

BOARD OF DIRECTORS MEETING AGENDA

THURSDAY, FEBRUARY 7, 2019

Vision

A healthy watershed for everyone.

Mission

To lead in the conservation of our watershed and connect people to nature.



A Healthy Watershed for Everyone

**Fresh Snowfall
Valens Lake Conservation Area**

AGENDA FOR BOARD OF DIRECTORS MEETING

Thursday, February 7, 2019 at 7:00 p.m.

- 1. CALL TO ORDER** ~ Fielding
- 2. DECLARATIONS OF CONFLICT OF INTEREST**
- 3. APPROVAL OF AGENDA**
- 4. DELEGATIONS**
- 5. CONSENT ITEMS FOR APPLICATIONS, MINUTES, AND PRE-DISTRIBUTED CORRESPONDENCE**
 - 5.1 Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
 - 5.2 Approval of Board of Directors Minutes – December 6, 2018
 - 5.3 Letter from Conservation Ontario regarding Comments on Bill 66
- 6. MEMBER BRIEFING**
 - 6.1 Cheque Presentation - Burlington Runners Club ~ Correia
 - 6.2 Environmental Outdoor Education Program - Overview ~ Correia
 - 6.3 Presentation for the Education Award ~ Correia
- 7. BUSINESS ARISING FROM THE MINUTES**
 - 7.1 Date of Annual General Meeting (AGM) ~ Burnside
- 8. OTHER CORRESPONDENCE**
- 9. REPORTS FROM BUDGET & ADMINISTRATION COMMITTEE, CONSERVATION ADVISORY BOARD, AND THE FOUNDATION**
 - 9.1 Foundation Chairman's Report ~ Fuchs

10. OTHER STAFF REPORTS/MEMORANDUMS

- 10.1 Fifty Point Conservation Area – Watercourse No. 11
Environmental Assessment ~ Peck
- 10.2 Ratification of Email Poll for Replacement Mobile
Marina Lift at Fifty Point Conservation Area ~ McDougall
- 10.3 Request for Proposal – Stoney Creek & Battlefield Creek
Flood Plain Mapping Study ~ Peck
- 10.4 Request for Proposal – Wetland Design – Saltfleet
Conservation Area Wetland Restoration Project ~ Peck
- 10.5 Current Watershed Conditions as of January 25, 2019 ~ Peck
- 10.6 Upcoming HCA and Partner Events ~ Costie

11. NEW BUSINESS

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

13. NEXT MEETING - Thursday, March 7, 2019

14. ADJOURNMENT



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

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

PREPARED BY: Darren Kenny, Watershed Officer

DATE: January 25, 2019

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 Applications for February 7, 2019

HCA Regulation applications approved by staff between the dates of November 22, 2018 and January 24, 2019 are summarized in the following Summary Enforcement Report (SER-1/19).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-1/19 as information.

HAMILTON REGION CONSERVATION AUTHORITY**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS**

January 25, 2019

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, February 07, 2019

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

SUMMARY ENFORCEMENT REPORT SER 1/19

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C,A/18/82	11-Sep-18	23-Nov-18	43		12 Winona Park Rd Lot 5, Concession BF Stoney Creek	Retrofit of an existing shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
D/C/18/100	19-Nov-18	29-Nov-18	7		387 York Rd Lot 21, Concession 1 Dundas	Construction of a minor one-storey addition to an existing residence in a regulated area of Borer's Creek.	Approved subject to standard conditions
SC/F/18/90V	28-Sep-18	29-Nov-18	29		14 Copes Lane Lot 12, Concession BF Stoney Creek	Fill placement and grading activity associated with demolition of an existing single residential dwelling in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions. Permit issued to resolve outstanding violation.
D/F,C/18/91	10-Oct-18	12-Dec-18	72		150-160 Ogilvie St Lot 51, Concession 1 Dundas	Construction of wooden and concrete decks and limestone walkways along the easterly and southerly sides of a new hospice facility and associated grading works in a regulated area of Spring Creek.	Approved subject to standard conditions
D/F,C/18/106	23-Oct-18	12-Dec-18	10		3 South Quay Lot 53, Concession 1 Dundas	Reconstruction of an existing house foundation in the regulatory floodplain of Lower Spencer Creek.	Approved subject to standard conditions
D/C/18/101	20-Nov-18	13-Dec-18	23		4 Thorpe St Lot 17, Concession 1 Dundas	Completion of renovations to an existing house, construction of a partial second-storey addition and excavation of foundation in the Regulatory Floodplain of Lower Spencer Creek.	Approved subject to standard conditions

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SUMMARY ENFORCEMENT REPORT SER 1/19

SC/F,C,A/18/102	28-Nov-18	18-Dec-18	22		Pt Lt 13, Con 1 Lot 13, Concession 1 Stoney Creek	Like for like replacement of an existing cross culvert (STO-2788), in a regulated area of Watercourse No. 5, of the Stoney Creek Numbered Watercourses.	Approved subject to standard conditions
H/F/18/107	29-Nov-18	18-Dec-18	15		2750 King St E Lot 28, Concession 4 Hamilton	Fill placement/removal and grading activities associated with the construction of an 8-storey residential building with an underground parking structure in a regulated area of Lower Davis Creek.	Approved subject to standard conditions
D/C/18/112	13-Dec-18	21-Dec-18	10		23 Woodlawn Crt Lot 15, Concession 1 Dundas	Construction of a tiered rear yard deck in a regulated area of Sydenham Creek.	Approved subject to standard conditions
SC/F,C,A/18/89	05-Oct-18	07-Jan-19	50		93 Lakeview Dr Lot 15, Concession BF Stoney Creek	Major repair to and improvement of an existing shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
SC/F,C,A/17/54	13-Jul-17	07-Jan-19	34		1119 Barton St E Lot 7, Concession 1 Stoney Creek	Realignment of a watercourse and installation of a culvert crossing, in a regulated area of Watercourse No. 9, of the Stoney Creek Numbered Watercourses.	Approved subject to standard conditions
H/F,C/18/63	17-Jul-18	08-Jan-19	61		105 North Service Rd Lot 23, Concession BF Hamilton	Completion of the Confederation Beach Park Sports Park Development in a regulated area of Stoney Creek and the Lake Ontario shoreline.	Approved subject to standard conditions

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SUMMARY ENFORCEMENT REPORT SER 1/19

SC/F,C/18/98V	24-Oct-18	10-Jan-19	66		26 Lakeside Dr Lot 13, Concession BF Stoney Creek	Recognize construction of an addition, an attached garage, and interior and exterior renovations to an existing single residential dwelling in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions. Permit issued to resolve outstanding violation.
SC/F,C,A/18/18	26-Mar-18	10-Jan-19	79		Pt Lts 15-23, Con 5 and Pt Lts 22 and 23, Con 7, Green Mountain Rd E, Highland Rd E and First Rd E Lot 15-23,22,23, Concession 5,7 Stoney Creek	Replacement of thirteen road culverts in a regulated area of Battlefield Creek.	Approved subject to standard conditions
H/F,C,A/18/19	26-Mar-18	10-Jan-19	79		Pt Lts 10-13, Con 1, Miles Rd and Twenty Rd E Lot 10-13, Concession 1 Hamilton	Replacement of six road culverts in a regulated area of Hannon Creek.	Approved subject to standard conditions
SC/F,A/18/108	30-Nov-18	10-Jan-19	43		711 North Service Rd Lot 14, Concession BF Stoney Creek	For the dredging of the mouth of the marina for navigational purposes in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
A/F,C/18/113	14-Dec-18	15-Jan-19	34		592 Old Dundas Rd Lot 46, Concession 2 Ancaster	Completion of upgrades to the Old Dundas Road (HC005) Wastewater Pumping Station in a regulated area of Ancaster Creek.	Approved subject to standard conditions
SC/C/18/114V	18-Dec-18	15-Jan-19	30		49 Windemere Rd Lot 1, Concession BF Stoney Creek	Removal of an addition to an existing attached garage and reinstatement of the original garage door for a single residential dwelling in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions. Permit issued to resolve outstanding violation.

HAMILTON REGION CONSERVATION AUTHORITY**DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIONS TO SHORELINES AND WATERCOURSES APPLICATIONS**

January 25, 2019

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, February 07, 2019

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SUMMARY ENFORCEMENT REPORT SER 1/19

P/C/18/115	20-Dec-18	15-Jan-19	27		3924 Maddaugh Rd Lot 39, Concession Gore Puslinch	Construction of a new wooden deck and gazebo and associated landscaping in a regulated area of Fletcher Creek and the Fletcher Creek Swamp Provincially Significant Wetland.	Approved subject to standard conditions
D/F,C/18/92	15-Oct-18	23-Jan-19	62		57 Terrace Dr Lot 48, Concession 1 Dundas	Replacement of structural supports for an existing concrete deck, in a regulated area of Sulphur Creek.	Approved subject to standard conditions
F/F,C/18/93	18-Oct-18	24-Jan-19	60		1493 Hwy 5 W Lot 27, Concession 3 Flamborough		Approved subject to standard conditions
SC/F,C,A/18/105	28-Nov-18	24-Jan-19	56		8 Falcon Rd Lot 3, Concession BF Stoney Creek	Completion of minor improvements to an existing shoreline retaining wall in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions
A/C/19/01V	02-Jan-19	24-Jan-19	24		76 Rousseaux St Lot 46, Concession 2 Ancaster	Recognize the re-construction of an accessory building in a regulated area of Ancaster Creek.	Approved subject to standard conditions. Permit issued to resolve outstanding violation.

HAMILTON REGION CONSERVATION AUTHORITY

MINUTES

Board of Directors Meeting

December 6, 2018

Minutes of the Board of Directors meeting held on Thursday, December 6, 2018 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario at 7:00 p.m.

PRESENT:

Susan Fielding, in the Chair	
Dan Bowman	Chad Collins
Brad Clark	Lloyd Ferguson
Brad Gautreau	Tom Jackson
Santina Moccio	Esther Pauls
Maria Topalovic	

Ine Wauben, Foundation Chair

STAFF PRESENT: Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Bruce Harschnitz, Paul Karbusicky, Sara Kinnear, Judy Love, Neil McDougall, Val Pazzi, Scott Peck, Kathy Smith, Mike Stone, and Nancy Watts - HCA Staff

OTHERS: Richard Leitner - Media

1. CALL TO ORDER

The Chair called the meeting to order and welcomed everyone present. The Chair welcomed the new members; Councillors Brad Clark, Esther Pauls, and Tom Jackson.

Susan Fielding indicated that she attended the Staff AGM on November 21. It was a very productive meeting and great team spirit.

Lisa indicated that as we approach the end of the year, this is often a time of reflection and looking back at everything that has been accomplished. We have done a lot this year and am very proud of that and our staff.

