



Board of Directors Meeting Agenda

Thursday, June 3, 2021



Board of Directors Meeting

Thursday, June 3, 2021 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. Don McLean – 140 Garner Road East, Ancaster
 - 4.2. Nancy Hurst – 140 Garner Road East, Ancaster
 - 4.3. Summer Thomas – 140 Garner Road East, Ancaster
 - 4.4. Gord McNulty – 140 Garner Road East, Ancaster
 - 4.5. Zoe Green – 140 Garner Road East, Ancaster
- 5. Section 28 Hearing**
 - 5.1. 140 Garner Road East, Ancaster – One Properties Real Estate Inc.
- 6. Consent Items for Applications, Minutes and Correspondence**
 - 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
 - 6.2. Approved April 15, 2021 Budget & Administration Committee Minutes – for receipt only
 - 6.3. Approval of Board of Directors Minutes – May 6, 2021
 - 6.4. 24 Items of correspondence respecting Section 28 Hearing for 140 Garner Road East, Ancaster, labelled a) to x).
- 7. Member Briefing**

8. Business Arising from the Minutes

8.1. 2021 Annual General Meeting – Burnside

8.2. Regulatory Proposal Consultation Guide released by
Ministry of Environment, Conservation and Parks – Burnside

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

9.1. Budget & Administration Committee – May 20, 2021 – Moccio
(Recommendations)

9.1.1. BA 2113 Renewal of Memorandum of Understanding
Cootes to Escarpment Ecopark System (2022-2026)

9.1.2. BA 2114 Request for Quote – Job Evaluation and Competitive Market
Salary Survey

Request for Quote – Job Evaluation and Competitive Market Salary Survey

9.2. Foundation Chairman's Remarks – Margaret Reid

10. Other Staff Reports/Memorandums

10.1. Watershed Conditions Report – Peck

10.2. Conservation Areas Experiences Update – Costie

11. New Business

12. In-Camera Items

13. Next Meeting – Thursday, July 8, 2021 at 7:00 p.m.

14. Adjournment

Hearing Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

DATE: June 3, 2021

RE: Hearing under Section 28(12) of the *Conservation Authorities Act* for an Application by One Properties Real Estate Inc., for Development in a Regulated Area of Ancaster Creek at 140 Garner Road, City of Hamilton (Ancaster) – Permit Application No. A/F,C,A/21/15

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors refuse the application made by One Properties Real Estate Inc., for the relocation of a watercourse and the removal of a locally significant wetland and the creation of a new wetland feature in a regulated area associated with Ancaster Creek as the proposed development does not conform to the requirements of Section 3.1.7 of the Hamilton Conservation Authority's *Planning and Regulation Policies and Guidelines (October, 2011)*) as they relate to the implementation of *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*.

BACKGROUND

Site Description

The subject property is located at 140 Garner Road East and is approximately 35.27 ha in size. The subject lands are bounded on the north side by Garner Road East, on the east side by Hwy. No. 6, on the south side by a hydro corridor, and on the west side by agricultural lands.

The current application before the Hamilton Conservation Authority (HCA) is requesting a permit to remove the existing wetland and associated watercourse as shown on Schedule "A" and create a new wetland feature and relocate the watercourse in the Proposed Wetland Block as shown on Schedule "B"

As shown on Schedule "A", the subject property is traversed along the east side of the lot by a headwater tributary of Ancaster Creek, which flows through a small locally significant wetland near the upper reaches of the intermittent watercourse. The watercourse on site flows to the north and converges with other watercourses part of the Ancaster Creek system, flowing through Ancaster, over the Niagara Escarpment and into Spencer Creek, then into Cootes Paradise, Hamilton Harbour and ultimately Lake Ontario.

The watercourse and the wetland located on the property are located within the jurisdiction of the HCA and are regulated pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990*. As noted, the applicant proposes to remove the existing wetland and associated watercourse as shown on Schedule "A" and create a new wetland feature and relocate the watercourse in the Proposed Wetland Block as shown on Schedule "B".

Proposal History/Timeline

The proposal is to remove an existing wetland and subsequently create a new wetland within a regulated area associated with Ancaster Creek.

- A Formal Consultation Application (FC-15-059) was submitted in July 2015 to the City of Hamilton for circulation and comment. This application was submitted by a previous landowner/proponent. The proposal at that time was for an industrial subdivision. The HCA received this application August 5, 2015. In our August 18, 2015 response, we note the eastern tributary of Ancaster Creek and the desire to maintain this feature as a natural system, the requirements for a floodplain and erosion analysis, stormwater management and the need to complete an environmental impact study to characterize the watercourse and identify the extent of natural heritage features onsite.

- On February 3, 2017, HCA staff provided comments to the City of Hamilton regarding the December 2016 Draft Airport Employment Growth District Subwatershed Study and Stormwater Master Plan Implementation document. At that time, the watercourse on the property was noted but the wetland subject of this Hearing was not identified. HCA comments at that time noted that “HCA staff support additional studies required for plan implementation and request that our office be circulated on any studies completed within our watershed for review and comment.” Further, it was reiterated in our closing paragraph that “We kindly request that our office be circulated on any future information pertaining to the Stormwater Master Plan implementation and any future studies completed to support the plans within and immediately adjacent to our watershed.”
- On November 16, 2018, a draft plan of subdivision application (25T-2018-06) was circulated for agency comment by the City of Hamilton. The HCA received the application November 19, 2018. This application was also submitted by a previous landowner/proponent. Included in this application circulation was an environmental Impact study dated March 2018 and completed by Stantec. That draft plan of subdivision is show as Schedule “C” and the wetland was identified through this process and it was proposed to retain the wetland feature as part of the development. As per HCA policies, a 30 metre setback was noted as a requirement for the wetland buffer. To date, no further submissions have been received for this specific proposal.
- On July 30, 2020, a Formal Consultation Application (FC-20-067) was submitted to the City of Hamilton for review and comment and this was circulated to the HCA. The application was submitted by One Properties Real Estate Inc., for the current proposal as shown on Schedule “B”. In our August 18, 2020 response, HCA staff provided the following summary of the proposal.
 - “HCA staff, based on the policy of the Hamilton Conservation Authority, are not supportive of the proposal and application as submitted. We recommend that the proposal be revised to include the existing wetland. If the applicant decides to proceed with the proposal as submitted, comments have been provided to consider in moving forward with the proposal and receiving land use planning approvals. We note that subsequent to obtaining municipal planning approvals, a permit to proceed with the removal of the wetland and creation of the new wetland will be required from the HCA. It is noted that staff will not be in a position to issue such a permit and in this regard, a Hearing before the Board of Directors of the Hamilton Region Conservation Authority will be required to determine if a permit will be issued for this proposal.”
- On October 1, 2020, the applicant’s consultant, Urban Solutions Planning & Development, appeared as a delegation at the HCA Board of Directors meeting. The consultant outlined the proposed development and suggested that “the existing wetland is low-quality due to the simplistic plant community and

proliferation of *Phragmites australis*. As such, we believe that relocation of the feature is feasible and provides a good opportunity to address the issues of invasive species and increase the overall form and function of the wetland. Overall, the relocation plan provides a net ecological benefit to the wetland community on the property that would not be realized without developing other portions of the property.” The consultant requested “the Board to consider the wetland relocation and enhancement based on the information provided.” The Board of Directors in response to the delegation approved the following motion, “That staff be directed to review neighbouring Conservation Authority policies on a last resort option for the relocation of wetlands.”

- On November 5, 2020, HCA staff provided information to the Board of Directors regarding the completed review of neighbouring conservation authority policies on a last resort option for the relocation of wetlands. The Board approved the following motion “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.”
- On February 4, 2021, staff presented a memo to the Board of Directors detailing the framework for the development of natural heritage offsetting policy for the HCA. Staff detailed that a Discussion Paper would be developed for consultation with stakeholders and the public. It was noted that a policy in whatever form it may take would be available for Board of Directors consideration for the fall of 2021, but that a permit application submitted in the interim must be considered under existing HCA policy. The direction from the Board of Directors to develop natural heritage offsetting policy should not be considered in the review of this permit application.
- On February 5, 2021, One Properties Real Estate Inc., submitted a permit application pursuant to *Ontario Regulation 161/06 (HCA’s Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* for “the relocation of the existing locally non-significant wetland”. Staff Note: the wetland is a locally significant wetland.
- On March 8, 2021, staff sent a letter to the applicant’s consultant Urban Solutions Planning & Development noting that as of March 5, 2021, the application was considered complete. Staff noted that the application does not comply with HCA policy as it proposes to remove a regulated wetland. The applicant’s agent was advised that a Hearing had therefore been scheduled for May 6, 2021 for the Board of Directors to consider the application. To meet the requirements of the HCA Administrative By-Law and to have the Hearing on May 6, 2021, a Notice of Hearing and the Hearing Report would be provided to the applicant by April 9, 2021. The applicant was notified that any submissions they have based on the proposal and the Hearing Report were required by April 23, 2021. This timing

allows for all Hearing information to be included in the May 6, 2021 Board of Directors agenda.

- March 17, 2021 – HCA staff provided detailed comments to the applicant's agent on the supporting Consolidated Environmental Impact Statement and the Functional Stormwater Management Report.

The Proposal

As shown on Schedule "B" – Conceptual Master Plan Layout, it is proposed to develop an industrial draft plan of subdivision consisting of eight blocks of Airport Prestige Business Park lands (Sites 'A' through 'H'), two blocks for existing woodlots, a stormwater management facility block, an open space block, a block for the relocation of the existing wetland, and the creation of future public roads (Streets 'A' and 'B'). The current application before the HCA is requesting a permit to remove the existing wetland and associated watercourse as shown on Schedule "A" and create a new wetland feature and relocate the watercourse in the Proposed Wetland Block as shown on Schedule "B".

A Consolidated Environmental Impact Statement and a Functional Stormwater Management Report has been submitted with the application and HCA staff have provided technical comments back on these reports for the applicant's information. These comments identified a number of ecological and engineering issues and concerns regarding this proposal. While these concerns can largely be addressed through refinements to the design and clarifications to the reports, the primary issue is that the application as submitted fails as it does not comply with HCA policy.

Application Review to Date

In considering this application, the following planning and regulation requirements must be considered and addressed.

Section 2.1 of the Provincial Policy Statement (PPS) addresses natural heritage and applicable policy from the PPS are as follows:

2.1 Natural Heritage

Provincial Policy Statement

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

City of Hamilton Official Plan

The existing wetland is not identified in the City of Hamilton's Urban Official Plan. It was identified as a wetland through the completed EIS that was submitted with the original draft plan of subdivision application. Section 2.2.4 of the City's Urban Official Plan states "Notwithstanding the designations on Schedule E-1 - Urban Land Use Designations, the policies of this Plan shall apply to Core Areas not currently identified on Schedule B - Natural Heritage System and Schedules B-1 to B-8 - Detailed Natural Heritage Features. Additional Core Areas may be mapped and identified, or Core Area boundaries may be refined under the following circumstances and may require an amendment to this Plan:

- a) individual Environmental Impact Statements;
- b) watershed or subwatershed studies;
- c) natural areas inventories;
- d) Environmental Assessments; or,
- e) other similar studies."

Given the above, the wetland subject of this permit application is considered a Core Area for the purposes of the City's Urban Official Plan. Further, an official plan amendment may be required to facilitate the removal and relocation of the wetland.

Section C.2.3 Natural Heritage System of the City of Hamilton Official Plan notes that Core Areas are to be preserved and enhanced and any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions. An environmental impact study is required by policy to ensure that development does not impact the natural features and functions of the Core Area.

As noted above in the Proposal/History Timeline Section, the Airport Employment Growth District (AEGD) Subwatershed Study and Stormwater Master Plan also applies to the subject lands. Staff note that through that study, the watercourse on the subject lands was identified as a feature but the wetland subject of this Hearing was not identified. As it relates to this issue, the following policy from the AEGD Subwatershed Study and Stormwater Master Plan addresses the need for additional studies to confirm the presence of additional natural heritage features.

"2.8.1.1 Recommended Natural Heritage System

"The Natural Heritage Plan contained within this document identifies a preliminary NHS consisting of Core Areas and Linkages as defined by the City of Hamilton (2012, 2013) as well as definitions specific to fish habitat as detailed above. The NHS is to be protected within the proposed land use plan. The Natural Heritage Plan also provides guidance for the preparation of Environmental Impact Statements (EIS) for lands within and/or adjacent to the NHS.

The Recommended Natural Heritage System as presented in Figure 2.8.3 represents a preliminary understanding of the Core Areas and Linkages within the study area as defined by the City of Hamilton (2012, 2013). As detailed site specific field work was not completed as part of the planning process, detailed context-appropriate surveys and assessments must be completed at subsequent stages of the planning process in order to confirm NHS designations as shown in the City of Hamilton's Official Plans and to determine if natural heritage features in addition to those identified by the City are present (i.e. through the completion of an Environmental Impact Statement (EIS); see Section 4.1: Future Studies for further direction). As part of an EIS, the proponent must determine if Core Areas and / or Linkages are present within or adjacent to the property of interest and will be responsible for delineating natural heritage feature boundaries as applicable."

The above noted policy direction from the AEGD Subwatershed Study and Stormwater Master Plan, as with the City's Official Plan framework as noted above highlights that additional natural heritage features can be identified through the development process. In this case, the wetland was identified through the EIS process for the subdivision submitted in 2018.

It is important to note here that there are no municipal planning approvals in place for this development. While there is a draft plan of subdivision application submitted for these lands, that application does not reflect the current proposal subject of this permit application. There are no planning applications submitted to the City for the current proposal, and the Council of the City of Hamilton has not provided any approvals for this development. A decision to issue a Hamilton Conservation Authority permit pursuant to *Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses)* made under the *Conservation Authorities Act, R.S.O. 1990* would be premature pending a decision regarding the ultimate development proposal for the subject lands by the City of Hamilton.

HCA Planning and Regulation Policies and Guidelines

Section 3.1.7 Wetlands of the HCA's October 2011 *Planning and Regulation Policies and Guidelines* state that:

Development, site alteration, and/or interference with wetlands will generally not be permitted:

- i. In or on the areas of Non-PSWs;
- ii. Within the *adjacent lands* of PSWs (120 m); or
- iii. Within the *adjacent lands* of Non-PSWs (30 m)

Unless the hydrological, hydrogeological, and *ecological function* of the subject lands and of the *adjacent lands* has been evaluated and it has been

demonstrated that there will be no *negative impacts* on natural features or their *ecological functions*, such proposals may require the completion of an *EIS*, and should utilize all opportunities for protection and rehabilitation of the *wetland* feature.

Further, Section 3.1.7 c: outlines that:

Except as provided for in Section 3.1.7 (i), no *development, site alteration, and/or interference with wetlands* is permitted within 30 m of any *wetland*

The noted exceptions in Section 3.1.7 i) include, septic systems, swimming pools, replacement structures and accessory structures.

HCA policy direction is that wetlands and wetland buffers be maintained and protected. In this regard, HCA policy does not support the removal of an existing locally significant wetland and the creation of a new wetland in a new location. As outlined previously in this report, the HCA Board of Directors have given staff direction to develop a natural heritage offsetting policy. This policy in whatever form it may take would be available for Board of Directors consideration for the fall of 2021. Given this, the submitted permit application must be considered under existing HCA policy. The direction from the Board of Directors to develop natural heritage offsetting policy should not be considered in the review of this permit application.

The policies outlined in Section 3.1.7 Wetlands above provides for consideration of development associated with a locally significant wetland provided it is demonstrated that the hydrological, hydrogeological and ecological function has been evaluated and it is demonstrated through an EIS that there will be no negative impacts on the features and functions of the wetland. An example of this is a development that requires an encroachment to the required 30 metre wetland setback. If it is demonstrated through an EIS that this is acceptable, there may be an allowance to encroach into the setback area. The policy direction is that development should not take place in or adjacent to wetlands with exceptions as noted.

It is HCA's staff position that this policy framework does not support the removal of one locally significant wetland to allow for the creation of a new wetland to accommodate development. It is noted that the policy specifically states, "such proposals should utilize all opportunities for protection and rehabilitation of the *wetland* feature". The application as submitted is not supported by HCA policy.

Related Development Examples and Policy

The applicant's agent has highlighted two examples of development to support the submitted application. The following background is provided as information.

Central Park Subdivision

The Central Park subdivision located to the immediate west of the Eramosa Karst Conservation Area went through the municipal planning approval process to allow development. The subdivision is currently being developed. As part of the planning approvals and given concerns regarding the requirement for a wildlife corridor between the Mount Albion Conservation Area and the Eramosa Karst Conservation Area, HCA staff proposed that an eco-corridor be incorporated into the development of the Central Park subdivision and an industrial subdivision to the west. The corridor concept is shown on Schedule "D" and a report on this issue that went to the Board of Directors in June 2013 is attached as Schedule "E". It is noted that the Board of Directors approved the motion in the attached report on June 6, 2013. The proposal involved the development of a 60-metre-wide eco-corridor connecting the Eramosa Karst Conservation Area to the Mount Albion Conservation Area, the development of a stormwater management pond where a locally significant wetland existed and the construction of a new wetland on the adjacent Eramosa Karst Conservation Area. While this project did allow for the removal of a wetland approximately 0.5 hectares in size and the construction of a new wetland, this was done to address larger environmental issues associated with linkages and wildlife movement, it secured a 60 metre wide eco-corridor over the length of the subdivision and the adjacent subdivision to the west, it provided for an enhanced wetland feature on HCA lands and it ultimately reduced the developable area of the subdivision. As noted, this proposal was endorsed by the HCA Board of Directors.

Of note regarding the above noted proposal, the landowner submitted an Official Plan Amendment, Zoning By-Law Amendment and Draft Plan of Subdivision application to implement the proposal and these planning applications were approved by the City of Hamilton Council. HCA staff issued a permit to allow this work after the principle of the development and the municipal land use approvals had been obtained by the landowner and based on the HCA Board of Directors endorsement of the proposal.

Ancaster Industrial Park

The other example relates to development in the Ancaster Industrial Park and this area is located outside of the HCA's watershed and in the jurisdiction of the Grand River Conservation Authority (GRCA). Staff are uncertain as to what specific development(s) in this area is being used as an example, however, we have spoken to GRCA staff and they have confirmed that they do not have wetland compensation policies.

GRCA staff highlighted two examples in this area relating to work associated with wetlands. The one related to an older development that had secured approvals in the past and the work was grandfathered. The other example related to work associated with a wetland that was permitted to take place, but no compensation work was involved.

It is noted that GRCA policy does not allow for wetland relocation or compensation, but it does allow for wetland loss. The following provides the GRCA policy direction in this regard.

“Development within a naturally-occurring wetland may be permitted where the wetland is less than 0.5 hectares (1.24 acres), and it can be demonstrated that the wetland is not:

- a) part of a Provincially Significant Wetland,
- b) located within a floodplain or riparian community,
- c) part of a Provincially or municipally designated natural heritage feature, a significant woodland, or hazard land,
- d) a bog, fen,
- e) fish habitat,
- f) significant wildlife habitat,
- g) confirmed habitat for a Provincially or regionally significant species as determined by the Ministry of Natural Resources and Forestry or as determined by the municipality,
- h) part of an ecologically functional corridor or linkage between larger wetlands or natural areas,
- i) part of a groundwater recharge area, or
- j) a groundwater discharge area associated with any of the above.

Development within or interference with an anthropogenic wetland less than 2 hectares (5 acres) may be permitted where it can be demonstrated that the wetland functions can be maintained or enhanced elsewhere within the subwatershed or planning area and the wetland is not:

- a) part of a Provincially Significant Wetland,
- b) located within a floodplain or riparian community,
- c) part of a Provincially or municipally designated natural heritage feature, a significant woodland, or hazard land,
- d) fish habitat,
- e) significant wildlife habitat,
- f) confirmed habitat for a Provincially or regionally significant species as determined by the Ministry of Natural Resources and Forestry or determined by the municipality,
- g) part of an ecologically functional corridor or linkage between larger wetlands or natural areas,
- h) part of a groundwater recharge area, or
- i) a groundwater discharge area associated with any of the above.”

If these policies were in place for the HCA’s watershed, the first policy above would not apply as the wetland subject of this application is approximately 1.8 hectares in size and exceeds the minimum size criteria of 0.5 hectares. While the second policy could be considered as the size criteria is met, the wetland would not be allowed to be lost as the wetland is part of a riparian community, linkages are present to other natural areas and it is also part of a groundwater recharge area.

STAFF COMMENT

Application Assessment

This proposal involves the removal of a locally significant wetland approximately 1.8 hectares in size and the creation of a new wetland in a different location on site to accommodate development. This application does not comply with Policy 3.1.7 Wetlands of the HCA's October 2011 *Planning and Regulation Policies and Guidelines*. The policy direction is that natural features, in this case a wetland, should be retained in place and enhanced and restored. The policy framework does not envision the removal of these features to facilitate development.

As also noted in the report, HCA staff have noted our technical concerns regarding this proposal and these concerns have been relayed to the applicant for consideration. The primary concern however for this proposal is that the application as submitted fails as it does not comply with HCA policy.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2019 – 2023 outlines its major strategic priority areas and related initiatives for advancing HCA's Vision to provide a healthy watershed for everyone. HCA implements a wide variety of programs to fulfill this mandate, including programs to manage water resources and protect people and property from natural hazards. Administration of HCA's regulation (*Ontario Regulation 161/06*) contributes to the achievement of these program objectives and HCA's Strategic Plan more generally.

AGENCY COMMENTS

None

LEGAL/FINANCIAL IMPLICATIONS

It is important to note that approval of this application may create liabilities for the Hamilton Conservation Authority. As a regulatory agency with responsibility for reviewing development proposed in natural hazard prone areas and natural heritage areas, the HCA is aware the subject property contains a watercourse and a wetland and that the development as proposed will impact these features. The HCA Board of Directors need to be aware of these possible eventualities and the associated liability to the Hamilton Conservation Authority if this application is approved.

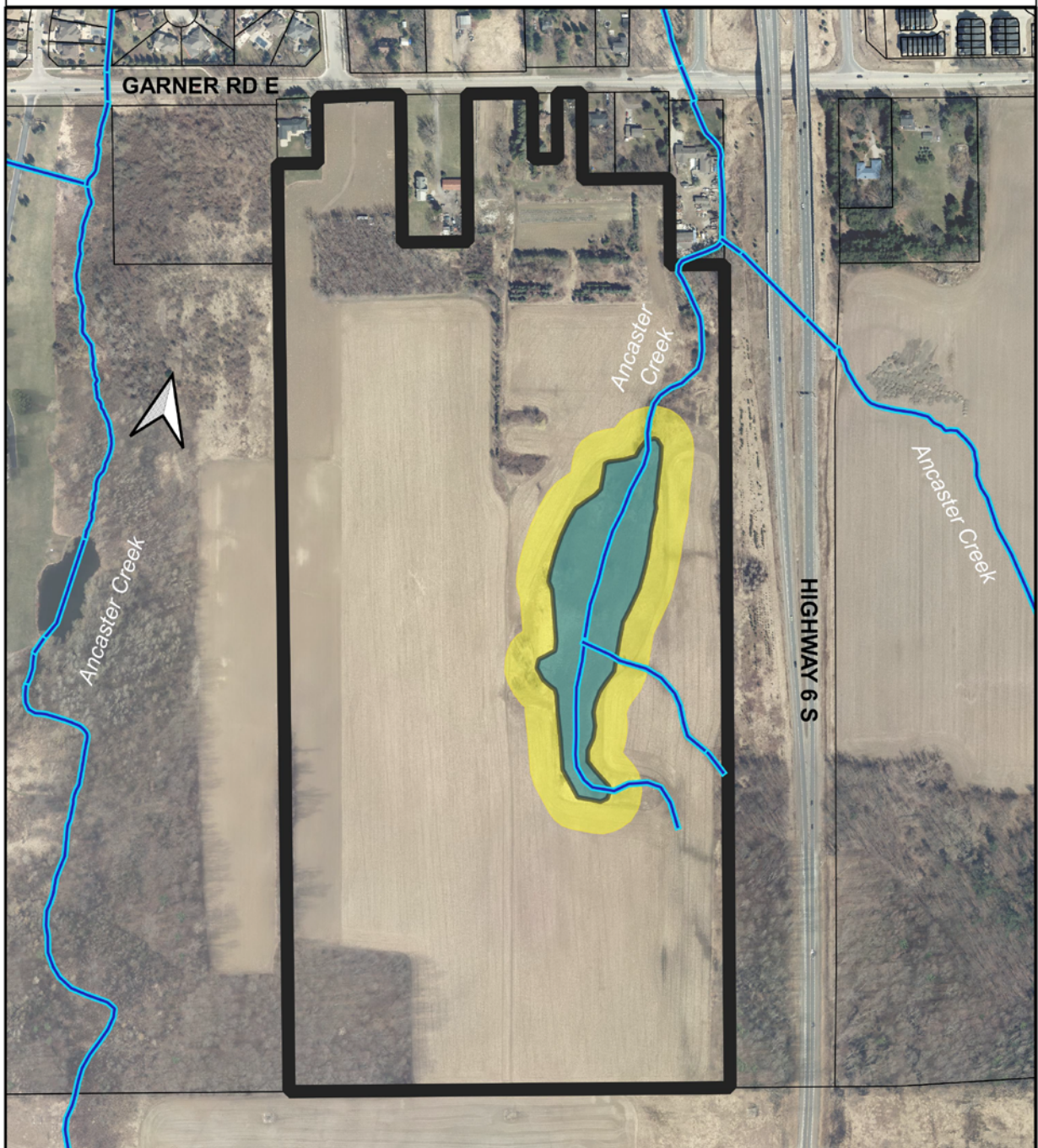
CONCLUSION

In summary, the proposal to remove the existing wetland and create a new wetland elsewhere on site does not conform to HCA *Planning and Regulation Policies and Guidelines (October 2011)*.

