



Board of Directors Meeting Agenda

Thursday, December 3, 2020



Board of Directors Meeting

Thursday, December 3, 2020 at 7:00 p.m.

This meeting will be held by WebEx videoconference.

**The meeting can be viewed live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>**

- 1. Call to Order** – Ferguson
- 2. Declarations of Conflict of Interest**
- 3. Approval of Agenda**
- 4. Delegations**
 - 4.1. Enbridge Gas Inc. Kirkwall-Hamilton Project withdrawal – Brian Lennie
– Nick Klip
– Ryan Park
 - 4.2. McCormack Trail Access – Carol Town
– Catherine Weir
 - 4.2.1. Letter provided by delegates regarding McCormack Trail Access
- 5. Consent Items for Applications, Minutes and Correspondence**
 - 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
 - 5.2. Approval of Board of Directors Minutes – November 5, 2020
 - 5.3. Approved September 17, 2020 Budget & Administration Committee Minutes – for receipt only
 - 5.4. Email from Minister Jeff Yurek dated November 5, 2020 – “Updating the Conservation Authorities Act”
 - 5.5. HCA Opinion article published in Hamilton Spectator November 7, 2020 - “Pandemic Bringing People Back to Nature”

- 5.6. HCA Media Release dated November 13, 2020 – “HCA Preliminary Response to Conservation Authority Act Changes”
- 5.7. Letter to Minister Jeff Yurek from Centre for Climate Change Management at Mohawk College dated November 18, 2020 – “Changes to the Conservation Authorities Act”
- 5.8. Township of Puslinch Resolution No. 2020-331 regarding Proposed Changes to the Conservation Authorities Act: Schedule 6 of Bill 229, dated November 18, 2020
- 5.9. Greenbelt Council letter to Minister of Municipal Affairs and Housing dated November 19, 2020 – ‘Removal of Schedule 6 from Ontario Bill 229’
- 5.10. HCA Media Release dated November 19, 2020 – “Picture Perfect! HCA 2019 Photo Contest Winners Announced”
- 5.11. HCA Letter to Premier and Ministers November 23, 2020 – Concerns with Bill 229 *Protect, Support and Recover from COVID 19 Act (Budget Measures Act)* - Schedule 6 – *Conservation Authorities Act*
- 5.12. City of Hamilton Council Resolution regarding Proposed Changes to the Conservation Authorities Act: Schedule 6 of Bill 229, dated November 25, 2020

6. Member Briefing

7. Business Arising from the Minutes

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

- 8.1. Budget & Administration Committee – November 19, 2020 – Moccio
(Recommendations)

- 8.1.1. BA 2015 2021 HCA Operating Budget
- 8.1.2. BA 2016 Mileage Report
- 8.1.3. BA 2017 Honorariums and Per Diems

- 8.2. Foundation Chairman’s Remarks (Video) – Margaret Reid

9. Other Staff Reports/Memorandums

- 9.1. Confederation Beach Park 2021 – McDougall
- 9.2. Enforcement Officer Appointment – Peck
- 9.3. Current Watershed Conditions as of November 24, 2020 – Peck
- 9.4. Conservation Areas Experiences Update – Costie

10.New Business

11.In-Camera Items for Matters of Law, Personnel and Property

12.Next Meeting – Thursday, February 4, 2021 at 7:00 p.m. Please note this will be the Annual General Meeting

13.Adjournment

4.2.1

To the members of the Board of the Hamilton Conservation Authority:

(Background to the presentation at the December 3, 2020 Board Meeting)

We are writing to you to ask for your support in keeping the McCormack Trail accessible to everyone.

Our intention in this letter is to identify and explain:

1. The reasons why we are so concerned about recent restrictions in parking and enforcement of those restrictions at the entrance to the McCormack trail off Governor's Road.
2. The context of increasing pressure on conservation areas and access to them.
3. The breadth and importance of public support for access.
4. Our two proposals for handling the parking at this important access point.

1.WHY RECENT PARKING RESTRICTIONS CONCERN US

Why are we here now?

On October 21st, two of us (Catherine Weir and Carol Town) received \$80 City of Hamilton parking tickets in the laneway leading up to the gate (reduced to \$50 when challenged), a laneway that is owned by the Conservation Authority, and has a right-of-way for the Bruce Trail. When we arrived for our mid-afternoon weekday walk, we didn't park immediately next to the 'No Stopping' sign. Nor did we use the wide part of the shoulder of Governor's Road nearby because the city had put up 'No Parking' pylons on both sides of the road after they had a large crowd of visitors to the Trail Centre on Thanksgiving weekend and the weekend before. At this point, we don't even know why the city issued the \$80 tickets because, when asked, neither they nor the Conservation Authority claimed ownership of the 'No Stopping' sign.

Having safely parked at the side of the laneway or the side of the road for over 30 years without an issue (and even during the past year after someone erected the No Stopping sign), we were extremely surprised to find we had been ticketed. We understand that traffic is increasing, but still we feel that the City and Conservation Authority are **using a one-size-fits-all sledgehammer approach** to controlling visitor parking in this area because of all the problems in Greensville (Webster's Fall, Tews Falls, Dundas Peak, among others), problems which developed well before the pandemic. The McCormack trail is very different from those popular sites, generally used much less, and has not, until COVID, had a significant problem with traffic. After all, there is no waterfall!

Who Loses?

Many lose, but especially small children and older people! Not being able to park in the laneway requires parking in the Trail Centre Conservation lot which is across the road and up the hill, hiking the Bruce trail on the south side of Governor's Rd, and then crossing the road to get back to the trail – **a 35-minute round trip** just to get to the start of the walk on our most recent visit. We have been told that safety and overcrowded parking on the road is of concern, but this solution is counter-productive because it is absolutely not safe for families and older people to cross and walk along Governor's Road to get to the laneway. One side, in particular, is very narrow. So this new policy **effectively excludes adults with young children from safe and easy access to this trail.**

Why not just hike near the trail centre, we were asked? Why the strong reaction?

The McCormack Trail is **unique** among the lands owned by the Conservation Authority. The combination of rolling drumlins, open, unshaded paths mown through the fields, the pond, the horses, and the marvellous views from the highest point can be had in a 20 to 40-minute walk from the Governor's Road entrance. It is an especially good walk in the spring, winter, and fall for families or grandparents with young children because of the easy terrain, and trails open to the sun. But with parking now prohibited at the laneway entrance, the only families with young children who will easily get to enjoy this site are **the neighbours** in the development bordering the property. Indeed, in our recent walks, the people we have met on the trail are, almost without exception, locals from the neighbourhood. **This doesn't seem fair.**

The other stakeholders who benefit from closing off parking are those who have **horses boarding at the farm**. The Conservation Authority rents out the barn and land to this group of individuals. The unequal access was highlighted during our recent site visit with the Conservation Authority leaders. A parent with a young child drove up to have a walk mid-morning, but was sent away because parking is now illegal. Meanwhile, a woman was able to take her horse out on virtually empty trails in the sunshine. Another local resident we met on the trail recently also owns a horse; she told us how delighted she was that fewer people would have access to the trail. She likes it quiet and relatively empty. Don't we all. **Again – is this equitable?**

COVID-19, Mental Health, and the Importance of Nature

We all recognize **the physical and mental health benefits of being in nature**, especially during the pandemic. The Conservation Chair and City counsellor, Lloyd Ferguson, made just this point in his recent op-ed in the Hamilton Spectator. He also stated that **one of the chief goals of the Authority is to connect people with nature**. He added that a silver lining of the pandemic is that people are **reconnecting** with nature, and that the HCA has seen just how important these spaces and their protection are for our **community**. But how is the continual restriction of parking helping people connect to these lands? And who, in the community, are the policies serving? Certainly not everyone equally.

Recent reports from the Mental Health Commission of Canada and CMHA indicate that, during COVID, the **parents of young children** in particular are disproportionately living with extreme stress, sometimes with fatal consequences. For the coming winter, being able to get out into wide open spaces, away from other people is critical. Let's help young parents and older people continue to have access to the McCormack trail.

2. INCREASING PRESSURE ON CONSERVATION AREAS

There is increasingly negative pressure on our Conservation lands – pressure that comes from many sources.

One is the **growing population** of the Golden Horseshoe area – a trend that will only continue.

Another is **social media** and its influence on where people find recreational opportunities. It is unfortunate that the group calling themselves “**City of Waterfalls**” first brought thousands of visitors to our area a few years ago. As one of the trail users recently remarked, *“Bloggers and Face Bookers got interested and suddenly we're swamped; locals are denied easy access but must pay for rescue missions and lawsuits through our taxes!”*

While this website and initiative was not started by the City or the Conservation Authority, **Tourism Hamilton** jumped on the bandwagon and continues to promote waterfalls on their website. Here is their advice:

“Chasing waterfalls across the city is a must-do during any visit to Hamilton. We're home to more than 100 waterfalls tucked behind the trails of the Niagara Escarpment that cuts through the city.

We invite day-trippers and weekend warriors to get to know some of our most popular waterfalls and their surrounding attractions and food experiences (to help you refuel for your next adventure).”

We wonder if the City has actually looked at whether there has been a net economic benefit from their continued promotion of already over-used sights? Why are we promoting to people outside the city, resulting in limitation for locals?

Sadly, a third pressure on Conservation land is **the new policy of the Ontario Government**. Buried in their recent budget bill is a **proposed change** to the Conservation Authorities Act Schedule 6 which would reduce the ability of conservation authorities like ours to protect our watershed, while **giving developers more power** to ram through planning approvals and overturn decisions that protect watersheds and the natural environment. But preservation of watershed areas and access to nature are critical to the health of our population. The Conservation Authority needs the support of all of us to oppose this kind of short-term thinking.

Of course, all of these pressures have been heightened by the onset of **COVID – 19** last winter. Suddenly, people who have never used these areas are searching for places close to home to get out into nature. When we have a vaccine and are able to return to normal, no doubt some of this pressure will decrease, but probably not all. So it is critical that the City and the Conservation Authority come together with the local users to ensure that policies enacted are sensitive – one size does not fit all situations. **Equity of access should be a top priority.**

3.THE BREADTH and IMPORTANCE of PUBLIC SUPPORT for ACCESS

Many of the beautiful lands in the Dundas Valley owned by the Hamilton Conservation Authority were acquired because of the **foresight and dedication of volunteers** like my neighbour, Alan Stacey over fifty years ago. To counter government policies and manage our lands well, it is important that the Conservation Authority continue to have the support of the local population, especially those who are dedicated users like those of us listed at the end of this letter.

One way to do this is to not only **listen** to our suggestions (and criticisms) as you are doing now as a Board, but to **act** on our suggestions. **Our views are shared by many others.** After sending out an email to friends expressing our concerns recently, we immediately received comments and support from more than 25 individuals from Hamilton, Burlington, Ancaster, and Dundas – from a variety of backgrounds, and all long time Conservation Authority supporters and users. Some of their comments include the following:

“I too was upset to see that a trail on which I and our family had walked for at least 30 years was suddenly not accessible, but I thought this might only be a temporary event linked to Thanksgiving”.

One retired doctor wrote, “I can attest to the mental health benefits of walking and connecting with nature. Thanks for organizing”.

Another person wrote, “All the custodians of hiking areas (Bruce Trail, RBG, HCA, Halton CA) are making it more and more difficult to access the trails. The fact that so many folks want to use them should be celebrated, not penalized and these organizations should be working on plans to facilitate greater use.”

And, “Not sure when Crooks Hollow closed – sometime over the summer. It would accommodate maybe 20 cars. The alternative now is to go into Christie Conservation Area and park in the lot closest to the dam. No big deal if one is going to walk in Christie’s anyway, but more of a walk if you want to do the Spencer Adventure Walk”.

So, in the face of increasing pressure, easy access to many trails is being closed off, maybe because of pressure from neighbours and maybe because it seems like the easiest solution to a complex problem. And this access is being shut down even out of the peak season.

Those of us, especially, who come from Hamilton can’t help but feel that the issue of parking – where to park and what is ticketed – contributes to unequal access. If anyone wants to come into the City – to use services or whatever, most streets have free parking – parking which is

getting to be more and more used. In neighbourhoods like ours, where intensification of housing, including illegal apartments, is increasing (something we nevertheless support as people need housing), it is often difficult for local residents to find a spot. But our answer is not to declare No Parking at all, or to insist “Not In My Backyard”. The answer is to share, accommodate, and adjust the times when parking is available. We all need to share – and as the world gets smaller, we need to compromise more than ever. Please help us to do that now for the McCormack Trail.

4. PARKING PROPOSALS

We have some ideas.