A few highlights from each area:

Corporate Review by Lisa Burnside:

- CA Act Review:
 - the Provincial Government initiated a review of the CA Act with the document “Conserving Our Future”
 - after 2 years of input from a wide range of sectors, the bill received royal assent
 - Act made a few immediate changes with a purpose statement confirming the role of CAs as watershed-based natural resource managers in Ontario, requiring meetings to be open to the public and also required administrative bylaws to be passed by December 12, 2018
 - bylaws were to ensure strengthened oversight and accountability for proper administration
 - our B&A Committee held two special meetings to review the document and the Board passed the new bylaws this fall

- Strategic Plan:
 - HCA’s current 5-year strategic plan is expiring at the end of this year
 - staff initiated the renewal process beginning in January and after a full year of work, we as staff are very pleased and excited to share the new document
 - the timing of having a new strategic plan aligns very well with a renewed board to provide a blueprint and roadmap for our organization for the coming years

- Ancaster Wells:
 - on January 1, 2018, HCA changed the manner of operation of the Ancaster Wells for them to remain open
 - the new manner of operation has been running successfully since January 1 with over 700 people obtaining swipe cards and we are currently in the process of having the cards re-newed

Central Services Review by Neil McDougall:

Neil indicated that he is the Secretary-Treasurer who takes care of all the money, but he is also responsible for Forestry, Fleet, Marketing, and the Grant Officer.

- Finance Section:
 - 50% of our payments are on electronic funds transfer
 - deposits – we now can scan the cheques at the office and the money will be deposited in our account
 - introduced new systems with time sheets, work orders which are more effective
- Forestry:
 - hired 2 crew members who are certified Arborist – this saves a lot of money instead of contracting this work out
 - in house chainsaw and respirator courses
- Film Shoots:
 - 36 film shoots
 - \$200,000 in revenues – very strong and busy

Watershed Planning & Engineering Review by Scott Peck:

Scott indicated that there is a tremendous amount of work on the planning and permit application process which has brought in approximately \$320,000 in revenues.

- Lower Spencer Fish Habitat Improvement Project:
 - through funds from MNRF COA, the restoration of Lower Spencer Creek was completed in summer of 2018
 - the following work was completed:
 - restored a simulated natural channel function
 - created walleye spawning, salmonid spawning, potential pike spawning habitat
 - rehabilitated riparian buffer areas
- Christie Lake Ponds – Pond to Watercourse Restoration:
 - problems with algae in the ponds – this was not sustainable
 - secured funding through the Fisheries and Oceans for this project
 - removed ponds and put watercourse back in
- Saltfleet Conservation Area Wetland:
 - completed the environmental assessment
 - work on the design aspect to get the wetland built
 - exciting project which will take a number of years

Conservation Areas Review by Gord Costie:

- Conservation Area Auto Gates:
 - installation of auto gates in many of our conservation areas
 - saves staff time
 - very positive feedback from the public
- Valens Lake Carp:
 - during the week of June 18, staff at Valens Lake noticed a number of dead carp floating in the reservoir
 - staff initiated a clean-up effort to remove the dead carp
 - there were over 4,000 dead carp
 - staff expect the cause of the carp die-off is the KOI Herpes Virus
 - MNRF attended the site to collect fish samples
- Christie Lake/Spencer Gorge Shuttle:
 - shuttle ran from May 12 to October 28
 - sold over 50,000 wristbands
 - \$255,955 revenue from wristbands sales only
 - shuttle only operated for 29 days in 2018 – October was the busiest month with over 10,000 wristbands sold
 - the shuttle out of Christie Lake has worked and had many great successes

Capital Projects and Strategic Services Review by Matt Hall:

- Woodend Backup Generator:
 - the main office did not have an emergency power supply system to sustain operations in the event of a power outage
 - during the power outage, the main office not only loses lighting and computer systems, but the water pumps for washrooms and HVAC systems also shut down which then staff are sent home
 - a capital project was initiated and approved to install a backup power supply system
- Fifty Point Marina Channel Dredging:
 - major maintenance project
 - sediment levels have increased to the point where dredging had to take place to ensure appropriate boating access is maintained
 - dredging was completed in September

- Westfield Masterplan:
 - work on the new master plan began in February 2017
 - used the expertise of HCA staff working in collaboration with friends, volunteers, local residents, and stakeholders
 - this master plan reflects HCA's intent to protect the natural environment and constructed features of Westfield and to maintain and develop high quality facilities for cultural heritage appreciation, education, recreation, and enjoyment of the conservation area by visitors for the next ten years

Human Resources and Wellness Review by Nancy Watts:

- WSIB – Workplace Safety & Insurance Board:
 - good news – HCA received \$6,750 rebate for reducing on the job injuries
- Outdoor Education Program in Dundas Valley:
 - received the Digital Innovation Award from Conservation Areas Workshop Innovation Award Committee
 - HCA Education Department was voted the winner by delegates of CAW
 - it was presented in recognition of the Education Team developing innovative programming in utilizing I-Pads for promoting outdoor environmental activities
- Workforce Changes:
 - there will be 7 retirements in the next four months

Hamilton Conservation Foundation Review by Grace Correia:

Grace indicated that the Foundation focuses on raising money for three areas and have raised over \$530,000 this fiscal year:

- Education
 - Land
 - Cultural Heritage
- Outdoor Environmental Education:
 - raised \$125,000 for the outdoor education program which puts us on track to meet our 2018 commitment
 - agreed to renew this again in 2019
 - increase support
 - need to raise money for transportation service for inner City

- We received a total of \$147,077 donations in November. They break down as follows:
 - \$50,100 for a design plan for wetlands as part of the Saltfleet Conservation Area project
 - \$28,050 for the Outdoor Environmental Education Program
 - \$25,000 for the Dobson-McKee Outdoor Environmental Education Endowment Fund
 - \$20,345 for the Westfield Volunteer Building Fund
 - \$12,000 for the Westfield Operating Fund
 - \$6,572 for the Area of Greatest Need Fund
 - a \$2,500 receipt was provided for a donated sailboat to be auctioned off by Fifty Point CA
 - \$1,500 for the Hamilton Watershed Stewardship Program
 - the remaining \$1,010 came in donations for Land Securement, Christie Lake CA, Valens Lake CA, and Trail Development

- Year-to-Date:
 - This brings our unaudited fiscal-year (December 1, 2017 to November 30, 2018) donations to \$536,101

- Outdoor Environmental Education:
 - The Foundation has worked with HCA's Finance Director to ensure that all necessary funding for the 2018 Outdoor Environmental Education program has been transferred

Brad Clark indicated that he had the privilege to sit on the Foundation Board. The Board members do a lot of amazing work. Congratulations to the Foundation.

10. OTHER STAFF REPORTS/MEMORANDUMS

10.1 Hamilton Conservation Authority Strategic Plan 2019 - 2023

Scott Peck presented the report and answered member's questions. The Strategic Plan is a priority document that will guide the HCA over the next 5 years. It has been developed through an extensive consultation process resulting in a new vision, mission and logo. The Strategic Plan is a streamlined document that provides that higher level of direction relating to the priorities of the HCA. Implementation of the Strategic Plan will be through departmental work plans with an annual report prepared to highlight progress in implementing the priorities and initiatives of the Strategic Plan.

Councillor Lloyd Ferguson congratulated staff on a job well done.

BD12,2602**MOVED BY: Esther Pauls
SECONDED BY: Dan Bowman****THAT the Board of Directors approve the following recommendations:****That the Hamilton Conservation Authority Strategic Plan 2019-2023 be approved.****CARRIED****10.2 Update – re Urban Hamilton Runoff Task Group Report and Recommendations**

Scott Peck presented the memorandum and answered member's questions.

In November 2016, a report with a recommendation regarding the Urban Hamilton Runoff Task Group Final Report was presented to the Board of Directors. The report highlighted the work undertaken by area stakeholders, including the HCA, to address nutrient and sediment loading into Hamilton Harbour from the larger watershed area.

The recommendation in the November 2016 report outlined that staff be directed to review the recommendations and report back on how the recommendations can be implemented by the HCA.

As it relates to the HCA, the majority of recommendations are already in practice or feasible with current resources. These recommendations relate to existing water monitoring programs and stewardship initiatives and are included in the Watershed Planning & Engineering work plan.

HCA staff will continue to implement the recommendations as noted into annual work plans and will work with our partners and stakeholders on the recommendations that require provincial direction or additional funding on a priority basis.

10.3 2019 Mileage Report

Nancy Watts presented the report and indicated a yearly review of mileage is to take place with any change effective January 1.

The rate of mileage compensation shall be subject to an annual adjustment based on the year over year change in the Consumer Price Index for Private Transportation in Ontario.

The HCA has been found to be competitive with our rate, it is therefore recommended that the 2018 mileage rate of 53 cents per kilometre be maintained for 2019.

BD12,2603

MOVED BY: Tom Jackson
SECONDED BY: Santina Moccio

THAT the Board of Directors approve the following recommendations:

That the current mileage rate of 53 cents per kilometre remain unchanged for 2019.

CARRIED

10.4 Current Watershed Conditions as of November 23, 2018

Scott Peck provided an update on the current conditions. As of November 23, 2018, no significant responses are required concerning watercourse flooding, Lake Ontario shoreline erosion or flooding, or drought.

10.5 Upcoming HCA and Partner Events

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

11. NEW BUSINESS

11.1 2019 Schedule of Board of Directors Meetings and Date of AGM

Lisa Burnside presented the report and answered member's questions. As per our new governance policy, the Board of Directors shall approve a schedule for regular meetings in advance and shall designate one of the meetings as the Annual General Meeting (AGM) where the election of officers take place.

For the full renewal of the Board after the Municipal Election, we have been advised that the five citizen appointments will not be confirmed until mid-February by the City of Hamilton Council.

Discussions took place in regards to the meeting dates and the AGM should take place after the citizen appointments.

BD12,2604

MOVED BY: Tom Jackson
SECONDED BY: Brad Clark

THAT the Board of Directors approve the following recommendations:

THAT the 2019 Meeting Schedule for the Board of Directors meetings be approved; and

THAT staff confirm with the City Clerk the timelines of the citizen appointments; and further

THAT this be revisited at the February 7 Board of Directors meeting to determine the date of the AGM.

CARRIED

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

There were no in-camera items.

