



Board of Directors Meeting Agenda

Thursday, November 4, 2021



Board of Directors Meeting

Thursday, November 4, 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**
- 5. Consent Items for Applications, Minutes and Correspondence**
 - 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
 - 5.2. Approval of Board of Directors Minutes – October 7, 2021
 - 5.3. Approved September 16, 2021 Budget & Administration Committee Minutes – for receipt only
- 6. Foundation Briefing** Foundation Chair – Reid
- 7. Member Briefing**
 - 7.1. Conservation Authorities Act – Phase 1 Regulations – Burnside
- 8. Business Arising from the Minutes**
 - 8.1. Conservation Authorities Act Amendments - HCA Transition Plan – Burnside
- 9. Reports from Budget & Administration Committee and Conservation Advisory Board**
 - 9.1. Budget & Administration Committee – October 21, 2021 – Moccio
(Recommendations)

- 9.1.1. BA 2137 2022 Operating Budget
- 9.1.2. BA 2138 Amendments to CA Act Hearing Guidelines

10. Other Staff Reports/Memorandums

- 10.1. Natural Heritage Offsetting Policy – Peck
- 10.2. Lake Ontario and Hamilton Harbour Shoreline
Management Plan Tender Report – Peck
- 10.3. Red Hill Cr Floodplain Mapping Study Tender Report – Peck
- 10.4. Design, Supply and Installation of Permanent
Public Safety Boom at Christie Lake Dam Tender Report – Peck
- 10.5. Watershed Conditions Report – Peck
- 10.6. Conservation Areas Experiences Update – Costie

11. New Business

12. In-Camera Items

13. Next Meeting – Thursday, December 2, 2021 at 7:00 p.m.

14. Adjournment

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

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

DATE: November 4, 2021

RE: Summary Enforcement Report – Development, Interference with
Wetlands and Alterations to Shorelines and Watercourses
Regulation 161/06 Applications for November 4, 2021

HCA Regulation applications approved by staff between the dates of September 22, 2021 and October 25, 2021 are summarized in the following Summary Enforcement Report (SER-9/21).

RECOMMENDATION

THAT the Board of Directors receive this Summary Enforcement Report SER-9/21 as information.

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

October 25, 2021

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, November 04, 2021

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

SUMMARY ENFORCEMENT REPORT SER 9/21

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
D/F,C,A/21/56	16-Jul-21	27-Sep-21	37		71 Main St E and 10 Baldwin St Lot 16, Concession 1 Dundas	Construction of a multiple unit residential building with 64 units and associated parking spaces and landscaping in a regulated area of Spencer Creek.	Approved subject to standard conditions.
F/F,C/21/73	01-Sep-21	30-Sep-21	31		940 5th Con Rd W Lot 5, Concession 4 Flamborough	Addition to an existing garage in a regulated area of the Hayesland Christie Provincially Significant Wetland Complex.	Approved subject to standard conditions.
SC/F,C,A/21/66	20-Aug-21	01-Oct-21	28		484 Millen Rd Lot 18, Concession BF Stoney Creek	Construction of a shoreline revetment in a regulated area on Lake Ontario.	Approved subject to standard conditions.
F/F,C/21/26	19-Mar-21	01-Oct-21	34		618 Millgrove Side Rd Lot 19, Concession 3 Flamborough	Demolition of an existing garage and construction of a detached garage in a regulated area on Logies Creek.	Approved subject to standard conditions.

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SUMMARY ENFORCEMENT REPORT SER 9/21

A/F,C/19/96	21-Nov-19	05-Oct-21	14		738 Governors Rd Lot 42, Concession 1 Ancaster	Partial demolition of an existing dwelling, and construction of a new dwelling and septic system in a regulated area on Spring Creek.	Approved subject to standard conditions.
A/F,C,A/21/77	01-Sep-21	18-Oct-21	83		16 and 24 Gravel Pit Rd Lot 37, Concession 1 Ancaster	Culvert replacements and maintenance in a regulated area of Sulphur Creek.	Approved subject to standard conditions.
A/F,A/21/79	30-Sep-21	18-Oct-21	46		Pt Lts 37-41, Con 1, Binkley Rd to Sulphur Springs Rd Lot 37-41, Concession 1 Ancaster	Culvert replacements and maintenance in a regulated area of Sulphur Creek.	Approved subject to standard conditions.
H/F,C,A/21/80	29-Sep-21	18-Oct-21	16		700 Woodward Ave Lot 29, 30, Concession BF Hamilton	Completion of required modifications to Redhill Creek associated with upgrades to the Woodward Wastewater Treatment Plant in a regulated area of Redhill Creek and the Van Wagners Marsh Provincially Significant Wetland complex.	Approved subject to standard conditions.

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SUMMARY ENFORCEMENT REPORT SER 9/21

F/F,C/21/70	10-Sep-21	18-Oct-21	33		1442 6th Con Rd W Lot 28, 29, Concession 5 Flamborough	Construction of an electrical switching building with associated cable trays and the placement and grading of fill in a regulated area associated with the Sheffield - Rockton Wetland Complex.	Approved subject to standard conditions.
H/F,C,A/21/71	14-Sep-21	18-Oct-21	38		589 Greenhill Ave Lot 30, Concession 5 Hamilton	Channel cleanout and maintenance in a regulated area of Lower Davis Creek.	Approved subject to standard conditions.
D/F,A/21/64	17-Aug-21	18-Oct-21	28		491 York Rd Lot 22, Concession 2 Dundas	Culvert lining and maintenance in a regulated area of Borer's Creek.	Approved subject to standard conditions.
SC/C/21/84	15-Oct-21	19-Oct-21	10		51 Windemere Rd Lot 1, Concession BF Stoney Creek	Construction of a deck surrounding an existing above-ground swimming pool, in a regulated area of the Lake Ontario shoreline.	Approved subject to standard conditions.

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

October 7, 2021

Minutes of the Board of Directors meeting held on Thursday, October 7, 2021, at 7.p.m., by videoconference and livestreamed via YouTube.

PRESENT:

Lloyd Ferguson – in the Chair	
Brad Clark	Jim Cimba
Susan Fielding	Tom Jackson
Santina Moccio	Maria Topalovic
Esther Pauls	

Jennifer Stebbing – Foundation Chair

REGRETS: Dan Bowman, Cynthia Janzen

STAFF PRESENT: Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Dawn Cripps, Matt Hall, Neil McDougall, Jaime Tellier, and Nancy Watts

OTHERS: **None**

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. He conveyed regrets for the meeting from Dan Bowman and Cynthia Janzen. The Chair also advised of the resignation of Chad Collins from City of Hamilton Council, and therefore the HCA Board of Directors, following his recent election as a federal member of parliament.

2. Declarations of Conflict of Interest

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

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of a report on the Saltfleet Conservation Area Wetland Restoration Project to be added at item 8.1 on the agenda.

BD12, 2941

MOVED BY: Jim Cimba

SECONDED BY: Santina Moccio

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – September 2, 2021
- 5.3. Approved June 17, 2021 Budget & Administration Committee Minutes – for receipt only

6. Foundation Briefing

Donations

We received a total of **\$13,525** in new donations from Sept 1 to 30, 2021. They break down as follows:

- \$10,170 for the Step Into Nature Fund supporting Environmental Education
- \$2,000 for the Planting Fund
- \$1,235 for the Area of Greatest Need Fund
- The remaining \$120 was donated to the Land Securement Fund, Westfield Heritage Village and the Stewardship Fund.

This brings our fiscal year-to-date (Sept 2020 to Aug 2021) fundraising total to **\$203,715.**

- This number has been revised from the cumulative total reported in September. Last month we reported that we had received a donated sailboat appraised at \$50,000. Now that the boat has been sold at auction, that amount has been revised down to \$30,093 which represents the actual cash proceeds of the sale. (Thank you once again to staff at Fifty Point CA for facilitating the donation and sale!)

Fall Appeal

Our Fall Appeal will be mailed later this month. This appeal invites past donors and members of CAB as well as both the HCA and Foundation Boards to make a gift to the Foundation's Area of Greatest Need Fund. If you are not already a donor to our Foundation, I ask that you please review this appeal and give as generously as you can this Fall.

Legacy Giving Webinar

The Foundation will be hosting a webinar highlighting how individuals can benefit both a charity and their families in their will. The webinar, presented by me, will take place next Tuesday, October 12. I hope that some of you will be able to attend and ask that you share the invitation you received with any of your contacts that you feel may be interested.

BD12, 2942

MOVED BY: Tom Jackson

SECONDED BY: Brad Clark

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

7.1. Westfield Heritage Village Virtual Tour Experience

Dawn Cripps presented a summary and demonstration of a new virtual tour that allows users to electronically explore the village, buildings and artifacts at Westfield. The tour also supplements information from volunteer interpreters and enhances self-guided walks on days when in-person interpretation is not offered. The initiative is an online strategy to provide a way to interpret Westfield's historical buildings beyond traditional Sundays and special events, and is at no extra cost to the visitor.

The tour uses multi-media tools including text boxes, high definition 360° photos, videos and sounds bring the past to life. The tour is accessible on computers, tablets,

smartphones and virtual reality sets. The virtual tour experience is an on-going initiative that staff will continue to build and improve over time. The members thanked Dawn for the presentation and commended all staff involved on the new innovative tool.

BD12, 2943

MOVED BY: Santina Moccio

SECONDED BY: Susan Fielding

THAT the member briefing regarding the Westfield Heritage Village Virtual Tour Experience be received.

CARRIED

Esther Pauls entered the meeting.

8. Business Arising from the Minutes

8.1. Saltfleet Conservation Area Wetland Restoration Project

Lisa Burnside presented a summary of the report outlining potential opportunities to fund the construction of the first wetland for the Saltfleet Conservation Area wetland restoration project, through royalties from the Terrapure landfill facility paid to the City of Hamilton, and through the Heritage Green Community Trust. HCA staff presented an overview of the project and a funding request at a recent meeting with Heritage Green Community Trust. Brad Clark explained how royalty funds from Terrapure are allocated and used by the City of Hamilton and indicated he would speak with City staff to understand if funds can be made available to the project. It was noted that the project is well suited to the requirements that the funds be allocated to a project within the local community. The legacy aspect of the project for future generations was also noted. The members were supportive of staff entering into agreements with the City of Hamilton and Heritage Green Community Trust to facilitate the funding.

BD12, 2944

MOVED BY: Brad Clark

SECONDED BY: Jim Cimba

THAT staff be directed to enter into Contribution Agreements and any other ancillary agreements with the City of Hamilton and the Heritage Green Community Trust, necessary to facilitate the granting and management of funds from each entity, for the purpose of funding construction of the first wetland for the Saltfleet Conservation Area Wetland Restoration Project.

CARRIED**9. Reports from Budget & Administration Committee and Conservation Advisory Board****9.1. Budget and Administration Committee – September 16, 2021**
(Recommendations)**9.1.1. BA 2129 Capital Budget 2022**

Santina Moccio provided a summary of the staff report, including an overview of specific projects and major maintenance in the 2022 capital budget, noting that overall, the block funding ensures necessary work can be accomplished to move forward with important safety and major maintenance projects and to assist with revenue generation.

BD12, 2945**MOVED BY: Santina Moccio
SECONDED BY: Tom Jackson****THAT the Budget & Administration Committee
recommends to the Board of Directors:****THAT the 2021 Capital Budget request as presented
herein be submitted to the City of Hamilton for
consideration and be included in their block funding
budget of 2022.****CARRIED****9.1.2. BA 2130 HCA 2022 Fee Review**

Santina Moccio provided an overview of the staff report, including most prices were held at 2021 levels and the few that have increased are limited to inflationary growth. This includes no increase to daily admission fees to the major Conservation Areas and the membership pass also remains unchanged for 2022. Additionally, membership pass cards will also be made available to the public at no cost by loan through area public libraries.

BD12, 2946**MOVED BY: Santina Moccio
SECONDED BY: Jim Cimba****THAT the Budget & Administration Committee
recommends to the Board of Directors:**

THAT the 2022 Fee Schedule as presented herein be approved.

CARRIED

9.1.3. BA 2131 Governance Review –
Revisions to 2020 Administrative By-law

Santina Moccio highlighted notable revisions in the administrative by-law, as outlined in the staff report including some legislative changes.

Councillor Clark commended the Committee and staff for their work to update the administrative by-law.

**BD12, 2947 MOVED BY: Santina Moccio
 SECONDED BY: Maria Topalovic**

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

**THAT the Administrative By-Law be amended with the
revisions noted in the attached draft, subject to and
including any further revisions as noted during the
September 16, 2021 meeting.**

CARRIED

10. Other Staff Reports/Memoranda

10.1. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, noting that with the rain in September, the low water conditions in the watershed have consistently been back within the normal range and staff will request to the Low Water Response Team that the Level 1 Low Water condition be terminated. There are no concerns with current water levels or the weather forecast, in terms of potential flooding or erosion.

**BD12, 2948 MOVED BY: Tom Jackson
 SECONDED BY: Susan Fielding**

**THAT the memorandum entitled Watershed Conditions
Report be received.**

CARRIED**10.2. Conservation Areas Experiences Update**

Gord Costie provided the members with a verbal update, highlighting that staff have been busy with a focus on core conservation activities, including, day use, camping reservations, marina operations, membership passes and pay and display parking. He noted the Spencer Gorge reservations are fully booked for Thanksgiving weekend and staff are ready for the Fall colour season at all conservation areas.

BD12, 2949**MOVED BY: Maria Topalovic****SECONDED BY: Santina Moccio**

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

CARRIED**11. New Business**

There was none.

12. In-Camera Items**BD12, 2950****MOVED BY: Jim Cimba****SECONDED BY: Maria Topalovic**

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

CARRIED

During the *in camera* session, two property matters and one individual were discussed.

12.1. Confidential Report – BD/Oct 01-2021

Lisa Burnside provided a summary of the report regarding a property matter and answered the members' questions.

BD12, 2951**MOVED BY: Susan Fielding**

SECONDED BY: Santina Moccio

THAT the confidential report entitled BD/Oct 01-2021 be approved and remain in camera.

CARRIED

12.2. Confidential Verbal Update – BD/Oct 02-2021

Neil McDougall and Lisa Burnside provided a verbal update regarding a property matter and answered the members' questions.

BD12, 2952

MOVED BY: Jim Cimba

SECONDED BY: Brad Clark

THAT the confidential verbal update entitled BD/Oct 02-2021 be received and remain in camera.

CARRIED

BD12, 2953

MOVED BY: Esther Pauls

SECONDED BY: Brad Clark

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, November 4, 2021 at 7:00 p.m.

14. Adjournment

On motion, the meeting adjourned.

Neil McDougall
Secretary-Treasurer

Hamilton Conservation Authority

Minutes

Budget & Administration Committee

September 16, 2021

Minutes of the Budget & Administration Committee meeting held on Thursday, September 16, 2021 at 6:00 p.m., by videoconference and livestreamed on YouTube.

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

Regrets: **Maria Topalovic**

Staff Present: **Lisa Burnside, Matt Hall, Bruce Harschnitz, Neil McDougall and**
 Jaime Tellier

Others Present: **None**

1. Chair's Remarks

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 HCA Administrative By-law. There were none.

3. Approval of Agenda

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

BA 2127

MOVED BY: Dan Bowman
SECONDED BY: Jim Cimba

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Consent Items

The following consent items were adopted:

5.1. Approval of Budget & Administration Committee Minutes – June 17, 2021

5.2. WSIB Injury Statistics from January – August 2021

6. Business Arising from the Minutes

6.1. Verbal Update re: Cootes to Escarpment EcoPark System

At the May 20, 2021 meeting, staff were asked about indigenous consultation in the Cootes to Escarpment project. Lisa Burnside contacted the EcoPark secretariat, Tomas Wiercioch and Dr. David Galbraith, from the Royal Botanical Gardens, and was advised Indigenous communities and First Nations were consulted specifically for this program.

There were formal consultations with Six Nations of the Grand River, the Mississaugas of the Credit First Nation, and the Huron Wendat Nation for each of the six Heritage Lands Management Plans created between 2014 and 2019.

In September 2019, with the support of the Hamilton Urban Indigenous Strategy office, a meeting was convened with individuals from Indigenous communities and partner agencies, to develop an opportunity for cultural sensitivity training.

Tomas and David reaffirmed that the EcoPark is an alliance of various individual agencies that own land, each of which has relationships with Indigenous communities, developed to varying degrees, and the EcoPark System does not intend to replace policy or programs of the partners or their current engagement with indigenous communities.

The members thanked Lisa for the response.

7. Staff Reports/Memorandums

7.1. 8-month Financial Results - Operating

Neil McDougall presented a summary of the memorandum. The members congratulated staff on the positive financial outlook. The members also commended staff on HCA's engagement of many new conservation area users and spoke of the potential to retain these users in the long-term.

BA 2128

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

THAT the memorandum entitled HCA 8-month Financial Results – Operating be received.

CARRIED

Lloyd Ferguson joined the meeting.

7.2. 2022 Capital Budget

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

Jim Cimba inquired about a statement that fencing will assist with legal liability from trespassers under the Occupiers' Liability Act. Staff were asked if HCA has ever had a claim against it under this Act. Neil advised the Authority has not and noted the statement is meant to address parties who may claim enticement.

Dan Bowman inquired about timing for the campground expansion at Valens Lake Conservation Area and parking lot improvements at Artaban Road. Matt Hall advised there are municipal planning approvals required for the campground expansion. Work on the actual expansion will begin subject to timing of approvals. Matt also noted staff have been undertaking an Environmental Impact Study for the Artaban Road parking lot improvements. The proposed work will also require a Niagara Escarpment Commission approval. Work on the actual expansion will begin subject to timing of approvals and will also require coordination to minimize disruption to visitors.

Lloyd Ferguson inquired about the timing for trail improvements on the Jerseyville Road property currently transitioning from City of Hamilton to HCA ownership. Matt advised funding is currently earmarked for trail maintenance in this year's capital budget. Once the paperwork for the acquisition of the property is completed, staff will schedule maintenance. Matt advised that some improvements will be undertaken this year, with future work into next year. Lisa Burnside advised that City staff are

drafting the property transfer paperwork and HCA staff will finalize the process as soon as it is available.

Lloyd Ferguson also inquired about the status of the Wild Waterworks slide resurfacing tender. Matt advised that staff have considered a reduced scope of work to limit the resurfacing to the outside of the slides to make the project more affordable. Neil added that HCA has contacted City of Hamilton staff and will be meeting shortly to review options.

BA 2129

MOVED BY: Jim Cimba

SECONDED BY: Dan Bowman

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

THAT the 2021 Capital Budget request as presented herein be submitted to the City of Hamilton for consideration and be included in their block funding budget of 2022.

CARRIED

7.3. 2022 Fee Schedule

Neil McDougall presented the report and answered the members' questions. Lloyd Ferguson inquired about the additional admission fee for second horses. Neil commented that the adjustment was addressing that a second horse was previously not accounted for. The fee was discussed. It was decided that a nominal fee of \$2.00 be applied to admit entrance of second horses into conservation areas.

BA 2130

MOVED BY: Dan Bowman

SECONDED BY: Jim Cimba

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

THAT the 2022 Fee Schedule as presented herein, and amended to list a fee of \$2.00 for admission of second horses into conservation areas, be approved.

CARRIED

7.4. Governance Review

Lisa Burnside presented a summary of the report and answered the members' questions.

BA 2131

**MOVED BY: Lloyd Ferguson
SECONDED BY: Jim Cimba**

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

THAT the Administrative By-Law be amended with the revisions noted in the attached draft, subject to and including any further revisions as noted during the September 16, 2021 meeting.

CARRIED

8. New Business

There was none.

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

BA 2132

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

THAT the Budget and Administration Committee moves *in camera* for matters of law, personnel and property.

CARRIED

During the *in camera* session, one legal matter was discussed.

9.1. Confidential Verbal Update – BA/Sep 01-2021

Lisa Burnside provided the members with a verbal update regarding a legal matter and answered the members' questions.

BA 2133

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

THAT the confidential verbal update be received and remain in camera.

CARRIED

BA 2134

**MOVED BY: Dan Bowman
SECONDED BY: Lloyd Ferguson**

THAT the Budget and Administration Committee moves out of *in camera*.

CARRIED

10.Next Meeting

The next meeting of the Budget and Administration Committee will be held on Thursday, October 21, 2021 at 6:00 p.m.

11.Next Meeting Adjournment

On motion, the meeting adjourned.

Overview

Conservation Authorities Act

Phase 1 Regulations

Board of Directors November 4, 2021

Phase 1 Regulations Include:

***Mandatory Programs and Services
Regulation (O.Reg. 686/21)***

***Transition Plan and Agreements
Regulation (O.Reg. 687/21)***

***Rules of Conduct in Conservation
Areas Regulation (O.Reg. 688/21)***

Phase 1 Regulations did NOT Include:

Community Advisory Board Regulation

MECP Decision Posting:

- many CAs across Ontario already have a diverse range of advisory boards*
- where there is not an existing advisory board, CAs will continue to have the ability to establish one*

Mandatory Programs & Services Regulations

Mandatory Programs and Services under each of these categories:

1. Natural Hazards,
2. Conservation Lands (**including passive recreation**),
3. Source Protection,
4. Lake Simcoe,
5. Other Legislation – North Bay CA related to sewage systems and the Ontario Building Code Act
6. Prescribed in Regulation – Core Watershed-based Resource Management Strategy, Provincial Water Quality and Quantity Monitoring

Mandatory Programs & Services Regulation

Six mandatory deliverables are to be completed **by December 31, 2024** to enable more time, where necessary, to complete them, including:

- ice management plans(s),
- natural hazard infrastructure operational management plan(s),
- natural hazard infrastructure asset management plan(s),
- a conservation area strategy,
- a conservation land inventory, and,
- a watershed-based resource management strategy.

All other mandatory programs and services are expected to be in place by January 1, 2024

Mandatory Programs & Services – Key Considerations

- Category 1 programs and services are eligible for general municipal levy
- Anything not included as a mandatory program and service could be delivered as **municipal** (category 2) or as **other** (category 3) programs & services
- From an HCA perspective, the new regulations do not appear to be intended to change any of our programs and services directly; the intent is to clarify who will be responsible to fund the activities, be it the Province, the Municipality or through self generated revenue

Transition Plan & Agreements Regulation

Prescribed Dates	Key Deliverables
December 31, 2021	Transition Plan
February 28, 2022	Inventory of Programs & Services
July 1, 2022 to October 1, 2023	Quarterly Progress Reports: status of inventory & agreement negotiations
October 1, 2023	Requests for Extension
January 1, 2024	Transition Date: All required MOUs/Agreements to be completed
January 31, 2024	Final Report: final inventory & stmt of compliance re: agreements

Transition Plan Details

Key Deliverables	Summary of Requirements; including Transparency & Accountability
Transition Plan (by December 31, 2021)	<p>A timeline/workplan to prepare an Inventory and to reach necessary Agreements</p> <p>A copy must be sent to each participating municipality, to MECP, and be published onto the authority's website or made available to the public by other means.</p>

Inventory Details

Key Deliverables	Summary of Requirements; including Transparency & Accountability
Inventory of Programs & Services (by February 28, 2022)	<p>A list of all Category 1 Mandatory, Category 2 Municipal , & Category 3 Other Programs & Services the authority is providing and intends to provide; including estimates of total annual cost for delivery & sources of funding & where agreements are necessary</p> <p>Circulate the inventory to all participating municipalities and to MECP (including record of circulation to each municipality)</p>

Progress Report Details

Key Deliverables	Summary of Requirements; including Transparency & Accountability
Quarterly Progress Reports (starting July 1, 2022 to October 1, 2023*) <i>*Oct 1, 2023 could include an extension request</i>	Quarterly reports on any comments received & any changes made to the Inventory, an update on the progress of negotiations of cost apportioning agreements, and any difficulties that the authority is experiencing with concluding the requirements prior to the end of the Transition Period Submit to MECP

Rules of Conduct in Conservation Areas

Regulation consolidates the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation.

Business as usual with no significant updates (i.e. no modernization of compliance tools)

Next Steps

HCA staff have created a draft transition plan for your review and is an agenda item this evening

CO has finalized and circulated to CAs a template for the inventory of programs and services incorporating the requirements of the regulations which we will use and bring forward to an upcoming meeting

Questions?



**Hamilton
Conservation
Authority**

A Healthy Watershed for Everyone

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: November 4, 2021

RE: HCA Draft Transition Plan

STAFF RECOMMENDATION

THAT the Board of Directors approve the attached HCA Draft Transition Plan dated November 4, 2021, subject to and including any further revisions as noted during the November 4, 2021 meeting.

BACKGROUND

On May 13, 2021, the Ministry of the Environment, Conservation and Parks (MECP) posted Phase 1 of the Regulatory Proposals under the Conservation authorities Act to the Environmental Registry for public and agency review. These “Phase 1” proposals represent the first of two phases of regulatory amendments to implement the legislative changes previously made to the Conservation authorities Act. The Phase 1 proposals focus on regulations defining the mandatory programs and services and other aspects regarding governance, oversight and accountability of conservation authorities.

Consultation on these Phase 1 regulatory proposals closed June 27, 2021.

On October 7, 2021, three (3) new regulations have been made under the *Conservation Authorities Act*.

- Ontario Regulation 686/21: Mandatory Programs and Services. This regulation prescribes the mandatory programs and services conservation authorities would be required to provide, including core watershed-based resource management strategies.
- Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act. This regulation requires each authority to have a ‘transition plan’ that would outline the steps to be taken to

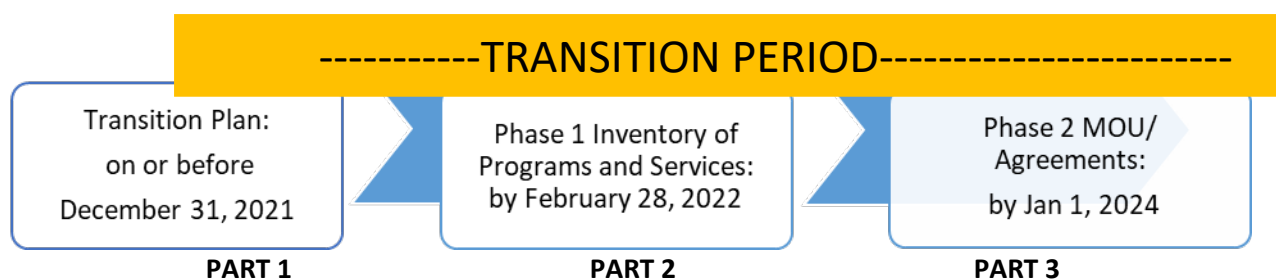
develop an inventory of programs and services and to enter into agreements with participating municipalities to fund non-mandatory programs and services through a municipal levy, among other things. It also establishes the transition period to enter into those agreements.

- Ontario Regulation 688/21: Rules of Conduct in Conservation Areas. This regulation consolidates the current individual conservation authority 'Conservation Area' regulations made under Section 29 of the *Conservation Authorities Act* into one Minister's regulation that regulates the public use of authority owned land.

The recently proclaimed provisions within the *Conservation Authorities Act* and accompanying regulations establish a requirement for Transition Plans and Agreements for Programs and Services (see Section 21.1.2 of the Act and [Regulation 687/21](#)).

STAFF COMMENT

The key components and deadlines for the Transition Plan are illustrated in the figure below. The purpose of the transition period is to provide conservation authorities and municipalities with the time to address changes to the budgeting and levy process based on the delivery of mandatory programs and services (Category 1), municipal programs and services (Category 2), and other programs and services (Category 3) and the need, in some cases, to reach agreements. Conservation authorities are required to develop a Transition Plan on or before December 31, 2021. There are two phases to the Transition period. The first phase is to develop and circulate an Inventory of Programs and Services. The second phase of the Transition Period includes developing and finalizing the conservation authority/municipal agreements in accordance with the regulations. These agreements must be complete by January 1, 2024.



In order to be in compliance with the regulation, staff have created the attached HCA Draft Transition Plan following the requirements set out by MECP.

STRATEGIC PLAN LINKAGE

The proposed updates refer directly to the HCA Strategic Plan 2019-2023:

- **Strategic Goal – Organizational Excellence**

AGENCY COMMENTS

Not applicable

LEGAL/FINANCIAL IMPLICATIONS

Not applicable

CONCLUSIONS

The passage of Regulation 687/21 “Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act” requires the development of Transition Plans by each Conservation Authority. The Transition Plans are to outline the process and timelines for the development of cost apportioning agreements with municipalities within their jurisdiction for non-mandated programs and services and HCA has drafted the attached plan to be in compliance.

HCA Draft Transition Plan

*As required for Conservation
Authority Act Amendments*

November 4, 2021

Introduction

The passage of Regulation 687/21 “Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act” requires the development of Transition Plans by each Conservation Authority. The Transition Plans are to outline the process and timelines for the development of cost apportioning agreements with municipalities within their jurisdiction for non-mandated programs and services.

Transition Plan Requirements and Timeframe

The key components and deadlines for [Transition Plan and Agreements Regulation \(O.Reg. 687/21\)](#) are illustrated in Figure 1 below. The purpose of the transition period is to provide conservation authorities and municipalities with the time to address changes to the budgeting and levy process based on the delivery of mandatory programs and services (Category 1), municipal programs and services (Category 2), and other programs and services (Category 3) and the need, in some cases, to reach agreements. Conservation authorities are required to develop a Transition Plan on or before December 31, 2021. There are two phases to the Transition period. The first phase is to develop and circulate an Inventory of Programs and Services. The second phase of the Transition Period includes developing and finalizing the conservation authority/municipal agreements in accordance with the regulations. These agreements must be complete by January 1, 2024.

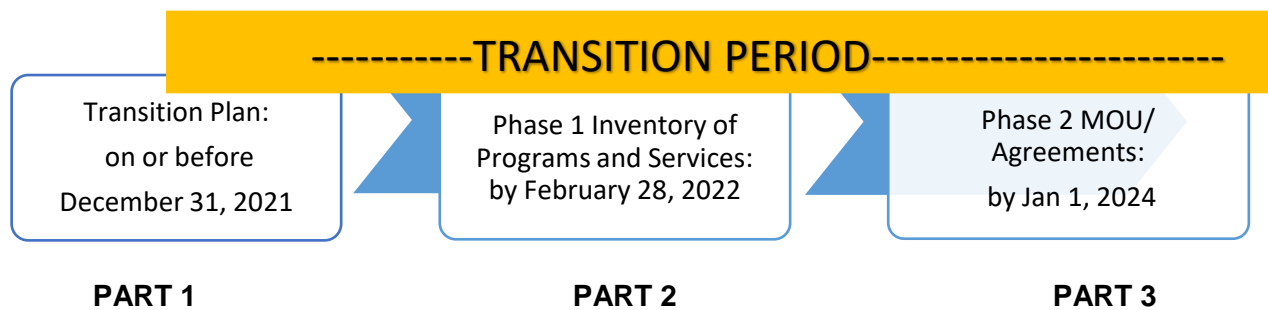


Figure 1. Key Components and deadlines for Transition Period

HCA Transition Plan

Part 1: Transition Plan

- HCA staff review of Regulatory Proposal Consultation Guide released by MECP on May 13, 2021, which included presentation to the board of directors and contact with senior staff at City of Hamilton and Township of Puslinch to provide initial information on the proposed changes to the Act and the regulatory consultation guide
- With the final Phase 1 regulations released from MECP on October 7, 2021, HCA staff will develop Transition Plan based on the transition period and requirements provided by MECP
- This Transition Plan is required to be completed by **December 31, 2021** and distributed to member municipalities and the Ministry of the Environment, Conservation and Parks (MECP).
- Prior to this distribution, the HCA Board of Directors will receive and approve the plan. The Transition Plan will be circulated to the City of Hamilton and Township of Puslinch and posted on the HCA website before December 31, 2021.

Part 2: Inventory of Programs and Services (Phase 1 of the Transition Period)

- HCA still will utilize Conservation Ontario template to complete inventory of programs and services which is required to be completed by **February 28, 2022** and circulated to member municipalities and posted on the HCA website
- Prior to this distribution, the HCA Board of Directors will receive and approve the inventory
- The inventory of programs and services will be classified as either Category 1 Mandatory, Category 2 Municipal or Category 3 Other. These categories are identified in Section 21 of the *Conservation Authorities Act*.
- The inventory will include an estimate of the annual cost of the service, sources of funding and the percentage attributed to each funding source
- In addition, a record of the municipal distribution of the inventory is to be forwarded to the MECP. Any changes to the inventory after February 28, 2022 will be documented and forwarded to MECP.

Part 3 – Consultation on Inventory and Cost Apportioning Agreements/Memoranda of Understanding (Phase 2 of the Transition Period)

- HCA will consult with its member municipalities on the inventory of programs and services
- HCA will negotiate with the City of Hamilton and Township of Puslinch to develop agreements for non-mandated but important watershed wide

programs and services (category 2 and 3 programs and services where municipal levy is required) and prepare amendments and internal drafts of existing municipal service agreements, consistent with the requirements for non-mandatory municipal services for municipal review

- All municipal agreements for non-mandated services are to be in place by **January 1, 2024**.
- In addition, HCA will consult with neighbouring Conservation Authorities to ensure we are coordinating to meet the needs of our shared municipal partners
- HCA will meet the required quarterly MECP reporting requirements as per the regulation and submit six quarterly progress reports to MECP. The progress reports will include any comments received/changes to the inventory, an update on the progress of negotiations of cost apportioning agreements, and any difficulties that the authority is experiencing with concluding the requirements prior to the end of the Transition Period.

January 1, 2024 – Transition Period ends

All required conservation authority / municipal MOUs/agreements need to be in place and the transition period ends, unless a request for extension has been submitted to MECP.

Timeline Summary Chart

ITEMS	DUE DATE	TIMELINE FOR DELIVERY
Development and Board approval of Transition Plan	2021-12-31	2021-10-07 to 2021-12-02
Circulation of approved Transition Plan to participating municipalities and post to website	2021-12-31	2021-12-31
Development and Board approval of Inventory	2022-02-28	2021-10-07 to 2022-02-03
Circulation of approved Inventory to participating municipalities and post to website	2022-02-28	2022-02-04 to 2022-02-28
Develop municipal agreements	2024-01-01	2022-01-01 to 2023-12-31
Quarterly Reporting to MECP	2022-07-01	2022-07-01
	2022-10-01	2022-10-01
	2023-01-01	2023-01-01
	2023-04-01	2023-04-01
	2023-07-01	2023-07-01
	2023-10-01	2023-10-01
Extension of Transition Date	2023-10-01	2023-09-01 (if required)

Report

TO: Board of Directors

FROM: Neil McDougall, Secretary-Treasurer

MEETING DATE: November 4, 2021

RE: Operating Budget 2022

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

THAT the 2022 Operating Budget, as presented, be approved.

Memorandum

TO: Budget & Administration Committee

FROM: Neil McDougall, Secretary-Treasurer

MEETING DATE: October 21, 2021

RE: Overview of Operating Budget 2022*
*Updated per B&A Committee directions

BACKGROUND

The goals established for 2022 are the same as in 2021 but the challenges to attaining those goals are quite different.

The specific goals remain as:

- 1) Engage in those activities identified as important in the HCA's 2019 – 2023 Strategic Plan
- 2) Execute the requirements of the Conservation Authorities Act and the tasks laid out in the three new regulations issued by the Ministry of the Environment, Conservation and Parks
- 3) Limit the levy increase asked of the City to no more than that suggested by Council
- 4) Operate on a cash neutral or positive basis

STAFF COMMENTS

This year, more than ever before, goals 1 and 2 are becoming more tightly intertwined.

Stepping back to the 2021 Budget, contract staffing was added in Water Management, a Project Engineer, and in Natural Heritage Conservation, two invasive species technicians, both in support of Goal 1. These additions have proven to be very successful. In the 2022 Budget, these moves will be complemented by the addition of a Climate Change technician and a Junior Ecologist, both on a contract basis. These actions are not only in line with the Strategic Plan for the initiatives of developing climate

change strategies and monitoring, maintaining and enhancing the natural heritage features on our lands, they are also in line with the new directives of the Ministry in regard to mandatory programs and services and the development of various required plans and policies that will support the delivery of those programs and services, Goal 2.

Additionally, flowing out of the increased demands of the pandemic on Human Resources policies and programs and recent recruitment and retention trends, the 2022 budget contains provision for contract Human Resources support. Like other organizations, HCA has experienced staff retirements, turnover with shorter employment tenures that are the new normal and competition for staff. HCA will be undertaking a job evaluation and market salary survey for the organization in 2022 as approved by the board earlier this year and the additional professional contract staff person will also help deliver on this special project.

For Goal 3, which we have attained each year for the past decade, we will do so again by limiting the increase to the 2% as approved at the recent City of Hamilton GIC meeting, subject, of course, to Council's approval. Last year the operating levy was \$4,592,000 before applying the increase such that the 2022 levy will be \$4,684,000.

For Goal 4, recent years' financial results have been very favourable for the HCA. While the pandemic was devastating many businesses, it was driving hiking, camping and general outdoor activities to unprecedented levels. There have never been as many weekday camping bookings and there have never been as many membership cards sold as in 2020 and 2021. The unknown, of course, is whether or not this will continue when other options, such as events, theatres, movies and malls are fully open and when other geographies such as the United States, once again become accessible. The 2022 Budget will be built under the assumption that the pre-pandemic year will be a base that is actually improved on. Not to the levels of 2020 and 2021, but still improved. There are more autogates installed so fewer free accesses, more people have now experienced our properties with some returning and in general, the area population continues to grow.

An inflationary increase of 3% has been included on salaries and wages which recognizes current COLA pressures and aligns with CPI statistics released from Statistics Canada.

One benefit of the recent good results is that there now is an operating reserve that acts as a contingency should other assumptions fail to come through or be impacted by the current supply chain disruptions. Therefore, Goal 4 is not at risk.

Detailed schedules supporting the above will be provided at the B&A meeting on October 21st.

OPERATING BUDGET 2022

Budget & Administration Committee October 21, 2021

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OPERATING BUDGET GOALS

- 1) Operate on a cash neutral OR positive basis
- 2) Require levy increase in step with the City Council request
- 3) Activities designed to support the 2019 – 2023 Strategic Plan
- 4) Execute in accordance with the Conservation Authorities Act

Impact of COVID-19: 2020 – 2021 and Beyond

Full shut down legislated by the Province mid-March 2020

Partial reopening in June 2020, followed by reclosing in Fall of 2020 as second wave hits, gradual reopening approaching Spring of 2021 with “normalcy” in Fall of 2021

Found new ways to carry out business, some will continue

- Order on line; Reservations, Remote work;
- Virtual meetings the new normal

While many industries suffered, HCA hit record highs

- Daily admissions hit new heights
- Membership pass sales grow to record high in 2020, only to be surpassed in 2021
- Week day camping never been as strong
- Despite events being restricted, pandemic brought out visitors to our green spaces like never before

Impact of COVID-19: 2020 – 2021 and Beyond (cont'd)

Looking into 2022 major questions abound:

- Will the new found love of the outdoors continue even when malls and cinemas and sporting events recapture their crowds?
- Record numbers to our conservation areas requires our focus to be on managing the visitors we have and maintaining our facilities and properties accordingly
- How comfortable will people be around crowds and what is the impact to facility rentals?
- Will there be any permanent or intermittent legislation/restrictions that impacts any aspect of our operations?
- COVID trends impacting supply chains and staffing challenges also impact HCA

A Balanced Budget

	Budget <u>2022</u>	Budget <u>2021</u>	Actual <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>				
Levy	\$ 4,684	\$ 4,592	\$ 4,418	\$ 4,222
Admissions	3,253	2,596	3,100	2,574
Camping/ marina	2,916	2,600	2,579	2,588
Equipment rental	1,141	1,100	1,032	1,048
Other	<u>2,095</u>	<u>2,305</u>	<u>3,089</u>	<u>3,890</u>
	14,089	13,193	14,218	14,322
<u>Expenses</u>				
Staffing	9,027	8,798	8,355	8,052
Utilities	1,003	825	689	760
Equipment	768	895	600	828
Materials/supplies	698	692	502	749
Other	<u>1,988</u>	<u>1,803</u>	<u>1,167</u>	<u>1,333</u>
	13,485	13,013	11,313	11,722
Net surplus/(deficit)	<u>\$ 605</u>	<u>\$ 180</u>	<u>\$ 2,905</u>	<u>\$ 2,600</u>
Loan repayment	\$ -	\$ 180	\$ 216	\$ 209

Fiscal 2019 provided as reference to the last year of pre-Covid operations

2022 total revenues lower than 2019 reflecting uncertainty around ancillary sales

2022 Other revenues projected to equal 2020, after adjusting for federal grant received

Staff expense equals 67% of total costs (69% in 2019) Wages increased by 3% for change in CPI

Surplus projected is contingency for revenue softness; cost disruptions/supply chain/other
Any actual surplus will be used for fleet / land acquisition / other asset needs

All loans paid in full

Watershed Planning & Engineering

	Budget <u>2022</u>	Budget <u>2021</u>	Actual <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>				
Levy support	\$ 1,642	\$ 1,484	\$ 1,454	\$ 1,453
Permits, fees	280	300	241	289
Grants	203	195	202	321
Other	<u>78</u>	<u>85</u>	<u>353</u>	<u>164</u>
	2,203	2,064	2,250	2,227
<u>Expenses</u>				
Staffing	1,969	1,828	1,686	1,534
Contractors	10	52	489	304
Materials/supplies	52	45	22	90
Other	<u>172</u>	<u>139</u>	<u>53</u>	<u>299</u>
	2,203	2,064	2,250	2,227
Net surplus	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

Levy allocation share increased to match changes in expenses

Permits and fees moving back to pre-covid level of activity

Other, primarily reserves, lower with reduced expected contracted work

Staffing increased with strategic contract additions for project engineering (wetlands), water quality monitoring, invasive species issues and climate change actions

Staffing represents 89% of costs (69% in 2019)

Conservation Areas

	Budget <u>2022</u>	Budget <u>2021</u>	Actual <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>				
Admissions	\$ 3,179	\$ 2,533	\$ 3,063	\$ 2,475
Marina	1,507	1,411	1,233	1,381
Camping	1,409	1,189	1,346	1,207
Other	<u>670</u>	<u>713</u>	<u>459</u>	<u>1,083</u>
	6,765	5,846	6,101	6,146
<u>Expenses</u>				
Staffing	3,046	3,074	2,273	2,544
Equipment	684	564	555	613
Materials/contractors	522	508	373	512
Utilities/fuel	640	475	400	408
Other	<u>631</u>	<u>608</u>	<u>686</u>	<u>514</u>
	5,523	5,229	4,287	4,591
Net surplus	<u>\$ 1,242</u>	<u>\$ 617</u>	<u>\$ 1,814</u>	<u>\$ 1,555</u>

Daily admissions and membership pass sales expected to meet 2020 levels
Marina and camping activity believed to be sustainable at new levels
Cautious approach to other activities and rentals; rebound could be slower

Budgeting a 20% increase in staffing costs as higher maintenance costs come with the greater attendance
Utilities/fuel (including gas/diesel for resale at marina) expected to see greater than regular CPI increases

Westfield Village & Conservation Area

	Budget <u>2022</u>	Budget <u>2021</u>	Actual <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>				
Levy	\$ 624	\$ 614	\$ 602	\$ 591
Admissions	74	63	37	99
Events	42	-	7	91
Other	<u>94</u>	<u>48</u>	<u>75</u>	<u>250</u>
	834	725	721	1,031
<u>Expenses</u>				
Staffing	554	516	470	481
Promotion	60	32	31	31
Materials/supplies	36	27	40	43
Utilities	52	49	49	45
Other	<u>132</u>	<u>101</u>	<u>81</u>	<u>160</u>
	834	725	671	760
Net surplus	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 50</u>	<u>\$ 271</u>

Levy increased at 2% as recommended for 2022 by GIC and stipulated in Westfield purchase agreement

Admissions growing based on usage as a conservation area

Events to return but more managed, smaller group sizes, through reservations

Staffing at 66% of costs (63% in 2019) more upkeep as both Village and Conservation area

Central Services

	Budget <u>2022</u>	Budget <u>2021</u>	Actual <u>2020</u>	Actual <u>2019</u>
<u>Revenues</u>				
Levy	\$ 2,418	\$ 2,494	\$ 2,490	\$ 2,414
Equipment	1,141	1,100	1,032	1,048
Management fees	400	426	183	448
Other	<u>329</u>	<u>538</u>	<u>1,441</u>	<u>1,008</u>
	4,288	4,558	5,146	4,918
<u>Expenses</u>				
Staffing	3,430	3,380	3,125	2,963
Utilities	311	301	240	307
Equipment	84	331	45	215
Materials/supplies	88	112	67	104
Other	<u>1,011</u>	<u>871</u>	<u>628</u>	<u>555</u>
	4,924	4,995	4,105	4,144
Net surplus/(deficit)	<u>\$ (637)</u>	<u>\$ (437)</u>	<u>\$ 1,041</u>	<u>\$ 774</u>

Levy reduced as allocation goes first to WP&E as “core” and next to Westfield as per agreement; remainder supports Central Services
 Management fees reflect anticipated reopening of Wild Waterworks at Confederation Beach Park
 Other reflects reduced grant availability

Staffing increase from 2019 is a combination of added Safety Co-Ordinator, HR assistant and cumulative inflation
 Staffing represents 72% of cost (72% in 2019)

Levy Request per City Suggestion

This year levy increase is 2%, per GIC meeting October 6th, 2021

Province provides allocation percentages annually, this year virtually unchanged from 2021

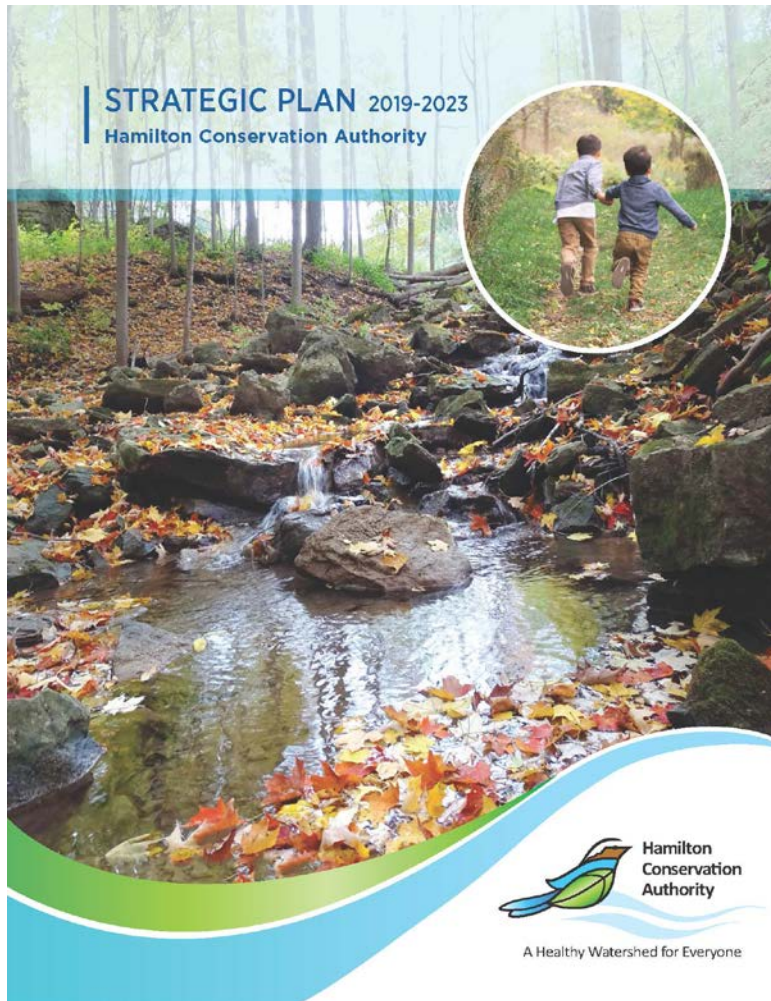
- City of Hamilton 99.26%
- Township of Puslinch 00.74%

Total Levy for 2022 \$ 4,684 thousand (\$ 4,592 thousand in 2021)

- City of Hamilton \$ 4,654 thousand
- Township of Puslinch \$ 30 thousand

Year over year impact on levy is an increase of \$ 92 thousand

Support the 2019 – 2023 Strategic Plan



Through

- Organizational Excellence
- Education & Environmental Awareness
- Water Management
- Natural Heritage Conservation
- Conservation Area experience

Execute the requirements of the Conservation Authorities Act

The primary focus prescribed by the Conservation Authorities Act has been, and continues to be, the protection of people and property from flooding and other natural hazards and conserving natural resources

The Act allows for the engagement in other activities such as provision of outdoor recreation, both passive and active such as camping, hiking, boating etc. as well as third party agreements and rentals, education etc.