1. Do a **pilot project over the winter and spring** where signs are put up on Governor’s Road allowing specific time-limited parking on the broad area of the Governor’s Road shoulder at the entrance to the laneway - it would fit about 4 or 5 cars. Put No Parking signs elsewhere along the shoulder. Also allow time-limited parking for 3 or 4 cars at the entrance to the laneway where people have always parked. Put up a NO STOPPING sign in front of the gate so that the horse boarders can get access. Also put up a number to call if a car is blocking the lane illegally and warn that those cars will be TOWED. Then make sure this happens. Monitor the results.
2. Begin the process of getting permission to build a small parking lot at the site, opposite where the horses head up to the barn. We could help with fundraising. After all, if the province is going to allow more development on the escarpment lands (beyond the big subdivision that was built nearby in the 90s), why would they resist a small parking lot?

To reiterate our main position: the Conservation Authority spends considerable funds in maintaining this trail. Should it not be easily accessible to all? We believe it should.

Thank-you for your attention. We look forward to further discussion on this matter. Please do not hesitate to contact us before the meeting if you have questions or want clarification.

Carol Town and Catherine Weir

caroljtown@hotmail.com and cathweir@hotmail.com

Ann McLaughlin, Dale Brown, David Weir, Debbie Garbe, Eileen Booty, Evelyn Kelch, Hinda Levine, Ilona Hitchcock, Joanna Hodson, Joanne Kraemer, Jody Joseph, Joy Dubbeld, Judith Bishop, Lawrence Kaempffer, Louise McCann, Margaret Jaffray, Mary Frankum, Nina Chapple, Pat Moore, Pat Venus, Richard Harris, Rob Diemert, Rose Lukosius, Shelly Sender, Tara Gammon, Valerie Fines, Wayne Lewchuk



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

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

DATE: November 23, 2020

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
Regulation 161/06 Applications for December 3, 2020

HCA Regulation applications approved by staff between the dates of October 27, 2020 and November 23, 2020 are summarized in the following Summary Enforcement Report (SER-9/20).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-9/20 as information.

HAMILTON REGION CONSERVATION AUTHORITY

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

November 23, 2020

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, December 03, 2020

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

SUMMARY ENFORCEMENT REPORT SER 9/20

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
SC/F,C,A/20/68	03-Sep-20	03-Nov-20	27		Bridge 407 (Queenston Rd Culvert), 320m E of Lake Ave Lot 24, Concession 2 Stoney Creek	Rehabilitation and repair of Bridge #407 over Stoney Creek, Queenston Road between Lake Avenue and Dunn Avenue, in a regulated area of Stoney Creek.	Approved subject to standard conditions
SC/F,C,A/20/73	17-Sep-20	05-Nov-20	37		859-869 Barton St and 845-850 Arvin Ave Lot 11, Concession 1 Stoney Creek	Construction of a parking lot, including grading and associated stormwater management system, in a regulated area of Watercourse 6.1.	Approved subject to standard conditions
SC/F,C/20/72	16-Oct-20	06-Nov-20	5		Pt Lt 21, Con 1, Arvin Ave between Green Rd and Grays Rd Lot 21, Concession 1 Stoney Creek	Installation of new cable conduit by directional bore in a regulated area of Stoney Creek Watercourse No. 2.	Approved subject to standard conditions
SC/F,C.A/20/63	20-Aug-20	17-Nov-20	39		1031 North Service Rd Lot 8, Concession BF Stoney Creek	Repair and restoration of existing shoreline protection measures in a regulated area associated with Lake Ontario.	Approved subject to standard conditions

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

November 5, 2020

Minutes of the Board of Directors meeting held on Thursday, November 5, 2020, at 7:00 p.m., by videoconference and livestreamed via YouTube.

PRESENT:

Lloyd Ferguson – in the Chair	
Dan Bowman	Brad Clark
Jim Cimba	Chad Collins
Susan Fielding	Tom Jackson
Cynthia Janzen	Santina Moccio
Esther Pauls	Maria Topalovic

Margaret Reid – Foundation Chair

REGRETS:

STAFF PRESENT: Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Neil McDougall, Scott Peck, Kathy Smith, and Jaime Tellier

OTHERS: None

1. Call to Order

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

2. Declarations of Conflict of Interest

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

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. The Chair advised of an additional item of correspondence for the consent agenda from Stefan Savelli, relating to the delegation at the October 1st meeting and item 9.1 on the agenda. The letter was added as item 5.6.

BD12, 2816**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman****THAT the agenda be approved.****CARRIED****4. Delegations****4.1. Proposed Enbridge Gas Pipeline – Brody Robinmeyer, Hamilton 350 Committee**

Brody Robinmeyer, representing Hamilton 350, spoke regarding the proposed Enbridge Gas Kirkwall-Hamilton pipeline expansion. He thanked HCA for requiring a peer reviewed Environmental Impact Statement before granting an expansion of the pipeline easement and for sharing information with the public. He expressed environmental concerns with pipelines and offered thoughts on future public engagement for pipeline approval processes. The Chair thanked Brody for his presentation.

BD12, 2817**MOVED BY: Susan Fielding
SECONDED BY: Brad Clark****THAT the presentation by Brody Robinmeyer, of the
Hamilton 350 Committee, be received as information.****CARRIED****5. Consent Items for Applications, Minutes and Correspondence**

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – October 1, 2020
- 5.3. Approved March 12, 2020 Conservation Advisory Board Minutes – for receipt only
- 5.4. Correspondence dated October 9, 2020 from Dundas Rides regarding Hamilton to Brantford Rail Trail
- 5.5. Correspondence dated October 22, 2020 from Enbridge Gas Inc regarding 2021 Dawn Parkway Expansion Projects – Project Status Report (Withdrawal)

- 5.6. Correspondence dated November 4, 2020 from Stefan Savelli of One Properties Real Estate regarding 140 Garner Road East

Lisa advised the members that Enbridge Gas Inc. plans to delegate at the December board meeting regarding the letter advising of the withdrawal of the application for the Kirkwall-Hamilton pipeline expansion, the Environmental Impact Statement completed for the project, and any other related matters.

6. Member Briefing

There was none.

7. Business Arising from the Minutes

There was none.

8. Reports from Budget & Administration Committee, Conservation Advisory Board, and the Foundation

8.1. Conservation Advisory Board – October 8, 2020 (Recommendations)

8.1.1. CA 2020 Lafarge Trail, Fletcher Creek and Beverly Swamp (Valens Area) Management Plans

Kathy Smith provided a summary of the plans, highlighting their purpose in guiding staff activities for the next ten years, to preserve natural heritage and provide recreational infrastructure for visitors. The members commended all staff involved on the comprehensive plans.

BD12, 2818 MOVED BY: Maria Topalovic
SECONDED BY: Jim Cimba

THAT the Conservation Advisory Board recommends to the Board of Directors:

**THAT this report and accompanying management plans of October 2020 be received as information for project background and general understanding;
and further**

THAT the Management Plans for the Upper Watershed Beverly Swamp, Lafarge 2000 Trail, and Fletcher Creek Ecological Preserve be approved.

CARRIED

8.2. Foundation Chairman's Remarks

Margaret Reid presented on the following:

Donations

We received a total of **\$8,938** in donations from October 1st to 31st. They break down as follows:

- \$5,527 to the Area of Greatest Need Fund
- \$2,911 to the Fifty Point CA Fund from boat auction proceeds
- The remaining \$500 was donated to support land acquisition, Westfield Heritage Village, our Tribute Tree Fund and Outdoor Environmental Education.

This brings our **Fiscal Year-to-Date (Dec 1, 2019 to October 31, 2020) total to \$253,905.**

The Foundation's Fall Appeal has gone out to past donors, friends and all Board Members. Please consider responding to the appeal with a gift.

We successfully completed two outdoor events that were postponed from the Spring – a volunteer planting at Fifty Point Conservation Area, funded by the Hamilton-Oshawa Port Authority and a clean up on the Rail Trail, funded by The Great Trail and The Great Outdoor Fund. The planting added 345 shrubs and trees and 300 grasses to HCA's shoreline restoration and habitat enhancement efforts; while the clean-up resulted in over 600 lbs of garbage collected.

BD12, 2819

MOVED BY: Santina Moccio

SECONDED BY: Jim Cimba

THAT the Foundation Chairman's Report be received as information.

CARRIED

9. Other Staff Reports/Memoranda

9.1. Natural Heritage Offsetting/Compensation Policies at Conservation Authorities Review

Scott Peck presented a summary of the report and answered the members' questions.

B. Clark shared his experience with wetland offsets as a member of the Board of Directors for Niagara Peninsula Conservation Authority. He expressed concerns with such policies to relocate wetlands. He advised that there has been public

opposition to the practice. He strongly recommended engagement with the community prior to developing the policy. He also indicated he would be opposed to a future policy.

Scott advised that HCA will consult with the province, municipal partners, and the public, on any proposed policy.

C. Janzen sought clarification from B. Clark as to if his opposition was to the specific development proposal at 140 Garner Road or the policy in general. B. Clark confirmed his opposition to the policy in general.

BD12, 2820

MOVED BY: Santina Moccio

SECONDED BY: Tom Jackson

THAT the Board of Directors direct staff to review and develop natural heritage offsetting policy to be included in the Hamilton Conservation Authority's Planning & Regulation Policies and Guidelines document.

CARRIED

B. Clark, S. Fielding and C. Janzen recorded as opposed.

9.2. Fifty Point Shoreline Repair Tender Results

Matt Hall presented a summary of the report advising the recommended contractor is the lowest bid and is a company that HCA has significant experience with.

D. Bowman inquired about the adequacy of the contingency fund, given the complexity of the project. Matt responded that we typically plan for a 10% contingency fund. The design consultant conservatively estimated the costs and staff have opted for a 5% contingency. The design will use a significant amount of armour stone that is existing on-site. The proposed costs are primarily for equipment, rather than materials. Staff are comfortable with the 5% contingency.

T. Jackson asked about the decision for HCA staff to complete Area 3 of the project, whereas Areas 1 and 2 will be completed by the contractor. Matt explained Area 3 is smaller and less difficult work. Areas 1 and 2 require specialized skills and larger equipment.

T. Jackson also asked if staff have concerns with the significant variation in the returned bids. Matt answered that the contractors have significant experience with this type of project and staff have confidence they will be able to complete the project for the proposed cost.

BD12, 2821**MOVED BY: Cynthia Janzen
SECONDED BY: Chad Collins**

THAT the construction tender for the Fifty Point Shoreline Rehabilitation Project, be awarded to R&M Construction Inc. for a total cost of \$631,846.85 which includes a contingency sum and HST.

CARRIED

Brad Clark left the meeting due to another engagement.

9.3. Designation of Provincial Offences Officers

Gord Costie presented a summary of the report, highlighting the roles of Provincial Offences Officers at HCA and both staff member's qualifications for the designation.

BD12, 2822**MOVED BY: Santina Moccio
SECONDED BY: Dan Bowman**

THAT the HCA Board of Directors endorse the designation of Evan McKnight, Assistant Superintendent of Valens Lake Conservation Area and Jonathan Roberts, Assistant Superintendent of Confederation Beach Park as Provincial Offences Officers to enforce Section 29 of the Conservation Authorities Act.

CARRIED

9.4. Current Watershed Conditions as of October 21, 2020

Scott Peck presented a summary of the memorandum, highlighting that the watershed continues to be in a Level 1 low water condition. Lake Ontario is slightly high. We are not experiencing any riverine or Lake Ontario flooding.

Levels in both the Christie Lake and Valens Lake reservoirs are low due to the dry summer. Levels in both reservoirs are currently being gradually further drawn down to winter operating levels. The draw down is also providing supplemental flow to Lower Spencer Creek during the salmon spawning season.

BD12, 2823**MOVED BY: Santina Moccio
SECONDED BY: Chad Collins**

THAT the memorandum entitled Current Watershed Conditions as of October 21, 2020 be received as information.

CARRIED

9.5. Conservation Areas Experiences Update

Gord Costie provided a verbal update, advising that visitation is beginning to normalize. Camping at Valens is still above typical numbers. Christie Lake is still seeing solid day-use attendance. The Spencer Gorge reservation system continues to provide sustainable visitor management improvements for the residents, city and visitors. The reservation system closes November 15th. The Dundas Valley and sundry parking areas are still seeing strong visitation. The Breezeway Trail at Confederation Beach Park is very busy, as is typical throughout the year. The boats at Fifty Point have been lifted out of the water for the season. Seasonal camping is closed for the season and nightly camping is open until the end of November. Staff expect high visitation at all areas this weekend with the favourable weather.