13. NEXT MEETING

The next meeting of the Board of Directors will be held on Thursday, February 7, 2019 at 7:00 p.m. at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. ADJOURNMENT

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

Pre-Distributed Correspondence 5.3

Burnside, Lisa

From: Kim Gavine <KGavine@conservationontario.ca>
Sent: January 24, 2019 12:56 PM
To: Nicholas Fischer; Angela Coleman (South Nation); Brad McNevin (Quinte) ; Brian Horner (ABCA); Brian McDougall (SCRCA) ; Brian Tayler (NBMCA) ; Carl Jorgensen (NDCA); Chris Darling (CLOCA); Chris Wilkinson (CCCA); Dan Marinigh (ORCA); David Barrick (NPCA); David Vallier (MRCA); Deb Martin-Downs (CVC) ; Doug Hevenor (NVCA); Elizabeth VanHooren (KCCA); Geoff Rae (Catarauqui); Glenda Rodgers (LTC); Hassaan Basit (Halton) ; Ian Wilcox (UTRCA) ; Joe Farwell (Grand); John Mackenzie (TRCA); Judy Maxwell (LPRCA); Linda Laliberte (Ganaraska); Burnside, Lisa; Mark Majchrowski (Kawartha) ; Mark Peacock (LTVCA) ; Mike Walters (LSRCA) ; Paul Lehman (MVC); Phil Beard (Maitland Valley); Rhonda Bateman (SSMRCA); Richard Pilon (Raisin Region); Richard Wyma (ERCA); Sommer Casgrain-Robertson (RVCA) ; Sonya Skinner (GSCA); Tammy Cook (Lakehead) ; Tim Pidduck (Crowe Valley) ; Wayne Brohman (Saugeen)
Cc: Bonnie Fox; Chitra Gowda; Leslie Rich
Subject: RE: Conservation Ontario's Submission on Bill 66, the Proposed Open-for-Business Planning Tool and Regulation

To: CAOs
From: Kim Gavine
Re: Removal of Schedule 10 in Bill 66

As most of you know, Minister Clark, late yesterday afternoon, tweeted that they would not be proceeding with schedule 10 of Bill 66. Some of you have also received correspondence stating this decision.

The Minister's tweet said that "The use of this tool would never be approved at the expense of the Greenbelt or other provincial interests like water quality or public health and safety."

As you are aware, based on the e-mail below, Conservation Ontario did provide comments on this bill and expressed concerns with the negative impacts of the open-for-business tool.

At this time, I would like to acknowledge the hard work and long hours put in by Bonnie, Leslie, Nicholas and Chitra on the collective submission...as well as everyone who contributed.

Well done!

From: Nicholas Fischer
Sent: January 21, 2019 3:14 PM
To: Angela Coleman (South Nation) <acoleman@nation.on.ca>; Brad McNevin (Quinte) <bmcnevin@quinteconservation.ca>; Brian Horner (ABCA) <bhorner@abca.on.ca>; Brian McDougall (SCRCA) <bmcDougall@scrca.on.ca>; Brian Tayler (NBMCA) <Brian.Tayler@nbmca.ca>; Carl Jorgensen (NDCA) <carl.jorgensen@conservationsudbury.ca>; Chris Darling (CLOCA) <cdarling@cloca.com>; Chris Wilkinson (CCCA) <generalmanager@catfishcreek.ca>; Dan Marinigh (ORCA) <dmarinigh@otonabeeconservation.com>; David Barrick (NPCA) <dbarrick@npca.ca>; David Vallier (MRCA) <David.Vallier@timmins.ca>; Deb Martin-Downs (CVC) <deb.martindowns@cvc.ca>; Doug Hevenor (NVCA) <dhevenor@nvca.on.ca>; Elizabeth VanHooren (KCCA) <elizabeth@kettlecreekconservation.on.ca>; Geoff Rae (Catarauqui) <grae@crca.ca>; Glenda Rodgers (LTC) <glenda.rodgers@lrc.on.ca>; Hassaan Basit (Halton) <hbasit@hrca.on.ca>; Ian Wilcox (UTRCA) <wilcoxi@thamesriver.on.ca>; Joe Farwell (Grand) <jfarwell@grandriver.ca>; John Mackenzie (TRCA) <john.mackenzie@trca.on.ca>; Judy Maxwell (LPRCA) <jmaxwell@lprca.on.ca>; Linda Laliberte (Ganaraska)



January 18, 2019

Ken Petersen
Provincial Planning Policy Branch
777 Bay Street, 13th Floor
Toronto, ON M5G 2E5
PlanningConsultation@ontario.ca

Michael Helfinger
Intergovernmental Policy Coordination Unit
900 Bay Street, Hearst Block
7th Floor
Toronto, ON M6H 4L1
Michael.helfinger@ontario.ca

Re: Conservation Ontario's comments on Schedule 10 of Bill 66: Restoring Ontario's Competitiveness Act, 2018 (ERO #013-4293); the Proposed open-for-business planning tool (ERO# 013-4125) and a New Regulation under the *Planning Act* for open-for-business planning tool (ERO# 013-4239)

Thank you for the opportunity to provide comments on Schedule 10 of "Bill 66: Restoring Ontario's Competitiveness Act, 2019 (ERO#013-4293)"; the "Proposed open-for-business planning tool (ERO#013-4125) and a "New Regulation under the *Planning Act* for open-for-business planning tool (ERO#013-4239). Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit consideration of comments shared individually by CAs through the Bill 66 consultation process.

Conservation authorities have considerable expertise in land use planning. Conservation authority roles in land use planning include: as a regulator under Section 28 of the *Conservation Authorities Act*; as a public commenting body under the *Planning Act* and *Environmental Assessment Act*; as source protection authorities under the *Clean Water Act* supporting policy implementation; as resource management agencies operating on a local watershed basis; as a body with delegated authority in plan review to represent the provincial interest for natural hazards; and as the province's second largest landowners who may become involved in the planning and development process, either as an adjacent landowner or a proponent. In these roles, CAs endeavour to provide the best guidance to their municipal partners regarding how to balance multiple provincial and watershed priorities in a timely and cost-effective manner. Schedule 10 of the proposed Bill 66: *Restoring Ontario's Competitiveness Act*, 2018 and the open-for-business planning tool appear to have significant implications for CAs in fulfilling their roles within the land use planning system.

Conservation authorities are concerned that the proposed open-for-business planning tool would have the effect of exempting applications under the *Planning Act* from having to be consistent with the Provincial Policy Statement and to conform to legislation including the *Clean Water Act*, the *Great Lakes Protection Act*, the *Greenbelt Act* and the *Oak Ridges Moraine Conservation Act*. In addition, this tool proposes to override approved provincial plans which could result in new employment opportunities being located in unsuitable areas.

Good planning seeks to balance all of the provincial interests, including the economy, public health and safety and the environment. As guardians of public health and safety through their legislated and delegated roles, CAs have a responsibility to act in the provincial interest. Therefore, it is strongly recommended that any provisions in the proposed open-for-business planning tool which have the effect of circumventing necessary checks and balances for maintaining public health and safety be removed from the proposal.

It is noted that the proposed 34.1(8) of the *Planning Act* allows a local municipality to pass an open-for-business planning by-law that may impose conditions that are “reasonable for and related to the appropriate use of the land and that the municipality considers necessary for the protection of public health and safety”. It is recommended that ‘public health and safety’ be safeguarded as a provincial interest within the Provincial Policy Statement and the *Clean Water Act*.

RECOMMENDATION:

Remove Section 3.0 (Protecting Public Health and Safety) of the Provincial Policy Statement and Section 39 of the *Clean Water Act* from the non-application of listed provisions in the proposed open-for-business planning tool as they represent necessary safeguards for public health and safety.

Natural Hazards

The *Conservation Authorities Act* provides the legal basis for CAs’ mandate to undertake watershed planning and management programs that prevent, eliminate, or reduce the risk to life and property from flood hazards and erosion hazards, as well as encourage the conservation and restoration of natural resources. All new development has the potential to increase the risk of hazards to life and property from flooding and erosion and add to downstream cumulative impacts. Ensuring new development or redevelopment is not at risk from flooding or erosion is essential and must remain a basic principle in determining the feasibility of new development. Without proper evaluation of these potential impacts, maintenance and operation costs can lead to business uncertainty. In addition, there could be inadvertent and undesirable impacts on the site itself, as well as to adjacent and downstream properties, in the short term or over time. For example, these downstream properties could face increasing flood risks, with the attendant costs and liabilities attributed to the province and municipalities involved in their review and approval.

Proper evaluation and prevention measures avoid future costs; in fact, development in areas such as floodplains may result in huge costs that are better avoided. In this proposal, as posted, there is no requirement for pre-consultation, notice, review and appeal processes for an open-for-business by-law. Therefore, CAs are concerned that they do not have access to a planning process to ensure critical issues are raised, such as the presence of natural hazards (e.g. flooding, erosion). It is noted and agreed that the proposal does not preclude the proponent from receiving a building permit and a permit under Section 28 of the *Conservation Authorities Act*. As part of their commitment to providing high quality and timely decision-making on the Section 28 permit, CAs convey any concerns that they have regarding the establishment of the “principle of development” to the municipality/planning approval authority as early in the planning processes as possible, preferably at the pre-consultation stage. It is important for ensuring a streamlined development application that any public safety issue is raised during the preparation of a municipal Official Plan, secondary plan or Official Plan amendment, or as early as possible in the *Planning Act* approvals process and not through the *Conservation Authorities Act* S.28 permitting process. As concluded/agreed through the multi-stakeholder consultation process for the “Policies and Procedures for CA Plan Review and Permitting Activities” the Section 28 permitting process should serve as a technical approval process (similar to a building permit) rather than a reactionary

measure to review and comment on applicable planning decisions that may not have been adequately informed with regard to natural hazards and public safety.

Clean Water Act

The *Clean Water Act* is the first step of Ontario's multi-barrier approach to drinking water source protection. It provides the legislative basis for local Source Protection Plans which contain policies to protect municipal drinking water sources that 85% of Ontarians rely on. The plans include preventative land use planning policies to proactively address threats to our municipal drinking water sources, reducing the need for further/additional regulations.

Bill 66 proposes to override the need to conform to these land use planning policies in local source protection plans, within open-for-business by-law areas. Eliminating the ability to guide land use planning decisions in turn removes the preventative approach that was taken by local source protection committees to protect municipal drinking water sources.

Proposed Addition to the *Planning Act*: Section 34.1 Open-for-business planning by-law

The proposed Open-for-business planning by-law has been positioned as an opportunity to attract high quality jobs through a new major employment use. It is important to note, however, that the limitation on the use of the tool for an employment purpose would be established through regulation, rather than through amendments to the *Planning Act*. While it is unclear, it would appear that this would be a Ministerial level regulation.

Without placing limitations on the use of the tool directly into the *Planning Act* this proposed amendment could be used in the future for a wide-range of business opportunities, which are not contemplated through this current consultation. For example, waste management facilities are notoriously difficult to site and yet, represent an opportunity for economic development for municipalities. Concern has been raised that this proposed change to the *Planning Act* could allow for a municipality, at the extreme, to site a waste management facility using one of these by-laws.

Therefore, it is recommended that amendments be made to Bill 66 to address the purpose and scope of Section 34.1 by-laws to employment-related development and that these be placed directly in the *Planning Act*. Furthermore, it is recommended that section 34.1(2)(2) be amended to require that the Minister create prescribed criteria for the use of the by-law. Conservation authorities would be pleased to advise on these criteria (see examples in the attachment) which presumably would be developed with input from the public.

The purpose of the proposed tool and regulation is unclear, as the *Planning Act* already contains an instrument to secure large-scale employment investments: the Minister's Zoning Order. The distinct purpose of this new tool should be clarified.