It is important to know that the new regulations are not intended to change any of these activities directly; the intent is to clarify who will be responsible to fund the activities, be it the Province, the Municipality or through self generated revenue

Recommendation

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

THAT the 2022 Operating Budget, as presented, be approved.

Questions?



A Healthy Watershed for Everyone

Report

TO: Budget & Administration Committee

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: October 21, 2021

RE: Amendments to the *Section 28(3) Conservation Authorities Act Hearing Guidelines*

STAFF RECOMMENDATION:

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

THAT the *Section 28(3) Conservation Authorities Act Hearing Guidelines*, as contained in the HCA Administrative By-Law, be adopted as revised.

BACKGROUND

The *Conservation Authorities Act Hearing Guidelines* were jointly released by the Ministry of Natural Resources and Forestry and Conservation Ontario in 2005 and have been subject to periodic review and amendment since that time. The last such amendment was in 2020 to reflect the need for an alternative means to provide hearings electronically during the Covid-19 pandemic.

Bill 229, which received Royal Assent on December 8, 2020, contained a clause that has been proclaimed, the permission for development, zoning order “MZO”. This requires a Conservation Authority (CA) to issue a permit where an MZO has been issued, providing the land is outside of the Greenbelt Area. While a CA must grant the permission, the CA can attach conditions to the permission and applicants have the ability to request a hearing should they object to any of the conditions included. The hearing is only to review the conditions attached to the proposed permit and not to determine whether or not to grant the permission. Updates to the hearing guidelines have been prepared to reflect the nuances associated with these hearings as well as modernizing some of the language in the guideline.

STAFF COMMENT

Conservation Ontario staff have prepared proposed updates to the hearing guidelines to incorporate direction for hearings related to permissions for developments associated with MZOs. In this regard, a new content for the hearing guidelines has been added, including:

- a) Attachment 1 Hearings under Section 28.0.1 of the Conservation 'Authorities Act (Permission for Development, Zoning Order)
- b) New Appendices E, F, G and H which contain templates for Notices of Hearing, Hearing Procedures, Chairperson's remarks, and Notices of Decision.

Additionally, Conservation Ontario staff took the opportunity to modernize some of the language in the hearing guidelines. In this regard, revisions in the attached document are as follows:

- 1. Section 1.2 Purpose of Hearing Guidelines has been updated and streamlined.
- 2. Section 2.1 has been renamed Role of the Hearing Board, updated language and further information has been included for apprehension of bias.
- 3. Section 2.2 has been streamlined to better explain when the right to a hearing arises.
- 4. Section 2.3 Notice of Hearing has now noted that the CA may be represented at the hearing by counsel or staff and includes the information from section 2.5, removing that as a separate section.
- 5. Section 3.2 Hearing participants has been updated for greater clarity on third party status.
- 6. Section 3.3 has been amended to note that a hearing may continue by remaining members and a decision be rendered, if a member must leave, provided quorum is still maintained.
- 7. Section 5.0 Record has been amended as the minutes of the meeting made at the hearing are not required in the event of an appeal, only the attendance of hearing Board members.
- 8. Appendix B Hearing procedures has been amended in point 10 to reflect the modern term of closed session and replace the term "in camera".

STRATEGIC PLAN LINKAGE

The proposed updates refer directly to the HCA Strategic Plan 2019-2023:

- **Strategic Goal – Organizational Excellence**

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

None

CONCLUSIONS

The amendments from Conservation Ontario provide the basis for amendments to individual Conservation Authority Hearing Procedures. The revisions were approved by CO Council for distribution to all CAs on September 27, 2021. They ensure the document is current and provides guidance on hearings related to permissions for developments associated with an MZOs.

SECTION 28 (3)
CONSERVATION AUTHORITIES ACT
HEARING GUIDELINES

October 2005, Amended 2018 re. MLT, Amended 2020 re.
Electronic Hearings, Amended 2021, re. Ontario Land Tribunal,
and re. s. 28.0.1(7) Hearings



Conservation
ONTARIO
Natural Champions



Ministry of Natural Resources
Ministère des Richesses naturelles

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GUIDELINES AND APPENDICES FOR SECTION 28.0.1 (7) HEARINGS (Permission for Development, Zoning Order)

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1. PURPOSE OF HEARING GUIDELINES

The purpose of the Hearing Guidelines is to ~~reflect the changes to the 1998 Conservation Authorities Act~~ provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the *Conservation Authorities Act*.

The *Conservation Authorities Act* requires that the applicant be ~~party to~~ provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious conditions. Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Board is empowered by law to make a decision, governed by the *Statutory Powers Procedures Act*.

The Hearing Rules are adopted under the authority of Section 25.1 of the *Statutory Power Procedures Act* (SPPA). The SPPA applies to the exercise of statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority to establish rules to govern such proceedings.

~~It is the purpose of the~~ the Hearing Board to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide ~~shall hear and decide~~ whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted proposed to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.

These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the *Conservation Authorities Act*. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the *Statutory Powers Procedures Act* without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1(7) in Attachment 1.

2. PREHEARING PROCEDURES

2.1. Apprehension of Bias Role of the Hearing Board

In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- (a) No member of the Authority taking part in the hearing should ~~be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter, prior to the hearing. Otherwise, there is a danger of~~

~~an apprehension of bias which could jeopardize the hearing have prior involvement with the application that could lead to reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the *Municipal Conflict of Interest Act* applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making.~~

- (b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.

~~(c) In instances where the Authority (or Executive Committee) requires a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held.~~

~~(d)~~(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above information and should be approved by the Conservation Authority Board of Directors.

2.2. Application

The right to a hearing ~~is required~~arises where staff is recommending refusal of an application or ~~where there is some indication that the Authority or Executive Committee may not follow staff's recommendation to approve a permit or the applicant objects to the conditions of approval~~is recommending conditions to the approval of an application. The applicant is entitled to reasonable notice of the hearing pursuant to the *Statutory Powers Procedures Act*.

2.3. Notice of Hearing

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the local Conservation Authority's regular meeting schedule.

The Notice of Hearing must contain or append the following:

- (a) Reference to the applicable legislation under which the hearing is to be held (i.e.,

the *Conservation Authorities Act*.

- (b) The time, place and the purpose of the hearing. OR for Electronic Hearings:
The time, purpose of the hearing, and details about the manner in which the hearing will be held.

Note: for electronic hearings the Notice must also contain a statement that the applicant should notify the Authority if they believe holding the hearing electronically is likely to cause them significant prejudice. The Authority shall assume the applicant has no objection to the electronic hearing if no such notification is received.

- (c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing.

Note: If the applicant is not the landowner but the prospective owner, the applicant must have written authorization from the registered landowner.

- (d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. This should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing.

It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.

- (e) A statement notifying the applicant that the hearing may proceed in the applicant's absence and that the applicant will not be entitled to any further notice of the proceedings.

Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- (f) Reminder that the applicant is entitled to be represented at the hearing by [a representative such as legal](#) -counsel, if desired. [The conservation authority may be represented at the hearing by counsel or staff.](#)

- ~~(f)~~(g) A copy of the Authority's Hearing Guidelines.

It is recommended that the Notice of Hearing be directed to the applicant and/or landowner by registered mail. Please refer to **Appendix A** for an example Notice of Hearing.

2.4. Presubmission of Reports

The applicant shall submit reports/materials to the Board members in advance of the hearing (i.e., inclusion on an Authority/Executive Committee agenda). The applicant shall be given two weeks to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the staff hearing reports.

2.5. Hearing Information

~~Prior to the hearing, the applicant shall be advised of the local Conservation Authority's hearing procedures upon request.~~

3. HEARING

3.1. Public Hearing

Pursuant to the *Statutory Powers Procedure Act*, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

3.2. Hearing Participants

The *Conservation Authorities Act* does not provide for third party status at the ~~local~~ hearing. It is only the information presented by the applicant and Authority staff, or their representatives, that will be considered by the hearing-board members.~~While others may be advised of the local hearing, any~~ Any information provided by third parties that they provide should be incorporated within the ~~presentation of information~~presubmitted reports/materials by, or on behalf of, the applicant or Authority staff, as appropriate.

The hearing however is open to the public. Generally, information received from the public will be incorporated in the agenda as part of the regular Board meeting as an item of correspondence or a delegation, following timeframes specified in the HCA Administrative By-Laws.

3.3. Attendance of Hearing Board Members

In accordance with case law relating to the conduct of hearings, those members of the Authority who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member to leave, the ~~hearing must be adjourned and resumed when either the member returns or if the hearing proceeds, even in the event of an adjournment, only those remaining~~ members who were present after the member left can sit to the conclusion of the hearing~~can continue with the hearing and render a decision, provided quorum is maintained.~~

3.4. Adjournments

The Board may adjourn a hearing on its own motion or that of the applicant or Authority staff where it is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record.

3.5. Orders and Directions

The Authority is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. A hearing procedures example has been included as **Appendix B**.

3.6. Information Presented at Hearings

- (a) The *Statutory Powers Procedure Act*, requires that a witness be informed of ~~his~~their right to object pursuant to the *Canada Evidence Act*. The *Canada Evidence Act* indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- (b) It is the decision of the hearing members as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- (c) The Board may authorize receiving a copy rather than the original document. However, the Board can request certified copies of the document if required.
- (d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- (e) The Board may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc. or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

3.7. Conduct of Hearing

3.7.1. Record of Attending Hearing Board Members

A record shall be made of the members of the Hearing Board.

3.7.2. Opening Remarks

The Chairperson shall convene the hearing with opening remarks which generally; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the *Canada Evidence Act*. Please reference **Appendix C** for the Opening Remarks model. In an electronic hearing, all the parties and the members of the Hearing Board must be able to clearly hear one another and any witnesses throughout the hearing.

3.7.3. Presentation of Authority Staff Information

Staff of the Authority presents the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation shall be properly indexed and received.

Staff of the Authority should not submit new information at the hearing as the applicant will not have had time to review and provide a professional opinion to the Hearing Board.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of Authority staff and who asks questions on behalf of Authority staff.

3.7.4. Presentation of Applicant Information

The applicant has the opportunity to present information at the conclusion of the Authority staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Board and/or have invited advisors to present information to the Board
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

The applicant should not submit new information at the hearing as the Staff of the Authority will not have had time to review and provide a professional opinion to the Hearing Board.

3.7.5. Questions

Members of the Hearing Board may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the *Statutory Powers Procedure Act*, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

3.7.6. Deliberation

After all the information is presented, the Board may adjourn the hearing and retire in private to confer. The Board may reconvene on the same date or at some later date to advise of the Board's decision. The Board members shall not discuss the hearing with others prior to the decision of the Board being finalized.

4. DECISION

The applicant must receive written notice of the decision. The applicant shall be informed of the right to appeal the decision within 30 days upon receipt of the written decision to the Ontario Land Tribunal.

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Board shall itemize and record information of particular significance which led to their decision.

4.1. Notice of Decision

The decision notice should include the following information:

- (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (b) The decision to refuse or approve the application. A copy of the Hearing Board resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as **Appendix D**.

4.2. Adoption

A resolution advising of the Board's decision and particulars of the decision should be adopted.

5. RECORD

The Authority shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Ontario Land Tribunal. The record must include the following:

- (a) The application for the permit.
- (b) The Notice of Hearing.
- (c) Any orders made by the Board (e.g., for adjournments).
- (d) All information received by the Board.
- (e) ~~The minutes of the meeting made at the hearing.~~ Attendance of Hearing Board members.
- (f) The decision and reasons for decisions of the Board.
- (g) The Notice of Decision sent to the applicant.

APPENDIX A

Notice of Hearing

IN THE MATTER OF
The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE
CONSERVATION AUTHORITY
Pursuant to Regulations made under
Section 28, Subsection 12 of the said Act

TAKE NOTICE THAT a Hearing before the ~~Executive Committee~~Board of Directors of the Conservation Authority will be held under Section 28, Subsection 12 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of , 20202021**, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in order to ensure no adverse affect on (***the control of flooding, erosion, dynamic beaches or pollution or conservation of land./alter or interfere with a watercourse, shoreline or wetland***) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the ~~Executive Committee~~Board of Directors for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT 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 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 the 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 affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the ~~Executive Committee~~Board of Directors of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____ 202X

The ~~Executive Committee~~Board of
Directors of the Conservation
Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

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 closed session for camera deliberation. 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 closed session camera. For electronic meetings, the Hearing Board will reconvene with other hearing participants.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing Board decision.
15. If decision is "to refuse" or "approve with conditions", the Chairperson or Acting Chairperson shall notify the owner/applicant of his/her right to appeal the decision to the Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as the Board of Directors.

^{1,2} 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.

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.~~

APPENDIX C

Chairperson's remarks when dealing with hearings (Section 28, Subsection 12 of the *Conservation Authorities Act*) with respect to Ontario Regulation 161/06

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by: _____, for permission to: _____

The Authority has adopted regulations under section 28 of the Conservation Authorities Act which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and prepared a staff report, a copy of which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28 (12) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine whether or not a permit is to be issued, with or without conditions. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

APPENDIX D

Notice of Decision

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to Section 28(12) of the Conservation Authorities Act
Proposed Residential Development
Lot , Plan ; ?? Drive City of
(Application #)

In accordance with the requirements of the Conservation Authorities Act, the
(**name**) Conservation Authority provides the following Notice of Decision:

On (**meeting date and number**), the Hearing Board/Authority/Executive Committee refused/approved your application/approved your application with conditions. A copy the Boards/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (***the proposed development/alteration to a watercourse or shoreline adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land***).

In accordance with Section 28 (15) of the Conservation Authorities Act, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons under subsection (14), appeal to the Ontario Land Tribunal who may refuse the permission; or grant permission, with or without conditions. For your information, should you wish to exercise your right to appeal the decision, a letter and/or forms by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

Website: olt.gov.on.ca

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer

Enclosure

ATTACHMENT 1:

Hearings under Section 28.0.1 of the *Conservation Authorities Act*

(Permission for Development, Zoning Order)

Section 28.0.1 of the *Conservation Authorities Act* came into force with the Royal Assent of Bill 229, *Protect, Support and Recover from COVID-19 Act* (Budget Measures), 2020. This section applies to any application submitted to an authority under a regulation made under Section 28 of the Act for permission to carry out all or part of a development project associated with an approved Minister's Zoning Order (MZO). For such applications, an Authority **must** grant permission to the applicant to carry out the activity, provided an MZO has been made by the Minister of Municipal Affairs and Housing, and provided that the authority's regulated area in which the development activity is proposed to take place is not located in the Greenbelt Area designated under section 2 of the *Greenbelt Act*. A permission which is granted under s.28.0.1 may be subject to conditions as prescribed by the issuing Authority.

Understanding that an Authority **must** grant permission for applications submitted pursuant to an approved MZO (pending the above-noted conditions are met), hearings for these applications differ from those under Section 28(12) of the Act, in that a hearing **cannot** be held to determine if a permission should be refused. The Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied. Per s.28.0.1 (7) of the Act, the applicant for a permission will be given the opportunity to be heard by the Authority prior to any conditions being attached to the granted permission.

The following table is intended to provide a step-by-step process to conducting hearings required under Section 28.0.1 (7) of the *Conservation Authorities Act*. It is recognized that much of the guidance provided in the body of the Section 28 Hearing Guidelines will be applicable to the s. 28.0.1 (7) hearing process. Where processes differ, the table outlines the necessary considerations for the s. 28.0.1 (7) processes. Where the processes are the same, the table refers to the appropriate sections of the Section 28(3) hearing guidelines.

Sections of the <i>Section 28 Conservation Authorities Act</i> Hearing Guidelines	<u>Specific Guidance and/or Processes for S. 28.0.1 (7) Hearings</u>
1.0 Purpose of Hearing Guidelines	<p>The purpose of the Hearing Guidelines is to provide model hearing guidelines to be adopted by conservation authorities in respect to hearings under the <i>Conservation Authorities Act</i>.</p> <p>The <i>Conservation Authorities Act</i> requires that the applicant be provided with an opportunity for a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) as the case may be, for an application to be refused or approved with contentious</p>

	<p>conditions. <u>In the case of hearings related to applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority must grant permission to the applicant, provided the requirements set out under this section are met. In this scenario, a hearing will only be held to determine conditions which will be attached to a permission.</u> Further, a permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. <u>In the case of applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i>, the Authority may refuse to grant a permit only if i) a zoning order has not been made to authorize the development project, ii) the project is proposed to be carried out in the Greenbelt Area, and iii) if all other prescribed requirements have not been satisfied.</u> The Hearing Board is empowered by law to make a decision, governed by the <u>Statutory Powers Procedures Act</u>.</p> <p>The Hearing Rules are adopted under the authority of Section 25.1 of the <i>Statutory Powers Procedures Act</i> (SPPA). The SPPA applies to the exercise of a statutory power of decision where there is a requirement to hold or to afford the parties to the proceeding an opportunity for a hearing before making a decision. The SPPA sets out minimum procedural requirements governing such hearings and provides rule-making authority for to establish rules to govern such proceedings.</p> <p>The Hearing Board shall hear and decide whether the application will be approved with or without conditions or refused. In the case of hearings related to applications submitted pursuant to Section 28.0.1, the Hearing Board shall determine what conditions, if any, will be attached to the permission. See Attachment 1 for further details.</p> <p>These guidelines have been prepared as an update to the October 1992 hearing guidelines and are intended to provide a step-by-step process to conducting hearings required under Section 28 (12), (13), (14) of the <i>Conservation Authorities Act</i>. Similar to the 1992 guidelines, it is hoped that the guidelines will promote the necessary consistency across the Province and ensure that hearings meet the legal requirements of the <i>Statutory Powers Procedures Act</i> without being unduly legalistic or intimidating to the participants. Additional considerations have been included related to hearings under Section 28.0.1 (7) in Attachment 1</p>
2.0 Prehearing Procedures	<u>Not applicable to S.28.0.1(7) hearings</u>

<p>2.1 Apprehension of Bias</p>	<p>In considering the application, the Hearing Board is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid any bias but also to avoid the appearance or reasonable apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.</p> <p>(a) No member of the Authority taking part in the hearing should have prior involvement with the application that could lead to a reasonable apprehension of bias on the part of that member. Where a member has a personal interest, the test is whether a reasonably well-informed person would consider that the interest might have an influence on the exercise of the official's public duty. Where a member is a municipal councilor, the <i>Municipal Conflict of Interest Act</i> applies. In the case of a previously expressed opinion, the test is that of an open mind, i.e. is the member capable of persuasion in participating in the decision making</p> <p>(b) If material relating to the merits of an application that is the subject of a hearing is distributed to Board members before the hearing, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. These materials can be distributed electronically.</p> <p>(c) The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.</p> <p><u>(d) Where a hearing is required for applications submitted pursuant to s. 28.0.1 of the <i>Conservation Authorities Act</i> (e.g., to determine the conditions of the permission), final decisions on the conditions shall not be made until such a time as the applicant has been given the opportunity to attend a hearing.</u></p> <p>Individual Conservation Authorities shall develop a document outlining their own practices and procedures relating to the review and reporting of Section 28 applications, including the role of staff, the applicant and the Authority or Executive Committee as well as, the procedures for the hearing itself. Such policy and procedures manual shall be available to the members of the public upon request and on the Authority's website. These procedures shall have regard for the above</p>
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	information and should be approved by the Conservation Authority Board of Directors.
2.2 Application	The right to a hearing arises where staff is recommending refusal of an application or is recommending conditions to the approval of an application. <u>Additionally, in the case of applications submitted pursuant to s. 28.0.1 of the CA Act, the authority shall not attach conditions to a permission unless the applicant has been given an opportunity to be heard by the authority.</u> The applicant is entitled to reasonable notice of the hearing pursuant to the <i>Statutory Powers Procedures Act</i> .
2.3 Notice of Hearing	<u>Refer to Section 2.3</u>
2.4 Presubmission of Reports	<u>Refer to Section 2.4</u>
3.0 Hearing	<u>Not applicable to S.28.0.1(7) hearings</u>
3.1 Public Hearing	<u>Refer to Section 3.1</u>
3.2 Hearing participants	<u>Refer to Section 3.2</u>
3.3 Attendance of Hearing Board Members	<u>Refer to Section 3.3</u>
3.4 Adjournments	<u>Refer to Section 3.4</u>
3.5 Orders and Directions	<u>Refer to Section 3.5</u>
3.6 Information Presented at Hearings	<u>Refer to Section 3.6</u>
3.7 Conduct of Hearing	<u>N/A</u>
3.7.1 Record of Attending Hearing Board Members	<u>Refer to Section 3.7.1</u>
3.7.2 Opening Remarks	<u>Refer to Section 3.7.2</u>
3.7.3 Presentation of Authority Staff Information	<u>Refer to Section 3.7.3</u>
3.7.4 Presentation of Applicant Information	<u>Refer to Section 3.7.4</u>
3.7.5 Questions	<u>Refer to Section 3.7.5</u>
3.7.6 Deliberation	<u>Refer to Section 3.7.6</u>
4.0 Decision	<u>Refer to Section 4.0</u>
4.1 Notice of Decision	The decision notice should include the following information: (a) The identification of the applicant, property and the nature of the application that was the subject of the hearing.

	<p>(b) The decision to refuse or approve the application, <u>and in the case of applications under s. 28.0.1 of the CA Act, the decision to approve the application with or without conditions.</u> A copy of the Hearing Board resolution should be attached.</p> <p>It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A sample Notice of Decision and cover letter has been included as Appendix H.</p>
4.2 Adoption	<u>Refer to section 4.2</u>
5.0 Record	<u>Refer to Section 5.0</u>
Appendix E	<u>A new Appendix E has been prepared which provides an example "Notice of Hearing" for hearings under Section 28.0.1 (7) of the Conservation Authorities Act.</u>
Appendix F	<u>A new Appendix F has been prepared which provides an example "Hearing Procedures" for hearings under Section 28.0.1 (7) of the Conservation Authorities Act.</u>
Appendix G	<u>A new Appendix G has been prepared which provides an example "Chairperson's Remarks" for hearings under Section 28.0.1 (7) of the Conservation Authorities Act</u>
Appendix H	<u>A new Appendix H has been prepared which provides an example "Notice of Decision" for hearings under Section 28.0.1 (7) of the Conservation Authorities Act</u>

APPENDIX E

Notice of Hearing

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

IN THE MATTER OF

The Conservation Authorities Act,
R.S.O. 1990, Chapter 27

AND IN THE MATTER OF an application by

FOR THE PERMISSION OF THE CONSERVATION AUTHORITY

Pursuant to Regulations made under
Section 28.0.1, Subsection 7 of the said Act

TAKE NOTICE THAT a Hearing before the ~~Executive Committee~~Board of Directors of the Conservation Authority will be held under Section 28.0.1, Subsection 7 of the Conservation Authorities Act at the offices of the said Authority (ADDRESS), at the hour of , **on the day of** , 20202021, [for electronic hearings, include details about the manner in which the hearing will be held] with respect to the application by (**NAME**) to permit development within an area regulated by the Authority in association with a Minister's Zoning Order (Regulation Number) on Lot , Plan/Lot , Concession , (**Street**) in the City of , Regional Municipality of , River Watershed.

TAKE NOTICE THAT you are invited to make a delegation and submit supporting written material to the ~~Executive Committee~~Board of Directors for the meeting of (**meeting number**). If you intend to appear [For electronic hearings: or if you believe that holding the hearing electronically is likely to cause significant prejudice], please contact (**name**). Written material will be required by (**date**), to enable the Committee members to review the material prior to the meeting.

TAKE NOTICE THAT pursuant to Section 28.0.1 of the Conservation Authorities Act, a conservation authority is required to grant the permission applied for and may only impose conditions to the permission. The Hearing will therefore focus on the conditions to be imposed to the granting of the permission.

TAKE NOTICE THAT 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 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 the 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 affect of any evidence that a witness may give.

AND FURTHER TAKE NOTICE that if you do not attend at this Hearing, the ~~Executive Committee~~Board of Directors of the Conservation Authority may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

DATED the ____ day of , _____ 202X

The ~~Executive Committee~~Board of Directors of the Conservation Authority

Per:
Chief Administrative Officer/Secretary-Treasurer

APPENDIX F

Hearing Procedures

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

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 closed session for camera deliberation. 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 closed session camera. For electronic meetings, the Hearing Board will reconvene with other hearing participants.
14. The Chairperson or Acting Chairperson will advise the owner/applicant of the Hearing 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 Ontario Land Tribunal within 30 days of receipt of the reasons for the decision.
16. Motion to move out of Hearing Board and sit as the Board of Directors.

^{1, 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.

APPENDIX G

Chairperson's remarks when dealing with hearings (Section 28.0.1, Subsection 7 of the Conservation Authorities Act) with respect to Ontario Regulation 161/06

We are now going to conduct a hearing under section 28.0.1 of the Conservation Authorities Act in respect of an application by: _____, for permission to: _____

Under Section 28.0.1 of the Conservation Authorities Act, an Authority is required to grant permission for any application submitted under a regulation made under subsection 28(1) for permission to carry out all or part of a development project, in an area regulated by the Authority, associated with a Minister's Zoning Order, provided the criteria listed under subsection 28.0.1 (1) are met. A permission is subject to any conditions as may be prescribed by the Authority.

The Staff has reviewed this proposed work and prepared a staff report, including the proposed conditions of approval for the proposed work, which has been given to the applicant and the Board. The applicant was invited to file material in response to the staff report, a copy of which has also been provided to the Board.

Under Section 28.0.1 (7) of the Conservation Authorities Act, the person requesting permission has the right to a hearing before the Authority/Executive Committee.

In holding this hearing, the Authority Board/Executive Committee is to determine the prescribed conditions to be attached to the approved permission. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of the applicant. Only Information disclosed prior to the hearing is to be presented at the hearing.

The proceedings will be conducted according to the Statutory Powers Procedure Act. Under Section 5 of the Canada Evidence Act, a witness may refuse to answer any question on the ground that the answer may tend to incriminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation unless decided by the hearing members.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chairperson of the board.

APPENDIX H

Notice of Decision

(Subsection 28.0.1 (7) of the Conservation Authorities Act)

(Date)

BY REGISTERED MAIL

(name)

(address)

Dear:

RE: NOTICE OF DECISION

Hearing Pursuant to **Section 28.0.1 (7)** of the **Conservation Authorities Act**
Proposed Residential Development
Lot , Plan ; ?? Drive City of
(Application #)

In accordance with the requirements of the Conservation Authorities Act, the
(***name***) Conservation Authority provides the following Notice of Decision:

On (***meeting date and number***), the Hearing Board/Authority/Executive Committee approved your application/approved your application with conditions. A copy the Board's/Committee's resolution # has been attached for your records. Please note that this decision is based on the following reasons: (conditions are required to mitigate the effects of the development project on the control of flooding, erosion, dynamic beaches or pollutions or the conservation of land; or conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property).

In accordance with Section 28.0.1 (9) of the Conservation Authorities Act, an applicant who objects to conditions imposed on a permission may, within 15 days of receiving the reasons under subsection (8), submit a request to the Minister for the Minister to review the conditions. The Minister may confirm or vary the conditions as proposed by the authority. Alternatively, in accordance with Section 28.0.1 (19) of the Conservation Authorities Act, the holder of a permission who objects to the conditions proposed by an authority may, within 90 days of the reasons under subsection (8) being issued, appeal to the Ontario Land Tribunal to review the conditions. For your information, should you wish to exercise your right to appeal the decision to either the Minister or the Ontario Land Tribunal, a letter by you or your agent/counsel setting out your appeal must be sent within 30-15 or 90 days respectively of receiving this decision, addressed to:

Minister of Northern Development, Mines,
Natural Resources and Forestry
Whitney Block, 99 Wellesley St W,
Toronto, ON M7A 1W3

Ontario Land Tribunal
655 Bay Street, Suite 1500
Toronto, Ontario M5G 1E5

A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (**staff contact**) or the undersigned.

Yours truly,

Chief Administrative Officer/Secretary Treasurer
Enclosure

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

MEETING DATE: November 4, 2021

RE: Natural Heritage Offsetting Policy Review

STAFF RECOMMENDATION

THAT the Board of Directors receive the report titled “Natural Heritage Offsetting Policy Review”, dated November 4, 2021;

THAT the existing policy framework for natural heritage features as outlined in Section 3 of the HCA’s Planning & Regulation Policies and Guidelines, October 2011, be maintained; and,

THAT offsetting/compensation be incorporated in the policy but be limited to address issues associated with Ministerial Zoning Orders and other Provincially and municipally led environmental assessment projects and to that end, the following policy amendment should be added to Section 3.1 General Policies, Natural Heritage of the HCA’s Planning & Regulation Policies and Guidelines, October 2011.

“Section 3.1 i) – In the instance of a Ministerial Zoning Order (MZO) being issued by the Province of Ontario or a Provincially or municipally led environmental assessment that requires the removal or partial removal of a designated or regulated natural heritage feature, offsetting/compensation can be utilized to provide for “net gain” or at a minimum, “no net loss”.

BACKGROUND

On November 5, 2020, the Board of Directors 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.”

At a subsequent meeting of the Board on February 4, 2021, a memorandum was provided to the HCA Directors that detailed the staff approach to develop natural heritage offsetting policy by way of a Discussion Paper to provide an overview of the issues related to offsetting and the way to engage and communicate with HCA stakeholders and the general public regarding the potential offsetting policy.

The Discussion Paper was prepared by HCA staff and at the April 1, 2021 Board of Directors meeting, the Board approved the Discussion Paper and directed staff to initiate consultation with member municipalities and to make the Discussion Paper available to stakeholders and the public via the HCA website. The consultation period for the Discussion Paper was from May 27, 2021 to July 31, 2021.

The following sections highlight the various comments received through the consultation process, HCA staff review of the issues associated with offsetting and a recommended policy approach for the HCA.

STAFF COMMENT

Executive Summary

HCA staff have reviewed the comments provided by HCA’s the two participating municipalities, stakeholders and the public and also undertook a review of natural features in the HCA watershed to help inform issues associated with offsetting and a recommended policy approach for the HCA.

Comments from the City of Hamilton and County of Wellington were considered as it was noted in the discussion paper that the development of HCA natural heritage offsetting policy would best be developed so the City and County has the same approach, or at a minimum an approach that is not conflicting in this regard. Like HCA, both partner municipalities’ have commitment to natural heritage protection and adherence to a strong provincial policy and regulatory regime. Furthermore, the land use planning, environmental assessment and permitting process determines when impacts from development on ecosystems are appropriate which would follow current City of Hamilton and Township of Puslinch Official Plans and approaches. The impact of MZO’s is addressed as pursuant to Section 28.0.1 of the Conservation Authorities Act, the HCA is mandated to issue a permit including an agreement for offsetting/compensation if an MZO is issued by the Province.

The responses of the public at large obtained through this engagement on the HCA discussion paper was generally not supportive of a natural heritage offsetting policy.

Additionally, a review of natural features in the HCA watershed largely shows that they are currently mostly protected through public ownership, the Greenbelt Plan, municipal official plans, where compensation/offsetting is not permitted, and the physical nature of the feature itself. The remaining features are few in number with the City generally acting as the approval authority.

Given the foregoing, staff recommend the existing policy framework for natural heritage features be maintained and that offsetting/compensation be incorporated in the policy but be limited to address issues associated with Ministerial Zoning Orders and other Provincially and municipally led environmental assessment projects.

Offsetting/Compensation Consultation Overview

City of Hamilton Comments

The City of Hamilton's comments are attached as Appendix "A". The City's letter highlights how their natural heritage system is identified in their planning documents and the process for adding, revising or modifying features based on completed studies and review. The City highlights that natural features are to be maintained. The removal of natural heritage system features can be considered based on the submitted studies, City and agency review would be considered by an amendment to the official plan and zoning by-law.

The City provides responses to the six questions posed in the Discussion Paper and the following summarizes the comments provided.

1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting?

Guidance and implementation related to Ministerial Zoning Orders (MZO's) should be the focus as the HCA is mandated to issue a permit if an MZO is issued. The policy should demonstrate how "net gain" will be achieved and a Terms of Reference should be developed for the submission of an Ecological Offsetting Strategy, so requirements are known and clear. Further, the policy should provide linkages between the Land Use planning process and requests to remove/relocate a natural heritage feature. The need to significantly alter a natural heritage feature should first be established through the planning process where all alternative area considered.

2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?

The City outlines several gaps to be considered including alternatives for consideration such as keeping status quo or guidelines only for MZO's; providing clear direction relating to the mitigation hierarchy and the "last resort" approach as to what that specifically means and the methodology as to how this is

implemented; limits to offsetting and clear direction as to what would be off limits; location of offsetting and the need to not further fragment these features while also understanding how these new features would be protected over the long-term; the term 'net gain' is not used in the City's official plan, "no negative impacts" is the term used and the terminology would need to match with a definition of what "net gain" means; the City has many City-wide corporate initiatives that include Climate Change Action Plan, Urban Forestry Strategy and the Biodiversity Strategy and the offsetting proposal may hinder or conflict with the overall goals and approach of the strategies; the effects of the changes to the Conservation Authorities Act may impact an offsetting policy; how to address features that are not identified in existing planning documents such as the official plan.

3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?

The City notes that the HCA should develop specific MZO permit compensation/offsetting guidelines; implementation details and mechanisms should be developed; alignment with City requirements in the agreement; issues related to relocation to be subject to stakeholder consultation; areas of focus for futures offsetting proposals to be created.

4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach?

The City notes that the City's Official Plans do not allow for removal and compensation of Core Areas and City policies requires that "no negative impacts" and compensation conflicts with current City policies; the City is the approval authority on land use planning applications, conflict with City as lead; City staff resources; proponents still require to go through City planning process, coordinated approach with all CA's in City jurisdiction; timing for City Urban and Rural Official Plan amendments regarding offsetting policies.

5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool?

The City outlines the draft policy does not address protecting existing features; the policy is vague and does not provide adequate direction; the policy should be clear and concise and focussed on the limited circumstances that offsetting is allowed; Comments on the key principles are provided – the hierarchy should be

revised with “minimize” and “mitigate” as separate considerations; achievements of net gain should be supported with best place for natural heritage is leaving features “in-situ”; some features being off limits, does that mean some features are less valued – provincial vs local; advisability of equivalency in which features may be more important; changes to official plan required by City, how addressed in other municipalities; rural versus urban impacts and benefits.

6. Should the approach in the draft policy framework for offsetting be based on a “no net loss” or a “net gain” philosophy? What are your thoughts on preferred approach that makes it the best option?

The City outlines that, “no net loss” and “net gain” are outlined in the Discussion Paper but it is not clear what these terms mean and how they relate to “no negative Impact” as outlined in the City’s official plans or the Provincial Policy Statement; how will the appropriate compensation ratio be determined.

County of Wellington Comments

The County of Wellington’s comments are attached as Appendix “B”. The Township of Puslinch uses the County of Wellington’s Official Plan to guide development. The County’s letter outlines that the County’s official plan identifies a Greenlands System that designates natural features as Core Greenlands or Greenlands, based on feature type. Core Greenlands include wetlands, habitat of endangered or threatened species, fish habitat and hazardous lands. Remaining features are captured in the Greenlands designation.

The County notes that the “overarching policy intent of the official plan and Greenlands System is to protect and enhance natural features”. Activities that impact these features are prohibited and the County’s official plan does not have policies specific to feature removal or offsetting.

The County indicates that the area of the HCA watershed in the Township of Puslinch is located within the Greenbelt Plan. The County interprets Greenbelt policies as that development and site alteration are not permitted in key hydrological features and key natural heritage features with the Natural Heritage System. The County notes that given the Greenbelt Plan requirements and current land use designations, “it is unclear what substantial, long term benefit the offsetting guidelines would provide for development within the Township of Puslinch.”

Lastly, the County outlines that “it is unclear how effective offsetting guidelines can be implemented if the County Official Plan policies do not specifically support the practice.”

West End Home Builder’s Association Comments

The West End Home Builder’s Association (WEHBA) comments are attached as Appendix “C”. The WEHBA provides comments that are supportive of the idea of

offsetting/compensation as it relates to challenges relating to development in urban areas and the balance of managing environmental features while allowing for growth. The WEHBA notes “specifically, an offsetting policy will allow the HCA to approach site specific issues in a coordinated manner, allowing for a strong public policy framework based on an established mitigation hierarchy.” Further, it is noted that “having a policy framework in place that includes a mitigation hierarchy will provide key criteria that WEHBA members can relay on to bring projects forward in an efficient manner while protecting, minimizing and mitigating environmental impacts.”

The WEHBA supports the proposed offsetting key principles outlined in the Discussion Paper and provides commentary, generally supporting the principles noted. Specific comments are made regarding permanent outcomes, but it is noted that achieving this in urban areas may be difficult in the long term and consideration should be given to locating the restoration in the Greenbelt Plan area.

Changes to the Conservation Authorities Act is noted as a concern as it relates to the responsibilities of the HCA and how these changes may relate to the Memorandum of Agreement between the HCA and the City for providing planning (natural hazard and natural heritage) comments.

Detailed comments are providing regarding mitigation bank, transparency/verification/monitoring/evaluation, minimum size requirement evaluation, ensuring value for money and recognition of benefits being provided through development approvals, defining clear responsibilities, education and outreach. These are largely technical issues that will need to be considered should an overall offsetting policy be developed.

Environmental Defence Comments

Environmental Defence comments are provided as Appendix “D”. Environmental Defence responses follows the six questions posed in the Discussion Paper and the following summarizes the comments provided.

1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting?

Environmental Defence highlights the condition of the environment in Ontario and notes the policy framework in place that prohibits development that impacts natural features and that offsetting may not be permitted in these situations. It is noted that in some situations, such as an MZO or when features are not protected that offsetting may be an option. In these situations, offsetting should uphold the highest standards including the principles noted in the Discussion Paper. How indigenous issues are included and priorities to address their involvement is highlighted as a requirement.

2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?

A principle regarding indigenous consultation and respect for indigenous rights and responsibilities should be included in the policy. Further, defining the key principle of offsetting as a last resort should be addressed including how this approach is supported and enforced.

3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?

Environmental Defence notes that a net gain approach is taken including the principles noted and that risk of failure is properly accounted for. If a natural heritage feature is impacted by an MZO that cannot be offset, the policy should require significantly higher offset that provide an acceptable level of compensation. In these cases, the HCA should publicly acknowledge its inability to fully offset the damage and the reasons for proceeding.

4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach?

It is suggested that there should be one policy for the HCA watershed and that the offsetting program be undertaken within an ecological context and within a watershed management approach.

5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool?

Environmental Defence notes that the framework does not acknowledge risk and highlights that offsetting is a highly risky business, and there is little evidence that even 'no net loss' is achieved in most instances, much less 'net gain.' Further, the letter states that "In the context of ongoing and accelerating biodiversity loss and climate change, the trade-offs inherent in offsetting are extremely risky and in many if not most cases unacceptable. Environmental Defence also outlines that 'net gain' should be considered with a clear replacement ratio – with at least a 3:1 (gain: loss), with higher ratios to apply in situations of higher risk.

As it relates to Principle 6 of the Discussion Paper, Environmental Defence outlines that the words "should" and "preferably" makes this principle non-mandatory. They suggest that given the long-term effects of a development

project and impacts on the natural heritage system, “it makes little sense to allow an offset to ever be eligible for destruction in the future.”

Lastly, Environmental Defence notes that a principle missing from the Discussion Paper “is one contained in the Ontario Nature paper related to the locating of created offsets. This principle is: “The offset location should be based on desired conservation outcomes”. This is a key requirement because the location will be highly determinative of function. For example, destruction of a wetland cannot be compensated for by the creation of a planted forest in an upland location.”

6. Should the approach in the draft policy framework for offsetting be based on a “no net loss” or a “net gain” philosophy? What are your thoughts on preferred approach that makes it the best option?

Environmental Defence outlines that the approach should be based on net gain.

Discussion Paper Comments

The Discussion Paper was made available to the public via the HCA’s Community Engagement webpage with comments being accepted from May 27, 2021 to July 31, 2021 via a written survey response. The Discussion Paper included six questions to help guide a response but also to help HCA staff understand the approach and thoughts of our stakeholders and the public. It is important to note that it was outlined that the responses should not be restricted to the questions and that any additional thoughts regarding the issue should be provided.

The responses received through the Community Engagement webpage are included as Appendix “E” to this report. 274 individual responses were received at the end of the commenting period. Some responses provide answers to the six questions contained in the Discussion Paper while other responses do not address the questions directly but provide a response and position regarding the contents of the Discussion Paper and the offsetting proposal. It is not the intent of this report to provide a summary all the responses submitted, however, it is noted that virtually all the submitted responses are not supportive of the HCA developing an offsetting policy with comments provided as to why offsetting should not occur. Input included offsetting posing serious challenges of implementation, maintenance and enforcement. The comments provided encourage the HCA to lead in conserving natural heritage features in place.

Individual Correspondence Comments

Appendix “F” contains individual correspondence that were sent directly to HCA staff. There are 21 pieces of correspondence received. As with the Discussion Paper section above, it is not the intent of this report to provide a summary of the responses submitted, however, it is noted that all the correspondence received in this regard is not supportive of the HCA developing offsetting policy. One specific letter highlights the overall direction of the correspondence received. This letter notes that “no offsetting be

permitted and require development proponents to work with and around environmentally important treasures. With a firm policy in place, creative alternatives will surface”.

Natural Heritage Mapping Analysis

To obtain a better understanding of the extent of natural features within the HCA watershed and the potential effects of an offsetting policy on these features, a mapping exercise was completed.

The mapping exercise only considered the Urban area of the HCA watershed (i.e., the Urban area of the City of Hamilton). The reason for this approach relates to the policies of the Greenbelt Plan which covers the extent of the Rural areas within the HCA watershed. In this regard, overall Greenbelt Plan policies outline that “Development and site alteration is not permitted in key hydrologic features and key natural heritage features within the Natural Heritage System”. The Greenbelt Plan also states that “The removal of other natural features not identified as key natural features and key hydrologic features should be avoided. Such features should be incorporated into the planning and design of the proposed use wherever possible”. Additionally, the scale of development in the Rural area of the HCA watershed is typically a new home, an addition to a home, new agricultural buildings or additions. Given the policy framework of the Greenbelt Plan and the typical small scale of development in the Rural areas, offsetting is not considered as appropriate for the lands located within the Greenbelt.

The map showing the natural features for the Urban area of the City of Hamilton in the HCA watershed is provided as Appendix “F”. The following features have been identified based on current land use designations and potential natural features based on air photo interpretation.

- Wetlands
- Environmentally Significant Areas (ESA)
- Significant Woodland
- Areas of Natural and Scientific Interest
- Potential Additional Areas

In addition to the natural features noted, the map also shows HCA lands, Greenbelt Plan/Niagara Escarpment Plan designated lands, the City of Hamilton Urban boundary and the HCA watershed boundary.