L. Ferguson inquired about the status of capital improvements at Wild Waterworks. Matt Hall responded that all improvements are on schedule to be completed by the end of the week. The work has been completed within the allotted budget.

E. Pauls shared that the City of Hamilton will be opening the sports fields at Confederation Beach Park this weekend. C Collins inquired about coordination between HCA and City staff for the operation and maintenance of the area. Gord advised that HCA staff are in regular communication and collaborating with their municipal counterparts. HCA and City staff will be sharing the equipment compound. The City recreation department will manage the sports fields.

C. Collins also raised the future plans for Wild Waterworks. He advised that City staff are discussing recommendations from a consultant report outlining possible scenarios for the facility. Challenges with regard to planning for 2021 operations, due to pandemic-related uncertainties, were discussed. Lisa Burnside advised that HCA will be bringing an operating scenario to the HCA/City Park Management Review Team. At this time, and assuming the facility is permitted to open under provincial regulations, staff are preparing an operating budget based on full reopening, with increased costs for safety protocols. This will be revisited in the coming months to determine if other operating scenarios need to be considered and presented to the city as anything other than full operations will run a deficit that the city will have to cover and they will need to determine what level of deficit they can absorb versus the cost of closure. It was noted that weather is also a factor in annual visitation that can impact revenues. Staff are hopeful the provincial or federal government will provide grants to assist tourism-based organizations

affected by the pandemic. C Collins asked that staff bring an operating update to the December board meeting.

L. Ferguson shared that he recently visited Spencer Gorge Conservation Area and congratulated staff on the implementation of the reservation system pilot project.

BD12, 2824

MOVED BY: Maria Topalovic

SECONDED BY: Esther Pauls

THAT the verbal update on the Conservation Areas Experiences be received as information.

CARRIED

10.New Business

L. Ferguson shared with the members that he has submitted an op-ed piece to the Hamilton Spectator outlining the successes of HCA over the past several months. He thanked Cynthia and staff for their assistance in drafting the letter. The article is on the Spectator's website now and will be published in the Saturday paper.

11.In-Camera Items for Matters of Law, Personnel and Property

BD12, 2825

MOVED BY: Susan Fielding

SECONDED BY: Dan Bowman

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

CARRIED

During the *in camera* session, one property matter and one personnel matter were discussed.

11.1. Confidential Report – BD/Nov 01-2020

Scott Peck provided a summary of the report regarding a property matter and answered the members' questions.

BD12, 2826

MOVED BY: Jim Cimba

SECONDED BY: Susan Fielding

THAT the confidential report entitled BD/Nov 01-2020, as amended, be approved and remain in camera

CARRIED

11.2. Confidential Report – BD/Nov 02-2020

L. Ferguson provided a summary of the memorandum regarding a personnel matter and answered the members' questions.

BD12, 2827

MOVED BY: Esther Pauls

SECONDED BY: Dan Bowman

THAT the confidential memorandum entitled BD/Nov 02-2020 be received and remain in camera.

CARRIED

BD12, 2828

MOVED BY: Cynthia Janzen

SECONDED BY: Santina Moccio

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

CARRIED

12. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, December 3, 2020 at 7:00 p.m.

13. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

Hamilton Conservation Authority

Minutes

Budget & Administration Committee

September 17, 2020

Minutes of the Budget & Administration Committee meeting held on Thursday, September 17, 2020 at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario, at 6:00 p.m. The meeting was held in person for Budget & Administration Committee members and designated staff only. Members of the public were able to access the meeting by teleconference.

Present: **Santina Moccio, in the Chair**
 Jim Cimba
 Lloyd Ferguson
 Maria Topalovic

Regrets: **Dan Bowman**

Staff Present: **Lisa Burnside, Gord Costie, Neil McDougall, Scott Peck, and**
 Jaime Tellier

Bruce Harschnitz – by phone

Others Present: **None**

1. Chairman's Remarks

The Chair called the meeting to order and welcomed everyone present and called the members' attention to a distributed walk-on addendum report for item 8.1. The Chair also thanked staff for a tour of the Tew Falls and Dundas Peak site the past weekend and congratulated staff on the capital improvements.

2. Declarations of Conflict of Interest

The Chair asked the members to declare any conflicts under the HCA Administrative By-law. There were none.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. There were none.

BA2010

MOVED BY: Jim Cimba

SECONDED BY: Maria Topalovic

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Consent Items

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes – August 20, 2020

5.2. WSIB Injury Statistics

L. Ferguson requested the WSIB injury statistics be brought out of the consent agenda to inquire about the nature and duration of the lost time injuries. Lisa Burnside responded there were two lost time injuries. Both resulted in minimal time missed and were back to work quickly.

6. Chairman's Report on Board of Directors Actions

There was none.

7. Business Arising from the Minutes

There was none.

8. Staff Reports/Memoranda

8.1. Request for Quote – Audit Services and Addendum

Neil McDougall presented a summary of the report and answered the members' questions.

J. Cimba sought confirmation that accounting work, preparation of draft financials, notes and schedules, and other non-audit responsibilities outlined in the staff report are completed by HCA staff. Neil confirmed this to be the practice.

L. Ferguson inquired about the price quoted by Grant Thornton. Neil advised their price has held firm for the past four years. The quoted price is a 5% increase, however is 10% less than the other submitted proposal.

BA 2011

**MOVED BY: Lloyd Ferguson
SECONDED BY: Maria Topalovic**

**THAT the Budget & Administration Committee
recommend to the Board of Directors:**

**THAT the proposal for Audit Services submitted by Grant
Thornton be accepted at a total cost of \$234,000 plus
HST for the five-year term ending with the audit of the
2024 financial statements.**

CARRIED

8.2. 2021 Fee Schedule

Neil McDougall presented a summary of the report and answered the members' questions.

J. Cimba inquired about Watershed Planning and Engineering revenues in relation to the board approved cost recovery targets for permit and planning applications. Scott Peck advised that revenues are below the recovery targets. Scott added there are differences based on application type. Neil also noted that HCA's fees are also comparatively lower than that of Conservation Halton. L. Ferguson noted permit and application fees are increasing by 2%.

L. Ferguson inquired about enforcement of fees at pay and display parking lots. Gord Costie advised the installation of autogates at our parking lots are helping to ensure all visitors are paying. There are some areas remaining for updated pay and display machine or auto gate installation which will facilitate the passport system that allows visitors to visit many different conservation areas on the same day for the initial parking fee.

L. Ferguson sought clarification on the electric sewer fees. Gord responded that the fee is for the entire camping season at Fifty Point and is near fully subscribed each year.

L. Ferguson inquired about the area dimensions for winter boat storage at Fifty Point. Neil advised the square footage calculations are for the space the boat will occupy in the storage yard.

J. Cimba requested a summary of rewards offered with the HCA membership pass. Gord provided a brief summary including reduced camping fees, one free entry to the Christie Lake Antique and Vintage Show and Wild Waterworks.

J. Cimba further inquired about how the successfulness of the rewards program is measured in terms of attracting members. Gord responded that Marketing and Communications staff monitor which rewards are being redeemed and adjust the program based on feedback from members and staff. Lisa Burnside added the rewards are very popular among members.

M. Topalovic inquired about parking time limits at the Artaban Road and Tiffany Falls parking areas. Gord advised there are no enforced time limits and shorter stays are a suggestion to move visitors through these short stay areas. The objective will be to direct them to HCA's other areas using the coming passport system once it is fully developed.

M. Topalovic asked staff if 2021 pricing for Wild Waterworks will be decided at a later date or if the 2020 pricing will remain next year. Neil responded that pricing at other nearby facilities will be reviewed and a decision made at that time, and may also be based on any restrictions in operations due to the pandemic in 2021.

L. Ferguson inquired about the process for obtaining photo permits and collecting fees for unscheduled photo shoots. Gord advised that fees are collected and permits are issued by Dundas Valley Conservation Area staff. Unscheduled parties are requested to pay on-site, if possible.

BA 2012

MOVED BY: Jim Cimba

SECONDED BY: Maria Topalovic

**THAT the Budget & Administration Committee
recommends to the Board of Directors:**

**THAT the 2021 Fee Schedule as presented herein be
approved.**

CARRIED

8.3. 2021 Capital Budget

Neil McDougall provided a summary of the report and answered the members' questions.

J. Cimba raised the possibility of requesting an inflationary increase for the capital block funding from the City of Hamilton. Neil offered that to this point staff have not found the need to request more than \$2 million. The funds are sufficient to fully engage staff and address all improvements that are needed. Neil further added that the selection and design of past improvement projects, such as roofing, have lasting benefits.

Lisa Burnside added the City of Hamilton has approved special requests when needs have arisen, citing funds for rebuilding a storage facility damaged by a tornado and for the Saltfleet Conservation Area land acquisition as examples.

L. Ferguson noted HCA consistently meets City of Hamilton funding guidelines each year.

L. Ferguson suggested a step change for a new and exciting attraction at HCA. Lisa noted a recent feasibility study for Wild Waterworks could bring to light a new exciting attraction for the facility, as the current infrastructure is nearing the end of its lifespan and major capital improvements will be required.

BA 2013

**MOVED BY: Maria Topalovic
SECONDED BY: Jim Cimba**

**THAT the Budget & Administration Committee
recommends to the Board of Directors:**

**THAT the 2021 Capital Budget request as presented
herein be submitted to the City of Hamilton for
consideration and be included in their block funding
budget of 2021.**

CARRIED

9. New Business

There was none.

10. In-Camera Items for Matters of Law, Personnel and Property

There were none.

11. Next Meeting

The next meeting of the Budget and Administration Committee will be held on Thursday, October 15, 2020 at 6:00 p.m. at Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

12. Next Meeting Adjournment

On motion, the meeting adjourned.

From: [Lisa Burnside](#)
To: [Ferguson, Lloyd](#); [Santina Moccio](#); [Collins, Chad](#); [Brad Clark](#); [Jackson, Tom](#); [Pauls, Esther](#); [Dan Bowman](#); ["Maria Topalovic"](#); [Cynthia Janzen](#); [Susan Fielding](#); [James Cimba](#)
Cc: [Jaime Tellier](#)
Subject: FW: Updating the Conservation Authorities Act
Date: November 6, 2020 11:07:15 AM

To Board Members,

Yesterday evening, MECP sent the email below to advise that the awaited changes to the Conservation Authorities Act in regard to proposed legislative amendments have been released. This was part of the Provincial budget that was rolled out.

We will bring information to the December board meeting on the scope and impact of the proposed changes. As noted in their email, the regulations and policies defining mandatory services will follow in the coming weeks.

A link has been provided to review the legislative amendments:
www.ero.ontario.ca/notice/019-2646.

Sincerely,

Lisa Burnside CHRL
 Chief Administrative Officer
 Hamilton Conservation Authority
 838 Mineral Springs Road PO Box 81067
 Ancaster, ON L9G 4X1
 Phone: (905) 525-2181 Ext 126
 Email: lisa.burnside@conservationhamilton.ca



The contents of this e-mail and any attachments are intended for the named recipient(s). This e-mail may contain information that is privileged and confidential. If you have received this message in error or are not the named recipient(s), please notify the sender and permanently delete this message without reviewing, copying, forwarding, disclosing or otherwise using it or any part of it in any form whatsoever. Thank you.

From: Minister, MECP (MECP) <Minister.MECP@ontario.ca>
Sent: November 5, 2020 6:40 PM
Subject: Updating the Conservation Authorities Act

Good evening:

Following the 2019 amendments to the *Conservation Authorities Act*, my ministry

conducted a review of relevant legislation and regulations that govern conservation authorities.

Through a series of engagement sessions and an online survey in late 2019/early 2020, we received feedback from conservation authorities and a diverse group of stakeholders, including the public, municipalities, landowners, the agricultural sector, the development sector, and environmental and conservation organizations.

Our government is now proposing a series of legislative amendments to the *Conservation Authorities Act* and the *Planning Act*, as set out in the [Bill](#), which would:

- Improve consistency and transparency of the programs and services that conservation authorities deliver;
- Provide additional oversight for municipalities and the province; and
- Streamline conservation authority permitting and land use planning reviews to increase accountability, consistency and transparency.

For more information on proposed legislative amendments in support of this initiative, please read our Information Notice on the Environmental Registry of Ontario at www.ero.ontario.ca/notice/019-2646.

Later this fall and winter, we will also be proposing a series of regulations and policies to further support the goals of our review of conservation authorities, such as defining mandatory programs and services conservation authorities must provide. We will post the first phase of these regulatory proposals for public feedback in the coming weeks.