As such, staff recommend:

That the Board of Directors **refuse** the application made by One Properties Real Estate Inc., for the relocation of a watercourse and removal of a locally significant wetland and the creation of a new wetland feature in a regulated area associated with Ancaster Creek as the proposed development does not conform to the requirements of Section 3.1.7 of the Hamilton Conservation Authority's *Planning and Regulation Policies and Guidelines (October 2011)*.

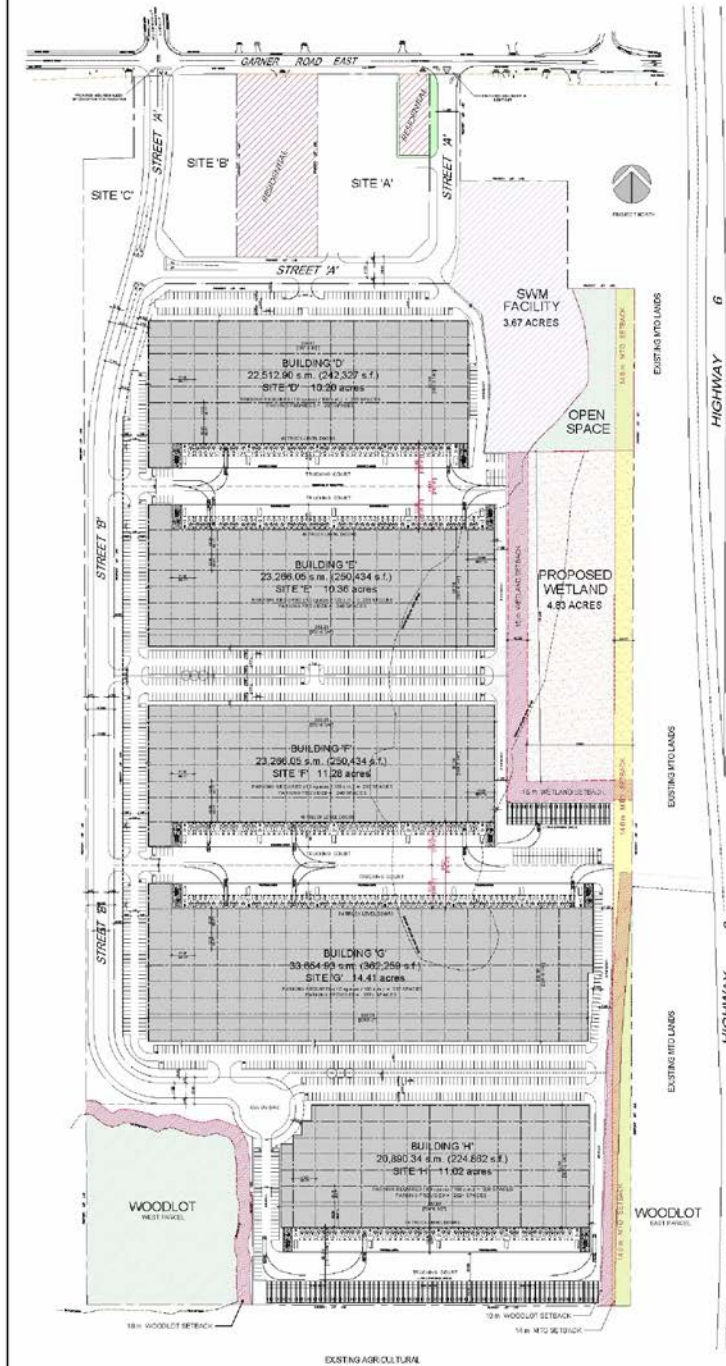
SCHEDULE 'A'



<p>Legend</p> <ul style="list-style-type: none"> SUBJECT LANDS EXISTING WETLAND LIMIT 30m BUFFER EXISTING WATERCOURSE 	<p>0 100 200 m</p> <p> Hamilton Conservation Authority A Healthy Watershed for Everyone</p> <p><small>Base Mapping supplied by the City of Hamilton, and the Ministry of Natural Resources. © Queen's Printer for Ontario 2021, City of Hamilton and Teranet Land Information Services Inc. and its licensors. THIS IS NOT A PLAN OF SURVEY. May not be reproduced without permission. All information provided is believed to be accurate and reliable. We will make changes, updates and deletions as required and make every effort to ensure the accuracy and quality of the information provided. However, the Hamilton Conservation Authority assumes no responsibility for any errors or omissions and is not liable for any damages of any kind resulting from the use of, or reliance on, the information contained herein.</small></p>
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SCHEDULE 'B'

CONCEPTUAL MASTER PLAN LAYOUT FOR GARNER ROAD EAST DEVELOPMENT ANCASTER, ONTARIO



SITE STATISTICS		OPTION 2A	
SITE 'D'	22,512.86 s.m. (242.329 a.c.)	SITE 'D'	22,512.86 s.m. (242.329 a.c.)
SITE 'E'	23,286.05 s.m. (250.434 a.c.)	SITE 'E'	23,286.05 s.m. (250.434 a.c.)
SITE 'F'	23,286.05 s.m. (250.434 a.c.)	SITE 'F'	23,286.05 s.m. (250.434 a.c.)
SITE 'G'	33,664.69 s.m. (360.258 a.c.)	SITE 'G'	33,664.69 s.m. (360.258 a.c.)
TOTAL SITE AREA		112,753.65 s.m. (1,223.455 a.c.)	
TOTAL G.F.A.		1,133,776.93 sq. ft.	

SCALE 0 10 20m

GeoProcess
RESEARCH ASSOCIATES

ODAN-DETECH
ENGINEERING

URBAN SOLUTIONS
PLANNING & LAND DEVELOPMENT

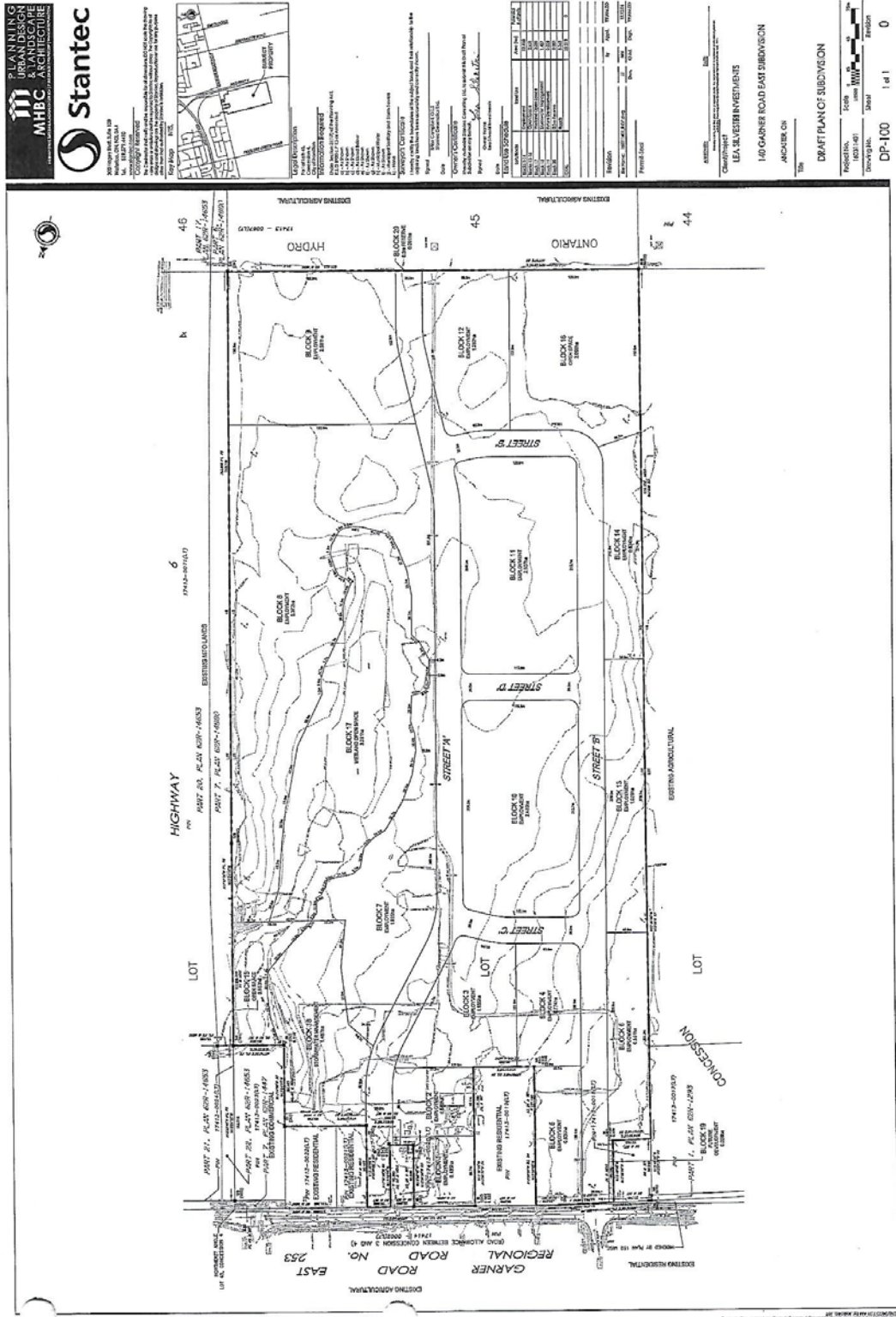
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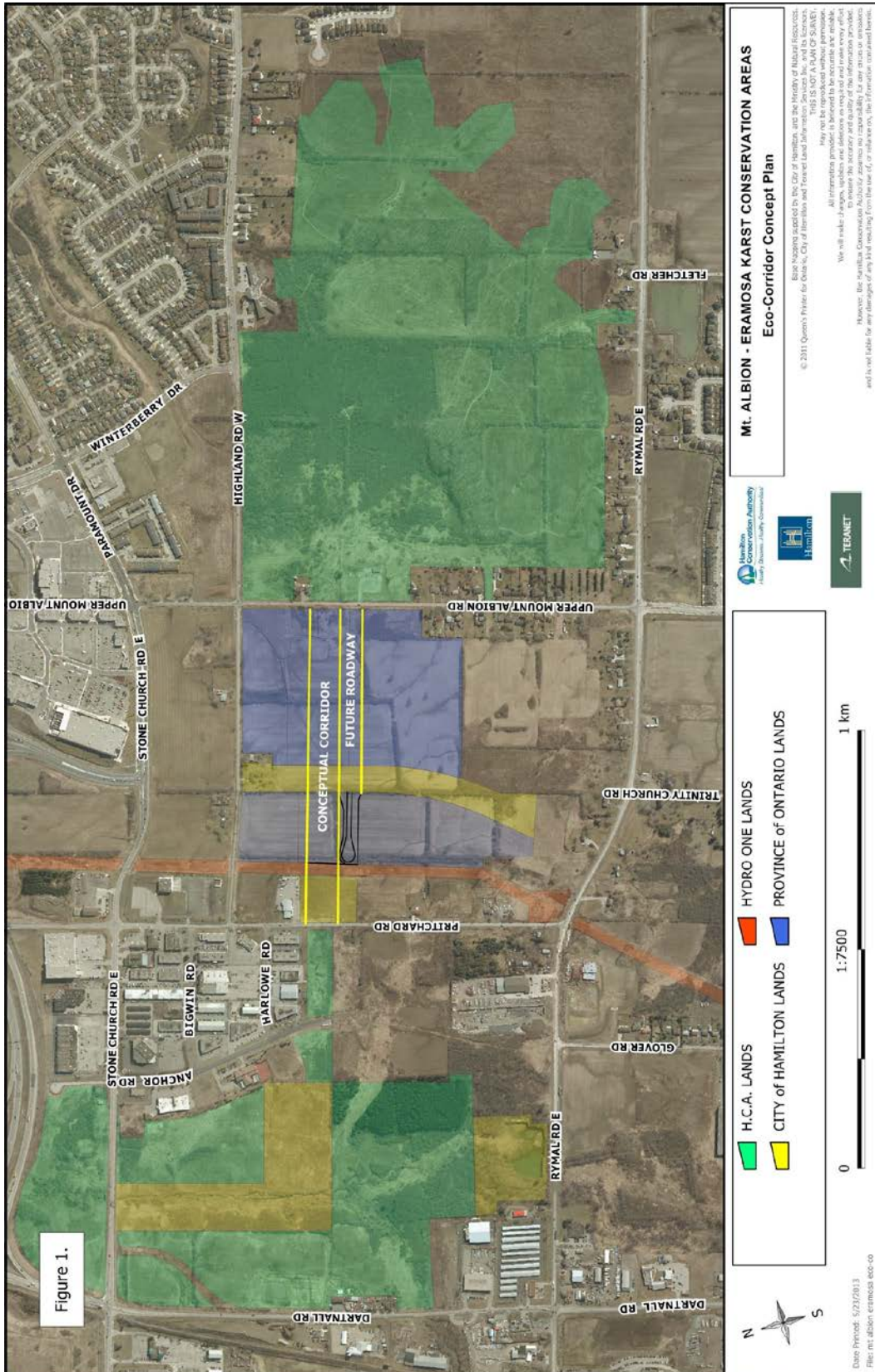


OPTION 2A - 20m R.O.W. JUNE 9, 2020 P-20673

Schedule C



Schedule D



Schedule “E”



Report

TO: Hamilton Conservation Authority Board of Directors

FROM: Chris Firth-Eagland, Chief Administrative Officer (CAO)

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

PREPARED BY: T. Scott Peck, MCIP, RPP, Director, Watershed Planning & Engineering

DATE: May 22, 2013

RE: Mount Albion – Eramosa Karst Conservation Areas Eco-Corridor

STAFF RECOMMENDATION

THAT the HCA staff recommends to the Board of Directors:

THAT the Board of Directors support the concept of a 60-metre wide corridor located between Pritchard Road and Upper Mount Albion Road connecting Mount Albion Conservation Area and the Eramosa Karst Conservation Area as shown conceptually on the attached Figure 1, and

THAT the HCA agree to the removal of the wetland feature located at the southwest corner of Highland Road and Upper Mount Albion Road and the creation of a compensating wetland area including features and functions on a like for like basis on the Eramosa Karst Conservation Area and within the corridor subject to detailed design, and

THAT the following shall be incorporated into the development of the lands located south of Highland Road, west of Upper Mount Albion Road, north of Rymal Road and east of Pritchard Road;

- a) Maintain the hydrologic features and functions of the area,**
- b) Maintain an open channel in the corridor area,**
- c) Maintain base flows to the watercourse and wetland and the downstream cold water fishery, and**
- d) Maintain a natural corridor for natural heritage purposes and to accommodate the East Hamilton Trail.**

THAT this motion by the Board of Directors endorsing the proposed corridor concept be forwarded to the City of Hamilton for their information and implementation through the planning and development process.

BACKGROUND

The idea of a multi-use eco-corridor in this area was first raised in late 2011 and is based on Hamilton Conservation Authority experience in other areas of our watershed where conservation and other natural areas are located adjacent to developed and developing lands. In these areas there have been situations where there has been negative interaction between wildlife, traffic and people. Iroquoia Heights Conservation Area is a good example of a natural area surrounded by development with the resulting impact to personal property and wildlife mortality. In an urbanized environment that includes natural areas, there is a need to plan for and address wildlife movement to reduce wildlife mortality and impacts to personal property and people. There is also the need to facilitate the use of these areas for recreational purposes and to link these areas as part of the City's trail system and the inter-regional trail system. The existing situation in the area of the Mount Albion and Eramosa Karst Conservation Areas affords the Hamilton Conservation Authority, the City of Hamilton and the local landowners the opportunity to address these issues as these lands develop.

STAFF COMMENT

As noted, HCA staff have been working on this proposal since late 2011. Originally, the HCA proposal suggested a corridor width of 75 to 100 metres to accommodate wildlife movement (specifically deer as they would be the largest mammal to use the corridor) and also the East Mountain Trail. The proposal for the corridor came late in the planning process for this area as a Secondary Plan had been approved and it did not include an eco-corridor. The approved Secondary Plan also included a wetland area located at the southwest corner of Highland Road and Upper Mount Albion Road.

The intention with the proposal has always been to maintain a link between the two conservation areas to allow for present and future wildlife movement and to include the East Mountain Trail. Additionally, it is intended to maintain the hydrologic features and functions of the area, maintain an open channel in the corridor area, maintain base

flows to the watercourse and wetland and the downstream cold water fishery and to have a natural corridor for natural heritage purposes and to accommodate the East Hamilton Trail. This would all be accomplished with the development of the subject lands and the construction of the Trinity Church Road extension.

Through a series of discussions with City staff and the area landowners, it became evident that a corridor width of 75 to 100 metres was not feasible from a development and economic perspective. Through staff review and ongoing discussions, the concept of a corridor at 60 metres wide over the length of the lands and the relocation of the wetland identified in the approved secondary plan was proposed. HCA staff support this approach provided the size, features and functions of the wetland to be removed are replicated as part of the development on a like for like basis. HCA staff are also supportive of the concept of the replacement wetland being located on HCA lands at the Eramosa Karst Conservation Area on the south east corner of Upper Mount Albion and Highland Road and within the corridor. The details of this would be confirmed through the required amendment to the secondary plan and the associated studies. HCA staff have provided all parties with a listing of required studies to facilitate this proposal and the development of the subject lands.

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

HCA staff have been proceeding with the idea of the eco-corridor on the subject lands since late 2011. During that time we have held numerous meetings with City staff and the landowners to move the idea to reality. The proposal submitted in this report has support from the parties involved and achieves water management, natural heritage, recreational and urban design benefits in the east end of Hamilton. HCA Board of Directors approval is now being sought to provide certainty to the City and the landowners regarding moving this concept forward and addressing the required planning approvals.



Hamilton
Conservation
Authority

A Healthy Watershed for Everyone

April 9, 2021

File: A/F,C,A/21/15

BY EMAIL

One Properties Real Estate Inc.
333 Bay Street, Suite 2710
Toronto, Ontario
M5H 2R2

Attention: S. Savelli

Dear Mr. Savelli:

**RE: NOTICE OF HEARING
DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO
SHORELINES AND WATERCOURSES REGULATION 161/06 APPLICATION
One Properties Real Estate Inc.
140 Garner Road, City of Hamilton (Ancaster)**

This letter serves to inform you that the application by *One Properties Real Estate Inc.*, received February 5, 2021 for development in a regulated area of Ancaster Creek will be considered by the Board of Directors at the meeting scheduled for:

7:00 p.m. on May 6, 2021

Please note this Hearing will be held electronically by Webex video conference.

Details on the video meeting link will be sent separately

This is a Hearing under Section 28, Subsection 12 of the Conservation Authorities Act. A copy of the staff report is included with this notice. Please note that Authority staff is recommending **refusal** of the application on the basis that the development does not comply with the Authority's *Planning and Regulation Policies and Guidelines (October, 2011)*. Attached is an outline of the Hearing Procedures.

You are invited to speak in support of your application and submit supporting written material for the Hearing. You will be allotted approximately 20 minutes to speak at the Hearing. You may be represented by legal Counsel or have advisors present information to the Board of Directors. If you intend to appear or if you believe that holding the hearing electronically is likely to cause significant prejudice, please contact Scott Peck, Deputy CAO/Director, Watershed Planning & Engineering. Written material will be required by

April 23, 2021, to enable the Board members to review the material along with the staff report.

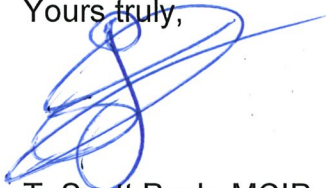
This Hearing is governed by the provisions of the Statutory Powers Procedure Act. Under the Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in the prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of this oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and cannot affect Federal matters. If a witness requires protection of the Canada Evidence Act, that protection must be obtained in the usual manner.

The Ontario Statute requires the tribunal to draw this matter to the attention of the witness as this tribunal has no knowledge of the effect of any evidence that a witness may give.

If you do not attend at this Hearing, the Board of Directors of the Hamilton Conservation Authority may proceed in your absence, and you will not be entitled to any further notice of proceedings.

Please contact the undersigned at ext. 130 at this office if you have any questions regarding this matter.

Yours truly,



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

TSP/tsp

pc: Sergio Manchia, Urban Solutions Planning & Land Development Consultants Inc.

Enclosures: Hamilton Conservation Authority Hearing Procedures
Hamilton Conservation Authority Hearing Report

Appendix B

HEARING PROCEDURES

1. Motion to sit as Hearing Board.
2. Roll Call followed by the Chairperson's opening remarks. For electronic hearings, the Chairperson shall ensure that all parties and the Hearing Board are able to clearly hear one another and any witnesses throughout the hearing.
3. Staff will introduce to the Hearing Board the applicant/owner, his/her agent and others wishing to speak.
4. Staff will indicate the nature and location of the subject application and the conclusions.
5. Staff will present the staff report included in the Authority/Executive Committee agenda.
6. The applicant and/or their agent will present their material
7. Staff and/or the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the Hearing.¹
8. The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearing.²
9. The Hearing Board will question, if necessary, both the staff and the applicant/agent.
10. The Hearing Board will move into camera. For electronic meetings, the Hearing Board will separate from other participants for deliberation.
11. Members of the Hearing Board will move and second a motion.
12. A motion will be carried which will culminate in the decision.
13. The Hearing Board will move out of camera.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing

¹ As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

² As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

Board decision.

15. If decision is "to refuse", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the Mining and Lands Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as Executive Committee.



URBAN SOLUTIONS

PLANNING & LAND DEVELOPMENT

Hamilton Conservation Authority Hearing: 140 Garner Road East

Owner: ONE Properties Limited Partnership, Stefan Savelli



one properties

Agents: UrbanSolutions Planning & Land Development Consultants Inc., Sergio Manchia

Whitehouse Urban Design, Le' Ann W. Seely

GeoProcess Research Associates, Ken Glasbergen

Odan Detech, John Krpan

June 3, 2021



Project Team



ONE Properties - *Stefan Savelli*



UrbanSolutions - *Sergio Manchia*



Whitehouse Urban Design - *Le' Ann Seely*



GeoProcess – *Ken Glasbergen*



Odan-Detech – *John Krpan*



ONE Properties



ONE Properties is an integrated Canadian real estate company with a deep commitment to the environment and sustainability. Our projects and practices have been recognized by industry-leading organizations such as LEED, BOMA BEST and ENERGY STAR. Growing from our humble roots in Edmonton, we aim to build thriving communities across Canada.

Since 1987, ONE Properties' goal has been simple, yet powerful – to focus our efforts on real estate that makes a difference in peoples' lives.

ONE is focused on creating value through an integrated model spanning Acquisition, Development, Property Management, Asset Management.

We leverage our expertise across a range of asset classes — Industrial, Retail, Office, Multi-Family Residential, Mixed-use.



The Ask

We request that the Board of Directors advise Hamilton Conservation Authority staff to issue Permit No. A/F,C,A/21/15, **approving the design and plans in principle**, subject to approval of the required *Planning Act* applications as the proposal **represents a net ecological gain.**



Subject Lands: Creating a Viable Community for All

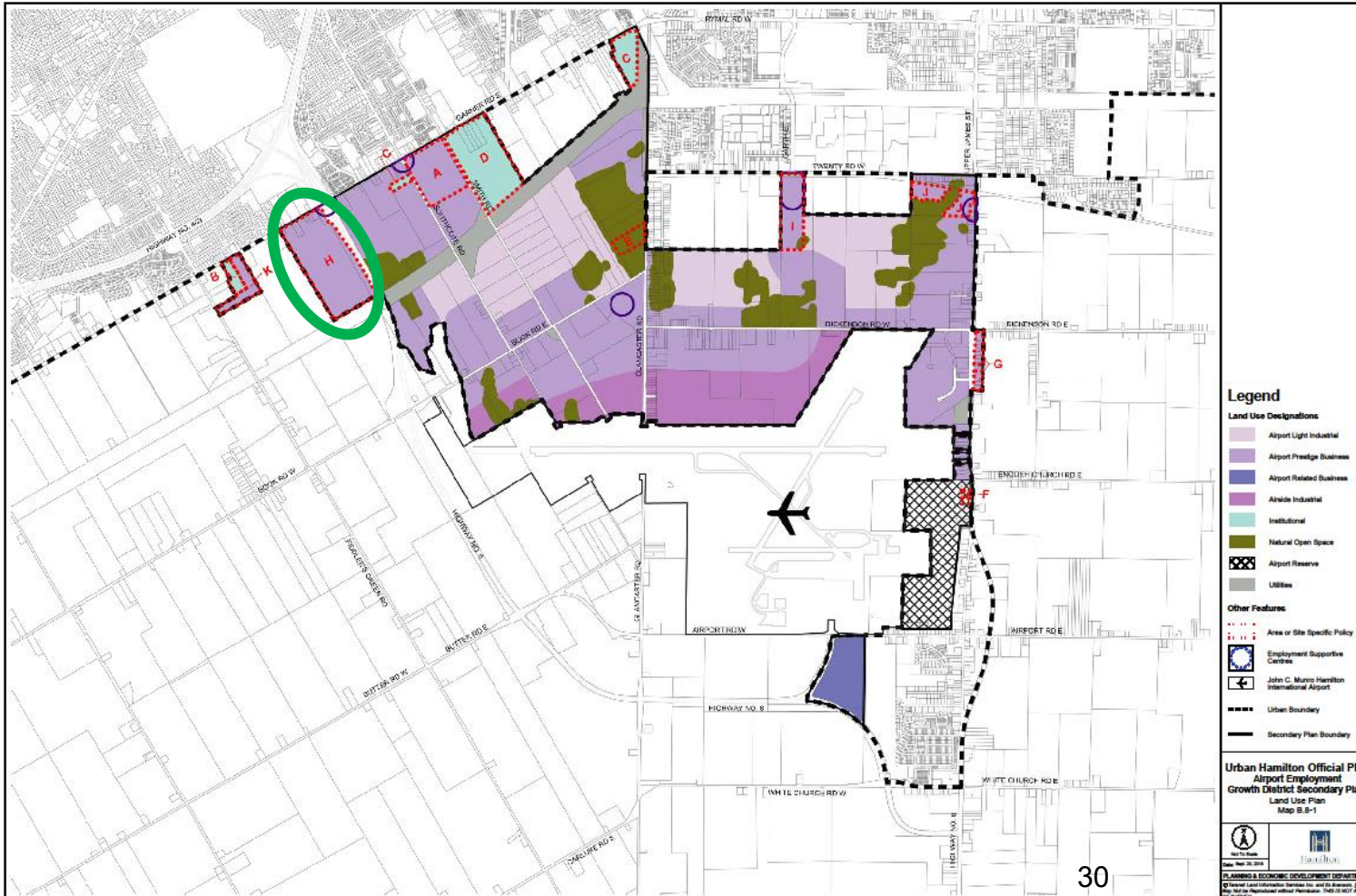


Lot Area = 35.27 ha (87.15 acres)





Supporting the Growth of a Priority Area for the City of Hamilton



The **Airport Employment Growth District Secondary Plan** was approved by the City of Hamilton in 2015 for development.