The map illustrates that the majority of natural heritage features in the City’s Urban area are located within the lands associated with the Niagara Escarpment, ravine valleys associated with Battlefield Creek, Stoney Creek, Red Hill Creek, Spencer Creek, Ancaster Creek and HCA owned lands. For these lands, development is either prohibited due to ownership, the physical nature of the land (i.e., escarpment slope and ravine lands, wetlands) or restricted due to the existing policy framework from the Niagara Escarpment Plan and City of Hamilton Official Plan. As such, the areas would not be considered appropriate candidates for offsetting.

The remaining areas are smaller features generally representing remnant forest (Woodlands). These sites in some cases may also be regulated by the HCA while other are not. The City of Hamilton is the approval authority for natural heritage features that are not regulated such as Significant Woodlands. As such, the ultimate decision for these features would be up to the City of Hamilton through the land use planning process. Given the small number of these features and given the policy framework of the City of Hamilton to protect these features, the priority is to protect these features in place and not to lose them on the landscape. Offsetting would be contrary to this approach and is not considered warranted.

General Comments - Main Themes of Consultation and Staff review

HCA staff provide the following based on the comments received and staff review. Planning and regulatory permit applications submitted to the HCA recognize natural features and incorporate them in development proposals. In this regard, submissions do not request to remove or to remove and relocate features. The general approach as it relates to regulated areas and natural heritage features is to keep the features in-situ while there are discussions and resolutions regarding appropriate buffers to these features. The HCA works with our municipal partners and the development community to maintain natural hazard and natural heritage features and their functions while allowing growth and development. It is important to note that the HCA has received only one development related request to remove and recreate a natural feature and that proposal resulted in the direction from the Board of Directors to initiate an offsetting/compensation review. The proponent of that proposal and their consultant have not provided a submission regarding the Discussion Paper or the proposal to develop HCA offsetting policy.

In addition to the work the HCA completes through the regulation and land use planning process relating to protecting natural hazard and natural heritage features and including appropriate buffers, the HCA does provide comment on provincially and municipally led environmental assessments. The position the HCA takes for these processes are the same as provided through the land use planning process. It is noted however, that as these are projects for provincial and municipal infrastructure, there can be instances where natural features are impacted for overall provincial and municipal benefits. While these situations do not occur with any frequency, offsetting/compensation in these situations can be considered.

Based on the comments received through the Discussion Paper consultation and the completed staff review, the following themes have been identified.

- The concept of offsetting is not supported by the public that completed the survey or submitted correspondence.
- Decisions regarding natural heritage features should first be considered through the land use planning process.
- The HCA should focus on the development of Implementation Guidelines associated with MZO permits.

- Compensation/offsetting may be considered as appropriate for Provincially and municipally led environmental assessment projects as appropriate.
- The Greenbelt Plan and the City of Hamilton and County of Wellington's official plans do not permit removal of features and they have no policy that permits compensation. The policy direction is to protect features in-situ.
- It is unclear how effective offsetting guidelines can be when official plan policies do not specifically support the practice.
- There is often a conflict between protecting natural features and permitting growth. Compensation/Offsetting is a method to address this issue
- Offsetting/compensation is risky, and its effectiveness is not certain.
- Natural features in the HCA watershed are currently protected through ownership, the physical nature of the feature, the Greenbelt Plan and municipal official plans where compensation/offsetting is not permitted. The remaining features are few in number with the City generally the approval authority. As such, the development of compensation/offsetting is not considered warranted.

Proposed Policy Direction

Based on the above and the identified themes, it is the recommendation of HCA staff that the existing policy framework for natural heritage features as outlined in Section 3 of the HCA's Planning & Regulation Policies and Guidelines, October 2011, be maintained and offsetting/compensation be limited to address issues related to MZO's and Provincially and municipally led environmental assessments.

Offsetting/compensation may be considered in an effort to ensure a "net gain" or "no net loss" of the affected natural feature in these specific circumstances. In this regard, the following policy should be added to Section 3.1 General Policies, Natural Heritage of the HCA's Planning & Regulation Policies and Guidelines, October 2011.

"Section 3.1 i) – In the instance of a Ministerial Zoning Order (MZO) being issued by the Province of Ontario or a Provincially or municipally led environmental assessment that requires the removal or partial removal of a designated or regulated natural heritage feature, offsetting/compensation can be utilized to provide for "net gain" or at a minimum, "no net loss" such to HCA offsetting/compensation guidelines."

Section 28.0.1 of the Conservation Authorities Act applies to applications submitted under the regulation for permission for development if a Ministerial Zoning Order has been made and the proposal is located outside of the Greenbelt Plan area. Section 28.0.24 and 28.0.25 outlines that for an authority that grants permission for a development project under this section shall enter into an agreement with the holder of the permission and the agreement shall outline the requirements that must be

completed to compensate for ecological impacts and any other impacts that may result from the development. This approach for a compensation agreement could also be utilized for approvals granted to Provincially and municipally led environmental assessments. For such agreements, compensation guidelines need to be developed.

While staff are recommending that compensation/offsetting can be utilized for MZO's or projects approved through a Provincially and municipally led environmental assessment, the actual guidelines still need to be developed. While some compensation ratios for wetlands are in the 2:1 and 3:1 range and for woodlands, the 2:1 range and these may be appropriate, time is required to complete a more fulsome review of appropriate offsetting/compensation guidelines. Staff will endeavour to develop these guidelines and present them to the Board of Directors in 2022. Currently, there are no MZO's or environmental assessments in process that require these guidelines which provides staff time to draft the guidelines.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Natural Area Conservation**
 - Initiatives – Promote sustainable development by working with the City of Hamilton on natural heritage issues and undertake the HCA plan input and review program.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

This report provides an assessment of the comments received from member municipalities, stakeholders and the public for the Offsetting Discussion Paper as well as the HCA staff review of the merits of an HCA offsetting/compensation policy. The consultation process and HCA staff review identified a number of themes that highlight the main issues associated with offsetting/compensation. The results of the assessment determined that an overall offsetting/compensation policy is not warranted and that the existing policy framework for natural heritage features as outlined in Section 3 of the HCA's Planning & Regulation Policies and Guidelines, October 2011

should be maintained. However, offsetting/compensation can be utilized for MZO's and for Provincially and municipally led environmental assessment projects as appropriate. For these specific instances, offsetting/compensation guidelines will be developed and presented to the HCA Board of Directors in 2022.



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September 13, 2021

Scott Peck, B.A., DPA, MCIP, RPP, CMMIII
Deputy Chief Administrative Officer/Director
Watershed Planning & Engineering
Hamilton Conservation Authority

Dear Mr. Peck:

**Re: Natural Heritage Offsetting Policy Development Discussion Paper
(dated April 1, 2021) - Planning Division Comments**

Thank you for the opportunity to provide staff preliminary feedback on the Hamilton Conservation Authority's (HCA) document entitled "Natural Heritage Offsetting Policy Development Discussion Paper" dated April 1, 2021.

Through the development of Official Plan policies and land use designations (including Secondary Plans, Special Policy Areas and Site Specific Policy Areas, and implementing zoning by-law regulations, City of Hamilton Planning staff have proactively identified in the City's planning instruments, the elements of the City's natural heritage system. As new and updated information becomes available through the preparation of sub-watershed studies, development applications and the work of the City's partner agencies, additional elements are and will be added to the City's natural heritage system. Conversely, where a property owner can demonstrate that a designation should be revised and/or modified through the submission of the necessary information, then after consultation with the City's Environmental Sensitive Area Impact Evaluation Group and the applicable Conservation Authority and Provincial ministries/agencies, then an amendment to the City's Official Plan and Zoning By-law may be worthy of further consideration.

Planning Division staff (Natural Heritage Planning, Community Planning and Policy Planning staff) have reviewed the Discussion Paper and provide the following comments in response to the questions posed in the Discussion Paper.

1. *What policies do you think should be put in place by HCA in regard to natural heritage offsetting?*
 - Guidance/Implementation Related to Mandatory Ministerial Zoning Order (MZO) Permits: Since Conservation Authorities are mandated to issue a permit if a MZO has been put in place and enter into agreements for compensation/offsetting, implementation is the only option. The HCA should focus on the development of

Implementation Guidelines associated with MZO permits. These Guidelines would provide a clear, step-by-step approach to ensure compensation is occurring in a responsible manner.

- The policy should clearly state a requirement for an Ecological Offsetting Strategy (EOS) to demonstrate how a “net gain” will be achieved. Terms of Reference should be developed for submission of an Ecological Offsetting Strategy in order to ensure that expectations for submissions are clear.
- The policy should provide linkages between the Land Use planning process and consideration of requests to remove/relocate a natural heritage feature. If there are fundamental issues with the proposed land use that need to be resolved, should there be consideration to the offsetting if the land use and associated performance standards have not been resolved? The City’s site alteration by-law contains criteria as to when a site alteration permit can and cannot be issued based on related Planning Act applications. The need to significantly alter a natural heritage feature should first be established through a planning process where all alternatives are considered, and additional supporting tools and mechanisms can be put in place to minimize risk to the natural environment and put in place additional safeguard measures to ensure a positive outcome.

The final policy should include full cost financial recovery in terms of staff time to negotiate the required implementing agreement given that these agreements could require significant staff resources to negotiate and complete.

2. *Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?*

- **Alternatives for Consideration:** The focus of the Discussion Paper is on the development of a Compensation/Offsetting Policy and does not provide an analysis or assessment of the alternatives (i.e. keep the status quo, only develop Implementation Guidelines for MZO Permits). In addition, the risks of developing such a policy (or not developing a policy) has not been clearly identified. What are the pros and cons of an offsetting policy in Hamilton?
- **Made-in Hamilton Approach:** The framework for the policy that has been provided is vague. While it is recognized that the Discussion Paper is a high-level expression of the type of policy that could be provided, a made-in-Hamilton approach has not been provided.
- **Meeting the Mitigation Hierarchy Test:** The use of the mitigation hierarchy and offsetting as a “last resort” are common themes within the Discussion Paper. This approach is one that is approved by many agencies, however, it is not consistently

applied in practice. Discussion on how “adherence to the mitigation hierarchy” test will be met has not been included within this Paper. This is important to understand upfront (and not left to implementation) since it provides the basis for determining if compensation/offsetting should be applied. Specific methodology/rules/principles on how this test can be met is required in policy so that a consistent approach can be applied.

- **Limits of Offsetting:** The City of Hamilton has a long-standing tradition of protecting natural features (historically through the establishment of Environmentally Significant Areas within the former Region of Hamilton-Wentworth and now through the development of a Natural Heritage System that protects natural features and their functions within the entire City). This is not contemplated within the Discussion Paper. Clear direction on what features/functions would be off-limits has not been provided and what pre-conditions should be met before a request would be considered (e.g. should it be limited to implementing a draft approved plan of subdivision that has gone through an extensive and detailed evaluation process and the principle of the land use has been approved or could a landowner seek to relocate a natural feature prior to the submission of any development application to maximize the developability of a property akin to unauthorized tree removals?).
- **Location of Offsetting:** A Natural Heritage System (NHS), comprising of Core Areas and Linkages, has been delineated within the City of Hamilton (rural and urban areas). This NHS was developed using the “systems” approach recognizing that the feature as well as its function is important. Fragmentation of the NHS has occurred in the past and may continue if features/functions are removed from the landscape. It has been noted in the Discussion Paper that compensation/offsetting may allow for isolated features to be incorporated into the broader NHS, however, it needs to be recognized that further fragmentation and loss of connection may result if the re-created features are not placed appropriately in the landscape.

The Discussion Paper does not discuss whether compensation/offsetting would be limited to private lands or if public lands would be included. While the details are more appropriate to include in implementation, it is important to understand how newly created features/areas will be protected over the long-term.

- **“Net Gain”/Alignment with Municipal Policies and Approaches:** It has been identified that offsetting is to achieve an overall net gain to the natural heritage system. Within the Provincial Policy Statement and the City of Hamilton’s Official Plans, “net gain” is not a term that is used. The policies require the applicant to demonstrate “no negative impacts” on ecological features and functions.

In addition, it is unclear what “net gain” means in terms of on the ground application (i.e. increase in hectares, increase in feature type). Specific methodology/ rules/principles need to be provided within the policy to ensure that there would be a gain and not just replacement.

- City-wide Corporate Strategies/Approaches: There are many City-wide corporate initiatives that have been completed or in the process of being completed. This includes the Climate Change Action Plan, Urban Forest Strategy and Biodiversity Strategy. While compensation/offsetting may provide opportunities to enhance actions of these strategies, it may hinder or conflict with the overall goals/objectives. This has not been considered within the Discussion Paper.
 - Changes to the Conservation Authorities Act: On page 9 of the Discussion Paper, it has been identified that changes to the Conservation Authorities Act with regards to services are occurring. It has only been briefly noted that this may have an impact on the development of a compensation/offsetting policy. This is an important consideration that appears to be missing. In addition, it is important to consider that these changes may allow for new opportunities to arise to optimize approaches (while still maintaining the long-standing valued relationship with HCA).
 - How will the issue of unidentified and unevaluated natural features be considered in the development of an offsetting policy? These are not subject to an OPA and ZBA but may be subject to a draft plan of subdivision or site plan application.
3. *Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?*
- As outlined within the Discussion Paper, when compensation/offsetting is required through a mandatory MZO Permit, the only option is to implement the proposal. The HCA should develop specific MZO Permit Compensation/Offsetting Implementation Guidelines. These Guidelines would provide a clear, step-by-step approach. Items to be considered within the Guidelines could include:
 - Development of an agreement with the proponent to ensure accountability;
 - Principles to be met (i.e. replication of ecological structure, composition and function of feature to be removed, timing of replication);
 - Monitoring approaches;
 - Funding requirements for monitoring/maintenance; and,
 - Record keeping approaches.

- Implementation details and mechanisms need to be developed. The process to adjust/relocate a wetland may take years to ensure that the new feature is established and thriving before the existing feature is removed. What is the carrying capacity of the ecosystem to accommodate the change? How do we ensure that at the end of the day we have made things better?
 - If there is an offsetting agreement with a proponent, it should include a requirement to complete an EIS to assess the impacts, and require an EOS to the satisfaction of the municipality and HCA.
 - Any relocation proposal must be subject to stakeholder consultation and be supported by good science as reviewed and evaluated by the City's ESAIEG and staff. By linking a proposal to a Planning Act application, the opportunity to assess alternative development options and ensure that the proposed development has gone through a full and detailed review of all elements of the proposal has occurred prior to a decision being made of the relocation request.
 - Could a list of 'areas of focus' for future offsetting initiatives be created (e.g. areas that have been identified as needing assistance with restoration, or expansion of features to ensure they maintain their integrity)? It would need to be updated regularly but could be a way to streamline the negotiation/agreement process for offsetting.
4. *An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach?*
- The City's Official Plans do not allow for the removal and compensation of Core Areas. Policies require preservation and enhancement of Core Areas (C.2.3) and vegetation removal and encroachment into Core Areas is generally not permitted (UHOP C.2.3.3). In addition, the Urban Hamilton Official Plan (UHOP)/Rural Hamilton Official Plan (RHOP) do not speak to "net gain". Policies require the applicant to demonstrate "no negative impacts" on ecological features and functions (UHOP C.2.3; RHOP C.2.4.8, C.2.5.2-C.2.5.5). Compensation/offsetting would conflict with the City of Hamilton's current policies and Council adopted Guidelines. The City would need to approve amendments to the Urban and Rural Official plans to include offsetting policies.
 - It has been noted in the Discussion Paper that the City is the approval authority on all land use planning applications (including issues related to natural heritage) and that the HCA provides technical review and input in an advisory role. In

addition, the policy outline provided on page 19 of the Discussion Paper identifies that offsetting would be acceptable by the Conservation Authority subject to it being guided by the municipality in consultation with the landowner. This suggests that the municipality would be the lead. If this is the case, it is unclear why HCA is developing compensation/offsetting policies (and eventually implementation guidelines).

- The City of Hamilton may require additional resources (i.e. personnel) to develop, manage and implement this type of approach. This is missing from the discussion.
- While an offsetting policy would be enabling from the CA's perspective, the City's planning framework will still require proponents to go through a planning process (OPA and ZBA) to implement the relocation of a wetland.
- As noted on page 9 of the Discussion Paper, changes are occurring to program services provided by Conservation Authorities. This impact has not been considered within the development of a compensation/offsetting policy.
- The discussion paper focuses on Hamilton and Wellington County because these are municipalities within HCA's watershed, however Hamilton has four Conservation Authorities that have watershed boundaries within the City. City will need to ensure a coordinated approach to offsetting with all CAs (HCA, NPCA, CH, GRCA) if Official Plan policies are amended to include offsetting/compensation.
- Has the HCA considered the potential timeline for Hamilton to bring forward amendments to the UHOP and RHOP regarding offsetting policies?

5. *The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool?*

General Comments:

- The Discussion Paper only provided information of developing a compensation/offsetting policy. There was no mention of changing policies that would relate to the protection of existing features.
- The policy framework provided is vague and does not provide adequate direction for the use of offsetting as a management tool. Hamilton is a unique City and the proposed framework does not reflect this. High-level discussions on how the

policy would be implemented are also missing. It is important to provide key information (i.e. meeting the mitigation hierarchy test, definitions) at this stage.

- It is important for the offsetting policy to be clear, concise and focused on the limited circumstances that offsetting would be allowed. In this case, specific policy is best. Flexible and permissive policy is not desirable.

Comments on specific Offsetting Policy 'Key Principles' (Section 9, Page 18):

- "Adherence to the Mitigation Hierarchy" should be revised to include a 4-step hierarchy with "minimize" and "mitigate" as separate considerations.
- "Achievement of Net Gains" is principle that should be supported. The best place for Natural Heritage is leaving features in situ as implied in the 'avoid, mitigate, compensate' hierarchy. Transferring natural heritage to other locations comes at great risk and uncertainty. Natural processes take many years to establish and there is no guarantee that offsetting would be successful in the long run. Ensuring successful offsetting in the long run would likely require a greater offset in area than a 1- 1 area. Also, the tracking and management of the offset needs to happen over many years and is an operational consideration to be discussed.
- "Offsetting has Limits" identifies that some sites and features should be off-limits to offsetting. Does that mean that some features are less valued than others? Those features and the science behind some features vs. others need to be understood prior to identifying features in a policy. It is unclear if this principle places provincially significant features above locally significant features.
- "Equivalency" is expressed as consideration of quantity and quality of natural heritage and functions. Is it possible or advisable to put a hierarchy on natural heritage features and identify which are more important?
- "Alignment with Municipal policies and Approaches" would require changes to RHOP and UHOP. The opportunities for successful offsetting should be researched further with other municipalities to understand policy frameworks and operational policies.

Are there more opportunities for successful offsetting in the Rural Area than the Urban? There are greater threats to urban area natural heritage – less connectivity, smaller land tracts (except in potential growth areas), environmental, and contextual conditions that already impact natural areas. There are instances where we have approved some offsetting (although maybe not considered offsetting at the time) and those cases should be reviewed to determine if there has been any consistency in the approach, size of the offset or other, aspect of

the offset. Also, offsetting may be more likely to be requested in urban areas and allows flexibility to achieve other official plan objectives unique to the urban area such as intensification and economic development.

Comments on the 'Natural Heritage Offsetting Policy' (Section 9, Page 19):

Draft Natural Heritage Offsetting Policy	Comment:
<i>That a decision to accept natural heritage offsetting be subject to:</i>	
<i>a) the Natural System not being protected by any other applicable federal, provincial, or municipal requirement(s);</i>	Staff find this statement unclear. Please provide clarification.
<i>b) all other efforts to protect the Natural System being exhausted first, in accordance with the mitigation hierarchy;</i>	Agree. This is critical but with the knowledge that offsetting is a possibility, will the development proponent rush to a proposal that does not attempt the 'avoid' or 'mitigate' scenario? Will offsetting be the easier approach? This will be a case by case situation.
<i>c) that it be guided by the municipality in consultation with the landowner;</i>	HCA is proposing that the City will establish the process and parameters for considering offsetting. This will take time and must consider impact on time for development applications approvals as well as the need for additional divisional resources.
<i>d) that it takes place at the appropriate level of the planning and development process for maximizing options for enhancement to the natural system, e.g. secondary plans, environmental assessments.</i>	It is unclear what "maximizing options for enhancement to the natural system" entails and what would be expected at a secondary plan level. Secondary plan processes in the built-up area do not do detailed natural heritage studies on specific lots and offsetting decisions would need to be made through the development application process. The

	secondary plan process for greenfield and growth areas may include that analysis through associated sub-watershed studies however challenges already exist with access to properties which is required to understand the features. Additional cost and delays may result. Also, there can many years between secondary plan completion, approval, resolution of appeals, and submission of applications to an approved secondary plan. Analysis of offsets established in secondary plan policy may need to be repeated if the heritage features have changed over time. More information on what is considered at a secondary plan level approach should be understood.
e) <i>In circumstances of mandatory requirement to issue a permit under Section 28.1.2 of the CA Act, specific guidelines will be developed and followed for ecological net gain.</i>	Further discussions internally and with HCA should occur as well as additional research by the Planning Division to understand other municipalities policies processes and perspectives on offsetting.

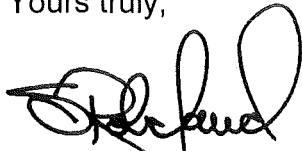
6. *Should the approach in the draft policy framework for offsetting be based on a “no net loss” or a “net gain” philosophy? What are your thoughts on preferred approach that makes it the best option?*

- A discussion of these terms has been provided in the Discussion Paper, but it is not clear what they mean in a practical sense (implementation). It is important to be specific about how “net gain” or “no net loss” are defined and measured. How does “net gain” or “no net loss” relate to the policies for no negative impact under the Provincial Policy Statement (PPS) and Hamilton’s Urban and Rural Official Plans?
- How will an appropriate compensation ratio be determined? Is 2:1 the correct compensation ratio? The Lake Simcoe CA requires 3:1. Is it a quantitative or qualitative assessment that determines the compensation?

Staff from the Planning Division look forward to working with the HCA through the future development of the Natural Heritage Offsetting Policy framework.

Prior to consideration of a final draft version of the Natural Heritage Offsetting Policy, it is requested that City of Hamilton staff be provided with the opportunity to present the revised policy to the City's Planning Committee and Council for consideration and adoption of a formal City of Hamilton position on the proposed Offsetting Policy.

Yours truly,

A handwritten signature in black ink, appearing to read 'Steve Robichaud', with a large loop at the end.

Steve Robichaud
Director of Planning and Chief Planner
Planning Division
Planning and Economic Development Department



COUNTY OF WELLINGTON

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ADMINISTRATION CENTRE
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GUELPH, ONTARIO
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October 15th, 2021

Dear Mr. Peck:

Re: Hamilton Conservation Authority Offsetting Guidelines

Thank you for the opportunity to review and comment on the Hamilton Conservation Authority's 'Natural Heritage Offsetting Policy Development Discussion Paper' dated April 1, 2021. Based on our review of this document, we offer the following comments for consideration:

1. **County Official Plan Policy:** The County of Wellington Official Plan identifies a Greenlands System that designates natural features as Core Greenlands or Greenlands, based on the feature type. The Core Greenlands designation identifies (i) wetlands; (ii) habitats of endangered or threatened species and fish habitat; and (iii) hazardous lands. All other features are captured in the Greenlands designation.

The overarching policy intent of the Official Plan and the Greenlands System is to protect and enhance natural features. Activities which diminish or degrade the essential functions of the Greenlands System are prohibited, while activities that maintain, restore or where possible enhance the health of the system will be encouraged where reasonable. Finally, 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 linkage between and among natural heritage features and areas, surface water features and ground water features."

The County Official Plan does not have policies specific to offsetting feature removal or offsetting guidelines.

2. **Provincial Policy:** The Hamilton Conservation Authority's watershed is located within the area of the Township of Puslinch that is subject to the Greenbelt Plan. A large portion of this watershed/area is located within the Natural Heritage System (NHS) of the Greenbelt Plan. Our interpretation of the Greenbelt Plan's Natural Heritage System policies is that development and site alteration are not permitted in key hydrological features and key natural heritage features within the Natural Heritage System.

Due to the current limitation for development within the Greenbelt's Natural Heritage System,

the Agricultural System mapping and the current land use designations, it is unclear what substantial, long term benefit the offsetting guidelines would provide for development within the Township of Puslinch.

3. The offsetting guidelines are proposed to be applicable to a range of natural heritage features, including features that are within the jurisdiction of the County and/or local municipality, based on the current Memorandum of Understanding with the Hamilton Conservation Authority. It is unclear how an effective offsetting guideline can be implemented if the County Official Plan policies do not specifically support this practice.

If offsetting guidelines are approved by the Hamilton Conservation Authority, it is requested that it be explicitly stated that the application of offsetting is at the sole discretion of the regulating authority.

We trust that these comments are of assistance.

Regards,

A handwritten signature in cursive script, appearing to read "Meagan Ferris".

Meagan Ferris, RPP MCIP
Manager of Planning and Environment

CC: Glenn Schwendinger, CAO, Township of Puslinch
Jameson Pickard, Senior Policy Planner, County of Wellington

July 31, 2021

Delivered via email**Hamilton Conservation Authority**

Attn: Scott Peck

Deputy Chief Administrative Officer / Director,
Watershed Planning & Engineering**West End Home Builder's Association | Comments on Natural Heritage Offsetting Discussion Paper**

The West End Home Builders' Association (WE HBA) is the voice of the land development, new housing and professional renovation industries in Hamilton and Halton Region. The WE HBA represents nearly 300 member companies made up of all disciplines involved in land development and residential construction, including: builders, developers, professional renovators, trade contractors, consultants, and suppliers. The residential construction industry employed over 20,180 people, paying \$1.3 billion in wages, and contributed over \$2.3 billion in investment value within the Hamilton Census Metropolitan Area in 2020

The WE HBA appreciates the opportunity to provide comments on the Hamilton Conservation Authority's Natural Heritage Offsetting Discussion Paper. WE HBA believes there is significant positive international experience and expertise with the mitigation hierarchy and offsetting policies in many different jurisdictions. The WE HBA is strongly supportive of the development of a public policy framework to implement a mitigation hierarchy for natural heritage within the Hamilton Conservation Authority's regulatory jurisdiction.

Need for Offsetting Policies within a Mitigation Hierarchy

As municipalities in the Greater Golden Horseshoe continue to grow at one of the fastest rates in North America, consideration for how to effectively balance land use including managing, protecting and enhancing environmental features in urban areas while allowing for growth should be a key public policy consideration for Conservation Authorities. The reality within the HCA watershed and beyond is that competing land uses in Southern Ontario will be one of the most challenging issues to address in the future. The Hamilton Conservation Authority's development of a proactive Offsetting Policy will allow for improved development of sustainable complete communities that promote conservation, while allowing for practical, replicable, and implementable environmental outcomes. Specifically, an offsetting policy will allow the Hamilton Conservation Authority to approach site specific issues in a coordinated manner, allowing for a strong public policy framework based on an established mitigation hierarchy. This will enhance efficiency and evaluation within the decision-making processes.

Draft Policy Framework

The WE HBA has reviewed the *Draft Policy Framework Discussion Paper* and appreciates that best practices and knowledge from other Conservation Authorities throughout the GGH have informed the HCA offsetting proposals. The WE HBA agrees that if through a planning application or permit application it is determined that a natural feature cannot be avoided, minimized or mitigated, the HCA should review opportunities for offsetting. Having a policy framework in place that includes a mitigation hierarchy will provide key criteria that our members can rely on to bring projects forward in an efficient manner while protecting, minimizing and mitigating environmental impacts.



Offsetting Key Principles

Adherence to the Mitigation Hierarchy

The WE HBA agrees that offsetting should follow conventions for mitigation and offsetting by following a clearly established hierarchical approach. A mitigation hierarchy or sequence offers a framework for managing environmental risk and potential impact on natural heritage features, while supporting informed decision-making. It is an internationally recognized stepwise approach to preventing or limiting the negative impacts of human activity. The mitigation hierarchy has four steps: avoid, minimize, mitigate and compensate. Compensation approaches include offsetting. The mitigation sequence is intended to be applied in a stepwise fashion. Offsetting should only be considered when the requirements for avoidance, minimization and mitigation have been met.

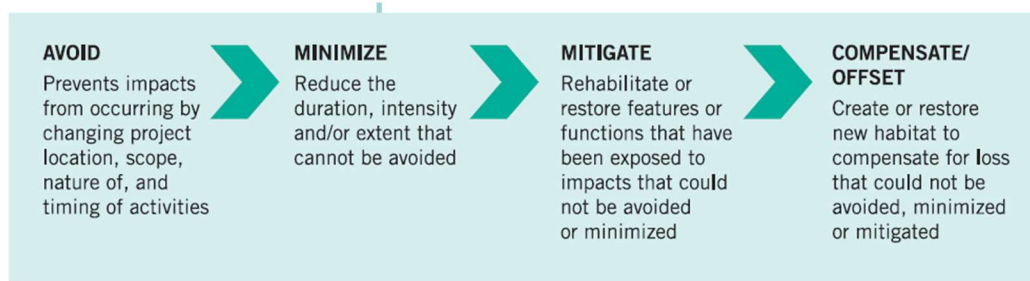


Figure 1: Example of the Mitigation Sequence / Hierarchy from Report of the Wetland Conservation Strategy Advisory Panel Submitted to Minister of Natural Resources and Forestry in 2018

The WE HBA supports to principle that where possible, avoiding and minimizing impacts is preferred. However, as the Region continues to grow and develop at an unprecedented rate, there is a need to recognize that offsetting or compensation will be required for some projects where mitigation and minimization of impacts to natural features is not possible. The WE HBA recognizes that offsetting will never be the preferred option and that the principles of the mitigation hierarchy should apply including that offsetting would only be considered once the avoid/minimize/mitigate components of the hierarchy cannot effectively be implemented.

Achievement of No Net Loss

The WE HBA supports the achievement of a no-net-loss approach (area and function) to natural heritage and biodiversity offsetting. Our members, including biological, hydrological and geological consultants have experience in other jurisdictions in the creation, restoration and enhancement of a variety of natural features. While the goal of achieving net gains as suggested in Section 9 of the HCA discussion paper as a result of offsetting is laudable, it could result in an overly complex and uncertain regulatory framework. Furthermore, offsetting itself is a last resort approach within the mitigation hierarchy and thus a “no net loss” approach is appropriate and recommended by the WE HBA.

Offsetting has Limits

The WE HBA agrees that some significant features should be off-limits to offsetting where the risks of achieving a positive environmental outcome are too high or where specific features themselves are not replicable. Some sites, features and habitats should be ineligible for offsetting based on their status (i.e., provincially significant



wetlands, coastal wetlands protected by the PPS), their vulnerability, or their irreplaceability (i.e., bogs and fens). The limitations of the offsetting policy must be clearly identified within the policy framework proposed and informed by policy and science. Safeguarding should also be considered in terms of what to protect and what not to protect (area of the feature, link to function, geographic considerations, targets, baselines).

Equivalency

The WE HBA agrees with the HCA that both quantity and quality of natural heritage features and functions should be considered within the policy framework, but that the terms of measurement should be standardized where possible. The WE HBA supports biodiversity offsetting generally on a “like for like” basis as discussed in the HCA discussion paper. It is therefore important to establish criteria for evaluating both loss and gain as well determining the equivalency within the offsetting requirements.

Permanent Outcomes

As a general approach in other jurisdictions, typically policy and approval instruments require that offsets be designed to function at least as long as the impact and preferably in perpetuity, respecting ecological cycles. The WE HBA would suggest that within an urban boundary, the maintenance of outcomes secured through an offset in perpetuity could be difficult to achieve within the existing urban area or whitebelt (long-term urban reserve) given the significant growth the region is experiencing. Should the outcomes of the offsetting policy be required to be protected in perpetuity, HCA should give consideration for offsetting outcomes to be located within the Greenbelt as it is a provincially protected zone. The WE HBA strongly believes in stacking environmental benefits and enhancing the greenbelt. An effective environmental policy framework should encourage offsetting within the permanently protected greenbelt.

The WE HBA notes that while securing outcomes in perpetuity is an ideal approach, that an offsetting policy framework needs to consider the practical limitations of “perpetuity”. Our members themselves as corporate entities are not necessarily permanent and thus the long-term management of offset features must be considered through potential third party contracts and agreements if the feature is to be a managed feature and/or in determining the appropriate location for a permanent feature to achieve the desired outcomes on the landscape. WE HBA notes that the potential for longer term liability for either the proponent or another party who assumes responsibility also needs to be considered within an offsetting framework.

Alignment with Municipal / Provincial Policies and Approaches

WE HBA would agree that offsetting should align with local municipal policies and approaches. Consultation with both the City of Hamilton and the Town of Puslinch is recommended. Furthermore, offsetting should be informed by the Provincial Policy Statement (PPS) and provincial policy. The PPS already contains policies with respect the Provincially Significant Wetlands and the *Endangered Species Act* (ESA) already contains specific policies with respect the Species at Risk both for the species themselves (Sec 9 of the ESA) and for habitat (Sec 10 of the ESA). Other examples of offsetting in Ontario include the Lake Simcoe Phosphorus Offset Program. Any local offsetting framework by the HCA should not duplicate or hinder provincial frameworks with respect to permitting or offsetting.

The WE HBA further notes that the MECP has done significant work on a wetlands offsetting program (which when implemented should not duplicate any local policy framework implemented by the HCA) through a



wetlands stakeholder group as well as through the Species at Risk in Ontario (SARO) overall benefit permitting process which includes offsetting protocols and policies for SARO habitat loss as well as a species at risk benefits exchange model.

Cost Recovery

WE HBA agrees that costs of entering into an agreement and project implementation can be recovered through the offsetting policy. However, our members may have concerns regarding how cost recovery would be implemented for long-term maintenance and monitoring. WE HBA notes that inconsistent and cumbersome approvals processes in some jurisdictions are resulting in inefficient investments and overlapping and redundant activities. Any HCA policy framework should not contribute to overlapping and redundant activities. As the policy is developed, further consultation with the development industry is necessary.

Conservation Authorities Act

While the WE HBA supports the local adoption of a mitigation hierarchy and offsetting, we caution that the MECP is in the midst of consulting on and implementing new regulations to implement recent amendments to the *Conservation Authorities Act* (Bill 229). Any new public policy framework being consulted on or implemented by the HCA must take into account a changing provincial regulatory framework for CA operations and scope of regulatory powers. The WE HBA notes that the HCA *Draft Policy Framework Discussion Paper* has taken note of both the legislative amendments and the ongoing development of new regulations including Sec 28.1.2 which provides direction regarding the requirement to enter into an agreement relating to ecological compensation for mandatory permits.

The WE HBA further notes for context and highlights from the discussion paper that based on the existing Memorandum of Agreement between the HCA and the City of Hamilton, for the review of land use planning applications under the *Planning Act*, that the HCA provides technical review and input to the City in an advisory capacity. Furthermore, the City is the approval authority on all land use planning applications, including for issues related to natural heritage.

Other Considerations put forward by the WE HBA:

Mitigation Banking

Any offsetting policy should consider Natural Heritage Mitigation Banking in terms of applying a system of credits and debits to ensure development related impacts are offset to result in no net loss to ecological system. The Ontario Home Builders' Association and many other business associations and ENGOs have been advocating for a more coordinated provincial approach to developing a more broadly-based Ontario-wide offset program for some features considered to be less significant and utilizing mitigation banking as a key component to delivering more coordinated offsets. Mitigation Banking would also benefit all levels of government whom have significant landscape impacts through the construction of critical infrastructure. Approaches through mitigation banking (sometimes referred to as conservation banking) would allow an offset to be in place before an impact. In general, a bank (typically a conservation NGO) creates and maintains new natural heritage features and sells credits to the offsetting proponent whose compensatory mitigation obligations are then transferred to the bank sponsor. Benefits to mitigation banking include, more compressed, streamlined project timeframes with increased efficiencies in evaluation and decision-making. Such an



approach would improve sustainable communities that promote nature conservation & prosperity, while delivering more practical, replicable and implementable outcomes across a broader landscape rather than smaller more fragmented “one-off” offsets.

Location of Offset

The WE HBA notes that selecting a site where restoration success is optimized and will result in an improvement in ecosystem services. As noted earlier in this submission, given the very significant amount of permanently protected provincial greenbelt lands within the HCA watershed, the WE HBA strongly recommends that the HCA focus offsetting on lands within the provincial greenbelt.

Transparency / Verification / Monitoring / Evaluation

An HCA offsetting policy should incorporate provisions for oversight, tracking and public reporting on the effectiveness of implementation. Offsetting objectives and performance standards should be clearly articulated in advance, with outcomes being monitored systematically and reviewed periodically. Where results do not demonstrate satisfactory progress, management strategies should be adjusted to improve outcomes.

Minimum size requiring evaluation

Any offsetting policy should consider within the context of evaluating quality and quantity a minimum size for features to be considered for offsetting. It makes little public policy sense to establish a complex regulatory system for small features that have low ecological or biological value. Any HCA framework should have practical application to achieve positive outcomes rather than creating significant regulatory burden for lower value outcomes. The WE HBA recommends that small scale housing, especially single rural lots, should be exempt from offsetting criteria. Minimum size criteria should be a key consideration for professional practitioners.

Ensuring value for money and recognition of benefits being provided through development approvals

The WE HBA notes that across Ontario, many municipalities (and Conservation Authorities) tend to require that components of natural areas within a development application be transferred at no cost to their jurisdictions, during the development process (without consideration for emerging economic credits for these lands e.g., carbon and biodiversity). Some of those areas are required to be restored and managed at a developer’s cost, potentially over several years. Through any offsetting policy, consideration should be given to providing credits for restoration projects that are negotiated through the development approvals process or lands being transferred from private to public ownership. The WE HBA further notes that many municipalities, Conservation Authorities and some ENGOs invest significant amounts of time and money on “processes”, rather than effective outcomes related to natural heritage. The WE HBA strongly believes that any HCA mitigation hierarchy and offsetting policy should be outcome focused rather than process focused.

Defining Clear Roles and Responsibilities

Natural Heritage impacts can occur through a wide variety of human activities, including the management and extraction of natural resources, land use changes and infrastructure development. As a result, a diverse array of organizations, individuals and landowners are likely to be involved in one or more aspects of offsetting. It is



essential to understand key roles or regulators approving activities that result in natural heritage impacts or destruction, and those associated with restoration, and offsetting. In light of this, the following roles and responsibilities associated with offsetting have been identified by the WE HBA that should be considered by the HCA in developing an offsetting policy:

- Review and approval of offsetting proposals;
- Implementation of offset projects (e.g. planning, consultation, construction);
- Monitoring and maintenance of offset sites;
- Inspection and verification of completed offsets;
- Long-term monitoring of offset function and performance; and
- Oversight and monitoring of the offsetting program, including progress towards achieving policy objectives.

Furthermore, as articulated earlier in the WE HBA submission, there are other levels of government, in particular the province that have existing offsetting policies (ESA permitting process) and/or are developing offsetting policies (MECP appointed a wetlands stakeholder group in late 2020). It is important that any HCA offsetting policy not duplicate or frustrate provincial policy and offsetting programs.

Education and Outreach

The HCA should develop education and outreach programs to support effective implementation of an offsetting policy, including application of the mitigation sequence.

Conclusion

Thank you for providing the WE HBA the opportunity to provide our comments with respect to a Natural Heritage Offsetting framework. Further, WE HBA members and staff have extensive experience with biodiversity offsetting, wetlands offsetting and the Species at Risk in Ontario overall benefit permitting framework that can and should be leveraged by the HCA for future public policy discussions. WE HBA would be pleased to meet with and discuss offsetting and the mitigation hierarchy further with the HCA. We are looking forward to further engagement and a supportive of the mitigation hierarchy framework.

Sincerely,



Mike Collins-Williams, MCIP, RPP
Chief Executive Officer
West End Home Builders' Association

c. HCA Chair, Councillor Llyod Ferguson
c. HCA Chief Administrative Officer, Lisa Burnside



July 30, 2021

Scott Peck

Deputy Chief Administrative Officer / Director, Watershed Planning & Engineering
Hamilton Conservation Authority
838 Mineral Springs Road
Ancaster, Ontario L9G 4X1

Via email: scott.peck@conservationhamilton.ca

Dear Mr. Peck,

Re: Hamilton Conservation Authority Natural Heritage Offsetting Policy Development Discussion Paper

Please see attached our comments on Hamilton Conservation Authorities' Natural Heritage Offsetting Discussion Paper from Environmental Defence, Ontario Nature, Wilderness Committee, and Environment Hamilton. Our comments are organized in a manner designed to respond to the questions posed in your discussion paper.

Question 1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting?

Southern Ontario is experiencing a biodiversity loss crisis. Our natural heritage system is the bulwark against this crisis and the critical reservoir from which a more sustainable ecosystem and conservation culture can be built. Protecting and enhancing all of what remains of this system should be the priority in all planning and development decisions. This reality is recognized in the wording and intent of the Provincial Policy Statement which must be applied by Municipalities and Conservation Authorities. This policy statement either specifically prohibits development impacts in key natural heritage features (e.g., provincially significant wetlands in southern Ontario, sec. 2.1.4) or, for features such as significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, states that development is not permitted unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions (sec. 2.1.5). Offsetting, by definition, requires that negative impacts be accepted. Offsetting must therefore remain off-limits as an acceptable practice for any NH feature captured by this PPS policy statement. Failure to do so violates the PPS and, by extension, the *Planning Act*.

However, offsetting policies and protocols may be necessary to guide efforts to mitigate development impacts where provincial or federal regulations permit destruction of natural heritage features. These can include situations such as transportation corridors where

legislation allows for NHS destruction (often in a case where alternative routing around a feature is not technically possible). These might also include the newly created (and hopefully only temporary) situation where development within a NHS feature is mandated through a legally binding Minister's Zoning Order (MZO). Finally, there are NHS features that are not captured by the PPS categories described above and therefore could be offset using a robust offsetting policy that is consistent with the content of the submission details provided below and the answers to the questions posed in your discussion paper that we have addressed below.

In these specific circumstances where NH features are not protected by law or policy, offsetting policy should uphold the highest standards, including principles outlined in the discussion paper: net gain, mitigation hierarchy/sequence, limits to offsetting, a consideration of the quantity, quality and context of the features and functions impacted, permanent outcomes, and full cost recovery from the proponent. In addition, the offsetting policy should outline the process and protocols for consulting with affected Indigenous communities and respecting their interests and rights, including free, prior and informed consent. The full range of Indigenous cultural values and interests should be integrated into the calculation of equivalence.

Question 2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?

The policy should include a principle regarding Indigenous consultation and respect for Indigenous rights and responsibilities. It should outline the process and protocols for consultation. As noted in Ontario Nature's 2017 report, *Indigenous Perspectives on Conservation Offsetting*, the right to free, prior and informed consent is one of the key principles of international and domestic human rights law to protect Indigenous Peoples from destruction of their lives, cultures and livelihoods (p.3).

The Discussion paper mentions that offsetting should be a last resort, but this principle, key to the mitigation hierarchy, needs to be supported by clear direction on how it is to be enforced, the factors to be considered, and the thresholds that will apply before the proponent is allowed to move from one level of the hierarchy to the next. The proponent should be required to document all steps taken to avoid and mitigate impacts. Where efforts have been insufficient, permits should be denied. Meaningfully treating offsetting as the last resort means saying NO to development that will adversely impact natural heritage features otherwise protected by law and policy, as was the case recently when the HCA Board upheld the HCA staff recommendation not to grant a permit to allow a proponent to destroy the wetland complex located in the headwaters of Ancaster Creek in order to build a warehouse complex. In addition, with regard to cost recovery, it should be explicitly noted that the development proponent will be responsible for the full costs of any offsetting. With respect to Indigenous communities, this should include the full cost of community engagement, research, legal fees and other costs associated with entering into an agreement. The best way to ensure that costs are fully covered is to require offsets to be created in advance, prior to development.

3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?

HCA should ensure that a net gain approach is taken, that all of the principles noted above are upheld and that risk of failure is properly accounted for. If the NHS feature to be damaged or destroyed by an MZO is not offsettable then the policy should require significantly higher offset multipliers that provide an acceptable level of compensation for the loss, taking into account the ecological, cultural and economic values impacted. In such cases, HCA should publicly acknowledge its inability to fully offset the damage and the reasons for proceeding. The public has a right to be informed of such trade-offs.

4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decisions related to offsetting would be led by the municipalities. What are your comments about this approach?

There should be one policy for all portions of the HCA catchment area. Planning and implementing offset programs should be done within an ecological context, and the watershed management approach and perspective used by Conservation Authorities are best suited to determining the acceptability and location of offset projects.

5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool?

Please see above our comments regarding the mitigation hierarchy/sequence and Indigenous consultation. In addition, the framework does not adequately acknowledge risk. Offsetting is a highly risky business, and there is little evidence that even 'no net loss' is achieved in most instances, much less 'net gain.' In the context of ongoing and accelerating biodiversity loss and climate change, the trade-offs inherent in offsetting are extremely risky and in many if not most cases unacceptable. This context should be described in the introduction to set the stage for the principles that follow, and their implementation.

Regarding 'net gain' you should consider stating a clear replacement ratio - for example at least 3:1 (gain:loss), with higher ratios to apply in situations of higher risk. Also, a consideration of socio-cultural impacts should be explicitly required in striving for net gain.

Principle 6 of the Discussion Paper states that "Offsetting projects should be designed to last as long as the development projects impacts, and preferably in perpetuity as part of the Natural Heritage System." This use of the words "should" and "preferably" makes this principle non-mandatory. Given the long duration of impacts of any development project, and given the ongoing degradation of the NHS system more broadly, it makes little sense to allow an offset to ever be eligible for destruction in the future.

A Principle that is missing from the Discussion paper is one contained in the Ontario Nature paper related to the locating of created offsets. This principle is: "The offset location should be based on desired conservation outcomes". This is a key requirement because the location will be highly determinative of function. For example, destruction of a wetland cannot be compensated for by the creation of a planted forest in an upland location.

