route towards a station set up by the Hamilton Naturalist Club.

We ended the walking tour at the Scottish Rite to watch over a hundred chimney swift. The chimney is their roosting point before pairing off and mating for the summer. Chimney Swifts are also a “threatened” species in Ontario and it is truly an eye opening experience to see a species at risk residing in a highly urban environment.

- Walking Tours – Spencer Creek Salmon Stroll
 - This is the second year we hosted the Spencer Creek Salmon Stroll. We attracted local experts from the community to watch the Chinook Salmon on their spawning run along the Spencer Creek Trail in Lower Spencer Creek.

Jeff indicated that they photo monitored specific projects that they have supported at their completion, and year 1, 5 and ten to watch as projects fully develop over time.

Maria thanked Jeff for his presentation and all the great projects that were complete this year.

7. CHAIRMAN’S REPORT OF BOARD OF DIRECTOR’S ACTIONS

Maria reported that there were no recommendations to be approved by the Board of Directors.

8. APPROVAL OF THE MINUTES OF PREVIOUS MEETING

8.1 Minutes – Conservation Advisory Board (November 9, 2017)

CA1726

**MOVED BY: Kris Brown
SECONDED BY: Morgan Pirie**

**THAT the minutes of the November 9, 2017
Conservation Areas Advisory Board meeting be
approved.**

CARRIED

9. BUSINESS ARISING FROM THE MINUTES

There was none.

10. STAFF REPORTS/MEMORANDUMS

10.1 Capital Projects

Matt Hall provided a PowerPoint presentation on the 2017 capital projects and answered member's questions.

Fifty Point:

- new bridge built
- added 3.5 km trail
- added a new pavilion
- dock repairs
- volunteer plantings at the gatehouse

Wild Waterworks:

- front of the wave pool was improved with a rubberized coating

Hamilton Mountain:

- plantings off Highland Road – FOTEK helped with the planting
- larger planting along Rymal Road – created pollinator area for butterflies
- Dofasco Trail Boardwalk – significant section has rotted and we have started to rebuild the boardwalk. This will take a number of years to complete.
- auto gates installed at Devil Punch Bowl (not yet in operation)

Dundas Valley:

- front stairs and garden redone at Woodend
- repaired trails and bridges from flood damage
- repainted train cars and repaired the roofs
- auto gates installed at Hermitage parking lot (not yet in operation)
- back area of Hermitage Ruins completed
- Canal Park – replaced floating islands

Millgrove Works Yard:

- new storage structure was built and should be completed by year end

Christie Lake:

- hydro work has been completed to improve connections through the area
- hydro pole removal and burying wire on show field

Spencer Gorge:

- erosion issues on the trail leading to Dundas Peak – significant repairs undertaken
- implemented vehicle and trail counters along Spencer Gorge

Westfield Heritage Village:

- repainting of buildings using historic paints
- roofing projects
- working on Master Plan

Valens Lake:

- undertook clean up and removed concrete footings on fishing bridge
- installed new handrail
- new roadway completed to create access path to back area
- cabins – still working on approval process through MOECC and City

10.2 Flood and Erosion Control Study

Scott Peck provided a PowerPoint presentation and indicated HCA has commenced a study to investigate possible flood and erosion control alternatives for the Stoney Creek and Battlefield Creek watersheds. The focus is to investigate possible options above the escarpment that would help to alleviate the flooding and erosion occurring below the escarpment.

A Public Information Centre No. 2 was held on November 28, 2017 to learn more about the study, the various alternatives being considered and the next steps in the study process.

HCA has set a goal of creating a new conservation area in the Upper Stoney Creek and Upper Battlefield Creek watershed. Through detailed study and consultation, opportunities to provide flood and erosion impact management, through attenuation of runoff in existing and enhanced wetland areas above the Escarpment, have been assessed and evaluated. These areas and locations for runoff storage would ultimately have the potential to become multi-use public spaces as part of a new conservation area.

Alternative assessments have been evaluated considering four environmental categories and various evaluation criteria specifically relevant to the study area, objectives and stakeholders. The four categories are:

- Functional Environment
 - effectiveness of flooding and erosion mitigation
 - constructability
- Natural Environment
 - impacts/opportunities related to terrestrial ecology and fisheries
- Social Environment
 - impacts/opportunities related to public use, safety, adjacent properties and structures, land use and recreation
- Economic Environment
 - lands costs
 - capital and maintenance cost for the storage systems

Next Steps:

- receive public comments by December 22, 2017
- incorporate public and agency input into alternative assessment
- select preferred solution and implementation method
- prepare and file Class Environmental Assessment Report

10.3 Upcoming Events

Gord Costie provided an update of the upcoming events that was provided in the agenda package.

11. NEW BUSINESS

There was none.

12. IN-CAMERA ITEMS FOR MATTERS OF LAW, PERSONNEL AND PROPERTY

**CA1727 MOVED BY: Donna Kydd
 SECONDED BY: Joanne Di Maio**

**THAT the Conservation Advisory Board members
moves *in camera* for matters of law, personnel and
property.**

CARRIED

During the *in camera* session, one property/legal matter were discussed.