Designation:
Airport Prestige Business

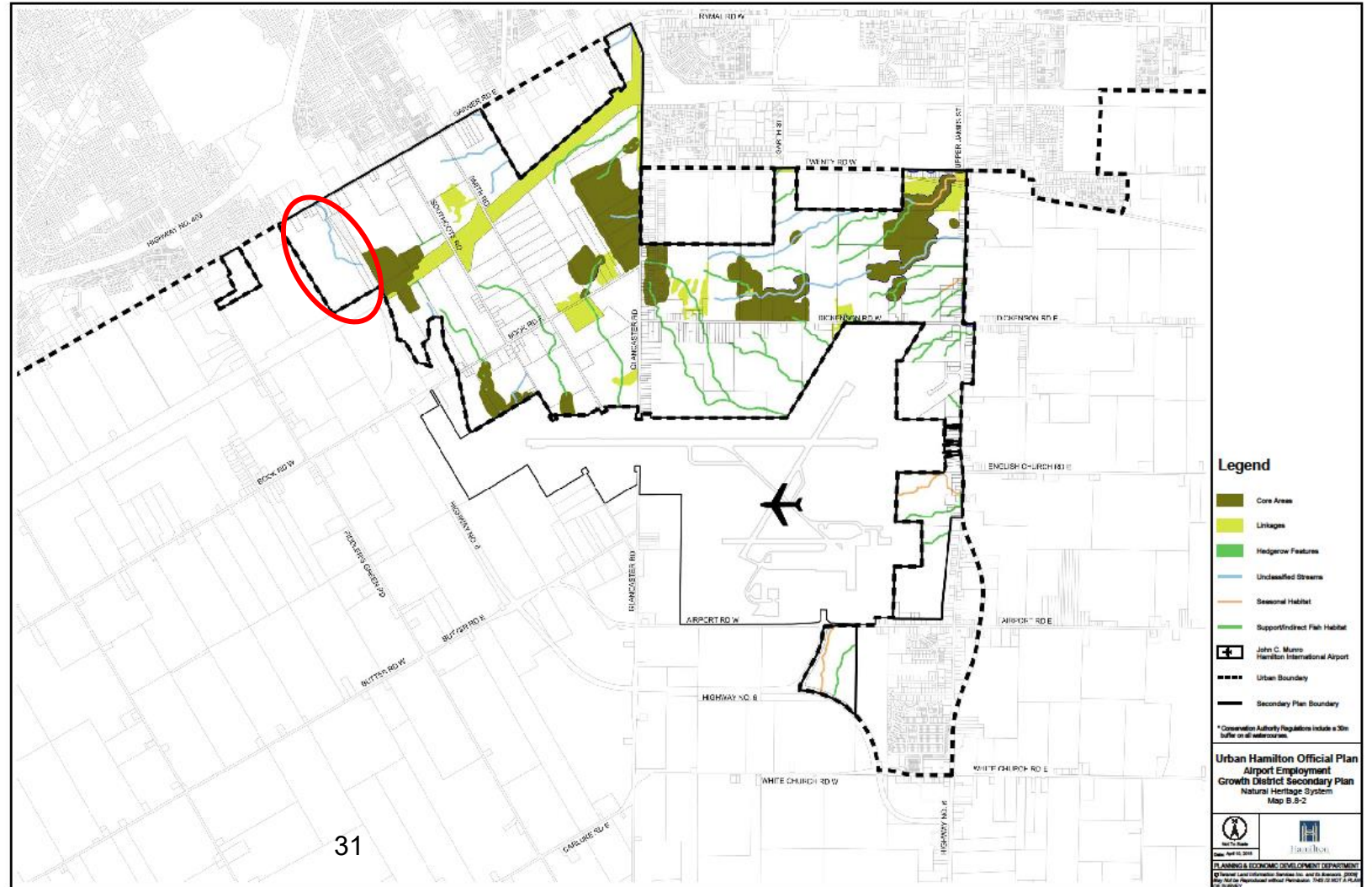
Permitted Uses includes:

- **Manufacturing**
- **Warehousing**
- **Research and Development**
- **High Technology Industry**
- **Training Facilities**

U Airport Employment Growth District (AEGD) Secondary Plan – Natural Heritage

As per the City of Hamilton, the only identified natural feature on the site is an **Unclassified Stream**, with:

- No Core Areas
- No Linkages
- No Wetland



Map B.8-2 of the Airport Employment Growth District Secondary Plan



AEGD Subwatershed Study and Stormwater Master Plan (SWMP)

The AEGD Subwatershed Study and Stormwater Master Plan was completed to establish a Natural Heritage System and stormwater/groundwater management framework, and was prepared in accordance with the Municipal Class Environmental Assessment (MCEA) process.

It serves to:

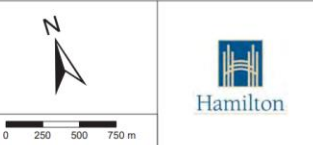
- *Identify and characterize the existing environmental conditions, including environmental constraints and opportunities; and*
- *Evaluate future land use impacts, and...recommend strategies to address stormwater management and natural heritage; and*
- *...develop an Implementation Document to guide future work by the City and development proponents.*



The SWMP indicates that the site has:

-
- Figure 2.8.2**
Airport Employment Growth District
Terrestrial Resources
- April 2017

Figure 2.8.2
Airport Employment Growth District
 Terrestrial Resources

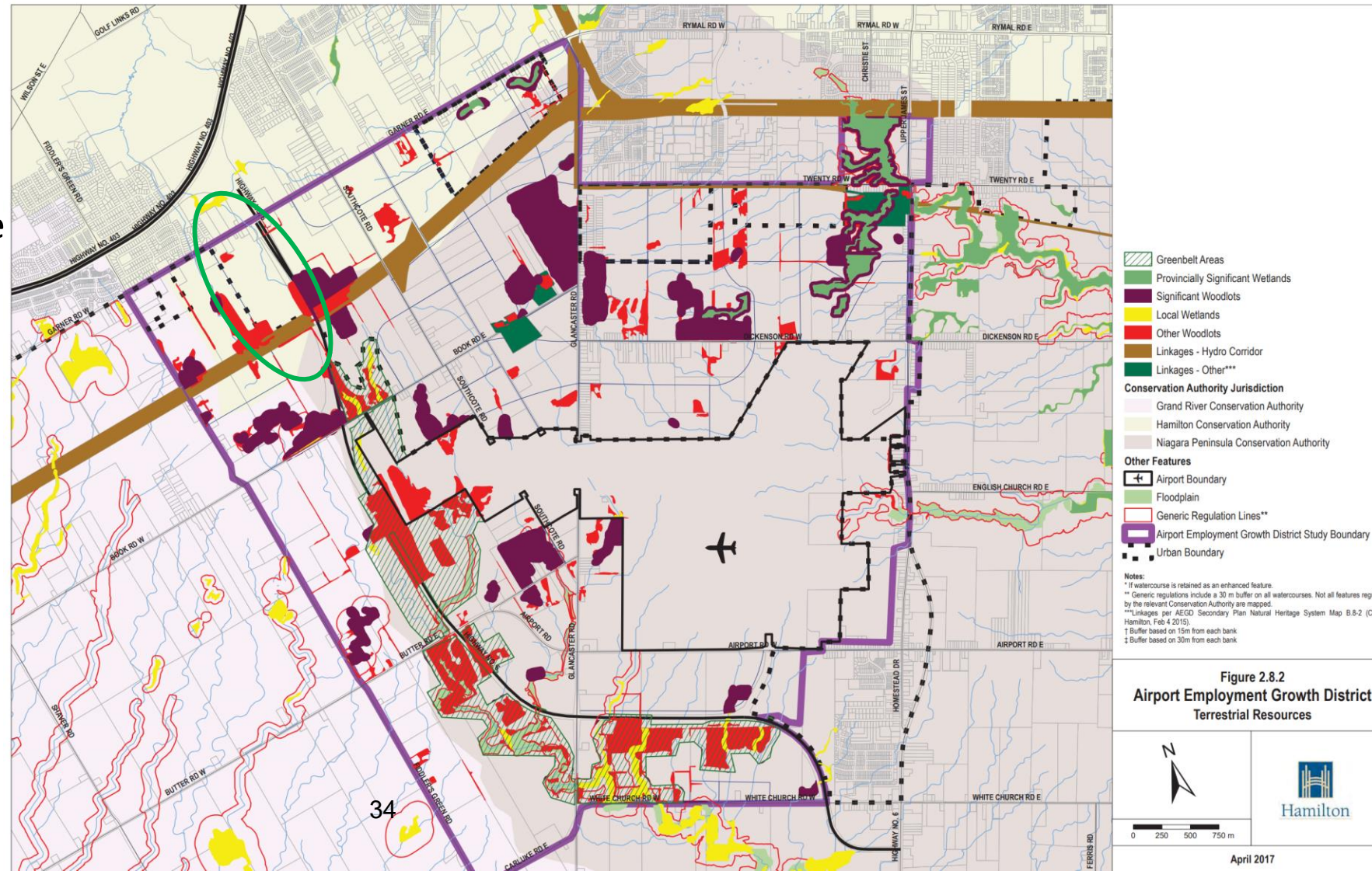




AEGD SWMP: On-Site Aquatic Resource Approved for Relocation

Future Land Use Impacts

AEGD SWMP notes that the aquatic resource (stream) on site *“may be modified and relocated as necessary to facilitate development provided that their natural form and function is enhanced”*.





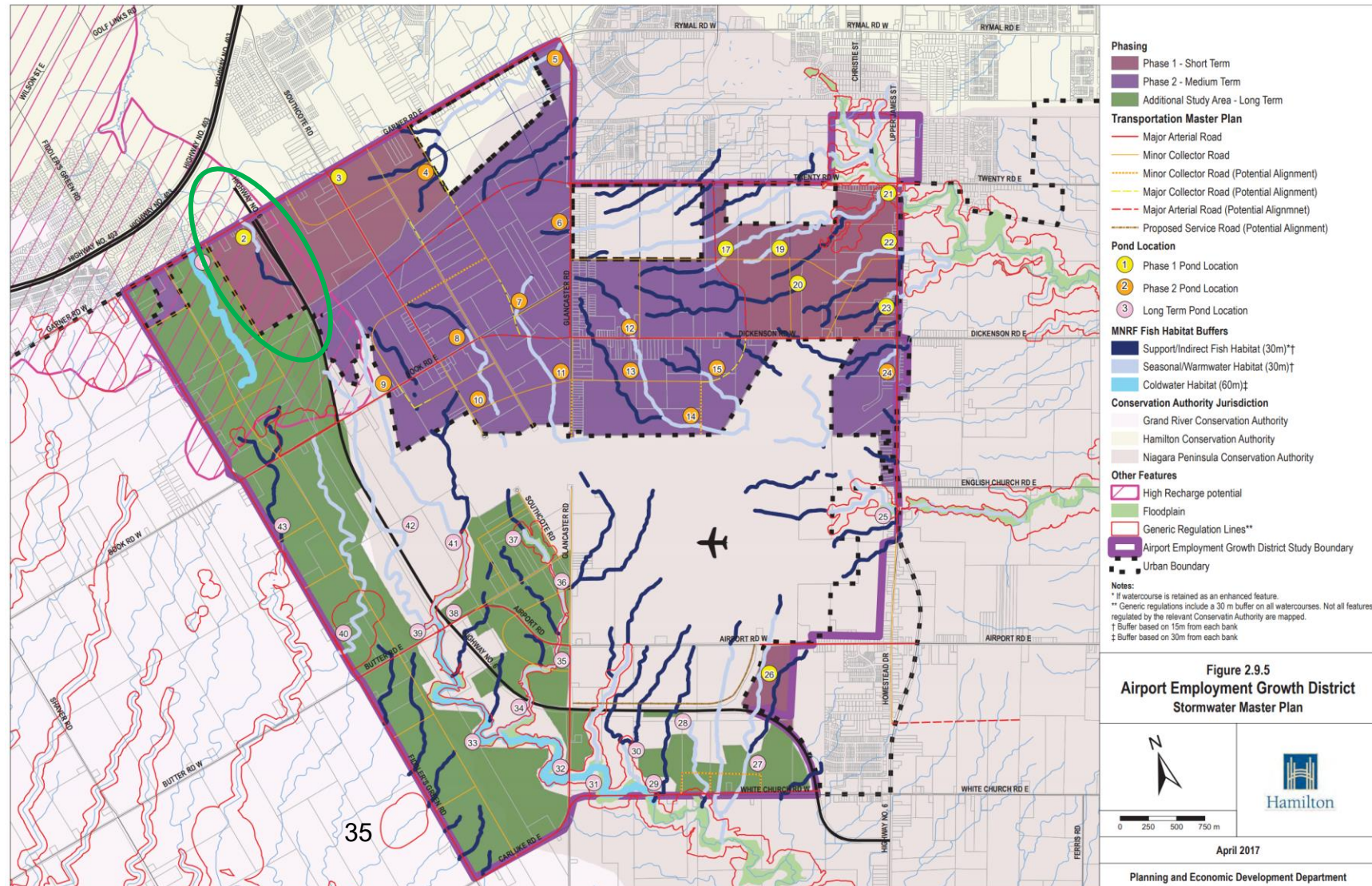
AEGD SWMP: Pond Recommended at Desired Location on Site

Implementation Document

Surface Water Management:

- AEGD SWMP recommends that a storm water management pond be constructed at the site within Phase 1 of the implementation plan.

Figure 2.9.5 of the AEGD Subwatershed Study & Stormwater Master Plan





AEGD SWMP Approved by Council and HCA

- The AEGD Subwatershed Study and Stormwater Master Plan was approved by Council on October 11, 2017.
- Relevant Consultation, Staff Report (PED17175) notes that “...the updates were also circulated to the City of Hamilton Public Works Department, Hamilton Conservation Authority, Niagara Peninsula Conservation Authority, and the Grand River Conservation Authority for review and input. The City of Hamilton Public Works Department and all three Conservation Authorities have reviewed the updates and are satisfied with its contents and findings.”



CITY OF HAMILTON
Planning and Economic Development Department
Growth Management Division

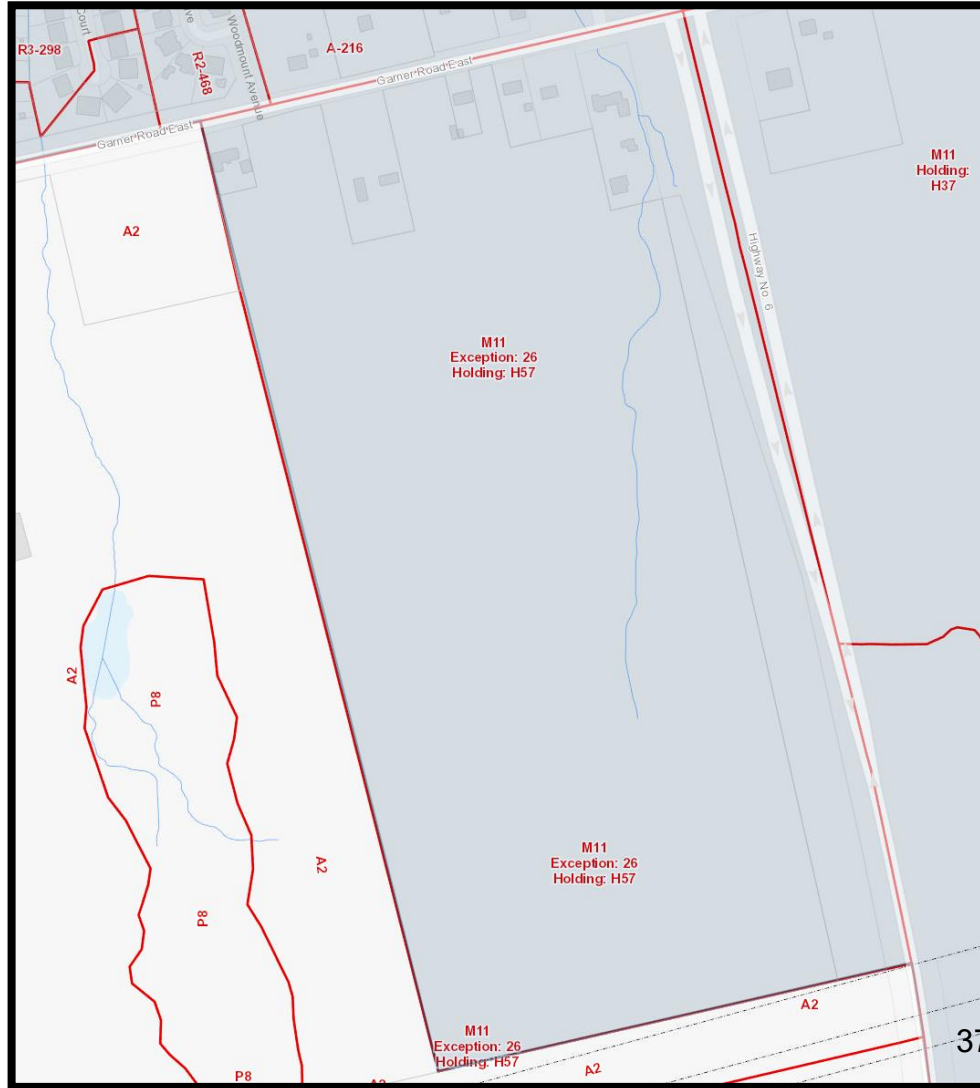
TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	October 4, 2017
SUBJECT/REPORT NO:	Airport Employment Growth District – Transportation Master Plan, Water and Wastewater Master Plan and <u>Subwatershed Study and Stormwater Management Master Plan Updates 2016 (PED17175) (Wards 11 and 12)</u>
WARD(S) AFFECTED:	Wards 11 and 12
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978 Guy Paparella (905) 546-2424 Ext. 5807
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development
SIGNATURE:	

RECOMMENDATIONS

- (a) That the 2016 Updates to the Airport Employment Growth District Transportation Master Plan; Water and Wastewater Master Plan; and, Subwatershed Study and Stormwater Management Master Plans be received;
- (b) That staff be directed to prioritize and implement the 2016 Updates to the Airport Employment Growth District Transportation Master Plan; Water and Wastewater Master Plan; and, Subwatershed Study and Stormwater Management Master Plans.



Existing Zoning: Airport Prestige Business (M11)



Zoning: Airport Prestige Business (M11)

Permitted Uses include:

- Trade School
- Warehouse
- Research and Development Establishment
- Laboratory
- Communications Establishment

Agricultural uses are not permitted



Chronology

ONE Properties has been actively working with the City of Hamilton and HCA to follow existing land use policies and designations that will bring positive benefits to all stakeholders.

Date	Item
July 2015	Initial Formal Consultation application by submitted previous land owner
November 2018	Draft Plan of Subdivision application submitted by previous land owner
July 30, 2020	Formal Consultation application submitted by One Properties
October 1, 2020	UrbanSolutions delegation to the HCA Board of Directors
November 5, 2020	HCA Board of Directors directed staff to review neighbouring CA policies
February 4, 2021	HCA staff confirmed a natural heritage offsetting policy would be ready for the fall
February 5, 2021	HCA permit application submitted for creating a new wetland
March 17, 2021	HCA comments received
April 5, 2021	Response to the HCA comments submitted back to HCA staff
April 9, 2021	HCA Hearing Report received
June 3, 2021	HCA Board of Directors Hearing



Proposed Development Would Deliver Positive Benefits for All

New Employment and Tax Base Growth

- More than 1.3 million square feet of new logistics and warehousing space
- Approximately 1,750 - 3,000 new permanent jobs created in addition to thousands of temporary jobs relating to the development and construction
- \$30-35 million dollars directly related to land servicing costs/improvements
- Overall project value in excess of \$250 million dollars

Net Ecological Gain

- Improved shape by creating a more regular shape with greater interior area
- Increased overall size of the wetland
- Increased plant community complexity
- Increased wildlife habitat complexity
- Creation of open water areas to enhance amphibian habitat
- Maintenance of headwater drainage feature hydraulic connections to natural areas north and south of the wetland
- Improved connectivity to local natural heritage features
- Maintenance of existing water balance with the opportunity to enhance it





Existing Wetland is Not Ecologically Stable

Size: As staked by HCA staff on September 21, 2006, 1.8 ha.

Location: Toward eastern property limit, adjacent to the Hwy 6 corridor.

Shape: Irregular and undulating.

Water Balance: Headwater Drainage Feature originating from the wetland and flows north.

Habitat Complexity: Comprised of two dominant vegetation communities, which are Phragmites, and Cattail.

- Phragmites appear to be expanding in area since 2016.
- Amphibian calling surveys in 2016 and 2020 found very limit use (one American Toad calling during both surveys).



Recent environmental studies indicate that **the wetland is a good candidate for location adjustment and enhancement** because of:

- No open water habitats.
- Limited biodiversity (vegetation and species).
- Isolation from adjacent natural areas (surrounded by agricultural fields).
- Does not support at-risk or locally important species.
- Has been over-taken by an invasive species of phragmites, which outcompete native wetland plants and leave animals without vital habitats.



Existing Conditions – Invasive Phragmites



Phragmites is an aggressive, non-native species proven to take over an area, destroying ecosystems and habitat.



Site photo of the existing invasive phragmites



New Enhanced Wetland Would Result in Net Ecological Gain



Size: 1.95 ha (larger than existing).

Location: Eastern property limit, tying into the Open Space and SWM blocks to the north, immediately adjacent to the Hwy 6 corridor, and ties into the woodland to the south.

Shape: Rectangular to increase core area within the wetland. Undulations added to increase edge diversity.

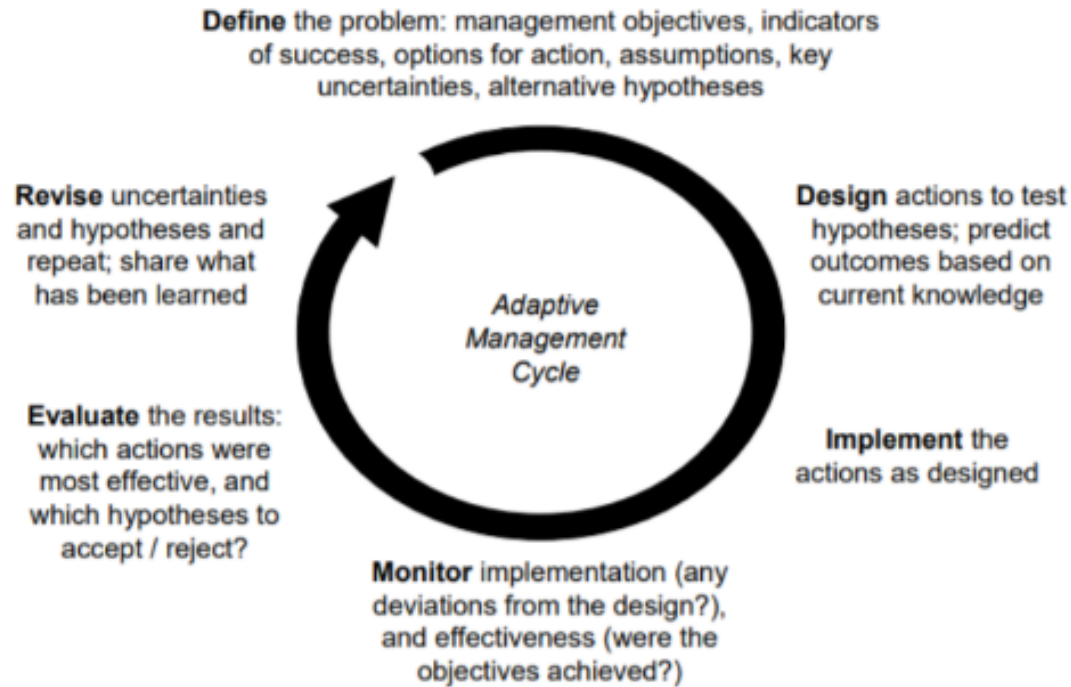
Water Balance: Hydraulic connections to the southern woodlot will be maintained through swales along the eastern property limit. Roof-top storage will be used to match pre to post flow conditions.

Low Impact Development: Bioswales will be integrated throughout the development, providing surface water supply to the wetland and recharge to the shallow groundwater table (supporting the wetland).

Habitat Complexity: Create an undulating topography with topographic highs and lows to diversify plant communities and create open water areas.



Thoughtful Approach to Improving Environmental Management



- Adaptive management is a proven, systematic approach for improving environmental management by learning from management outcomes.
- Addresses management questions including, *“will it be possible to enhance amphibian use of the wetland?”*
- Experts will implement appropriate management actions based on monitoring results (e.g., Best Management Practices)

Adaptive management cycle, from Murray and Marmorek (2004).