Another principle used by Toronto and Region Conservation Authority (TRCA) and missing in the Hamilton draft where it states: "Where feasible, take place in proximity to where the loss occurs"

Another in TRCA and missing here: "Be based on an adaptive management approach incorporating monitoring and evaluation, where appropriate"

Question 6. Should the approach in the draft policy framework for offsetting be based on a "no net loss" or a "net gain" philosophy? What are your thoughts on preferred approach that makes it the best option?

Yes, the approach should be based on net gain. Dan Krauss of the Nature Conservancy of Canada, explained in crystal clear, compelling terms the inadequacy of the 'no net loss' approach:

"In a country where we have lost a large amount of our wetlands, grasslands and forests in the southern regions where Canadians live, no net loss and the incremental continued losses that occur under this policy just continue a trend of habitat declines. In a twisted conservation outcome, it may even increase this loss because policies to protect key areas could be watered down under the auspices that we can offset any impacts.

Perhaps most importantly, no net loss sends the wrong message about nature. Why, in a country that has a long list of rare species and where habitats such as wetlands in southern Ontario and Quebec and BC, and native prairies are reduced to a small fraction of their former extent, would we want to legislate the status quo? If your money manager had been losing on your investments for 20 years, and then claimed a couple of years of breaking even as a success, it may certainly be an improvement, but still woefully lacking." <https://www.natureconservancy.ca/en/blog/archive/why-no-net-loss-in.html>

Principle 2 of the Discussion Paper entitled: "Achieve a net gain" is contradicted by Principle 4: Principle 4 of the web page summary says that "The offsets and compensation must be of equivalent size and quality as the original feature". This contradiction occurs because adhering to the 4th principle will almost always preclude securing a larger site than the original size of the site in question because developers will always seek to ensure the smallest offset cost possible. We note that this webpage summary of Principle 4 is also inconsistent with the text in the full

discussion paper. We suggest you edit the summary to be consistent with the full discussion paper to address this issue.

Most experts suggest two-to-one or greater offset areas to discourage their use and to ensure that offset project failure or low quality are mitigated in program design.

Best practice would be to establish offsets and demonstrate key benchmark ecological functions before development is permitted to destroy the original site being offset. Such an approach also helps to ensure that the costs of offsetting are properly accounted for and collected (because they are more fully incurred to create a new NHS feature before the original is damaged or destroyed). If such an approach is not required or enforceable by the CA, such as in the case of MZO or transportation/utility corridors, the offset multipliers should be higher to account for the risk of project failure. This risk will be higher for hard to recreate ecosystem types.

In summary, this discussion paper expresses some of the right sentiments, but upon closer inspection we can see that the language used must be more precise and categorical to properly set the frame for the development of an offsetting policy. It must specify those features that are not available for offsetting with the normal municipal planning rules and make clear that net gain and full cost recovery are mandatory.

We would also like to draw your attention to CONSIDERATIONS FOR THE DEVELOPMENT OF A WETLAND OFFSETTING POLICY FOR ONTARIO: A Report of the Wetland Conservation Strategy Advisory Panel (<https://www.ohba.ca/wp-content/uploads/2018/06/report-of-the-wetland-conservation-strategy-advisory-panel-e-accessible.pdf>) This document was submitted by a multiparty advisory group to the Minister of Natural Resources and Forestry in spring 2018 and we think you would find it helpful in moving forward to develop an offsetting policy.

We look forward to continuing to work with the Hamilton Conservation Authority on this important issue.

Sincerely,



Tim Gray
Executive Director
Environmental Defence



Lynda Lukasik
Executive Director
Environment Hamilton



Anne Bell
Director of Conservation and Education
Ontario Nature



Katie Krelove
Ontario Campaigner
Wilderness Committee



Discussion Paper – Question Responses.

1. There should be no natural heritage offsetting. Period.
2. Please preserve as much as you can
3. I truly believe we must never move or try to replicate the natural watershed. Developers should not be allowed to profit by ruining the natural environment. There are plenty of other options for them to consider, to protect what we now have. With the climate change crisis, we must make better choices, and developing and infill existing urban tracts makes more sense. Stop paving important natural features. Mitigate the damage already done. Better transit, walkable neighbourhood. We need a government who can stand up to rich developers, to protect and enrich our environment for the sake of our health and futures.
4. This is a disgusting plan and if you go forward with it, I will cancel my membership and never donate again. You are as bad as the developers. I am shocked and distraught at your betrayal of everything you are supposed to stand for (and against).
5. How is the province going to "compensate" for the lost of wildlife and habitat?? they cannot just go dig a hole and say that is a wetland! Wetland is a complex ecological environment, there is no such thing as compensation. People is not stupid. We do not wish any more development in wetlands, none. period. thank you.
6. I agree with the 'Key Guiding Principles for the Policy' (points one and two). I can not think of a situation that a last resort compensation/offsetting strategy that would replace a natural feature. Nature has taken thousands of years to create these natural features. To think that a developer can replace these natural features somewhere else is irresponsible and ill-informed. Developers come and go. They only care about doing well financially. If an offsetting natural feature is created and does not work, the whole community and nature loses. The developers are long gone. There should not be 'an opening' for developers to think that the offsetting strategy is a possibility. It is not acceptable to decrease natural features in our city/our province. Once these natural features are gone, we will never be able to replace them. "Don't it always seems that you do not know what you have got until it is gone." Joni Mitchell (Big Yellow Taxi)
7. In the Discussion Paper Summary it is written, "If it can't be avoided, then the impact should be minimized as much as possible." This development is TOTALLY AVOIDABLE. DON'T APPROVE IT, (or any other developments that impact our watershed) AND LEAVE WELL ENOUGH ALONE.
8. We have filled in enough ponds, diverted enough streams through buried culverts, and filled in enough wetlands in the Hamilton area. From now on, when private land contains any of these or similarly important features, they are to be considered a permanent part of the property and are to be accommodated in any land use plan. In the same way that a conservation area displays and protects these features, so too does the developer need to accommodate them in his/her plan in order to provide uniqueness to the development e.g., the stream running through the Ancaster Mill restaurant. The ducks and wildlife still need these features to live, and building a sterile facsimile elsewhere is not a good trade-off. Developers will hate this approach and some property values will go down, but they will learn to include these realities in their future

<p>land purchases. The land could always be sold to the HCA so that more wetlands could be preserved. Follow the lead of the Bruce Trail Conservancy in creating a ribbon of land for everyone, forever (and in their ongoing stewardship of many properties) There is public demand for more of these areas, just check the full parking lots on the ones we have. Where public access is not desirable (likely most of the time), the feature can still be protected and left in a natural state, stewarded by the HCA or some other agency. An option to instead buy/enhance an existing viable feature elsewhere and protect it in perpetuity (as a trust) may be voted upon by the public ONLY if it is worth 5 times the land value of the feature that is being destroyed forever. This will ensure that it is a rare occasion indeed when we lose another stream, pond or bluff. Make decisions that are in the best interest of all of our great, great grandchildren, not of one already rich developer who will do anything to enrich himself further. Accommodate and protect, do not bulldoze, and we will all be the richer for it. This approach leaves plenty of acreage around Hamilton that can still be developed, the developers will survive. Grab yourself a topographical map, highlight all the local features that are to be protected, and publish the map so that developers know what would have to be accommodated, in the same way that historic buildings are supposed to be protected from developers. Get out in front of this, so it is not a panic every time a developer starts up his bulldozer, or fills in a pond and claims he didn't know. Thank you</p>
<p>9. HCA should protect wetlands and stand firm against offsetting to accommodate development and developers.</p>
<p>10. I implore you to listen to concerned citizens and reject the proposal to offset the locally significant wetland, Ancaster Creek Headwaters at 140 Garner Rd E. Warehouses can easily be accommodated in parts of Hamilton already zoned industrial. Ontario is losing too many natural habitats and farmland.</p>
<p>11. am urging you to please listen to expert staff that have recommended against the proposal of Warehouse Development on Ancaster Wetlands. Please do NOT try and "move" this wetland. As written in the Offsetting Policy, Offsetting should be a last resort and the first goal is to "design development projects that avoid any negative impact to natural heritage features." I am urging Councillor Lloyd Ferguson and all Hamilton Councillors to protect these wetlands by asking that the development be moved elsewhere to avoid any negative impact to this significant wildlife area.</p>
<p>12. I do not think offsetting an important natural "feature" should even be considered. Is there any information that shows digging a new hole for a wetland will actually ensure plants and animals can return (they can't be moves so the destruction of the natural element prior to creating a new one will like kill those living in the original). What can be done to ensure watersheds are ruined since we are running out of wetland and watershed space. What can be done to prevent additional contaminates from getting into old and new waterways from development, increased human activity and run off from parking lots? Why does anyone think just destroying and recreating a new replica of a natural feature is actually something a conservation authority should be offering. Its not a replica authority it is a conservation authority so please please please throw this out and conserve the much too few natural features we have left.</p>

13. As the song by Joni Mitchell goes “we paved paradise put in a parking Lot “When are all of you going to learn that tampering with the environment is causing irreversible damage to the eco system. Or is the all-mighty tax dollar that you seem to covet dearly. Its truly unthinkable and disgusting.
14. It's not acceptable to change wetlands into commercial space. Leave our natural areas which cannot be moved, like these wetlands, alone please!
15. Dear Board Members of the Hamilton Conservation Authority, I am writing to you to express my horror that the HCA would consider permitting the destruction of any part of nature under the organization's protection and management, specifically the Garner Wetlands. No argument about job creation or economic development can convince me that destroying natural areas is a good idea. Hamilton has much industrial land that can be repurposed for development- the city does not need to further ravage natural areas in order to put profit in somebody's pocket. As an elementary school teacher, I educate my students about how important it is to protect nature, and how human well-being is interconnected with that of the ecosystem. I have always lauded regional conservation authorities as leaders in environmental protection. Please do not fail in your mission to protect nature. Thank you,
16. We should not be creating new developments that require the destruction of natural areas. Offsetting is not the same as allowing these areas to continue existing. We've learned time and time again that Humans do not do a good job of recreating the benefits of natural areas, especially when it comes to things like drainage. Just look at the Red Hill expressway and all the flooding that has been caused in the surrounding areas. There should be absolutely no offsetting policy, any development that requires the destruction of natural areas should simply not be approved. We are in the middle of a climate crisis, and doing things like this will only exacerbate the issue. I plead with the HCA to not go forward with creating an offsetting policy, and instead fight the municipal and provincial governments if needed.
17. I don't think offsetting should be allowed AT ALL. Hamilton declared a climate emergency 2 years ago and as such, should be making ALL decisions based on this fact. “Will moving a wetland help or hinder?” These lands need to be protected at all costs. Thank you.
18. As an environmental engineer and a former councillor of the Town of Dundas, I would suggest that all development be directed to be within the urban boundary of the city. And even with development within the urban boundary, the first order of business is to redevelop and intensify, before touching undeveloped areas. There is always issue of habitat loss, and ground water recharge. With significant brownfield areas still existing in the city, there is no reason to contemplate damaging ecosystems, and then attempting a man-made offset. We cannot replicate the intelligence of nature and suggesting we can do so is foolish. The MZO's have to be done away with, and will be with a new government. In the time being, if it is necessary to have a policy for offset needed due to MZO's, I would suggest looking at the Credit Valley Conservation Authority report that works with the principle of ecological net gain to enhance and restore the ecological functions and hydrologic functions of the natural heritage system in both the short term and long term as a result of the approval of an application. https://cvc.ca/wpcontent/uploads/2020/06/rpt_CVCEcoOffset_FINAL_20200313.pdf

19. We should never consider "offsetting". A wetland, for example, cannot be moved. If development occurs, it will be destroyed. An attempt can be made to 'offset' this destruction by attempting to build another wetland somewhere else. But it won't be a real wetland, it will only be a pond, and the real wetland that has been destroyed will be paved over and all of the animal and plant life dependent on it will no longer be able to use it.

20. re #1. Speaking mainly of wetlands, I believe offsets must be the VERY LAST RESORT, as there is no going back once the wetland is gone. It must be clearly stated that the INTENT of the policy is NOT TO WEAKEN the goal of maintaining wetland integrity. re #3. The province is using the pandemic "emergency" to increase the use of MZOs, but when the "emergency" ends so should the indiscriminate of this law. Or it will be revoked by a different government after the 2022 election. In the meantime, the HCA should consult with the TRCA for their list of requirements when forced to grant a permit for the Duffin's Creek wetland this past spring. re#4 The HCA should have the final say (not the municipality) as their mandate is to protect broad areas that include more than one municipality and conservation authorities have the expertise in the field of sustainable natural heritage lands. re#5 The Draft Policy Framework Section2. I don't agree. "Net gain" is never preferable to "no net loss". See answer to #6 question. Section3. Definitely should be included. Indeed, should be above #2 in policy draft. Indigenous knowledge should be valued due to their long association with and respect for the land. Informed consent must be obtained if there are First Nation reserves within the HCA boundaries. re #6 A sustainable environment should be the goal. For example, if a wetland is developed, it is gone forever as are the benefits (flood protection, carbon sink, biodiversity) for present and future generations. HCA needs to focus on the long term and base its policy on "no net loss" to protect the environment. There is no "net gain" possible when so much wetland and agricultural lands have been already been developed. With increasing populations, it is even more important that the HCA protect the natural areas under their jurisdiction. Wetlands take thousands of years to develop, they and their benefits cannot be quickly replaced in a number of years.

21. As a Dr. of Ecohydrology I have concerns regarding any inclusion of offsetting policies, especially with regards to wetlands. Wetlands are absolutely critical ecosystem and landscape components and the current practices for creating wetlands (as would be done through offsetting) are often insufficient to meet "equivalent capabilities" or long-term sustainable solutions in the current climate. Hence, wetlands, including peatlands, should be made part of the "exceptions" list whereby they cannot be offset and must be preserved in their current (or better) health. 1. Developers must be able to prove they have reasonably and critically assessed the alternative options 3. The HCA should take a firmer stance on protecting natural heritage through engaging the public, holding townhalls and greater communication of the impacts of offsetting. In the case of offsetting HCA should mandate a net gain from the developer. 4. I dislike this approach as it hands the decisions over to organisations that are more development than conservation focussed and it opens up a potential cascade of poor offsetting decisions. 6. It must be net gain. Firstly, because the state of the environment is degrading and we need

more effective natural heritage and secondly because despite some metrics used, the environmental benefit of many offsetting projects does not equal that of the original feature. Hence to actually achieve no net loss we must aim for net gain.
22. 1. There should be no offsetting policy for developers and any development that effects conservation authority lands should enhance any existing waterways and wetlands 2. Stormwater ponds and other catchment systems should not be considered as offsets 3. Offset of MZO should not be a 1:1 but the authority should regulate a 4:1 or higher and 4. absolutely not, The Conservation Authority should lead the approach based on their stewardship responsibilities to the watershed. Municipalities are dominated by their interested in tax base and development permits which is directly in conflict with stewardship. 6. 100% net gain, see ratio in answer 3 I understand the need for policy related to offset but the policy discussion paper, despite it's 'last resort' stance, still opens an avenue for offsets as an accepted policy. Strong wording is required. I believe that should they be implemented offset lands should be transferred to the authority and a maintenance and stewardship charge applied to the developer to sustain HCA management of the areas.
23. There should be no "offsetting" (i.e., destruction of valuable natural features) in order to allow development. If a development can not proceed with the natural feature in place and protected by the buffers required by legislation and/or best practices, then it should not proceed.
24. My only thought is that MZO's are an appalling innovation by the provincial government and should be disallowed as soon as possible.
25. No "natural heritage" offsetting. Natural features are not just heritage. They are functional and necessary to healthy ecosystems, and they occur naturally where they are for a reason. 3. Just say NO. 4. Yes, push back against mandatory permits.
26. Offsetting ONLY being a last resort (and really shouldn't happen at all) but if forced via MZO should result in a net gain for the environment. A SIGNIFICANT net gain that will make strides in combatting the climate emergency, and enrich our ecosystem. This needs to be taken seriously. I would enlist the money and power of these developers to make drastic and lasting improvements in that regard. These improvements to the overall ecosystem should be mandatory and overwhelmingly positive in terms of planning, infrastructure and ecology.
27. I am in agreement that offsetting should be a last resort; and features protected, in their entirety, wherever possible. Should an offset be deemed necessary, I believe the wording should set a higher standard. i.e., Any offset should include a parcel of naturally significant land not less than double the size of the area being compromised. Net gain can be an amorphous concept. Language needs to be clear, and the bar set high. Offsets MUST result in property transferred to Halton Conservation, Ontario Parks or Parks Canada. (The latter currently has no applicable park in Halton Region, I'm merely making an allowance for that). In respect of MZO's, if, in the opinion of Halton Conservation experts, said MZO is not ecologically justifiable, it should be fought, both by public opinion, and by imposition of onerous conditions on any developer. Where there is no alternative but to accept the MZO, the offset should be of the highest quality and quantity and again result in a transfer to public ownership. Where municipalities seek to have an offset policy, so be it, but Halton Conservation's policy should be it own, with the only reference to municipal plans being that the

higher ecological standard, and the higher compensation standard of HCA or the principality shall prevail. As noted above, Net Gain is the only acceptable strategy; and indeed, it should read as 'significant' net gain. Finally, along with protecting key features, protection must be given to key corridors for both wildlife and people. That should be connections for the optimum route Bruce Trail, and associated wildlife corridor, as well as connections from the escarpment, generally following creek/river valleys, to Lake Ontario.

28. What in blazes are you people thinking. There should be absolutely not an ounce of consideration of this. You're messing with mother nature. Haven't we done enough damage?

29. 1. Offsetting should NEVER be permitted. Hamilton has some of the best wetlands and prime farmlands left in southern Ontario. We must protect both, but especially wetland and other conservation areas. 2. The insight and direction to the HCA is simple: no offsetting allowed. 3. The HCA should oppose the MZO permits until the next election, when hopefully this anti-environment government will be defeated. Offsetting policies are a failed concept. For example, wetlands are the product of thousands/millions of years of evolution and they provide ecosystem services that cannot be picked up and moved by humans. This is incredibly arrogant and short-sighted. 4. If the municipalities oppose offsetting, then coordinating with them may be a good strategy to protect what little natural lands remain in southern Ontario. Unfortunately, municipal governments change and change their minds. The HCA must think long-term to protect the environment. 5. The framework does not provide adequate direction for protection of existing features if it permits offsetting. These two ideas are fundamentally opposed to each other. Offsetting is in the interest of land developers, not the HCA. Please, please reject any notion of using offsetting moving forward. 6. The best option is no offsetting. Period. For projects that may have already destroyed existing wetlands and other natural conservation areas, the policy should remain a net gain by 100% (i.e., a doubling compared to what was destroyed).

30. It is my position that there is no need for an "offsetting policy" when its purpose is to gain financially by manipulating nature to one's advantage. Let's be clear that by destroying what nature has bestowed on us and trying to replace the geography with a man-made substitute does not work! It is my opinion that any such application should require the applicant to work around what Mother Nature has already given us and no amount of money/personal gain justifies altering significantly the natural environment that we are so fortunate to have. MZO's are simply selfish political tactics to grant rich developers another opportunity to further line their pockets with more gold at the expense of the wonderful natural environment that is in place. When is enough, enough? Any proposed offsetting policy is simply a way for advantaged people to attempt to manipulate the existing conservation policies in place to their advantage and to reduce and destroy all of the good things that are in place. Sorry that I chose not to follow your question outline but what I had to say didn't require that. Any need for offsetting simply means to me that the existing protocol is not working to the advantage of those with the resources to need change and that change will advantage them and only them and, in the process, compromise the land from an

environmental point of view! Thanks for the opportunity to say what I needed to say. The system should work for the betterment of all and not just a few!

31. Thank you for requesting comments and questions from the public regarding the HCA's discussion paper on Natural Heritage Offsetting. -- If a Ministry Zoning Order approves a development that would have irrevocable damaging effects that no offsetting could fix, how can that development be stopped (preferably) or made known to those (such as Federal Government and Indigenous Nations) who can stop it and who notifies those groups? -- If the development is approved and an offsetting project is proposed – what is the scope of the offset. Is it just for that immediate area or for other areas that are affected by that change? And, if the development is done and offsetting project is done, but after a couple years, other negative consequences come to light, then is there a clause whereby the developer must pay for the correction and that HCA can choose who does the correction, as opposed to the developer and therefore can do it right away? -- along with the above thought, the discussion paper talks about who should pay for the off-setting project and indicates that the compensation should last for at least the length of the off-setting project and even longer. Can the HCA make it a firm clause that the developer continues the cost of maintenance in perpetuity, especially, as there may be issues stemming from the development a couple years down the line. -- Also, who is going to monitor the situation - - HCA? Municipality? Also, would they have the authority to make developer do maintenance work in a timely and effective fashion? – Who chooses the stakeholders when an offsetting project is proposed? What safeguards are put in place that there will be people who have experience and dedication to speak for nonhuman life and biodiversity and will have the power to counteract any spurious arguments by the developer who will likely have political backing as well. -- Also, when an environmental assessment is done for an offset project, are there just a standard set of questions/issues looked at. Or, can the HCA or other environmental stakeholders who can request additional and specific measures be taken to ensure all sensitive ecosystems and natural corridors are understood and designed appropriately. -- How are off-setting projects developed without skewing to land-developer's benefits at the expense of natural heritage biodiversity features, as developers have a lot of money and political clout -- how can it be certain that offsetting projects are actually helping the natural heritage and sensitive ecosystems and biodiversity and not just paying lip-service to them. Can the HCA choose who designs the offsetting project as opposed to the developer? Again, thank you very kindly for being able to participate in this discussion

32. 1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting? EXISTING HCA AND CONSERVATION AUTHORITIES ACT POLICIES AND DRAFT POLICY FRAMEWORK IN SECTION 9. 2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy? NO. 3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required? ENSURE THIS IS BEING DONE USING LEAST INTRUSIVE IMPACT TO THE EXISTING ENVIRONMENT. 4. An option for the policy is that any of our natural

<p>heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach? AS LONG AS IT IS STILL IN CONSULTATION WITH HCA. 5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool? YES. 6. Should the approach in the draft policy framework for offsetting be based on a “no net loss” or a “net gain” philosophy? What are your thoughts on preferred approach that makes it the best option? NET GAIN PHILOSOPHY SO AS TO MAKE BETTER IMPROVEMENTS TO THE ENVIRONMENT.</p>
<p>33. Given that animal and plant species are looking to be protected and even improved, then the offset should be in place for five years before the original area is developed.</p>
<p>34. 1. Given the strong population pressure within the HCA region, the HCA should have a no offsetting policy. That is, natural areas should remain fully protected because our green space is very limited. 2. Explicit consideration of climate change and consultation with first nation. 3. Object to the MZO and mobilize public support for that objection. 4. HCA should lead the protection of our diminishing natural areas. 5. No</p>
<p>35. Stop destroying or moving nature and wetlands to make room for development! Without trees and nature there would be no humans to develop for. It may not be your concern because that won't happen in "your lifetime" but eventually it will happen if greed takes over humanity.</p>
<p>36. I am concerned there is no criteria established to determine when and why any development should become necessary. I certainly do not believe only the desire of developers and a compliant Premier is sufficient.</p>
<p>37. firmly oppose the proposed offsetting of wetlands in the Dundas valley (Ancaster). We've lost so much nature to "development" in recent years. Firm resistance to these compromising offsets is required for a sustainable future. Please live up to your commitment to CONSERVE our wetlands, forests and waterways!</p>
<p>38. First: the link provided to the full discussion paper brings you back to the website, not useful and cannot access the paper for a deeper understanding. 2. Relocating a wetland is not a viable solution. The wetland takes several years to establish the ecosystem it sustains. We only see the surface of the wetlands. Wetlands has deeper impact on the surrounding water and air quality and underground aquifers. Building over one will create a domino of negative effects that we won't be able to fully understand. 3. Even if one is relocated, it won't provide the same benefits to humans. 4. wetlands are perfect buffers for storm water retention and drainage. Building over those will exacerbate floods within human habitat. With climate change, snow melts faster and we notice more frequent rainstorms. These natural habitats are needed more than ever. This will only create more financial problems for the province and public bodies. 5. it sound that I am not providing a solution or an alternative. Environmental groups and planners with an understanding of environmental health and impacts of built environment can provide best alternatives and more sustainable</p>

alternatives.
<p>39. Considering the state of the environment, our only home, can municipalities not discuss with provincial governments as to why they impose MZO's? Municipalities should be making decisions regarding growth and development within our own boundaries. Why are humans' hell bent on destruction? If making money wasn't a factor, would we even be discussing this issue? Perhaps governments should be considering curbing human population growth...the planet would be grateful. 1) Strict policies should be in place to protect the environment, for example a "no build" zone. Does Hamilton not have plenty of brown space for development? Or have we made those areas too toxic for human life? 3) Petition the government to stop issuing MZO's. Let municipalities (citizens of that particular community) decide how we want our community to develop. 4) The people who live here should be the people making the decisions. 5) Stop the erosion of our greenspace and negative environmental impact. Reverse it...instead of urban sprawl, consider green sprawl. 6) How about a framework for no offsetting? What are the penalties for not accommodating the MZO's? Let's face it, a no net loss and/or a net gain philosophy are just words. Money wins and the environment loses.</p>
<p>40. Keep these relentless money hungry developers out of the few wetlands that still exist in our communities.</p>
<p>41. Money from greedy developers is obviously more important to you than the increasingly valuable green spaces that we are blessed with in the Hamilton Dundas area. Why would you even consider such an idea? Your organization wasn't conceived to bow to concrete vendors. You are here to protect the natural foliage and the wildlife that thrives in these areas. Your willingness to betray your membership is incredible. What is needed is clear thinking individuals who can address the need to repurpose wasted, unusable, outdated buildings and spaces that are already in existence. This is far, far better than tearing up the earth and the living areas that we are able to enjoy through walking, canoeing and relaxing on every day. We need the trees to clean our increasingly polluted air. We need the trails to enjoy a stress-free environment. If you can't see that this is what is needed, pack your bags for Toronto or NYC where concrete is number one.</p>
<p>42. 1. Wetlands should not be moved and the development should be denied. 2. There should be cause and effect in the policy to provide a great insight. What will happen to the existing ecosystem and biodiversity? How long will it take if it's moved to restore? Will it 100% restore? What will happen with flooding in the area? Will there be a greater risk? Wetlands need to be protected!</p>
<p>43. Please leave the wetland and nature alone. Do not disturb the wetland. Your job is to "conserve" hence Conservation Authority.</p>
<p>44. This is ridiculous. There's an erroneous belief that humans can just create a habitat, and by "calling it a wetland" greenwash away all their sins. Plantations are not forests. They are dead zones. And the same logic applies to wetlands. As a Hamilton resident and tax payer, I wholeheartedly oppose this foolhardy notion that is clearly just to appease the developers who are friends with Doug Ford. Why are you, as a conservation authority even suggesting "relocating wetlands", you should know it's not possible to do in a genuine and meaningful way. Don't hand over responsibility to</p>

municipalities. The problem is not land to build more houses on, the problem is a lack of rent control. Sacrificing our environment to build energy-inefficient suburbs is completely the wrong move. You are completely letting the people who believed in your authority as a conservation body down. You should back out from this idea now, or I will organise and meet you in the wetlands to stop this.

45. Wetlands should be protected and NOT be relocated. All policies should be written to state that. No matter what method and machinery is used to dig up flora and fauna, it will harm and kill. Don't give developers Carte Blanche. The uniqueness of a wetland should inspire unique design that saves it

46. HORRIBLE IDEA!

47. I have a Master's degree in Environmental Science from a very reputable university in Ontario. As such, I am insulted by this ridiculous "offsetting" idea which is clearly sheer lunacy, and certainly born from those in the community who would destroy any quality natural green space if they could make a dollar. The exclusion of public input on these developments amounts to an absolute slap-in-the-face to residents of Ontario who rely on elected leaders to protect the public from harm! It is not surprising that this kind of proposal comes from a government that clearly denies we are in the midst of a climate crisis as well -- "offsetting" and climate change denial very obviously go hand-in-hand. It is absolutely laughable that our provincial government thinks they can "move" or "replace" any natural wetland in Ontario with a "new" one that would be in any sense of the word, "better". We don't even have a complete understanding of all the complexities that exist in our natural habitats! I am appalled that this nonsense is not being stopped in its tracks by someone in authority. Surely not everyone in the PC party thinks this proposed idea is actually legitimate? That in itself makes me shudder -- to think an entire political party is so ignorant about their natural surroundings. This is a clear repetition of Donald Trump style leadership - - if something isn't to your liking just force it to conform by making new immoral and basically illegal laws. There must be a judge in Canada that can see through this natural habitat-condemning idea! I wish that every conservation authority in the province would rally against what should have been their 'illegal' elimination -- with outright disobedience of the Ford government's attack on the sustainability of our province and home. The public has repeatedly cried out in full support of the protection of our necessary natural green spaces. Every wetland in the province should be protected today with the obviously worsening worldwide temperature increase better known as "climate change" looming more largely as each year passes. Soon it may be too late to save any habitat or any person. We need clean water to drink and nourish our food crops; we need clean air to breathe and we need good quality soil to grow food in -- these things are our most basic needs. Everything we use in our society started with resources from nature. Our conservation authorities protected those basic needs very well but now we are being left with little recourse by our own elected officials! The public is being forced, without pay and at great expense and stress -- during a pandemic that is taxing our mental health already -- to defend ourselves against developments that are very bad for our communities, our physical and mental well-being, and the health of the natural world that our lives directly depend upon. I ask myself; how did we get here? Why aren't we doing the obvious and protecting our own species present or future wellbeing?

In summary, from my 30-year career in the realm of environmental studies, there is no justifiable way to "move" or "replace" an existing natural habitat with a "better" one, and trying to do so will only end up harming everyone in our society. It just cannot be done -- much like some oil spills can not just be 'cleaned up.' Will someone PLEASE educate our provincial government properly so that they do not continue harming us all in the near future -- they have removed literally hundreds of very meaningful provincial environmental protections! And indeed, the harm has already begun with the Ontario populous having to go to great lengths to defend themselves against the long list of inappropriately used Ministerial Zoning Orders (MZOs) that Premier Ford has somehow been able to approve. The public outcry about so many of these orders proves that MZOs are being used immorally against the wishes of the electorate. So, the average Ontarian understands that "moving" or "replacing" a natural wetland is actually impossible and will cause them harm -- the Ontario government just refuses to listen to us. This is a deplorable situation! Again, how did we get here?? I implore someone to force the province to cease and desist in this most unbelievable public scam. I am a resident of Ontario and I am not a stupid fool that will lay down and let my environment be destroyed in this piecemeal manner by politicians that refuse to believe the scientific facts about nature and natural habitats. I beg of whomever is reading this comment to educate yourself on the damage that this proposed "offsetting" will definitely create -- it will harm us all -- and find someone in authority who will finally reign in the Ford PCs and stop this damaging behavior for good! Shame on the province for trying to 'play God' with their condemnation of Ontario's natural habitats, and shame on the Federal government for not enforcing mandatory non-biased Environmental Commissioners in every province and territory back when Premier Ford fired one of the smartest environmental scientists of our time in Ontario. Our Federal governments needs to be much more active on the climate crisis in Canada and that starts with strong legislation to keep the all of our Premiers in line. Forming any kind of "offsetting" policy in Ontario is a bad idea and will end up harming the Ontario public during one of the most trying times in our history. I for one am feeling very used and abused by our provincial leaders especially since the Covid-19 pandemic began. Their actions force vulnerable people to take action to protect their communities. This kind of political abuse should not be allowed during an economic shutdown when many Ontarians are seriously struggling in both financial and mental ways. It's so wrong on so many levels that I just can't believe I have to write this! Please do not create any kind of "offsetting" policy in Ontario or municipally in any fashion. We all know that the Ford government will stretch and abuse any such policy even if formulated very carefully. They are rule breakers -- give them an inch and they will take a mile! It's too dangerous in the face of the climate crisis!!

48. This sounds like an absolutely atrocious, unnecessary idea. With ample unused paved areas located in Hamilton's downtown, not to mention big box stores that sit empty, mammoth parking lots unused there is real estate already available without doing any further harm to the delicate ecosystem these wetlands provide. Hamilton doesn't need to lose any further farmland to a parking lot.

49. NO..NO..NOOO NOOOO... NO TO DEVELOPER.AND/OR ANY CHANGES TO CURRENT POLICY. ONCE DEVELOPER IN, NO ONE WILL STOP THEM ON KILLING THE WILDLIFE AND NATURE, DEVELOPER DO NOT CARE, THEY

CARE ABOUT MONEY AND THEMSELF.

50. Dear HCA. I am, frankly, surprised that this issue exists. The removal of wetlands which have developed over thousands of years to facilitate development appears to fly in the face of your mandate. This biodiversity offset smacks of provincial money lust and short sightedness. Yes, other jurisdictions have succumbed. Do we really have to? Please do not kowtow to MZO's. Fight with the authority and ethics of your mandate. This is un thinkable. I realize that I have not addressed the questions in the order in which you asked. Please understand that no amount of craftily worded questions can diminish the outrage that I feel about the hubris required to even consider that we humans can decide where the wetlands, streams and other natural spaces belong. How dare we? When has this ever worked? Consider me opposed.

51. The hubris that we can compensate or offset development of "the natural feature so it is replaced somewhere else", as if our natural resources are interchangeable Lego bricks, is ridiculous. I fail to understand this basic premise that underpins any further discussion of the issue. To think that just picking some other area somewhere else based on size or "quality" doesn't recognize that each feature exists in the context around it. This will enable a piecemeal destruction of our larger protected natural areas. Replace a pond here, some trees there, and before long we have a Swiss cheese of natural areas replaced by junk land that developers deemed exchangeable for the more prime protected areas. The abuse of MZOs by our current government should be viewed as an aberration and fought against, not accommodated. I firmly oppose any development in protected areas and I fail to understand how this policy aligns with what I thought was the purpose of our conservation authorities.

52. Point 6 says the cost should be recovered by the developer. I hope this is a typo. While I would be opposed to most relocations, I would expect to see a net gain and the costs covered by the developer.

53. Thank you for this public consultation. Please note: The 'offsetting' policy - fails to involve indigenous nations in decisions about relocating ecological features - makes no reference to the climate crisis - may put Ancaster Creek Wetlands and headwaters back at risk - just when we need to be restoring, not tampering with and probably destroying wetlands. I realize that the Province has put you in a tough spot. However, I do not know what kind of hubris it takes to think that we can just take a natural feature and move it. You know as well as I do that this is more likely than not to be a huge failure and cause damage for generations to come. These policies must be resisted in every way possible.

54. know coming from BC several municipalities have offsetting policies. Why don't you connect with them as a foundation? They have a tree cutting policy, a policy for mandatory green space for every development, they have offsetting as well, but generally, deny applications that harm or build over environmentally sensitive areas. But barring that and how I have seen government work here, you should go for a net gain approach. LPAT or MZOs will have you lose if you go with a net loss approach, at least with net gain perhaps it can but HCA ahead with spaces and areas.

55. 1. There should be a policy to help developers find other places to build other than wetlands and farmlands. Perhaps there could also be plans to retain some of the natural features even if there is development. If forced (e.g., by the province) to allow

development in these places then the replacement needs to be bigger than the one lost. 2. I would like to see results of studies showing the impact of removing natural spaces such as wetlands. I also don't know how effective replacement, man made natural spaces are. What do studies show? Does wildlife return? Are they as good at filtering pollution? Do they allow invasive species a toehold? 3. HCA should have the strictest rules as possible. Don't give an inch when forced by an MZO. The replacements need to be bigger and better than what is lost. Also, wildlife corridors need to be maintained and/or created. 4. This works only if the municipalities are willing to follow the science and also put natural heritage before any economic gain. 5. Needs to show why it is better to keep existing features over replacements. Also, should always allow for public consultation and feedback. 6. Should be net gain. We need to make it less attractive for developers to think it is ok to keep 'paving over' natural areas if they can just pay to replace them. It needs to be expensive for them to do so.

56. 1. Offsetting should not be offered as an option. I do think HCA needs a policy, and the policy should be that offsetting will not be considered as a justification for development on natural lands. Given the current urgency to address climate change, water security, biodiversity, food security and environmental sustainability, we need to take cues from natural systems. Natural areas evolve within larger ecological systems and they are deeply interconnected, they cannot be "replaced" by human construction in other locations. 2. The paper makes brief mention of Aboriginal Traditional Knowledge, but does not indicate any research or true understanding of the core principles of TEK. One huge gap, then is the apparent lack of meaningful input from Indigenous knowledge keepers in the formulation of this discussion paper. If Indigenous perspectives are not being included now, there is no basis to trust that they will be considered in anything more than a tokenistic fashion in the future. 3. Guiding principle #3 states: "Some sites, features and habitats should be off limits to offsetting, based for example on vulnerability and irreplaceability. The 'no-go' criteria should be informed by science and Aboriginal traditional knowledge." If there is a need for HCA to justify a No Offsetting policy, in order to challenge directives from the province, then now is the time to do the science and collaborate with Traditional Ecological Knowledge Keepers. The HCA's No Offsetting policy can be supported by this scientific research and strengthened through meaningful partnerships and joint-stewardship arrangements with Indigenous communities in the region. So rather than wait for MZO's to be imposed, now is the time to do the groundwork and take a stand to challenge the overall validity of MZO's as a policy that threatens the environmental health of our region. 4. We are currently in an urgent environmental crisis. All decisions regarding natural land should be led by experts in conservation and land stewardship. 5. Point 4 in Section 9 states: "The development of offsets and compensation must consider both the quantity (size) and quality of natural heritage features and functions in the context of the subject site(s) and surrounding landscape." I feel more emphasis needs to be placed on "functions" and this notion needs to be expanded. Overall, the whole concept of off setting implies that natural lands are discrete and isolated features, more like parks than like integral, functioning aspects of the larger ecosystem. So "functions" here is very important, as it relates to

things like habitat, water quality, natural corridors and the very real fact that natural areas sustain lives that will be lost in the event of development. To put it bluntly, the specific flora, fauna and insects living in a particular area will be killed by development and cannot be “replaced” through off setting. This is addressed on page 2 of the document as “harm to biodiversity” but it is important to remember that this notion of “harm” includes the death of living beings. An Indigenous approach to land relations through kinship would cast more light on this notion of “harm” and provide clear guidance for thinking through the truly dire implications of off setting. Point 7 in Section 9 states: “When considering natural heritage offsets, the complete costs of the delivery of to be imposed, now is the time to do the groundwork and take a stand to challenge the overall validity of MZO as a policy that threatens the environmental health of our region. 4. We are currently in an urgent environmental crisis. All decisions regarding natural land should be led by experts in conservation and land stewardship. 5. Point 4 in Section 9 states: “The development of offsets and compensation must consider both the quantity (size) and quality of natural heritage features and functions in the context of the subject site(s) and surrounding landscape.” I feel more emphasis needs to be placed on “functions” and this notion needs to be expanded. Overall, the whole concept of off setting implies that natural lands are discrete and isolated features, more like parks than like integral, functioning aspects of the larger ecosystem. So “functions” here is very important, as it relates to things like habitat, water quality, natural corridors and the very real fact that natural areas sustain lives that will be lost in the event of development. To put it bluntly, the specific flora, fauna and insects living in a particular area will be killed by development and cannot be “replaced” through off setting. This is addressed on page 2 of the document as “harm to biodiversity” but it is important to remember that this notion of “harm” includes the death of living beings. An Indigenous approach to land relations through kinship would cast more light on this notion of “harm” and provide clear guidance for thinking through the truly dire implications of off setting. Point 7 in Section 9 states: “When considering natural heritage offsets, the complete costs of the delivery of the offsets should be recovered, including costs of entering into an agreement, project implementation, and longer-term maintenance and monitoring of the offsets.” It needs to be stated much more clearly that costs of implementation and ongoing maintenance and stewardship are to be covered provided by the developer. As I have indicated previously, however, I do not think off-setting should be entertained at all, so these points are only relevant if a policy providing for off setting unfortunately moves forward. 6. If a policy providing for off setting unfortunately moves forward, then net gain is preferable to no loss. However, as I have indicated, I believe the policy should state that off-setting is not a viable justification for development on natural lands.

57. The Conservation Areas were set up after Hurricane Hazel to ensure that there would never be flooding that resulted in catastrophic loss of life again in Ontario. It seems that any messing with wetlands is totally opposed to this very serious issue. Having seen flooding in Europe and China this year; and more rain than usual in Hamilton areas in recent years, any policy that changes in how water is captured would be a backward step. Wetlands developed for a reason - to stop flooding. So

many wetlands have been lost to the detriment of wildlife and it isn't possible to just wave a magic wand and move one to another place. We need to be creating more and enlarging those we have not losing them. I note that there is no mention of Climate Change in the offsetting policy questions. Shouldn't this be the driving force now in every discussion. The City of Hamilton has declared that there is a Climate Emergency so HCA policy should follow their guidelines. There is also no mention of species at risk and what protection creatures such as Jefferson salamanders will receive. Offsetting is a dangerous step forward as a developer might promise to do something but how long does it take for a new wet land to be created. For the creatures that live in the marsh/water/bog etc. what will they do while their home is paved over - hang around for 2 or more years until the new home is ready. A developer would need to create the new wetland and leave it for a number of years to see that it was working - are they going to be patient enough to do that? No of course not!!! If a wetland is moved and in subsequent years there is flooding and damage to the area, homes, businesses who will be responsible? I suspect it will be the HCA and therefore, the public purse will have to pay for insurance coverage - by then the developer will have walked away with lots of money in hand. Conservation Areas belong to the public - we use them we should be able to protect them. There are various types of wetlands how easy will it be to ensure that a marsh is replaced by a marsh and not a storm water holding area. I note that there is no consideration given to the voice of Indigenous People. With the troubles in Caledonia at Land Back Lane, I think that having Indigenous voices in all stages of discussion would be of great importance. The hunting rights that HCA have set up work very well - there should be more of these types of liaisons. MZOs are a danger to the future of Ontario any thought about allowing them to pass by HCA fills me with dread. The HCA needs to stand up and oppose these MZOs very strongly. The CA's have managed the land for so long they should be the ones that know what is safe to build and what is not. The public also need to have a voice if there is a chance that CA lands are going to be lost. During COVID the numbers of people that have enjoyed CA lands has risen. I know as we live right by the rail trail and seeing so many more people in need of public space has been so encouraging as it means that revenues will go up for the HCA to help maintain this great area. I believe that at present time the policy of the HCA is that there should be no offsetting allowed. Why is this discussion even being considered? It is against policy now - don't change a thing. is there anywhere that can be shown as a satisfactory example of when a wetland has been moved successfully. Were the creatures counted before moving and then counted afterwards to show there was no loss? If there is an example then it needs to be examined and only then can this very dangerous policy be even open for discussion. I don't believe you will find a successful one as I don't think it is possible. I am not prepared to even mention what the ratio of land should be in place for offsetting as the whole idea is crazy. Please put this whole idea in the garbage where it belongs and carry on doing the great job of preserving what we have.

58. I strongly oppose any offsetting policy at all for the HCA. "A natural feature that can't be protected in one location due to development, will be replaced somewhere else" is laughable. As if a warehouse development could only be built in that one

particular parcel of land and nowhere else? Seriously? The mandate of the HCA is to protect. The Ancaster wetland was protected (for the time being) because it is not the HCA's policy to allow a permit to destroy a wetland. If, however there is an offsetting policy, then future wetlands will not be protected because it will be the HCA's policy to allow the destruction for an ersatz replacement elsewhere. Not acceptable. "Net gain" is a developer's dream as we witnessed in June when the One Properties wanted to replace a cold-water marsh with a "larger" pond with "open water" and some pretty landscaping. As if this would be any kind of a gain. But in the mind of a developer, it would be considered a gain and with Cllr Ferguson at the helm driving for warehouses to be built on marshes, the lines would be blurred and we would wind up with a net loss for the HCA and the watersheds it is supposed to be protecting. An offsetting policy would be a slippery slope toward permit approvals. The HCA's mission and vision is to: "lead in the conservation of our watershed and connect people to nature." "Lead in the conservation of our wetland". Nature places wetlands where they should be and we have no say in it. However, the location of development is a choice made by us. If we adopt an offsetting policy then the choice will always favour the developer in direct contradiction of the HCA's mission and vision. NO offsetting policy is the best policy.

59. Its important to recognize that existing conservation and wetlands cannot be replicated by man made habitats. Much of the existing conservation is home to native species and wildlife. Man made areas often consist of a mix of native and foreign species (I. E. The Norway maple) Further, the existing ecosystems have grown and developed over decades to reach their current state. A man-made system bears no consideration for the time lost when destroying an original ecosystem. It's also important to consider the fact that relocating an ecosystem means displacing existing wildlife as the new ecosystem will not be in the same place and those animals living in the original habitat will be lost. It is ultimate hubris on the part of any developer or policy maker to suggest the need for urban sprawl outweighs the need to retain existing habitats, and to propose the displacement of existing wildlife is an acceptable expense for yet another subdivision. Everyone is aware of the devastating effects of climate change and the little time we have left in order to make alternative choices and policy decisions. The policy must be cumbersome and expensive, putting much more onus on the developer in such a way that the developer will be forced to retain the existing habitats. Politics and greed cannot be allowed to play a factor in these policies anymore. Perhaps a much more extensive requirement of what the 'man made' replacement must be, including habitat and ecosystem studies completed by professionals in the field.

60. No credible CA would even consider instituting an offsetting policy since their job is to conserve wetlands Natural heritage features are where they are for a reason, and it is impossible to "move" them Only three out of 36 conservation authorities in Ontario has offsetting policies, because they are deeply unpopular and favor the pocketbook of the developer over the health of the environment and citizens The Hamilton Conservation Authority would lose both land and financial donors if an offsetting policy were to be adopted This comes at a convenient time as the application to pave over the Ancaster wetland was just denied after immense public pressure.