12.1 Confidential Verbal Update CA/Dec 01-2017

Lisa Burnside and Scott Peck provided a verbal update and answered member's questions.

**CA1728 MOVED BY: Donna Kydd
 SECONDED BY: Joanne Di Maio**

**THAT the Conservation Advisory Board members
moves out of *in camera*.**

CARRIED

13. NEXT MEETING

The next meeting of the CAB is scheduled for Thursday, February 8, 2018 at 7:00 p.m.

14. ADJOURNMENT

On motion, the meeting was adjourned.



Report

TO: Members of the Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED & RECOMMENDED BY: Matt Hall, C.E.T., Director; Capital Projects & Strategic Services

DATE: January 19, 2018

RE: HCA Main Office (Woodend) Emergency Power Supply System – Tender Results

STAFF RECOMMENDATION

HCA Staff recommends to the Board of Directors:

THAT the supply and install tender for the HCA Main office (Woodend) Emergency Power Supply System be awarded to Fairway Electrical for a total cost of \$151,001.90, which includes a contingency sum and HST.

BACKGROUND

The HCA main office currently has no emergency power supply system to sustain operations in the event of a power outage. Only one small backup generator is available for Water Resource Engineering computers so that they can still respond in the event of an emergency flood event. During a power outage, the main office not only loses lighting and computer systems, but the water pumps for washrooms and HVAC systems also shut down, leaving these essential services and facilities unavailable for staff and public use. The battery back-up for the phone system lasts for approximately 30 minutes before this system goes down as well. The Woodend main office typically experiences loss of power a few times annually and if Hydro One cannot confirm return of power within a relatively short time period, staff are sent home unless deemed as “essential” staff & services.

In order to reduce the likelihood of this happening a capital project was initiated and approved to investigate and implement a backup power supply system. HCA staff have

reviewed several different delivery options and obtained the necessary electrical engineering consulting services to scope out and detail project specifications in order to issue a public tender for pricing to supply and install such a system.

On December 5, 2017, HCA CAPSS staff issued public tender and specification documents for firms to consider in their bids. This has been advertised publically through the online Biddingo public tender web service and sent to a variety of specific contractors who specialize in this type of work. A recommended site meeting for bidders was held on December 19, 2017 to go over project specifics and address any questions the contractors had.

A summary of public tender results is as follows:

Company	Necessary Bonding	Final Price (Inc. Taxes & Contingency)	Notes
Fairway Electrical	Y	\$151,001.90	Low Bid
L.J. Barton Mechanical	Y	\$151,600.00	
Supply Point Inc.	Y	\$196,337.50	
Superior Boiler Works & Welding Ltd.	Y	\$204,285.92	
MacNamara Fuels	N	\$203,400.00	Incomplete Bid – No Agreement to Bond Included
JTS Mechanical Systems Inc.			Did not qualify to open cost package.

STAFF COMMENT

The anticipated schedule for this project is as follows:

Jan. 18, 2018 - 1:00pm	Public Tenders close
Feb. 1, 2018	Recommendation Report to HCA Board of Directors
Feb. 2, 2018	Contract awarded
Feb. 5, 2018	Contract work period commencement
June 15, 2018	Anticipated contract work period completion

It is anticipated that the scope of work will be substantially completed on or before June 15, 2018.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2014-2018:

- **Strategic Goal #5 – Organizational Excellence**
 - Maintain and provide a safe working environment for both employees and visitors.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Sufficient funding for this work has been allocated in the Capital and Major Maintenance Budget. A contingency sum of \$10,000 for unforeseen issues during construction works has also been allocated for this project.

A shutdown of the Woodend office for a regular work day costs the authority approximately \$10,000 in staff wages alone per occurrence.

CONCLUSIONS

It is recommended that this contract be awarded to Fairway Electrical located in Ancaster, Ont. They are a fully qualified and bonded, local contracting firm that specializes in electrical supply and construction services. Some recent, similar projects of theirs include works done for the City of Hamilton, City of Burlington and Hydro One – Bolton Operations Centre.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer / Director of Watershed Planning & Engineering

PREPARED BY: Jonathan Bastien, Water Resources Engineering

DATE: January 19, 2018

RE: Current Watershed Conditions as of January 19, 2018

CURRENT WATERSHED CONDITIONS

Current Water Levels in Major Area Watercourses – January 19, 2018

Based on data from HCA stream gauges (6), water levels and flows are currently near baseflow conditions to slightly elevated at all of these locations. These current water levels are well below critical levels and there are presently no watercourse flooding concerns.

Although current Lake Ontario water levels remain above normal (30 cm above average), water levels are 35 cm below the record-highs for this time of year (set in 1946). The Lake Ontario mean daily water level is currently approximately 74.86 m IGLD85. According to International Lake Ontario – St. Lawrence River Board weekly briefing information, after rising last week following heavy precipitation and snowmelt, Lake Ontario's level is expected to rise slightly again during the coming week. Thereafter, levels of Lake Ontario are expected to remain relatively stable or gradually begin their seasonal rise under near-average water supply conditions, though there remains a lot of uncertainty in these longer-term projections. Given average inflows to the lake, water levels would approach seasonal average values by the spring, whereas wetter or drier conditions would result in higher or lower levels, respectively.