There will also be the opportunity for you to participate in a **webinar** with ministry staff from the new Conservation and Source Protection Branch, in the Land and Water Division, which is now responsible for the general oversight of the *Conservation Authorities Act* and conservation authority policy and programs.

Keley Katona, Director of the Conservation and Source Protection Branch, will be in contact with you in the coming days to provide details on the timing and how to participate in the webinar. You can reach Keley at ca.office@ontario.ca if you have any questions.

Thank you again for your input during our review. I look forward to continuing to work with you to ensure that conservation authorities serve the best interests of the people of Ontario.

Sincerely,

Jeff Yurek

Minister of the Environment, Conservation and Parks

Pandemic bringing people back to nature

By Councillor Lloyd Ferguson, Board Chair, Hamilton Conservation Authority

It wasn't a good day around the Hamilton Conservation Authority (HCA) when we announced the unprecedented decision to close all our conservation areas, trails and facilities to public access due to the COVID-19 pandemic.

This was March 25 2020 and we were following provincial regulations: Ontario's list of essential services did not include recreation, trails or conservation areas. National and provincial parks, the Bruce Trail and conservation authorities across the province did the same. This decision brought everything – our outdoor education program, popular festivals and events, and all trail and facility usage – to an abrupt halt.

It was a decision we hated to make. One of our chief goals is to connect people with nature; in 2019 we had more than one million visitors to HCA owned and managed properties. Now we were barring people from our properties for who knew how long.

And we worried about our bottom line. Close to 70% of our operating revenue is self-generated from permits, rentals, membership passes, events and other user fees. We braced ourselves for a deficit that might require dipping into reserves, with long-term implications for land purchases and capital renewal.

Things looked grim as the weeks dragged on. But what happened next was like nothing we have ever seen before.

After a complete closure of about two months, we were one of the first conservation authorities to re-open, beginning in mid-May with our conservation areas. Overnight camping returned on June 19. Waterfalls, with the exception of Spencer Gorge, opened in mid-July. Spencer

Gorge/Dundas Peak re-opened September 19 with a new reservation system in place to control numbers in this incredibly popular area.

To say that people were glad to get back to nature would be the understatement of the year. They flooded back. In the last seven months, people have embraced our conservation areas, beaches, trails, parks and other facilities in a way that none of our long-term staff have ever seen in their careers.

There are a few factors at play, of course. Travel continues to be severely restricted. The “staycation” has become the norm and people are looking for good times close to home, in safe outdoor settings. The summer weather was consistently hot and sunny. The fall colours have been spectacular.

On top of that, many people are working from home and seemingly taking advantage of more “flex time” to pursue outdoor activities even during the week. The numbers at our Valens Lake campground were off the charts. Wednesday was the new Saturday, as we were at capacity all week long, not just on weekends as would historically be the case. From June 19 to October 27 we had 5,500 more nights of camping at Valens Lake over the same period in 2019 – a 45% increase.

Membership pass sales soared. We thought in 2019 we might have plateaued at 6,000, but we are now just shy of 7,400 and the year isn’t over. Fall has become the new summer.

We believe the lockdown caused by the pandemic made people appreciate nature like never before. When the restrictions lifted there was a pent-up longing to get back to our green spaces for recreation and health benefits. This took our staff from the unnatural quiet of the closure (where there was still much to do behind the scenes) to a crazy-busy period of managing extreme usage while promoting and following

provincial regulations and public health guidelines. I have to give a shout-out to our HCA staff at all levels. It has been an “all hands on deck” kind of year and they have done an outstanding job. Our HCA board is very proud of them.

Thanks to the surge in visitors, our budget is now in the black instead of the feared deficit. This good news means we can stay on track with our watershed management and land acquisition goals.

In our view, a silver lining of this very stressful pandemic is that people are re-connecting with nature. Our conservation lands are the green lungs of our big, industrial city, with more than 11,000 acres of woods, 145 km of trails, fields, streams, wildlife and plant life under HCA’s care and protection. After this year, we have seen just how important these spaces, and that protection, is for our community. We will continue promoting our vision of a healthy watershed for everyone.

Councillor Lloyd Ferguson is the Board Chair of Hamilton Conservation Authority

For Immediate Release: Friday, November 13, 2020

HCA's preliminary response to the Province's proposed changes to the Conservation Authorities Act

On November 5, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill of the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operation, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall.

Hamilton Conservation Authority (HCA) staff have reviewed the proposed changes and support enhanced conservation transparency and accountability which is already undertaken by making key documents publicly available; including meeting agendas, meeting minutes, and annual audits. We are encouraged that the Province has reconfirmed our purpose to provide for conservation, restoration source water protection and natural resources management.

However, while we wait for updated regulations to better understand how the changes are to be implemented, we are concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation on our Board.

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits in place of the conservation authority. An appeal process already exists to applicants directly to the HCA Board. Conservation authorities are important agencies who help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create risks to people.

The Province also proposes an amendment to the Planning Act, which if passed, would not allow conservation authorities to appeal a municipal planning decision to the LPAT to represent our interests, unless requested through an agreement with the municipality or the Province. To date, this has not been an issue with the Hamilton Conservation Authority but is an important tool to have. This could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years

Conservation authorities have long requested for the ability to issue stop work orders to protect environmentally sensitive areas. The updated Act removes un-proclaimed provisions for this enhanced enforcement and only retains the current tools such as fines and possible prosecution and these existing tools do not provide the ability to effectively stop any significant threats and impacts.

If passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. These members provide expertise in varied fields and provide input on HCA programs and services from a citizen's point of view. The proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality and not the conservation authority and its watershed. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces, and that protection, is for our community. We will continue promoting our vision of a healthy watershed for everyone. HCA staff will also continue to work collaboratively with all parties to better understand and determine what these changes will mean for conservation authorities in general and for the protection of our watersheds.

Public consultation is not required on these proposals as it has been incorporated as part of the budget. We encourage our watershed residents, municipal partners and supporters to reach out to the Premier, the Minister of Environment, Conservation and Parks and the Minister of Natural Resources and Forestry as well as their local MPP's to ask them to address the concerns outlined above, before the Bill is enacted.

Media Contact:

Councillor Lloyd Ferguson, HCA Chair
905-973-1359
lloyd.ferguson@hamilton.ca

Lisa Burnside, HCA CAO
905-525-2181, ext. 126
Lisa.Burnside@conservationhamilton.ca

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.

November 18, 2020

The Honourable Jeff Yurek MPP
Minister of the Environment, Conservation and Parks
College Park 5th Flr, 777 Bay St,
Toronto, ON M7A 2J3

Subject: Changes to the Conservation Authorities Act

Dear Minister Yurek,

The Bay Area Climate Change Council represents a collaborative voice for climate action in the Hamilton-Burlington region. Members of the Council and our implementation teams span the two cities and represent organizations in the municipal, non-profit, education and private sectors, and include citizen representatives.

I am writing to you today about the proposed changes to *Conservation Authorities Act* (CAA), announced on November 5th, 2020. Within Schedule 6 of Bill 229, there are a number of changes to the CAA that would undermine a Conservation Authority's efforts to build communities that are resilient to climate change.

More specifically, proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal or the Minister of Natural Resources and Forestry to issue permits in place of the conservation authority. The Province also proposed an amendment to disallow conservation authorities from appealing municipal planning decisions to the LPAT to represent their interests, unless requested through an agreement with the municipality or the Province. This removes the ability to appeal municipal planning decisions as a commenting agency and could impact their right to appeal planning decisions as a landowner over sensitive natural areas.

If passed, the proposed changes would reduce a Conservation Authority's ability to protect the natural environment and local watersheds, putting communities at risk of flooding and further climate change impacts through loss of wetlands, woodlands and farmland.

During the pandemic, conservation authorities have protected Ontarians' mental and physical health by ensuring we have access to nature. This year, and every year thereafter, we will rely on conservation authorities to continue their work in protecting natural habitat, sequestering carbon, and mitigating floods, all key tools in a climate crisis.

The proposed Schedule 6 changes could leave conservation authorities without the necessary tools to continue their important work in the fight against climate change. We ask that you reconsider these changes.

With highest regards,



Richard Koroscil,
Chair, Bay Area Climate Change Council





RE: Propose Changes to the Conservation Authorities Act: Schedule 6 of Bill 229

Please be advised that Township of Puslinch Council, at its meeting held on November 18, 2020 considered the aforementioned topic and subsequent to discussion, the following was resolved:

Resolution No. 2020-331: Moved by Councillor Bulmer and
Seconded by Councillor Sepulis

That the Consent Agenda items 6.2, 6.3, 6.10, 6.11, 6.12, and 6.13 be received; and

GIVEN THAT The Township of Puslinch does not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor does the Township of Puslinch want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery; and

GIVEN the time sensitive nature of this Bill, we encourage the Province to consult with Municipalities and Conservation Authorities in an expedient manner; and

GIVEN that the Township of Puslinch feels that there are better solutions to deal with actual and perceived issues.

BE IT RESOLVED THAT The Township of Puslinch respectfully requests the Province to withdraw Schedule 6 from Bill 229 until a more thorough analysis of the appropriate solutions can take place, with more clarity on what problems were identified through the consultation process. The Township of Puslinch also encourage the Province to engage with municipalities and Conservation Authorities as the Province works on regulations that will eventually define the various Conservation Authorities Act clauses. The Township of Puslinch feels this is critical to ensure that the focus and performance of Conservation Authorities is actually improved where required.

FURTHER that this resolution be forwarded to the Premier, the Minister of the Environment, Conservation and Parks, the Minister of Municipal Affairs and Housing,



**the Minister of Natural Resources and Forestry, Minister of Finance, Conservation
Ontario, MPP Ted Arnott, and all Ontario Municipalities.**

CARRIED

As per the above resolution, please accept a copy of this correspondence for your information and consideration.

Sincerely,
Courtenay Hoytfox
Deputy Clerk

Greenbelt Council

777 Bay Street, 13th Floor
Toronto ON M7A 2J3
Tel.: 416-585-6014

Conseil de la ceinture de
verdure

777, rue Bay, 13^e étage
Toronto ON M7A 2J3
Tél. : 416-585-6014



November 19, 2020

The Honourable Steve Clark
Minister of Municipal Affairs and Housing
777 Bay Street, 17th Floor
Toronto, ON M5G 2E5

Re: Removal of Schedule 6 from Ontario Bill 229

Dear Minister Clark,

I am writing today to advise you of the Greenbelt Council's considerable concern over two recent government actions that serve to undermine watershed planning and put at risk key natural heritage and hydrologic features in this province—proposed changes to the *Conservation Authorities Act* contained in Schedule 6 of Bill 229 and the increasingly extensive use of Ministerial Zoning Orders (MZOs).

Fundamental to both the *Growth Plan for the Greater Golden Horseshoe* and the *Greenbelt Plan*, watershed planning is vital to the Conservation Authorities' (CAs) core mandate.

The Future of Conservation Authorities

As you are aware, Council has been tracking the government's reconsideration of the role and functioning of CAs for some time and has offered its views in previous discussions. However, recent public statements and proposed legislation, in particular Schedule 6 of Bill 229, have caused Council and its stakeholders considerable concern and alarm.

Any reasonable reading of the proposed legislation would see it as severely limiting the ability of CAs to carry out their historic roles and undermining decades of environmental stewardship in Ontario. It is their job to protect Ontario from floods, and prevent wetland destruction and loss of forests and other natural heritage features. CAs play a major role in protecting water quality

and quantity, facilitating access to nature and supporting agricultural productivity, while also addressing climate change and enhancing human health and prosperity. Integrated Watershed Management is an essential tool used by CAs to achieve these outcomes.

Council believes we should be protecting and expanding the great value of the CAs and not undermining their effectiveness. The proposed changes in Schedule 6 are unlikely to be good for public safety, the environment or speedier approvals.

Reducing red tape is a commendable objective but not at the expense of the very values Ontarians hold dear: ensuring our communities are safe and green. Conservation Authorities were established in response to the unhealthy state of land and water due to poor planning practices. Today, they bring a watershed perspective to planning and development decisions to ensure communities are built safely and meet current environmental protection standards.

We recommend that Schedule 6 of Bill 229 be removed entirely.

Ministerial Zoning Orders

In our [July 31, 2020 letter #12](#) to you, Council highlighted its concern with the extraordinary increase in the use of MZOs.

MZOs have been used in the past to suspend other-wise required consultation and appeal processes where matters of significant provincial interest exist relating to proposed development that may be compromised through delay. They were never intended to become simply tools of convenience for moving developments through the planning process. They should be used sparingly and only in exceptional circumstances.