61. Absolutely NO to an offsetting policy! Mother Nature knows what she is doing. I'm sure developers can find other solutions that are less destructive to nature.
62. Allowing developers to compensate elsewhere for the remove of wetlands is wrong. You people should know it takes years for that environment to develop. In order for the conditions to be right for the habitat
63. Enough of our natural habitat/wetlands have been destroyed by development we MUST preserve what little we have let. Absolutely no to Offsetting
64. No offsetting. Wetlands and green lands need to protected. Developers should not be given any consideration unless they are adding to existing wetlands or growing the existing green belts.
65. Seems ridiculous given how little natural wetlands we have left that you would allow people to develop anything in those areas. Anything recreated will take years to be effective and never as good as the original. This should not be allowed. Develop on the loads of empty and abandoned lots within Hamilton.
66. No credible CA would even consider instituting an offsetting policy since their job is to conserve wetlands Natural heritage features are where they are for a reason, and it is impossible to "move" them Only three out of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favor the pocketbook of the developer over the health of the environment and citizens The Hamilton Conservation Authority would lose both land and financial donors if an offsetting policy were to be adopted
67. There should be no offsetting allowed. These natural areas have been created over decades/centuries. No man-made area can compete with that. Hamilton must build only within its current boundaries and not destroy wetlands and farmlands that serve to only fatten the pockets of developers and some politicians. City taxpayers are then also left with the financial burden of creating the infrastructure to maintain these developments. A huge NO to offsetting the destruction of our wetlands and farmlands. And a huge NO to developing said lands in the first place. Please listen to the Hamilton taxpayers and very concerned citizens. And know what you are doing to current and future generations left to support these devastating and greedy plans.
68. As a member I ask you to consider the following. We need environmental protectors. We need you to do everything within your power to represent our future generations. Natural heritage features are where they are for a reason, and it is impossible to "move" them Only three out of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favor the pocketbook of the developer over the health of the environment and citizens The Hamilton Conservation Authority would lose both land and financial donors if an offsetting policy were to be adopted
69. Offsetting should not be allowed. Period. You cannot effectively move an entire ecosystem. Leave our natural sites alone.
70. Conservation areas need to be conserved, not "offset". Build up if you need to, but leave the Conservation areas alone. They are all we have for ourselves and our children. There are vacant homes and schools that can be used to build on, we don't need to get rid of our wetlands, and forests.

71. 1. I believe that HCA should refuse to accept this flawed plan in regard to natural heritage offsetting. Your role should be to conserve what we already have, and not to destroy it in favour of an offset. After all, you are the Hamilton Conservation Authority, not the Hamilton Offset Authority. You should do anything within your power to frustrate this flawed plan by the anti-environmental Ontario government. This should include multiple lawsuits. You could set up a go-fund-me account to pay the legal costs if you do not have the wherewithal to fund those actions. I personally would be willing to contribute to this. 2. No. 3. Fight it tooth and nail in the courts. 4. HCA is the only option when it comes to decision-making. 5. No. 6. No. You should refuse to allow the rape of our natural environment, by doing everything within your power to fight this process.
72. It seems that HCA would be only the fourth of 36 conservation areas in the province. HCA is chaired by someone clearly in favour of development, with a long history and demonstrable bias for his contacts in the land development business. An offsetting policy would clearly be a way for the Chair to grant favours in this MZO-friendly climate. The HCA must stay true to its mission and not be swayed by partisan developer friendly policy. Stand strong. This government will not be in power forever. It is also clear that the HCA has laid out offsetting should always be a last resort, so this survey seems to be asking permission to sway from that mission. Destroying a natural wetland is an outrageous proposition in this day and age; users of the amazing areas you are stewarding for future generations, donors and Hamilton's citizens will speak loudly to the HCA and its chair if they decide to bow to near-term profiteers rather than staying true to your mission, stated as "To lead in the conservation of our watershed and connect people to nature." Conservation, not destruction. Seems pretty clear to me that you already know that an offsetting policy is NOT conservation.
73. No credible CA would even consider instituting an offsetting policy since their job is to conserve wetlands Natural heritage features are where they are for a reason, and it is impossible to "move" them Only three out of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favor the pocketbook of the developer over the health of the environment and citizens.
74. I am not in favour of off-setting and it risk valuable and irreplaceable wetland surrounding the Hamilton and Ancaster area. Off-setting policies are not the norm in Ontario (the vast majority of conservation authorities in Ontario do not have offsetting). Off-setting policies favour developments and the timing of this policy seems aim at developing Ancaster's wet-land which was recently denied but this could re-open the door.
75. ABSOLUTELY NO OFFSETTING!! When will we stop letting wealthy builders destroy our environment?! For once can we think about the future of our earth instead of money?!
76. To start, net gain with be excellent to prioritize! It would be great to improve on what we already have rather than just saving what exists. However, I have great concerns that a plan to offset wetlands would be able to build towards net gain at all, as even the no-net-loss plan seems to have not seen much success in previous wetland offsetting. The 2017 report from Ontario Nature

(https://ontarionature.org/wpcontent/uploads/2017/11/wetlands_report_Final_Web.pdf) says that: 'Wetland offsetting has been occurring in the United States for over 30 years, though success in achieving its goal of no net loss has yet to be demonstrated.⁴ A 2001 report by the US National Research Council revealed that the "no net loss" policy goal for wetlands was not being met, for a variety of reasons.⁵ These included weak performance standards and a lack of monitoring, enforcement and long-term maintenance.⁶ In their 2012 global meta-analysis of wetland restoration, David Moreno-Mateos et al. conclude that if offsets are used "to justify further wetland degradation, net loss of global wetland services will continue and likely accelerate."⁷ (References in that paper). In fact, in my (admittedly brief) searching, I can't find evidence that offsetting wetlands actually ever succeeds in real life. I have found reports from the provincial and federal governments promising things will work out in the end, but with no solid evidence to prove that there has been a net gain, nor even no-net loss. In terms of policy, my hope is that the HCA will dig in their heels and fight with the groups of active citizens for the key priority of the agency: conservation. With our water table already diminished and degraded over years of sapping resources and building over our natural features for decades (if not centuries), our water table should be protected at nearly all costs. Though the domain of the HCA is almost entirely in the City of Hamilton, having the City be the driving force of planning offsetting for the HCA makes me very uncomfortable. There's a reason for an arms-length agency that is NOT part of the municipality since there is the specific focus on conservation, and the councillors have many diverse foci that may conflict with conservation. Lloyd Ferguson's role as the chair of the HCA board for this reason (along with the heavily councillor-focused board) feels like a conflict of interest: people who might prioritize development should not be in charge of conservation. And I don't necessarily think that development and conservation are entirely at odds, but if your personal compass tips one way heavily, it may mean that you sacrifice the other. While it was the flashy article in The Spec about the 25-year farm fields in Ancaster sprayed and dug over to make room for development that eventually led me here, it's something that is important to me as a citizen of this city.

77. As an HCA member of several years, I am vehemently opposed to any offsetting arrangement. I was under the impression that the HCA's primary purpose was to protect what's left of our natural heritage. Why would any developer agree to offsetting if it were not to their benefit? Those same developers may try to sell offsetting as a win win, but we know that's never the case. Please continue to conserve Hamilton's natural beauty. Do not give it away. I am willing to pay more for memberships if necessary. Shame on Mr. Ferguson for even entertaining the idea.

78. No offsetting should be allowed by the HCA. We are currently seeing this fail with carbon credits and have witnessed similar offsetting fail in the logging industry. Those applying for permits - i.e., developers - will find any means necessary to weasel out of any offsetting requirements - because profits! The fact that the chair of the HCA is in favour of this speaks volumes to the monetary ties between developers and government officials. In supporting this measure Mr. Ferguson has demonstrated whose side he is on and therefore he should resign as chair of the HCA. NO OFFSETTING WHAT SO EVER

79. Leave wetlands alone

80. No offsetting
81. No Offsetting
82. Plain and simple. There is absolutely no reason to draft any natural heritage offsetting policy. We need to preserve what tiny pieces of nature we have left. Please deny any form of a natural heritage offsetting policy
83. No offsetting!!
84. Offsetting is not beneficial to the landscape in Hamilton. Therefore, it would be preferable that we avoid the implementation of any policy. Alternatively, any policy should have tremendously stringent restrictions, where areas subject to the policy satisfy a series of requirements prior to establishing eligibility. - we would recommend that the policy be applicable to the boundaries of a "Hamilton proper", excluding Stoney Creek, Waterdown/Flamborough, Puslinch, Ancaster, Benbrook/Glenbrook. We do not subscribe to municipally-led recommendations, as the HCA's mandate is to represent accountability to municipal initiatives and staff recommendations. Flipping it is not a good idea. Re: MZO, we are seeing so many challenges with these - the checks and balances required to facilitate MZOs include CA checks. Strong restrictions on offsetting would restrict MZO to less sensitive land uses on natural ecosystems. We ask staff to recommend that the applicability of an offsetting policy in HCA territory is so restrictive that it would not be beneficial in overall outcomes. There is sufficient evidence to demonstrate this in the references provided in your discussion paper. Conservancy comes first and development, second. If we stand firmly for this, developers will need to find alternative approaches to their activities.
85. The CONSERVATION authority is meant to Conserve the land, right? I highly disagree with any offsetting. Human interference with nature has already proven to be terrible. I don't think offsetting should be allowed, especially considering Hamilton is in a climate emergency (declared 2 years ago).
86. No offsetting
87. Please honour your commitments to facing the Climate Emergency as declared by Hamilton City Council. Destroying ecosystems in the name of convenience is like throwing gasoline on the fire. "Natural heritage offsetting" is an absolutely catastrophic policy and you must immediately cease pursuing it. Commit instead to 100% protection of such critical environmental infrastructure. Delivering slight convenience to a private land owner CANNOT be more valuable than preserving a centuries-old living system that delivers countless environmental benefits to our city and our planet. I don't care what other townships do. This is a terrible environmental policy, and a transparent attempt to give land developers every freedom, while looking the other way during a so-called Climate Emergency. I wish for you to abandon this terrible policy in its entirety and commit instead to protecting our land. A building can be built anywhere. This is bad, bad policy.
88. No more offsetting. Save original wetlands, stop favouring contractors and big business.
89. The idea of 'relocating' wetlands is madness. That is not conservation. Wetlands are in the most optimal site chosen naturally not an arbitrary site chosen by man. I do not want developers deciding the fate of the natural world. That this policy should even be considered is shameful... the HCA is in place to protect our conservation land.

90. I'm very much against an offsetting policy that doesn't simply state, "no offsetting is permitted". How can anyone determine a new natural feature? Once you destroy the current feature anything new is manmade, not natural. This policy sounds like it's being considered to benefit developers and that's it.
91. I support the proposal as presented. 1. I would prefer that offsetting applicants prove that their project is of benefit to the community as opposed to a profit venture. 4 These municipalities are already well represented by the BoD... 6. Strict adherence to either of these philosophies could derail a reasonable application. There needs to be wiggle room so that a beneficial project with a slight net loss can be considered.
92. Absolutely NO off-setting. There is no meaningful 'compensation' for natural habitat. The fires, heatwaves and floods occurring this summer are a sample of what's to come if we don't get serious about protecting the environment. Conservation means just that and that's the mandate of HCA.
93. First off only 3 of 36 conservation Authorities have policies allowing this and that is 3 too many. Wet lands develop in certain locations because of nature and necessity. Making a policy to allow relocation first off goes against nature and we already due enough damage to nature and shouldn't alter policies to enrich developers' pockets on a weak promise to recreate what nature developed. This is unnecessary and should not be allowed.
94. There should be no offsetting. It destroys natural habitat that has already shrunk to alarming levels. You cannot replace valuable wetlands and you can never replace the habitat of the wildlife that is immediately affected.
95. Please leave natural habitats alone, protect them by ensuring run off, dumping and construction does not occur.
96. Offsetting policy is a dangerous, slippery slope to losing our natural wetlands which are in locations that are best suited to support the surrounding environment. Developers are NOTORIOUS for saying one thing and doing another, which they always manage to get away with. Once that natural space is gone, causing tremendous disturbance to the ecosystem, it will never be retrieved. This policy is just another case of developers bullying their way through - if we can't count on conservation authorities to protect our natural environment, who will? Certainly, the city of Hamilton has sold us out to developer's time and again! Where will this end?!
97. This "offsetting" should NOT be an option. Your job as the Conservation Authority is to CONSERVE... every one of you should resign for even considering allowing the developers to dictate to you about conservation. Climate change is here, we MUST conserve every wetland, forest, green space we can. Look at western Canada, western USA... wild fires, drought, wild life being left homeless. Once you allow developers to take just one wetland, you will NEVER get that space back. Like that old saying goes... Give them an inch, they take a mile. SHAME, SHAME.... on all of you!!! This is called Hamilton Conservation Authority NOT Hamilton Developers Authority.
98. I don't believe offsetting is viable and it should not be considered. The concept of offsetting is diametrically opposed to that of conservation/preservation. Natural heritage features cannot be moved or replaced, and the ability to quantify the offset is next to impossible, especially as to long-term risk of loss of the existing feature vs.

benefit of the proposed offset. The municipality has a history of bending to the will of developers, and the PPS was created under a Conservative (and developer-friendly) provincial government. I don't have any faith that the 'last resort' policy will be strictly adhered to. Thank you for reaching out to the public for input.
99. Comments: NO offsetting is the best policy. Note: The Ancaster wetland was only saved because there is NO POLICY to offset it. Question-isn't it the CAs position/their job to conserve wetlands?? Natural heritage features are where they are for a reason, and it is impossible to "move" them History shows: 3 of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favor the pocketbook of the developer over the health of the environment and citizens Do you realize The Hamilton Conservation Authority would lose both land and financial donors if an offsetting policy were to be adopted!!! This comes at a convenient time as the application to pave over the Ancaster wetland was just denied after immense public pressure. If the offsetting policy were to be adopted, the landowner may apply again and the permit may be granted this time.??? Transparency people!!!!
100. NO TO OFFSETTING!! Build up, not out!!!
101. I do not think offsetting should even be a thing, you are a Conservation Authority because you are supposed to Conserve. This is in direct opposition to your mandate. Your Chairman of the board is completely out of line for even suggesting this. If this is the path forward you can expect a huge resistance and reduction of donations especially willed properties. Also please return the Ancaster Well to Public Use as willed and deeded. It was wrong to resend the willed intentions of on of your former border members. You have become a corrupt institution.
102. No offset whatsoever. A friend of mine said that she believes that the future includes a bypass to Wilson Street going through the conservation area. This is the first step in that becoming a reality.
103. I am not in favor of any off setting. It opens up Pandora's box and developers will continue to chip away at this just like Hight restrictions of buildings. I promise you I am not voting conservative or Doug Ford over this whole policy development framework/MZO mess. If you are going down this route, you should default to environment and what is the additional benefits you can put on development to do their part. Green Energy, Solar, Roof top green space for growing...look to Germany they are far more advanced on this than we are in Canada. Agriculture, Green Space, Natural Environments should not continue to be sacrificed. While I am in my 50's, the next generation is far more green than me or my parents...you should very much pay attention to them. If you want a wholesome document, you should be reaching out to include local students - they will likely tell you what you don't want to hear. Lastly, have you reached out to Indigenous peoples to include their thoughts on this? Their feedback and support should be included in this document of planning. That would be my suggestions.
104. What happened to "Conservation"? Any modifications to an existing wetland is, effectively, destruction. Wetlands cannot be replaced, period.
105. I do not believe offsetting the habitat can ever make up for the original one. I work with environment issues and do not believe "net gain" is even on the table. Even in an ideal case that natural heritage offsetting could have a "no net loss", I cannot

<p>imagine how one would estimate the time that would take to achieve it and how one would measure success. Any credible environmental scientist can explain how and why this does not work. People support HCA for its environmental benefits, but this policy proposal seems to be going completely against any scientific consensus in benefit of economics.</p>
<p>106. no no no no offsetting</p>
<p>107. No offsetting, period. Protect the conservation lands. It is extremely short sighted to allow this. Conservation means protecting and conserving, not create man-made imitation elsewhere in an undesirable spot to develop. Our planet is dying. Wake up and stop this nonsense.</p>
<p>108. Offsetting is simply not an option. Wetlands and conservation land should be kept as they are. MZO permits to develop wetlands should not be honored. No wetlands should be developed</p>
<p>109. Absolutely no off-setting! Nature doesn't work like that. You can't create a new wetland in the middle of a field somewhere else - ridiculous. As a new HRCA member, I can't believe this idea has any traction at all.</p>
<p>110. No offsetting is the only option! None! Zero!</p>
<p>111. The HCA must NOT adopt an Offsetting Policy. The idea of replacing one natural heritage feature by one that is man-made is laughable. Every natural feature is exactly where it is meant to be and cannot be enhanced, or even duplicated by engineering. We are in the middle of a Climate Emergency so the mere thought of trying to eliminate and then replace a feature which has the potential to reduce carbon emissions, for an example, is ill-timed. The idea of an offsetting policy at this point in the Crisis is unthinkable. Logical thought also makes it clear that wildlife, especially endangered species, which occupy these natural features must be protected at all costs. Man's ability to port over the existing creatures to a new habitat is non-existent so an offsetting policy is a death sentence to the species who inhabit the natural feature. There is no blueprint to do this; it has never been done successfully. The value of native species, to humanity and to our self preservation is far more important than a developers wish to pave over a particular area and erect soul less warehouses or mammoth subdivisions. 2. There are at least 2 gaps or missing Issues. First: The HCA must specify that certain features cannot be contained in any offsetting policy. They are far too important to the welfare of the population to allow their destruction, especially at this time when Canada is burning and smoke from the forest fires drifts over Hamilton and environs. Surely this must be an indicator that every feature that can be used to provide forest protection, reduce flooding, or enhance food production must be saved. The signals could not be more clear that every feature helps with conservation and we need many more. Second: Input, consultation, and consent from Indigenous People is not included. They must give their consent when destroying land and water under their guardianship; their wisdom as conservators throughout the ages cannot be understated. Please listen to the wisdom of the elders and the chiefs as they assist in the preservation of water and lands. 3. While the province has implemented mandatory permits through the</p>

MZOs, this does not mean that MZOs are accepted by the people of Hamilton/Puslinch who recognize them as land grabs, with money and greed at the core. If the people are not happy and choose to demonstrate their frustrations by reducing donations/memberships, etc., this will have a detrimental effect on the HCA's ability to deliver future services. Yes, you may be mandated by the government, but you must protest loudly that any permits are given 'under duress', 'with prejudice', 'Against all conservationists' values', and the list goes on. Do not go quietly. Delay. Stall. Pretend to negotiate until this government is defeated next year and you can revert to doing the great job you have done in the past. If you are forced to issue permits, demand very generous compensation, e.g., 3 times the size of the original feature might be the new requirement. The new feature must prove itself to be effective and the HCA will monitor it throughout its lifespan to determine its true functionality. Is it actually doing what it was designed to do? The developer must pay for the monitoring and accept your judgement when you declare that the new feature has not attracted wildlife as expected and therefore is inadequate, as an example. The developer must pay and pay and pay, until he finally realizes that no amount of money can compensate for the loss of a natural feature. Each type of natural feature brings specific benefits to our environment that is in severe jeopardy right now. We do not yet even understand how all the intrinsic parts of an ecosystem work together to balance water, soil, microbes, wildlife, flora and fauna. Please do not accept an offsetting policy. 4. The Municipalities have neither the expertise nor the experience to lead any kind of offsetting policy. Also, they have their own political agendas and fundraising coffers. They would not be capable of leading a science-based policy on replacing one natural heritage feature with another. If they lead the charge, the result will be endless miles of pavement, cement, and concrete, followed by years of severe flooding, starvation, and storms. The people of Hamilton/Puslinch need and rely on the HCA's experts, ecologists, trained botanists, etc. who have monitored our water quality, managed the safety of our trails, and preserved our waterfalls. We are grateful for your hard work and recognize that you cannot carry on with conservation needs if an offsetting policy is adopted. Neither the HCA nor the municipalities should adopt it. 5. No, the Discussion Paper does not provide adequate direction for the protection of existing features. The pretense that an offsetting policy could be remotely effective needs to be removed. As the climate emergency worsens every day, there is no heritage feature that becomes expendable. Each one should be declared "Off Limits" to the developer' bulldozers and excavators. To date, only 3 of 36 Conservation Authorities in Ontario have implemented offsetting policies. They set a precedent that cannot be lifted. They open the doors to developers who will take advantage of any loophole to gain ground on farmland and forest and marsh. They are the reason MZOs were created and offsetting policies have been implemented. Do not let developers rule and ruin our future!! 6. This last question is surely a joke. It is based on the assumption that offsetting can actually be achieved and that there could be some far-off and distant gain for the populace and for wildlife. There can be no gain to anyone by offsetting. It is a fantasy policy that needs to be laughed out of the park. It takes 500 years to create an inch of top soil. What makes anyone think they can improve on the natural heritage features that have evolved over thousands of years? As you close windows and turn up the AC because the temperatures are so

hot, as you keep your children inside because the air quality is too poor to breathe, as you watch Canada burn, please retain every natural feature within your domain. They may be our only hope to survive this climate emergency; if you want a future for your children and grandchildren, you will deny any offsetting policy for the Hamilton Conservation Authority and be proud of the stance you have taken.
112. There should be no off setting of wetlands and conservation lands. It isn't even logical for a conservation authority to even consider this. As a long-time supporter of the HCA, I cannot support this action.
113. No off setting
114. One of the most important goals of the HCA is to protect the watershed and connect people to nature. Bulldozing and paving wetlands and natural heritage features does not achieve this goal. Wetlands and natural features cannot be moved or replaced. Many animals and plants would die. Developers cannot make up for their impact on the environment. The HCA must protect the watershed and natural features. There should not be an offsetting policy.
115. Off setting should never be considered an option! Only stupid self-serving hypocrites could convince themselves that it isn't immoral.
116. The province is wrong in mandating offsetting. We should do all we can to preserve and enhance our natural environment. It is insanity to do otherwise and expect different results!
117. Destruction is destruction. You cannot replace a natural wet land. This is pure greed and I am sick of the politicians paving over irreplaceable land. His land belongs to us and Mother Nature.
118. 1. No Offsetting at all. It is magical thinking to think you can move a wetland. A wetland gains its power from its location and takes decades, if not longer to be functional. We don't have time to wait decades for a new habitat and carbon sinks. 2. No Offsetting at all. Refuse to engage in this fantasy solution. 3. MZO's are anti-democratic. HCA should refuse to comply with an MZO which impacts a wetland if the mandate of the HCA is conservation, then conserve. Do not capitulate.
119. I am vehemently opposed to any offsetting. Natural features cannot be artificially replicated. They are where they are for a reason! The only ones benefiting from these proposals are developers! It is outrageous that "offsetting "is even being considered.
120. NO OFFSETTING .. it's not replaceable & only benefits a few. It's not for the greater good. The arrogance of C Ferguson.
121. All systems should be considered. It is improbable that wildlife environments can be fully duplicated.
122. Wait for Ontario gov. General's report into mzo's and environmental policies of this government.
123. The wording of this survey makes it difficult for me to cut through to what is likely going to happen and what alternative plans might be considered to save wetlands especially. At a time when we face severe global weather events that threaten and in fact destroy wildlife, trees, land and humans daily, we must frame any alterations to the land in our community to show our commitment to thwarting the impact of climate change. HRCA must start with preservation and conservation. I hope here our politicians can, when wetlands and rapidly disappearing farmlands are considered, look at any alternative but mechanized destruction for any expansion and

development. On Shaver Road and Wilson/#2, the huge spread of stores and businesses, townhouse chains and multiple linked homes has obliterated any sign of the wetlands that were right where Walmart is: a large pond and wetlands beside which a massive oak tree stood. Hunters trained their dogs there. When those machines came in and the wetlands were drained, the destruction was staggering. And we who watched had no voice. Hopefully this is not the case now. Lloyd Ferguson in particular should appreciate the extent of damage possible. How many voices will it take to be heard?

124. 1. HCA should never consider implementing any offsetting policy. Period. The very concept runs contrary to the HCA's mission to preserve wetlands and other natural features. 2. The gaps are that an offsetting policy of any kind is being considered. Reject this offsetting outright. 3. Refuse and/or stall the provincial gov't until at least the results of the 2022 provincial election are in. With any luck the OPC will be voted out of office and this corrupt, destructive offsetting concept will stop being a consideration. 4. Only three out of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favour the pocketbook of the developer over the health of the environment and citizens. To have no offsetting policy is the only option HCA should be considering. 5. No offsetting policy will provide enough protection of existing features. Offsetting is not ever an acceptable natural heritage management tool. It is only ever a natural heritage destruction tool. 6. The draft policy framework for offsetting should be based on a "NO OFFSETTING EVER" philosophy.

125. I don't believe in the policy of "offsetting". There is a reason marshes and waterways have developed. There is no evidence that "moving" them will continue to ensure that waterways will be clean and that nature will continue to use and thrive in their "replacements". If anything - the recent events where developers have facilitated the wanton destruction of farmlands and expressed their intent to build a monster home in their place and on top of a marshland in Ancaster - underlines the importance of continuing to protect these areas. Marshlands have historically cleaned our waterways and evidence has shown that they have protected many areas from getting flooded. Removing these areas will only increase the potential for flooding in Hamilton and decrease the wildlife so necessary for keeping our air clean in a city where poor air quality has been linked to higher rates of cancer in our community. HCA should continue to oppose "offsetting" - even when it is imposed by the provincial government through an MZO.

126. We need to preserve our wetlands and conservation areas for future generations. You cannot simply move them! Offsetting should NOT be allowed at all!!!

127. It is impossible to move a wetland without consequences and a chain reaction to the natural habitats it flows to. Climate change is happening at breakneck speed as seen in the news daily. Don't be fooled and continue on the building path proposed. There must be careful consideration taken with the input of locals and climate experts.

128. Absolutely NOT!! This is just Ferguson's way of getting developers free access to our resources. Maybe he should get out of his castle and actually learn about proper environment protection. If this goes through, I will have lost all respect for the HCA and will no longer support it.

129. 1. I Don't think offsetting should be done. 2. No policy changes as I don't think one can adequately move a wetland. The displacement of natural features and mimicry by humans is not an equal substitute for something evolved over lifetimes of natural growth. 3. Not offset the features these are part of our nature and heritage. 4. The cities who couldn't even vote on a new stadium in the West end? Who get payback from electric companies? They'll 100% be seduced by real estate interests. Keep any policy in line with world wide standards set by national conservation authorities. 5. no offsetting 6. Since I'll likely not be heard and moneyed interests will push ahead, I'd say aim for a net gain rather than no loss. Offsetting is already a loss, migratory birds, amphibians that lose their habitat do what? Grab a hotel and wait for the new wetland? If you're going to destroy something older than you or me, you might as well make it better by actually giving something back.

130. Offsetting is completely antithetical to "natural heritage" preservation and conservation. Natural habitats (including those formed in existing man-made ecosystems) cannot simply be "moved" and "replaced". Aligning HCA policies with municipal policies will result in our environment becoming a tool for elections and cronyism profiteering. Offsetting should not be used to destroy natural wetlands for the sake of development and the HCA should fight harder to be conserve the semi-urban and rural ecosystems in question. The direction for protection of these areas and under what circumstances the HCA would approve offsetting should be more clear. If offsetting MUST be used, there should be a net gain for conservation to the offset.

131. Offsetting will prioritize construction over nature conservation. Construction will remove wetlands and damage the land around it as well. The removal of aged natural area cannot be made up for by simply designating another land with the same square footage as what was removed/offset. That would be like saying it's fine to cut down a healthy 50-year-old tree and replace it with a sapling. There should be a requirement that the offset of the land is justified, not merely excused. In other words, there is a benefit to the ecosystem being moved or rebuilt elsewhere for reasons, therefore the use of the land for another purpose is justified. The priority of the offset should be the nature first, and development should be an added bonus. When I think about Toronto, I only think of a metropolis. I don't think about their natural conservation, which suggests it isn't an important and highlighted facet of the municipality. It would be an ecological insult to model our policy on a city that doesn't value its nature. It is unclear from the Discussion Paper's review of the Living City Policies document what "feasible" means. What makes maintaining a natural heritage system feasible? Additionally, the TCRA's policy is described as "best practice." According to whom? The recent past has shown us that the Hamilton municipal government is untruthful with its citizens, and hides environmental damage. When it comes to COVID, even our health board/panel does not include the appropriate members, where no one in that group was a medical doctor. This prioritization by the Hamilton municipality proves their self-interest and power mongering. I wouldn't leave the city in charge of anything that doesn't earn them money. I would not advise allowing the City of Hamilton to lead decision making in regard to issues pertaining to construction vs. natural heritage systems. If you must, a net gain philosophy is preferred over a no net loss philosophy.

132. Offsetting = destruction. I thought conservation would mean you would like to conserve land...
133. There shouldn't be any natural heritage off-setting. I don't believe such a policy is any way in line with the HCA's purpose which is to CONSERVE natural heritage. Natural heritage features are where they are for a reason, and it is impossible to "move" them. The Hamilton area's "natural" environments provide an important counterpoint to the major industry that covers so much of the land. It is much loved and used by both residents and tourists and more importantly, the wildlife. These areas (forests, wetlands, meadows, creeks, escarpment) are IRREPLACEABLE. So off-setting doesn't make sense. The city of Hamilton is hugely underdeveloped. Maybe developers could invest in building up the city centre, making it beautiful and civic, and stop greedily sprawling and paving over the green belt and conservation lands that surround it. I strongly appose the Off-setting policy and think it would be a disastrous move for the HCA.
134. A human-made replacement for wetlands will never be adequate or even a true replacement for the original. Commercial and residential development into conservation areas, especially wetlands, should be blocked. It's the 21st century, if developers are unable to design to preserve and conserve natural environments then they shouldn't be building
135. No offsetting please!
136. No do not touch our wetland
137. I don't believe this is a good thing for the environment. Leave it be. You're harming the natural diversity
138. No to heritage land offsetting!
139. Offsetting should be allowed when clearly this is an exercise in how to put a warehouse on a natural feature like a wetland. Offsetting policy should not be used for a business interest. If the province wants to use an MZO to make a warehouse appear, it should fall on the Minister to say so. The Conservation Authority should not be complicit in trying to make a wetland disappear only to reappear as a dirty stormwater management pond 200 metres to the east. Just say no. The people of Hamilton will back you.
140. believe the role of the Conservation Authority is to CONSERVE. Very simple. The mandate should be to protect land not to find loopholes to have it developed.
141. If the taxpayers' citizens of Hamilton do not protect the lands now, they cannot be protected in future. With enhanced transportation networks being planned downtown, the city has an obligation to promote development along the new corridor and its feeding infrastructure. There are several studies that indicate the pejorative consequences of disturbing, re directing or eliminating the natural systems of habitat and drainage. There is no excuse to have this continue.
142. The Hamilton 350 Committee strongly recommends that the HCA drop its consideration of an offsetting policy. We are concerned that the consultation leaves the false impression that an offsetting policy strengthens protection of natural features when the opposite is true. The survey fails to make clear that offsetting is not permitted at this time. It also doesn't explain that nearly all Conservation Authorities do NOT have an offsetting policy (only 3 out of 36 have one). And it neglects to

explain that the request for an offsetting policy has come from land developers, not because of an interest in protecting the public good. We suggest that the reputation of the HCA as a protector of natural features could be damaged by adoption of an offsetting policy and that it will undermine public support and donations for the positive work of the HCA. Recently, the HCA experienced very strong public opposition when its board considered an ad hoc offsetting application by owners of 140 Garner Road. There were over 200 letters submitted and a petition of nearly 500 names compiled in opposition to this proposed offsetting. We note that the reason given by the HCA for NOT approving this ad hoc offsetting of a wetland and segment of the Ancaster Creek headwaters was: "The decision of the Board of Directors was to support the staff recommendation and not issue the permit as the proposed development does not meet HCA policy." What would be the result if the HCA had an offsetting policy? Question 1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting? No offsetting policy should be approved for multiple reasons including the following: Existing protection policies are insufficient to ensure no degradation or loss of natural heritage features. An offsetting policy makes this situation worse. Natural heritage features are extremely complex and we simply don't have sufficient knowledge to be able to replace them. New information and science is continuously appearing that underlines how little humans understand the functioning and importance of natural features. For example, a few years ago it was not understood or even contemplated that a complex cooperative relationship exists within healthy ecosystems including sharing resources, regular communications and other links as described by Simard. A few years ago, the role of ecosystems in countering climatic change was ignored. The HCA watersheds exist within Ecoregion 7E which features the highest number of threatened species in Ontario. About three-quarters of wetlands in southern Ontario have already been lost. In the GTA there are only 10% of the original ones remaining. Question 2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy? Yes. The policy paper makes no reference to and does not take account the climate emergency and the implications of an offsetting policy for avoiding more greenhouse gas emissions. Natural heritage features such as wetlands and forests are significant carbon sinks that should be maintained and enhanced to contribute positively to minimizing climate change. These features also strongly assist in reducing the well-known effects of climate change such as flooding, drought and extreme heat. In addition, these features provide critical habitat for many species. Reference is made to recommendations from Ontario Nature that any such policy should recognize Indigenous rights including the right to full participation in decisions affecting treaty obligations but no commitment to do so is included. The HCA should fully recognize Indigenous rights including the treaty obligations to protect traditional hunting, fishing and gathering rights, the requirement to protect the integrity of the water and prevent pollution, and the general obligation to maintain the ecological integrity of the waters and lands within HCA jurisdiction. Question 3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required? Firstly, it should publicly and loudly challenge

MZO and ensure that it is well understood by the public that MZO override provincial rules respecting environmental protection and planning policy, and that MZO eliminate requirements for public consultation and other features of due process. Secondly it should make clear as the TRCA did that any permit issued by HCA for an MZO is only done "under duress". Thirdly, it should impose very stringent permit conditions that demand full compensation to all aspects of the natural environment including the impacts on species; that require replacement of lost or damage ecological features at least three times greater than the area lost; and that require that replacement features be installed and demonstrably fully functional before the existing features are removed to ensure wildlife have a place to move to, and that the compensatory features are permanent.

Question 4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach? To put the municipal governments in charge would be reversing existing practice. Currently the HCA uses its ecological expertise to inform municipal policies. Neither the municipal governments nor the HCA should embrace offsetting policies.

Question 5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool? None of the 7 principles take the climate emergency into account (prioritizing development over any natural heritage feature is a dangerous idea) ... The large majority of the Offsetting Policy discussion assumes that greater or equal ecological compensation can actually be achieved, when the likely outcome is that it can not be replaced.

Principles 1&2: "Adherence to Mitigation Hierarchy" & "Achievement of Net Gain", These first two points include vague phrasing like "mitigate any unavoidable negative impacts" which leave room for interpretation by the developer. Bottom line: Impacts are always avoidable if our CA is able to say no to development. (and not play a game of offsetting)

Principle 3: "Offsetting has limits", This is the most important principle (and perhaps should be the only one on this list) - some lands should be off limits, "period" ... it is quite possible that in many/most situations the ecological value of the land to our food production, drinking water filtration, and air filtration (carbon sink) can not be replaced.

Principle 4: "Equivalency" This principle discusses that offset should be made equivalent in terms of size and quality of the land - however there is more vague phrasing here (left to interpretation of developer), and nowhere does it make mention that a wetland should be compensated with a wetland specifically and not another kind of feature, or something such as a murky toxic stormwater pond. Nor does it make note of what currently exists where this new feature is going to be placed (e.g., will valuable forest be cleared, to make way a new artificial wetland? That defeats the alleged objective of offsetting.

Principle 5: "Permanent Outcomes" This notes that the offset should be designed to last as long as the project's impacts do. ... It does not say what is to be done if the offset fails and does not last (a very real probability).

Principle 6: "Alignment with Municipal Policies and Approaches", This principle

echoes guiding question 4, and Again, our environmental experts at the CA should be the leaders in defining what should be done to manage our ecosystems and watersheds. The City environmental policies should be taking note from the CA experts, not the other way around. Principle 7: "Cost Recovery" this says that the cost of the offset should be recovered - again this wording is vague and left dangerously open to the interpretation of the developer. It leaves room for the developer not to be accountable for the full cost of the offset, or its ongoing monitoring which is another very real possibility as the true cost of creating/monitoring a sustainable synthetic ecosystem is so high the cost may rival the profit from new development. Question 6. Should the approach in the draft policy framework for offsetting be based on a "no net loss" or a "net gain" philosophy? What are your thoughts on the preferred approach that makes it the best option? This question is making a big assumption, it's suggesting that offsetting can actually be achieved, that developers can actually recreate a wetland, forest, or fertile soil. Historically, these natural heritage features are created by slowly evolving geology that creates certain mixtures of soil and minerals, bedrock depth, and aquifers over thousands of years - and then hundreds of years to create complex root systems, and establish sturdy nutrient cycles, and food chains, from smallest soil microbe to top predator, ensuring that a functioning ecosystem of microbial life and plant life is established and will continue (these are essential features to clean our air, and filter our water). It is doubtful whether a natural heritage feature can be recreated artificially to any meaningful degree at all, and it would be impossible to derive the same ecological value (biodiversity, air and water filtration, flood prevention, food production) from a new artificial wetland/feature made by a developer rushing to appease an offsetting policy as cheaply and quickly as possible before they can build. We fear that pretending a natural feature (like a wetland) can be "offset" at all (as the very existence of this policy suggests) is dangerous and will only leave us in a net loss scenario. (not "net gain", or "no net loss", as this question guides us to think). As we see climate change making its mark across our province, country, and the world, now is not the time to lose any more natural heritage features that may buffer the blow to our safety with their priceless ecological value. No development is worth our health and safety. Therefore, no Offsetting Policy should be permitted. Ecological integrity is not something to play make believe with.

143. There has never been an offsetting process that has been successful in terms of preserving habitat of native species. We should be protesting that the provincial government has forced this process upon us, not aiding their efforts to benefit developers and businesses. I think that offsetting should only be used when the government forces it upon conservation authorities and our opposition should be made public. In addition, companies who are benefiting from the offsetting should not only be made to cover the costs of offsetting but must be made to pay a significant financial penalty in cash towards local reforestation and wetland improvement efforts. There must be a net gain for the conservation authority and local green spaces. Corporations who request offsetting must donate double the footprint of the land they are requesting. The existing framework does not provide adequate protection for wildlife and native species. This must be strengthened. Areas that are home to rare plants and endangered species must be off limits for offsetting.

144. Terrible idea. We should be preserving more and more natural environment not letting it go. Highly disappointed that this is even on the table as a membership holder and long-time lover of nature and the environment.
145. Please remove offsetting as an option. Natural Heritage Offsetting should not be an option for developers.
146. Offsetting is a terrible idea. Everything should be done to fight against an MZO that states it watershed. You can't "offset" it to appease development. Preserve all that we have - that is what the Hamilton Conversation Authority should be doing, always. must be done. We only have one
147. Offsetting is just another word for destruction. You're the conservation authority, this isn't conserving anything.
148. 1. Offsetting should be completely banned - it should play no role in HCA policy. 3. No - wait out the legal challenges (audit) of provincial MZO use. If you implement the offset this policy will last even if MZOs are rendered an abuse of power and long after Doug Ford leaves office. 4. Nope - your mandate isn't to pander, it's to protect complex natural environments whose value may not be apparent to everybody. 6. There is INHERENTLY net loss when complex, long-standing ecosystems are destroyed. No net loss = not disturbing complex ecosystems.
149. Please no offsetting. Leave the wetlands alone.
150. If a MZO is issued to develop wetland I would expect Hamilton Conservation Authorities to be able to push back hard against this with the clear evidence that wetlands can NOT be offset. They are naturally occurring where they are, based on watershed and water flow. Water is one thing we can not control-which resent increase in flooding has show us. The water quality of our lakes are in absolute dire state due to the lack of wetland and offsetting any will not help this. MZOs are the worst news for our biodiversity and I hope HCA will remember what they are here for and not leave it up to the public to organize and push back on this disaster the province is about to put on us. Protect the watershed and our lakes, put people on your board of directors who actually knows about conservation and send a clear signal THAT WETLANDS SHOULD NEVER BE DEVELOPED AND CAN NOT BE OFFSET!! Respect the green belt! Act as if we are in the climate emergency that the city declared two years ago! Wetlands are a major part of our resiliency against climate change related events!
151. Thank you for receiving my comments. I am concerned that a development policy that allows developers with deep enough pockets to greenwash their environmental destruction is not in the best interest of our natural heritage, our future, our ability to produce local food, fight climate change, etc. Please do not allow any policies that allow for this. In fact, since all development has some environmental impact, i.e. increasing impermeable surfaces and resulting storm water issues, any kind of development should have built in "offsetting" or mitigation to reduce any negative effects of the project. Thank you.
152. Thank you for the opportunity to comment. I don't see any benefits, but lots of downsides, to the HCA having an offsetting policy. I note that the board direction to draft this policy came in response to developers' request to relocate a wetland and stream segment in the headwaters of Ancaster Creek. You will be aware that there was a very large public outcry over that scheme when it came to the HCA board at its

May and June meetings. None of that public response supported the relocations and I think it is fair to conclude that none of it would endorse an offsetting policy that might facilitate such relocations. I note that the HCA board rejected the relocations because they were inconsistent with existing board policy. Adopting an offsetting policy clearly offers the same developers an opportunity to try again using the offsetting rules. This would be grossly unfair to the residents who opposed this scheme at the May and June HCA board meetings. I would suggest it would be a gross abuse of process. You are aware, I'm sure, that the developers and/or their agents followed the HCA permit rejection by what can easily be described as an act of vengeance directed against the farmers who had paid to use these lands. This disgraceful activity should be denounced by the HCA Board. I would suggest an appropriate penalty would be to ban delegations by all of the developer agents that appeared on June 3 until they publicly denounce these acts and declare they played no part in them. So, my first recommendation is that the HCA should abandon any moves to establish an offsetting policy. That also responds to question one. In response to question two, yes, there are definitely gaps and missing parts in the draft offsetting paper. Two in particular stand out. One is a failure to require full respect of Indigenous rights and a commitment to full participation of Indigenous nations in all HCA decisions related to the offsetting policy. We have treaty obligations that must be respected. I note a reference to Indigenous rights from a document cited in the draft report, but no commitment or recommendation on behalf of the HCA to do likewise. Another glaring omission is any reference to the climate emergency. Perhaps the events of the last few months in Canada, the US, Europe, China, Russia, the Philippines and many other locations may remind the HCA that this is a very real and urgent emergency. It demands a priority response from all land stewards - both to ensure the features of these lands and waters contribute to the greatest extent possible to reduce overall greenhouse gas emissions, and to take additional steps to prepare for and mitigate the impacts of extreme weather that we know we face as a result of the climate crisis. No explanation is offered on the likely climate related impacts of an offsetting policy and its future utilization. This is an enormous gap that strongly suggests the HCA is not taking the climate emergency seriously. Question 3, I would suggest, is not directly related to the draft offsetting policy. The use of an MZO by the province should be loudly and strongly opposed by the HCA, and the conditions imposed should be sufficient to ensure that the cost to proceed is greater than any profits that might be made by doing so. But those conditions don't require the existence of an offsetting policy. Question 4 seems to abandon the historical role and responsibilities of the HCA in favour of passing the buck to municipal governments. Conservation Authorities must strengthen their stewardship and protection of natural features, wildlife habitat, wetlands and forests, etc. Should municipal governments choose to endorse an offsetting policy, the HCA should oppose it. Questions 5 and 6 ask me to assume an offsetting policy will be enacted. I oppose any offsetting policy. Far from offering a way to get inconvenient natural features out of the way of development, the HCA should be actively working for much more stringent policies. The example of what took place at 140 Garner underlines this urgent need. Spraying of poisonous herbicides appears to have occurred adjacent to the wetland and almost certainly drifted into it. It is extremely

disappointing that the HCA was not able to prevent this assault and seems incapable of ensuring appropriate restitution. Even without this poison assault, it appears that the lands on at least three sides of this particular wetland can legally be made entirely impervious even though that would irrevocably harm the wetland, the species which inhabit it, and its ecological functioning. The required buffer - if it is put in place and fully respected - will not protect any of these.
153. Do not destroy what little we have left.
154. I don't believe governments should be allowed to offset natural features that are important to local ecosystems. We should develop our region in a way that does not decrease our farmlands or wetlands. If we had a Sistine Chapel in our municipality, would we trust the local Ontario and municipal governments to tear it down and make a comparable feature somewhere else? I would argue that the Sistine chapel is manmade and fully understandable, so we would be better off trying to offset a treasure like that than pretending to understand all the interdependent ecology of natural features well enough to recreate them. People like me who are moving into Hamilton and contributing significantly to the local economy don't want urban sprawl, destroyed ecosystems, or the offsetting that will enable it. Develop the core, leave nature alone.
155. No offsetting. Your organization is conversation, not being supported by business interests
156. No more access to green space. No offsetting. You can't ever replace a natural ecosystem once it is gone.
157. Hello! Thank you for taking the time to listen to Hamiltonians on this topic. Isn't offsetting another work for developing our previous greenspaces? We are experiencing apocalyptic climate change events and we need to preserve all of the greenspaces that we possibility can. I am vehemently opposed to any form of developing of conservation lands. I think the protests against the wetlands in Peel are a good example of how citizens are frustrated and done with allowing developers to make the decisions and money.
158. think you should fight the MZO and demand no form of offsetting whatsoever. Offsetting is a ridiculous concept as there is no way to move an established wetland. The mandate for the HCA is to CONSERVE the natural environment and ecosystem, and we are in a climate crisis! ...so, anything else is completely irresponsible and immoral.
159. 1. There should be no offsetting allowed. 2. These natural areas have been created over decades/centuries. No man-made area can compete with that. City taxpayers are then also left with the financial burden of creating the infrastructure to maintain these developments. 3. Hamilton must build only within its current boundaries and not destroy wetlands and farmlands that serve to only fatten the pockets of developers and some politicians. 4. Politicians are corrupt and will do anything for profit! They should not be trusted with this! 5. NO. NO to offsetting the destruction of our wetlands and farmlands. 6. NO to developing said lands in the first place. Please listen to the Hamilton taxpayers and very concerned citizens. And know what you are doing to current and future generations left to support this devastating and greedy planning.