HCA Hearing Report

- Following the October 1, 2020 delegation to HCA Board of Directors, the board directed staff to review neighbouring Conservation Authority policies regarding the relocation of wetlands.
 - This report preparation is in progress; however, it will not come before the board until later in the year.
- HCA Hearing Report April 9, 2021 notes existing HCA Planning and Regulation Policies and Guidelines, don't have a mechanism for approving the relocation of a wetland.
 - The report notes that ecological and engineering comments, **"... can largely be addressed through refinements to the design and clarifications to the reports..."**.



In Summary

- The subject land is designated and zoned for industrial use.
- The Airport Employment Growth District Subwatershed Study & Stormwater Master Plan was reviewed and approved by the Hamilton Conservation Authority, which stated there was no presence of a wetland.
- HCA staff note in their Hearing Report that design and engineering concerns can be addressed through refinements to the plans and clarifications through technical reports.
- The current challenge is that the existing HCA policy has no mechanism to address a proposal to create an enhanced/relocated wetland.
- The existing wetland is of low quality as it has limited biodiversity, does not support at risk or locally important species, does not have open water habitats, and has been overtaken by Phragmites. It is, therefore, a good candidate for intervention through the proposed site adjustments.
- The larger new proposed wetland represents a net ecological gain as it will allow for diverse plant communities, create open water areas and increase wildlife habitat.



The Ask

We request that the Board of Directors advise Hamilton Conservation Authority staff to issue Permit No. A/F,C,A/21/15, **approving the design and plans in principle**, subject to approval of the required *Planning Act* applications as the proposal **represents a net ecological gain.**



Thank You



PERMIT

No. _____

ISSUED UNDER THE CONSERVATION AUTHORITIES ACT, PURSUANT TO ONTARIO REGULATION 161/06 – HAMILTON CONSERVATION AUTHORITY DEVELOPMENT, INTERFERENCE WITH WETLANDS, AND ALTERATIOS TO SHORELINES AND WATERCOURSES REGULATION.

Permission has been granted to: **One Properties Limited Partnership c/o Stefan Savelli**

Phone: **1 (647) 256-1014**

Mailing Address: **333 Bay Street, Suite 2710, Toronto, ON, M5H 2R2**

Location: **140 Garner Road East**

For the: **Relocation of a non-provincially significant wetland in order to permit the development of an industrial subdivision.**

on the above property during the period of _____ to _____ subject to the following conditions:

1. The owner shall retain a copy of the HCA permit and approved plans on site at all times during construction;
2. The owner shall adhere to the HCA permit and approved plans, documents and conditions, including HCA redline revisions, herein referred to as the “works”, to the satisfaction of HCA. The owner further acknowledges that all proposed revisions to the design of the proposed wetland must be submitted for review and approval by HCA prior to implementation of the redesign;
3. The owner shall notify the HCA Watershed Officer 48 hours prior to the commencement of any of the works referred to in this permit and within 48 hours upon completion of the works referred to herein;
4. The owner shall arrange a final site inspection of the works with the HCA Watershed Officer prior to the expiration date n the permit to ensure compliance with terms and conditions of the permit to the satisfaction of the HCA;
5. The owner shall submit a final detailed Site Plan, Grading Plan, Drainage Plan, Erosion and Sediment Control Plan, and Landscape Restoration Plan for the proposed Wetland; and,
6. The owner shall submit a fill management plan, in accordance with HCA’s Application Checklist for Fill Application Submissions.

CREATING A VIABLE COMMUNITY FOR ALL



ABOUT ONE PROPERTIES

ONE Properties is an integrated Canadian real estate company with a deep commitment to the environment and sustainability. Our projects and practices have been recognized by industry-leading organizations such as LEED, BOMA BEST and ENERGY STAR. Growing from our humble roots in Edmonton, we aim to build thriving communities across Canada.

SUPPORTING THE GROWTH OF A PRIORITY AREA FOR THE CITY OF HAMILTON

ONE Properties and its development partners are looking to build at 140 Garner Road East in Hamilton. The property is in the Airport Employment Growth District, which is a key priority for the city. The area was approved by the City of Hamilton in February 2015 for development, including warehousing and manufacturing, recognizing its potential to support the long-term prosperity of the region, contribute to quality of life, and promote environmental stewardship through sustainable design. When complete, the development is estimated to create 1,750 to 3,000 jobs and contribute significantly to the growth of the region's tax base, which will be critical over the next few years to strengthen our economy.

DELIVERING POSITIVE BENEFITS FOR ALL STAKEHOLDERS

ONE Properties has been actively working with the City of Hamilton and Hamilton Conservation Authority (HCA) to follow existing land use policies and designations to ensure the development at 140 Garner Road East will bring positive benefits to all stakeholders.

ONE Properties is seeking approval from the HCA to create a thriving wetland within the existing property.



Creating a new wetland has the potential to establish an ecologically diverse wetland that will result in net ecological gain and improvements, such as increased plant and wildlife habitat complexity, and the long-term resilience of a new wetland habitat.

CREATING A THRIVING WETLAND

ONE Properties understands the importance of wetlands to the province and the ecological role they play. The existing wetland on the property is not identified in the City of Hamilton's maps and schedules containing Natural Heritage Features. We recognize the opportunity to work with the City of Hamilton and the HCA to create a sustainable wetland, and we along with third-party experts investigated all options available to ensure that, together, we deliver the right solution for the region.

THE EXISTING WETLAND IS NOT ECOLOGICALLY SUSTAINABLE

Recent environmental studies conducted by experienced firms Stantec and GeoProcess Research Associates indicate that the existing wetland on the property would not meet the criteria of a provincially significant wetland, has limited biodiversity, and is being over-taken by an invasive species of phragmites, which outcompete native wetland plants, leaving animals without vital habitats.

Scientific evidence suggests that, if left untouched, the invasive nature of the phragmites will cause further damage to the wetland habitat and will likely take over the entire wetland in 10 to 15 years' time. Intervention to control the phragmites would be disruptive, requiring the use of herbicides and physical removal through excavation.

Based on the current condition of the wetland, it is considered a viable candidate for enhancement through relocation because of low vegetation species diversity and its isolation from adjacent natural areas, by the surrounding agricultural land uses. As per the City of Hamilton, the only identified natural feature on the site is an unclassified stream with no Core Areas, linkages, or wetlands.

CREATING A NEW WETLAND WOULD RESULT IN NET ECOLOGICAL GAIN AND IMPROVEMENTS



Improved shape and increased size with the creation of a greater interior area.



Increased plant community diversity and wildlife habitat complexity.



Creation of open water areas to enhance amphibian and reptile habitat.



Maintenance of headwater drainage feature hydraulic connections to natural areas north and south of the wetland.



Improved connectivity to local natural heritage features.



Maintenance of existing water balance with the opportunity to enhance it through vertical design.

ONE would work with experienced ecologists and experts to follow best practices and would adopt a structured and adaptive management plan to create the new wetland.

**FOR MORE INFORMATION, CONTACT STEFAN SAVELLI,
SENIOR VICE PRESIDENT, ONE PROPERTIES**

[SSAVELLI@ONEPROPERTIES.COM](mailto:ssavelli@oneproperties.com)



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: June 3, 2021

RE: Summary Enforcement Report – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses
Regulation 161/06 Applications for June 3, 2021

HCA Regulation applications approved by staff between the dates of April 1, 2021 and May 21, 2021 are summarized in the following Summary Enforcement Report (SER-5/21).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-5/21 as information.

HAMILTON REGION CONSERVATION AUTHORITY

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

May 21, 2021

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, June 03, 2021

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

SUMMARY ENFORCEMENT REPORT SER 5/21

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
H/F,C/21/17	19-Feb-21	09-Apr-21	51		Pt Lt 29, Con 1, Barton St E and Red Hill Valley Pky Lot 29, Concession 1 Hamilton	Installation of conduit in the municipal right of way by directional bore in a regulated area of Red Hill Creek.	Approved subject to standard condition
F/F,C,A/20/64	10-Aug-20	09-Apr-21	57		664 Centre Rd Lot 7,8, Concession 4 Flamborough	Installation of conduit in the municipal right of way by directional bore in a regulated area of Borer's Creek.	Approved subject to standard condition
F/F,C,A/21/28	24-Mar-21	15-Apr-21	3		355 Rock Chapel Rd Lot 20, Concession 2 Flamborough	Installation of a new NPS 4 inch natural gas main pipeline in a regulated area of Borer's Creek.	Approved subject to standard condition
SC/F,C/21/31	07-Apr-21	15-Apr-21	9		7 Campview Rd Lot 6, Concession 1,BF Stoney Creek	Construction of a new dwelling and cabana, and for the installation of a pool and septic system in a regulated area of Lake Ontario.	Approved subject to standard condition
SC/C/21/32	12-Apr-21	16-Apr-21	2		79 Donn Ave Lot 24, Concession 3 Stoney Creek	Construction and repairs to an existing exterior basement walkup entrance in a regulated area of a ravine slope associated with Stoney Creek.	Approved subject to standard condition

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

May 21, 2021

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, June 03, 2021

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

SUMMARY ENFORCEMENT REPORT SER 5/21

SC/F,C,A/21/25	18-Mar-21	28-Apr-21	33		381 Mud St E Lot 17, Concession 6 Stoney Creek	Alteration of a watercourse consisting of the installation of a culvert and driveway in a regulated area of Stoney Creek.	Approved subject to standard condition
F/F,C,A/21/30	25-Mar-21	29-Apr-21	37		Pt Lts 7 and 8, Con 4, Centre Rd Lot 7,8, Concession 4 Flamborough	Relocation of wood poles with new concrete in the municipal right of in a regulated area of Borer's Creek.	Approved subject to standard condition
SC/F,C,A/21/22	16-Mar-21	29-Apr-21	16		91 Lakeview Dr Lot 15, Concession BF Stoney Creek	Construction of a shoreline revetment in a regulated area on Lake Ontario.	Approved subject to standard condition
F/F,C/21/34	01-Apr-21	07-May-21	48		91 Brian Blvd Lot 10, Concession 3 Flamborough	Construction of a pool and removal of fill in a regulated area of Borer's Creek.	Approved subject to standard condition

Hamilton Conservation Authority

Minutes

Budget & Administration Committee

April 15, 2021

Minutes of the Budget & Administration Committee meeting held on Thursday, April 15, 2021 at 6:00 p.m., by videoconference and livestreamed via YouTube.

Present: **Santina Moccio, in the Chair**
 Dan Bowman
 Jim Cimba
 Lloyd Ferguson

Regrets: **Maria Topalovic**

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

Others Present: **Melanie Dugard – Grant Thorton**
 Sean-Michael Stephen – Watson & Associates Ltd.
 Amanda Jackson – Gowlings WLG

1. Chair's Remarks

The Chair called the meeting to order and welcomed everyone present. The Chair noted that a response to HCA's application for governance exceptions was expected from MECP by Monday April 12, 2021, however, no decision has yet been received by HCA. The Chair further noted she attended the April 12, 2021 Conservation Ontario Council meeting, where it was shared that three other Conservation Authorities that have submitted applications for exceptions have received approvals. It was also noted at the CO Council meeting that ongoing follow up is taking place in regard to indemnity with respect to MZO permits. The Chair also advised the members of her attendance at the April 8, 2021 Conservation Advisory Board meeting and the most recent Foundation Board meeting; staff presentations at both meetings were well received.

2. Declarations of Conflict of Interest

The Chair asked 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. CAO Lisa Burnside advised of one additional in camera item, number 12.2, for a legal / property matter.

BA 2103

MOVED BY: Dan Bowman

SECONDED BY: Jim Cimba

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Consent Items

The following consent items were adopted:

- 5.1. Approval of Budget & Administration Committee Minutes –
March 18, 2021

6. Chairman's Report on Board of Directors Actions

There were no recommendations from the previous meeting to report.

7. Business Arising from the Minutes

7.1. HCA Planning and Permitting User Fee Review

HCA retained Watson & Associates Economists Ltd. (Watson) to undertake a review of HCA plan review and permitting user fees. Sean-Michael Stephen of Watson presented a summary of the analysis as well as legislative context and trends and fee recommendations.

Overall, plan review fees recover 58% of the full cost of service and permitting fees recover 31% of the full cost of service. Currently, HCA cost recovery targets are for 100% for plan review and 80% for permitting.

Members discussed cost recovery, market comparison to other CAs, affordability and competitiveness.

Sean-Michael also noted the impact of the proposed increases in the context of overall development application costs.

Scott noted that this presentation was intended to be a high-level overview prior to going to stakeholders and the City for consultation. Following consultation, there will be staff report coming forward to the B&A Committee on 2022 proposed fees.

Scott further indicated that the last major review of HCA's planning and permit review fees were done in 2011, however was not completed by an external consultant. Projected revenues were 500K however we did not reach near that.

Lloyd Ferguson suggested a summary table matrix of what we currently charge, proposed charges, comparisons with neighbouring CA's, etc. to ensure committee members are comfortable with the approach prior to staff going out for consultation.

The members agreed to receive the information presented and directed staff to return with additional information and a report on next steps.

BA 2104

MOVED BY: Lloyd Ferguson

SECONDED BY: Dan Bowman

That staff be directed to return to the May Budget & Administration Committee meeting with the summary of fees currently charged, proposed charges, comparisons with neighbouring CA's and next steps on consultations for approval.

CARRIED

8. Staff Reports/Memoranda

8.1. 2020 – Report by Auditors Grant Thornton

Melanie Dugard of Grant Thornton, presented a summary of the report. The audit resulted in a clean and unqualified opinion. The Chair thanked Melanie and the auditors for the presentation and work undertaken, and congratulated staff on the financial reports.

8.2. 2020 – 12 Month Financial Results – Audited Financial Statements

Neil McDougall presented a summary of the audited 12-month financial statements. The Chair thanked Neil for the presentation.

BA 2105**MOVED BY: Jim Cimba****SECONDED BY: Dan Bowman****THAT the Budget & Administration Committee recommends to the Board of Directors:****THAT the Report by the Auditors be approved; and further****THAT the 2020 Twelve-Month Audited Financial Statements for Hamilton Conservation Authority and Confederation Beach Park be approved.****CARRIED****8.3. Reserve Funds and Balances**

Neil McDougall presented a summary of the memorandum with current reserve funds and balances. The members discussed their support for allocating the 2020 surplus to the Saltfleet land acquisition and wetland project. Lloyd Ferguson also noted potential to split the surplus between Saltfleet and another reserve and described the tax stabilization reserve that the City utilizes. Neil advised that unforeseen expenses can be addressed using the existing seasonal operating reserve. The process for how reserve funds are allocated was discussed with staff direction provided to change this memorandum to a report to be brought to the Board of Directors for approval for the 2020 surplus funds to be allocated to the Saltfleet wetland project, with some funds also for a separate reserve, as well as an adjusted table format.

BA 2106**MOVED BY: Lloyd Ferguson****SECONDED BY: Jim Cimba****THAT the memorandum entitled Reserve Funds and Balances as of December 31, 2020 be received for information and returned as a report for Board approval.****CARRIED****8.4. Asset Disposition Report**

Neil McDougall presented the memorandum, highlighting staff practice to dispose of assets only after they have reached the end of their lifespan.

BA 2107**MOVED BY: Dan Bowman
SECONDED BY: Jim Cimba****THAT the memorandum entitled 2020 Asset
Disposal Summary be received for information.****CARRIED****9. New Business**

There was none.

10. In-Camera Items for Matters of Law, Personnel and Property**BA 2108****MOVED BY: Dan Bowman
SECONDED BY: Lloyd Ferguson****THAT the Budget and Administration Committee moves
in camera for matters of law, personnel and property.****CARRIED**

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

10.1. Confidential Verbal Update – BA/Apr 01-2020

Staff provided the members with a verbal update on a legal/property matter and answered the members' questions.

BA 2109**MOVED BY: Jim Cimba
SECONDED BY: Lloyd Ferguson****THAT the confidential verbal update be received for
information and remain in camera.****CARRIED****10.2. Confidential Verbal Update – BA/Apr 02-2020**

Neil McDougall provided the members with a verbal update on a legal matter and answered the members' questions.

BA 2110**MOVED BY: Lloyd Ferguson
SECONDED BY: Jim Cimba****THAT the Budget and Administration Committee moves
out of *in camera*.****CARRIED****11.Next Meeting**

The next meeting of the Budget and Administration Committee will be held on Thursday, May 20, 2021 at 6:00 p.m.

12.Next Meeting Adjournment

On motion, the meeting adjourned.

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

May 6, 2021

Minutes of the Board of Directors meeting held on Thursday, May 6, 2021, at 7.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: **None**

STAFF PRESENT: **Lisa Burnside, Grace Correia, Gord Costie, Matt Hall, Bruce Harschnitz, Neil McDougall, Scott Peck, Mike Stone, Jaime Tellier, and Nancy Watts**

OTHERS: **Chris Gibbons**
 Nancy Hurst
 Sergio Manchia
 Don McLean
 Stefan Savelli
 Alex Szabo

NOTE: *For clarity, the minutes are reported in the original agenda order.*

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.

Brad Clark declared an interest to Item 4.2 respecting the Section 28 Hearing for 140 Garner Road East, due to his son's retail business interest with Sergio Manchia. He declared a pecuniary interest and recused himself from participation in the matter. He also addressed concerns raised that he did not declare an interest with regard to the natural heritage offsetting policy discussion paper discussed at previous meetings. Given the paper was a general discussion paper for the entire watershed it was assumed there were no conflicts as the paper pertained to a wide class of properties and property owners, however he has submitted a letter to the integrity commissioner requesting an advice memorandum regarding any conflicts on any watershed or city-wide policies such as the natural heritage policy, GRIDS2, or land needs assessments, etc.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of 65 items of correspondence to be added as items 6.7 a) through bj); two requests to delegate, Don McLean and Nancy Hurst, requiring endorsement from the Board of Directors to be added to the agenda, also with consideration to move the delegations to the next item on the agenda; and a request from the applicant to defer item 4.2, the section 28 hearing for 140 Garner Road East, to the June Board of Directors meeting.

BD12, 2877

**MOVED BY: Santina Moccio
SECONDED BY: Maria Topalovic**

THAT the agenda be approved, as amended.

CARRIED

BD12, 2878

**MOVED BY: Susan Fielding
SECONDED BY: Dan Bowman**

THAT the requests to delegate by Don McLean and Nancy Hurst be approved and the delegations be moved to item 4.0 on the agenda.

CARRIED

BD12, 2879

**MOVED BY: Esther Pauls
SECONDED BY: Santina Moccio
THAT the applicant request to defer the Section 28 Hearing for 140 Garner Road East to the June Board of Directors meeting be approved.**

Brad Clark abstained.

CARRIED

4. Section 28 Hearings

4.1. 24 Lakeshore Road, Stoney Creek

The Chair instructed the Board that it would conduct a hearing under Section 28 of the Conservation Authorities Act in respect of an application by Alex Szabo for development in a regulated area of Lake Ontario at 24 Lakeshore Road, City of Hamilton. The Chair requested a motion to sit as the hearing board.

BD12, 2880

MOVED BY: Susan Fielding

SECONDED BY: Jim Cimba

THAT the Board of Directors sit as the Hearing Board.

CARRIED

Mike Stone presented a summary of the staff report. Alex Szabo provided an overview of the proposed development and engagement with HCA on the permit application process to-date. He also noted past shoreline protection work on the property and the machinery access to the shoreline. He introduced his agent, Chris Gibbons of Dillon Consultants, to present on his behalf. Chris presented a summary of this assessment of the coastal hazards associated with Lake Ontario and as they relate to the proposed development.

The Chair thanked the hearing participants for their presentations and opened the opportunity for members' questions of the participants. Mike responded to questions regarding the application of HCA policies. He noted that existing development, undertaken historically and prior to HCA regulating natural hazards along the shoreline, can be within hazardous lands, making comparisons with other properties challenging. He also commented on the many variables for development scenarios and hazardous features on each property and that it is new development that triggers the application of the current policies.

Mike also commented on the challenge of implementing provincial policy and HCA's regulation balanced with providing some flexibility when development can be undertaken safely. He noted that HCA's Board approved policies have

served well to try to equitably address these requirements for a variety of development scenarios.

The policies for the 6 metre erosion access allowance requirement were discussed. Mike noted that staff have accepted less than 6 metres in the past on constrained sites but not less than 4 metres. He added that shared access with neighbours is typically required to be registered on title. He agreed that the Board has latitude to determine if the existing access is sufficient and is not being worsened by the proposed development. Mr. Szabo commented on an opinion with regard to the machinery access to the shoreline from the contractor who repaired the existing shoreline protection on the property.

Legal liability to HCA was discussed including long term horizons for natural hazards. Staff confirmed that the Board of Directors has approved applications through Section 28 hearings in recent years.

BD12, 2881

MOVED BY: Santina Moccio

SECONDED BY: Esther Pauls

THAT Hearing Board moves *in camera*.

CARRIED

During the *in-camera* session, the hearing board deliberated on the application.

BD12, 2882

MOVED BY: Dan Bowman

SECONDED BY: Maria Topalovic

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

CARRIED

The meeting reconvened in open session and the following resolution was passed:

BD12, 2883

MOVED BY: Jim Cimba

SECONDED BY: Santina Moccio

THAT the application by Alex Szabo for development of a second-storey addition to an existing single residence in a regulated area of

Lake Ontario at 24 Lakeshore Road, City of Hamilton (Stoney Creek), be approved subject to standard conditions and entrance into a save harmless agreement with the Hamilton Conservation Authority.

CARRIED

4.2. 140 Garner Road East, Ancaster

Under approval of the agenda, the subject hearing was deferred to the June 3, 2021 Board of Directors meeting at the request of the applicant.

5. Delegations

5.1. Don McLean

Don McLean requested to defer the delegation to the June Board of Directors meeting. The Chair advised that the current request to delegate would be transferred to the June agenda, no further action on the part of the delegate is needed.

5.2. Nancy Hurst

Nancy Hurst requested to defer the delegation to the June Board of Directors meeting. The Chair advised that the current request to delegate would be transferred to the June agenda, no further action on the part of the delegate is needed.

6. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approved February 11, 2021 Conservation Advisory Board Minutes – for receipt only
- 6.3. Approved March 18, 2021 Budget & Administration Committee Minutes – for receipt only
- 6.4. Approval of Board of Directors Minutes – April 1, 2021

- 6.5. Email from Frank Shaw re. Hamilton Conservation Authority – Annual Report & Success in 2020, dated April 6, 2021
- 6.6. Letter from the Corporation of the Town of Fort Erie to the Honourable Doug Ford, Premier of Ontario, re. Province Investigating and Updating Source Water Protection Legislation, dated April 27, 2021
- 6.7. 65 Items of correspondence respecting Section 28 hearing for 140 Garner Road East, Ancaster, labelled a) to bj).

7. Member Briefing

There was none.

8. Business Arising from the Minutes

8.1. Conservation Ontario Governance Accountability and Transparency Initiative

Lisa Burnside presented a summary of the report and answered the members' questions. The Chair inquired about the status of HCA's application for exceptions to the Chair and Vice Chair provisions of the Conservation Authorities Act. Lisa advised that staff have submitted a follow up request to the Ministry of the Environment, Conservation and Parks; they have acknowledged receipt of our request and advised that it is currently under review. She has also contacted MPP Donna Skelly to understand if she may assist with expediting the review.

BD12, 2884

**MOVED BY: Brad Clark
SECONDED BY: Maria Topalovic**

WHEREAS the provincial government has passed legislative amendments related to the governance of Conservation Authorities;

AND WHEREAS Conservation Authorities remain committed to fulfilling accountable and transparent governance;

THEREFORE, BE IT RESOLVED

THAT the Board of Directors approve the following:

THAT the three key actions developed by the Conservation Ontario Steering Committee be endorsed to:

- 1. Update the Conservation Authority Administrative By-laws**
- 2. Report proactively on priorities**
- 3. Promote/demonstrate results**

AND THAT Staff be directed to work with Conservation Ontario to implement these actions and to identify additional improvements and best management practices.

CARRIED

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

9.1. Conservation Advisory Board – April 8, 2021
(Recommendations)

9.1.1. CA 2109 Christie Lake Dam & Valens Lake Dam Public Safety Risk Assessments and Valens Lake Dam Safety Review

Maria Topalovic provided a summary of the report indicating there was a good discussion on the recommendations at the Conservation Advisory Board meeting.

BD12, 2285 MOVED BY: Maria Topalovic
SECONDED BY: Dan Bowman

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

THAT the Public Safety Risk Assessments for Christie Lake Dam and Valens Lake Dam and the Dam Safety Review for Valens Lake Dam be received;

THAT the recommended public safety risk reduction measures contained within these reports be approved by the Board of Directors for implementation within appropriate time frames determined by HCA staff;

THAT the Board of Directors approve the risk tolerance level (Moderate) that was adopted in the Public Safety Risk Assessments;

THAT the Board of Directors approve the implementation of recommended public safety risk reduction measures to reduce all identified High-risk hazards to at least Medium risk; and,

THAT the recommended dam safety remedial measures contained within the Valens Lake Dam Safety Assessment be approved by the Board of Directors for implementation within the suggested time frames.

CARRIED

9.2. Budget and Administration Committee – April 15, 2021
(Recommendations)

9.2.1. BA 2105 Report by the Auditors and Twelve-month Financial Results Audited Financial Statements

Santina Moccio provided a summary of the report, highlighting the audit resulted in a clean and unqualified opinion from the auditors.

BD12, 2886 MOVED BY: Santina Moccio
SECONDED BY: Susan Fielding

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

THAT the Report by the Auditors be approved; and further

THAT the 2020 Twelve-Month Audited Financial Statements for Hamilton Conservation Authority and Confederation Beach Park be approved.