Excessive use of MZOs implies that the current provincial planning policy framework is not adequate to address the planning issues of the day. If that is the case, then it is government's responsibility to address and refine the framework. In fact, over the last two years, substantial changes have been made to the *Planning Act*, *Provincial Policy Statement*, and provincial plans, yet MZOs continue to be used.

Council has recommended that MZOs need to be accompanied by a public process that is fair and transparent. Detailed information relating to the development and a clear rationale as to why the MZO is being used should be publicly available. These measures are especially important when combined with the current intent to hobble the regulatory role of CAs.

Together these two government actions are contributing to a growing public concern that the end result will be a widening of the path of political influence on behalf of special interests.

We recommend that the government pause in the use of MZO's and engage in a public discussion on the principles, policies and procedures that would protect the public interest.

Expanding the Greenbelt

Watershed planning underpins the Greenbelt and thus is a core building block for expanding the Greenbelt.

Council of course supports the government's stated interest in expanding the Greenbelt and would look forward to participating in a public discussion on the policies, proceedings and practices that would animate any expansion.

Sincerely,

A handwritten signature in black ink, appearing to read "David Crombie". The signature is fluid and cursive, with a large initial "D" and "C".

David Crombie
Chair, Greenbelt Council

Copies to:

The Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks
The Honourable John Yakabuski, Minister of Natural Resources and Forestry
The Honourable Rod Phillips, Minister of Finance
Kate Manson-Smith, Deputy Minister
Greenbelt Council members
Ed McDonnell, CEO, Greenbelt Foundation
Greater Golden Horseshoe stakeholders



For Immediate Release: Tuesday November 19, 2020

Picture Perfect! HCA 2019 Photo Contest Winners Announced

The results are in, and Hamilton is beautiful! The Hamilton Conservation Authority (HCA), is pleased to announce the winners of the 2019 Hamilton Conservation Areas Photo Contest.

The amateur photography contest was open from June 17, 2019 to January 31, 2020 and received nearly 900 entries. Submission categories included recreation, wildlife and nature, with the top three photos selected from each category and one overall grand prize photo.

HCA congratulates all winners, and thanks all who entered!

Grand Prize

“Tree Swallow” by Pat Wintermute

Recreation

1st Place: “Bikejoring in Dundas Valley” by Floriane Vallery

2nd Place: “Des & Annina” by Jae Dunphy

3rd Place: “Valens Lake Reflections” by Sage Barker

Wildlife

1st Place: “Marsh Bandit” by Parth Jadon

2nd Place: “Being Green” by Mark Williams*

3rd Place: “Chipmunk Sunrise” by Dennis Krajac

Nature

1st Place: “Ice Mountain” by Marc Kirouac

2nd Place: “Sun Rise in Fifty Point” by William Dai

3rd Place: “Sun Kissed” by Mark Williams*

Media contact:

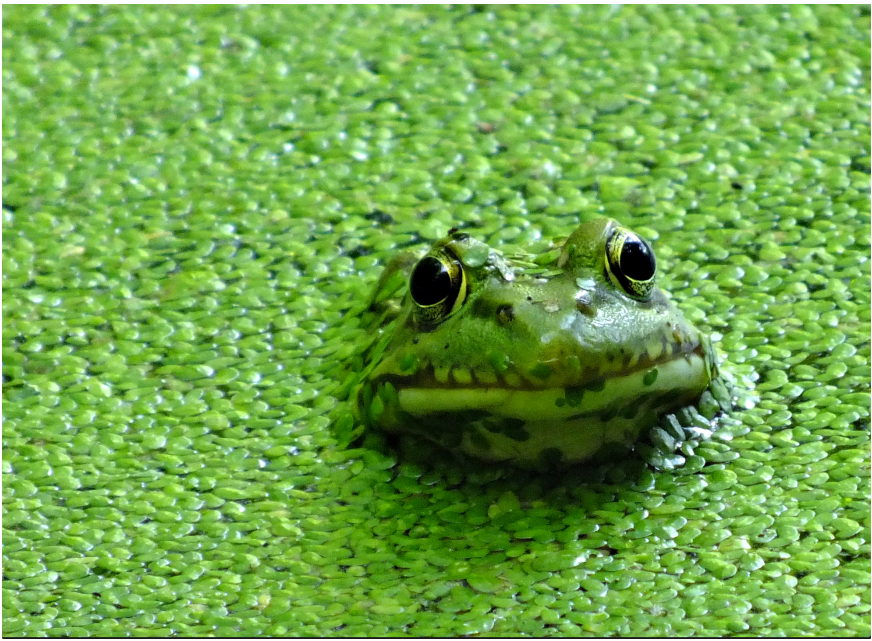
Sarah Gauden

Marketing and Events Manager

905-525-2181 ext. 151

[Email Sarah Gauden](mailto:sarah.gauden@hca.on.ca)

This media release has been formatted to be an accessible document. Should you require this information in an alternate format, please contact the Hamilton Conservation Authority at 905-525-2181 and we will be happy to assist you.



November 23, 2020

Via Email

Honourable Doug Ford, Premier of Ontario
Honourable Rod Phillips, Minister of Finance
Honourable Jeff Yurek, Minister of Environment, Conservation and Parks
Honourable John Yakabuski, Minister of Natural Resources and Forestry
Honourable Steve Clark, Minister of Municipal Affairs and Housing

Re: Concerns with *Bill 229: Protect, Support and Recover from COVID 19 Act (Budget Measures Act)* - Schedule 6 – *Conservation Authorities Act*

On November 5th, the Province released proposed changes to the Conservation Authorities Act as part of its omnibus bill announced with the provincial budget. The Province has stated they are amending the Act to improve transparency and consistency in conservation authority operations, strengthen municipal oversight and streamline conservation authority roles in permitting and land use planning. Additional regulations under the Act are still to be provided later this fall to provide a more complete understanding of how the changes are to be implemented and what their full impact will be.

We feel it is important to highlight that conservation authorities were originally created to address concerns regarding the poor state of the natural environment and the need to establish programs based on watershed boundaries for natural resource management. Conservation authorities bring the local watershed science and information into decision making to ensure that Ontario's communities are protected.

While we are encouraged that the purpose of the Act to provide for the organization and delivery of programs and services that further conservation, restoration, development, and management of natural resources in Ontario watersheds remains the same, Hamilton Conservation Authority (HCA) is very concerned that proposed changes to the Conservation Authorities Act and the Planning Act if passed, would reduce our ability to protect the natural environment and our watershed, and remove citizen representation and their most valuable insight and input to our Board.

The legislative changes appear to be an excessive intervention in local matters in an area where the Province makes little financial contribution. In the case of HCA, the Province contributes just 2% of the annual revenues for the operating budget. The remaining 98% of our funding comes from our municipal partners (38%) and self generated funds (60%).

Proposed changes provide new appeal avenues for permit applications to go to the Local Planning Appeal Tribunal (LPAT) and even the ability of the Minister of Natural Resources and Forestry to issue certain permits, in place of the conservation authority. It must be stressed that an appeal process already exists to applicants allowing them access directly to the HCA Board, a Board that is built with municipal oversight imbedded. Conservation authorities are important agencies which help protect Ontario's environment. Their science-based watershed information helps to steer development to appropriate places where it will not harm the environment or create safety risks to people. HCA already issues the vast majority of minor and major permits with efficiency and high service standards. HCA is committed to providing excellent client service, and we have a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. Through a review of the current permit review process, Conservation Ontario estimates that the new changes to the permitting appeals process could delay development approvals by as much as 200 days. As well, costs can be expected to increase due to more staff time being required for permit appeals processes rather than time being spent on actually issuing permits.

Changes have been proposed to the Planning Act that create a gap in the land use planning system. Currently, conservation authority participation in the planning appeals process ensures that watershed science and data is being applied to planning and land use decisions. This input would be lost and it is an important tool for HCA to have when needed. Additionally, though unintentional, this change could also impact our right to appeal planning decisions as a landowner. This is a concern as our conservation lands, made up of 11,000 acres of forests, 145 km of trails, fields, streams, wildlife and plant life, are under HCA's care and protection, as they have been for over 60 years.

Conservation authorities have long requested the ability to issue stop work orders to protect environmentally sensitive areas. The proposed changes to the Act remove unproclaimed provisions for this enhanced enforcement and only retain the current tools such as prosecution, injunctions and fines; these existing tools do not provide the ability to effectively stop, on a timely basis, any significant threats and impacts and prevent damage.

As briefly mentioned, if passed, HCA would lose citizen representatives on its board who currently make up half the board of directors. The citizen members come from diverse backgrounds with experience in a number of fields, and are active members of their communities. They bring a wide array of knowledge, governance experience and expertise to their positions. These members provide valuable input on HCA programs and services from a citizen's point of view.

Of equal importance, HCA has only two participating municipalities with 10 members from Hamilton and 1 from the Township of Puslinch, which represents the unique situation of 99% of our watershed being within the City of Hamilton and the City of Hamilton being our major funder. With the new proposed requirements to rotate the Chair and Vice Chair role, there would be no democratic election process given the

representative from Puslinch would simply be appointed as the Vice Chair or Chair every 2 years. And finally, the proposed amendments would also require municipally appointed councillors to make decisions in the best interest of the municipality they represent and not the conservation authority and its watershed, the organization that they are supposed to represent when sitting as a Board member of the Authority. This is contrary to proper board governance.

In these stressful times, nature and the outdoors play an important role in people's mental and physical health. After this year, we have seen just how important these spaces - and that protection - is for our community. We will continue promoting our vision of a healthy watershed for everyone.

We do not want to see an increased risk to public safety, or increased liabilities to the Province, municipalities, and conservation authorities. Nor do we want more red tape, disruption and ultimately delays in helping the government achieve its goal of economic recovery. As such I respectfully ask that as a result of our concerns:

- the Province of Ontario withdraw Schedule 6 of the Budget Measures Act (Bill 229)
- the Province continue to work with conservation authorities to find workable solutions to reduce red tape and create conditions for growth
- the Province respect the current conservation authority/municipal relationships
- the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

If there are any actual and/or perceived issues pertaining to certain conservation authorities, they might best be addressed through area-specific solutions created to resolve them that can be identified through local analysis and consultation.

Sincerely,



Councillor Lloyd Ferguson
Chair, Hamilton Conservation Authority

Cc:

HCA Board of Directors

City of Hamilton Mayor and Council

Township of Puslinch Mayor and Council

Ted Arnott, MPP Wellington – Halton Hills

Andrea Horwath, MPP Hamilton Centre

Paul Miller, MPP Hamilton East – Stoney Creek

Sandy Shaw, MPP Hamilton West – Ancaster – Dundas

Donna Skelly, MPP Flamborough – Glanbrook

Monique Taylor, MPP Hamilton Mountain

Council Resolution - Approved November 25, 2020

Moved by Councillor Ferguson
Seconded by Councillor Clark

WHEREAS, the funding for the Hamilton Conservation Authority (HCA) budget is as follows, with the principal funders of the HCA being the City of Hamilton and self generated revenues with the Province contributing 2%:

- Self generated 58%
- City of Hamilton 37%
- Hamilton Conservation Foundation 2%
- Township of Puslinch 1%
- Province 2%

WHEREAS, Bill 229, will remove the HCA's authority to issue stop work orders when catastrophic damage is occurring in a protected area;

WHEREAS, Bill 229, provides the Minister with the authority to make decisions respecting the watershed, without the HCA's watershed data and expertise;

WHEREAS, Bill 229, proposes to permit applicants to appeal a decision to the Local Planning Appeal Tribunal (LPAT), which are currently appealed to the HCA;

WHEREAS, Bill 229, removes citizen appointees who currently provide valuable expertise that Councillors may not have (legal, communications, and environmental expertise etc.) from HCA's current membership (5 (five) Hamilton Councillors; 5 (five) citizens appointed by Hamilton City Council and 1 (one) member appointed by the Township of Puslinch);

WHEREAS, Bill 229, has Municipal Chairs and Vice Chairs rotating to a different municipality every two years, which will result in the appointee from the Township of Puslinch holding an unelected position on the Board as Chair or Vice Chair in perpetuity, while only contributing 1% of the revenue; and

WHEREAS, Bill 229, will remove the HCA's ability to expropriate lands, which is an important last resort tool the HCA has for land acquisition in our watershed;

THEREFORE, BE IT RESOLVED:

- (a) That the Province of Ontario withdraw Schedule 6 of the *Budget Measures Act* (Bill 229);

- (b) That the Province continue to work with Conservation Authorities to find workable solutions to reduce red tape and create conditions for growth;
- (c) That the Province respect the current Conservation Authority / Municipal relationships;
- (d) That the Province embrace their long-standing partnership with the Conservation Authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role; and
- (e) That this resolution be forwarded to the Honourable Doug Ford, Premier of Ontario; Honourable Rod Phillips, Minister of Finance; Honourable Jeff Yurek, Minister of Environment; Honourable John Yakabuski, Minister of Natural Resources and Forestry; Honourable Steve Clark, Minister of Municipal Affairs and Housing; local MPP's; Ted Arnott, MPP Puslinch; the local Media; Conservation Ontario and Association of Municipalities Ontario (AMO).