160. Our natural areas are so important and sadly they are being destroyed. They can never be completely replicated and replaced and we will never truly know the long-term damage until it is too late. Developers need to stay out of our remaining green spaces. Our world, our earth, our future, needs them in order to survive.
161. Dear Sir/Madam, this policy would replace lots of wetlands that's is natural heritage for animals, plants and humans. Amidst the pandemic, these areas have been a comfort zone for many of us and little kids and teenage children. How can you take therapeutic natural heritage area to replace with business, noise and chaos. Please let nature lives among us, natural animals, birds even insects, this is our free resort that's home close to home.
162. think development should be paused, specially in woodlands, wetlands, or any other green spaces. Growth can happen within already developed spaces. what policies should HCA have? Not approve development in green areas. Offset asking for double the space allowed on an MZO. I have seen what happens in Wellington and Puslinch, absolutely no control whatsoever, developers are taking over green space left and right with nothing to stop them so, no, do not follow their guidelines. "No net loss"
163. Offsetting should not be allowed. Anybody with experience of City Council and its influence on the HCA understands that it will ALWAYS be a "last resort" when the proponent is big and powerful enough.
164. the government should not give developers a carte blanche to rework lands with these offsetting policies. At a bare minimum, a net gain philosophy should be used when assessing these kinds of options. The local municipalities should have the final say in regards to any changes to the local environment.
165. As a member of ICLEI, the city of Hamilton seems to be forgetting it's responsibility and pledge to create a sustainable and healthy environment for its residents. The ICLEI-BARC framework and timeline for mitigating/adapting to climate change seems to be forgotten too. I have failed, thus far, to see any positive efforts to support these studies and so-called timelines. 'Natural Heritage Offsetting' is clearly not a solution at all, to purposefully disrupting natural, endangered and pioneer habitats in the name of overdevelopment. In fact, the concept itself of 'Natural Heritage Offsetting' flies in the face of ICLEI's overall vision for sustainability. For example natural watersheds and wetlands operate on their own as they have for centuries and do so in almost perfect harmony with surface water, run-off and ground water features. This excerpt taken from the city's Nov. 4th, 2020 Corporate Climate Change Task Force paper states: "In 2016, the Office of the Auditor General of Canada published a report by the Commissioner of Environment and Sustainable Development which states that from 2009 through 2015, the federal government spent more through the Disaster Financial Assistance Program on recovering from largescale natural disasters than in the previous 39 years combined. Furthermore, the report states that Public Safety Canada estimates that for every dollar invested in climate change adaptation \$3 to \$5 is saved in recovery costs." 'Offsetting' is just more money wasted. This deeply concerns me and in my humble opinion as an environmental technician, leaves nothing more to discuss for this particular 'debate'.
166. Offsetting is a green light for developers to pave our wetlands. NO to offsetting.

167. We all know developers really care about the environment. Let's keep ruining our natural landscape to fill people's pockets with money. And in return we can dig a hole fill it with water and call it a natural pound lol what a joke.
168. I agree with the proposed policies of this offsetting proposal. However, I would like to see some sort of legislature or policy that would permanently protect certain areas from ever getting developed. Namely those with a rich ecosystem that cannot be replicated elsewhere. Now more than ever it is imperative to preserve the natural resources that Hamilton is so lucky to have, we can never get them back and property development is simply not a good enough excuse to destroy these environments. I appreciate the opportunity to voice my thoughts and opinions on this issue, and I hope that more serious and concrete action will be taken to preserve these precious ecosystems.
169. 1. No offsetting. Natural heritage should be preserved as-is and/or restored if damaged by industry. 2. Not that I'm aware of. 3. The HCA should designate lands - all the lands it administrates - as protected and ineligible for offsetting. 4. The smaller municipalities should align to Hamilton's policy - or the policy of their region-, not vice versa. All policies should be guided by the goal of protecting as much public land as possible from industrial interference. 5. Any tool that allows offsetting is insufficient. Industry must adapt to preserve natural heritage, not the other way around. 6. All policies should aim for a "zero-loss" target at least. Restoring natural heritage that has been damaged should be an ongoing goal but stopping any further loss is a necessary first step.
170. Truthfully, one cannot rely on land developers complying with any rules. There has been a recent prime example on the East Mountain Have we not learned about trying to change nature. Offsetting is working in compliance with land developers This is a conservation authority?
171. I am completely opposed to ANY offsetting policy whatsoever. I do NOT support this attempt at a loophole bypass. Conserve ALL the greenspaces we still have, especially WETLANDS and WATERSHEDS.
172. So much to take in. I am saying I DO NOT want developers, politicians, to touch the land. End of story. Why are you making this issue so complicated?
173. I'm not supportive of offsetting in any instance. We live in an ecologically special area and ceding any to development would be a huge loss.
174. No offsetting. Keep wetlands where they are. You can't just replace these ecosystems. The CA's job is the CONSERVE, not cater to developers and make themselves feel better with some BS offsetting policy
175. believe that creating any kind of "offsetting policy" for Hamilton sets a dangerous precedent that threatens the critical natural lands that remain in our area. We are already short of green space in our region and the pace of development has grown rapidly under the current PC government - too rapidly. I am currently volunteering to collect data for the third Ontario Breeding Bird Atlas but the only decent sized wetland in my 10x10 km square is already scheduled to be replaced by a subdivision within the next 15 years. Both Mount Hope and Caledonia are plowing under many hectares of agricultural land at a quick pace. The amount of green land that I've seen put up for sale and already cleared or paved, has reminded me how fragile our future is --unfortunately, it's also up "for sale" now. I fear that too many

natural habitats will be destroyed over the next five years in my assigned Atlas area, and throughout the entire Hamilton area. In my Atlas square, two highway #6 bypasses have been completed this year, which opens up much more green space to further development. It really makes me wonder what green remnants will be left in 2025, at the end of this five-year breeding bird project? Will food shortages be starting then? Will there be enough water recharged into our water table so that we can water our food crops during our hotter summers? When will politicians start using present-day meaningful measures of human well-being to direct us on a more productive and sustainable path forward? We need to make seriously thoughtful decisions about what happens to our remaining green lands, and hence, our own future quality of life – these are directly connected. If the current pace of permeable land (especially wetlands and farmland) being converted into impermeable surfaces continues, the Hamilton Region will surely experience accelerated climate changes including increased flooding with every passing year. In addition, the scientific community has predicted that Hamilton's changing climate will bring increasingly heavier and more damaging precipitation events -- meaning even more likelihood of flood disasters like those recently seen in Europe, happening right here in Hamilton. Our lives are at stake. Being educated about our changing climate during my post-graduate environmental studies at the University of Waterloo in the 1980's and 90's, I am extremely worried about shortages of clean water, nutritional food and comfortable outdoor temperatures in our near future. Our ability to live comfortably lives directly depends on these basic necessities and yet, for the last 40 years I have watched politicians almost everywhere focus on profit instead of sustainability policies. For the last 55+ years, I have witnessed our guaranteed beautiful snowy winters from November through February, morph into the recent freeze-thaw cycle of short heavy snow dumps melting into more frequent damaging ice events. I have gone cycling in shorts in more than one January during my son's childhood. Anyone predicting that back in the 1970's would have been laughed out of the room. The climate crisis is gaining momentum but our provincial and federal politicians are still practically ignoring this fast-growing threat to humanity. I wanted my career to make a difference in the world so I devoted my time to restoring green spaces damaged by human carelessness, helping complete careful inventories of critical natural habitats, and encouraging urban residents to use native plants in habitat-style gardens. I felt that I was making a positive difference during my life but today it seems that poor short-sighted political ideas are eliminating the benefit that I thought I'd provided. I find it incredibly unbelievable that this so-called "offsetting" of natural ecosystems is actually being discussed as a viable option in Ontario. This myth of a policy is clearly being forced upon us by our current pro-development provincial government who are admitted climate-crisis deniers. I strongly feel that allowing any kind of offsetting policy will lead to rapid devastation of Hamilton's natural lands -- the places that kept us sane during the Covid-19 pandemic; the places we rely on for our most basic human needs; the places that supply us with every human resource we've ever discovered; the places we need to survive into an already uncertain future. I seriously don't understand how we got to this point? How can we discuss an action that will only serve to seal our fate and accelerate the

climate crisis to an unmanageable scale? Irreversible, runaway climate change is very close and we don't know if we are already too late. Canada is not immune to the kind of damaging floods that Germany and Belgium just experienced and we are likely to endure a similar event soon. Remember the recent Calgary and Toronto flooding crises? The climate crisis is progressing faster than any scientific prediction and I feel that we are not yet taking enough measures to avoid catastrophe. So again, how can our own Premier even consider adopting a backward policy like "offsetting" today? Is it just because money runs the world's agenda? This disgraceful "offsetting" idea is surely driven by profit mongers. It goes against the grain of everything that needs to be accomplished in order to control climate change. I oppose any discussion of this development scheme which can only lead to great harm for my family and the general public. Sincerely and with disbelief that "offsetting", as described by politicians whose job it is to protect the public, is being taken seriously. My family and I oppose this policy idea 100 percent and we hope that the sensible and beneficial policies of our former Hamilton Conservation Authority are upheld instead. This kind of harmful "offsetting" should never have made it into policy discussions. I am thoroughly shocked and saddened by this news and the state of our provincial politics today. No one is standing up for me in our current provincial Progressive Conservative government when it comes to the climate crisis. This poor decision-making just adds to the already daunting stress load that I have had to endure during the most difficult time in my life. "Offsetting" and what I consider the illegal use of Ministerial Zoning Orders go hand-in hand to take public opinion out of the development equation. This is not only extremely dangerous but also unbelievably insulting. My only hope for a "net gain" is that our supportive intelligent conservation officers can talk some good sense into the provincial government if they band together across the province, with municipal governments at their side. And this won't create further chaos -- because the chaos has already been created by a government that refuses to understand good science.

176. I strongly oppose offsetting principle and policy. We must prioritize the environment.

177. No development on wetlands and no to offsetting.

178. I don't support an offsetting policy of any sort. The destruction of our wetlands cannot continue.

179. I'm sure you are very aware that offsetting cannot come close to replacing lost natural lands particularly wetlands. The use of MZO's is appalling and should be revoked after a responsible new government is elected. In the meantime, I urge you to delay and be as obstructive as is legally possible to prevent destruction of our irreplaceable land resources. HCA otherwise appears to be supportive of the MZO's and runs terrible reputational risk. Concerned citizens are depending on your protection of our watershed and natural lands.

180. Offsetting or relocating wetlands or any other natural area is literally stupid. Will relocated wetland be replace an urban area or suburban area? Obviously not. It will go in some other natural or rural area and end up disturbing flora and fauna and/or removing necessary farmland. Urban boundaries need to be absolute and everlasting borders. Time to build up, not out. Climate recovery objectives will never be met if we keep reducing our natural spaces

<p>181. Offsetting should NOT even be even remotely considered as HCA policy! Offsetting a wetland that took centuries to establish to another location and re-establishing an equally qualified system is impossible; a glorified retention pond is not the same thing, no matter what kind of spin is put on it! How does offsetting re-establish the ideal soil conditions? the habitats for the species living there? Has any consideration been given to the current climate crises that our world is undergoing? In an ideal situation, every significant wetland should not be gambled with by developers but should be held in public hands and preserved in perpetuity! But this is not an ideal situation! This offsetting policy is being encouraged by developers who have very different priorities than the HCA should have. This policy would not result in "no net losses" or "net gains"; this is just a fantasy; it is simply not possible! So, the best option is to leave it alone. Yes, it's ideal to accommodate both economic and environmental goals, if possible. But if it's an either /or situation, the environment must be given preference! So, my view is that offsetting should not be considered as a last resort -- it should not be considered at all!</p>
<p>182. I would like to state that I DO NOT agree with offsetting. Offsetting is destruction, and a green light for developers to pave our wetlands. My favorite part about Hamilton is being so close to so many beautiful trails and nature sanctuaries. This would all be destroyed with offsetting.</p>
<p>183. Please leave our wetlands alone. Developments can be built elsewhere but wetlands are a natural treasure that need to survive. Developers need to put life before profit. Our quality of life depends on all of the good things that wetlands do for all living beings. LET THE WETLANDS DO THEIR THING!</p>
<p>184. NO to offsetting!!!! No human can recreate our natural conservation areas. The DESTRUCTION of natural beauty, wild life habitats, eco systems and bio diversity is perverse and wrong!</p>
<p>185. I read the accompanying documents. However, while the role of mitigating risk factors is included in various statements, there seems little scientific information in this package that offsetting can be done without long term harm to the environment. What scientific evidence is there that offsetting is a viable approach to managing critical environmental features such as wetlands? Natural features exist because conditions favor their establishment and perpetuation at a site and I don't believe there is any scientific validation that one can simply "move" or replace natural heritage sites, or even know what risks need to be considered or how to mitigate damage, in the long term. Offsetting has long term implications for sustainability of our water supply, for animal habitats and ultimately for human health. Offsetting is not an option, it should be prevented entirely,</p>
<p>186. Just don't allow it! Any augmentation to a wetland for the purpose of paving over will ultimately result in flooding or other "natural" consequence. Use your power to ensure our future habitats remain untouched. Please do your best to make it financially impossible for developers to offset.</p>
<p>187. NO offsetting is the best policy. I'm writing in regards to the possible implementation of an offsetting policy. I find it difficult to understand that a Conservation Authority would even consider instituting an offsetting policy since their job is to conserve wetlands and natural features. Natural features are where they are</p>

for a reason, and it is impossible to just "move" them. For decades, wildlife would be depending on those wetlands and natural features and to touch them in any way would be very upsetting to them. There's a reason wildlife, like deer, fox and coyotes for example, are appearing more and more in residential areas...they are being pushed out of their land because of constant development. I always believed that members on the board of a Conservation Authority would be supportive of conservation. It appears that your chairman, Lloyd Ferguson, is not of that mindset. Due to Mr. Ferguson's professional background, he is supporting the developers and builders, NOT conservation. He should not be sitting on the board of the Hamilton Conservation Authority. If an offsetting policy was to be adopted, the Hamilton Conservation Authority will be losing land and, I believe, financial supporters. The destruction of a wetland or natural feature is the opposite of what a Conservation Authority should be considering.

188. I completely disagree with the idea of offsetting. You can't replace natural wetlands with man-made ones and consider it equivalent. This policy is simply a way for developers to get around environmental protections. I think anybody (I.e., Ferguson) who puts forward this policy should NOT be heading up a Conservation Authority, as it is the antithesis of conservation. Shame on you.

189. NO!!! Any time the city and developers propose any development, they are given waivers and variances so they can squeeze their over-sized development in. I do not think it would be any different if they agreed to replace a wetland etc. We're not talking about an endangered tree, or salamander, we're talking about building in natural heritage areas and making new ones. I also don't trust the developers to not try and renege on their commitments once the development is done maybe even going so far as declaring bankruptcy. These natural areas are part of our ecosystem and should be left alone. It took many millennia for these areas to come about. I don't think a developer will be able to duplicate what nature has developed in a month or year.

190. would just like to say NO to this change. Leave our wetlands alone.

191. I do not support the HNC introducing an offsetting policy, because of the potential risks and uncertainties for the conservation of natural areas that are entailed by such an initiative. By ruling out an offsetting policy, the HCA would demonstrate strong leadership in protecting what remains of our diminishing wetlands in southern Ontario. I support the position of the Hamilton 350 grassroots environmental group that is strongly urging the HCA to continue the existing policy that does not allow offsetting. Comments on the six specific questions: 1. If an offsetting policy is introduced, it should have the most rigorous standards possible. The six key guiding principles discussed in the paper should be regarded as a minimum and should not be watered down in any way. If anything, they should be strengthened as outlined in the answers to the next questions. 2. Hamilton 350 identified gaps or issues such as the need to prevent the loss of more wetlands, natural areas and farmland to manage the increasing impact of climate change; the need to maintain the ecological integrity of lands and waters within HCA jurisdiction; the importance of protecting the habitat of at risk, endangered or vulnerable species; and the need to recognize and affirm existing Indigenous and treaty rights in section 35 of the Constitution Act, 1982. Ontario Nature, among other groups, has recommended the

importance of consultation with the Indigenous community in any offsetting policy. 3. The provincial policy of MZO permits that require offsetting puts conservation authorities in a difficult position. I urge the HCA and all conservation authorities, working with Conservation Ontario, to publicly oppose the government's increasing use of MZOs and request the government to establish a new round of public consultation on the use of MZOs. The HCA should emulate the policy of the TRCA. Hamilton 350 indicated the TRCA has stated that any permit issued through an MZO is issued under duress and should entail stringent conditions requiring the replacement of lost or damaged ecological features by three times greater in size and quality than the original natural feature lost. It is also preferable that any 'replacement wetlands or natural features be created and shown to be functioning properly before developers remove existing wetlands or natural features. 4. The City of Hamilton and the County of Wellington/Puslinch Township should not support offsetting. I would worry that municipal councils, which usually have a majority of strongly predevelopment councillors, might well be in favour of offsetting policies at the behest of developers. So, I'm concerned about the implications of municipalities leading decisions relating to offsetting. The HCA and other conservation authorities should be leading decisions in this matter, as they have the expert professional staff who are most knowledgeable about protection of natural features and the full watershed. 5. Section 9 doesn't provide adequate protection of existing features in my view. It doesn't mention the importance of preserving the existing natural legacy as part of mitigating the impact of climate change. Point #4, equivalency, is somewhat vague and should be strengthened to stipulate that a natural wetland should not be replaced with, for instance, a stormwater pond. Re point #5, "permanent outcomes," the suggested framework policy should be strengthened by requiring that offsetting outcomes should be designed to last "in perpetuity" as opposed to "at least as long as as the project's impacts." Re point #6, alignment with municipal policies, I have the same concerns as outlined in comments re 4. above. Re point #7, cost recovery, the principles appear sound but Hamilton 350 has suggested the wording is somewhat vague. It could be interpreted by developers to their benefit and there isn't a specific requirement that they will be held accountable to ensure the complete costs are recovered. 6. There should be a higher development standard than the achievement of "net gain" in point #2. Rather than "net gain," a framework policy should establish a standard of replacing lost or damaged ecological features by three times greater in size and quality than the original natural feature lost. Hamilton 350 maintains, and I agree, that that nonspecific "net gain" language could be manipulated and redefined by developers who want to build as cheaply and quickly as possible. In conclusion, the reservations I've expressed are why a policy to not allow offsetting is better than trying to create what is likely to be a controversial offsetting program. It will pose serious challenges of implementation, maintenance of affected lands and waters, and enforcement. As Ontario Nature has stated, "Nowhere is there a resounding success story, where offsetting has been demonstrated to achieve its full potential." Thank you.

192. 1. I do not think any offsetting policy should be created. I do not believe the ecological value (drinking water filtration, air filtration, flood prevention, healthy soil) of our natural heritage features can be offset. 2. The climate crisis is not taken

into account. Our natural heritage features protect us from the (currently occurring) impact of climate change. 3. MZO's should be challenged publicly. Developers should be held accountable for the FULL ecological value of the natural heritage feature to be destroyed. Developers should be required to prove that their offset feature works before the original natural heritage feature is developed. 4. Conservation Authorities possess the ecological expertise that local governments do not have. HCA should be informing local policy not the other way around. 5. It does not provide adequate protection. Far from it. Features deemed valuable to natural heritage should be deemed off limits for development. It is dangerous to get rid of these features that provide us with clean air and water (etc.) in light of the climate emergency. 6. This question assumes that "no net loss" or "net gain" would be possible. It is impossible to create a man-made feature that provides us with the same essential ecological features and resources essential to our health and safety. To get rid of these natural features and pretend that they can be offset is to endanger our population in the threat of climate change, flooding, access to clean water and food security. Protecting our natural lands is essential to the health and safety of our citizens.

193. Wetlands can't be replaced. Offsetting should not be an option. Isn't this against everything that the HCA stands for? This is not the path we should be going down considering our current climate emergency.

194. My thoughts: - There should be NO OFFSETTING POLICY - this must not be adopted under ANY circumstances. The very idea that I, as a Hamiltonian, have to express these words to a group defined as Hamilton CONSERVATION Authority is extremely troubling. Offsetting is NOT conservation, it is a ruse to permit developers to destroy and pave over wetlands and natural heritage to build structures for short sighted financial profit. Using the analogy that a man-made pond can replace a wetland and all of the its intricate ecological life sustaining systems is dangerous and misleading. At a time when the effects of climate change can no longer be ignored or denied, Canadians, Ontarians and Hamiltonians are looking to leadership to guide a new way forward that demonstrates a focus on conservation and creative utility to preserve what is left of our farmlands, biodiversity and natural heritage while redeveloping underutilized existing urban areas. Do I need to remind you that 70% of wetlands in Ontario have been lost? Let's not lose anymore. Let us truly be an "ambitious" city with a leadership that demonstrates an understanding of the important role of conserved biodiversity and creative viable city planning that revitalizes our existing areas within the current boundary. With the right leadership, we can work together to build a vibrant healthy Hamilton for the next generations to enjoy and to be proud of.

195. no to offsetting!!

196. strongly disagree with offsetting!

197. Leave our wetlands alone. Conserve and protect our green space and heritage

198. When it take many centuries for the natural heritage sites to evolve, off setting is simply not a viable option. The bar must be much higher when an off set needs to be exercised.

199. No Urban Boundary Expansion

200. Simple. No development of wetlands and important natural areas. Therefore, no offsetting needed.
201. Nature chooses where best to place wetlands not humans. Artificial wetlands cause flooding, sinkholes and destroy animals' natural migration routes, breeding grounds, shelter. The Govt must be stopped. Work with nature not against it.
202. oppose offsetting. I support strategies that effectively reduce efforts to allow offsetting.
203. Don't DO IT! Our planet is struggling ENOUGH - why are we using the land for capital gain? When is it going to be enough for you people? STOP! Stop cutting into our green spaces, leave them ALONE! I DON'T need an Amazon on every corner. They've already done this to a section of Cambridge and I had myself a cry because we really are just killing ourselves, our children and their children by NOT protecting those green spaces, wetlands and wildlife
204. Please stop offsetting
205. Before creating policies that allow for offsetting, I think it's important to consider the true value of a wetland. We can go from a place where a wetland is an objective good, but I think it's more useful to explore what the advantages of having a wetland are. From here, we can weigh the advantages of the wetland against the advantages of what would be replacing them. Wetlands provide: 1) A Natural and effective form of flood control (particularly important given the increasingly extreme weather patterns resulting from climate change), reduces damage to roads, homes and other crucial infrastructure without maintenance costs 2) Natural water treatment and air pollution control, as well as carbon sinks, reduces the stress on local water treatment infrastructure as well as reducing need for air quality control measures 3) Habitat and increased biodiversity of plants and animals, supports healthy pollinators that are integral to agriculture and local food systems Given the myriad of benefits wetlands provide, replacing them is not something that should be taken lightly, and any project that does so should be proven to provide more benefit from a long-term perspective. It should also be shown why the project must exist in that particular location and cannot be executed in a less ecologically irresponsible location. It must also be noted that wetlands are not interchangeable, and a manmade replacement for a wetland that is created in a different location is NOT equivalent to a fully mature natural wetland in terms of benefits. The complexity of natural wetland is not yet replicable, and also takes a long time to come to fruition. Supporting a wetland in a different location is admirable, but it does not undo the damage done to that community and the environment surrounding it. The damage done by removing a wetland is very local, and likely irreversible to that particular location. It is also important to note that wetland destruction in Ontario throughout the past centuries has been significant, and so, we are fighting to preserve an increasingly rare habitat that is essential to human survival. Some ideas for reparations, if all conditions have been met and it has been decided that the project still needs to proceed: 1) The project must seek to preserve natural features, if at all possible (i.e., preservation of mature trees and habitat that does not need to be disturbed to allow completion) 2), The project must incorporate environmentally friendly features (i.e., green energy, green roofs with pollinator gardens, an emphasis on walkability, bike and transit friendly neighbourhoods, bat and bird habitat, no use of pesticides or fertilizer for aesthetic

lawn maintenance that will drain into the water supply) 3) The project must include support for greater wetland preservation nearby that will include permanent protections for similar habitat of similar or greater importance, and provide an emphasis on creating wildlife corridors for migratory birds, pollinators, fish spawning habitat, and keystone predator species Since in 2021 we are beginning to see the effects of a net loss of important natural landscapes, we must begin drafting policy that operates from a "net gain" philosophy. We must begin placing the appropriate importance on endangered habitat and protect it not simply for the aesthetic benefits, but for the functional long-term value of how it provides the necessities of human life.
206. Please just stop the urban sprawl. We moved here, in an old home, to be near nature. We do not want super highways like what was done to #5 in Dundas. We are in the greenbelt- no more building on top of this. We need farmland. Build somewhere else. Leave the wetlands alone.
207. It seems to me that when a wetland/forest/grassland is destroyed, so too is the wildlife calling it home. so, when offsetting occurs, how are those creatures saved? To destroy them and their habitat only to create something 'nearby' doesn't solve anything if they're dead, with hopes that maybe similar life will find it? Even if you are able to save/trap and relocate, you can't just recreate the work that nature has done over the hundreds (or thousands) of years up to the point of development. Not only should offsetting be a thing of the past, fees or fines should be increased tremendously to discourage the process from occurring. If someone is wealthy enough to already pay for the development, they should pay for any damages to the helpless life existing naturally. And if someone is to be so bold as to continue to work despite a rejected plan, the penalty should resemble those of crimes against nature/ecocide. Harming wildlife and their habitat for economic gain needs to be treated with more weight than just a simple fine. We are in a climate and biodiversity crisis, and the CA's are our only hope. Give them the power they need to protect the earth, air, water and wildlife for as long as humanly possible. For if they can't help, who can?
208. No offsetting is the only viable policy as natural features and their biomes, the living organism's dependent on the soils, vegetation and water flows, cannot be moved or replicated outside of the time frame of natural regeneration process. So, relocation is not possible except at prohibitive expense and time exceeding the legal lifespan of the corporate entity taking responsibility for the offsetting. The loss of habitat during that time frame is beyond practicality so should the concept is fallacious, fraudulent and outrageous.
209. I oppose your offsetting plan and endorse the brief submitted to you by the Hamilton 350.
210. Offsetting should be done only as a last resort, and only done with approval from people trained in natural resources and planning for the future of our land. Loss of original wetland is ruining the natural ecosystems. We need to keep our natural ecosystems and focus on limiting spread of housing. Our earth is being ruined.
211. I am completely opposed to the proposed HCA implementation off an offsetting policy. The whole idea is simply a thinly veiled tool to appear to be protecting our natural heritage while simultaneously allowing developer to accelerate its destruction. We need to stop prioritizing economic interests over natural and biodiversity

conservation. The very first of the Policy Key Principles states: “1.1. Avoid the impact - Priority is assigned to designing development projects to avoid natural heritage features and negative impacts wherever possible 1.2. Minimize the impact - Efforts to minimize and mitigate any unavoidable negative impacts must also be considered.” It is entirely possible for the HCA to disallow development on protected lands. Full stop. There shouldn’t be any offsetting required. Build somewhere else. The only reason an offsetting policy would be necessary is to accommodate development interests. Preserving our natural heritage needs to be prioritized over any development project. There are far too many members of the current HCA board that cannot be trusted to support the HCA’s mandate of conservation and they will most certainly, use the offsetting policy to enable private development interests.

Question 1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting? None. There should be no policy that allows offsetting of our natural heritage. Far too much of it has been destroyed already. The human species needs to reign in the arrogance that leads us to think we fully understand nature and can manipulate it at our pleasure. The HCA watershed exists in the part of Ontario with the highest number of threatened species in our province. We need to continue protecting and restoring them, not allowing developers to displace them and further upset our precious ecosystems.

Question 2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy? There are two significant gaps. The first one is the climate crisis we are living through. We should not be destroying biodiversity and carbon sinks during a climate crisis. Allowing natural areas to be destroyed is insanity and detrimental to our long-term survival as a species. Secondly, the HCA needs to fully engage the Indigenous communities within the watershed and not make any decisions without complete and absolute alignment. Have they been fully engaged as equal partners and decisions makers in this process?

Question 3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required? The HCA are protectors of the watershed. If such an MZO were issued, the HCA should loudly and strongly challenge the order and take all available channels to communicate the decision and its impact to the general public. The current provincial government has weak leadership and has shown that it can be influenced by public outcry. The HCA needs to lead this action and fight every step of the way. The HCA should also make the most stringent conditions possible for the permit. Examples would include that offsetting work be fully in place for a reasonable amount of time prior to new project proceeding. Secondly, the value of the offset should be required to be 3 times bigger (more effective, more biodiverse etc.) than the area being destroyed.

Question 4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach? The HCA is the protector our watershed and has the staff with

expertise to do this work. They need to continue advising and guiding municipal government. To defer to the City/County is a regressive and backwards idea that will greatly weaken the protection of our natural heritage by putting it in the hands of layman who will not understand the damage they are doing. 5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool? As I mentioned in my opening, the very first principle is about a mitigation hierarchy and the very first point within it is about 'avoiding impact'. ALL impact can be avoided if HCA staff are permitted to continue doing their job of protecting our watershed. The rest of the principles all sound sensible and give the appearance that they provide reasonable structure and protection to the areas being developed. In reality, they would just provide temporary resistance to developers and their lawyers who find ways to take advantage of weak or unclear language. We should not expose our natural heritage to such an attack from human greed. 6. Should the approach in the draft policy framework for offsetting be based on a "no net loss" or a "net gain" philosophy? What are your thoughts on preferred approach that makes it the best option? It is pure folly to think that we can replace what nature has taken decades, centuries and millennia to produce. Humans should NOT continue to destroy nature as we have been doing for the past few centuries. You can't just move a wetland, or relocate the complicated ecosystem of mature forest without irreparable harm. For the future of our species, we need to preserve the natural areas that still exist and take steps to restore what we have already destroyed.

212. Offsetting should not be considered. It is not a viable solution.

213. The best policy is NO offsetting! You can't "replace" wetlands! They're fragile systems and once they're gone... the organisms and creatures that lived there are DEAD! Please rethink this destructive policy. It's not right. Leave our wetlands untouched!!!

214. Offsetting is a cynical fraud.

215. I do not think offsetting should be considered. I do not think wetlands can be replaced. I think all existing wetlands should be conserved at all cost.

216. 1. Under no circumstances should any existing natural feature be considered for relocation. Nature designed those natural features to be in their current locations for many reasons. Do not disturb the system. - --- The Mission of the Hamilton Conservation Authority (HCA) is "To lead in the conservation of our watershed and connect people to nature." Offsetting as part of the development process is a direct contradiction to this mission statement and it is not lost on residents of Hamilton that the request in 2020/2021 from a developer, to move a watercourse and wetland at the headwaters of Ancaster Creek, is what precipitated some members of the HCA Board to ask Staff to look into an offsetting policy. Conservation Authorities across the Province are in the midst of a significant and substantial review by the Ontario Ministry of Environment, Conservation and Parks (MECP). Phase I of that review has resulted in direct and significant changes in the business conducted by Conservation Authorities. Forthcoming Phase II regulatory changes have not yet been released and will surely bring additional fundamental change. While I recognize that HCA Staff are

responding to a request from the Board to work on an offsetting policy, I urge all involved to recognize that it is premature for HCA to consider internally driven policy change of this magnitude in the face of forthcoming and unknown Phase II regulatory changes from MECP. This is not the time for HCA to be considering the fundamental shift that offsetting would introduce. Phase II could bring regulatory changes unprecedented in the history of the Conservation Authorities Act, ones that may afford less protection to natural features and hazards already under great encroachment in Hamilton. Add to this the reality that we are facing a climate emergency. Disturbing wetlands and other carbon sinks held in natural features will not only release more carbon into the atmosphere but it will take hundreds if not thousands of years for any “new” wetland to achieve anywhere near the same carbon sequestration abilities. It is not the time for considering an offsetting policy which would allow the relocation of natural features; the science on this is clear. Thank you for your consideration. I will watch with great interest how this unfolds as will many others that are very concerned with the decisions the HCA Board is making and the direction it is considering on this front.

217. Offsetting is nonsense. And conservation-oriented body or individual worth their salt knows that. Don't offset. Protect what's already there.

218. Not sure whether my first attempt went through... fortunately I copied it and emailed it to myself, so I am pasting it here: 1. The HCA should not permit offsetting. The best-intentioned landscape architect cannot duplicate a natural feature that has developed over millennia. We need to protect what we have, not destroy our precious natural environments and create second-rate replicas. 2. Yes! Particularly strengthening our resistance to climate change and protecting biodiversity. Natural wetlands, for instance, are instrumental in providing flood control. Destroying a wetland for development and creating a fake wetland in compensation is likely to result in disrupted and damaging water movement in both areas. And can you seriously believe that you can recreate the same biodiversity in a new site as evolved over millennia in a natural site? We need to stop our assault on the natural world and put a moratorium on sprawl. 3. MZO's are an assault on local democracy, and should be loudly and vigorously resisted. If forced to accept an MZO, the HCA should place and enforce stringent requirements to minimize damage and extract long-term accountability from the developer. 4. Policies should be based on knowledge and information from scientists and experts, not on the ideology of politicians. The politicians should make the decisions but should be required to work within a framework of long-term environmental protection. Policies that are counter to the long-term health of the environment should be rejected, i.e., the experts should have a veto and the ability to enact bans. We borrow the land from our children. We cannot allow ever more land to be destroyed for short-term profits. Too much damage has already been done. The time to end sprawl is now! 5. No. The best solution would be to ban offsetting as a destructive and deceptive practice. If offsetting in a certain circumstance is the best way forward due to the imposition of an MZO, for example, the HCA should do everything possible to ensure that the created feature meets the highest standards, and hold the developers accountable without any wiggle room. Otherwise, the developers are likely to do the cheapest, shoddiest job they can get

away with. Remember the James Street church? Hamilton has a sad and shameful history of being sucked in by the fancy words of developers who destroy our heritage then leave if they can't make a quick buck. Don't let them do this to our environment!!

6. The approach should be no offsetting unless forced, and force should be met with loud and vigorous protest. Natural heritage features should be protected and off-limits for development. "No net loss" vs. "net gain" suggests that both are possible, but it is simplistic, unrealistic, and even arrogant to believe that fake "natural" features could rival real ones.

7. I am a long-time donor to the HCA. My husband's and my names are on the donor wall in the Main Office building. I see the HCA as having, first, a duty to the environment, and secondly, to the people of Hamilton and surrounding communities. The HCA must hold firm to a long-term vision of protecting the health and vitality of our natural environment, and must vigorously resist the efforts of developers who would happily destroy what we have left for short term profits. Please take a stand: "Not on my watch!" Thank you.

219. Offsetting might make sense if a conservation group was doing the work. But developers should be required to achieve a net gain because they will be decreasing the total amount of natural land. It seems so unlikely that developers would be able to offset the loss of natural wet lands and drainage systems that I think we need guarantees like a bond.

220. 1. I don't think that any policies should be in place by the HCA in regards to natural heritage offsetting. The request for this offsetting policy comes from land developers and the HCA is not the business of development but in protecting nature and the public good. At this time offsetting is not permitted and nearly all Conservation Authorities do not have offsetting policies. Natural heritage features are too complex to be simply moved or replaced. They have existed in their current location for 100's, maybe 1000's of years for a reason and play a very important role in the ecosystem. For example, wetlands function as flood control, they sequester large amounts of carbon, provide habitat for a multitude of species (many of which are threatened), filter and clean pollutants out of the water, and contain the headwaters of many local waterways. Three-quarters of wetland in Southern Ontario are already gone and in the GTA only 10% of the original ones remain.

2. There is no mention of our climate emergency or how offsetting natural features would fuel this. Removal of wetlands and forests would release large amounts of carbon into the atmosphere and these natural features are known to reduce effects of climate change like flooding, drought, and extreme heat. There is no commitment to include indigenous people in decision-making regarding natural heritage offsetting. The HCA should protect their traditional hunting, fishing, and gathering rights, and protect the health of the water and lands within HCA jurisdiction.

3. The HCA should always publicly challenge MZO's. MZO's threaten currently protected lands and do not allow for public consultation or the right to appeal. It should be made clear that a permit issued by the HCA for an MZO was done "under duress". There should also be strict permit conditions that demand all aspects of the natural heritage system be replicated and replaced in an area that is at least three times the original size. The new systems need to be installed and proven to be fully functional before the existing feature is removed. Offsetting has never been done before and we have no historical data for reference. Developers should then be demanded to ensure the future success of an

offset natural feature and if it fails, they are required to fund its regeneration and restoration. 4. The municipalities do not have staff that are ecological experts like the HCA, but neither the HCA nor the municipal government should be creating offsetting policies. 5. None of the principles take into account the current climate emergency. We cannot be thinking of offsetting natural heritage features when they are part of the solution. We cannot afford to do any more damage to our fragile ecosystem. Man-made natural features will never be able to replicate ones built by nature. Most or many of the multitude of ecological functions these natural features provide cannot be recreated. If the HCA says no to offsetting there would be no requirement to mitigate any unavoidable negative impacts. In regards to equivalency, a developer can replace a wetland with a much larger stormwater retention pond, or a forest can be cleared and be replaced with a man-made wetland. These replacements are far from being equivalent to the much superior original. 6. This question assumes that offsetting is possible and that a natural feature can be recreated. The complexity of the creation of a natural feature and the components within can never be replicated by man. The ecological value provided by a natural feature cannot be created by a developer who will try to build it as quickly and cheaply as possible in order to satisfy an offsetting policy? We are in a climate crisis and need to do all that we can to protect nature which provides us with all that we need to live healthy and safe lives. An offsetting policy will endanger that what protects us.

221. push for a 'Never' policy into place in regards to offsetting any natural heritage. The assumption under the idea of "offsetting" is human hubris. The idea that someone knows the intricacies of the environment ecosystem so well to recreate the ecosystem in another spot is astounding! How naïve of lawmakers to think a developer would create a wetland as diverse and fertile as a real one, when we already have companies creating products which pollute and can never held accountable to clean up the environment. HCA, please be loud in your negative response to this provincial push of this fractured and naïve idea.

222. Thank you for the opportunity to contribute my concerns about this draft policy. I will address the specific questions above, but would like to start with my overriding concern. I do not believe there should be ANY offsetting policy put in place. Please do not stop reading here. It is possible to reverse the direction you have been taking. I understand that you are under constant and intense pressure from both our current provincial government (particularly the MZO maneuver) and from land developers, possibly more accurately called land speculators. However, this is your opportunity to stand up for what is right, realistic and critical to our survival, as well as the survival of all the species we share life with. Question 1 What policies do you think should be put in place by HCA in regard to natural heritage offsetting? I do not believe that any natural heritage offsetting should be considered or allowed. I believe this for many reasons, the foremost is that I think it is the height of arrogance to believe that it is possible to recreate, in a different, more 'convenient' place, a natural land feature that has taken years to create. We have a very limited understanding of the subtle, intricate and hugely complicated interactions of soil, water, microbes, fungi, plants and animals that make a successful natural wetland, forest, meadow etc. To believe that is possible, not to mention right, to do what nature has taken millennia to do is the height of arrogance. Question 2: Are there gaps or issues missed in the Discussion

Paper that would help provide greater insight and direction relating to natural heritage offsetting policy? The glaring gap/missing issue in this draft policy is any reference to the looming catastrophe that is threatening survival on this planet: climate change. It is the height of madness to destroy the carbon sinks such as wetlands and forests that mitigate the mess, we have made for ourselves. In addition, they mitigate the flooding, drought and heat that is on its way. I am also concerned that while there is mention of recognition of Indigenous rights, there is no commitment to or process for serious and meaningful consultation with the Indigenous peoples who have, by treaty, the right to hunt, fish and gather on their lands. Question 3: Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required? The recent and flagrant increase in the political use of MZOs by the provincial government to override environmental protection and planning policy is appalling and a sham, as well as a shame. You have the opportunity, though it will be challenging, to stand up to this bullying. You are a Conservation Authority. Take your authority, refuse to capitulate, rally the all-too-willing public, and stand up for conservation! Failing this, impose this condition: That any 'offsetting' be attempted long before the current feature is destroyed. Engineering principles call for this, an old bridge would never be destroyed before the new one is built and functioning. Make this a condition of the 'offsetting'. That the new feature be created, and not from a currently functioning natural environment, but rather from the destruction of a currently built up/developed piece of land. It does not make any sense at all to destroy a forest or a meadow, to try and create a wetland. This is only more loss of the natural environment. Should the developers be willing to dismantle a paved-over property, and 'create' a new natural feature, and show that it can function for 5 years let's say, then, and only then, can they develop the MZO land. Yes, this sounds outrageous.... but it actually shows the damage that is being proposed by this outlandish idea of 'offsetting' to begin with. Question 4: An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach? My understanding is that the HCA is supposed to inform municipal policy. It is your area of expertise, and the councils desperately need that expertise to make wise decisions. Question 5: The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool? Principle 1: I do not believe it is possible to meaningfully Mitigate the impact of destroying significant natural features. Principle 2: I do not believe that it is possible to achieve Net Gain. There will always be loss in this game. The role of the HCA is to conserve. Do not get sucked into this debate. Principle 3: Actually, offsetting any land should be Off Limits. Principle 4: The principle of Equivalency is not actually possible. This is a shell game. Principle 5: Who is going to monitor and pay for this? Where are the developers going to be when the so-called offset fails? Nothing is Permanent in this world. Principle 6: As with question 4 above,

you should be directing the Municipalities on this. Principle 7: As with Principle 5, who is going to ensure the Recovery of the massive Cost to do this right, if it is done at all. Question 6: Should the approach in the draft policy framework for offsetting be based on a “no net loss” or a “net gain” philosophy? What are your thoughts on the preferred approach that makes it the best option? If you have read this far, you will not be surprised to learn that I do not believe that there can possibly be a Net Gain in the offsetting game. There is only Loss, devastating to the species small and large that live in harmony with the natural features at risk here. Loss to humans who lose protection from the devastation that is climate change. Please stand up to the very real pressures that you are facing, and take the offsetting option off the table. Scrap this or any other draft policy on offsetting. Stand up to the provincial government and the land speculators. Do the right thing. Your children, grandchildren and all of the natural world will be grateful to you and proud of your courage and determination.

223. Disgrace....you are ruining a wonderful little town

224. NO offsetting policy. Full stop

225. Policies should protect areas that provide environmental protection - considered not just in terms of the visible species living there, but also the likely organisms living in the soil, which are essential to global health, and the benefits of established species to people and other organisms outside the site being considered (e.g. oxygen, carbon sequestration, and temperature lowering shade provided by mature trees). Let's demonstrate leadership through a net gain philosophy, as climate change is an urgent issue now, and one which requires us to actively undo damage in order to maintain a liveable planet. Normally, when writing out of concern for an issue of importance, I try to keep my tone professional. However, I'm livid at the provincial government's drive to destroy Ontario habitat, and I think the City has an opportunity to protect natural habitats in the GHA, rather than pretend that ecosystems can be thrown together as building projects.

226. This land needs to be totally protected, period.

227. All I want to say is no to your offsetting policy. You should be fighting the government's mandatory policy. How can you consider yourself a "Conservation" authority if you are not standing up for natural areas? Your mandate should be to preserve natural areas from greedy developers. How has our society come so far from what is important? With all the climate change disasters happening how can there be a policy that further supports the degradation of crucial natural habitat. Be courageous and don't just accept a policy that does not protect wildlife and nature. Take a stand for what is right! Speak up for our natural areas!

228. We should prioritize our natural areas over development needs. While the discussion paper was extensive, I saw no long-term studies suggesting there was an awesome benefit to areas that had been created elsewhere. To be clear, I am only for an off-setting policy if it is more restrictive to developers than what we already have in place. Also, the way you are correcting responses is flawed. This response form and the questions are not mobile friendly. If you were actually interested in responses to the individual questions, you would have created individual response boxes. Please protect our natural areas from any and all development.