Relationship to the 'Made-in-Ontario Environment Plan' and Other Provincial Consultations

Provincial land use planning policy and source protection policy supports the provincial government's efforts in protecting the quality and quantity of water resources. It is recommended that Bill 66, which suggests that the policies of the Provincial Policy Statement, Greenbelt Plan, Growth Plan and *Clean Water Act* / Source Protection Plans need not apply in certain circumstances, further align with the Made-in-Ontario Environment Plan to prevent any potential compromise to Ontario's water resources

and, in turn, Ontario's economy. The plan states that the Province, "will protect these critical systems by using water more sustainably and keeping our water ... clean while growing our economy."

The guiding principles for the government's consultation on provincial planning approvals include: safeguarding public health and safety and continuing to protect provincial land use interests that are important to long-term economic, environmental and social well-being, including protecting the Greenbelt and the environment. These guiding principles are supported and it is recommended that these guiding principles be adopted for the proposed open-for-business planning tool and accompanying regulation under the *Planning Act*.

Specific Comments on the Non-application of listed provisions and the Proposed Regulation

In addition to the recommendations within this letter, further specific comments on the Non-application of listed provisions and the Proposed Regulation have been provided in Attachment 1. These comments are intended to outline the need for further clarity when defining the scope of use for the open-for-business tool by municipalities. They include considerations that could be helpful in crafting explanatory notes both with regard to scope and with regard to what constitutes the Minister's review.

Conclusions

Conservation authorities are solution-oriented agencies, who represent aspects of the provincial interest in protecting public health and safety and work closely with their municipal partners to ensure development proposals uphold these interests. To better ensure consistent safeguards for public health and safety, Conservation Ontario recommends the removal of Section 3.0 (Protecting Public Health and Safety) of the Provincial Policy Statement and Section 39 of the Clean Water Act from the non-application of listed provisions in the proposed open-for-business planning tool. CAs continue to be committed to streamlining planning processes and to providing the best guidance to their municipal partners in a timely and cost-effective manner. Conservation authorities are prepared to assist the Province with identifying those streamlining opportunities as well.

Thank you for the opportunity to review this proposal, should you have any questions about this letter, please feel free to contact myself at extension 223 or, for specific clarifications on: natural hazards, please contact Leslie Rich, Policy and Planning Liaison (ext 226); and, *Clean Water Act*, please contact Chitra Gowda, Source Water Protection Lead (ext 225).

Sincerely,



Bonnie Fox
Manager, Policy and Planning

c.c. All CA CAOs/GMs

Encl.

Attachment 1

Specific Comments on the Non-application of listed provisions and the Proposed New Regulation under the Planning Act for Open-for-Business Planning Tool

Non-Application of Listed Provisions – Proposed 34.1(6) of the *Planning Act*

Subsection	Commentary
<i>Non-application of listed provisions</i>	<ul style="list-style-type: none"> • It is recommended that Bill 66 be amended to remove the ‘non-application of listed provisions’ that may compromise public health and safety • Should the non-application of listed provisions remain in its current form, the following criteria should be added: <ol style="list-style-type: none"> a. Municipalities identify specific lands to which the by-law would apply b. Municipalities demonstrate there are no other feasible employment lands outside of the areas protected under the non-application of listed provisions c. Municipalities assess the nature and extent of matters which may affect public health and safety (on site and sub-watershed basis) d. Municipalities consult with public agencies (CAs) and include any responses from these agencies in their request to the Province. (i.e. Checks and balances be put in place to ensure by-laws are not being passed when there is available land already identified for employment development in OPs)
1. Subsection 3 (5) of the <i>Planning Act</i>	<ul style="list-style-type: none"> • Subsection 3(5) of the Planning Act ensures conformity with the PPS. Conformity with the PPS requires land use planning decisions to be made in the public interest and that health and safety of the public is protected. Conformity with Section 3 of the PPS should remain to ensure land use planning decisions are made in the public interest while ensuring the health and safety of the public is protected. • Further, with regard to the health and safety section of the PPS, its application is important with Climate Change posing increasing risks to communities (e.g. flooding). • The PPS (2014) Section 2.2 ‘Water’ specifies that planning authorities shall protect, improve or restore the quality and quantity of water. This includes the protection of designated vulnerable areas around municipal drinking water sources, and sensitive surface water and groundwater features as well as related hydrology. The proposed Bill 66 schedule 10 can circumvent restrictions on development and site alteration and mitigation measures, thus potentially impacting public health, and sensitive water features including groundwater recharge areas and vulnerable aquifers that may supply local private and communal wells.
2. Section 24 of the	<ul style="list-style-type: none"> • Municipal Official plans (OP) identify and designate employment

<p><i>Planning Act</i></p>	<p>lands based on full servicing. There is a need for the OFBPBL to conform with all OPs as these documents are the guide for all local planning decisions. Excluding Section 24 of the Planning Act could allow for development to occur which doesn't particularly comply with OP policies</p> <ul style="list-style-type: none"> • The OFBPBL could be used to accelerate development approvals for employment lands (for lands currently serviced) in areas already approved as employment lands in OPs
<p>3. Section 34 (10.0.0.1) to (34) of the <i>Planning Act</i></p>	<ul style="list-style-type: none"> • Removal for the requirement for public meetings (12) and the right of appeal to the LPAT limits the ability of municipal and planning agencies to ensure development will not have negative impacts on the surrounding public, properties or environment. Based on the published information, this challenges the importance of the role that community plays in the Land Use Planning process. This, plus the limited amount of time for the public to voice their opinions during which the by-law can be passed, effectively removes the relevant public and private interests from the process. • Removal of public meetings and the right of appeal also has the potential to create a situation where one private interest could benefit at the expense of many public interests • Not providing notice (Section 15) to CAs could present a risk to public safety in cases where development is proposed in or adjacent to hazard lands. CAs utilize this consultation to provide policy and technical input into the passage of zoning by-laws
<p>4. Section 36 of the <i>Planning Act</i></p>	<ul style="list-style-type: none"> • Holding provisions are useful tools that ensure all technical matters are addressed prior to zoning coming into force. For CAs, these provisions allow technical matters related to CA roles to be addressed prior to zoning coming into force (ie. CA permits)
<p>5. Section 37 of the <i>Planning Act</i></p>	<p>No comment.</p>
<p>6. Section 39 of the <i>Clean Water Act, 2006</i></p>	<ul style="list-style-type: none"> • It is recommended that Bill 66 be amended to remove the Clean Water Act (2006) from the list of non-applicable provisions. The Clean Water Act is an essential law necessary to avoid another tragic contaminated water incident such as that of Walkerton in 2000, which led to multiple deaths and long-term illnesses for many people. The Clean Water Act is the first step of Ontario's multi-barrier approach to drinking water source protection. Without this first step, the protection of drinking water in Ontario is incomplete. • The Clean Water Act provides the legislative basis for local source protection plans that contain policies to address significant, moderate and low level threats to our municipal drinking water sources. These policies were developed by local committees (that include municipal representatives) who already considered factors such as growth and economy. These legally binding policies were approved by the Province of Ontario to proactively

	<p>address risks to the quality and quantity of municipal drinking water sources on a watershed basis.</p> <ul style="list-style-type: none">• Bill 66 proposes to circumvent the requirement for municipalities to conform to source protection plan policies that rely on Planning Act decisions, within proposed open for business by law areas.• The use of the proposed open for business by law has the potential to lead to cross – boundary issues, where an open for business by law area could impact public in adjacent municipalities. Connections of surface water and groundwater systems that are drinking water sources extend far beyond municipal boundaries - and should be considered through a watershed based approach.• Source protection plan policies using decisions under the <i>Planning Act</i> are proactive, by ensuring that development does not create risks to drinking water sources. Proactive planning prevents impacts early on in the process and also significantly reduces any further regulatory burden. Eliminating the ability to guide land use planning decisions can cause a risk to public health due to the potential for water contamination, as well as overuse.• If Bill 66 is passed, the local source protection committees may have to determine and consult on alternate policy approaches to ensure that the committees meet their mandate under the <i>Clean Water Act</i>, which is to protect municipal drinking water sources. Further, other regulatory tools may not offer the same proactive and preventative approach as land use planning policy tools.• The land and water areas which Source Protection Plans have designated as “vulnerable to significant threats” are typically small in comparison to the area of land to which development could be attracted. Applying the proposed Bill 66 to these vulnerable lands will not appreciably increase the area to which municipalities will wish to attract development, but may well place risks to drinking water safety and therefore public health. The costs involved, if such is the case, would far out strip the benefits from any development.• Clean and sustainable municipal drinking water sources are also the backbone to supporting a strong and sustainable local economy and healthy communities. Smart growth is achieved through its three pillars of environment, economy and society functioning together and not separately. Rather than removing the requirement for land use planning policies within open for business by law areas, the Province is encouraged to utilize the significant science and policy work completed under the <i>Clean Water Act</i> for responsibly siting manufacturing or research and development facilities. For example, the location of water quantity stressed areas (determined through assessments
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	<p>conducted under the Clean Water Act) is one of many factors to be considered while siting a manufacturing or research and development facility, to help avoid water supply problems to the public and to the facility. Utilizing the strong science and policy work completed will firmly support the proposed Environment Plan by the Province, which states that, "We will protect these critical systems by using water more sustainably and keeping our water and air clean while growing our economy".</p>
7. Section 20 of the <i>Great Lakes Protection Act, 2008</i>	<ul style="list-style-type: none"> • Not requiring a shoreline project to conform to any protection initiative could result in less environmental protection for the Great Lakes. It is suggested that planning decisions should conform to the <i>Great Lakes Protection Act</i> to help combat climate change, reduce algal blooms and protect wetlands and coastal areas. The Great Lakes are a significant contributor to the overall provincial economy.
8. Section 7 of the <i>Greenbelt Act, 2005</i>	<ul style="list-style-type: none"> • Planning decisions (including by-laws) should conform to the <i>Greenbelt Act</i> to help protect the agricultural system and well as ecological and hydrological features and systems. These systems provide enormous benefits to the public (ie. access to clean water, agricultural productivity, avoided flood costs, avoided social costs of climate change, etc.). It is recommended that the value of natural capital be considered when making revisions to the OFBPBL tool. • Approval of Bill 66 could potentially allow large-scale development in the protected countryside and/or Greenbelt Natural Heritage System
9. Section 6 of the <i>Lake Simcoe Protection Act, 2008</i>	<ul style="list-style-type: none"> • It is recommended that the value of natural capital be considered when making revisions to the OFBPBL tool.
10. Subsection 31.1 (4) of the <i>Metrolinx Act, 2006</i>	No comment.
11. Section 7 of the <i>Oak Ridges Moraine Conservation Act, 2001</i>	<ul style="list-style-type: none"> • Approval of Bill 66 would allow development to disregard the requirements of the ORMCP and potentially adversely impact the moraine's environmental resources.
12. Section 13 of the <i>Ontario Planning and Development Act, 1994</i>	<ul style="list-style-type: none"> • No comment.
13. Subsection 14 (1) of the <i>Places to Grow Act, 2005</i>	<ul style="list-style-type: none"> • Section 14 requires a decision under the <i>Planning Act</i> to conform to the Growth Plan for the Greater Golden Horseshoe. This contains environmental protections and directs development to rural and urban settlement areas (properly serviced areas). Non-application of this section of the <i>Places to Grow Act</i> could result in a more costly and environmentally impactful piecemeal approach to servicing and stormwater management. • Consideration should be given to the availability of waste water treatment capacity and availability of water supply while minimizing impacts to the local watershed