Strong winds and associated wave action may occur in the future, resulting in increased risk of shoreline erosion and localized flooding along the shoreline. Strong winds occurring from the north or east would pose the primary concern for wave-related hazards.

During the period of mid-November to mid-January, there was one significant snowmelt event in the HCA watershed. Over January 11 - 15, a total of approximately 20 to 40 mm of rain was received across the watershed and snowmelt resulted in an additional 20 to 30 mm of runoff. During this event, HCA engineering staff closely monitored conditions and issued a Flood Watch message to communicate the potential for flooding conditions to the City and public. As a result of the rainfall and snowmelt, there were significant increases in water levels and flows in the area watercourses. However, there were no reports, or expected instances, of significant watercourse flooding. That said, unreported / unobserved instances of localized flooding in low-lying areas that typically flood during higher water levels may have occurred, particularly in Upper / Middle Spencer Creek and Upper Stoney Creek watersheds.

Recent Precipitation

Current and recent precipitation amounts do not indicate low water conditions.

Based on data from available HCA rain gauges, over the period of October - December the HCA watershed received 175 to 230 mm of rain. Based on Environment Canada Hamilton Airport station rain data, this period received an estimated 250 mm total precipitation. These totals are 80 to 110 percent of long term averages (LTA).

Based on Environment Canada Hamilton Airport station rain data, December received approximately 60 mm of total precipitation. This total is well below the long term averages (LTA). The LTA for December is 73 - 75 mm total precipitation.

Based on data from HCA rain gauges (7), over November the HCA watershed received 60 to 95 mm of rain. Based on Environment Canada Hamilton Airport station rain data, November received approximately 90 mm of total precipitation. These totals range from well below normal to well above normal with respect to long term averages (LTA). The LTA for November is 78 mm total precipitation.

Based on data from HCA rain gauges (7), over October the HCA watershed received 53 to 85 mm of rain. Based on Environment Canada Hamilton Airport station rain data, October received approximately 100 mm of total precipitation. These totals range from well below normal to well above normal with respect to long term averages (LTA). The LTA for October is 72 - 73 mm total precipitation.

Storages in Reservoirs

Based on current reservoir levels at Christie Lake Dam, the reservoir is presently near typical winter operating level, and is at 20 percent of its preferred typical maximum storage capacity.

Based on current reservoir levels at Valens Dam, the reservoir is presently near its typical winter operating level, and is at 40 percent of its preferred typical maximum summer storage capacity.

Soil Conditions

Based on available up-to-date Environment Canada remote sensing data, the surface and root-zone soils are frozen.

FORECASTED WATERSHED CONDITIONS

There are currently no significant rainfall events (+20 mm) anticipated for the watershed over the next two weeks. Watercourse water levels and flows may still become elevated at times over the next two weeks due to smaller amounts of precipitation received, or due to snowmelt. However, water levels are currently expected to remain below critical levels and not present significant watercourse flooding concerns.

Lake Ontario water levels are presently forecasted to remain above normal over the coming month(s).

SYNOPSIS

As of January 19, 2018, no watercourse flood or low water response is required. Also, due to the above normal Lake Ontario water levels, strong winds and associated wave action may occur in the future, resulting in increased risk of shoreline erosion and localized flooding along Hamilton's shoreline. HCA engineering staff continue to closely monitored conditions.



Upcoming 2018 HCA & Partner Events

Ice Fishing Derby

February 17

Sunrise to 2:00pm

Valens Lake Conservation Area

Ice Fishing Derby for bluegill and crappie species. From sunrise until 2 p.m. Lots of prizes to be won for the top number of catches. For more information, please call Valens Lake at 905-525-2183 or email valens@conservationhamilton.ca

Maple Syrup Festival

March 4, 11, 18, & 25

Good Friday March 30

Wednesday, March 14, Thursday, March 15 of March Break

10:00am to 4:00pm

Westfield Heritage Village

Discover one of Canada's most time-honoured and tasty traditions. Explore historical and modern methods of making of maple syrup from the tree to the table. Families can purchase and enjoy a delicious, reasonably-priced pancake breakfast. For more information visit www.westfieldheritage.ca

Spring Sundays

April 1, 8, 15, 22, 29 / May 6, 13, 20, 21, 27 / June 3, 10, 24

12:30pm to 4:00pm

Westfield Heritage Village

Enjoy the arrival of spring in the Village. Bring your own picnic to enjoy in the beautiful, picturesque setting of Westfield. Purchase sweet treats and cool drinks from the General Store.

Easter Weekend Camping

March 30 to April 2

Valens Lake Conservation Area

Reserve your campsite to avoid missing out on this busy weekend. For more information, please call Valens Lake at 905-525-2183 or email valens@conservationhamilton.ca