OPERATING BUDGET 2021

November 19, 2020

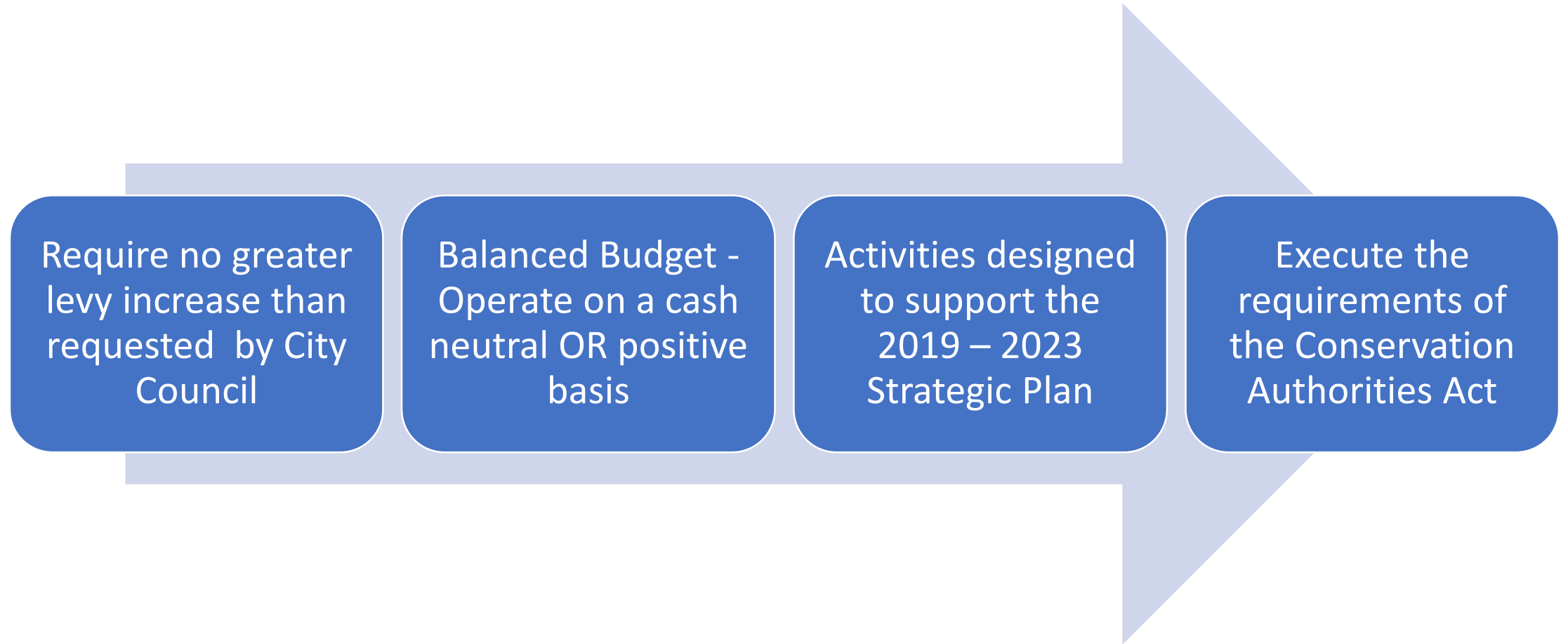
IMPACT OF COVID-19 IN 2020

- Full shut down following Provincial regulations mid-March
- Maintained business continuity and all essential business functions and services
- Decision to maintain full staffing employment in line with federal CEWS program
- Gradual reopening beginning in mid-May, and for the late spring, summer and fall, the public needed a place to go; we were it, all while following and promoting provincial regulations and public health guidelines
- Record annual pass sales
- Week days experienced weekend-like visitation at conservation areas, particularly those with beaches, maximized capacity
- Valens camping hit record levels
- Office still remains closed to public without appointment

IMPACT OF COVID-19 PROJECTED IN 2021

- Anticipate that pandemic will still be continuing but with the hope of vaccine and other restrictions permitting most businesses to operate in safe manner
- Higher safety standards in place, physical distancing, sanitizing, mask wearing, etc.
- Conservation areas day attendance remains strong
- Camping retains some of the growth from 2020, not all
- Events and facility rentals are expected to be slower to return
- Continued increased expenses for security
- Continued use of reservation system at Spencer Gorge during peak operating season for visitor management
- Full management fee from Confederation Beach Park is incorporated; continued closure or restricted operation of Wild Waterworks would result in a shortfall

2021 OPERATING BUDGET GOALS



REQUIRE NO GREATER LEVY INCREASE THAN REQUESTED BY CITY COUNCIL

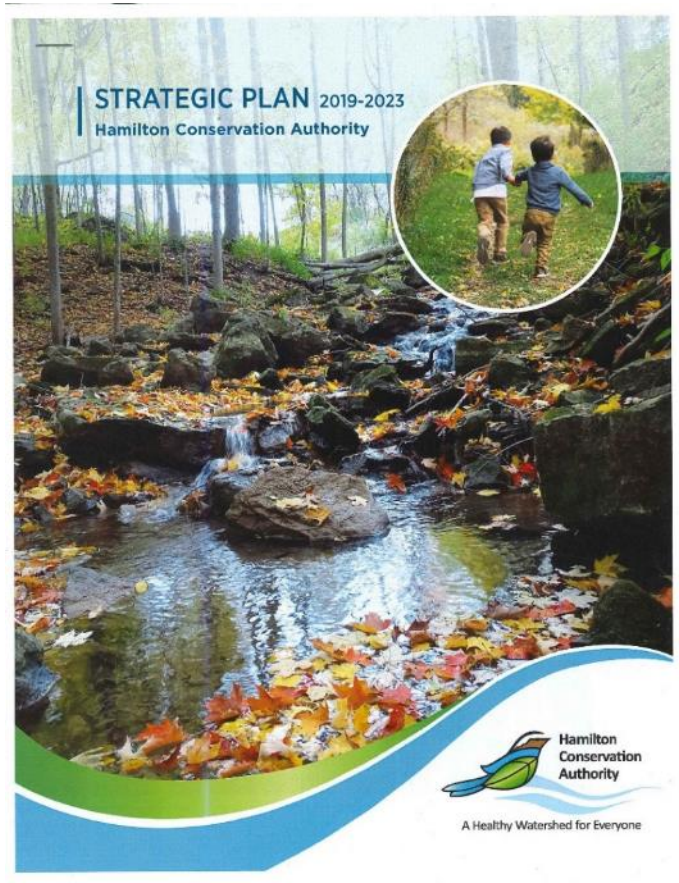
- Levy target increase this year is 2%, per Council meeting November 11th
- Tradition of managing within City suggested envelope is important to maintaining the HCA relationship with our major funder and partner, the City of Hamilton
- As the final payment on the Veldhuis loan was made in 2020, that amount of \$44 thousand will be removed from base levy before applying the 2% to calculate the 2021 levy
- The 2021 levy request will be \$4,592 thousand; equals 2% increase on eligible levy (only 1% year over year)
- The \$46 thousand of increased levy will contribute towards coverage of the \$350 thousand of inflationary growth needing to be absorbed
- The balance is covered by adjustments made to 2021 fee guide along with many individually smaller expense reductions
- It has been determined that this can be accomplished with no impairment to execution of our strategic plan

BALANCED BUDGET – CASH NEUTRAL/POSITIVE BASIS

	Budget <u>2021</u>	Budget <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>			
Levy	\$ 4,592	\$ 4,546	\$ 4,458
Admissions	2,595	2,348	2,574
Camping/ marina	2,680	2,646	2,588
Equipment rental	1,100	1,100	1,048
Other	<u>2,223</u>	<u>2,870</u>	<u>3,654</u>
	13,190	13,510	14,322
<u>Expenses</u>			
Staffing	8,798	8,288	7,522
Utilities	825	825	760
Equipment	895	865	828
Materials/supplies	692	892	749
Other	<u>1,800</u>	<u>2,255</u>	<u>1,863</u>
	13,010	13,125	11,722
Net surplus/(deficit)	<u>\$ 180</u>	<u>\$ 385</u>	<u>\$ 2,600</u>
Loan repayment	\$ 180	\$ 216	\$ 209

- Revenues
 - Levy up 1%, less than 2% allowed as loan repaid in 2020
 - Admissions reach higher plateau after exposure in 2020 made HCA well known with our areas providing recreation in low risk outdoor settings
 - Camping and marina retain some growth and add cabins but do not expect to replicate weekday camping presence of 2020
 - Drop in events, school programs, facility rentals until pandemic restrictions ease and people regain comfort in groups
- Expenses
 - Staffing includes additional staff to pursue strategic goals
 - 1.5% COLA applied to full time staff wages and average 3% step increase for staff not at max of range
 - Other expenses reflect no major change in operations

SUPPORT THE 2019 – 2023 STRATEGIC PLAN



Vision

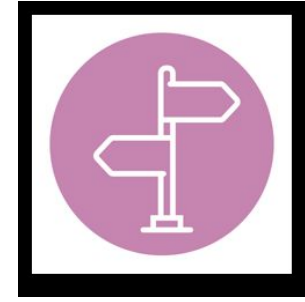
- A Healthy Watershed for Everyone

Mission

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

- 2021 budget continues to direct resources to achieve initiatives outlined
- We are proposing to retain existing contract staff and to add contract staff in several areas of need and two full time staff in order make these goals a reality
- The goals outlined can simply not be accomplished staffed in the current manner that is designed to operate in the present mode

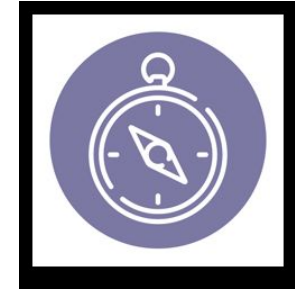
STRATEGIC PLAN FOCUS IN 2021



Organizational Excellence

- ***Support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current***
 - 2021 Initiative: Hire a contract project coordinator to assist with moving ahead the many approved and planned capital projects
- ***Providing a positive and safe environment for both staff and visitors***
 - 2021 Initiative: Retain the contract Health and Safety Co-Ordinator position to continue implementation of the 2019 Safety Audit Recommendations

STRATEGIC PLAN FOCUS IN 2021



Education and Environmental Awareness

- ***Create engaging communication materials for HCA website and social media to enhance environmental awareness and the programs and services conservation authorities deliver***
- ***Enhance and adapt outdoor environmental and cultural education programs with new technology, curriculum and trends***
- 2021 Initiative: Retain marketing co-ordinator and graphic design contract staff to move HCA forward utilizing greater online and app-based technology with a focus on trail information, interpretation and education programs and promotion

CORPORATE SERVICES

	Budget <u>2021</u>	Budget <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>			
Levy	\$ 2,494	\$ 2,530	\$ 2,650
Equipment	1,100	1,100	1,048
Management fees	426	426	448
Other	<u>538</u>	<u>640</u>	<u>772</u>
	4,558	4,696	4,918
 <u>Expenses</u>			
Staffing	3,380	3,035	2,963
Utilities	301	299	307
Equipment	331	248	215
Materials/supplies	112	111	104
Other	<u>871</u>	<u>1,202</u>	<u>555</u>
	4,995	4,895	4,144
 Net surplus/(deficit)	<u>\$ (437)</u>	<u>\$ (199)</u>	<u>\$ 774</u>

- Revenues

- Levy reflects the 1% and shift to WP&E
- Central fleet / garage rentals continue at previous year's levels
- Management fees assume full return of operations at Wild Waterworks. Should this not be allowed, partial loss in fees will result and the balance made up from the existing seasonal reserve

- Expenses

- Staffing levels remain at the previous year's level but allocation of marketing and other central staff not to the same degree resulting in more cost in home departments

STRATEGIC PLAN FOCUS IN 2021



Water Management

- ***Implement the Saltfleet Conservation Area Wetland Restoration Program***
- ***Complete Floodplain mapping update program***
- ***Maintain and enhance our flood control infrastructure to address flooding and work to augment low flow conditions***
 - 2021 Initiative: Hiring a contract Project Engineer to assist with the implementation of these initiatives