CARRIED

9.2.2. BA 2106 Reserve Funds and Balances as of December 31, 2020

Santina Moccio presented the report, noting HCA is fortunate to be in a surplus position coming out of 2020 due to strong visitation once the Conservation Areas

reopened. A new reserve account for emergency/unanticipated capital needs was created. It was recommended that \$650K of the surplus be put toward this new reserve fund, with the remaining \$2M allocated for the Saltfleet CA wetland project.

BD12, 2887

MOVED BY: Santina Moccio

SECONDED BY: Maria Topalovic

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

THAT it provide approval of allocating the 2020 operating surplus primarily to the East Mountain (Saltfleet) wetland project while also establishing a new reserve available to respond to unanticipated capital works projects and opportunities unanticipated at time of Budget setting.

CARRIED

9.3. Foundation Chairman's Remarks

Grace Correia presented the following on behalf of Margaret Reid:

The Foundation received a total of **\$9,918** in donations from April 1 to 30, 2021. They break down as follows:

- \$7,620 for Environmental Education
- \$980 for the Area of Greatest Need Fund
- \$575 for Tree and Shrub planting
- The remaining \$743 was donated to the Dundas Valley CA Fund, the Dundas Valley Trails Fund, Westfield Heritage Village, the Hamilton Watershed Stewardship Program and Land Securement

This brings our fiscal year-to-date (Dec 2020 to Apr 2021) fundraising total to **\$91,919**. This total is still somewhat below the same period last year, but the gap is starting to close and we are hoping to surpass last year's numbers by the summer.

The Foundation will be holding its Annual General Meeting of Members next Monday, May 10th via Zoom Videoconference. We will be presenting new Directors for election to our Board, reviewing our Financial Statements, appointing our auditors and reviewing Board actions for the past year.

Dan Bowman asked if the three new directors are up for election to the Board or if they are already in place as directors. Grace responded that they have been appointed to the Board, but that that will be ratified at the AGM.

BD12, 2888

MOVED BY: Santina Moccio

SECONDED BY: Cynthia Janzen

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

CARRIED

10. Other Staff Reports/Memoranda

10.1. Spencer Gorge Security Costs Tender Report

Bruce Harschnitz presented a summary of the report, recommending the contract be awarded to Neptune Security Services, the lowest bid.

BD12, 2889

MOVED BY: Susan Fielding

SECONDED BY: Esther Pauls

THAT the proposal for Security services during the 2021 Spencer Gorge Reservation Period be awarded to Neptune Security Services Inc.

CARRIED

10.2. Designation of City of Hamilton Municipal Law Enforcement Officers as Provincial Offences Officers

Gord Costie presented a summary of the report and answered the members' questions.

BD12, 2890

MOVED BY: Brad Clark

SECONDED BY: Cynthia Janzen

WHEREAS HCA has limited human resources to designate staff as Provincial Offices Officers to enforce infractions to the *Conservation Authorities Act* and the *Trespass to Property Act*;

WHEREAS HCA is experienced with working with other enforcements agencies such as Hamilton Police Services, Ministry of Natural Resources and Forestry, and

municipal parking bylaw and welcome working closer with Municipal Law Enforcement Officers where the two organizations can benefit in tourism and enforcement consistency across the City;

WHEREAS the City of Hamilton council endorsed a motion at its April 14, 2021 council meeting (attached as Appendix A) for the two organizations to formalize appointment of city staff as Provincial Offences Officers to enforce offences and regulations under the *Conservation Authorities Act*, in addition to the *Trespass to Property Act* when carrying out their duties on property under the jurisdiction of the Hamilton Conservation Authority;

THEREFORE, BE IT RESOLVED

THAT the HCA Board of Directors authorize City of Hamilton Municipal Law Enforcement Officers (MLEO) to enforce violations under the *Trespass to Property Act*, on premises owned or occupied by the HCA, primarily to educate the public on the HCA's behalf, but also, where appropriate, to issue verbal or written warnings to individuals who are caught engaging in prohibited activities or entering prohibited areas; and further

THAT HCA staff be directed to undertake outreach to the Minister of the Environment, Conservation and Parks to obtain required approvals or undertake any process to appoint City of Hamilton Municipal Law Enforcement Officers (MLEO) pursuant to Subsection 28 (1) (d) of the *Conservation Authorities Act*, to grant them the authority to issue tickets under the *Conservation Authorities Act* and the *Trespass to Property Act*

CARRIED

10.3. Watershed Conditions Report

Scott Peck presented a summary of the memorandum, highlighting that conditions are similar to last month. Water levels are low, approaching the long-term average. More data over a longer period of time is required to determine if we are in a Level 1 low water condition. Staff continue to monitor the conditions. Lake Ontario water levels are 25cm below average. Reservoirs are operating as they should be,

Valens has just begun to fill and the winter gates at Christie have been removed; we are moving toward summer operating levels.

BD12, 2891

**MOVED BY: Dan Bowman
SECONDED BY: Jim Cimba**

THAT the memorandum entitled Watershed Conditions Report be received as information.

CARRIED

10.4. Conservation Areas Experiences Update

Gord Costie provided a verbal update advising that all Conservation Areas are open and operating, with the exception of nightly camping at Valens Lake and Fifty Point and recreational boating at Fifty Point. The Spencer Gorge Reservation System has started off slowly due to recent cool and rainy weather. Staff anticipate reservations will increase as the weather improves and in light of the coming long weekend.

The Chair inquired about traffic at the other waterfall areas. Gord advised he has received some community feedback for Sherman Falls regarding weekday parking enforcement. Contact information for City of Hamilton parking by-law enforcement has been shared. Tiffany Falls and Devil's Punchbowl visitation and parking have been manageable.

BD12, 2892

**MOVED BY: Cynthia Janzen
SECONDED BY: Susan Fielding**

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

CARRIED

11. New Business

There was none.

12. In-Camera Items

BD12, 2893

**MOVED BY: Jim Cimba
SECONDED BY: Santina Moccio**

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

CARRIED

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

12.1. Confidential Verbal Update – BD/May 01-2021

Legal Matter

Santina Moccio provided verbal update regarding a legal matter and answered the members' questions.

12.2. Confidential Report – BD/May 02-2021

Property Matter

Lisa Burnside provided a summary of the report regarding a property matter and answered the members' questions. The following motion was made public to be the sent to the City of Hamilton:

BD12, 2894

MOVED BY: Brad Clark

SECONDED BY: Jim Cimba

WHEREAS the City of Hamilton owned property identified as Hemming Park, which surrounds and extends north of the Lion's Outdoor Pool facility and property at 263 Jerseyville Road West, Ancaster (Subject Property) contains historically well used footpaths that have been utilized by the community for decades to access trails in the adjacent Dundas Valley Conservation area which is owned by HCA;

WHEREAS the Subject Property has been identified as a potential acquisition in the HCA's 2020 Land Acquisition Strategy;

AND WHEREAS the site comprises approximately 70 acres of forested land that is part of the Dundas Valley Environmentally Significant Area, is identified as Significant Woodland, and is zoned Conservation/Hazard Land (P6).

Therefore be it resolved:

THAT the Board of Directors formally endorses the HCA staff interest in acquiring from the City of Hamilton the approximate 28.3 hectare (70-acre) parcel as generally identified on Schedule 'A' (attached) at a nominal sum of \$2;

THAT staff be authorized and directed to make a written request to the City of Hamilton for the transfer of the Hemming Park (as generally defined in Schedule 'A' attached) lands to Hamilton Conservation Authority for a nominal sum and any applicable fees and closing costs; and,

THAT staff be authorized and directed to negotiate and finalize any agreements with the City of Hamilton to affect a transfer of the Hemming Park Lands defined herein, on such terms and conditions as deemed appropriate by the CAO.

CARRIED

BD12, 2895

**MOVED BY: Susan Fielding
SECONDED BY: Santina Moccio**

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

CARRIED

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, June 3, 2021 at 7:00 p.m.

14. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: Fwd: Development proposal by One Properties Real Estate Inc
Date: May 6, 2021 6:19:08 PM

Lisa Burnside
Chief Administrative Officer
Hamilton Conservation Authority

Begin forwarded message:

From: Maggie
Date: May 6, 2021 at 6:13:47 PM EDT
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Cc: brad.clark@hamilton.ca
Subject: Development proposal by One Properties Real Estate Inc

I am writing to ask you to vote against the development proposal coming before you tonight to relocate a wetland and part of the headwaters of Ancaster Creek to facilitate warehouse construction.

Wetlands are natural features located by natural processes and very ecologically productive. They are the single best sink for carbon dioxide and provide critical habitat for many species. Your staff have recognized the importance of retaining these natural features and I strongly encourage you to support them and our environment by rejecting this development proposal to artificially relocate a wetland and part of the headwaters of Ancaster Creek to facilitate warehouse construction.

Maggie Fischbuch
Hamilton Resident

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: Fwd: Relocating a Wetland
Date: May 6, 2021 6:32:04 PM

Lisa Burnside
Chief Administrative Officer
Hamilton Conservation Authority

Begin forwarded message:

From: Lyn Folkes
Date: May 6, 2021 at 6:20:12 PM EDT
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Cc: Esther.Pauls@hamilton.ca, tom.jackson@hamilton.ca, "Ferguson, Lloyd" <Lloyd.Ferguson@hamilton.ca>, "Clark, Brad" <Brad.Clark@hamilton.ca>, Chad.collins@hamilton.ca
Subject: Relocating a Wetland

Hello Lisa,

I have read that you are considering "relocating a wetland and part of the headwaters of Ancaster Creek" to make room for a warehouse to be constructed. This kind of impossible idea was recently stopped just east of here and it is still as poor an idea as it was then.

I have a Master's degree in Environmental Studies from the University of Waterloo, and I worked as a private consultant in the rehabilitation of natural areas around Hamilton for most of my career.

I can say with complete confidence that it is impossible to "relocate" a wetland (just like it is impossible to clean up an oil spill in one). Anyone who says differently is being dishonest. This kind of thinking is very uneducated and backward. A wetland ecosystem is not something you can pick up and move. Trying to do so will destroy all the living natural connections in that ecosystem. You can make species disappear with this type of poor planning. It is soul-crushing for me to hear "replacement" ever considered when it comes to a natural wetland.

These wetlands take hundreds of years to develop and mature into a natural functioning mature ecosystem that is excellent at filtering water to keep it cleaner, providing large and tiny niches for common, and often some of the rarest species of all categories - plants, mammals, birds, reptiles, amphibians and insects. You

can devastate these populations which are already often the most sensitive to any human disturbance.

Any development that "replaces" or "relocates" a wetland habitat, will never provide benefits even close to the ones that a wetland ecosystem provides all Ontarians today. Wetlands provide our most basic needs - cleaner air and drinking water, species diversity from which to draw resources like finding new medicines to treat human conditions and they work to maintain our water table levels which will be under increasing threat in the future as our world heats up.

"Relocating" -- or let's just say what it actually is - "destroying" a wetland ecosystem to make room for a "warehouse" (of all things!) would be like bulldozing my house and telling me it is just as good for living in and protecting me from the elements. Of course that's not true because I would lose all the useful items I have collected over my lifetime to make my life work smoothly and healthily -- my clothing, my medicines, my food and native gardens, my kitchen, the roof over my head, etc... all gone so some cars have a place to park. Can you "relocate" the house I've lived in all my life and have it be the same thing? No, of course it's pure nonsense. It would take decades to get comfortable again and it would never be or feel the same to me.

With natural ecosystems it gets far worse too -- in fact it is impossible to "move" every insect and bacteria that is necessary for the whole to operate properly. Old plants don't transplant well, sensitive plants die very quickly if the new location is not perfect for them. The same species don't just show up because you planted some trees and built a manmade pond. Species will definitely be lost if you go through with this terrible uneducated plan that was clearly devised to make it seem like you can "relocate" any natural habitat. It is just an outright lie being proposed in the name of business profits. That is clear in this case.

Please reject this proposal in its entirety. It is no better than the Tar Sands as far as human health is concerned.

Please don't go down this climate-change denying provincial government pathway to our certain doom.

We need clean water far before we any more warehouses, and we certainly don't want to get into the ugly business of sacrificing our basic needs just for profit. I thought Nestle selling the water from our natural waterways was irresponsible -- this just goes way beyond that!

Sincerely and with deep urgency for the well-being of our community here in Hamilton,

Lyn Hanna-Folkes, M.E.S. University of Waterloo 1994
Ward 8 Hamilton resident who is raising a family here

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: Wetland relocation
Date: May 6, 2021 9:27:01 PM

From: Heather Vaughan
Sent: Thursday, May 6, 2021 7:06 PM
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Cc: lloyd.ferguson@hamilton.ca; brad.clark@hamilton.ca; chad.collins@hamilton.ca; tom.jackson@hamilton.ca; esther.pauls@hamilton.ca
Subject: Wetland relocation

I am a resident of Dundas, mother of 2 and physiotherapist at the Hamilton general hospital. I urge you to REJECT the development proposal to relocate a wetland and part of the headwaters of Ancaster Creek to facilitate warehouse construction.

This will bring irreversible damage to our precious wetlands and natural ecosystems of water and wildlife. This will also remove important co2 removal processes that are crucial for slowing climate change. Please do not allow this to go through!!! The future of our children and grandchildren depend on our decisions now!! Please think about the earth and the irreparable damage this will do. « Replacing » the wetland with an artificial one will not be enough to offset this.

Sincerely
Heather Vaughan

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: Fwd: NO to Wetland Relocation
Date: May 6, 2021 10:32:21 PM

Begin forwarded message:

From: Mathieu Seyfrid
Date: May 6, 2021 at 10:31:41 PM EDT
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>, lloyd.ferguson@hamilton.ca, brad.clark@hamilton.ca, tom.jackson@hamilton.ca, Esther.Pauls@hamilton.ca
Subject: NO to Wetland Relocation

Dear HCA Board,

I am extremely concerned about your planned relocation of wetland and part of the headwaters of Ancaster Creek to facilitate warehouse construction.

Wetlands are natural features located by natural processes, not human constructs. Because they are so ecologically productive, they are the single best sink for carbon dioxide (better than trees), and provide critical habitat for many species.

In addition to that, this creek is a hallmark of Hamilton. We, residents of Hamilton, DO NOT NEED AND DO NOT WANT further construction on natural habitats.

I hope you will make the right decision for us, our local ecosystem and everything tied to it.

Sincerely,
Mathieu Seyfrid

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: The approval over objections of concern by the HCA
Date: May 9, 2021 9:42:55 PM

-----Original Message-----

From: Jane Evans
Sent: May 8, 2021 3:04 PM
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Subject: The approval over objections of concern by the HCA

I cannot believe that Lloyd Ferguson feels the offer of a larger man made wetland will be a big improvement. What is more disappointing is that it is really an excuse to bring 3,000 jobs ,plus 5 warehouses on the present day wetlands when the advice by HCA says this should not happen there. So ,if HCA is powerless ,and if this idea is overruled by big business where does it end ? Obviously these people think their money talks ,and Enviroment does not matter . Their children and grand children will be the losers ,not them as they will have moved off the planet!
Jane Evans p.s.Hope they see the Light??

Sent from my iPad

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: Ancaster Creek wetland
Date: May 9, 2021 9:40:01 PM

From: C Kidd
Sent: May 9, 2021 7:55 PM
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Cc: Collins, Chad <Chad.Collins@hamilton.ca>; Brad Clark <brad.clark@hamilton.ca>;
esther.pauls@hamilton.ca; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Jackson, Tom
<Tom.Jackson@hamilton.ca>; Environment Hamilton <contactus@environmenthamilton.org>
Subject: Ancaster Creek wetland

Ms. Burnside,

It is clear that the relocation of the wetland should not go ahead as there has been no public consultation and no opportunity for the public to delegate at the meeting.

It currently appears that there is a deliberate effort to avoid public input.

It also begs the question: Why was a wetland even sold to a private developer? Should they not be protected public property?

Connie Kidd
Hamilton Centre

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: Dear Lisa: will you please distribute my letter to all members of...
Date: May 10, 2021 12:09:49 PM

From: thomas beckett
Sent: May 10, 2021 11:56 AM
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Subject: Dear Lisa: will you please distribute my letter to all members of...

Dear Lisa: will you please distribute my letter to all members of the Board and confirm when you have done so.

Dear Members of the Board of the HCA:

The Board of the Hamilton Conservation Authority (HCA) will soon be voting on a new policy with respect to land swaps involving wetlands or other environmentally sensitive property.

The obligation of a member of a board of directors, no matter the type of organization, public or private, is to always vote in the interest of the organization on whose board the member sits.

In this case, the interest of certain developers is clear and the interest of the HCA is equally clear. That being said, all Board members must vote against the policy change as it is not in the interest of the HCA. To vote otherwise, would be a serious breach of ethics and the law.

Respectfully,

Honourable Thomas A Beckett, QC, LLD
Former Chairman HCA

Sent from my iPad

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: HELP!
Date: May 10, 2021 5:43:07 PM

From: Grace Correia
Sent: May 10, 2021 1:35 PM
To: LOVEME <marylove@bell.net>; foundation <foundation@conservationhamilton.ca>
Subject: RE: HELP!

Hello Mary,

Thank you for your message. As you may be aware, this hearing was postponed to the next HCA Board meeting, scheduled for June 3. I have forwarded your email to HCA staff and it will be included as an item of correspondence on the upcoming HCA board of directors meeting agenda.

Regards,

grace

Grace Correia

Executive Director
Hamilton Conservation Foundation
838 Mineral Springs Road, P.O. Box 81067
Ancaster, ON L9G 4X1
Phone: 905-525-2181 Ext. 111

Email: Grace.Correia@conservationhamilton.ca
www.hamiltonconservationfoundation.ca

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From: LOVEME
Sent: May 3, 2021 6:14 PM
To: foundation <foundation@conservationhamilton.ca>
Subject: HELP!

Hello. In keeping with your mandate, I implore you if you have not already been doing so, to raise awareness of this upcoming meeting. It is unbelievable that we who believe in protecting nature even have to get active on this. What is happening? How could the chair and some members of a conservation authority think you can MOVE A WETLAND? Especially when his staff is recommending against it. It's ludicrous and shows a pathetic lack of knowledge of natural ecosystems, or worse.

Here's more in case you need it! I am sending this as a private citizen.

Mary

There is an application in to the Hamilton Conservation Authority to destroy the wetland beside the big house at 140 Garner Rd and behind the pumpkin patch in Ancaster. Cllr Ferguson wants to 'slide over' (!!) the wetland and pave the farm and the wetland to make way for five massive warehouses and you can see all the gorey details on the agenda of the May 6 Conservation Authority meeting. It starts on page 53 of the agenda HERE <https://conservationhamilton.ca/wp-content/uploads/2021/04/Board-Agenda-Package_21May6.pdf>. PLEASE TUNE IN TO THE NEXT CA MEETING ON MAY 6 AT 7PM

SO THEY KNOW WE ARE WATCHING. Link:

Channel:<https://www.youtube.com/user/HamiltonConservation><Channel:<https://www.youtube.com/user/HamiltonConservation> >

HERE <<https://www.hamiltonnews.com/news-story/10367648-hamilton-conservation-authority-plan-to-let-builders-move-wetlands-sparks-testy-debate/?fbclid=IwAR1BtC7O87MJnc-Uzvyg7ABchf3d2ZtsTSJYKNZWrlzzdFlNLaw2CRSEN7A>> is a news item about it.

I hope we can get some pressure on Cllr Lloyd Ferguson who is the ring leader here as well as the other HCA board members. Lloyd is in favour and needs to hear from anyone against this.

The HCA staff are recommending rejecting the application but the majority of the board seems to be in favour.*

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: Ancaster Creek and Wetland
Date: May 10, 2021 5:34:40 PM

From: Coleman, Daniel
Sent: May 10, 2021 3:44 PM
To: lloyd.ferguson@hamilton.ca; brad.clark@hamilton.ca; Chad.collins@hamilton.ca;
tom.jackson@hamilton.ca; Esther.Pauls@hamilton.ca; Lisa Burnside
<Lisa.Burnside@conservationhamilton.ca>
Subject: Ancaster Creek and Wetland

Dear Lisa Burnside and the HCA Board,

I'm writing to urge the HCA not to approve the development proposal to relocate a wetland and part of the headwaters of Ancaster Creek to facilitate warehouse construction. I believe the proposal was coming before HCA May 6, but I know also that these decisions have several permutations and wish to support the HCA's capacity to function as a *conservation* authority and not as a developer's agent.

We all know the number of concerns that arise from compromised watersheds in the Hamilton region, given the repeated concerns over the health of Cootes Paradise, Hamilton Harbour, and the Head of Lake Ontario. We all know that this region has been declared an area of major concern by the Great Lakes Water Quality Agreement way back in the 1980s, and that watersheds extend far upstream from the identified problems.

Ancaster Creek joins Sulphur Creek a little way upstream from where Osler Drive crosses the creek valley near the intersection of Main and Osler. The two creeks become what some maps call Cold Water Creek as it flows around the McMaster university parking lots on its way to Spencer's Creek before it joins Cootes Paradise. The reason it's called Cold Water Creek is that it stays cooler than 20 C all year and this allows certain species to spawn and live there. As the HCA's Ancaster Creek Stewardship Plan points out, the creek is already challenged by a high number of industries, neighbourhoods, a golf course, and other threats to its health. I cannot see how the HCA could approve the building of further threats to its integrity.

McMaster University has recently scaled back its parking lots along Ancaster/Coldwater Creek in order to keep parking lot solvents and heated water

from entering the creek. Testing of hydrology, species counts, and other ecological data are being gathered in an effort to restore the floodplain that is now covered by the university's Parking Lot M. It would be highly ironic if HCA were to approve compromises to the integrity of the headwaters that would undermine these efforts downstream.

We all know that the Ford government has recently changed the membership of Conservation Authority boards, and I would like to add my voice to the many who are urging the members of the Hamilton Conservation Authority to continue the HCA's long heritage of protecting the fragile eco-system of our city and especially our watershed. Please do not approve the misguided attempt to relocate this wetland.

Many thanks,

Daniel Coleman
Hamilton L8S 3K9

From: [Eileen Ishawk](#)
Subject: Open letter re: Ancaster creek headwaters
Date: May 10, 2021 5:08:33 PM
Attachments: [Ancaster_protest.odt](#)

Hello,

I am sending this letter to those of you for whom I have an email address. My husband and I are deeply concerned about what is being proposed and are sorry we didn't learn of it before that meeting last week. We have lived in Ancaster most of our lives and are not at all pleased with the way things are going and wish to have our concerns put on record.

My computer skills are not the best but I would greatly appreciate a reply if the attachment fails to reach you.

Thank you,

Eileen Ishawk

OPPOSITION TO PROPOSAL FOR THE PAVING OVER OF THE WETLANDS IN ANCASTER SOUTH OF RYMAL ROAD/HIGHWAY 53

This letter is being sent to all of you who have input on the decision making regarding the proposal to pave over the said wetlands and erect a huge, ugly warehouse. We have just learned of this and so missed getting our opinion to you before the meeting last week.

My husband and I would just like to voice our outright opposition to this proposal in the strongest of terms. It's simply beyond comprehension why there would be a movement to rid this province of ANY wetlands and especially these.

First of all, these wetlands give rise to Ancaster's most historic watercourse, Ancaster Creek, that winds its way north through the Hamilton Golf and Country Club grounds, flows past the Old Mill Restaurant, passes over the Sherman Falls and finally, eastward, it adds its flow to Cootes Paradise. Historically it is this very creek that put Ancaster on the map, creating booming times before Dundas and Hamilton took precedence. With waters from the creek powering numerous mills, our Ancaster was a major hub in this part of the province. Are we going to see barely a trickle or, heaven forbid, a dry creek bed, once the headwaters are paved over? What about the recreational use for people walking along the creek where there are trails or for viewing the splendour of one of our famous waterfalls? And also, without the sustained water table afforded by the creek, think how many trees and plants will simply die off in the summer heat? Another blow to the buildup of carbon in the atmosphere.

Then one must consider the impact on the natural environment of the destruction of wetlands. What about the avian wildlife that rely on wetland sanctuaries as resting and

feeding areas on their migratory routes or as nesting areas for the raising of their young? What about other wildlife, for example amphibians? Less wetlands leads to less insect diversity and so less food to sustain them. We hear repeatedly that frogs, toads, salamanders, newts and even turtles are in decline, coming to the verge of extinction, due to the destruction of their habitat. With their decline comes the loss of other creatures that depend on them as a food source. Are we greedy humans going to continue to heedlessly wipe out these animals?

Consider the paramount importance of wetlands as water purification systems. Impurities are filtered out as water passes through them, leading to a cleaner environment. We need only look to the debacle of the serious leakage of sewage into Cootes Paradise to know that there isn't enough care being taken to ensure our waters remain untainted. Have people really considered how important a pure supply of water is going to be in the future? Sure, we can build huge water purification plants to do the job that nature provides for free!

And an even more serious outcome is the destruction of prime agricultural land, some of the best in the whole province. Just look at how developers are gobbling up farmland in our area and making huge profits because it's easy to build on this fine soil. Where is the foresight of our leaders to look ahead and see that if they continue to pander to such greed, we will wake up one of these years to find that we no longer have enough good farmland to feed our population. We will become ever more dependent on, and at the mercy of other countries from whom we will need to import more and more foodstuffs. Why not consider putting up these huge monstrosities in areas where the soil is not as conducive to farming, for example the hard, rocky area on the “mountain” in the area of Stoney Creek and Highway 20? There is still good road access for businesses there.