229. Stand up against the province and the developers financing them. As the Conservation Authority, you have a direct mandate to protect the environment from such predatory policies designed to support development and the destruction of our natural environment. So, say no to an offset policy. The public will support you.
230. The timing of this request from the HCA Board generates more than a suspicion that members of the Board with political motivations are attempting to manipulate HCA policy in a direction that will allow corporate interests to "Trump" conservation interests and the wishes of the people of Hamilton. There is never a situation in which natural heritage offsetting is "unavoidable". If offsetting is mandated by the Province, it is for political reasons and not for conservation reasons. In such situations HCA has no options available other than to negotiate in good faith to ensure the best outcome from a conservation perspective, not political point of view. There is no reason, other than those motivated by political and corporate interests, to align the HCA policies with the City of Hamilton, or other municipalities. Doing so would substantially weaken the conservation agenda of the HCA and tip the balance further in the direction of corporate interests. The issue of "no net loss" vs "net gain" trivializes the discussion; is a risible, thin veil over the important issue which is that offsetting is not necessary ever, and does not work. Human choice of wetland can never replace Nature's choice.
231. Offsetting is NOT to be allowed. Period. Developers have gambled with buying up these lands in hopes to coerce municipalities and CAs to give up these lands for just sheer profit. I don't want HCA to follow rules of our City because they are too much in the pockets of the developers. We must protect our wetlands for biodiversity and quality of living for humans and animals.
232. "Offsetting" is an invention of developers motivated by greed and greed alone. There is nothing altruistic in it, and the idea that a wetland can be moved is pure nonsense. Preservation of wetlands should be an absolute priority, as well as preservation of all green spaces until our urban centres are appropriately utilized to create the kind of housing density needs our population is projected to require. Any other approach is irresponsible. We don't have time for this. We are experiencing the effects of climate change now. You call yourselves a conservation authority – conserve already! Why is this even a discussion?!
233. think that it is atrocious that as a "CONSERVATION" committee that you are considering such a regressive policy such as this. The idea that you could build a wetland (for example) in another location is so obviously ridiculous that it begs the question... WHY????? You people are should obviously not be on this committee since you don't really have any principles in regards to protecting the environment.
234. Hello, As per submissions from local environmental groups and others, I would like to note my opposition to harmful offsetting. As a conservation authority I feel your stance should be to oppose the destruction of land and water. Additionally, please seek the consent and/or input from local Indigenous communities as they should ultimately speak for the lands and waters. Thank you.
235. Offsetting should be avoided wherever possible, primarily because offsetting efforts frequently fail to adequately recreate the functional environments, biodiversity,

and ecological benefits of the environments slated for development that they are meant to replace. For example, there are very few examples of successful offsetting projects for wetlands. Where offsetting must occur, it is essential that adequate pre- and post monitoring be undertaken. This is essential to ensure 1) relevant parties have a thorough understanding of the environment, biodiversity, and ecological services

provided by the land that is to be offset, 2) clear metrics are in place to determine whether or not the offset is adequately replacing the land that has been developed, in terms of ecological function, biodiversity and ecological services, and 3) monitoring is adequate to properly determine both 1 and 2. In cases where the offset is not performing at the level needed to effectively replace the developed land, there MUST be clear policies and guidelines in place to ensure that additional habitat restoration and/or offsetting is completed so there are no net negative environmental impacts. It is not acceptable to create offsets without having robust procedures in place to follow when offsets inevitably fail to achieve the same services as the lands they are replacing. Given the climate emergency and the responsibility we all share as environmental stewards, the offsetting policy framework should be based on a philosophy of "net gain", where net gain is clearly defined in terms of ecological function, biodiversity, and ecological services. Hamilton and area's unique features (including but not limited to our biodiversity, waterfalls, the Niagara Escarpment, proximity to 3 Great Lakes, and prime farmland) should be preserved and enhanced wherever possible, for the ecological services, tourism and other economic boons they provide. Overall, I do not support offsetting. I believe we should be focusing on smarter, higher density development within the existing urban boundaries to ensure we are protecting our greenbelt and the integrity of the unique ecological region in which we are so fortunate to live.

236. Where is the leadership anyway! This should not be an issue to be discussed. The science behind environmental degradation and its affects have been known for years. We have discussed and discussed, but still no action is taken. We already know what our environmental needs are that people need to survive. It's simple clean water, clean soil, clean air!!!. Building more highways is not the answer. Making more cars is not the answer. We need accessible, affordable public transportation. .

237. am requesting that the Conservation Board NOT consider anything about introducing this offsetting policy. The proposal would be dangerous as there would be absolutely NO consideration to ecology of habitat, NO consideration to our indigenous who are our true stewards of our environment. Where is there any consideration in this proposal to consult with the indigenous; Mississauga of the New Credit? This offsetting policy is nothing but UPSETTING to not only the ecological integrity of both lands and waters within Hamilton Conservation jurisdiction, but also to humanity. There are 36 Conservancies, and only 3 are entertaining this upsetting policy. I can only hope HCA listens to the outcry of opposition to this proposal. The MZO's is an affront on maintaining ecological equilibrium. MZO's remove the requirement for public consultation. MZO's support MONEY influencers that wreak destruction on the City of Hamilton's vision and missions: "To provide high quality cost conscious public

services that contribute to a healthy, safe and prosperous community, in a sustainable manner..." in keeping with "...having an inclusive community, actively engaged in making Hamilton a better place for everyone. It is creating an accessible environment, supporting residents through all of life's stages..." I support Hamilton 350's detailed report that has already been submitted to HCA. Those involved in Hamilton 350 have worked arduously and diligently to carefully communicate the concerns, and clear objection to ANY consideration of this UPSETTING offsetting policy. It would behoove you to listen, and take notes.

238. You know the answers to the above questions and the resulting answer is no to offsetting for any reason. Even if I believed that offsetting could actually work, I would still say no to destroying what already exists

239. Offsetting should not be allowed and natural features preserved. MZO's should be fought against as much as possible. Natural areas must be protected and development should occur on existing lands within the city limits. The public should always be made aware before this occurs and decisions finalized. Hamilton does not need any new developments. There is lots of land to be repurposed within the city limits that is not agricultural or natural land.

240. Say no!

241. No offsetting policy would be the preferred approach. I believe the proposed offsetting policy is not a good idea, simply does not make sense and is impossible to implement. The sensitive areas around in and around the conservation lands should be left alone for all to enjoy, including the wildlife that inhabit those locations. The very thought of setting up a wetland, for example, at another location to replace one being developed, seems impossible. Where does it go? Does the new wetland replace another natural area that already has an established environmental character? What is the point of that? How does one equate the new area with the old? It takes a long time to establish new environmental areas. These new offset areas could fail too...what happens then? I would say it is impossible achieve an offset. And no offset policy is preferred. This process feels like a giveaway to developers. It gives them an easy way to justify their actions. The lands in and around the conservation areas are unique and should be carefully managed. Implementing an offset policy if not careful management.

242. There should be NO offsetting policy. A credible Conservation Authority should not consider instituting an offsetting policy since their job as a CONSERVATION Authority is to "conserve" wetlands, not remove, and offset them. Natural heritage features are where they are for a reason, and it is impossible to "move" them. Many of these wetlands have developed and matured over hundreds of years. Only three out of 36 conservation authorities in Ontario have offsetting policies, because they are deeply unpopular and favour the developer over the health of the environment and citizens. The Hamilton Conservation Authority would lose both land and financial donors if an offsetting policy were to be adopted.

243. I am not a scientist, but I deeply care for the environment and this idea of 'offsetting' the natural heritage' seems to me to be ludicrous! The disruption to the natural environment alone concerns me - no one can tell me there is not a deadly cost to the animals, wildlife, flora that live in an area that is being 'offset'. Nothing can

replace the 'natural'.....it will never be the same - we think we're replacing or making better, but we are NOT. Your policy should reflect this and the costs to doing such a project (the 'costs' should always be considered. I think this relates to item 6 above). We also need to be careful not to lean to our biases in making these decisions...Big money (Developers), inflated 'certain' assurances (which are often 'off the mark' and we only realize after the harm has been done!), and political persuasions need to be fully considered in these decisions. I'm glad you are seeking the public's opinion as I feel most people value the natural environment & would not want to see the disturbances we are creating for our human or commercial benefit, when there are other options! Thanks

244. HCA Offsetting Policy Considerations Providing for offsetting leads to a slippery slope of improper management of natural lands with the motive being profit and not for the retention of natural attributes of the land. If you allow one landowner to use offsetting then how do you close the door? Offsetting can only be reviewed subjectively. You will not be able to review examples objectively. Nature is too complex to trade evenly. When a developer or entity purchases lands, they know what is permitted on the lands. They should not purchase lands that are already regulated.

Offsetting only encourages the developer to find a crack in the bureaucracy to whittle away at the regulations. Developers and the City and the Twp of Puslinch should plan for and look for the best location for homes, business, industries, and existing public infrastructure in terms of protection of the environment, climate change. and the public good not the cheapest or easiest piece of land to use. Should the Hamilton Conservation Authority consider offsetting policies it may very well start a bidding war for properties. Should offsetting policies be considered, properties that have previously been denied development permits should not be considered for offsetting. Should offsetting policies be considered some lands may go up for sale or involved in sale agreements known or unknown to the Conservation Authority and the lands may then be considered for future purposes other than agricultural lands and or natural heritage lands. Should offsetting policies be considered some lands may go up for sale that otherwise would never be sold for development purposes. Should offsetting policies be considered developers may offer to purchase lands with prices that reflect the agricultural or regulated lands. The developer will then apply for offsetting and then turn the lands into lands permitted for development. If a permit is received then the developer may then develop the lands or wish to flip the lands with the new inflated value. Should offsetting policies be considered and approval given to the landowner then the lands could not be sold until the development is completed by the original applicant. Should the lands be sold the development permit will expire at time of sale. The permit is not to be transferrable. Should offsetting policies be considered a development permit should not be issued until all requirements of the Conservation Authority are fully completed including the transfer of any lands and or funds and agreements. Should offsetting policies be considered, landowners / developers may consider applying lobbying pressure on political offices in attempting to open doors to their applications. Should offsetting policies be considered, the applicant must be aware that the Conservation

Authority will hire planners at the Conservation Authority's discretion for peer reviews at the landowner's expense. Should offsetting policies be considered, the applicant must be aware that the Conservation Authority will hire ecological consultants or other consultants at the Conservation Authority's discretion for peer reviews at the landowners' expense. Should offsetting policies be considered, the applicant must be aware that the Conservation Authority will hire legal expertise at the Conservation Authority's discretion at the landowner's expense. Should offsetting policies be considered, the Conservation Authority should only hire planners, consultants and legal firms that have not been involved in applications for offsetting permits previously in the HCA watershed. Should offsetting policies be considered, the developer must prove to the City of Hamilton and or the Township of Puslinch and to the Conservation Authority that the proposed development cannot take place in any other location in the watershed. About the only situation where I could see at offsetting policy be put in place is when a new development totally surrounds a small wetland or surrounds it enough to basically cut it off from other systems and corridors. Because such a development may change the drainage enough and species movement that it in effect it would remove all of the normal functions of the wetland. If this was the case then the Conservation Authority at the applicant's expense would determine where the offsetting area would be acquired and or created. The type of offsetting required would be determined by the Conservation Authority depending upon the nature of the wetland being lost and the increased value of the developers land should the offsetting be permitted. The value of the wetland must be considered as to whether is it part of a system of wetlands that will be degraded should a piece be removed. All costs for the acquisition or creation would be at the applicant's expense. The applicant would also be required to pay compensation in an amount equal to the new increased value of the land in question as determined by an appraiser hired by the Conservation Authority. The landowner should not be able to profit in anyway from lands that are considered for offsetting. The environment and the greater community must benefit. The developer will benefit from going ahead with the entire development once all conditions are met.

245. Upsetting "Offsetting" Policy If there is a policy to cut old growth forests, their ancient wisdom will not save them- they will fall. If there is a policy to mine the tops off mountains, first there'll be a mountain, then boom! bang! -none. If there is a policy to push oil under rivers, The gift of life will frac-out, poison, and die. With a policy to "offset wetlands," Vital small creatures will lose their birthplace, lose their life. If there is a policy to "offset wetlands", The real ones will cease to echo the frogs' reply. If we trash our Mother, thinking we can replace her, We will all die. And if there is a policy to put profit for the few before the future, There will be none for all to profit from. If there is a Mr. Big Elephant in the room, Where is the offset to his money's power? If there is a policy to "offset wetlands", Robot Warehouses will muscle in. For if you acquiesce to destruction, You destroy your very core; And if there is a conservation authority with none, How can you look your children's children in the face as you did before? If you vote to offset your own mandate You will look like fools, If you bow to the developers' power, You will be public servants no longer, just private tools. In closing, if you dare put an upsetting offsetting policy in place, Massive will be your betrayal, your disgrace — And the resistance Will not be small.

246 There should be NO offsetting policy; it will make it that much easier for the gov't to permit MZO's which will make developers happy but ruin our natural habitats
247. The offsetting policy is a draft and should not be implemented. Ever. Our natural habitats, wetlands and white belt are already at the mercy of short-sighted developers who encourage mzo's and destruction that can not be mitigated
248. We are very against any off-setting policy, as there is no guarantee that it will protect the sacred natural sources of life. You used to do good work protecting necessary wetlands; please stay focused on conservation! Boldly challenge all MZO's. Future people will thank you.
249. No offsetting. No loss of any natural habitat. No biodiversity loss. No taking natural areas and food producing land. Build in open spaces downtown. Build up not out.
250. NO Offsetting Policy! More than 70% of Ontario wetlands have disappeared to this point in time, and, according to Ontario Nature, only 10% remain in the GTA. We cannot lose anything more! We, in fact, need to acquire more natural lands, add to our Conservation and Greenbelt lands and restore areas surrounding the wetlands that have survived. Place a moratorium on these lands, now. Protect them. It is your mandate to do so. Take into account the Climate Emergency, and the continued damage to species habitats. Publicly challenge MZO's. Restore public consultation and due process.
251. No offsetting policy!
252. I agree fully with the comments in the Hamilton 350 submission and feel that it covers all of the issues well.
253. Ontario has lost many of its existing wetlands. We cannot afford to lose more. We must protect the few wetlands that remain from development. Offsetting does not produce viable wetlands that function as effectively as those that already exist.
254. 1. I do not believe that any policies should be put in place to regard to natural heritage offsetting. No offsetting policy should be created. Adding this to the tools developers already have to override the protection of natural features, such as MZOs, will undermine your ability to conserve natural areas in the face of development. 2. There are a few gaps. First of all, the discussion paper does not fully specify the rules that developers have to follow when 'recreating' a natural feature. Does it have to be the same type of feature? Will anything else, including other natural features, have to be moved from the unspecified location of the new feature? It seems to me that these specifics should be hammered out in advance so developers can't take advantage of policy loopholes. The paper also doesn't mention the climate emergency and how moved or recreated features are supposed to perform the same ecological services that the original feature did. The ecological functions of our natural heritage (flood protection, water filtration, wildlife habitats, endangered species protection) can only be accomplished by nature over time. Attempting to allow people to recreate these without any experience in doing is folly. It goes against your important goal of protecting Hamilton's watershed. Finally, the discussion paper does not include a commitment to recognize indigenous rights to participation in this decision. Indigenous peoples should be spearheading a decision that has the potential to affect the quality of their lands, interfere with their rights, and disrespect their traditions. 3. If an MZO were issued, I hope that the Hamilton Conservation Authority would bring the

information to the public so as not to overlook the consultation process and protest it as much as possible. You should do as much as possible to conserve natural heritage and to have the MZO rescinded. Many in Hamilton, Dundas, Ancaster, County of Wellington/Township of Puslinch, etc. have shown that they would be willing to take supportive action. 4. Such an approach is not sensible. Municipalities do not have the education, training or expertise that CA staff does when it comes to managing natural features. I do not see how they could make an informed decision about offsetting that could hope to conserve them. This approach should be rejected. 5. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool? As I mentioned earlier, the discussion paper, including the principles in the policy's framework, does not provide specific enough guidelines to ensure that developers can, in your words, "...avoid any negative impacts to natural heritage features." What guidelines are they to follow to minimize and mitigate so called 'unavoidable' negative impacts? No guidelines are necessary to avoid damage if not offsetting policy exists in the first place. I also struggle with the notion that only 'some' features should be off limits for offsetting. All natural features should be off limits! As some of your staff have first hand experience in the intense work of recovering wetlands and establishing new ones, I feel that you should ALL be arguing against this policy. Finally, I'm not sure how you can ensure that offsetting outcomes, "...will be designed to last at least as long as the project's impacts and preferably in perpetuity as part of the natural heritage system." If I understand correctly, there have been no fully successful offsetting projects so far. It's not surprising when, again, this task is being asked of developers who were not educated in managing natural features, and do not have specific 'recreating' guidelines to work with. This seems especially unlikely if municipalities, not the Conservation Authority, will be making the decision about offsetting. 6. I think both options are wishful thinking. I'm not sure how you could guarantee that a 'no net loss' approach would be sustainable, and I'm quite certain that 'net gain' approach would be next to impossible to achieve. Developers tend to only think of net loss or net gain in terms of finance and revenue. I do not believe that either they or the HCA can put a monetary value on the priceless ecological services that natural features provide. No offsetting policy should be created. Leave the management of watersheds, wetlands, and the conservation of natural features to the Hamilton Conservation Authority!

255. URGE THE HCA TO DROP ITS CONSIDERATION OF AN OFFSETTING POLICY ALL TOGETHER! 1. No offsetting policy should be approved for multiple reasons such as: Existing protection policies are insufficient to ensure no degradation or loss of natural heritage features. An offsetting policy makes this situation worse. Natural heritage features are extremely complex and we simply don't have sufficient knowledge to be able to replace them. New information and science show how little humans understand the functioning and importance of natural features. 2. Yes. The policy paper makes no reference to and does not take account the climate emergency and the implications of an offsetting policy for avoiding more greenhouse gas emissions. Natural heritage features such as wetlands and forests are significant carbon sinks that should be maintained and enhanced to contribute positively to minimizing climate change. These features also strongly assist in reducing the well-

known effects of climate change such as flooding, drought and extreme heat. They also provide critical habitat for many species. Reference is made to recommendations from Ontario Nature that any such policy should recognize Indigenous rights including the right to full participation in decisions affecting treaty obligations but no commitment to do so is included. The HCA should fully recognize Indigenous rights including the treaty obligations to protect traditional hunting, fishing and gathering rights, the requirement to protect the integrity of the water and prevent pollution, and the general obligation to maintain the ecological integrity of the waters and lands within HCA jurisdiction. 3. Firstly, it should publicly and loudly challenge MZO's and ensure that it is well understood by the public that MZO's override provincial rules respecting environmental protection and planning policy, and that MZO's eliminate requirements for public consultation and other features of due process. Secondly, it should make clear (as the TRCA did) that any permit issued by HCA for an MZO is only done "under duress". Thirdly, it should impose very stringent permit conditions that demand full compensation to all aspects of the natural environment including the impacts on species; that require replacement of lost or damage ecological features at least three times greater than the area lost; and that require that replacement features be installed and demonstrably fully functional before the existing features are removed to ensure wildlife have a place to move to, and that the compensatory features are permanent. 4. To put the municipal governments in charge would be reversing existing practice. Currently the HCA uses its ecological expertise to inform municipal policies. Neither the municipal governments nor the HCA should embrace offsetting policies. 5. None of the 7 principles take the climate emergency into account. Prioritizing development over any natural heritage feature is a dangerous idea. The large majority of the Offsetting Policy discussion assumes that greater or equal ecological compensation can actually be achieved, when the likely outcome is that it can not be replaced. Principles 1&2: "Adherence to Mitigation Hierarchy" & "Achievement of Net Gain", These first two points include vague phrasing like "mitigate any unavoidable negative impacts" which leave room for interpretation by the developer. Bottom line: Impacts are always avoidable if our CA is able to say no to development and not allow offsetting. Principle 3: "Offsetting has limits", This is the most important principle and indeed should be the only one on this list. Some lands should be off limits, "period". it is quite possible that in many/most situations the ecological value of the land to our food production, drinking water filtration, and air filtration (carbon sink) can not be replaced. Principle 4: "Equivalency" There is more vague phrasing here (left to interpretation of developer), and nowhere does it make mention that a wetland should be compensated with a wetland specifically and not another kind of feature, or something such as a murky toxic stormwater pond. Nor does it make note of what currently exists where this new feature is going to be placed (e.g., will valuable forest be cleared, to make way a new artificial wetland?) That defeats the alleged objective of offsetting. Principle 5: "Permanent Outcomes" This notes that the offset should be designed to last as long as the project's impacts do but it does not say what is to be done if the offset fails and does not last (a very real probability). Principle 6: "Alignment with Municipal Policies and Approaches", This principal echoes guiding

question 4. Again, our environmental experts at the CA should be the leaders in defining what should be done to manage our ecosystems and watersheds. The City environmental policies should be taking note from the CA experts, not the other way around. Principle 7: "Cost Recovery" Again this wording is vague and left dangerously open to the interpretation of the developer. It leaves room for the developer not to be accountable for the full cost of the offset, or its ongoing monitoring. This is another very real possibility as the true cost of creating/monitoring a sustainable synthetic ecosystem is so high the cost may rival the profit from new development. 6. This question is making a big assumption, that offsetting can actually be achieved and that developers can actually recreate a wetland, forest, or fertile soil. Historically, these natural heritage features are created by slowly evolving geology that creates certain mixtures of soil and minerals, bedrock depth, and aquifers over thousands of years - and then hundreds of years to create complex root systems, and establish sturdy nutrient cycles, and food chains, from smallest soil microbe to top predator, ensuring that a functioning ecosystem of microbial life and plant life is established and will continue (these are essential features to clean our air, and filter our water). It is doubtful whether a natural heritage feature can be recreated artificially to any meaningful degree at all, and it would be impossible to derive the same ecological value (biodiversity, air and water filtration, flood prevention, food production) from a new artificial wetland/feature made by a developer rushing to appease an offsetting policy as cheaply and quickly as possible before they can build. Pretending a natural feature (like a wetland) can be "offset" at all (as the very existence of this policy suggests) is dangerous and will only leave us in a net loss scenario. (not "net gain", or "no net loss", as this question guides us to think). As we see climate change making its mark across our province, country, and the world, now is not the time to lose any more natural heritage features that may buffer the blow to our safety with their priceless ecological value. IN CONCLUSION: NO DEVELOPMENT IS WORTH OUR HEALTH AND SAFETY. THEREFORE, NO OFFSETTING POLICY SHOULD BE PERMITTED. Thank you.

256. I URGE THE HCA TO DROP ITS CONSIDERATION OF AN OFFSETTING POLICY ALL TOGETHER! No offsetting policy should be approved. Proponents of offsetting are making a big assumption, that offsetting can actually be achieved and that developers can actually recreate a wetland, forest, or fertile soil. Historically, these natural heritage features are created by slowly evolving geology that creates certain mixtures of soil and minerals, bedrock depth, and aquifers over thousands of years - and then hundreds of years to create complex root systems, and establish sturdy nutrient cycles, and food chains, from smallest soil microbe to top predator, ensuring that a functioning ecosystem of microbial life and plant life is established and will continue (these are essential features to clean our air, and filter our water). It is doubtful whether a natural heritage feature can be recreated artificially to any meaningful degree at all, and it would be impossible to derive the same ecological value (biodiversity, air and water filtration, flood prevention, food production) from a new artificial wetland/feature made by a developer rushing to appease an offsetting policy as cheaply and quickly as possible before they can build. Pretending a natural feature (like a wetland) can be "offset" at all (as the very existence of this policy

suggests) is dangerous and will only leave us in a net loss scenario. (not "net gain", or "no net loss", as this question guides us to think). As we see climate change making its mark across our province, country, and the world, now is not the time to lose any more natural heritage features that may buffer the blow to our safety with their priceless ecological value. **IN CONCLUSION: NO DEVELOPMENT IS WORTH OUR HEALTH AND SAFETY. THEREFORE, NO OFFSETTING POLICY SHOULD BE PERMITTED.** Thank you.

257. No to replacement of wetlands and natural features!!! Leave our wetlands and natural features in place. Do not disturb! As a child I was taught to respect and honour Nature and All life on our Planet! Humans have done enough damage and need to stop disturbing, uprooting and displacing wetlands and all beings it inhabits! Offsetting Wetlands should not even be considered! All lives Matter! What we need now is strong leadership and action to do the right thing based on science, not more discussion

258. Sometimes there is one sentence that sums up the primary thought of a document. 'And it neglects to explain that the request for an offsetting policy has come from land developers, not because of an interest in protecting the public good.' The idea that the HCA has been pressured to allow offsetting. At the very least an 'offsetting' should not be allowed until a new area has been established.

259. Ideally, there should not be any offsetting, since there's no assurance that this approach will work. As a HCA membership pass holder, I have been very concerned about the lowering of the lake levels within places like Christie; the climate crisis has brought us hotter than average summers, and this situation is worsening. The wetlands are suffering too, so if there is any wiggle room with these MZO's, please protect the waters. Do what you can to stall development as governments can change, but Nature always needs our nurturing.

260. General Comments: Offsetting is a complex issue - it is a theoretical approach to real natural areas that other species find home, that take sequester carbon, prevent flooding, and clean water. In preparing for my submission below I got in touch with individuals who have been the the Garner Rd Wetland that was the subject of a potential offsetting decision to understand what this would look like in a real natural area within Hamilton. I've also been doing research on how the biodiversity and climate crisis intersect with the issue of offsetting. I also attended a webinar put on by a citizen group about this policy engagement. Despite working to become informed on this decision I still feel like there are questions left outstanding, largely due to gaps in the posted policy. I'm requesting that the engagement period of this policy be extended and that at least one (multiple preferred) Q and A be hosted. I would like the chance to ask questions both of staff as well as the HCA board and do not believe that this is an unreasonable request given both the complexity and severity of the matters at hand. 1. I feel strongly that no offsetting policy be implemented by the HCA. I understand that the strongest case for an offsetting policy be to ensure there is net positive replacement in the case of a provincial MZO. However, I feel that the risks of this policy far outweigh any hypothetical benefit. The current provincial government has not once changed course because of a policy or law. They have consistently used their authority as the province to sidestep or evade any laws or requirements they do not support. The idea that a CA's internal policy would stop

them is a fallacy. However, what has resulted in the province changing course has been organized communities. By passing an offsetting policy, the HCA would be weakening the ability for our community to push back against any natural heritage loss. We are in a climate emergency and biodiversity crisis and it is clear that governments at all levels are not taking the leadership we need to see. Earth system scientists have said that we have passed the point of no return when it comes to biodiversity loss, at a global level we need to see no new nature loss. Even if an offsetting approach was permissible in the 1970s we have lost too much, and have too little natural areas left to balance any more loss. All natural areas within the HCA's regulatory purview should be deemed off limits for offsetting. 2. Multiple areas of this draft document feel either incomplete or lacking. For example, while it is acknowledged as a principle that some areas should be off limits to offsetting no draft criteria are posted. The specifics of this are essential in understanding how this policy will impact natural areas where I live and would provide insight into which areas would be available for offsetting. Another example, where it feels like essential information is lacking is at what scale offsetting avoidance will be considered. If hypothetically a land owner is seeking to pave over a wetland on their property to create an employment area. I suspect the offsetting avoidance would only apply to the site in question (could the wetland be preserved by placing the new development elsewhere on site), in the City of Hamilton's Land Needs Assessment it was found there is a surplus of employment lands. If the HCA were to take a watershed wide approach to offsetting avoidance, I suspect more features would be protected. Why should a natural feature be destroyed if there is a viable alternative location for development. If the primary mandate of the HCA is to take a healthy watershed approach to planning why should offsetting be any different? I ask that further details explaining how these and other principles would be operationalized be included in a future consultation document, and that no offsetting policy be passed without the opportunity to meaningfully engage on it. Furthermore, both the climate emergency and biodiversity crisis are not mentioned anywhere within the document. It is my opinion that this should have been included in the policy review as the City of Hamilton has declared a climate emergency. We are also past the tipping point on biodiversity loss, and many prominent scientists are calling for no new nature loss to protect biodiversity. Information like this: <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-declineunprecedented-report/> should be front and center in considering an offsetting policy. Yet, the posted policy does not even mention the context we find ourselves in. Again, I ask that these essential and relevant pieces of information be included and that public consultation begin again with this new information before any policy be passed. 3. The HCA should refuse the permit and/or allow under duress. The HCA should have a plan in place if this were to happen that involves a public townhall explaining what is happening. I would hope in this hypothetical situation HCA staff particularly any unionized staff discuss what a refusal of labour could look like in this situation. Stratford, Pickering, Toronto Centre and others have all successfully pushed back against MZOs. If the HCA is unwilling to take a stance like this, than conditions on any offset should be requested that undermine the provinces case for the offset. For example, setting conditions that put any liability on the province, putting

conditions that request a report from the MECP as to how the offset meets the provincial policy statement, placing a restricted covenant on future sales.. etc. I don't believe offsetting is inevitable and believe that any approach to the provincial issuance of an MZO shouldn't concede until absolutely unavoidable. 5. Offsetting should be cost prohibitive. Yes, cost recovery should be mandated, but I would suggest the HCA develop a land procurement fund or a flooding relief fund etc. and require the equivalent value of the ecosystem services provided by the natural feature over its lifetime be placed into the fund. The HCA should not contribute to the further devaluing of nature. If the provide wants to pave a wetland they should have to pay our community back for what we are losing. Additionally, use convents should be added to any offsetting approval. For example, the Niagara escarpment plan details a list of policy directions that any development within the urban area of the plan must further to be developed on the site. The HCA should use these or similar goals to ensure any developed features are of benefit to the local environment and community. The policy states that offsetting would only be applicable where no protection exists, yet the City of Hamilton has gaps in its assessment of core areas and the province has failed to assess wetlands for significance at any meaningful rate. Given we have not finished the work of protecting natural areas all unassessed areas should similar be off limits prior to relevant assessments. 6. The approach should be no new loss. Again, I would like to reiterate that while I am grateful for the ability to engage so far, I do not think this has been a sufficient opportunity. I would ask that the request for more engagement opportunities, specifically the request for a community town hall with a Q and A component be included in any summary report of this consultation. Similarly, I hope to see the glaring absence of the intertwined climate and biodiversity crises acknowledged in any report and these issues to be included in a future engagement opportunity.

261. Hi there, 1) Natural heritage offsetting should not only be a last resort, but avoided at all costs. I strongly oppose any offsetting as we now know more than ever, in a climate crisis, how important vegetation and wetlands are! Whether endangered flora or fauna lives in a particular wetland or how diverse a particular wetland is, should not matter. All wetlands no matter if they appear as just a wet patch of ground should not be moved as they all play a role in our watershed, holding water and moisture, regulating temperature, providing homes for creatures, preventing flooding etc. 2) Not sure 3) MZOs should have to meet stringent requirements to even be possible. I vehemently oppose the current use of these by the PC provincial government. In the past, a few MZOs would be issued and now they have issued countless while we are all distracted by the pandemic. I appreciate the work that HCA does and hope that things will improve with a change in the government. In the meantime, the requirements that should be met in order to rip out a wetland and move it artificially to another location should be beyond attainable, or at least extremely difficult to meet. I am not sure what HCA could do to preserve the "natural heritage" once an MZO is issued.... then the government has all the power to pave an area over! Anyway, in which to promote public education and drum up support against the MZO should be sought just as it was in Pickering. 4) HCA should remain the body in charge of decision making regarding the removal of wetlands. Policy can take into consideration the positions of municipalities, but this decision making should never be

made solely by a municipal body that does not have the background or understanding of such matters. I am extremely concerned that HCA and other conservation authorities have had their power diminished by the current government. 5) I do not believe that there is enough direction for protection of natural features, but this is very difficult to develop under the current MZO climate. "Offsetting" should never be referred to as a "natural heritage management tool", it is not. Once we destroy a wetland, we can never recreate what nature took thousands of years to create, it is gone for good and any pond or runoff area that is made, will never function as well as the original. 6) "No net loss" should be the goal, not "net gain" as other items can be thrown into development that appear to be better than before. Yes, Virginia we are paving over this wetland, but you'll be able to run in this beautiful butterfly garden that we will make as part of the offsetting. :-) Please, please, please do everything you can to counter the MZOs and to preserve our watershed and wetlands as nature intended them to be. As I am just a layperson and not trained to know the manner in which to word policies that would protect nature to the highest legal level, but I trust in the HCA to do whatever they can in their power to protect our environment. Thank you so much for your time.

262. Though I am not a biologist or an environmental specialist, I am a Hamilton youth who is concerned about my future due to climate change and about the survival of precious habitats and their inhabitants. Therefore, I am calling on the HCA to *not* put in place an offsetting policy. First, here is why I oppose offsetting: these natural areas are the HOMES of other beings, and relocation, even with a net gain, does not help them. It seems like you are saying that after the relocation, there will be more natural features and biodiversity – but when, and what about what's already there? If you care so much about more natural features and biodiversity, then why not put that energy into the natural features and biodiversity of the existing areas? That seems like much less work. Additionally, why do you think that humans have the ability or the RIGHT to offset? These natural habitats developed where they did for a reason. As scientists, I would think you should know that - or is the board not actually made up of scientists? Additionally, if there is room somewhere else to relocate these natural habitats, then isn't there room somewhere else for development? The only reason for what's really going on here that I can think of is money. As an aspiring environmental economist, this is extremely disappointing to me. The value of these natural areas is much higher than whatever crappy developments you would let go forward. Second, here is why I oppose an offsetting policy: it gives the impression that you are protecting the environment when really, you're just enabling its destruction; additionally, I suspect it any rules can just be pushed passed by the government if they don't like them. I am also disappointed in your lack of transparency and accessibility of information: it seems from the discussion paper that the 3 offsetting examples you give are the only ones in place, while there are 36 Conservation Authorities; this is not clear in the pdf explainer or stated in the survey. It also seems from the discussion paper that this policy was asked for or manipulated by developers, which makes me wonder if this is really what's best for development, not the environment; this also was not clear in the pdf

explainer or mentioned in the survey. Lastly, I did not see a single mention of "climate change", "greenhouse gasses", or "carbon sink" in the discussion paper. Why? Ignoring this huge environmental issue that relates to any offsetting is an act of violence against youth, whose futures you would cut short, and BIPOC, disabled, and poor people, who are most affected by the impacts of climate change. In response to the province's mandatory MZO's, I call on everyone from the HCA to *firmly reject* them. I and the Hamilton community would stand behind you, and this would draw attention to the province's power grabs and destruction of our only home. Hamilton Conservation Authority, please follow your mandate to conserve nature and connect the community through what you protect. No offsetting. / No offsetting policy. / No loss.

263. Hello; It doesn't make any sense to me, that anyone would think that a wetland that has been in place for hundreds of years could be replaced by a 'manmade wetland'. I think it's fair to say that many a time we get it wrong. We don't know, what we don't know. And to think that decisions are being made that will impact the health of the ecology of our planet without a complete understanding, and appreciation of nature's built-in systems to regulate the cycles of nature is - frightening! Witness the forest fires of today. I have heard that wetlands are a natural buffer to slow down fires. For years they haven't practiced controlled burns as was practiced by indigenous people for hundreds of years. Why don't we slow down the decision-making process and consult the indigenous peoples? It's time to admit that we really DON'T KNOW what we are doing. It's time to put the true value of nature first over the developer's desire to make money.

264. No off-setting under any situation

265. 1. Existing protection policies are insufficient to ensure no degradation or loss of natural heritage features. An offsetting policy effectively makes this situation worse. 2. Yes. The policy paper makes no reference to and does not take account the climate emergency and the implications of an offsetting policy for avoiding more greenhouse gas emissions. Natural heritage features such as wetlands and forests are significant carbon sinks that should be maintained and enhanced to contribute positively to minimizing climate change. These features also strongly assist in reducing the well-known effects of climate change such as flooding, drought and extreme heat. The HCA should fully recognize Indigenous rights including the treaty obligations to protect traditional hunting, fishing and gathering rights, the requirement to protect the integrity of the water and prevent pollution, and the general obligation to maintain the ecological integrity of the waters and lands within HCA jurisdiction. 3. Firstly it should publicly and loudly challenge MZO's and ensure that it is well understood by the public that MZO's override provincial rules respecting environmental protection and planning policy, and that MZO's eliminate requirements for public consultation and other features of due process. Secondly it should make clear as the TRCA did that any permit issued by HCA for an MZO is only done "under duress". Thirdly, it should impose very stringent permit conditions that demand full compensation to all aspects of the natural environment including the impacts on species; that require replacement of lost or damage ecological features at least three times greater than the area lost; and that require that replacement features be installed and demonstrably fully functional before the existing features are removed to

ensure wildlife have a place to move to, and that the compensatory features are permanent. 4. To put the municipal governments in charge would be reversing existing practice. Currently the HCA uses its ecological expertise to inform municipal policies. Neither the municipal governments nor the HCA should embrace offsetting policies. 5. None of the 7 principles take the climate emergency into account (prioritizing development over any natural heritage feature is a dangerous idea) ... The large majority of the Offsetting Policy discussion assumes that greater or equal ecological compensation can actually be achieved, when the likely outcome is that it can not be replaced. Principles 1&2: "Adherence to Mitigation Hierarchy" & "Achievement of Net Gain", These first two points include vague phrasing like "mitigate any unavoidable negative impacts" which leave room for interpretation by the developer. Bottom line: Impacts are always avoidable if our CA is able to say no to development. (and not play a game of offsetting) Principle 3: "Offsetting has limits", This is the most important principle (and perhaps should be the only one on this list) - some lands should be off limits, "period" ... it is quite possible that in many/most situations the ecological value of the land to our food production, drinking water filtration, and air filtration (carbon sink) can not be replaced. Principle 4: "Equivalency" This principle discusses that offset should be made equivalent in terms of size and quality of the land - however there is more vague phrasing here (left to interpretation of developer), and nowhere does it make mention that a wetland should be compensated with a wetland specifically and not another kind of feature, or something such as a murky toxic stormwater pond. Nor does it make note of what currently exists where this new feature is going to be placed (e.g., will valuable forest be cleared, to make way a new artificial wetland? That defeats the alleged objective of offsetting. Principle 5: "Permanent Outcomes" This notes that the offset should be designed to last as long as the project's impacts do. ... It does not say what is to be done if the offset fails and does not last (a very real probability). Principle 6: "Alignment with Municipal Policies and Approaches", This principle echoes guiding question 4, and Again, our environmental experts at the CA should be the leaders in defining what should be done to manage our ecosystems and watersheds. The City environmental policies should be taking note from the CA experts, not the other way around. Principle 7: "Cost Recovery" This says that the cost of the offset should be recovered - again this wording is vague and left dangerously open to the interpretation of the developer. It leaves room for the developer not to be accountable for the full cost of the offset, or its ongoing monitoring ... which is another very real possibility as the true cost of creating/monitoring a sustainable synthetic ecosystem is so high the cost may rival the profit from new development. 6. This question is making a big assumption, it's suggesting that offsetting can actually be achieved, that developers can actually recreate a wetland, forest, or fertile soil. Historically, these natural heritage features are created by slowly evolving geology that creates certain mixtures of soil and minerals, bedrock depth, and aquifers over thousands of years - and then hundreds of years to create complex root systems, and establish sturdy nutrient cycles, and food chains, from smallest soil microbe to top predator, ensuring that a functioning ecosystem of microbial life and plant life is established and will continue (these are essential features to clean our air, and filter our water). It is

doubtful whether a natural heritage feature can be recreated artificially to any meaningful degree at all, and it would be impossible to derive the same ecological value (biodiversity, air and water filtration, flood prevention, food production) from a new artificial wetland/feature made by a developer rushing to appease an offsetting policy as cheaply and quickly as possible before they can build. We fear that pretending a natural feature (like a wetland) can be "offset" at all (as the very existence of this policy suggests) is dangerous and will only leave us in a net loss scenario. (not "net gain", or "no net loss", as this question guides us to think). As we see climate change making its mark across our province, country, and the world, now is not the time to lose any more natural heritage features that may buffer the blow to our safety with their priceless ecological value. No development is worth our health and safety. Therefore, no Offsetting Policy should be permitted. Ecological integrity is not something to play make believe with.

266. If it is because of the province requiring mandatory permits through MZO's that there is a need to develop an offsetting policy, limit the use of the offsetting to only MZO's. An offsetting policy not limited to MZO's establishes a very slippery slope towards the loss of natural heritage features which is contrary to the approach to protect, enhance and restore features in place to ensure a healthy biodiverse natural heritage system. If not limited to MZO's, this policy will open the door to more applications seeking development impacting natural heritage features and this Board of Directors has already shown it does not support the Hamilton Conservation Authority's Planning and Regulations Policies and Guidelines, 2011 when challenged as was the case in its decision re 925 Main Street West in Hamilton. This policy could lead to more disturbing precedents set by poor decisions at the Board level.

267. 1. No policy as I have read here is clear enough or strong enough to stand up to the strong developers. The HCA should not be coming to a table when our complex already scarce environments will suffer. The thought of no net loss and hopefully a gain is wishful thinking and not acceptable. 2. Stating that there would be some areas that are off limits is not clear enough again suggesting there can be argument to make most areas available for off set consideration. The 3 authorities that have policy Have put a tremendous amount of work in and they are relatively new. HCA should do some watchful waiting to see how they navigate some pressure in the next years. 6. The framework of not net loss or net gain is also very complicated simple charts of numbers of trees, growth etc. is too simple. The offset land needing to be in place functioning and proven to be sustainable BEFORE the developer is allowed a shovel in the ground would be the very basic beginning not a good step, if possible, it would need to be a necessity. Thankyou

268. 1. There must be NO offsetting policy allowed by Hamilton Conservation. This policy has been driven by developers so they can make the biggest profit possible. We need to embrace our Natural Heritage Features, save every one that is under the HCA jurisdiction. Developers buy land and then need to work around the natural features not to destroy them. Natural Heritage form by themselves for a reason to help protect every one of us and future generations to come. A development leaves only a mess and often huge clean ups as seen in many areas of Hamilton. We have to learn from our past mistakes and NOT REPEAT them over and over. 2. HUGE gaps, what about the climate emergency/crisis that the world is facing

globally because developers are destroying natural heritage lands. There is no mention about protecting Species habitat destruction, this happening at alarming rates worldwide so Hamilton Conservation area wants to be part of adding to that destruction. This is not part of any Conservation area mandate to allow habitat destruction. If conservation areas do not protect species habitat who will? 3. The Conservation Authority should be a leader and challenge all MZO's that want to destroy, alter or change Natural Heritage land. Conservation areas must stand up to governments. Many Governments do not know what is best for the environment and do not even understand the need to preserve the environment. They are interested in developer's money. Conservation Areas were formed to save the environment, keep it that way. 4. It should be the Hamilton Conservation area that sets the policies for the local municipalities, you are the experts in the area of natural lands. Every environmentalist I have heard speak all say that the only policy in this day and age is to preserve all-Natural Heritage areas. They grow in an area for a natural reason and once lost or moved they do not act in the same way in the ecosystem. HCA must not be guided by governments **YOU MUST PROTECT THE NATURAL AREAS** at all costs 5. There must be **NO Natural Heritage Offsetting Policy** allowed. The framework does not consider or address the climate emergency the world is facing right now. A developer can always work around a Natural Heritage Land if they wish to do that. It is the developers who is responsible to know that nature of the land he is purchasing. He works around that area not the other way around. 6. The only **OPTION** is to leave the Natural Heritage Land alone that way the environment will always have a net Gain. You will never have a net gain if you change, move, rebuild a natural heritage land. Look at all the concrete sided streams that are now causing huge flooding in areas because developers thought they could channel water. We might be able to do that do that for a short period of time **BUT** now we must **PRESERVE** and not change the **NATURAL LAND AREAS** that are left in the **HAMILTON** area. **WE** must **PRESERVE THEM** where they have naturally formed.

269. No offsetting at all. 1) We cannot mimic nature 2) The Conservation Authority is in place to protect our water sources & the nature surrounding it - **NOT** to bend to developers. 3) It's beyond ridiculous that this survey even exists. I'm sorry you have to deal with this. Thank you to staff for all you do.

270. 1. should not be allowed, its damaging to the environment/species and many wetlands have already vanished to development, we need the ones we have they provide a valuable function. it is impossible to completely replace a natural wetland because the complexity of the ecosystem is impossible to replicate. 2. Treaty obligations, have they been considered this seems to be a gap, and the fact that with climate change we need our wetlands for their role in cleaning water and providing carbon sinks. 3. HCA should challenge the decision and make it well known that MZO overrides public consultation and other due process, these decisions need to be known to be made under duress and that permit conditions should be so tight they are restricting, the replacement feature should be larger than the natural feature and built before any destruction to the natural feature so the success of the new feature is deemed acceptable before destruction of the natural feature. All ecological inventory needs to be replaced. 4. CA's should be leading municipalities not the other way

around, the CA is there to advise and protect the natural environment to inform the municipality as process for good decision making. Both entities should not be accepting or embracing offsetting. 5. there should be no offsetting, it is unlikely that a complete replacement could ever be achieved, and what happens if the offset fails? there are lands that should just be considered off limits. 6. No offsetting policy should be permitted; wetlands provide natural flood control...something we will need with climate change, ecosystems develop over many years...how can this be recreated in a small timescale meaning it will be impossible to recreate what is proposed to be lost. With offsetting the ecological integrity will be lost and therefore there will never be a net gain or even no net loss. offsetting is just a bad practice that will lead to further decline in natural heritage and make us more susceptible to the effects of climate change.

271. 1) I would prefer no change in policy. The discussion paper states that "HCA currently has no policy or guideline direction related to natural heritage offsetting". (p. 6) I expect this is because the HCA is charged with protecting and conserving our natural heritage and such a policy would not be consistent with sound conservation principles. Changes to HCA policy should adhere to such scientific principles of conservation. Indeed, the paper notes that the change in policy is driven not by the need to improve its practices based on conservation principles but is "undertaken following a motion by the HCA Board of Directors ...in response to a development proposal." Furthermore, the discussion paper states that the Province may issue mandatory permits through Ministerial Zoning Orders to require the HCA "to enter into [offsetting] agreements." (p. 6) I take this to mean that the HCA is being coerced into developing an offset policy; that it may be ordered to do the Province's dirty work, against its own principles, in order to allow development that could damage environmentally sensitive areas. I can understand why HCA thinks we need an offsetting policy to make the best of a bad situation. The Province can force the HCA to watch the rape of wetlands and other ecologically important local areas, but HCA gets to set some guidelines to compensate the victim or victims. Although the HCA role involves "conserving...and protecting the natural heritage" through its knowledge and expertise, it is being forced into a political position that undermines this mandate. Perhaps the best alternative in this case is to strongly oppose offsetting as an official policy, but have the guidelines in place when forced to enter into an offsetting agreement by the Province. I don't know what else you can do. I do agree that offsetting should be "a last resort" but if the Province orders the HCA to enter into such an agreement, how is this consistent with "a last resort?" It's more like "a done deal." I am concerned that the integrity of the HCA is undermined by being forced into creating a policy that is inconsistent with its mandate and responsibility to the community and citizens it serves. HCA's "authority", as its name suggest, should be based on its strength as a conscientious protector and conservator of our natural heritage. 2) It is not clear in the paper how offset locales would be identified and secured. Where does the offset land come from? What if increasing demands for development make it difficult to secure suitable local offset areas? Could such offset areas themselves become the target for future development? Are there limits to how much "offsetting" should be approved? What guarantees could HCA give the citizens that offsetting would result in successful replacement of lost natural features and

mitigation of harm done? How will "quality" and timeliness be measured? How and over what time frame will a replacement offset be monitored? How has this worked in other areas? What requirement would be placed on the developer to prove that the area in question is the only and best location for their development? How would an offsetting policy account for the impacts of increased stress on the environment due to climate change: including the impacts of increased levels of flooding, drought and heat on our environment? Does it consider that natural areas and water features might play in an increasingly important role in mitigating economic, social and environmental damage from such impacts? 3) The HCA should make clear that any permit issued under the offsetting agreement is issued as a result of the Provincial order and is not necessarily consistent with sound conservation principles. The discussion paper states that development permits would only be issued once an offsetting agreement is in place. In addition to the steps outlined in the discussion paper, I would argue that permits should only be issued once the offsetting plan has been executed and well established as "successful" in mitigating any potential damage and loss caused by the proposed destruction of the existing natural area. Clear measures that determine the success of the offset should be a matter of public record. Of course, this could considerably delay any development project. 4) HCA policy should be in line with sound conservation principles and its mandate to protect and preserve the natural heritage. 6) I prefer a net gain philosophy. It is my experience that the areas under the protection of the HCA provide great social benefits to our community. They are needed now more than ever and I expect will be well into the future. I am a frequent hiker in the conservation areas and have noticed how important these areas are, especially so during the COVID pandemic. In addition to the environmental benefits, these areas provide enormous social benefits: a place for hikers, runners, groups of chatty friends, waterfall tourists, those seeking solace and quiet, birders, families, teachers and groups of students, dogs (on leashes) and humans of many kinds to enjoy and appreciate the enormous wealth we share right within our own community.