STRATEGIC PLAN FOCUS IN 2021



Natural Heritage Conservation

- ***Implement the approved Invasive Species Strategy and natural heritage plans as detailed in HCA master plans***
- ***Maintain and enhance the natural heritage features of HCA lands and manage these lands on an environmentally sustainable basis***
 - 2021 Initiative: Hiring a contract Invasive Species technician to spearhead these activities

WATERSHED PLANNING & ENGINEERING

Watershed Planning & Engineering

	Budget <u>2021</u>	Budget <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>			
Levy support	\$ 1,484	\$ 1,414	\$ 1,453
Permits, fees	300	304	289
Grants	195	189	321
Other	<u>85</u>	<u>73</u>	<u>164</u>
	2,064	1,980	2,227
 <u>Expenses</u>			
Staffing	1,828	1,740	1,534
Contractors	52	32	304
Materials/supplies	45	34	90
Other	<u>139</u>	<u>174</u>	<u>299</u>
	2,064	1,980	2,227
 Net surplus	 <u><u>\$ -</u></u>	 <u><u>\$ -</u></u>	 <u><u>\$ -</u></u>

- Revenues
 - Levy change in support of staffing increase
 - Permits and fees expected to be at regular levels
 - Grants include provincial flood management support and several smaller projects supported by both federal and provincial governments
- Expenses
 - Staffing includes addition of contract project engineer to help with Saltfleet wetland development and a contract invasive species technician to lead the program of invasive removals
 - Other expenses include facility costs and vehicle fees

STRATEGIC PLAN FOCUS IN 2021



Conservation Area Experience

- ***Identify and support a more diverse and accessible range of programs for our conservation areas***
 - 2021 initiative: Establish the Hamilton Mountain areas business unit with dedicated staff in recognition of the growth in land holdings that HCA has now in the east end of the watershed and will have with future acquisitions
- ***Continue to expand installation of automatic gates across our conservation areas***
- ***Update and develop master and management plans and implement priorities to further enhance conservation areas for current and future generations***
 - 2021 Initiatives: Hire a contract landscape intern to assist with planned initiatives including opening new parking lots, expanding trails, preliminary work on campground expansion, continued work on master plans, etc.

CONSERVATION AREAS

	Budget <u>2021</u>	Budget <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>			
Admissions	\$ 2,532	\$ 2,239	\$ 2,475
Marina	1,411	1,399	1,381
Camping	1,269	1,247	1,207
Other	<u>674</u>	<u>952</u>	<u>1,083</u>
	5,886	5,837	6,146
<u>Expenses</u>			
Staffing	3,074	2,986	2,544
Equipment	564	617	613
Materials/contractors	508	707	512
Utilities/fuel	475	477	408
Other	<u>608</u>	<u>582</u>	<u>514</u>
	5,229	5,369	4,591
Net surplus	<u>\$ 657</u>	<u>\$ 468</u>	<u>\$ 1,555</u>

- Revenues
 - Admissions will remain strong, aided by harmonized parking rate increases
 - Marina and camping return to more normal levels
 - Facility rentals, day camps, film shoots, events to take longer to recover
- Expenses
 - Staffing includes addition of dedicated Hamilton Mountain team
 - Spencer Gorge reservation system eliminated contracted shuttle costs, added contract security

WESTFIELD HERITAGE VILLAGE & CONSERVATION AREA

	Budget <u>2021</u>	Budget <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>			
Levy	\$ 614	\$ 602	\$ 591
Admissions	63	109	99
Events	-	109	91
Other	<u>45</u>	<u>177</u>	<u>250</u>
	722	997	1,031
<u>Expenses</u>			
Staffing	516	527	481
Promotion	32	117	31
Materials/supplies	27	40	43
Utilities	49	49	45
Other	<u>98</u>	<u>148</u>	<u>160</u>
	722	881	760
Net surplus	<u>\$ -</u>	<u>\$ 116</u>	<u>\$ 271</u>

- Revenues
 - Levy reflects the 2% increase
 - Admissions and events are highly subject to the recovery of the pandemic; what will be allowed and what people will feel safe doing
 - As with the other conservation areas, facility rentals and film shoots may, or may not recover in 2021, assume conservatively to have upside
- Expenses
 - Staffing remains at the previous year's level
 - Promotion expense will increase with the number of events allowed

2021 LEVY ALLOCATION

(\$'000,000)	Self Generated	Levy	Total Revenues	Total Expenses	Surplus / (Deficit)
Conservation Areas	\$ 5.8	\$ 0.0	\$ 5.8	\$ 5.2	\$ 0.6
Westfield	0.1	0.6	0.7	0.7	0.0
Watershed P&E	0.6	1.5	2.1	2.1	0.0
Central Services	2.1	2.5	4.6	5.0	(0.4)
Loan Payments				0.2	(0.2)
	-----	-----	-----	-----	-----
Grand Total	<u>\$ 8.6</u>	<u>\$ 4.6</u>	<u>\$13.2</u>	<u>\$13.2</u>	<u>\$ 0.0</u>

EXECUTE THE REQUIREMENTS OF THE CONSERVATION AUTHORITIES ACT

- Proposed legislative amendments just released Thursday November 5th, with scope, impact and implementation dates still to be determined, along with any new future regulations
- Current budget reflects programs and services under the existing Conservation Authorities Act and existing agreements and MOUs already in place with the City of Hamilton
- Important to note that HCA conservation area operations do not receive levy support, nor does the outdoor environmental education program
- Monies received for Westfield come through an existing agreement

2021 BUDGET SUMMARY PROVISIONS



- Sufficient combined revenues to meet expenses with minimal increase to levy



- Programs to maintain a healthy watershed and help protect residents and property from flooding



- Invasive species initiatives & continued development steps for Saltfleet wetlands



- Greater online and app-based technology with a focus on trail information, interpretation and education programs



- Vibrant conservation areas that connect people to nature

THE END

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Nancy Watts, Director of Human Resources & Wellness

MEETING DATE: November 19, 2020

RE: 2021 Mileage Rate

STAFF RECOMMENDATION

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

THAT the mileage rate remain at the current rate of 54 cents per kilometre for 2021.

BACKGROUND

As approved by the Budget & Administration Committee in June 2007 and the Board of Directors in July 2007, 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. An increase will take place only if the change would result in a minimum half cent increase in the rate. Staff will also monitor mileage rates from area conservation authorities to ensure our rate does not fall below the average.

STAFF COMMENT

Consumer Price Index (CPI)

The September 2020 year over year CPI for Private Transportation in Ontario decreased by .10 points from August 2020.

Area Conservation Authority Mileage Rates

The table below shows a summary of mileage rates from area conservation authorities:

<u>Conservation Authority</u>	<u>Rate – cents per km</u>
Lower Trent	52
Upper Thames	50
Kawartha	50
Grand River	58
Credit Valley	58
Niagara	50
Halton	58
Average	54

Canada Revenue Agency

Canada Revenue Agency publishes a guideline for calculating what is a “reasonable allowance” that would not be deemed to be taxable income. For 2020, that guideline is 59 cents for the first 5,000 km and 53 cents per km thereafter.

Based on the above information, keeping the mileage rate at 54 cents per km is recommended for 2021 as the CPI Private Transportation Index has decreased by .10 points and the current HCA mileage rate matches the average rate with other area Conservation Authorities.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2024:

- Strategic Priority Area - Organization Excellence
 - Continue to update and streamline operational policies and leverage emerging technology to enhance business service delivery

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

None.

CONCLUSIONS

As there are no inflationary pressures related to transportation and as the current mileage rate matches the average rate among area conservation authorities, it is therefore recommended that the 2020 mileage rate of 54 cents per kilometre stay constant for 2021 at 54 cents per kilometre.

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Jaime Tellier, Executive Assistant / Records Management Coordinator

MEETING DATE: November 19, 2020

RE: 2021 Remuneration of Board of Directors and Advisory Board and Committee Members

STAFF RECOMMENDATION

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

THAT the current HCA's honorarium rates for the Chair and Vice-Chair of the Board of Directors and per diem rate for Board of Directors and Advisory Board, remain in effect for 2021.

BACKGROUND

Hamilton Conservation Authority's administrative by-law, as approved by the Board of Directors on September 3, 2020, requires the Authority to establish a per-diem rate to be paid to Directors for attendance at General Meetings and Advisory Board or Committee meetings, and at such other business functions as may be from time to time requested by the Chair, through the Secretary-Treasurer. In addition, an honorarium may be approved by the Authority for the Chair and Vice-Chair as compensation for their additional responsibilities. A single per-diem will be paid for attendance at more than one meeting if they occur consecutively on the same day.

Per the administrative by-law, the Budget and Administration Committee is responsible for investigating, reviewing and making recommendations to the Board of Directors on personnel related matters, including reviewing and making recommendations on members per diems and honorariums.

STAFF COMMENT

At the December 12, 2019 meeting, HCA's honorariums for the Chair and Vice-Chair of the Board of Directors were changed to be commensurate with comparable Conservation Authorities. The honorariums for the Chair and Vice-Chair were increased from \$9000.00 and \$1700.00 per year, to \$10,000.00 and \$3000.00, respectively. The per diem rate for members of the Board and Advisory Board and Committees was also raised from \$60.00 to \$75.00.

The members also directed staff to review the honorariums and per diem rates annually, to avoid long lapses in time between reviews, resulting in significant rate increases at one time.

Following the changes made for 2020, HCA's remuneration scheme is comparable with its neighbouring Conservation Authorities for each category. Table 1 is a comparison chart of the 2020 remuneration rates for nearby Conservation Authorities.

Table 1: Comparison of 2020 Honorariums and Per Diems

Conservation Authority	Honorarium Chair, Board of Directors	Honorarium Vice-Chair, Board of Directors	Per Diem Rate
Conservation Halton	\$10,000.00	\$3,000.00	\$75.00
HCA	\$10,000.00	\$3,000.00	\$75.00
GRCA	27,430.77	\$2,743.49	\$151.37
CVC	\$13,605.00	\$6,215.00	\$81.38
NPCA	\$6,763.03	\$1,319.15	\$76.10

Given that significant increases were put in place for 2020 to bring our honorariums and per diems in line with area conservation authorities, staff are not recommending an increase to rates for 2021 and instead that these be reviewed again in 2021 for potential inflationary increase and to ensure comparability to other conservation authorities.

It should be noted that elected officials for the City of Hamilton do not receive honorariums, per diems, or reimbursement for mileage.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2024:

- Strategic Priority Area - Organization Excellence
 - Continue to update and streamline operational policies and leverage emerging technology to enhance business service delivery

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

It is recommended that the honorariums for the Chair and Vice Chair of the Board of Directors and per diems for Board and CAB members remain constant for 2021.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Neil McDougall, Secretary-Treasurer

MEETING DATE: December 3, 2020

RE: Confederation Beach Park 2021

BACKGROUND

Confederation Beach Park is the City owned four-kilometer-long linear waterfront park located on the south shore of Lake Ontario. The park contains several commercial tenants, the Lakeland pool which is a small municipal style pool, a passive green space with picnic tables, pavilions for rent and a beach area. The Breezeway trail runs the length of the park and is used by 500,000 walkers, joggers and cyclists. At the very East end of the property is the new Sports park featuring Cricket fields and pickleball courts (to be opened in 2021) and just to the west of the Sports Park is Wild Waterworks, the City's popular waterpark which features a wave pool, slide attractions and a lazy river ride.

The Hamilton Conservation Authority currently operates the park for the City with the exception of the new Sports Park and the negotiations of the commercial tenants' leases both of which are under City staff direction. The HCA receives a management fee based on 15% of the expenses incurred and any surplus or deficit resulting from the operation of Wild Waterworks, tenants rent and maintenance of the park are owned by the City.

Prior to the current year, the City, through the department of Public Works, had been providing \$670,000 to cover the costs of maintaining the park property while the combination of commercial tenant lease income and operation of the water park was sufficient to break even and in fact in most of the recent years generated a surplus. Generally, if weather conditions co-operated and attendance at the water park exceeded 100,000 patrons a surplus would result. Recent history has shown annual attendance varying between 88,000 to 145,000 visitors to Wild Waterworks.