	<ul style="list-style-type: none"> Potential development sites located outside of established settlement areas would be subject to rural servicing. This would result in costly development requiring the establishment of private services on such a large scale. It is recommended that servicing criteria be included in the list of criteria to be met in consideration of the use of the planning tool
14. Section 12 of the <i>Resource Recovery and Circular Economy Act, 2016</i>	No comment.
15. Any prescribed provision	<ul style="list-style-type: none"> Additional non-applicable provisions should only be considered through future legislative amendments to the Planning Act and not prescribed through regulation.
<i>Application of site plan control</i>	<ul style="list-style-type: none"> From a development review perspective, removing site plan approval by a municipality presents some concern, as without site plan approval, design proposals made at earlier stages will potentially not be followed through to construction and implementation. Through waiving the site plan control circulation process there is a risk that CA permitting requirements will be missed early in the approval process, resulting in undue strain on the existing regulatory process with regard to Section 28 approvals.
<i>Conditions that may be imposed</i>	<ul style="list-style-type: none"> To provide comments, more information is needed on what is meant by the manner of construction and construction standards not being subject to a condition.
<i>Notice</i>	<ul style="list-style-type: none"> CAs have long-established working relationships with municipalities and local municipalities typically consult CA staff, especially when development is proposed to occur in a regulated area. Through the OFBPBL tool, municipalities could bypass regular notice requirements which could result in unintended consequences for public health and safety.

New Regulation under the Planning Act for Open-for-Business Planning Tool

Section	Commentary
A municipality's request to use an open-for-business planning by-law would need to be accompanied by information that would be prescribed in a proposed new regulation, such as a description of the subject lands, land use planning information, and open-for-business information, including details about the proposed employment opportunity.	<ul style="list-style-type: none"> Should the non-application of listed provisions remain in its current form, the following requirements should be added: <ol style="list-style-type: none"> to identify if the lands outlined in the OFBPBL are located in environmentally sensitive (hazard/designated drinking water vulnerable) areas to work closely with their local CAs and meet requirements to mitigate risks and protect downstream communities from flooding and erosion hazards In order for timely approach to approving major

Section	Commentary
	<p>employment uses, the regulation should specify the timing for Minister review/approval</p> <ul style="list-style-type: none"> • Residential uses, even as a secondary use should not be included under OFB by-laws. As currently proposed, it could present a serious risk to the public in the event that development is placed in hazard lands.
<p>Require confirmation that the proposal is for a new major employment use</p>	<ul style="list-style-type: none"> • A definition is needed to 'new major employment use' to clearly distinguish this tool from a Minister Zoning Order
<p>Identify the uses of land, buildings or structures that may be authorized by the tool, such as manufacturing and research and development, but not residential, commercial or retail as the primary use</p>	<ul style="list-style-type: none"> • New uses should be located out of hazard lands and should have safe access to ensure public safety • New uses should not cause or contribute to offsite impacts / downstream cumulative impacts. It is recommended that the municipality work with the CA to ensure development or redevelopment is not at risk of flooding or erosion and that the quality and supply of drinking water sources are not impacted. Without consideration for these potential impacts, maintenance and operational costs could increase depending on risks.
<p>Prescribe how notice is to be given to the Minister of Municipal Affairs and Housing following the passing of an open-for-business by-law (similar to how the Minister is notified following the passing of a zoning by-law – e.g. email and personal service).</p>	<ul style="list-style-type: none"> • Should the non-application of listed provisions remain in its current form, the following should be added: <ul style="list-style-type: none"> a. Require the province to report on performance outcomes of the tool (e.g. number of times the OFBPBL has been used, amount of approved OFBPBL lands in hazard areas and drinking water vulnerable areas and number of jobs / employment uses created through its application)



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

DATE: January 28, 2019

RE: Date of Annual General Meeting (AGM)

BACKGROUND

At the December 6, 2018 Board of Directors meeting, the board approved the following meeting dates for 2019:

2019 Board of Directors Meeting Dates:

Thursday, February 7	Thursday, July 4
Thursday, March 7	Thursday, September 5
Thursday, April 4	Thursday, October 3
Thursday, May 2	Thursday, November 7
Thursday, June 6	Thursday, December 5

The Hamilton Conservation Authority Administrative By-Law under Section C (11) Meeting Procedures – Annual Meeting, states that the Board shall designate one of the meetings each year as the Annual General Meeting where the election of officers takes place.

Staff were directed to contact the City of Hamilton clerk in regards to the timing of citizen appointments to help determine the appropriate date to schedule the AGM for the HCA Board of Directors. This was to be brought back to the next Board meeting or an email poll conducted.

STAFF COMMENT

At this time, only the Township of Puslinch has confirmed their appointment of Susan Fielding. The City of Hamilton clerk has been unable to provide exact timing of the five citizen of Hamilton appointments, only that the process is underway.

As the City of Hamilton clerk cannot confirm timing of citizen appointments in February as it had been hoped, HCA staff therefore recommend that the consideration be given to designate April 4, 2019 as the date for the AGM, pending confirmation of the citizen appointments.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

The HCA Board of Directors will be fully renewed with the appointment of five citizen members from the City of Hamilton. The AGM should take place after their appointments are confirmed at one of the upcoming meetings dates or an amended date as approved by the Board. It is noted that staff recommend that consideration be given to designate April 4, 2019 as the date for the AGM.



Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Planning & Engineering

DATE: January 24, 2019

RE: Fifty Point Conservation Area – Watercourse No. 11 Environmental Assessment

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT the Class EA Flood Remediation Project – Watercourse 11, Fifty Point Conservation Area Report, dated December 17, 2018 be filed for public review and for the Ministry of Environment, Conservation and Parks.

BACKGROUND

Watercourse No. 11 is located along the western boundary of the Fifty Point Conservation Area. The Fifty Point Conservation Area is located at 1479 Baseline Road, City of Hamilton and has an area of the 80-hectare. The watercourse drains from the south end of the conservation area adjacent to Baseline Road and flows northerly along the length of the conservation onto private property at Windermere Road and then drains into Lake Ontario (Appendix A).

The residential area associated with Windermere Road adjacent to the northwestern corner of the conservation area has been experiencing flooding. This flooding is due to Lake Ontario storm events, groundwater impacts and watercourse flooding. HCA staff undertook meetings with the residents of this area and the local City of Hamilton Ward Councillor to explain the issues and consider options. Through these meetings and HCA staff review, it was agreed to undertake a study to investigate the causes of the flooding and develop alternatives as appropriate to resolve, if possible, the flooding

issues. The study undertaken was an environmental assessment as per the “Conservation Ontario, Class Environmental Assessment for Remedial Flood and Erosion Projects”, January 2002 (amended 2013) process.

As part of this environmental assessment, the following has been completed:

- Notice of Intent and Public Information Centre (PIC) Number 1 was advertised February 15, 2018 and the PIC was held February 20, 2019. Invitations to adjacent landowners was also sent to advise of the project and the first PIC.
- Assessment of existing conditions and potential alternatives.
- Assessment of Alternatives and association evaluation
- Notice of PIC Number 2 was circulated to affected parties and the PIC was held June 20, 2018.
- Documentation of Preliminary Preferred Solutions
- Completion of the Class EA Flood Remediation Project – Watercourse 11, Fifty Point Conservation Area.

The next step in this process is the filing of the environmental study report, notifying by letter all parties that have expressed an interest in the project and publishing a Notice of Completion in the local newspaper.

STAFF COMMENT

The Class EA Flood Remediation Project – Watercourse 11, Fifty Point Conservation Area Report is a lengthy document and it is not attached to this report. The document is available for viewing at the HCA offices and the report information and preferred alternative will be presented at the February 7, 2019 Board of Directors Meeting.

The report identifies five alternatives to the identified issue. They are as follows:

Alternative 1: Do Nothing: Maintain the existing channels, culverts, and drainage features including the existing shoreline structures. This alternative does not solve the problem.

Alternative 2: Divert 3 Catchment Areas to the 50 Point Pond: This alternative proposes diversion of 67% of the total runoff volume at a minimum cost ensuring least negative impact on the environment.

Alternative 3: Divert 2 Catchment Areas to the 50 Point Pond: This alternative proposes diversion of almost 12% of the total runoff volume, this percentage of diversion is not enough to protect the area from flood damages.

Alternative 4: Divert 3 Catchment Areas to the Storm Sewers at Shippee and McCollum: This alternative proposes diversion of only 25% of the total runoff volume but implementation of this alternative is complex and includes several significant

physical and logistical issues. This alternative has a high cost of construction and operation.

Alternative 5: Combination of Alternative 2 and 4: This alternative proposes diversion of 100% of the runoff volume and has a very high construction and operation cost along with requirement for recurring maintenance.

Based on the report and the associated review, Alternative 2 is the preferred option. This alternative ensures removal of 67% of the total flood water from the Fifty Point Conservation area while maintaining a positive impact on the environment. This alternative also provides the potential benefit towards the Fifty Point pond fisheries enhancement project as additional flows will be directed to the pond. Further, fish habitat improvements are created through wetland development as the diverted watercourse enters the pond area. These issues and associated design requirements will be considered by HCA ecology staff as part of the feasibility study for the work required to transition the Fifty Point pond to a self-sustaining fishery as detailed in the attached report dated May 29, 2018 (Appendix B).

HCA staff have been involved throughout this program and have worked with the consultants and taken part in all of the Public Information Centres as the project has moved forward. HCA staff are in agreement with the recommended preferred alternative and support the implementation of this program. This alternative does not solve the flooding issue but it significantly reduces the effects of watercourse flooding. The area adjacent to Windermere Road would still be impacted by groundwater issues and flooding from Lake Ontario.