Frankly, it is simply a travesty that this whole Airport complex was given approval

in the first place. It will be the ruination of our most fertile lands. Does no one have the courage to stand up to developers these days? Whose pockets are our leaders in? What incentives are going to whom, to push for these assaults on our heritage? Just look at the Ancaster core. The Brandon House, gone in the blink of an eye – a “secret” deal, it would seem. before anyone had the chance to object. Look at the huge, ugly institution proposed (or maybe not now???) that had, according to the sketch in the media, no redeeming qualities; not a single feature to make its look fit in with the heritage style of our Ancaster. Wasn't this supposed to be mandated for new construction? What about the height limit? And what about that huge box of an office building across from Tim Horton's? Oh, sure, its facade is “old style” stone but where's the character, the beauty? UGLY! We just can't keep giving way, inch by inch, to rapacious greed!

We urge you to take another look. There are very grave doubts that some dedicated “pond” to contain the headwaters of Ancaster Creek will afford a chance that our historic creek will continue to exist. Can there not be another way to orient the building so that the wetlands can be preserved? And what about other proposals of the same ilk? Please, please think again.

Respectfully submitted,
Eileen Ishawk

From: [nature](#)
To: [Jaime Tellier](#)
Subject: FW: Ancaster Wetland Relocation
Date: May 13, 2021 8:29:41 AM

See below.

Reception
Hamilton Conservation Authority
Phone: 905-525-2181 ext 100

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-----Original Message-----

From: Linda Chenoweth
Sent: Wednesday, May 12, 2021 7:54 PM
To: nature <nature@conservationhamilton.ca>
Subject: Ancaster Wetland Relocation

To Whom This May Concern;

Please do not support the removal of the existing wetland and its buffers. The wetland and buffers should be maintained and protected. Creating a new wetland in a new location cannot replace this wetland.

Linda Chenoweth

Sent from my iPhone

6.4 (I)

From: [Laurel Imeson](#)
To: [Lisa Burnside](#); [Jaime Tellier](#); [chad.collins@hamilton.ca](#); [tom.jackson@hamilton.ca](#); [esther.pauls@hamilton.ca](#); [brad.clark@hamilton.ca](#); [maria.pearson@hamilton.ca](#); [lloyd.ferguson@hamilton.ca](#)
Subject: DO NOT allow application to pave over wetland at 140 Garner Rd E
Date: May 14, 2021 1:19:06 PM

Hello,

I cannot believe that there is even a chance another wetland will be destroyed for more warehouses. Please **vote against** this. We must protect all remaining wetlands.

I will be watching closely.

Thank you,
Laurel Imeson

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: letter to HCA board
Date: May 17, 2021 11:17:35 AM
Attachments: [letter to HCA S McKay.pdf](#)

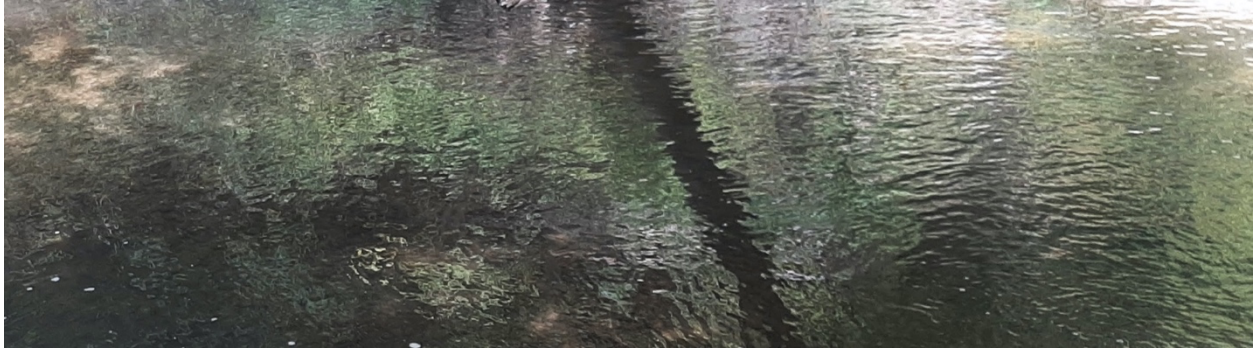
From: Sally McKay
Sent: May 17, 2021 11:14 AM
To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>
Subject: letter to HCA board

Dear Lisa Burnside,

I have attached a letter for the board pertaining to the Ancaster Creek headwaters. I hope that it can be included in the agenda for the meeting on June 3rd.

Is this possible? If you are not the right person to ask, please forgive me.

All my best,
Sally McKay



Ancaster/Coldwater Creek, just north of the Hamilton-Brantford Rail Trail. Photo by Sally McKay

May 17, 2021

Dear Hamilton Conservation Authority Board Members,

For the past few years, I have been working at McMaster as part of a team aiming remove a parking lot and replace it with a wetland. The McMaster parking lot is located near the bottom of Ancaster creek, right before it joins with Spencer Creek and flows into Cootes Paradise. Through this McMaster project, I have come to have a deep appreciation for Ancaster/Coldwater creek. It is precious, a spring-fed cold-water system that provides unique habitat for many species all throughout the valley. Flowing through HCA and McMaster natural lands, the creek also supports human health and well-being as the central nervous system of a wonderful wilderness area with beautiful waterfalls and hiking trails. Tampering with the headwaters of this important sub-watershed would have untold negative impact on everything that happens downstream throughout the valley. Please, please please do not allow this to happen.

Attached are some images of Ancaster/Coldwater creek as it flows northward from the headwaters near Garner Road all the way to Cootes Paradise.

Sincerely,

Dr. Sally McKay
Postdoctoral Fellow, School of the Arts
McMaster University
Hamilton, ON
L8S 3V9



From: [Lyn Folkes](#)
 To: [Jaime Tellier](#)
 Subject: Fwd: Ancaster Creek
 Date: May 18, 2021 10:43:25 PM

From: **Lyn Folkes**
 Date: Tue, May 18, 2021 at 2:27 PM
 Subject: Ancaster Creek
 To: Jaime Tellier <Jaime.Tellier@conservationhamilton.ca>

Dear HCA,

Please copy this letter to anyone who supports the idea of "moving" or "replacing" a wetland to a different location. That idea proves that whomever proposed it does not understand how sensitive wetland ecosystems are! This proposal is not realistic from any angle.

I sent a letter about this issue previously and still stand by all that I said then. It is impossible to "move" a creek's headwaters location with its associated wetland without destroying the ecosystem that depends on those wetlands being in place. People employed by the HCA are probably aware of this fact.

There is so much new scientific evidence that shows how we understand very little about plants and other wildlife and how they are able to survive, and what they truly rely on for their survival. From microscopic bacteria to relationships with the hundreds of species that wetlands support in a critical manner, just the idea of moving a wetland makes absolutely no sense today. It is impossible.

We need our wetlands intact more than any other kind of life-supporting natural system in Ontario. Without healthy intact wetlands, humans will soon have more serious health problems. Clean drinking water is not a want but a need for every person. So, damaging any intact wetland system today, when we are fully aware that humans have destroyed most of them already, would be in my mind, a criminal act -- especially in the face of the climate crisis!

Please do what you know is right and stop this damaging idea from happening. You can do that and you must -- it is your job to protect the natural world around us -- for our own protection. Premier Ford is pressuring you to fail in your actual mandate, please, I beg you not to let that happen.

I fear for our future more each day as plans that will surely harm us in the near future, continue to proceed as if nothing has changed. It's terrifying! Count the dead bugs on your windshield the next time you drive somewhere -- insect populations are in serious decline and we depend on insects to pollinate our food crops, and many of those insects depend on particular niches that only healthy wetlands can provide. Food shortages are now in our future too. These problems are real today!

Nothing short of rehabilitation, and only that, should be discussed concerning our natural wetlands. A myriad of factors due to human disturbance already degrade the wetlands we have

left today. My City dumped tons of raw sewage into Hamilton's waterways last year resulting in our first highly publicized "Poopgate". And this occurs in many cities in Ontario during high rain events -- the most common kind of rain event that we experience now. Our wetlands have been filled and degraded increasingly throughout history and we have reached a critical point of no-return if we continue. So now is the time that we justify the idea of literally picking up wetlands and moving them whenever they are in the way of urban sprawl and developments based on a society of overconsumption?? It sounds like the wrong thing to do because it is!

Please tell the Ontario government to come to their senses, take a step back and start over from the beginning using true science as a basis for their decisions. As a retired environmental scientist, I am appalled at the things that politicians sometimes occupy their time with -- wasting tax-payers' money all the way...

Please don't let this happen. I know that our wonderful HCA would never approve or support such an action if they were in charge as they rightfully should be. Doug Ford stole our conservation authorities from us and this is just more proof as to why we need them so badly!

Thank you for letting me voice my very strong opinion. I have been arguing against the unnecessary pipeline upgrade that was proposed for the Beverly Swamp as well -- another perfectly destructive idea that will only lead to human suffering in the end.

Let's get smarter and let the HCAs have their full authority back to protect the people in our community from excessive consumerism. Our children are killing themselves over the stress that climate change is causing -- these poor ideas are the reasons that they lose all hope. I'm starting to as well under such an obvious climate-change denying government.

I'm tired of hearing people make up things that are scientifically untrue! You CANNOT move a wetland to a different location without causing irreparable harm to the ecosystem in both locations -- the wetland and the place the government thinks can be 'converted' into a wetland as well. We are also damaging that non-wetland habitat! Shame on anyone who thinks this is a 'good' idea.

Nature can take better care of itself most often as long as humans leave nature alone.

With great seriousness and urgency,
Lyn Hanna-Folkes
Ward 8, Hamilton

From: [Katie Deverson](#)
To: [Jaime Tellier](#); [Lisa Burnside](#)
Cc: [lloyd.ferguson@hamilton.ca](#); [chad.collins@hamilton.ca](#); [tom.jackson@hamilton.ca](#); [esther.pauls@hmailton.ca](#); [sshaw-qp@ndp.on.ca](#)
Subject: Opposition of the paving of wetlands at 140 Garner Rd
Date: May 19, 2021 4:56:49 PM

Dear Hamilton Conservation Authority board members and city counsellors and MPP,

As a lifetime resident of Ancaster and a member of the Hamilton Conservation Authority I am writing to express my vehement opposition of the proposed paving of wetlands at 140 Garner Road. This wetland is part of the Ancaster watershed and plays an important role in the ecosystem of this area. There has not been adequate assessment of how the destruction of this area will impact local waterways.

This town was a wonderful place to grow up and as I have returned to raise my own family here, I have been horrified by the massive development of important ecological and heritage sites in this community without adequate consultation with community members or assessment of impact to the community or ecosystem. Listen to your constituents! We are against massive development in our town! We are opposed to the destruction of local wetlands and ecosystems!

Sincerely,
Katie Deverson

Katie Deverson
MN, NP (Paediatrics), RN(EC), IBCLC

From: [Jamie Gilgen](#)
To: [Jaime Tellier](#); [Lisa Burnside](#)
Cc: [sshaw-qp@ndp.on.ca](#); [lloyd.ferguson@hamilton.ca](#); [chad.collins@hamilton.ca](#); [tom.jackson@hamilton.ca](#); [esther.pauls@hamilton.ca](#)
Subject: Do not pave the Ancaster wetlands
Date: May 19, 2021 5:09:20 PM

My name is Jamie Gilgen and I'm an engineer and resident in the area of the Ancaster wetlands. This email is in regards to the proposal to pave the 140 Garner Road wetland. The number of creatures that call a wetland their home is an amazing thing. Just stand by it in the evening. To silence them all and pave over their ecosystem in exchange for a set of warehouses, just so people can receive packages one day sooner, is truly an abhorrent idea.

Warm regards,
Jamie Gilgen

From: [Cris Robinson](#)
To: [sshaw-q@ndp.on.ca](#); [lloydferguson@hamilton.ca](#); [Jaime Tellier](#); [Lisa Burnside](#); [tomjackson@hamilton.ca](#); [chadcollins@hamilton.ca](#); [estherpauls@hamilton.ca](#)
Subject: Stop it already!!!!
Date: May 22, 2021 12:56:59 PM
Attachments: [image.png](#)

In regards to the plan to develop 140 Garner Rd in Ancaster...

Have we learned nothing about our world in the last 18 months... about globalization and how supply chains can be disrupted?

Must we continue to sacrifice arable land to yet more development?

Is self-sufficiency in feeding our citizens on anyone's mind?

Is there anyone in a position of authority/power that is making decisions for the long term rather than for the usual short term gain?

Please reconsider what is being put forward for this area and all green space for that matter. If government coffers need replenishing with development dollars, why not take a look at eliminating the waste first.....and we all know there is sooooo much of that at all levels.

We have surely lost our way.

Cris Robinson



From: [shannon kyles](#)
To: [Jaime Tellier](#); [Lisa Burnside](#); [Ferguson, Lloyd](#); [Collins, Chad](#); [Jackson, Tom](#); [Pauls, Esther](#)
Subject: Reject Ancaster Wetlands development
Date: May 23, 2021 8:43:20 AM

AS a citizen of Hamilton I am asking that you reject the proposal to develop the wetlands by Garner Road in HAmilton

Shannon Kyles

May 23, 2021

Brian McHattie

Tobermory, ON N0H 2R0

Re: Comments for Consideration – Section 28 Hearing, 140 Garner Road East, Ancaster

Dear Members of the Hamilton Conservation Authority Board,

As former Chair of the Hamilton Conservation Authority Board and an interested party in Hamilton conservation matters, I urge you to please support the staff recommendations in rejecting the development proposal to facilitate warehouse construction in a locally significant wetland in the Ancaster Creek sub-watershed.

In the late 1990s (before politics, although there was that ill-advised run for Mayor against Bob Morrow in 1997!), I was the Environment Canada wildlife habitat advisor to Great Lakes – Remedial Action Plans, charged with providing guidance on restoring fish and wildlife habitat to Areas of Concern, including Hamilton Harbour,. As you know the Great Lakes restoration process began under the auspices of the International Joint Commission in 1986 and as the process unfolded, and habitat restoration work began to occur, the question arose: how much habitat is enough?

In response, I was lead author for a document entitled (of course), “How Much Habitat is Enough”, (another tidbit: the title came from Dr. Gail Krantzberg, the Ontario Ministry of the Environment RAP representative, now a Civil Eng. Prof at Mac) that included guidance on wetland, forest, and riparian habitat conservation. Happily, the document was well-used across the country including by municipalities, and is now in third edition.

Why am I telling you this?! Well, at least two of the report’s guideposts are relevant in the development application before you.

Minimum Percentage of Wetlands in a Sub-Watershed Required to Maintain Wetland Function

The answer is at least 6%, to ensure groundwater recharge, surface water retention, filtering out nutrients, and providing fresh cool water to sub-watersheds down-stream, in this case Spencer Creek and on into Cootes Paradise, a provincially significant wetland. As I understand it, an HCA study of the Ancaster Creek watershed in 2008 found: “Historically, wetland cover made up 1.1 km², or 8%, of the subwatershed area. Only 0.04 km² of wetland area remain, which is only 0.3% of the subwatershed area”. As a result, valuable wetland function has already been lost, making the 1.8 ha wetland on Garner Road all the more important to protect.

The Importance of Location: Headwater Wetlands

While all wetlands provide the important ecological functions noted above, headwater wetlands are particularly key as that is where the creeks that feed larger water systems begin. In headwater areas protection of the quality of groundwater (discharge or recharge or both), introduction of leaves and woody debris that are essential to providing habitat for fish and macroinvertebrates downstream, and the provision of usually cold, clear water reducing the warming of streams. In turn, good water-quality conditions in higher portions of watersheds are likely to benefit downstream coastal wetland ecosystems – as a sidenote this is a finding by our very own Dr. Pat Chow-Fraser from Mac.

Other researchers in Wisconsin examined nine watersheds and found that increasing the amount of wetland in a watershed resulted in reduced yields of water downstream, reduced flooding, higher base flows and reduced occurrence of high flows (all references in the “How Much Habitat is Enough” document).

Several related comments...

The local impacts of climate change that we’ve come to know all too well include hard to predict weather, harsh storms, more lightning strikes, drought in summer, and increased temperatures. In my work now at Parks Canada we are working hard to protect natural ecosystems as they are key to providing adaptive capacity – in this case an important wetland that retains surface water and recharges groundwater, therefore mitigating the impact of storms.

I know this will sound preachy (actually reminiscent of Councillor McHattie’s rants!), but as one species, homo sapiens, too often our out-sized egos lead us to act as if we can do better than nature. Removing natural wetlands and building new ones elsewhere is a good/bad example of this: it is infinitely better to protect existing wetlands that are part of riparian complexes than to create a new wetland from scratch that may be disconnected from the surrounding natural system.

Finally, if I can be so bold, a reminder that you are guiding a conservation organisation, the Hamilton Conservation Authority, that has been leading ecosystem protection and education since the 1970s with a stellar hard-earned reputation under the leadership of Ben Vanderbrug, John Coates, my mentor Bruce Duncan, Bruce MacKenzie, Alan Stacey, Chris Firth-Eagland and many other dedicated conservationists – quite a legacy. As you read the excellent staff report (thanks once again Scott Peck for your high level of professionalism), listen to the developer’s representatives, and consider comments from the public, I ask you to think back and hold the vision of past HCA leaders in your minds.

I wish you the best in making your decision.

Brian

From: [cmkmags](#)
To: [Lisa Burnside](#); [Jaime Tellier](#); [lloyd.ferguson@hamilton.ca](#); [chad.collins@hamilton.ca](#); [tom.jackson@hamilton.ca](#); [esther.pauls@hamilton.ca](#); [sshaw-gp@ndp.on.ca](#)
Subject: Ancaster wetlands development
Date: May 24, 2021 7:44:38 AM

I read with concern, the proposal to develop wetlands in Ancaster.

Please tell me how this will impact the watershed? This is the facebook post I read. Is my concern justified? If not, please tl me what measures are being put in place to ensure the watershed downstream is not impacted in terms of flooding of homes, and detriment to wildlife/ecosystem?

"In the evening June 3rd, at City Hall, a developer and Councilor Lloyd Ferguson will put forward a pre-mature, ill-conceived proposal to pave over historic wetlands at 140 Garner Road in Ancaster.

This wetland is part of the Ancaster Watershed which controls the natural streams and waterways of the Niagara Escarpment including 4 Environmentally Significant areas: Hamilton Golf & Country Club, Tiffany Falls, Dundas Valley, and Cootes Paradise.

The developer proposes to replace the wildlife habitat of an entire ecosystem with parking for 3,000 cars + 5 massive warehouses. The entire process is being rushed WITHOUT proper assessment.

No one knows if the Ancaster Stream will overflow its banks. No one knows how the underground waterways will re-act once shifted. The HCA Members talk of RISK and Liability. Will basements flood? Will the escarpment face be eroded? Will Spencer Creek flood? No one knows. If any of these events occur, who will pay for damages? No one knows.

Anyone who lives north (and downhill from) 140 Garner Road could be seriously affected if this proposal is accepted".

Please advise,

Michele Patterson
Ancaster

Sent from my Galaxy

From: [Liz Koblyk](#)
To: [Jaime Tellier](#); [Lisa Burnside](#); sshaw-q@ndp.on.ca; Lloyd.ferguson@hamilton.ca; chad.collins@hamilton.ca; esther.pauls@hamilton.ca
Subject: Concern over 140 Garner Road proposal
Date: May 24, 2021 9:25:48 AM

Dear Councillors, Minister, and HCA Board Members,

I am writing to express concern over the proposal to pave historic wetlands at 140 Garner Road in Ancaster. This wetland is part of the Ancaster Watershed which controls the natural streams and waterways of the Niagara Escarpment including four environmentally significant areas: Hamilton Golf & Country Club, Tiffany Falls, Dundas Valley, and Cootes Paradise.

Councillor Ferguson, could you please share what assessment has been done, and what other locations have been considered, that would pose less risk of Ancaster Stream overflow, impact to underground waterways, basement flooding, and loss of wildlife habitat?

With interest in GHA real estate at a peak, it would be easy to make the decision to pave over the remaining green space in a short-term bid to capitalize on interest. However, the longer view of increasing the tax base might be to preserve the green space that makes the GHA appealing, and which prevents our air quality from further declining, and focus on incentives to develop better housing in current residential and reclaimed industrial zones. Hamilton's housing bubble won't last, and it would be a mistake both in terms of environmental sustainability and Hamilton's long-term appeal to make it less livable.

Thanks,
Liz

From: [Janice Robertson](#)
To: [Lisa Burnside](#); [Jaime Tellier](#); chad.collins@hamilton.ca; tom.jackson@hamilton.ca; esther.pauls@hamilton.ca; brad.clark@hamilton.ca; maria.pearson@hamilton.ca; lloyd.ferguson@hamilton.ca
Subject: Please!!!
Date: May 24, 2021 6:07:54 PM

To whom it may concern
(and it SHOULD concern everyone!)

Please do what you can to prevent the paving over of the Ancaster wetlands!!! Once gone, they cannot be restored. We MUST protect the water that flows over the escarpment and into Cootes paradise. We do NOT need more pavement!!!
Future generations will thank you for doing the right thing!!!!

Sincerely,
Janice Robertson

From: [Mary Ann Frerotte](#)
To: [Lisa Burnside](#); [Jaime Tellier](#); chad.collins@hamilton.ca; tom.jackson@hamilton.ca; esther.pauls@hamilton.ca; [Clark, Brad](#); maria.pearson@hamilton.ca; [Lloyd Ferguson](#)
Subject: Wetlands Offsets
Date: May 25, 2021 12:27:43 PM

Hello,

I would like to voice my concerns about the wetland offsets being considered for the property near the airport. I consider Offsets no more then "pay to slay",. I was opposed to this idea on this basis alone, but today realized that it is the Ancaster creek that will be impacted if this goes wrong. So in addition to flooding, possible destruction of natural wonders such was Sherman Falls and Cootes paradise, there are businesses that could be affected. This creek runs through the Hamilton Golf and Country club, which brings many people town and presumably employs quite a few. The Ancaster Mill is a culinary and wedding destination with the creek as a main draw. Again I'd hazard to guess, another business and its employees that could be put at risk if the delicate balance of nature is affected in either direction.

Please, we cannot destroy wetlands. They are not replaceable. The Ancaster creek, residents and business along it, and the precious Royal Botanical gardens already under seige from sewage spills deserves your protection.

Thank You,

Mary Ann frerotte
Dundas, Ont.

From: [Lisa Burnside](#)
To: [Jaime Tellier](#)
Subject: FW: Letter from Association of Dundas Churches and Eco Churches of West Hamilton
Date: May 26, 2021 11:39:07 AM
Attachments: [Association of Dundas Churches and Eco Churches of West Hamilton Letter.pdf](#)

From: Shawn Erb

Sent: May 26, 2021 11:19 AM

To: Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>; lloyd.ferguson@hamilton.ca;
brad.clark@hamilton.ca; chad.collins@hamilton.ca; tom.jackson@hamilton.ca;
esther.pauls@hamilton.ca; Wayne Poole

Subject: Letter from Association of Dundas Churches and Eco Churches of West Hamilton

Greetings,

attached to this email is a letter written on behalf of the Association of Dundas Churches and Eco Churches of West Hamilton in regards to Silvestri application for Garner Road.

Blessings,

Rev. Shawn Erb

Chair, Association of Dundas Churches

HCA Board Members

We are writing to you on behalf of the Association of Dundas Churches and the Eco Churches of West Hamilton with respect to the Silvestri application for Garner Road. Our concerns are as follows.

We do not believe that building warehouses on a paved over wetland amounts to responsible stewardship.

The application is not supported by HCA policy.

After review by HCA staff, using sound scientific and environmental reasoning we are certain, the application has been rejected by them.

Wetlands are irreplaceable and we need to protect the relatively few remaining wetlands in Southern Ontario. An engineered "wetland" cannot replace a natural one with its natural and intact ecosystems.

The irony is that paving increases run-off and exacerbates flooding, the very reason we need natural wetlands.

We respect that Councillor Brad Clark has recused himself as he has a conflict of interest regarding this application. We would like to know if any conflict(s) of interest exist with the proponent. If so, then this application must be rejected.

Respectfully,

Rev. Shawn Erb, Chair

Association of Dundas Churches (Christ Church Flamborough, Christian Science Society, Dundas Baptist Church, Grace Valley Church, Knox Presbyterian Church, Life Community Church, Salvation Army Agencies, St. James Anglican Church, St. Mark's United Church, St. Paul's United Church)

Wayne Poole, Chair

Eco churches of West Hamilton (Knox Presbyterian Church, St. James Anglican Church, St. Mark's United Church, St. Paul's United Church, Westdale United Church, Quakers Hamilton)

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: June 3, 2021

RE: 2021 Annual General Meeting (AGM)

STAFF RECOMMENDATION

THAT the Board of Directors approve the following:

WHEREAS HCA is still awaiting response on exception requests from the Minister of Environment, Conservation and Parks in regard to governance provisions related to the terms and rotation of the Chair and Vice Chair positions that were proclaimed in February 2021 and further;

WHEREAS It is not possible for HCA to be in compliance with the municipal rotation requirement for the positions of Chair and Vice-Chair with only one member from a second participating municipality;

THEREFORE BE IT RESOLVED

- 1. THAT the HCA Annual General Meeting (AGM) be rescheduled to the next upcoming meeting provided an exception response is received two weeks before a scheduled meeting; should it be received with less notice, the AGM will be scheduled for the next meeting immediately following; and further**
- 2. THAT elections for the position of Board Chair and Vice Chair of the Board normally conducted at the AGM be deferred until the AGM is rescheduled with the current Board Chair and Vice Chair remaining in place until that time; and further**
- 3. THAT the current term of Board Members appointed to the Budget and Administration Committee as well as the Conservation Advisory Board, along with the term of each respective HCA Committee Chair and Vice**

**Chair be extended and formally reconfirmed when the AGM is rescheduled;
and further**

- 4. THAT the appointments to Conservation Ontario Council be extended and formally reconfirmed when the AGM is rescheduled.**

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: June 3, 2021

RE: Regulatory Proposal Consultation Guide released by Ministry of Environment, Conservation and Parks

BACKGROUND

As previously reported to the Board in presentations and reports providing updates to the Conservation Authorities Act related to Bill 108, Minister Yuerk's August 16, 2019 Letter, and Bill 229, the Ministry of Environment Conservation and Parks (MECP) posted a consultation guide to the Environmental Registry on Thursday May 13, 2021. The Province has released the [MINISTRY OF THE ENVIRONMENT, CONSERVATION AND PARKS REGULATORY PROPOSAL CONSULTATION GUIDE: Regulations Defining Core Mandate and Improving Governance, Oversight and Accountability of Conservation Authorities](#) to consult with stakeholders and the public in its first phase of finalizing proposed regulations for the Conservation Authorities Act.