STAFF COMMENT

Operations in 2020

What started as a normal year quickly took a turn in a new direction. Mandated closures affected all facets of the park; none greater than the water park. On May 13th, prior to the provinces official edict that amusement parks were to remain closed, CAO Burnside went before City Council to explain the safety and cost rationale and ultimate recommendation behind not making the investment in preparation to open the waterpark. This was well received and endorsed at city council and it was agreed that this would be the appropriate action to take for the summer of 2020. At this meeting it was explained that the time would not be wasted as there were two important capital projects that needed to be addressed as Hamilton Public Health had issued orders requiring that resurfacing and painting to both Little Squirtworks and the Easy River be completed prior to opening. Hence the work has been done; Little Squirtworks was funded under the regular major maintenance budget and the City authorized use of the reserve to fund the Easy River repair and provide a supplemental support payment of \$425,000 to cover expenses incurred while remaining closed. All indications at this point in time are that the \$425,000 will be adequate to cover the costs and the work by the contractors has been completed.

What receives less headlines but equally important is the activity in the rest of the park. After the initial requirement for residents to stay in their homes the restrictions were lifted and open park land was the one place people could safely visit for exercise and for both physical and mental health benefits. Similar to the HCA conservation areas, the park land at Confederation Beach Park was busy every day of the week. The beach itself was full and the trail heavily utilized by a variety of users to bike, walk/run and rollerblade. This resulted in a dramatic increase in garbage left on the grounds and increased pressures on washroom usage and related cleanups. At the same time there was less revenue generated as the pavilions remained empty due to crowd size limits and film shoots dried up. Lakeland pool reopened when Provincial regulations permitted with reduced capacity and enhanced costs to meet all COVID protocols through Hamilton Public Health. HCA fulltime staff took on the extra workload and kept things together all while staying within the original budget.

Budget 2021

Looking to next year there remain more questions than answers at this time.

In the park the group size limitation will continue to control the number of pavilion rentals legally allowed and also the number of swimmers allowed in the Lakeland pool as well as requirements to meet COVID protocols through Hamilton Public Health. Also, to be considered is the confidence and support individuals will have in returning to these activities.

On the expense side we are preparing for a similar high degree of visitation as experienced in 2020 and its associated garbage while also planning to continue a heightened level of washroom cleaning and disinfecting, all which carry with them a higher cost. Should the City Public Works department provide the same \$670,000 as in the past there may be a shortfall as the increase in cost will be real. What saved the budget in 2020 was the total closure for two months allowing for skeleton crew in that time period. If it is to be full crowds for twelve months there most probably will be a need for further assistance.

Wild Waterworks

In the waterpark side of the venture there are huge questions which include:

- Will amusement parks such as this one be allowed to open its doors at all?
- If allowed, will there be restrictions to the number of individuals allowed inside the gates at any one time?
- Will we be allowed to operate the wave machine or will it only be allowed to function as a flat pool?
- Will waterslides be permitted to operate?
- If certain attractions are not permitted, can full admission rates be in effect or would a reduction to reflect less than full usual features be required?

All of these issues carry with them revenue implications. And not to be forgotten, prior to the pandemic, weather was the single largest variable in meeting attendance targets to cover expenses.

On the expense side, more casual staff will be needed to increase disinfecting of washrooms, life jackets, changerooms, rental tubes and high touch surfaces and security for screening and capacity limits. And as always there is a substantial investment in training prior to opening which will be required, particularly with any COVID protocols that will be required for safety.

We have explored several scenarios for operations of the waterpark in 2021 which will be brought to the City/HCA Park Management Review Team in December for further review and discussion over the coming months.

Scenario 1

Should waterparks be permitted to open with minimal restrictions and full public confidence to return to the facility, we could see obtaining a near breakeven as we have projected in normal previous years, albeit with some additional expenses and assuming a sunny and warm operating season.

Scenario 2

Waterparks are permitted to open but with more substantial restrictions impacting revenue and expenses. A 10% reduction in revenues when combined with the additional costs required to be open could result in deficits in the range of \$500,000 to a \$1,000,000.

Scenario 3

Waterparks are permitted to reopen but with significant restrictions or limitations. A reduced operating season, reduced capacity limits, stringent COVID protocols requiring additional staff and/or the inability to offer certain attractions all result in losses and budget deficit. It has been estimated that each 10,000 drop in visitor attendance due to weather and/or pandemic concerns costs \$250,000, as does each additional week delay in opening beyond July 1. The cost/risk scenarios can take multiple combinations with varying projections; and as noted in consideration for 2020, we could have a deficit nearing \$2,000,000; or somewhere in between.

As in last year's situation, the decision on open versus remaining closed will need to be made by early May due to the minimum six weeks start up, maintenance and inspection requirements to open to the public. The recruitment and hiring campaign already begins in January to secure the 125 usual staffing complement required to operate in a normal season. With closure of the facility in 2020, there will likely be very few returning staff from 2019, requiring a robust recruitment and training program.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
- **Strategic Priority Area – Conservation Area Experience**

AGENCY COMMENTS

HCA and the City of Hamilton have a long history of collaboration in regard to Confederation Beach Park, dating back to 1983. An operating agreement has been in existence since 1990 to manage Confederation Beach Park. The Agreement requires that HCA advise the City as soon as it becomes aware that the Park faces a risk of running a deficit and jointly identify the reason and implement measures to mitigate the deficit.

LEGAL/FINANCIAL IMPLICATIONS

HCA receives a management fee equal to 15% of expenses and a decision to not operate Wild Waterworks would result in a decrease in operating costs and a loss of approximately \$300,000 for HCA. The 2021 HCA operating budget has assumed the facility will operate and should this not be the case, any reduction in management fee will be covered through HCA operating reserves.

CONCLUSIONS

Further information and updates will be brought to the HCA Board of Directors in 2021 as we learn more about where COVID pandemic restrictions in Ontario may be headed and their applicability to waterpark facilities and the potential impact regarding the costs of closure versus operating.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Mike Stone, MCIP, RPP, Manager, Watershed Planning,
Stewardship & Ecological Services

MEETING DATE: December 3, 2020

RE: Appointment Laura Stinson as Enforcement Officer

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT the HCA Board of Directors appoint Laura Stinson, Conservation Planner, as an Enforcement Officer for the purpose of enforcement of *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) made under the *Conservation Authorities Act, R.S.O. 1990*.

BACKGROUND

Laura Stinson was recently hired on a two-year contract assignment as a Conservation Planner for the Hamilton Conservation Authority. The Conservation Planner position has responsibilities related to the administration and enforcement of *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). This includes reviewing and processing permit applications, field work and attendance at site inspections. Under Section 10 of *Ontario Regulation 161/06*, an Authority may appoint officers for the purposes of enforcing the regulations.

STAFF COMMENT

HCA's Conservation Planners have responsibilities related to the administration and enforcement of HCA's Regulation, including conducting site visits, undertaking compliance monitoring and inspections, responding to legal inquiries, and supporting court proceedings and prosecutions when necessary. Appointment as an Enforcement Officers under *Ontario Regulation 161/06* provides the Conservation Planners with the necessary authorities to carry out their job duties.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Water Management**
 - Initiatives – Invest in programs to address the impacts of nutrient and sediment loading on watershed streams, creeks, rivers and receiving water bodies
- **Strategic Priority Area – Natural Heritage Conservation**
 - Initiatives – Promote sustainable development by working with the City of Hamilton on natural heritage issues and undertake the HCA plan input and review program
- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Communicate both internally and externally about what HCA does and why

AGENCY COMMENTS

Not Applicable

LEGAL/FINANCIAL IMPLICATIONS

Not Applicable

CONCLUSIONS

Appointment of Laura Stinson as an Enforcement Officer is required in order for her to fulfill the requirements of the Conservation Planner position with HCA to administer HCA's Regulation, and for implementing Provincial and HCA policy more generally.

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

MEETING DATE: December 3, 2020

RE: Watershed Conditions Report

SYNOPSIS

As of November 24, 2020, there are no expectations of significant watercourse flooding, significant public safety concerns, or Lake Ontario shoreline erosion / flooding.

Regarding the dry watershed conditions, the most recent assessment suggested that normal conditions were considered an appropriate overall characterization of the watershed. However, as this was the first recent assessment to indicate normal conditions, the active Level 1 Low Water conditions declaration was maintained, with conditions to be reassessed at the beginning of December.

Levels in the Christie Lake reservoir are at the low end of the range of typical past winter water levels (765.30 - 765.80 ft). Levels in the Valens Lake reservoir are at the high end of preferred winter operating levels (274.15 to 274.30 m). This is due to the recent planned annual drawdown to winter water levels.

In general, current and recent flows were well below November monthly averages throughout the watershed.

CURRENT WATERSHED CONDITIONS – November 24, 2020

Current Water Levels in Major Area Watercourses

Current flows are well below November monthly averages in Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, Lower Spencer Creek at Market Street, and Redhill Creek at Barton Street. Flows are presently slightly below November monthly averages in Ancaster Creek at Wilson Street.

Over the month of November, the majority of flows were well below November monthly averages at all streamflow gauges.

There are no observations, reports, or expectations of current significant watercourse flooding or significant public safety concerns.

Current Lake Ontario Water Levels

Currently, the Lake Ontario mean daily water level is approximately 74.63 m IGLD85. This is about 9 cm above average for this time of year, and about 56 cm below the record high set for this time of year (during 1945).

There are no observations, reports, or expectations of current shoreline flooding or active significant shoreline erosion.

Current Storages in HCA Reservoirs

Levels in both reservoirs are at the typical winter water level range, due to the recent planned annual drawdown to winter water levels.

Based on current levels at Christie Lake dam (about 765.29 ft), the reservoir is at the low end of the range of typical past winter water levels (765.30 - 765.80 ft). The reservoir is at about 15 percent of its preferred maximum storage capacity (corresponding to a water level of 773 ft).

Based on current levels at Valens Dam (about 274.31 m), the reservoir is presently at the high end of preferred winter operating levels (274.15 to 274.30 m). The Valens reservoir is at about 42 percent of its preferred maximum storage capacity (corresponding to a water level of 275.5 m).

Current Soil Conditions

The surface and root-zone soils are expected to be moist and unfrozen presently.

RECENT STORM EVENTS

During the period of October 21, 2020 to November 23, 2020, there were no significant watercourse flooding events, or Lake Ontario shoreline erosion / flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

The most recent assessment indicated that normal conditions were considered an appropriate overall characterization of the watershed. The 1-month, 3-month and 18-month precipitation totals all indicated normal conditions. There were no stations that had 3 consecutive weeks with total precipitation amounts less than 7.6mm. 30-day average streamflows suggested normal conditions in Upper and Middle Spencer Creek, as well as in Ancaster Creek and Redhill Creek. 30-day average streamflows suggested Level 2 Low Water conditions in Lower Spencer Creek, but flows had been recently influenced by Christie Lake dam operations.

However, as this was the first recent assessment to indicate normal conditions, the active Level 1 Low Water conditions declaration was maintained, with conditions to be reassessed at the beginning of December. A termination of the active Level 1 Low Water condition may be issued at that time if normal conditions continue to be considered an appropriate overall characterization of the watershed.

On July 27, the Hamilton Low Water Response Team (Hamilton LWRT) declared Level 1 Low Water conditions for the entire Hamilton Conservation Authority (HCA) watershed, which includes Spencer Creek, Chedoke Creek, Redhill Creek, Stoney Creek and Battlefield Creek, Stoney Creek Numbered Watercourses, as well as all of their tributaries and other minor watercourses.

Level 1 Low Water conditions are indicated by three- or eighteen-month precipitation totals that are 60 to 80% of long-term averages. Level 1 Low Water conditions are also designated when the 30-day average streamflows are 50 to 70% of the lowest historical average summer month flow.

A July 27 news release, HCA website posting, and letters distributed to area water users encouraged that water users of surface and groundwater sources within the watershed voluntarily reduce their normal water use by 10%. In addition, Hamilton LWRT members have been encouraged to share this water conservation message with other water users in their area / sector.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) anticipated for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely.

Resultant water levels and flows from currently forecasted rain are not expected to pose significant watercourse flooding or significant public safety concerns.

Lake Ontario Shoreline Erosion / Flooding

There is currently no significant Lake Ontario shoreline erosion / flooding anticipated within the watershed over the next 5 days.

According to International Lake Ontario – St. Lawrence River Board information, Lake Erie remains high, and this will continue to prevent any rapid lowering of Lake Ontario levels. That said, Lake Ontario levels are expected to continue the slow, seasonal decline over the coming weeks, but weather conditions will primarily determine the rate and magnitude of water level fluctuations.

Watershed Low Water Conditions

Conditions will be largely dependant on the actual amount of forecasted rainfall received. However, it is expected that either normal or Level 1 Low Water conditions will be considered an appropriate overall characterization of the watershed, in the short term.