It is noted that through the public consultation process, some neighbours preferred Alternative 5. While HCA staff understand their position, this alternative presents the following challenges and concerns:

- a total diversion of the watercourse is contrary to our approach for these issues
- it would impact the forested wetland at the north end of the conservation area
- it would require mechanical means to divert the pond to the adjacent storm water management pond
- it would negatively impact the designed water quality function of the adjacent storm water management pond which the HCA does not own and approvals from the City of Hamilton and the Ministry of Environment, Conservation and Parks would be required at considerable cost

With the completion of the environmental study report and the Notice of Completion, it is noted that a stakeholder can raise issues within 30 days of the posting of the Notice of Completion. These issues are usually addressed through consultation and discussion. If they cannot be addressed, the stakeholder can request the Minister of Environment, Conservation and Parks to require the HCA to complete an individual Environmental Assessment in accordance with Part II of the Environmental Assessment Act. HCA staff will continue to meet with adjacent landowners in this regard.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Water Management**
 - Initiatives – maintain and enhance our flood control infrastructure and work to augment low flow conditions

- **Strategic Priority Area – Natural Heritage Conservation**
 - Initiatives – Maintain and enhance the natural heritage features of HCA lands and manage these lands on an environmentally sustainable basis.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

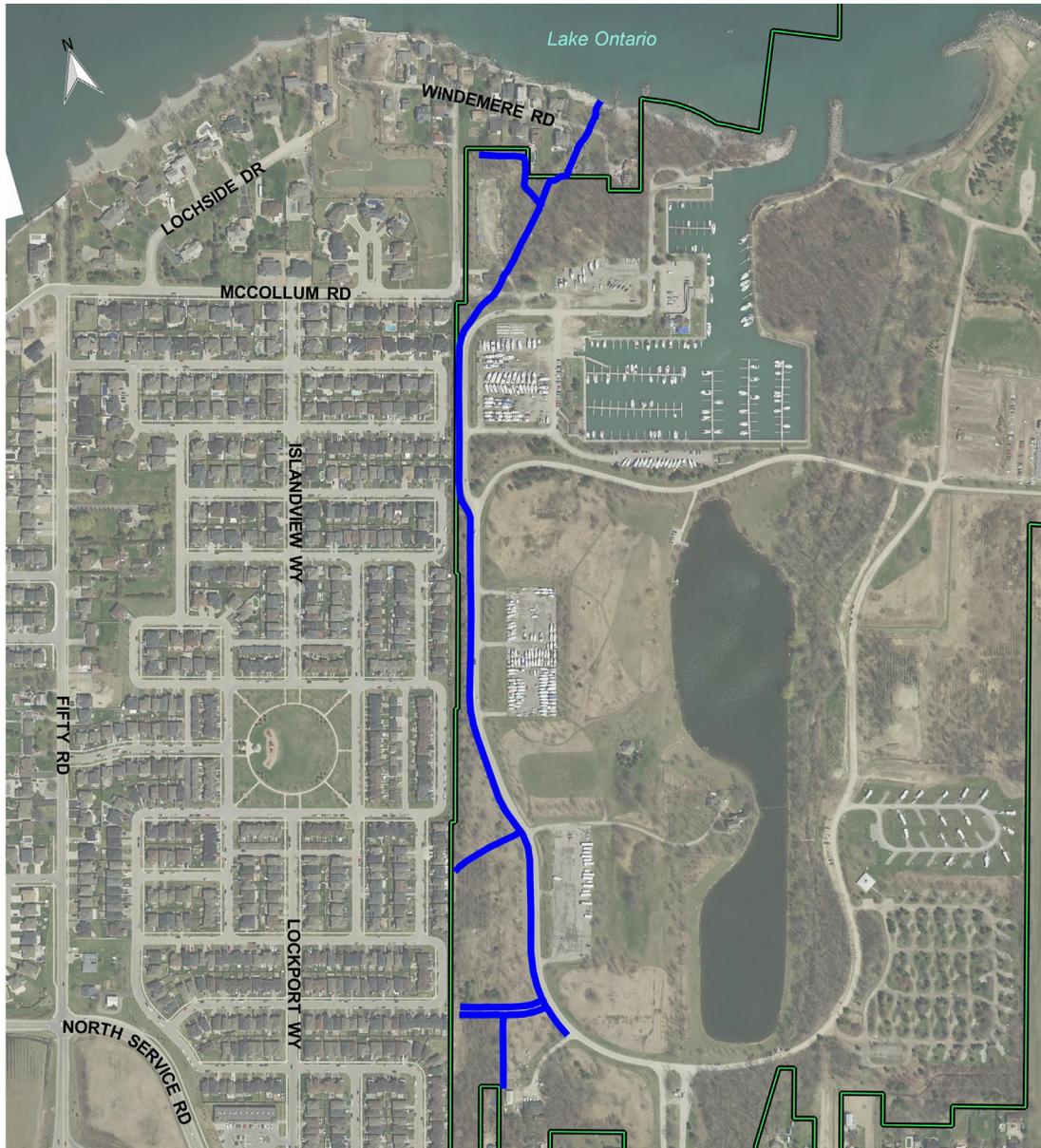
Not applicable.

CONCLUSIONS

This project has been completed per the “Conservation Ontario, Class Environmental Assessment for Remedial Flood and Erosion Projects”, January 2002 (amended 2013) process. HCA staff are supportive of the findings and recommendations of the environmental study report and will continue to meet with adjacent landowners to address concerns and work toward implementation of Alternative 2.

Appendix A

FIGURE 1



Legend

-  Watercourse 11
-  Fifty Point CA Boundary



Base Mapping supplied by the City of Hamilton, and the Ministry of Natural Resources. © Queen's Printer for Ontario 2016, City of Hamilton and Teranet Land Information Services Inc. and its licensors. THIS IS NOT A PLAN OF SURVEY. May not be reproduced without permission. All information provided is believed to be accurate and reliable. We will make changes, updates and deletions as required and make every effort to ensure the accuracy and quality of the information provided. However, the Hamilton Conservation Authority assumes no responsibility for any errors or omissions and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained herein.

Appendix B



Report

TO: Conservation Advisory Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Mike Stone, Manager, Watershed Planning Services
Gord Costie, Director, Conservation Area Services
Colin Oaks, Aquatic Ecologist

DATE: May 29, 2018

RE: Fifty Point Conservation Area Pond – Fisheries Management

STAFF RECOMMENDATION

THAT the Conservation Advisory Board recommends to the Board of Directors

THAT staff be directed to undertake a project feasibility study for the work required to transition the Fifty Point pond to a self-sustaining fishery; and,

THAT, subject to the findings of the feasibility study, staff be directed to complete the design and implement the transition of the pond to a self-sustaining fishery.

BACKGROUND

The Fifty Point Conservation Area is one of the Hamilton Conservation Authority's premier landholdings. The conservation area is located within an urbanized area of the City of Hamilton and contains a full service marina with dockage for 340 boats, a restaurant facility, a fully serviced campground with 76 sites, hiking, swimming, fishing in the pond, marina and Lake Ontario as well as picnicking opportunities.

In addition to the above, the conservation area contains significant natural features associated with the shoreline of Lake Ontario and Fifty Creek and its associated floodplain. These features provide a natural setting for this conservation area while providing opportunities for nature appreciation, fishing and birding.

One of the main environmental features in this conservation area is the pond that is located to the immediate west of Fifty Creek (Figure 1). This pond was constructed in the late 1960's by removing fill material that was used for the construction of the QEW overpass at Fifty Road. The pond has an area of 5.74 hectares (14.2 acres) with an average depth of 4.2 metres (13.5 feet) and a maximum depth of 7.62 metres (25 feet).

HCA staff expect the pond is primarily supported by rain water and surface drainage, with possibly some groundwater input. The pond is periodically connected to Fifty Creek during elevated water levels by way of an outlet in the northeast corner of the pond. Fifty Creek drains to Lake Ontario. There is no outlet or drainage connection between the pond and the marina. In recent years, staff have noted periodic algae blooms in the pond, and an overall decrease in aquatic plant life.

The pond and Fifty Creek are both regulated by the Hamilton Conservation Authority 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 pond and watercourse are regulated as they are subject to floodplain and erosion hazards.

The City of Hamilton Official Plan designates the pond and Fifty Creek as part of the Fifty Creek Valley Environmentally Significant Area. Additionally, the valley lands associated with Fifty Creek are also designated as Significant Woodland in the City of Hamilton Official Plan.

STAFF COMMENT

Fifty Point provides several fishing opportunities for conservation area users. Staff note that fishing takes place in the marina when the boats are out of the water and also along the Lake Ontario shoreline. The pond at Fifty Point has also traditionally been stocked with trout. Staff refer to this as a "put and take" fishery as the pond is stocked and the fish are taken by the angler with the fish not reproducing in the pond. This stocking program cost \$18,000 in 2017, and stocking has been done on an annual basis.

The Hamilton Conservation Authority (HCA) is required to obtain a license from the Ministry of Natural Resources and Forestry (MNRF) to stock the pond. HCA's licence to stock the pond was last renewed in 2015, for a period of five years. However, in the spring of this year after a site visit by the MNRF, the HCA was advised by MNRF that the pond did not meet conditions to stock due to the water levels of Fifty Creek and the resulting connection of the pond to Fifty Creek. Stocked ponds are required to be "off-line" to ensure stocked fish do not enter a natural waterbody.

Given the above, HCA staff see an opportunity to create a natural fishery. Staff are proposing to further investigate the conditions in the pond to determine the feasibility of establishing a native self-sustaining fishery that would allow for continued fishing opportunities in the pond. This would include seine netting to document any existing fish species present, confirmation of pond depths, temperatures and oxygen levels, as well as surveying for aquatic vegetation and other existing fish habitat features that may be in the pond. Based on the findings of this work, HCA staff would then work towards determining if any fish habitat improvements would be required to establish or enhance a self-sustaining fishery. HCA staff expect this would likely be a warm water fishery, with species such as Pumpkinseed, Blue gill, Pike and Bass, but this needs to be confirmed through the work proposed. Fish such as trout, bass and perch have been observed in the pond.

Work to move towards a self-sustaining fishery in the pond at Fifty Point is consistent with HCA's recent fisheries management philosophy and approach. Over the last several years at Christie Lake Conservation Area, seven former fishing ponds were decommissioned and returned to natural streams in an effort to improve fish habitat and establish a self-sustaining fishery. With this work complete, Fifty Point remains the only HCA conservation area where fish have been stocked in recent years. The proposal to establish a natural fishery will allow for continued recreational fishing opportunities in the pond going forward, and would be envisioned to include enhanced access areas for the public.

STRATEGIC PLAN LINKAGE

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

- Strategic Goal #2 – Natural Heritage Conservation
 - Strategic Objective - maintain and enhance the natural heritage features of HCA lands and manage these lands on an environmentally sustainable basis
- Strategic Goal #3 – Conservation Area Experience
 - Strategic Objective – maintain and enhance conservation area infrastructure and natural heritage features within the context of approved master plans.

AGENCY COMMENTS

Not applicable

LEGAL/FINANCIAL IMPLICATIONS

The proposed investigation of pond conditions would be completed by HCA Ecology staff as part of regular annual Aquatic Resources Monitoring Program work. Any costs

associated with design work or fish habitat enhancements would need to be determined based on monitoring results, and would be implemented through future capital improvements and utilizing the funds earmarked for fish stocking.

CONCLUSIONS

Staff recommend to undertake the required investigation and design work to establish a self-sustaining fishery in the Fifty Point pond. This recommendation is consistent with HCA's recent fisheries management philosophy and approach at conservation areas, and continues to allow fishing opportunities at Fifty Point where conservation area users of all ages will be able to fish in the pond for years to come.



Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Neil McDougall, Secretary Treasurer

DATE: January 21, 2019

RE: Ratification of Email Poll for Replacement Mobile Marina Lift at Fifty Point Conservation Area

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

That the quotation for the replacement of the Fifty Point Mobile Marina Boat Lift be awarded to Kropf Industrial Inc. at a cost of \$319,060.00 plus HST. The HST is recoverable.

BACKGROUND

An email poll was sent out to the Board of Directors on January 15, 2019 for their approval. In accordance with the HCA's governance policies, the Board of Directors ratified unanimously the email poll approving the purchase of the mobile marina lift for Fifty Point Conservation Area.

A report was brought forward and endorsed at the Budget & Administration Committee meeting on October 18, 2018 for the need of a new boat lift and the upcoming tender process (attached). The report was approved at the Board of Directors meeting on November 1, 2018.

STAFF COMMENT

The request for quotations was placed on the Biddingo site and circulated to three specific vendors we thought may be interested. Three companies picked up the

information off the Biddingo site and one complete proposal was received. Kropf Industrial Inc. is the same Ontario based vendor that sold HCA our existing machine 30 years ago. They are very familiar with our operations and we are very familiar with them as a vendor and know the level of support we can expect.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 – 2023:

- **Strategic Priority Areas – Conservation Area Experience**
 - Initiatives – update and develop master and management plans, and implement priorities to further enhance conservation areas for current and future generations
 - Initiatives – identify and act upon revenue generation/cost reduction and investment in visitor services opportunities in our conservation area

- **Strategic Priority Areas – Organizational Excellence**
 - Initiatives – support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current

AGENCY COMMENTS

Non-applicable.

LEGAL/FINANCIAL IMPLICATIONS

The quote for the boat lift is for \$319,060.00 plus HST. The funds are available from the heavy equipment reserve which currently has sufficient funds to make this purchase.

CONCLUSIONS

The lift is a critical piece of equipment for the operation of the marina.

Board of Directors Report

February 7, 2019

Email Poll In Support Of

Fifty Point Mobile Marina Boat Lift

Dan Bowman **in favour**

Brad Clark **in favour**

Chad Collins **in favour**

Lloyd Ferguson **in favour**

Susan Fielding **in favour**

Brad Gautreau **in favour**

Tom Jackson **in favour**

Santina Moccio **in favour**

Esther Pauls **in favour**

Maria Topalovic **in favour**



Report

TO: Budget and Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Neil McDougall, Secretary Treasurer

DATE: October 1, 2018

RE: Replacement of Fifty Point Mobile Marina Boat Lift

STAFF RECOMMENDATION

THAT the Budget and Administration Committee recommends to the Board of Directors:

THAT staff be directed to issue a request for quote for the purchase of a replacement for boat lift at the Fifty Point Marina.

BACKGROUND

The current boat lift was purchased in 1990 and is reaching the end of its useful life. It has a lift capacity of 25 ton, which is now undersized as a survey of nearby marinas showed that all marinas that had lifts had load capacity of 30 ton or greater. The current lift's structural configuration, which was more than adequate when originally purchased, limits the ability to move the larger breadth boats which are becoming more common. The last few years have seen the repair costs increase significantly at the same time that the reliability has decreased. Currently Fifty Point conducts approximately 650 lifts per year, totalling both Spring launch and Fall storage so availability is crucial. The lift is also used to bring most of the marina's floating docks out of the water when needed to execute repairs on land. The availability of rental lifts is both expensive and extremely limited so outsourcing this work is not a viable option.

STAFF COMMENT

The winter storage and launching of boats each year contributes gross revenues of \$390,000. This activity is critical to the continuing successful operation of HCA's full service marina. A replacement of the existing lift would come with a significant upgrade in technology which would allow a reduction in the staffing and time required for each lift as well as improve safety for personnel and security of patron's property during the process. The newer style machine contemplated in this request would support the lifting of larger boats, five of which are currently in the marina. To mirror the changing in demand, in 2009 the marina added 20 additional slips to accommodate such larger boats in the 37 to 60 foot range. This is now being followed up with the reconfiguring of one section of dock for 2019 that will further modify the marina with the addition of 24 slips that will accommodate the continued growth in demand for docks able to properly service these larger boats. It would also support the handling of the larger mast sailboats which is another trend in the industry. This represents additional revenue opportunities which, when combined with the labour savings in operations produces a return on investment of 15% with a payback period of five years, assuming an investment of \$350,000 (this amount could be reduced if there is a trade-in value for the existing machine).

STRATEGIC PLAN LINKAGE

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

- **Strategic Goal # 3 – Conservation Area Experience**
 - Strategic Objective – maintain and enhance the financial sustainability of our conservation areas
 - Strategic Objective – develop and explore new revenue generating opportunities

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

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

The purchase of this machine estimated at \$350,000 will be funded from the heavy equipment reserve which currently has sufficient funds to make this purchase.

CONCLUSIONS

This lift is a critical piece of equipment for the operation of the marina. The current lift is 28 years old and at end of useful life. While replacement can be justified on a maintenance of viability basis alone it is also a revenue generating opportunity. Consequently the purchase of the new machine in time for the Spring of 2019 lift-in is reasonable.



Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Planning & Engineering

DATE: January 23, 2019

RE: Request for Proposal – Stoney Creek & Battlefield Creek Flood Plain Mapping Study

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT this information be reviewed for project background. Request for proposals for this project closes on Friday, February 1, 2019. HCA staff will review these proposals and will provide a Summary Report with the results of the proposal opening, along with a recommendation for contract award at the February 7, 2019 Board of Directors meeting.

BACKGROUND

In 2010, the Hamilton Conservation Authority (HCA) undertook a *Flood Plain Mapping Review* of the existing HCA floodplain mapping for the watershed. The results of the review determined that the existing floodplain mapping needed to be updated and recommendations were implemented to update and create new HCA floodplain mapping to meet current standards. Since then, floodplain mapping has been completed for Lower Spencer Creek (Dundas) and the floodplain mapping project for the numbered watercourses in Stoney Creek is nearing completion. The next area identified for new floodplain mapping is Battlefield Creek and Stoney Creek.

Battlefield Creek and Stoney Creek are located within the geographic boundary of the former City of Stoney Creek (Figure 1). Official Flood Plain Mapping was previously completed for reaches of Battlefield Creek and Stoney Creek above the escarpment, through the *Stoney & Battlefield Creeks – Flood Line Mapping Study* (Dillon Consulting Engineers & Planners, 1976). In addition, official Flood Plain Mapping was completed in the past for reaches of Battlefield Creek and Stoney Creek below the escarpment, through the *City of Stoney Creek Flood Damage Reduction Study* (Philips Planning & Engineering Ltd., 1989). More recently, subsequent hydrologic and hydraulic assessments for these watercourses were undertaken as part of the *Flood and Erosion Control Project for Upper Battlefield Creek and Stoney Creek* (Wood, 2018) and *Stoney Creek and Battlefield Creek Flood and Erosion Control Class Environmental*.

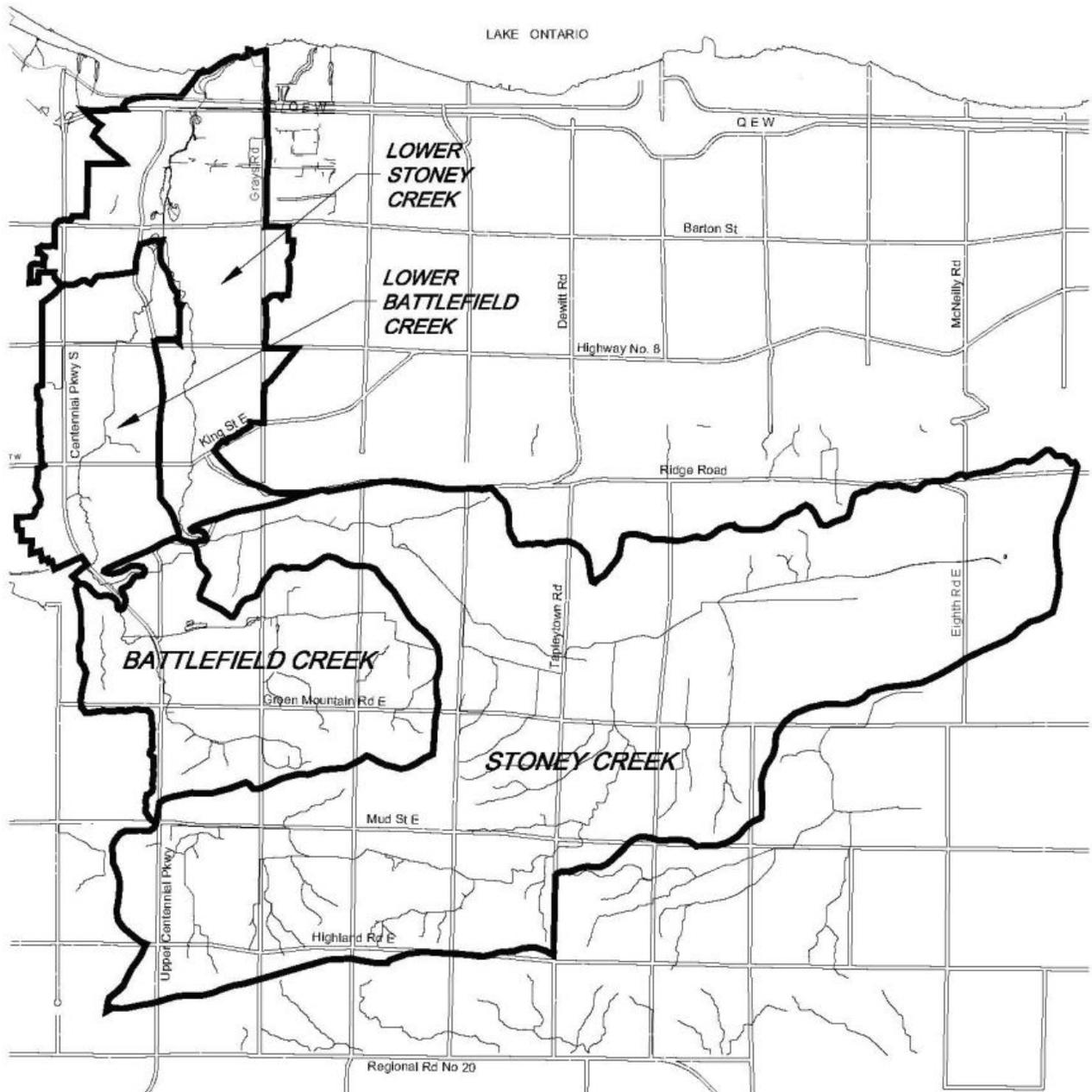


Figure 1

Assessment (Amec, 2011). Both of these studies included hydrologic and hydraulic modeling, as well as floodplain estimations. However, these studies were focused on reducing the flood risks resulting from more frequent storm events, and these studies do not satisfy all of the HCA Flood Plain Mapping Standards.