STAFF COMMENT

What is the Regulatory Proposal Consultation Guide?

The Ministry of the Environment, Conservation and Parks (MECP) is consulting on the proposed regulations that would be made under the *Conservation Authorities Act* (CAA). This document is a consultation guide being used to gather feedback on the Ministry's regulatory postings on the Ontario's Environmental Registry. It is important to note that these are not the actual regulations yet and these will be developed following the consultation period.

Additionally, the comment process speaks specifically to the proposed regulations and does not present an opportunity to re-open the legislation.

What is being reviewed at this time?

The proposed regulations for consultation in phase one are focused on: details on the programs and services conservation authorities will implement and how the programs and services may be funded, such as the:

- mandatory programs and services conservation authorities will deliver
- proposed agreements with participating municipalities that may be required to fund non-mandatory programs and services with municipal dollars, and the transition period to establish those agreements
- the requirement for conservation authorities to establish community advisory boards
- a Minister's regulation under section 29 of the *Conservation Authorities Act* that consolidates individual CA regulations regarding the public's use of authority-owned land including, prohibited activities and activities requiring permits on conservation authority owned lands

How were the proposed regulations developed?

Earlier this year, the Province established a Working Group of stakeholders to provide guidance in developing the proposed regulations. The Working Group consists of representatives from Conservation Authorities, Conservation Ontario, the Association of Municipalities of Ontario, as well as the development and agricultural sectors. The group is chaired by Hassaan Basit, President and Chief Executive Officer of Conservation Halton.

How much time is available to submit feedback on the proposed regulations?

The Province is providing 45 days. The deadline is June 27, 2021.

What are the next steps?

Staff will be attending information sessions scheduled by MECP to help facilitate our understanding. Conservation Ontario will also be working with Conservation Authorities to prepare a submission to the government. The content of this submission will be on the June Conservation Ontario Council agenda.

From an initial review, staff appreciate the efforts of the Working Group. This forum provided an effective process for Authorities to collaborate with stakeholders to educate about the work CA's undertake by providing on-the-ground examples of the integrated watershed management approach. The 'Other Programs and Services' inclusion of *Core Watershed-based Resource Management Strategy* is a significant addition as a result of these efforts.

Staff are pleased that MECP is proposing January 1, 2023 as the prescribed date by which agreements must be in place as a date in 2022 would have provided very little time to undertake consultation with municipalities. The proposed regulations will achieve greater transparency while recognizing the variability amongst CA's, municipalities, and local conditions/management objectives.

The Environmental Registry of Ontario (ERO) posting provides a 45-day consultation period on the proposal, closing on Sunday June 27, 2021. Phase 2 of the consultation will focus on Section 28 regulations and is expected to be posted in the coming weeks.

As per the schedule of timing contained in the guide, once the regulations are finalized, there will be significant staff time and resources required in the coming months to complete an inventory of our programs and services, including identifying which require agreements with participating municipalities to continue financing (in whole or in part) through the municipal levy, consultation with participating municipalities on the inventory undertaken and completion of transition plan to enter into any required agreements by year end. The guide notes quarterly reports by conservation authorities through 2022 of progress made in attaining agreements with municipalities and having everything in place by year end 2022 to be reflected in 2023 conservation authority budgets.

The one area that will require less effort on behalf of HCA involves the requirement for mandatory community advisory boards. As the Board is aware, HCA already has a well functioning committee in this regard, the Conservation Advisory Board that includes members of the public and follows our established by-laws. Its terms of reference are reviewed annually as part of our governance review undertaken by the Budget & Administration Committee and any required amendments will be undertaken as needed related to its composition, role etc.

STRATEGIC PLAN LINKAGE

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

Organizational Excellence – focused on ensuring corporate and financial viability and the HCA's relevance in the community

AGENCY COMMENTS

The CAO has undertaken outreach to the CAO of both City of Hamilton and Township of Puslinch to ensure they received the email and guide from MECP and encourage municipal comment on the ERO regarding the proposals.

LEGAL/FINANCIAL IMPLICATIONS

Not Applicable

CONCLUSION

As noted, staff will be participating in information sessions scheduled by MECP and will provide comments to Conservation Ontario as a coordinated submission to the ERO.

Our objective as staff will be to work with Conservation Ontario to ensure the regulations being developed by the Province can be effectively implemented by conservation authorities and contribute to our mandate, and HCA mission, vision and objectives in our strategic plan.

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, CAO

MEETING DATE: May 20, 2021

RE: Renewal of Memorandum of Understanding
Re: The Cootes to Escarpment Ecopark System
(2022-2026)

STAFF RECOMMENDATION

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

THAT the renewal of the Memorandum of Understanding regarding the Cootes to Escarpment Ecopark System for 2022 to 2026 be approved.

BACKGROUND

The Cootes to Escarpment Ecopark System is a network of over 3,650 hectares of significant natural lands connecting Hamilton and Burlington at the western end of Lake Ontario. It consists of more than 1,900 hectares of permanently protected natural lands and open space, surrounded by another 1,750 hectares of privately-owned lands for complementary stewardship.

This is a collaborative initiative among nine local government, academic and non-government organization partners which at present include:

1. Bruce Trail conservancy
2. City of Burlington
3. Conservation Halton
4. Regional municipality of Halton
5. City of Hamilton
6. Hamilton Conservation Authority
7. Hamilton Naturalists' Club
8. McMaster University
9. Royal Botanical Gardens

STAFF COMMENT

The major objectives of the Ecopark System are:

- Long term stewardship and joint management of existing and new public lands;
- Enhanced public education and awareness of the area's cultural and environmental significance;
- Ecological restoration to maintain species biodiversity; and
- Creation of a connected system of properties through various land securement options.

The partners have operated under an approved MOU since June 2013 including a Governing Council, a Management Committee and an Ecopark System Secretariat.

Nine partner agencies, including Hamilton Conservation Authority are working to protect, restore and connect these ecologically valuable lands and create a lasting legacy for future generations in our community.

HCA staff have actively participated in the Governing Council and the Management Committee as well as directly in a number of the identified initiatives. Staff is in support of extending the MOU for a five-year term (2022-2026).

Attached to this report is the draft MOU which includes the Terms of Reference for the Governing Council and Management Committee and the Partnership Financial Contributions and Secretariat Operating Budget for the term of the agreement.

STRATEGIC PLAN LINKAGE

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

- **Strategic Goal #2 – Natural Heritage Conservation**
 - Work with our partners on stewardship initiatives for the Hamilton Watershed Stewardship Program and the Cootes to Escarpment EcoPark System
 - Work with our partners to maintain and enhance the natural heritage inventory
- **Strategic Goal #4 – Education and Environmental Awareness**
 - Collaborating with other agencies and organizations to promote the importance of the environment

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Over the past five years, the HCA has contributed \$15,708 per year, adjusted for inflation annually to the work of the Ecopark System and the Secretariat. All partners contribute equally except for the two smaller partners, the Bruce Trail Conservancy and Hamilton Naturalists Club, in recognition of their limited financial resources.

In 2022, individual partner financial contributions would be raised to \$15,973. and then adjusted for inflation by 2% for each of the remaining four years of the MOU. In 2022, the total partner contributions will provide a total of \$113,834. which will be used for funding the annual Secretariat Operating Budget.

CONCLUSIONS

The vision for the Cootes to Escarpment Ecopark System is that it will be a protected, permanent and connected natural lands sanctuary from the Harbour to the Escarpment that promotes ecosystem and human health within Ontario's Greenbelt. The continuance of the Agency Partnership and the renewal of the Memorandum of Understanding will allow for significant advancement in meeting both the vision and the objectives of the Ecopark System.

Cootes to Escarpment EcoPark System 2022-2026 Memorandum of Understanding

Project Charter

2022-2026 Agreement, EcoPark System Secretariat Budget

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1. Introduction and Summary

Acknowledgement of Indigenous Traditional Territories

The participating agencies that make up the Cootes to Escarpment EcoPark System recognize the long history of First Nations and Métis people in the province of Ontario and pay respects to the Mississaugas of the Credit First Nation, the treaty and rights holder to these lands, and the Six Nations of the Grand River Territory. These lands are the traditional territories of the Haudenosaunee, Anishinaabe, and Huron-Wendat Nations.

Since 2007 the Cootes to Escarpment EcoPark System has evolved as a voluntary park alliance in which the participating agencies own and manage their lands individually but collaborate on areas of mutual interest. The idea of a partnership around these natural areas was brought forward in 2006 by the Natural Heritage Planning Committee of the Bay Area Restoration Council. Following extensive background research and consultation a first strategic plan, the Cootes to Escarpment Park System: Conservation Land Management Strategy, was finalized in 2009 and approved in principle by all participating boards and councils in 2010. The participating agencies agreed to establish the EcoPark System as a voluntary collaboration operating under a three-year Memorandum of Understanding in 2013, which was amended and extended for five years in 2016.

Today, the EcoPark System acts as a collaboration among government and not-for-profit agencies that collectively protect nearly 2,200 ha of open space and nature sanctuary between Cootes Paradise Marsh, Hamilton Harbour, and the Niagara Escarpment (figure 1).

In 2021, a Strategic Plan updating the goals and objectives set out in the 2009 plan was completed with partner, stakeholder and public input. This Strategic Plan sets directions and actions for the EcoPark System partner agencies to achieve by 2030. To achieve these priorities, a Memorandum of Understanding has been developed and is compiled into two sections: Project Charter and the Agreement.

The Project Charter is a document outlining the purpose and scope of the Cootes to Escarpment EcoPark System. It is intended to provide context on the direction of the alliance. The Agreement describe how partners will work together to accomplish the priorities set out in the 2021-2030 Strategic Plan for the period of 2022 to 2026 and identifies the 2021-2026 Expenses and Budget. Together, they define the roles, responsibilities, contributions, and expectations of partner agencies. It is intended that these two documents complement the 2021-2030 Strategic Plan by providing a framework in which partners can effectively operate to accomplish EcoPark System goals and objectives.

2. Declaration

The Parties to this Memorandum of Understanding:

- Embrace the vision and mission of the Cootes to Escarpment EcoPark System.
- Agree that the Cootes to Escarpment EcoPark System provides an excellent opportunity to preserve, enhance and study in greater depth the remarkable natural heritage of this region.
- Support in delivering on the strategic priorities, directions and actions listed in the *2021-2030 Cootes to Escarpment EcoPark System Strategic Plan*. Activities may include the Parties leveraging their existing resources to provide greater recreational services to the regional community, more effectively promoting the natural spaces of this region, joining together in protecting and enhancing natural lands, and securing new funding. It is also intended that the Parties will work together to provide access across the entire Cootes to Escarpment EcoPark System for educational and research purposes and working in cooperation to allow and promote the responsible use of the lands comprising the Cootes to Escarpment EcoPark System for such purposes.
- Recognize the collaborative, consensus-based decision-making approach that has been used to develop the Cootes to Escarpment EcoPark System vision, and which will continue to be used in realizing this vision;
- Confirm the importance of public and stakeholder participation in the on-going processes to establish the proposed EcoPark System;
- Commit to participate as partners in the Cootes to Escarpment EcoPark System, including participating in the Governing Council and the Management Committee, making financial and in-kind contributions, and participating in Cootes to Escarpment EcoPark System initiatives, and
- Previously entered into a Memorandum of Understanding dated 29 August, 2016 pertaining to the Cootes to Escarpment EcoPark System, and wish to continue the EcoPark System program by entering into this Agreement for a period of five years by affixing the signatures of authorized representatives below.

3. Project Charter

3.1 Cootes to Escarpment EcoPark System - Vision and Mission

Our Vision for the Cootes to Escarpment EcoPark System is that it becomes a permanently protected natural lands sanctuary linking Cootes Paradise Marshlands with Hamilton Harbour and the Niagara Escarpment.

Our Mission as partners is to collaborate to preserve and enhance the natural lands we own and steward by using sustainable approaches to protect biodiversity, highlight ecosystem services, and enable responsible human connection to nature.

3.2 Cootes to Escarpment EcoPark System - Purpose

An effective alliance of agencies that work collaboratively with stakeholders and the public to identify priorities, facilitate opportunities to preserve and enhance natural areas and support enriching experiences in nature for the public.

3.3 Overview - Landscape and People

The Cootes to Escarpment EcoPark System is a unique collaboration of partner agencies, landowners, stakeholders, and the community working together to conserve, protect, and support the natural lands linking Cootes Paradise with the Niagara Escarpment (figure 1).

Centered in a complex, biologically diverse, and fragmented landscape of protected lands, open space, urban development, and other uses at the western end of Lake Ontario, the EcoPark System is home to the only remaining unurbanized terrestrial ecological corridor between the Niagara Escarpment and Lake Ontario coastal wetlands. However, it is surrounded by 700,000 residents and is within an hour or two of 8 million other residents of the Greater Golden Horseshoe.

Through land securement, ecological restoration, recovery and remediation, education, research, and outreach with the public and landowners, this collaboration of government and not-for-profit agencies has successfully and voluntarily collaborated to address threats to local natural areas such as habitat fragmentation, invasive species, climate change, water quality impairment, along with other anthropogenic effects within the Cootes to Escarpment EcoPark System.

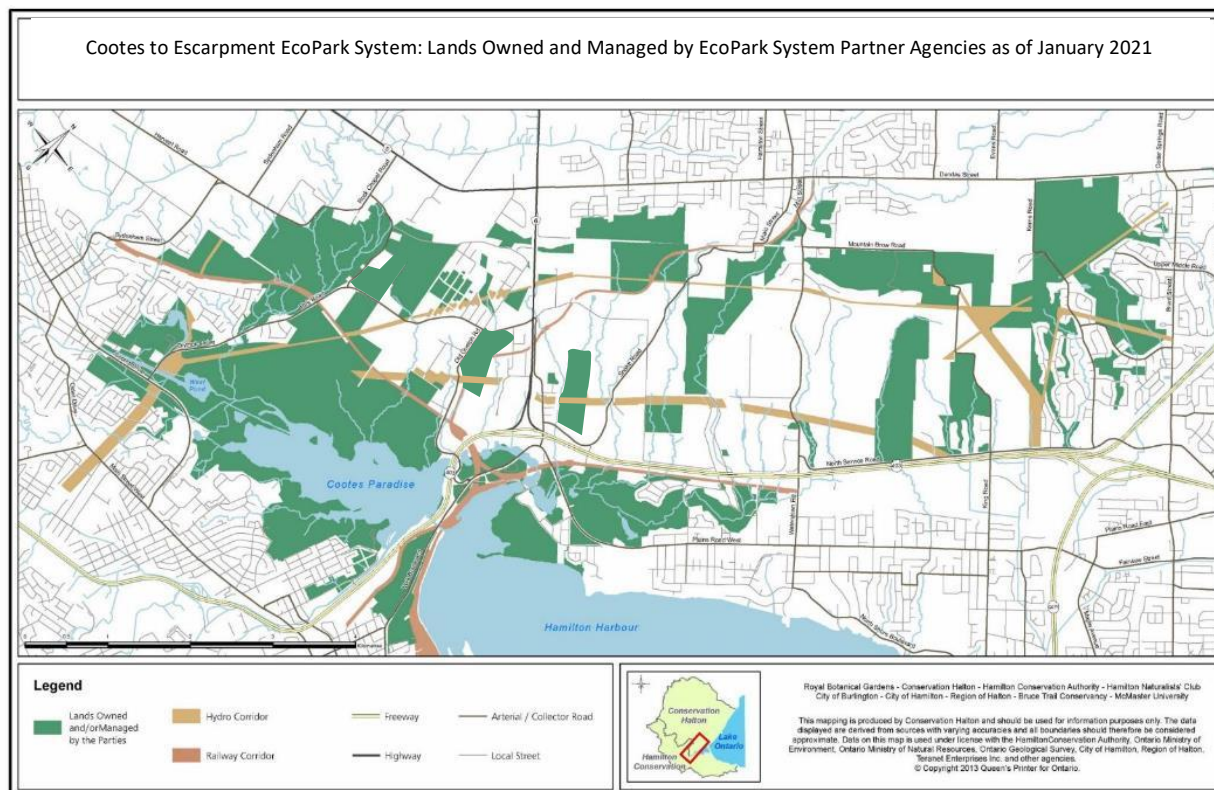


Figure 1: Lands Owned and Managed by Cootes to Escarpment EcoPark System Partner Agencies as of January 2021

3.4 Scope - A Collaborative Near-Urban Nature Alliance

The EcoPark System is fundamentally a collection of interested individuals and organizations working towards a common goal. The representatives from our partner agencies aim to be transparent and seek out contributions of interested individuals from a wider variety of organizations and walks of life to give shape to the project. To realize the promise of protecting these lands and amplify successes to date, EcoPark System partner agencies prioritize working with landowners, stakeholders, and the community on:

- Natural Heritage: To protect, restore and enhance the ecological system by ensuring the health and diversity of species, habitats and natural processes.
- Recreation: To provide opportunities for appropriate passive recreation that support active living while maintaining the biological and physical integrity of the lands.
- Cultural Heritage: To identify, protect and preserve cultural heritage features for their valuable reflection of the historical use and occupancy of the area.
- Interpretation: To provide educational opportunities that promote knowledge, innovation, and discovery, understanding and appreciation of natural and cultural values, environmental sensitivity and significance, and the need for conservation.
- Management: To promote responsible stewardship of the lands and engage community involvement in EcoPark System planning and management.

3.5 Strategic Alignment – Municipal and Provincial Policy Framework, National and International Recognition

The existing planning policy and regulatory framework related to the Cootes to Escarpment EcoPark System vision in this area includes Provincial Plans, Municipal Master Plans, Zoning Bylaws and Minister's Zoning Order (Parkway Belt Land Use regulation), the Royal Botanical Gardens Act, the Conservation Authorities Act, and others. Many natural areas in the region are classified through the Niagara Escarpment Parks and Open Space System (NEPOSS) and are required to conform to the Niagara Escarpment Plan. It is not the intent for the EcoPark System to obtain any regulatory powers over the lands of the partner agencies or private landowners.

Such classifications, policies and actions that address changing local and global issues identify common directions the EcoPark System alliance can implement through issues and opportunities noted in the Heritage Lands Management Plans (completed in 2019). These will be used as guides for partner agencies to protect the natural system and provide a variety of recreational opportunities on their properties within the Cootes to Escarpment EcoPark System (figure 1).

As this area continues to attract new residents, greenspace that provides ecosystem services, protects biodiversity, and supports human physical and mental health through outdoor activities becomes increasingly important. The role of urban greenspace is also of global importance and has been recognized by the United Nations Sustainable Development Goals (e.g., 3, 15 and 11) on sustainable communities along with the need to support citizen health and wellbeing. There are also emerging global trends around connecting to nature for improved health and well-being of people and the desire for more sustainable cities and communities (UN Sustainable Development Goals, IUCN #NatureForAll).

Canada's federal and provincial governments support the protection of ecosystems, landscapes, and biodiversity. The landmark Canada Nature Fund enables community action including efforts to protect 30% of lands and marine areas by 2030. Increasing focus is being directed to how urbanized areas such as the Greater Toronto-Hamilton Area can help with resilience to climate change and other stressors.

There is an opportunity for the EcoPark System to greatly benefit Canadians and become an internationally renowned success story. Partner agencies are actively seeking special recognition or legislation from the governments of Ontario and or Canada, as appropriate, to designate a specific geographic area as the Cootes to Escarpment EcoPark System or to recognize the significance of the natural and cultural heritage within the Cootes to Escarpment EcoPark System.

4. 2022-2026 Agreement

This Agreement defines the responsibilities, roles, contributions and decision-making process, and operating procedure of the EcoPark System partners to advance the vision, mission, and priorities of the alliance. Henceforth, EcoPark System partners (“the Partners”) are noted as interchangeably as “the Parties.”

4.1 Context

- i. The Cootes to Escarpment EcoPark System is a collaborative initiative among nine local government, academic and non-government organization partners (the “Partners”) to protect, enhance and connect more than 2,200 hectares of natural lands in the Hamilton-Burlington area. The Partners at present include the Bruce Trail Conservancy, the City of Burlington, Conservation Halton, the Regional Municipality of Halton, the City of Hamilton, the Hamilton Conservation Authority, the Hamilton Naturalists’ Club, McMaster University, and Royal Botanical Gardens.

4.2 Framework for Joint Decision Making

The Parties agree that:

- i. Notwithstanding any provisions to the Agreement:
 - a. The Cootes to Escarpment EcoPark System will inform but not replace or supersede the land management and other responsibilities of the Parties.
 - b. The Cootes to Escarpment EcoPark System will not supersede the legal rights and responsibilities of private and public landowners. Nothing in this Agreement compels the Parties to amend their existing planning policies and regulations governing the lands within, between and proximate to the EcoPark System in order to meet the objectives of this Agreement.
 - c. Each agency will determine how EcoPark System matters and decisions link to its internal organizational and decision-making structure, including consultation with and approvals from its Board or Council.
 - d. Nothing in this Agreement shall be deemed to derogate from the decision-making structure of each Party’s organization, and accordingly, the Parties acknowledge that members of the Governing Council and Management Committee may be required to seek approvals from their Board or Council from time-to-time.
 - e. If a decision is made by the Parties which does not have unanimous support, then the dissenting Party(ies) may opt out of the action or subject matter of such decision but otherwise may continue its participation in the Cootes to Escarpment EcoPark System.
- ii. A Governing Council will be established for the Cootes to Escarpment EcoPark System.
 - a. The Governing Council will consist of one senior decision-maker or elected official from each of the Parties, or their explicit designates. Each Governing Council member shall be

- in a position to readily obtain authorization from his or her home organization, if required, to make decisions and commitments on behalf of that organization, including, *inter alia*, decisions with financial, human resource or legal implications.
 - b. Subject to Section 4.2i above, the Governing Council will have authority for decisions concerning governance and strategic planning for the Cootes to Escarpment EcoPark System, matters with legal or significant financial implications, and other matters identified by the Governing Council at its discretion.
 - c. Each Party will determine the mechanisms and processes by which Governing Council matters and decisions are taken through its internal organizational and decision-making structure, including its Board or Council.
 - d. Inclusion of a property within the Cootes to Escarpment EcoPark System framework must be approved by both the Party that owns the property in question and the Governing Council. Removal of a property from the Cootes to Escarpment EcoPark System framework is at the sole discretion of the Party owning the property.
- iii. A Management Committee will be established for the Cootes to Escarpment EcoPark System.
 - a. The Management Committee will consist of one management-level representative from each of the Parties. Each Management Committee member shall be in a position to readily obtain authorization from his or her home organization, if required, to make operational decisions and commitments on behalf of that organization from time to time.
 - b. Subject to Section 4.2i above, the Management Committee will be responsible for implementation of strategic directions, objectives and activities identified by the Governing Council and decisions taken by the Governing Council.
 - iv. A Secretariat will be established for the Cootes to Escarpment EcoPark System.
 - a. The Secretariat will consist of an EcoPark System Coordinator and other staff as needed, and will report to the Chair of the Management Committee.
 - b. The Secretariat will be responsible for undertaking administration and leading and coordinating projects and programs for the Cootes to Escarpment EcoPark System.
 - c. The Secretariat will be guided by the decisions of the Governing Council and Management Committee.

4.3 Roles and Responsibilities of Governing Council, Management Committee, and Secretariat

- i. Together, partner agency staff will support the Secretariat to inform but not replace or supersede the land management and other responsibilities of its Partners. This also applies to the legal rights and responsibilities of private and public landowners. Each Partner determines how EcoPark System matters and decisions link to its internal organizational and decision-making structure. As such, Governing Council and Management Committee representatives may be required to seek approvals from their Board or Council. Any Partner may opt out of an action or subject matter and continue its participation in the Cootes to Escarpment EcoPark System.

- ii. *Schedule A: Decision Making, Roles and Responsibilities for Cootes to Escarpment EcoPark System Bodies* outlines the decision making, roles and responsibilities of Governing Council, Management Committee and Secretariat.

4.3.1 Governing Council, Management Committee, and Subcommittee Conduct

1. Consensus

- a. Consensus is a core value of Management Committee and Governing Council. To promote consensus, the Chair must work to ensure that Governing Council members consider all views and objections, and endeavor to resolve them, whether these views and objections are expressed by the active participants of the Governing Council or by others (including but not limited to user groups, stakeholders, landowners or the general public).
- b. The Chair has the role of assessing consensus within the Governing Council. Any dissenting views should be noted in the Chair's report.
- c. Any member who would like to formally object to a Governing Council decision should articulate the reasons for his or her objection and propose changes that would remove the objection.

2. Voting

- a. Management Committee and Governing Council should only conduct a vote to approve or reject a proposition after the Chair has determined that all available means of reaching consensus through discussion and compromise have failed, and that a vote is necessary to break a deadlock. In this case the Chair must record the following in the minutes of the meeting:
 - i. An explanation of the issue being voted on,
 - ii. The decision to conduct a vote to resolve the issue,
 - iii. Each member and their vote,
 - iv. The outcome of the vote,
 - v. Any formal objections
- b. An exception to this process is the election of Executive Officers of the Governing Council and Management Committee.
 - i. Each Party represented has one vote, including the Chair, even when the organization is represented by more than one participant at the meeting (such as when Alternates may be present for information purposes).
 - ii. Propositions to be decided by vote will be considered approved if voted for by a simple majority of representatives of present Parties, to be taken as 50% plus one. A vote on a proposition that results in a tie shall be deemed to have rejected the proposition.
- c. Meetings
 - i. The EcoPark System Secretariat will prepare an annual schedule of regular meetings to be held at times and places agreed to by the members. The Chair may call special meetings to be held at times and places as may be determined by Management Committee and Governing Council. Members may attend meetings via teleconference with the approval of the Chair.

- ii. Minutes of meetings shall record decisions made, factors considered, and information presented during the meeting. They will also include action items as a reminder to members. Minutes of previous meetings shall be approved as part of the agenda.
 - iii. The Chair may invite an individual or individuals with a particular expertise or interest to attend a meeting on an exceptional basis. Such persons will be deemed guests and will not have voting rights.
- d. Quorum
 - i. A quorum shall consist of a simple majority (50% plus one) of Partners being present in person, by teleconference or by proxy at a meeting. If the quorum is not present for any meeting of within 15 minutes of the time fixed for the commencement of the meeting, the meeting will be cancelled and rescheduled. If a quorum is not present at a meeting in progress, then no decisions can be made by the Management Committee or Governing Council during that part of the meeting conducted without quorum present. Matters of information may be received during parts of the meeting conducted without quorum present and issues forwarded to a subsequent meeting for decisions.
- e. Declaration of Interest
 - i. At the beginning of every meeting, members must declare any conflicts of interest, real or potential, that they have with items for discussion at the meeting. The Chair will determine whether a member with a conflict of interest must recuse himself or herself from discussion of the item in question, or decision-making with respect to that item.
- f. Confidentiality
 - i. All Parties acknowledge that while participating in the meetings, each may have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other Parties. Confidential Information disclosed by any of the Parties to any other Party, if in written form, shall be marked or identified as confidential at the time of disclosure. If the confidential information is in oral or visual form, it shall be identified as confidential at the time of disclosure and shall subsequently be designated as such by way of a written memorandum sent to the recipient of the confidential information within 30 days following the disclosure.
 - ii. Each Party receiving confidential information shall not disclose the confidential information to any third party or use the confidential information for any purpose other than for fulfilling its obligations under these The Agreement. Each Party shall use at least the same standard of care in protecting the confidential information of other Parties as it uses in protecting its own information of a similar nature but, in any event, no less than a reasonable standard of care. The receiving Party may disclose the confidential information only to its employees, directors, officers, agents, students and consultants who have a need to know the confidential information for the purpose of fulfilling the Party's obligations

under these The Agreement, and who are bound by substantially the same obligations as the Party with respect to the confidential information.

- g. Subcommittees
 - i. The Management Committee may choose to establish subcommittees for particular purposes. Sub-committees shall include at least one Management Committee member, and may include other staff of the Parties, stakeholders, or community members with appropriate expertise and interest to participate. A sub-committee should develop a Terms of Reference that clearly identifies the objectives and deliverables and expected duration before being established. Dissolution of Subcommittees may occur at any time should the Governing Council or Management Committee consider dissolution to be appropriate.
- h. Governing Council, Management Committee and Subcommittee Records
 - i. Staff from the Secretariat Office will co-ordinate and retain meeting records including Agendas, Minutes, Annual Reports and Work Plans.
- i. Public Communications from Governing Council or Management Committee
 - i. When appearing before the public on behalf of the Governing Council or Management Committee, Members shall present an official position on a particular matter. This does not apply when Members appears before the public and clearly indicates that they are appearing on behalf of another organization or as a citizen-at-large and not in their capacity as a member of the Governing Council.
 - ii. Only statements, positions or opinions that have been authorized by the Governing Council through specific direction shall be released publicly as the Governing Council's positions.
 - iii. Only statements, positions or opinions that have been authorized by the Management Committee through specific direction shall be released publicly as the Management Committee's positions.
 - iv. Governing Council or Management Committee shall not declare that its position is the official position of a Partner's Board/Council unless there is specific authorization in place from that respective Partner's Board/Council to do so.

4.3.2. Adding or Removing Partners

- i. Governing Council may invite any additional government body or not-for-profit organization that agrees to the shared principles expressed in Section 2 of this Agreement to join the alliance as a Partner agency, subject to their contribution to the funding of the Secretariat as specified below in Section 4.3.3 and in *Schedule B: 2022-2026 Expenses and Budget* of this agreement.
- ii. Partners can terminate their involvement in this Agreement with 90 days' notice submitted in writing to the Governing Council. An organization that becomes insolvent and/or ceases operations will no longer be a part of this Agreement, with immediate effect. This will be terminated upon the written request of at least two thirds of the alliance. Unless otherwise

specified, the termination will take effect 90 days from the date of the request. The termination of this Agreement will not affect any other agreements or obligations entered by any of the EcoPark System partners which are separate and apart from the subject matter of this Agreement or are meant to survive the termination of this Agreement.

4.3.3 Contributions

- i. Partner agencies agree to provide financial and in-kind resources needed to implement the Cootes to Escarpment EcoPark System Strategic Plan Priorities and approved initiatives, and commit to:
 - a. The time and expertise of their staff as well as other in-kind resources as needed, with such commitment to be determined by each Party at its sole discretion; and
 - b. Providing funding as defined in *Schedule B: 2022-2026 Expenses and Budget* to this Agreement, until the conclusion of the Agreement period or until Schedule B is amended or replaced by a decision of the Governing Council.
- ii. Financial contributions related to the Cootes to Escarpment EcoPark System will be held in trust by the Royal Botanical Gardens on behalf of the alliance. The funds will be managed by the EcoPark System Secretariat subject to the policies and procedures of Royal Botanical Gardens.
- iii. Grant applications can be completed and submitted by one or more partner agency for the purpose of obtaining further funds to support the Cootes to Escarpment EcoPark System. If the application is successful, the funds will be managed and spent in accordance with the terms of the grant.
- iv. Donations of land or any other contributions may be made to the Cootes to Escarpment EcoPark System. Such contributions will be considered, held, managed and applied in accordance with the terms of the donation and the accepting agency's policies and procedures.

4.3.4 Annual Work Plan, Report, and Report Card

- i. Work plans will be prepared by the Management Committee and EcoPark System Secretariat to achieve the vision, mission and objectives articulated in the 2021-2030 Cootes to Escarpment EcoPark System Strategic Plan.
- ii. With input from Management Committee, the EcoPark System Secretariat will produce an Annual Report and Report Card for each calendar year, for approval first by the Management Committee and second by the Governing Council. Both will be developed so that approval by both bodies is obtained before the end of March the following year.
- iii. The Annual Report will contain, *inter alia*, information on progress achieved for each of the Cootes to Escarpment EcoPark System objectives, specific projects and programs, particular achievements and highlights, and outreach and events.
- iv. The Annual Report Card will monitor progress on 2021-2030 Strategic Plan Strategic Priority Action Items.
- v. Annual Reports will be publicly available. Report Cards will only be used for internal planning.
- vi. The Secretariat, with the support of the Implementing Partner, will produce detailed reports on income and expenditures which will be made available to Management Committee as the committee directs, with no fewer than two full reports per year. A summary of income and expenditures will be provided to Governing Council at each of its meetings.

4.3.5 Review

- i. The work of the Secretariat of the Cootes to Escarpment EcoPark System and its programs will be evaluated by Governing Council through Annual Reports and Report Cards specified in Section 4.3.4 of the Agreement.

4.3.6 Amendment and Schedules

- i. This Agreement may be amended. Amendments and approvals must be in writing by all the Parties. In the event of a conflict between the provisions of this Agreement and the Schedules attached hereto, the provisions of this Agreement will prevail and be given effect.

4.3.7 Term

- i. This Agreement will be in effect for a period of five years from January 1, 2022. This Agreement may be renewed for an additional five-year term, or other period, with the written agreement of the Parties.

4.3.8 Fiscal and Operating Years

- ii. For the purposes of planning and reporting to the governing bodies, a fiscal year for the Secretariat will be 1st of January to the 31st of December. For audit purposes, all financial records will be maintained and reports prepared to coincide with the January to December Fiscal year of Royal Botanical Gardens.
- iii. For the purposes of Governing Council and Management Committee meetings, “years” will coincide with the January to December period.

4.3.9 Insurance

- i. The Parties acknowledge that some of the Parties are self-insured. In any event, and at all times, the Parties, with the exception of the Hamilton Naturalists’ Club, shall ensure and maintain sufficient insurance coverage for general commercial liability in the amount not less than \$5,000,000 per occurrence. The Hamilton Naturalists’ Club shall ensure and maintain sufficient insurance coverage for general commercial liability in the amount not less than \$2,000,000 per occurrence. Each Party will provide a copy of its current insurance certificate to be kept on file by the Secretariat.

4.3.10 Privacy and Confidentiality

- I. The Parties acknowledge that during the term of this Agreement, each may have access to confidential information, including but not limited to systems, services or planned services, suppliers, data, financial information, processes, methods, knowledge, ideas, marketing promotions, current or planned activities, research, development, and other information relating to the other Parties and/or third parties. Confidential Information disclosed by any of the Parties to any other Party, if in written form, shall be marked or identified as confidential at the time of disclosure. If the confidential information is in oral or visual form, it shall be identified as confidential at the time of disclosure and shall be subsequently designated as such by way of a written memorandum sent to the recipient of the confidential information within 30 days following the disclosure.

Each Party receiving confidential information shall not disclose the confidential information to any third party or use the confidential information for any purpose other than for fulfilling its obligations under this Agreement. Each Party shall use at least the same standard of care in protecting the confidential information of other Parties as it uses in protecting its own information of a similar nature but, in any event, no less than a reasonable standard of care. The receiving Party may disclose the confidential information only to its employees, directors, officers, agents, students and consultants who have a need to know the confidential information for the purpose of fulfilling the Party's obligations under this Agreement, and who are bound by substantially the same obligations as the Party with respect to the confidential information.

- II. Confidential information will not be disclosed to any third party or used for any purpose other than for fulfilling its obligations. Notwithstanding the foregoing or any other provision of this Agreement, it is acknowledged that some agencies are subject to privacy legislation, including the *Municipal Freedom of Information and Protection of Privacy Act* (Ontario), and accordingly, any information which is collected by those agencies is subject to the rights and safeguards provided for in relevant privacy legislation.

4.3.11 Limitation

- i. Nothing in this Agreement shall oblige Partner agencies to participate in any other agreement. This Agreement does not supersede any other agreement or relationship any of the Partner agencies may have with any others.

5. Signatures

THE BRUCE TRAIL CONSERVANCY

Per _____
Michael McDonald
Chief Executive Officer

Date

CITY OF BURLINGTON

Per _____
Tim Commisso
City Manager

Date

THE REGIONAL MUNICIPALITY OF HALTON

Per _____
Curt Benson
Director of Planning Services and Chief Planning Official

Date

THE HALTON REGION CONSERVATION AUTHORITY

Per _____
Hassaan Basit,
President and Chief Executive Officer

Date

CITY OF HAMILTON

Per _____
Janette Smith
City Manager

Date

HAMILTON REGION CONSERVATION AUTHORITY

Per _____
Lisa Burnside
Chief Administrative Officer

Date

HAMILTON NATURALISTS' CLUB

Per _____
Chris Motherwell
President

Date

McMASTER UNIVERSITY

Per _____
David Farrar
President and Vice-Chancellor

Date

ROYAL BOTANICAL GARDENS

Per _____
Nancy Rowland
Chief Executive Officer

Date

Schedule A: Decision Making, Roles and Responsibilities for Cootes to Escarpment EcoPark System Bodies

	Decision Making	Roles	Responsibilities
Governing Council			
<i>The Governing Council provides leadership for implementing the Cootes to Escarpment EcoPark System and related initiatives. It has authority for decisions concerning governance and strategic planning, matters with legal and significant financial implications, and any other matters identified by the Governing Council at its discretion.</i>	<p>One senior decision-maker or elected official from each EcoPark System Partner agency, or their explicit designates assigned in writing.</p> <p>Each Governing Council member shall be able to readily obtain authorization from their home organization, if required, to make decisions and commitments on behalf of that organization, including, <i>inter alia</i>, decisions with financial, human resource or legal implications.</p> <p>Governing Council will have authority for decisions concerning governance and strategic planning for the Cootes to Escarpment EcoPark System, matters with legal or significant financial implications, and other matters identified by the Governing Council at its discretion.</p>	<p>Executive Member (Chair and Vice Chair)</p>	<p>Manage meeting questions of order, decorum and adjournment.</p> <p>Receive, submit and announce votes for all motions. Decline any vote motions which are beyond the jurisdiction of the Council.</p> <p>Perform other duties when directed by Council.</p>
		General Member	<p>Provide guidance to Management Committee and the Secretariat.</p> <p>Attend and actively participate in all meetings.</p> <p>Ensure the requirements of stakeholders are met.</p> <p>Review the progress of the project.</p>
Management Committee			
<i>The Management Committee provides tactical leadership for implementing the Cootes to Escarpment EcoPark System and related initiatives and for implementing the strategic direction and decisions determined by the Governing Council. It has authority for decisions concerning specific projects and initiatives, except for</i>	<p>One management-level representative from each partner agency.</p> <p>Each Management Committee member shall be able to readily obtain authorization from their home organization, if required, to make operational decisions and commitments on behalf of that organization from time to time.</p>	<p>Executive Member (Chair and Vice Chair)</p>	<p>Manage meeting questions of order, decorum and adjournment.</p> <p>Perform other duties when directed by Council.</p>
		General Member	<p>Provide support to Governing Council and the Secretariat.</p> <p>Attend and actively participate in all meetings.</p>

<p><i>matters with significant legal and financial implications, in which case they will be referred to the Governing Council.</i></p> <p><i>The Management Committee provides direction to Cootes to Escarpment EcoPark System staff including the EcoPark System Coordinator.</i></p>			<p>Ensure the requirements of stakeholders are met.</p> <p>Review the progress of the project.</p>
Secretariat			
<p><i>The Secretariat acts as the administrative and coordinating lead for the Cootes to Escarpment EcoPark System project and programs.</i></p>	<p>The Secretariat will consist of an EcoPark System Coordinator and other staff as needed and will report to the Chair of the Management Committee.</p> <p>Guided by the decisions of the Governing Council and Management Committee.</p>	<p>Cootes to Escarpment EcoPark System Coordinator</p>	<p>Prepare and coordinate Governing Council and Management Committee meetings and related material.</p> <p>Prepare and coordinate Subcommittee meetings and related material.</p> <p>Manage opportunities for stakeholder and public engagement with the program.</p> <p>Facilitate discussion and collaborative opportunities between EcoPark System partner agency staff.</p> <p>Communicate programming to the public and stakeholders.</p> <p>Coordinate programming and research.</p> <p>Prepare detailed accounting of revenue and expenditures quarterly.</p>

Schedule B: 2022-2026 Expenses and Budget

Approximately \$8,500,000 has been invested in protecting, connecting and restoring natural lands in the Cootes to Escarpment EcoPark System since 2010. These funds have gone to 100 ha of additional land securement, ecological restoration, invasive species remediation and recovery of species at risk, promoting sustainable recreational uses, education and research, and private land stewardship and public engagement.

To support the alliance between 2022-2026, the Cootes to Escarpment EcoPark System is requesting financial contributions from partner agencies over five years (Table 1). These funds will support the Secretariat in implementing the Directions and Action Items identified in the 2021-2030 Cootes to Escarpment EcoPark System Strategic Plan, and in implementing the directions of Management Committee and Governing Council (Table 2).

Grants and other outside sources of funding will be sought to support programming and land securement.

Table 1. 2022-2026 Partner Financial Contributions

Partners with annual operating budgets under \$5,000,000 shall contribute the amount of \$1,138 beginning in 2022, with 2% inflation added each year until 2026.

Partners with annual operating budgets of \$5,000,000 per year or more shall contribute the amount of \$15,937 in 2022, with 2% inflation added each year until 2026.

2022-2026 EcoPark System Partner Contributions						
	2022	2023	2024	2025	2026	Total
Bruce Trail Conservancy	\$ 1,138	\$ 1,161	\$ 1,184	\$ 1,208	\$ 1,232	\$ 5,922
City of Burlington	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
City of Hamilton	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
Conservation Halton	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
Halton Region	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
Hamilton Conservation Authority	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
Hamilton Naturalists' Club	\$ 1,138	\$ 1,161	\$ 1,184	\$ 1,208	\$ 1,232	\$ 5,922
McMaster University	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
Royal Botanical Gardens	\$ 15,937	\$ 16,256	\$ 16,581	\$ 16,912	\$ 17,251	\$ 82,936
TOTAL CONTRIBUTIONS	\$113,834	\$116,111	\$118,433	\$120,802	\$123,218	\$592,397

Table 2. 2022-2026 EcoPark System Secretariat Budget

Expenditure of the Secretariat support provided by Partner agencies (Table 1) is under the control of Management Committee, with the assistance of Royal Botanical Gardens as Implementing Partner providing financial services and controls. Expenditures made on behalf of the EcoPark System Secretariat by Royal Botanical Gardens shall conform to the oversight and financial controls in place for RBG. As expenses change each year depending on programs being undertaken, the budget presented here is for illustrative purposes only.

2022-2026 EcoPark System Secretariat Budget							
		2022	2023	2024	2025	2026	Total
Human Resources							
Secretariat Staff Salaries and Benefits	Cootes to Escarpment EcoPark System Coordinator Salary	\$ 72,450	\$ 73,899	\$ 75,377	\$ 76,885	\$ 78,422	\$ 377,033
	MERCs (17.72% of salary)	\$ 12,050	\$ 12,291	\$ 12,536	\$ 12,787	\$ 13,043	\$ 62,707
Human Resources Subtotal		\$ 84,500	\$ 86,190	\$ 87,913	\$ 89,672	\$ 91,465	\$ 439,739
Operating Expenses							
Communications	Web hosting, domain renewal, CMS management	\$ 800	\$ 816	\$ 832	\$ 849	\$ 866	\$ 4,163
Meeting and Travel Expenses	Support for costs representation at conferences and forums, our own meetings and like-minded groups.	\$ 3,500	\$ 3,570	\$ 3,641	\$ 3,714	\$ 3,789	\$ 18,214
Contract Services	Support for Stewardship, Land Securement Services, Research, Trail Management and other services	\$ 20,000	\$ 20,400	\$ 20,808	\$ 21,224	\$ 21,649	\$ 104,081
Community Engagement	Support for community outreach had minor events (BioBlitz, etc.).	\$ 2,000	\$ 2,040	\$ 2,081	\$ 2,122	\$ 2,165	\$ 10,408
Finance and Administration	RBG Overhead Payment	\$ 3,035	\$ 3,095	\$ 3,157	\$ 3,220	\$ 3,285	\$ 15,792
Operating Expenses Subtotal		\$ 29,335	\$ 29,921	\$ 30,520	\$ 31,130	\$ 31,753	\$ 152,658
TOTAL EXPENSES		\$ 113,834	\$ 116,111	\$ 118,433	\$ 120,802	\$ 123,218	\$ 592,397

Memorandum

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: Nancy Watts, director of Human Resources & Wellness
Neil McDougall, Secretary-Treasurer

MEETING DATE: May 20, 2021

RE: Request for Quote – Job Evaluation and Competitive Market Salary Survey

STAFF ECOMMENATION:

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

THAT staff be directed to undertake a request for quotes to carry out a job evaluation and market salary survey; and further

THAT the results of the review be presented back to the Budget & Administration Committee for consideration and implications for future budgets.

BACKGROUND

HCA has historically undertaken comprehensive reviews of the job evaluation program in order to ensure that positions are being evaluated and compensated in a fair and equitable manner, remain in compliance with pay equity legislation while also maintaining internal equity. Past reviews have taken place every 10 to 15 years, with those being in 1986, 2001 and 2011. Given it has been a decade since the last review in 2011 and there have been many management and organizational changes which occurred in the last ten years, senior staff feel the time is again appropriate for a comprehensive review. HCA has undertaken the past two Job Evaluation Studies led by consultant Judy Kroon from KMAC Consulting. However, this consultant has now retired and wound up her business requiring HCA to seek the services of a new provider.

STAFF COMMENT

The job evaluation process requires all full time staff to complete a comprehensive job analysis questionnaire detailing the job content and job requirements of their position. From this questionnaire, the skill, effort, responsibilities and working conditions will be evaluated and scored, allowing for each position to be ranked in the organization.

A second component of the job evaluation process is the comparison of salaries for HCA positions to comparable jobs within the market. The information gathered is then used to match identified benchmark positions and analyze survey data to assess external equity.

The request for quotes will encompass both the job evaluation and market survey analysis as well as selection of key HCA positions in order to then benchmark our pay scales.

It is noted that internal equity of positions within HCA along with competitive salaries is important for staff morale, critical for staff retention and future recruitment efforts. As endorsed by the Board in 2011, It is not the intention that the HCA lead the market in regards to wages, but rather to have its wage ranges meet the 50th percentile amongst area Conservation Authorities.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Attracting and retaining a skilled workforce and promoting staff training, mentoring and succession planning
 - Support a dynamic and resilient culture of learning, safety and engagement through professional development, training and ongoing assessment

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project is anticipated to be under \$50,000. Budget funds are available for this cost within the 2021 and 2022 Human Resources operating budget. Costs to implement any recommendations resulting from the review will be returned to the Budget and Administration Committee for endorsement and factored into future budgets.

CONCLUSIONS

With the continued emphasis and focus on financial effectiveness and customer service and with HCA generating about approximately 60% of its operating revenues, the time is again appropriate for HCA to go to market to retain the services of an external firm to undertake a job evaluation and market review of HCA full time positions to ensure internal equity, competitiveness and pay equity are in place.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Jonathan Bastien, Water Resources Engineering

DATE: June 3, 2021

RE: Watershed Conditions Report

SYNOPSIS

In general, streamflows this year have been well below long-term monthly averages. In fact, current flows are mostly at or below flows indicative of Level 1 drought conditions.

The most recent low water assessment indicated possible Level 1 drought conditions within the watershed. It is expected that a Level 1 Low Water Declaration will be made in June, unless significant rain is received in the near future.

Current Christie Lake levels are approximately 2.25 feet below the low end of typical past summer water levels, due to the dry conditions in May. The timeline for filling this reservoir to typical summer levels will depend largely on the amount of rain received over the coming days / weeks.

The current reservoir levels in Valens Lake are within the range of typical past summer water levels.

There have been no recent or current observations, reports, or expectations of significant watercourse flooding, public safety concerns, or Lake Ontario shoreline flooding. Nor are any such flooding or public safety concerns expected within the next 1 to 2 weeks.

CURRENT WATERSHED CONDITIONS – May 21, 2021

Current Water Levels in Major Area Watercourses

Currently, there are no observations, reports, or expectations of significant watercourse flooding or significant public safety concerns.

Current flows are well below the long-term average monthly flows for May at all five monitored locations (Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, Lower Spencer Creek at Market Street, Ancaster Creek at Wilson Street, and Redhill Creek at Barton Street).

Furthermore, current flows are at or below flows indicative of Level 1 drought conditions at four of the five monitored locations.

Also, for January – April and May to date, the average monthly flows were well below the long-term average monthly flows.

Current Lake Ontario Water Levels

Currently, there are no observations, reports, or expectations of significant shoreline flooding. The Lake Ontario mean daily water level is approximately 74.73 m IGLD85. This is about 31 cm below average for this time of year.

Current Storages in HCA Reservoirs

May has been very dry, with well below normal watercourse flows and rainfall amounts. This has presented challenges during the annual filling of Christie Lake reservoir. The current reservoir level at the Christie Lake dam (about 768.75 ft) is approximately 2.25 feet below the low end of typical past summer water levels (771.0 – 771.5 ft). HCA staff continue to actively manage the annual filling of the reservoir, while also maintaining minimum flow targets for ecological health downstream in Lower Spencer Creek. The timeline for obtaining typical past summer water levels in Christie Lake reservoir will depend largely on the amount of rain received over the coming days / weeks.

The current reservoir level at the Valens Lake dam (about 275.39 m) is within the range of typical past summer water levels (275.25 - 275.45 m). The reservoir is at 95 % 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 dry to moist, presently.

RECENT STORM EVENTS

During the period of April 21, 2021 to May 21, 2021, there were no observations, reports, or expectations of significant watercourse flooding events, public safety issues, or Lake Ontario shoreline flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

The most recent low water assessment (at the beginning of May) indicated possible Level 1 drought conditions within the watershed. However, a Level 1 Low Water Declaration was deferred until the next planned monthly assessment (at the beginning of June). This was due to the fact that some aspects indicated normal conditions, while others indicated Level 1 conditions. For example, the 3-month precipitation totals indicated Level 1 drought conditions. However, the 18-month precipitation totals indicated normal conditions, and at that time 30-day average streamflows also suggested normal conditions at all five monitored locations. As previously noted, flows have continued to decrease over May, and current flows are now at or below flows indicative of Level 1 drought conditions at four of the five monitored locations.

Given this, it is expected that a Level 1 Low Water Declaration will be made in June, unless significant rain is received in the near future.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently anticipated rain and snowmelt amounts are not expected to pose significant watercourse flooding or public safety concerns.

Lake Ontario Shoreline Erosion / Flooding

There are currently no significant Lake Ontario shoreline flooding events anticipated within the watershed over the next 9 days.

According to International Lake Ontario – St. Lawrence River Board information, Lake Ontario is expected to continue its seasonal rise in water levels over the next several weeks. It is noted that the actual rate and magnitude of water level rise will depend primarily on water supplies.

Watershed Low Water Conditions

it is expected that a Level 1 Low Water Declaration will be made in June, unless significant rain is received in the near future.