Hamilton Conservation Authority (HCA) is undertaking a floodplain mapping update study for Stoney Creek and Battlefield Creek, to revise these recent studies so that the hydrology, hydraulic and floodplain mapping assessments are in accordance with the HCA Flood Plain Mapping (FPM) Standards, as stated in the *HCA Flood Plain Mapping Review (2010)*.

STAFF COMMENT

A detailed Request for Proposal (RFP) has been sent out requesting engineering services to complete this floodplain mapping project by the end of 2019. The closing date for this RFP is February 1, 2019 at 4pm.

Given the deadline for the RFP and timing associated with getting the February 7, 2019 Board of Directors meeting agenda out, this background report on the project has been prepared to be included in the Board of Directors Agenda package and a brief summary report on the RFP's submitted for the project will be provided at the February 7, 2019 Board of Directors meeting.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Water Management**
 - Initiatives – complete floodplain mapping update program

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project will be detailed in the tender summary report on February 7, 2019. Funds are available to do this work and are within the 2019 approved budget.

CONCLUSIONS

Current and up-to-date floodplain mapping is a primary requirement in the HCA's municipal plan review, regulatory review and flood forecasting and warning programs and is critical to the success of these programs. The recommended firm to complete this program will be presented at the February 7, 2019 Board of Directors meeting.



Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy CAO/Director, Watershed Planning & Engineering

DATE: January 24, 2019

RE: Request for Proposal – Wetland Design - Saltfleet Conservation Area Wetland Restoration Project

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT this information be reviewed for project background. Request for proposals for this project closes on Friday, February 1, 2019. HCA staff will review these proposals and will provide a Summary Report with the results of the proposal opening, along with a recommendation for contract award at the February 7, 2019 Board of Directors meeting.

BACKGROUND

The Saltfleet Conservation Area Wetland Restoration Program is being undertaken by the Hamilton Conservation Authority to create wetland areas above the Niagara Escarpment in the Stoney Creek and Battlefield Creek watershed. The following is the goal and objectives of this project.

Goal

To create a new conservation area in the east end of the City of Hamilton, specifically the Upper Stoney Creek and Upper Battlefield Creek watersheds above the Niagara Escarpment to provide natural hazard attenuation, natural heritage enhancements and recreation opportunities.

Objectives

To utilize the floodplain areas of Upper Battlefield and Upper Stoney Creeks to retain water to provide flood attenuation both above and below the Niagara Escarpment within these watershed areas.

To enhance and enlarge existing wetland areas and to create new wetland areas to provide enhanced wetland hydrologic function to reduce the impacts of high water events and provide water to area watercourses during low flow periods.

To restore the natural features and functions of the watercourses in the area.

To restore, enhance and enlarge the natural heritage features associated with the floodplains, wetlands and watercourses of the area.

To provide linkages within and between conservation area lands by utilizing the Dofasco Trail.

To enhance and create passive recreational opportunities along the Dofasco Trail.

To date, approximately 245 acres of land has been acquired as part of this project with these new lands comprising the Saltfleet Conservation Area. HCA staff are continuing to work on additional land acquisition to meet the land area needs of this project.

Amec Foster Wheeler (Wood PLC) was contracted by the HCA to complete the “Flood and Erosion Project for the Upper Battlefield Creek and Upper Stoney Creek Report” pursuant to the “Class Environmental Assessment for Remedial Flood and Erosion Projects, Conservation Ontario, January 2002 (amended 2013). This report was completed in February 2018 and provides specific direction for the location of the required wetlands to address flooding and erosion downstream and outlines next steps regarding the specific design requirements of the wetlands.

Flowing from the completed environmental assessment, HCA staff have prepared and circulated a Request for Proposals for engineering, natural heritage and archeological consulting services to complete additional studies and prepare the detailed design for the first wetland to be constructed on HCA lands located on the east side of First Road East and south of Green Mountain Road (Figure 1). The detailed design will be used to prepare tender documents for the construction of the wetland.

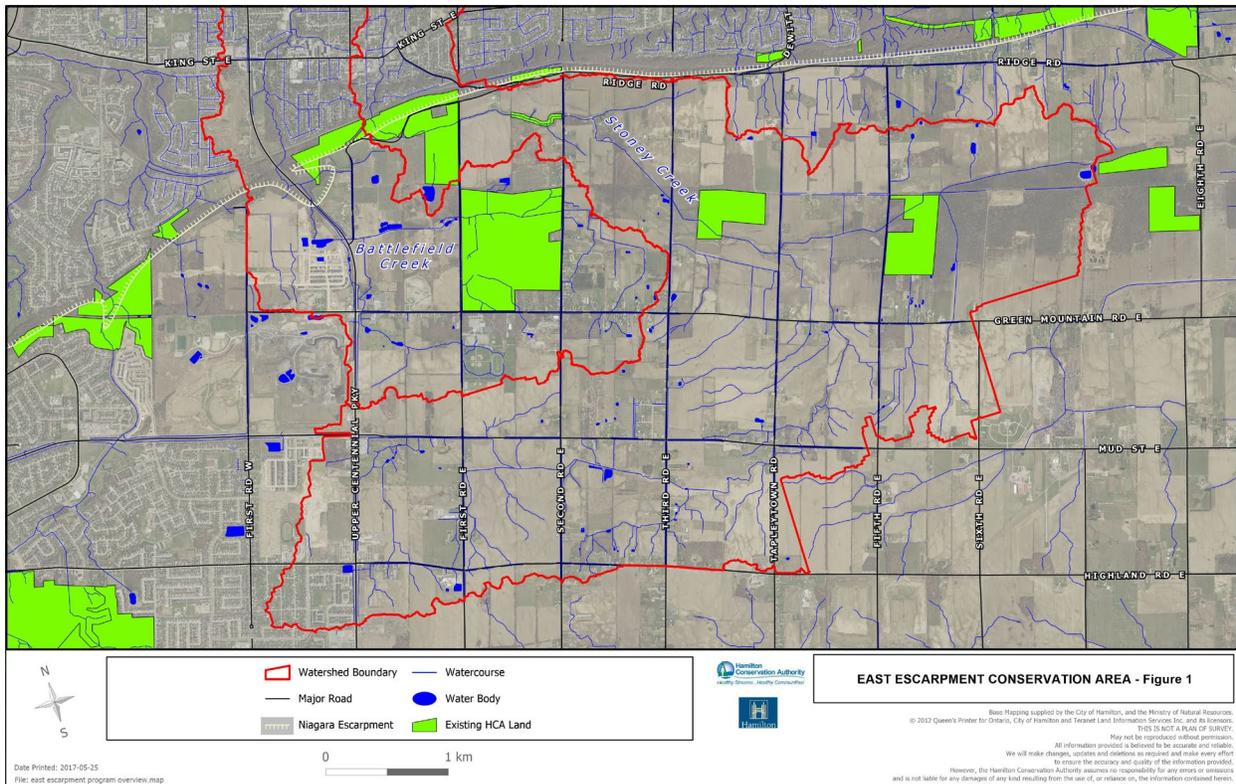


Figure 1

STAFF COMMENT

A detailed Request for Proposal (RFP) has been sent out requesting consultant services to complete this detailed design program by the end of 2019. The closing date for this RFP is February 1, 2019 at 4pm.

Given the deadline for the RFP and timing associated with getting the February 7, 2019 Board of Directors meeting agenda out, this background report on the project has been prepared to be included in the Board of Directors Agenda package and a brief summary report on the RFP's submitted for the project will be provided at the February 7, 2019 Board of Directors meeting.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Natural Heritage Conservation**
 - Initiatives – Implement the Saltfleet Conservation Area Wetland Restoration Program and have the first wetland designed and constructed by 2021.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project will be detailed in the tender summary report on February 7, 2019. Funds are available to do this work and are within the 2019 approved budget.

CONCLUSIONS

The detailed design work and associated studies is the last step in the process to move toward the construction of the wetland and seeing this project come to fruition on the ground. HCA staff anticipate completion of the design phase for this wetland to be completed by the end of 2019 with construction of the wetland commencing in 2020. The recommended firm to complete this design program will be presented at the February 7, 2019 Board of Directors meeting.



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 & Engineering

PREPARED BY: Jonathan Bastien, Water Resources Engineering

DATE: January 25, 2019

RE: Current Watershed Conditions as of January 25, 2019

CURRENT WATERSHED CONDITIONS – January 25, 2019

Current Water Levels in Major Area Watercourses

Water levels and flows are currently slightly elevated in all watercourses [Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, and Lower Spencer Creek at Market Street, Ancaster Creek at Wilson Street, Redhill Creek at Barton Street, and Stoney Creek at Queenston Road].

However, at all gauges there are currently no watercourse flooding or significant public safety concerns.

Current Lake Ontario Water Levels

Currently, Lake Ontario is about 30 cm above average water levels for this time of year. The Lake Ontario mean daily water level is currently approximately 74.90 m IGLD85.

Current Storages in HCA Reservoirs

Based on current reservoir levels at Christie Lake Dam (approximately 765.70 ft.), the reservoir is presently within its typical winter operating level range (765 to 766 ft.), and

is at about 20 percent of its preferred maximum (summer) storage capacity (corresponding to a water level of 773 ft.).

Based on current reservoir levels at Valens Dam (274.10 m), the reservoir is presently near its typical winter operating level range (274.15 - 274.30 m), and is at about 42 percent of its preferred maximum (summer) storage capacity (corresponding to a water level of 275.5 m).

Current Soil Conditions

Soil moisture in the surface and root-zone soils are expected to be wet and frozen.

RECENT STORM EVENTS

During the period of mid-November to now, there were no significant watercourse flooding or Lake Ontario Shoreline erosion / flooding events, nor any potential events that warranted issuing a flood message.

RECENT PRECIPITATION SUMMARY

The total precipitation amounts received in the HCA watershed over the last few months are slightly below average, but do not indicate drought conditions.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall or snowmelt events (+20 mm in a day) anticipated for the watershed over the next 2 weeks.

Lake Ontario Shoreline Erosion/Flooding

There are currently no significant Lake Ontario Shoreline erosion / flooding events anticipated within the watershed over the next 2 weeks.

According to International Lake Ontario – St. Lawrence River Board weekly briefing information, Lake Ontario water levels are expected to remain above seasonal average values through the winter unless exceedingly dry conditions return.

SYNOPSIS

As of January 25, 2019, no responses are required concerning significant watercourse flooding, Lake Ontario shoreline erosion/flooding, or watershed drought.



Upcoming 2019 HCA & Partner Events

Ice Fishing Derby

February 16, Sunrise to 1:00 p.m.

Valens Lake Conservation Area

1691 Regional Road 97 (R.R.#6), Flamborough, Ontario N1R 5S7

Ice Fishing Derby for bluegill and crappie species. From sunrise until 1 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 3, 10, 17, 24 & 31

Wednesday, March 13, Thursday, March 14 of March Break

10:00 – 4:00 pm

Westfield Heritage Village

1049 Kirkwall Road, Rockton, ON L0R 1X0

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