272. First off, I think that offsetting shouldn't be happening to begin with. Unfortunately, when municipalities get control, this can lead to what is in the best interest of what "they" believe is best for their municipality which tends to be "bring in more money" not conserving our habitat. Environmentalists that have actual knowledge and training need to be the main voice when it comes to decisions involving offsetting/mzo.

Offsetting should be a LAST resort. It actually states this but following the meeting regarding the wetlands on hwy 53 this became apparent that this statement isn't followed by all that are currently on the HCA board. If it was followed the decision wouldn't have taken so long to come to, as building another warehouse in our community is far from a last resort. If you are going ahead with offsetting as I'm sure you will, it most definitely should only happen at a net gain. It should when possible be offset while the existing wetland is still intact and companies that take too long to follow through should be fined. I would like to see more people on the HCA board that are actually aware of the impacts on the environment that offsetting wetlands can cause. We are in a climate crisis and this should be at the forefront of all decisions concerning new development.

273. 1. Offsetting should not be permitted. 2. The term "offsetting" is not clear to the average person, and more clear language should be used to describe it. In talking about offsetting, it should be better defined in surveys like these. The discussion summary provided at: <https://conservationtalkhca.ca/natural-heritage-offsetting-discussion-paper> describes offsetting as necessary in cases where "a natural feature can't be protected." This wording deflects from the reality that these natural features are in fact being destroyed by development. Indigenous rights are also not being taken into account in the Discussion paper. 3. MZOs should be opposed at all costs. Stringent permit conditions should be applied. 4. The Conservation Authority should inform and municipality policies, not the other way around! It makes sense for people who are most knowledgeable about conservation to guide decisions about conservation. 5. Any and all decisions should be driven by the concern that conservation should have for preserving natural heritage. Destroying original natural features is always avoidable, and should continue to be. 6. Offsetting can't result in net gain, since it's based on "replacing" features that have been destroyed.

274. have reviewed the HCA Offsetting Discussion Paper as presented to HCA Board of Directors April 1, 2021 along with the questions outlined on page twenty of this document. I've addressed & noted specific questions addressed if applicable. Concerns/Gaps/Issues: Transparency of process from start to finish, NOT waiting until public feedback needed last minute but share along the way so time to think about concerns, consequences, etc. EARLY IN PROCESS ESSENTIAL! This also applies when seeking & sharing the information that guides policy direction, including science AND Aboriginal traditional knowledge. EVERY EFFORT NEEDS TO BE MADE regardless if delays ensued. Project Examples (pictures if available & descriptions) of outcomes with / without offsetting would be helpful to understand complete picture. Complete costs covered by ensured outcome offsetting project completed PRIOR to removal of the original environmental feature (NONNEGOTIABLE) & funding for reporting, monitoring & evaluation 'IN TRUST' mandatory so all entities involved held accountable & due diligence exercised thorough out entire process. This should eliminate potential 'bankruptcy' situations of developers who truly have NO intention of following through on the 'commitments'. Provincial Policy Statement Review & all subsequent federal, municipal assessments / reviews, etc. demonstrate wildlife habitat has top priority as it's unlikely a Jefferson Salamander will read the memo that their home has been moved. Page nine, paragraph two states "subject to municipal policy direction" is MOST concerning as personal biases & political 'flavour of the month' trends can cause undue influence. I cite a personal example of a previous RURAL concern related to farmland & its neighbourhood signature campaign noted by the Ward councillor during Council meeting as having 18 signatures when in FACT it held 40. It's hard to have any faith in a 'transparent' process when these types of games are played. Showboating, false representation, 'glory & greedy' revenue generation at the cost of the natural features should NOT be tolerated & guarantee expulsion from the process. This is the type of accountability constituents are looking for & truly required in order to claim 'TRANSPARENCY'. Page twelve, paragraph two, bullet points – stronger language than 'strive' required. Interpretation will always follow the heavy-handed &/or loudest

bravado where clear definitions are absent. Page thirteen to fourteen, bottom of thirteen 'the following conditions' to be satisfied through EIS & NHE ... who administers these & who ultimately makes the decisions because anything outside of the Conservation Authority itself seems that it would create roadblocks, which could be unsurmountable. Page fifteen, paragraph three – it's a bit scary to think that some Conservation Authorities (CA) have been involved in offsetting WITHOUT an ecological policy framework! Cease & desist this practice as this is NO example for leaders in watershed management to operate. It potentially questions CA practices over-all as ad hoc, which undermines the expertise CAs are revered to have. Page fifteen, second last paragraph – City of Hamilton Urban Official Plan & Rural Official Plan should be informed by CA's knowledge surrounding watershed & environmental feature expertise otherwise it could ultimately override & destroy these features. This is NOT a road we want to go down. Page sixteen, third paragraph – County of Wellington Official Plan states 'similar to the City of Hamilton in that development in CERTAIN features is prohibited, however, for some features development may be permitted SUBJECT TO COMPLETION of an approved environmental assessment'. WHO is administering the environmental assessment? Another opportunity for influence from outside the CA. TIMELINES are critical to ensure all reviews & assessments including Greenbelt Plan & Niagara Escarpment Plan need to be reasonable NOT pushed through because of developer pressure to move the project forward as quickly as possible. There appears to be a tendency that projects are expedited for corporations but NOT individuals & since the OPTICS & legitimacy of an entire project can quickly change, 'walk the talk' from start to finish & beyond. It's called integrity. The wording 'reasonable timeframe' (page 14, second last paragraph) can lean towards interpretation, loopholes, problems. If any level of review is ultimately going to 'trump' everything set before it then it is NO LONGER a transparent process. Given the 2015 Conservation Authorities Act & Regulations review outcome is still pending I believe this provides a loophole for undue influence of governmental input. It's hard to believe in accountability when the game can be changed at any point moving forward. Either CAs are the authority on watersheds or they're not. It shouldn't depend on the project or current government. 'DECISIONS RELATED TO OFFSETTING WOULD BE LED BY THE MUNICIPALITIES' (found in question #4) is hugely concerning ... Conservation Authorities are the 'authority' on watershed & wetland so let the Conservation Authorities do their jobs & NOT tie their hands!!! Have we learned nothing from the impacts of the 1930's Dust Bowl, current drought conditions, water table & aquifer changes, etc. The 1954 Hurricane Hazel impacts was the birthplace of the Toronto & Region Conservation Authority & many subsequent conservation authorities to be leaders in watershed management. I believe without accountability to ONE authority, namely CA's that watershed deconstruction is just around the corner! Question #3 – MZO, worse scary than being led by the municipalities. This is the feared 'trump' card that is currently being played by our Provincial Premier. Wetlands & Watersheds – Water is Life (as per The Land Conservancy of British Columbia) sums it up! Greed of politicians & developers will NOT sustain our future. The essentials of life – food, water, air are clearly ALL under attack currently &

government is NOT stepping up, instead they are operating back door deals to bypass hurdles in part created by the pandemic. If they have NO integrity during these crucial times they most certainly will NOT outside of these times. Past performance is often a predictor of future performance – NO to MZO's

desktop/word/offsetting

Memorandum

From: Ben Vanderbrug

To: Board Members of HCA and Lisa Burnside and Scott Peck

Date: June 7/21

Re: "Offsetting"

This memo is in response to current discussions on "offsetting" as a way to allow a developments where natural features stand in its way. It summarizes my thoughts on the offsetting concept and I hope and trust that these comments will be helpful.

- Conservation Authorities are important entities in ensuring sound environmental planning in the rapid urbanization of Southern Ontario. During my long career with the HCA, I have worked with urban planners, some of world renown, who vouched for the importance of Conservation Authorities in the creation of great cities and towns which treasure, incorporate and respect their environmental treasures – big and small.
- Development is inevitable, whether it be for residential or other needs..... and many developers understand that working with nature is an asset rather than a liability. They recognize that on the long term, they can make a difference between either a mediocre project or a development that contributes to the creation of exciting and healthy communities in which people want to live. I have known and worked with developers who recognized this and who made their projects the better for it.

Unfortunately, not all developers fall within this mold. For some anything standing in their way is under siege for the sake of maximizing profit.

- Offsetting is a tricky business, especially for complex wetlands. The minute one is approved, it may well be reason for an unstoppable barrage of requests for similar treatment. In short, once the Pandora box is opened, it will be difficult to close.
- The HCA should not be part of compromising its legislative role in protecting our water and related resources. It must maintain its position as a reliable uncompromising advocate for protecting and, if possible, enhancing important natural features. Therefore, I question the need for a policy on offsetting.... even with the overriding guideline of “last resort”. Instead the policy should be “no offsetting permitted” and require development proponents to work with and around our environmentally important treasures. With a firm policy in place, creative alternatives will surface.
- No doubt, inconsequential issues will come up that can be resolved without negative environmental consequences.
- The HCA may well be overruled by provincial and municipal authorities, but nevertheless, the integrity of the HCA as an environmental guardian must remain intact.

As an aside, it is my hope that the HCA will continue a proactive acquisition policy of environmental significant properties. I know funding can be a serious drawback but it should not be a reason to not be on the lookout for acquisition opportunities. When all is said and done, this is the best way to protect and preserve our environmental treasures – big and small.

Scott Peck

From: Robin Parsons [REDACTED]
Sent: July 8, 2021 8:11 AM
To: T.S. Peck
Subject: Fwd: Spencer creek trail

Hi Scott,

I am forwarding an email I sent this morning to the General HCA email. I have lived in Dundas for over 42 years and I think the conservation that surrounds and weaves through our town is one of the best features. The development that has occurred over the years is concerning because it not only drops building supplies into our watershed(read my email forwarded), but also brings a lot of people that drop a lot of waste onto the trails. It is your responsibility to preserve and protect our lands by restricting development by our watersheds. Please do not allow Natural Offsetting to be approved for our city. These lands are precious and they belong to future generations, not to us and our current "need" for developments.

Thanks so much,
Robin Parsons

Sent from my Bell Samsung device over Canada's largest network.

From: Robin Parsons
Sent: Thursday, July 8, 2021 7:56:01 AM
To: nature@conservationhamilton.ca <nature@conservationhamilton.ca>
Subject: Spencer creek trail

Hi there,

We live in Dundas directly off the Spencer creek trail by McMurray St. We are emailing because we walk the trail daily, and have noticed styrofoam bits all around the ground by the Creekside Dr condo's. They are replacing windows and using styrofoam to insulate. We saw this when they were being built as well. We find it so concerning that these developments are approved when they are so close to the watershed. Allowing styrofoam to fall into the creek is negligent and lethal to the species that ingest it.

Please stop permitting developments along our watershed. The Creekside Dr Condo's can't be removed, and will continue to drop garbage into our creek for years to come. Perhaps existing developments by water should be restricted on the materials that they use.

If you would like more information or pictures, please let us know. We look forward to hearing from you about what can be done to stop these developments from polluting our watershed.

Thanks so much,
Robin Parsons, John Bridle,
Samuel Bridle and June Bridle

Sent from my Bell Samsung device over Canada's largest network.

Scott Peck
Deputy CAO/Director, Watershed Planning and Engineering
Hamilton Conservation Authority

Re: Offsetting Policy

Dear Mr. Peck:

The general comments of the Association of Dundas Churches and Eco Churches of West Hamilton are as follows:

- We are in agreement with the comments submitted by Hamilton 350.

We believe that

- wetlands/natural spaces cannot be replicated by engineered versions.
- too many natural wetlands/spaces have been lost to development already, and we cannot afford to lose more.
- offsetting will be used or misused by developers for inappropriate development and once the door to offsetting is opened, developers will push to open it fully.
- there must be a very good reason why only three of thirty-six Conservation Authorities have allowed offsetting.
- offsetting will mean the disruption, dislocation and likely destruction of species,
- it is necessary to push back against MZOs.
- that it is not possible to have a net environmental gain with an offsetting policy
- offsetting, by its nature, drives climate change.

Conservation Authorities are charged with protecting the integrity of natural habitats and not destroying them with the expectation that their functions can be equally replaced by manufactured structures.

In conclusion, our organizations are opposed to offsetting. We believe that it is not in the best interest of the public, our natural environment, species at risk and is harmful to the climate and benefits only developers.

We urge the Hamilton Conservation Authority not to adopt an offsetting policy.

Respectfully,

Wayne Poole
Eco Churches of West Hamilton
[REDACTED]

Anne Washington
Interim Chair
Association of Dundas Churches
[REDACTED]

From: Larche, Maggie [REDACTED]
Sent: Saturday, July 31, 2021 9:47 PM
To: nature <nature@conservationhamilton.ca>
Subject: offsetting policy - seeking public opinion. Please forward to board of directors

Dear HCA,

I am horrified to hear that the Hamilton CONSERVATION Authority are hoping to implement a change in their policies and procedures document to allow for compensation arrangements from developers to build on land with ecological significance. It seems particularly timely given the recent rejection of a bid to build on the Ancaster creek headwaters land. I suspect that the developers will wait until this "offsetting" policy is in place and reapply...

Many wetlands/headwaters or other conservation areas have taken ten to hundreds to thousands of years to develop their biodiversity, the maintenance of which is required to balance our ecosystems. Another consideration are the first nations people who have a very strong connection with the land. They and their traditions cannot be trampled on by allowing "compensation" for the destruction of habitats for the sake of development

I am concerned that with the change in policy from the HCA, developers will have the opportunity to "pay" or compensate for destruction of our prime ecologically important sites. The idea that these sites can simply be "relocated" elsewhere is ridiculous.

I understand that the board of directors includes several city counsellors, all of whom are directly conflicted between conservation and development. This does not seem to me to be in accordance with the conservation mission of the HCA.

Please forward these words of strong objection to the board and the other members of the HCA.

Kind regards,
Maggie Larche

Dr Maggie Larché, MRCP(UK), PhD
Professor of Medicine,
McMaster University,
Hamilton
Ontario
L9H 5E3
[REDACTED]
[REDACTED]

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

From: Rose Janson [REDACTED]

Sent: July 31, 2021 5:00 PM

To: Jaime Tellier <Jaime.Tellier@conservationhamilton.ca>; Lisa Burnside
<Lisa.Burnside@conservationhamilton.ca>

Subject: AGAINST the proposed off-setting policy

Hello

Here's the position of our family and friends:

The HCA has done such excellent work for many years protecting wetlands and precious habitats for future generations.

The proposed off-setting policy is a ploy by developers to get what they want where they want it.

No evidence exists that it works; rather we know that off-setting would be most upsetting to wildlife and habitats that take generations to develop.

Please continue protection work. Reject any off-setting policies, and boldly challenge MZO's.

Thank you.
Rose Janson

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This email has been checked for viruses by AVG.

<https://www.avg.com>

To the Hamilton Conservation Authority

I am a citizen of Hamilton residing in what is currently Dundas. I am very concerned about the draft being proposed by the HCA for an offsetting policy. I am in agreement with local conservation and environmental groups who strongly recommend that the HCA drop its consideration of such a policy.

The HCA is in ecoregion 7E, which hosts considerable and significant natural features. The draft fails to take into account the unique qualities of this area, not to mention the present climate emergency.

The policy draft contains many gaps and ambiguities which leave interpretation open to developers. In fact, the policy itself seems to be entirely driven by developer pressure.

Given the current political climate, the HCA should be loudly and publicly opposing the idea of offsetting and of the government's MZO's, which override the protections the HCA is supposed to safeguard.

Please think about the future of our natural habitats and how this policy will impact our region. Developers cannot give back to nature once they have pocketed their gains through this policy.

Sincerely,

Margot Olivieri

[REDACTED]

Dundas Ontario

L9H 2J7

Scott Peck

From: Mary Love [REDACTED]
Sent: July 31, 2021 6:17 PM
To: Scott Peck
Cc: Don McLean
Subject: FYI: my submission to HCA

Hi, Scott.

Thank you for your advocacy and commitment to the HCA mandate. My poem is not aimed at you!

Mary

Upsetting "Offsetting" Policy

If there is a policy to cut old growth forests,
Their ancient wisdom will not save them- they will fall.

If there is a policy to mine the tops off mountains,
First there'll be a mountain, then boom! bang! -none.

If there is a policy to push oil under rivers,
The gift of life will frac-out, poison, and die.

With a policy to "offset wetlands,"
Vital small creatures will lose their birthplace, lose their life.

If there is a policy to "offset wetlands",
The real ones will cease to echo the frogs' reply.

If we trash our Mother, thinking we can replace her,
We will all die.

And if there is a policy to put profit for the few before the future,
There will be none for all to profit from.

If there is a Mr. Big Elephant in the room,
Where is the offset to his money's power?

If there is a policy to "offset wetlands",
Robot Warehouses will muscle in.

For if you acquiesce to destruction,
You destroy your very core;

And if there is a conservation authority with none,
How can you look your children's children in the face as you did before?

If you vote to offset your own mandate
You will look like fools,

If you bow to the developers' power,
You will be public servants no longer, just private tools.

In closing, if you dare put an upsetting offsetting policy in place,
Massive will be your betrayal, your disgrace —

And the resistance
Will not be small.

Mary Love

[REDACTED]

Hamilton
L9A4B5

Sent from my iPhone

Scott Peck

From: Heather Yoell [REDACTED]
Sent: July 30, 2021 10:04 PM
To: Scott Peck
Subject: HCA survey re. offsetting

Dear Scott,

Here are my answers to the survey. Thank you for the opportunity to have input into this very important issue.

1. The HCA should not permit offsetting. The best-intentioned landscape architect cannot duplicate a natural feature that has developed over millennia. We need to protect what we have, not destroy our precious natural environments and create second-rate replicas.
2. Yes! Particularly strengthening our resistance to climate change and protecting biodiversity. Natural wetlands, for instance, are instrumental in providing flood control. Destroying a wetland for development and creating a fake wetland in compensation is likely to result in disrupted and damaging water movement in both areas. And can you seriously believe that you can recreate the same biodiversity in a new site as evolved over millennia in a natural site? We need to stop our assault on the natural world and put a moratorium on sprawl.
3. MZO's are an assault on local democracy, and should be loudly and vigorously resisted. If forced to accept an MZO, the HCA should place and enforce stringent requirements to minimize damage and extract long-term accountability from the developer.
4. Policies should be based on knowledge and information from scientists and experts, not on the ideology of politicians. The politicians should make the decisions but should be required to work within a framework of long-term environmental protection. Policies that are counter to the long-term health of the environment should be rejected, i.e. the experts should have a veto and the ability to enact bans. We borrow the land from our children. We cannot allow ever more land to be destroyed for short-term profits. Too much damage has already been done. The time to end sprawl is now!
5. No. The best solution would be to ban offsetting as a destructive and deceptive practice. If offsetting in a certain circumstance is the best way forward due to the imposition of an MZO, for example, the HCA should do everything possible to ensure that the created feature meets the highest standards, and hold the developers accountable without any wiggle room. Otherwise the developers are likely to do the cheapest, shoddiest job they can get away with. Remember the James Street church? Hamilton has a sad and shameful history of being sucked in by the fancy words of developers who destroy our heritage then leave if they can't make a quick buck. Don't let them do this to our environment!!
6. The approach should be no offsetting unless forced, and force should be met with loud and vigorous protest. Natural heritage features should be protected and off-limits for development. "No net loss" vs. "net gain" suggests that both are possible, but it is simplistic, unrealistic, and even arrogant to believe that fake "natural" features could rival real ones.
7. I am a long-time donor to the HCA. My husband's and my names are on the donor wall in the Main Office building. I see the HCA as having, first, a duty to the environment, and secondly, to the people of Hamilton and surrounding communities. The HCA must hold firm to a long-term vision of protecting the health and vitality of our natural environment, and must vigorously resist the efforts of developers who would happily destroy what we have left for short-term profits. Please take a stand: "Not on my watch!"
Thank you.

Best wishes,
Heather Yoell

Scott Peck

From: Lauren Deane [REDACTED]
Sent: July 29, 2021 9:02 PM
To: Scott Peck
Subject: Offsetting

Hello, as a resident of Stoney Creek ward 10 I'd like to express my opinion on the offsetting proposal.

We are against offsetting.

Thank you
Lauren Ruberto

Sent from my iPhone

July 30, 2021

Dear Scott,

Thank you for the opportunity to provide comments on the Hamilton Conservation Authority's (HCA) *Natural Heritage Offsetting Policy Development*.

This document was included as a memorandum item in the Agenda for the April 8, 2021 Conservation Advisory Board (CAB) meeting, which I attended. At that meeting, Councillor Ferguson suggested that an offsetting policy might be useful should a Ministerial Zoning Order (MZO) be issued by the Ontario Government. It would allow HCA to pre-emptively develop the policy, rather than have policies imposed by the Province. At the time, I thought there may be merit in this. However, the HCA's consultation website states that the decision to offset would already have been made under an MZO. This makes me now wonder whether a wetland offsetting policy is required at all?

Nevertheless, I would like to provide some comments on the Discussion Paper. I hope you will consider them as you finalize your policy.

- Engagement with indigenous people, land owners, key stakeholders and the public should be required when an offset is being considered.
- The offsetting policy should not be used to promote the removal of wetlands, or other natural features in a watershed. For example, it should never be used to move an "inconveniently placed" wetland on a property so that development may proceed unimpeded.
- The offsetting policy should only be considered when it is not possible to avoid, minimize or mitigate the impacts of a development.
- The offsetting policy must recognize that certain wetlands, and wetland functions, are not eligible for offsetting. Not all types of wetlands can be offset. They are irreplaceable because of their vulnerability, function or complexity within an ecosystem. These types of features must be identified and detailed in the policy.
- The offsetting policy should compensate not only for the loss of the wetland itself, but also the loss of the ecological function of the wetland.
- A wetland offsetting policy should require a net gain. The gain must be relative to the ecological value and ecological function of the loss. Your consultation document does not include any information on how large a net gain would be required. The Nottawasaga Valley Conservation Authority's *Achieving Net Gains through Ecological Offsetting* discussion document includes a quantification of the net gain required to offset a lost wetland. This level of detail should have been included in the HCA's offsetting policy document.
- To be as transparent as possible, the technical details of the offsetting policy (e.g., the ratios to be used for calculating net gain, the wetlands that are to be excluded from the policy) need to be released for public consultation, prior to being approved by the Board.
- There should be requirements to monitor and evaluate the effectiveness of any offset to ensure it meets the stated ecological objectives. If the offset is not functioning as expected, the proponent should be required to repair or replace the constructed offset.

I look forward to hearing about the results of your consultation at a future CAB meeting.

Sincerely,

Joanne Di Maio



Dundas Turtle Watch

July 31st 2021

[REDACTED]
Dundas
ON L9H 6H6

To: Scott Peck
Deputy Chief Administrative Officer / Director,
Watershed Planning & Engineering
Hamilton Conservation

Re: Natural Heritage Offsetting Discussion Paper

Dear Scott,

I am writing to you as chairperson of Dundas Turtle Watch.

1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting?

There must be NO offsetting policy allowed by Hamilton Conservation. This policy has been driven by developers so they can make the biggest profit possible. We need to embrace our Natural Heritage Features, save every one that is under the HCA jurisdiction. Developers buy land and then need to work around the natural features not to destroy them. Natural Heritage form by themselves for a reason to help protect every one of us and future generations to come. A development leaves only a mess and often huge clean ups as seen in many areas of Hamilton. We have to learn from our past mistakes and NOT REPEAT them over and over.



2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?

HUGE gaps, what about the climate emergency/crisis that the world is facing globally because developers are destroying natural heritage lands. There is no mention about protecting Species habitat destruction, this happening at alarming rates worldwide so Hamilton Conservation area wants to be part of adding to that destruction. This is not part of any Conservation area mandate to allow habitat destruction. If conservation areas do not protect species habitat who will? Turtles can live to be 100 years old if we do not change or alter their habitat.

3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?

The Conservation Authority should be a leader and challenge all MZO's that want to destroy, alter or change Natural Heritage land. Conservation areas must stand up to governments and say NO.

Many Governments do not know what is best for the environment and do not even understand the need to preserve the environment. They are interested in developer's money. Conservation Areas were formed to save the environment, keep it that way.

4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach?



It should be the Hamilton Conservation area that sets the policies for the local municipalities, you are the experts in natural lands. Every environmentalist that I have heard speak all say that the only policy in this day and age is to preserve all-Natural Heritage areas where they naturally form. They grow in an area for a natural reason and once lost or moved they do not act in the same way in the ecosystem. HCA must not be guided by governments YOU MUST PROTECT THE NATURAL AREAS where they form naturally at all costs.

5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for protection of existing features and for offsetting as a natural heritage management tool?

There must be NO Natural Heritage Offsetting Policy allowed. The framework does not consider or address the climate emergency the world is facing right now. A developer can always work around a Natural Heritage Land if they wish to do that. It is the developers who is responsible to know that nature of the land he is purchasing. He works around that natural area not the other way around.

6. Should the approach in the draft policy framework for offsetting be based on a "no net loss" or a "net gain" philosophy? What are your thoughts on preferred approach that makes it the best option?

The only OPTION is to leave the Natural Heritage Land alone that way the environment will always have a net Gain. You will never have a net gain if you change, move, rebuild a natural heritage land. Look at all the concrete sided streams that are now causing huge flooding in areas because developers thought they could channel water. We might be able to do that for a short period of time BUT now we must



PRESERVE and not change the NATURAL LAND AREAS that are left in the HAMILTON area. WE must PRESERVE THEM where they have naturally formed.

I know that the staff at the HCA will work diligently to preserve all-Natural Heritage Lands. It takes us all to stand up to our governing bodies and say NO.

Yours very concerned

Rosemary Horsewood

Rosemary Horsewood, chairperson Dundas Turtle Watch

Scott Peck

From: nancy dingwall [REDACTED]
Sent: July 29, 2021 2:09 PM
To: T.S. Peck
Subject: Off setting

Hello

I do not agree with an off setting policy when no off setting has proven to be successful. Recreated wetlands can not replace the existing ecological features and in fact disrupts the natural habitat of animal and birds.

The creation of an off setting policy gives the impression that it will be beneficial when in fact it will be disruptive and in fact ruinous to our natural environment.

As the Conservation Authority please carry out what should be your mandate, that of protection of our natural features.

Please advise that no off setting is our best option.

Thank you,

Nancy Dingwall

Scott Peck

From: Moriyah Kleiman [REDACTED]
Sent: July 31, 2021 8:45 PM
To: Scott Peck
Cc: [REDACTED]
Subject: Offsetting Comments

Hi Scott,

Here are my comments to the HCA board regarding offsetting:

"Though I am not a biologist or an environmental specialist, I am a Hamilton youth who is concerned about my future due to climate change and about the survival of precious habitats and their inhabitants. Therefore, I am calling on the HCA to *not* put in place an offsetting policy. First, here is why I oppose offsetting: these natural areas are the HOMES of other beings, and relocation, even with a net gain, does not help them. It seems like you are saying that after the relocation, there will be more natural features and biodiversity - but when, and what about what's already there? If you care so much about more natural features and biodiversity, then why not put that energy into the natural features and biodiversity of the existing areas? That seems like much less work. Additionally, why do you think that humans have the ability or the RIGHT to offset? These natural habitats developed where they did for a reason. As scientists, I would think you should know that - or is the board not actually made up of scientists? Additionally, if there is room somewhere else to relocate these natural habitats, then isn't there room somewhere else for development? The only reason for what's really going on here that I can think of is money. As an aspiring environmental economist, this is extremely disappointing to me. The value of these natural areas is much higher than whatever crappy developments you would let go forward. Second, here is why I oppose an offsetting policy: it gives the impression that you are protecting the environment when really, you're just enabling its destruction; additionally, I suspect any rules can just be pushed passed by the government if they don't like them. I am also disappointed in your lack of transparency and accessibility of information: it seems from the discussion paper that the 3 offsetting examples you give are the only ones in place, while there are 36 Conservation Authorities; this is not clear in the pdf explainer or stated in the survey. It also seems from the discussion paper that this policy was asked for or manipulated by developers, which makes me wonder if this is really what's best for development, not the environment; this also was not clear in the pdf explainer or mentioned in the survey. Lastly, I did not see a single mention of "climate change", "greenhouse gasses", or "carbon sink" in the discussion paper. Why? Ignoring this huge environmental issue that relates to any offsetting is an act of violence against youth, whose futures you would cut short, and BIPOC, disabled, and poor people, who are most affected by the impacts of climate change. In response to the province's mandatory MZO's, I call on everyone from the HCA to *firmly reject* them. I and the Hamilton community would stand behind you, and this would draw attention to the province's power grabs and destruction of our only home. Hamilton Conservation Authority, please follow your mandate to conserve nature and connect the community through what you protect.

No offsetting. / No offsetting policy. / No loss."

Sincerely,
Ria Kleiman

Scott Peck

From: cynthia meyer [REDACTED]
Sent: July 30, 2021 8:23 PM
To: Scott Peck
Subject: Offsetting

I am writing to express my objection to the possibility of 'offsetting' natural habitats. This idea is an extremely simplistic and harmful approach that does not consider any but the most obvious but not most complex or profound life forms in a habitat.
As buckminster fuller said: the whole is greAter than the sum of its parts.
So to replace certain parts of a system ie simply digging a pond across the roAd and filling it , does not create a wetland.
Please bury the 'offsetting' proposal 6 feet under.
Cynthia Meyer

Sent from my iPhone

Scott Peck

From: Anne Washington [REDACTED]
Sent: July 31, 2021 11:01 PM
To: Scott Peck
Cc: Jaime Tellier
Subject: offsetting policy

Dear Mr. Peck:

For many decades the Hamilton Conservation Authority employees and Boards of Directors have done excellent work in protecting the natural environment, purchasing lands for conservation purposes and managing them so well. Thank you.

Once again you and your staff are faced with a controversial issue: the establishment of a policy that would allow a natural wetland to be replaced by a manufactured one.

You will have researched and pondered over the evidence of whether relaxing the restrictions needed to protect these vital and diminishing features is best for the balance of the environment or, if that lessening will not only destroy an irreplaceable part of nature, but is in conflict with the core of your work which is to protect sensitive lands from the ever increasing demand for development close to and even within the urban boundary.

I do hope that this "natural feature offsetting policy" will not be established so that the plant, wild life and people living now and in the future, will still have these needed natural wetlands and other areas to appreciate and enjoy without the threat that a policy will make it easier to build upon these lands. Once they are gone, they are gone!

Keep up your good work and please be true to your ideals.

Sincerely,
Anne Washington

Sent from [Mail](#) for Windows 10

Scott Peck

From: Caroline Hill Smith [REDACTED]
Sent: July 27, 2021 4:50 PM
To: T.S. Peck
Subject: Offsetting policy

Dear Scott,

The concept of an offsetting policy is based on a false premise. A premise that assumes wetland locations are interchangeable and their functions replaceable. This is not the case. Research has only begun to understand ecosystem services provided by wetlands.

I am a graduate student attending University of Waterloo in the Collaborative Water Program and my research focuses on resilience in urban water infrastructure. I returned to continue my education because of my years of living in Mount Hope where urban sprawl destroyed a community as well as the environment. I was particularly outraged by the arbitrary elimination of natural wetlands and creeks to accommodate infrastructure. Stormwater retention facilities were located at the whim of the developer and often not in the lowest lying area but one that maximized building space.

I have spent 10 years looking at the science behind impacts on surface and groundwater flow in addition to research into policy at all government levels. I am convinced that local action on a watershed scale to preserve every existing wetland in Southern Ontario is critical to continued prosperity in this region. The recently formed Canadian Water Agency in their discussion paper noted that preserving wetlands was critical to water quality and to mitigate the impacts of urbanization and climate change. Ontario Nature in its offsetting discussion paper recommends engaging Indigenous communities from the beginning. There is no mention about engaging with the Indigenous communities in the HCA policy proposal.

The City of Hamilton has long engaged in a "pro" development agenda with the merging of Planning and Economic Development departments. This has resulted in the misguided ideology that continued urban expansion is the only remedy for fiscal sustainability. Water and wastewater infrastructure is crumbling under the piecemeal add-ons with urban expansion. The neglected maintenance and upgrading of existing infrastructure as well as the increase in runoff and road salt usage with urbanization has compromised the lake and ground source water supplies.

I strongly oppose offsetting and the use of MZOs. As was the case with the latest development proposal in the Ancaster creek subwatershed, the HCA should stand firm in opposing all development into natural spaces particularly at sensitive headwaters. I understand the Planning Act often undermines the work of CAs and this also needs to be addressed.

Kindest Regards,
Caroline

--

Caroline Hill Smith, B.A. Economics, B.Sc. Environmental Science (hon.)
Integrated Water Specialist MES Water (candidate)

Scott Peck

From: NORMA PERAZIANA [REDACTED]
Sent: July 29, 2021 12:31 PM
To: T.S. Peck
Subject: Offsetting!

No to Any Offsetting!!!
There is No Good Reason for Offsetting!!!

Ronald Peraziana
City of Hamilton
[REDACTED]

Get [Outlook for Android](#)

Scott Peck

From: [REDACTED]
Sent: July 28, 2021 12:14 PM
To: T.S. Peck
Subject: Please see below.

Off-setting should not be a consideration.

Meredith Taylor

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fconservationtalkhca.ca%2fnatural-heritage-offsetting-discussion-paper%2fsurvey_tools%2fquestions-for-consideration&c=E,1,P7XB315m8sKWcx8iNTpxde9L6VuvFaCWtNOQUO0RhVCFbVoArs_5ruzJkL_O7m4OOluP7jqXR4ogBC984vQVI1qemnNcdHwHp7lgkE1y&typo=1

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Meredith Taylor
Administrative Assistant
Emmanuel United Church
871 Upper Ottawa Street
Hamilton ON L8T 3V4
905-389-4150

Should you no longer wish to receive emails from this address, please reply with "unsubscribe" in the subject line.

To the Hamilton Conservation Authority,

I am writing to you today as a concerned citizen, volunteer, and financial donor to land acquisition projects to express my deep sorrow and abject horror at learning that the Hamilton Conservation Authority is pursuing a policy of 'natural heritage offsetting'. Moreover, that this policy is being advanced by, and if successful will likely result in, plans to develop wetlands in the Ancaster area. I strongly oppose this direction and ask that the HCA re-consider their position based on the below arguments.

1. Broken Relationships. One of the key activities of the HCA is inspiring Lifelong Learning in individuals, which includes "instilling an appreciation and enjoyment of our diverse natural heritage". The HCA not only seeks to build connections with individuals for altruistic reasons, but also relies on these relationships to further its own mandate. Believing in the HCA's cause, I have invested my time, talent, and financial resources into the organization. I spent approximately 9 years affiliated with the HCA, 5 of these years were spent volunteering and as my own talents progressed another 4 years working as a causal employee. I remain an annual pass holder with the HCA and frequent park visitor. I now volunteer for the Bruce Trail Conservancy, an organization with deep connections to the HCA. As a recent Trail Monitor, I now check and help maintain a 3KM portion of the trail that runs through the Dundas Valley Conservation Area. The HCA has grown my appreciation of nature, but it has also grown my awareness of the sacrifices required to ensure these natural landscapes survive. I sacrificed my time and talent willingly because I believed that land owned by the HCA was truly protected and was stewarded by an organization that prioritized environmental concerns over financial profit.

2. Erosion of Trust. The public has trusted the HCA to monitor and maintain specific properties for citizens in perpetuity. It is unethical for the HCA to pursue this policy or to sell off pieces of land; it does not honour the donors who financially supported the HCA and past land acquisitions. The HCA actively solicits for land donations stating that **"The organization is then responsible for protecting the donated property forever"**. Surely then donated land would be exempt from this off-setting policy? But this promise extends beyond donated lands to include all lands owned by the HCA. The HCA activities are funded by the Hamilton Conservation Foundation – for which I have attended a fundraising event. I also consistently donate to the Bruce Trail, which has previously united with conservation authorities in Ontario to purchase land. These fundraisers are hyper-localized. You are not raising funds to purchase any general piece of land, instead you are raising funds to protect a specific piece of land – in this context, the land is not interchangeable for another parcel more conveniently located. When appealing for funds from donors, the Foundation assures us that:

- "Once a piece of land is protected by the Hamilton Conservation Authority (HCA), it remains protected from bulldozers and development forever."
- "...you can be confident that your donation is protecting land that will be properly and effectively managed for decades and centuries to come."
- "Donations to the Foundation's land acquisition fund help HCA to respond immediately when natural lands come under threat of development."

These strong words are antithetical to the action the HCA is currently contemplating. With the pursuit of this policy, the HCA has made and is making false claims when soliciting financial donations. It makes me question the value of donating to purchase specific pieces of land; why part with my own funds to 'save' plots of land that may simply be resold years later for profit.

3. Offset Ethical Responsibility. The Hamilton Conservation Authority claims to taxpayers and donors that its "approach to open space protection is three-fold: environmental planning, watershed stewardship and land acquisition". I believe that each of these three areas is threatened by the pursuit of this policy. The lands owned by the HCA were acquired within a certain context and the organization has spent years promoting and promising to protect these lands. Through this policy, the HCA would be offsetting their own historical and declared responsibility to preserve these spaces. The responsibility would be instead transferred to a third party to create new wetlands that are on-par with or superior to the

existing ones. I am personally uncomfortable with transferring this responsibility to a for-profit company, who has no vested interest in preserving nature. Many of the justifications are also vague, undefinable, and unmeasurable. How does one set standards to determine if a wetland is equal to or greater than the one currently located Ancaster? Who will enforce these standards? Who evaluates the result and/or take responsibility if the results fall short of expectations? Do these responsibilities remain with the Hamilton Conservation Authority? Who also determines the value of these lands? Will there be a competitive bidding process to ensure that the HCA receives the best price? Surely a competitive bidding process that results in the highest price would be part of their ethical responsibility to all those stakeholders who support the HCA. These questions pale compared to questions about the ability to 'relocate' a wetland.

4. Displaced habitat. The Hamilton Conservation Authority claims to be "dedicated to the conservation and enjoyment of watershed lands and water resources". In fact, their vision and mandate both focus on the watershed management. Wetlands are part of complex ecosystems that have implications far beyond their specific location; they cannot simply be moved and are not interchangeable. The location of conservation matters; their location has implications for the surrounding environmental landscape, the surrounding flora and fauna, and the surrounding citizens. As many experts in the areas of environmental science have already spoken on the environmental impacts, I will defer to their knowledge and instead focus on the human implications.

As cities begin to grow, conservation land will always be desirable to developers and increasingly more conveniently located than other available and developable land. The value of these spaces however cannot and should not be viewed only financially. These are spaces for public enjoyment, places for community, homes for animal species, and opportunities for individuals to immerse themselves in nature. Studies consistently demonstrate the integral role nature plays in human health and happiness. As an example, the National Post recently reported on a study where "people were just over 50 per cent happier with a 10 per cent rise in bird species than an extra 10 per cent increase to their income". According to the study, "...living near natural surroundings, especially in areas with more species of birds, had a closer link to life satisfaction than income." The essential need of having nature close to our home is particularly poignant at a time when we are being asked to stay at home and only spend time outdoors close to our homes. Maintaining diverse ecosystems that allow for diversity of wildlife within proximity to developed areas therefore might yield more value than the economic development they could derive from privatizing public lands in order to build a warehouse.

In conclusion, I believe that by pursuing an offsetting policy and contemplating the development of conservation land, the Hamilton Conservation Authority is pursuing a path that will lead to Broken Relationships, Erosion of Trust, Offset Ethical Responsibility and Displaced Habitat. These were values that the HCA had spent years trying to cultivate and build; they inspired citizens to connect with their local areas, they sought to preserve specific tracts of land and they fundraised, asking citizens to donate land or money, for land protection. I am asking the Hamilton Conservation Authority to please reconsider pursuing this policy. Instead of analyzing what is to be gained, instead analyze what is to be lost.

Sincerely,
Rebecca Hicks, MA, MMSt.

Scott Peck

From: Craig Cassar [REDACTED]
Sent: July 30, 2021 8:21 PM
To: Scott Peck
Cc: [REDACTED]
Subject: Response to HCA Offsetting Policy

Dear Mr Peck,

I am completely opposed to the proposed HCA implementation of an offsetting policy. The whole idea is simply a thinly veiled tool to appear to be protecting our natural heritage while simultaneously allowing developers to accelerate its destruction. We need to stop prioritizing economic interests over natural and biodiversity conservation.

The very first of the Policy Key Principles states:

"1.1. Avoid the impact - Priority is assigned to designing development projects to avoid natural heritage features and negative impacts wherever possible

1.2. Minimize the impact - Efforts to minimize and mitigate any unavoidable negative impacts must also be considered."

It is entirely possible for the HCA to disallow development on protected lands. Full stop. There shouldn't be any offsetting required. Build somewhere else.

The only reason an offsetting policy would be necessary is to accommodate development interests. Preserving our natural heritage needs to be prioritized over any development project. There are far too many members of the current HCA board that cannot be trusted to support the HCA's mandate of conservation and they will most certainly use the offsetting policy to enable private development interests.

Question 1. What policies do you think should be put in place by HCA in regard to natural heritage offsetting?

None. There should be no policy that allows offsetting of our natural heritage. Far too much of it has been destroyed already. The human species needs to reign in the arrogance that leads us to think we fully understand nature and can manipulate it at our pleasure. The HCA watershed exists in the part of Ontario with the highest number of threatened species in our province. We need to continue protecting and restoring them, not allowing developers to displace them and further upset our precious ecosystems.

Question 2. Are there gaps or issues missed in the Discussion Paper that would help provide greater insight and direction relating to natural heritage offsetting policy?

There are two significant gaps. The first one is the climate crisis we are living through. We should not be destroying biodiversity and carbon sinks during a climate crisis. Allowing natural areas to be destroyed is insanity and detrimental to our long-term survival as a species.

Secondly, the HCA needs to fully engage the Indigenous communities within the watershed and not make any decisions without complete and absolute alignment. Have they been fully engaged as equal partners and decisions makers in this process?

Question 3. Given that the Province has implemented mandatory permits through MZO which require offsetting, what should HCA do to conserve the natural heritage when such a permit is required?

The HCA are protectors of the watershed. If such an MZO were issued, the HCA should loudly and strongly challenge the order and take all available channels to communicate the decision and its impact to the general public. The current provincial government has weak leadership and has shown that it can be influenced by public outcry. The HCA needs to lead this action and fight every step of the way.

The HCA should also make the most stringent conditions possible for the permit. Examples would include that offsetting work be fully in place for a reasonable amount of time prior to new project proceeding. Secondly, the value of the offset should be required to be 3 times bigger (more effective, more biodiverse etc) than the area being destroyed.

Question 4. An option for the policy is that any of our natural heritage offsetting policies or guidelines would be in line with the City of Hamilton and County of Wellington/Township of Puslinch approaches and policies. Therefore, decision related to offsetting would be led by the municipalities. What are your comments about this approach?

The HCA is the protector of our watershed and has the staff with the expertise to do this work. They need to continue advising and guiding municipal government. To defer to the City/County is a regressive and backwards idea that will greatly weaken the protection of our natural heritage by putting it in the hands of laymen who will not understand the damage they are doing.

5. The Discussion Paper provides a draft policy framework in Section 9 that could be used by the HCA to finalize natural heritage offsetting policy. Does the framework approach provide adequate direction for the protection of existing features and for offsetting as a natural heritage management tool?

As I mentioned in my opening, the very first principle is about a mitigation hierarchy and the very first point within it is about 'avoiding impact'. ALL impact can be avoided if HCA staff are permitted to continue doing their job of protecting our watershed.

The rest of the principles all sound sensible and give the appearance that they provide reasonable structure and protection to the areas being developed. In reality, they would just provide temporary resistance to developers and their lawyers who find ways to take advantage of weak or unclear language. We should not expose our natural heritage to such an attack from human greed.

6. Should the approach in the draft policy framework for offsetting be based on a "no net loss" or a "net gain" philosophy? What are your thoughts on the preferred approach that makes it the best option?

It is pure folly to think that we can replace what nature has taken decades, centuries and millennia to produce. Humans should NOT continue to destroy nature as we have been doing for the last few centuries. You can't just move a wetland, or relocate the complicated ecosystem of a mature forest without irreparable harm. For the future of our species, we need to preserve the natural areas that still exist and take steps to restore what we have already destroyed.

Craig Cassar



Scott Peck

From: Barbara Ross [REDACTED]
Sent: July 29, 2021 10:16 AM
To: T.S. Peck
Subject: Wetland discussion

No to Off Setting Wetlands

A definite No!

Hands off to changing or decreasing or moving our conservation land

Barb Ross retired teacher

Environmental issues

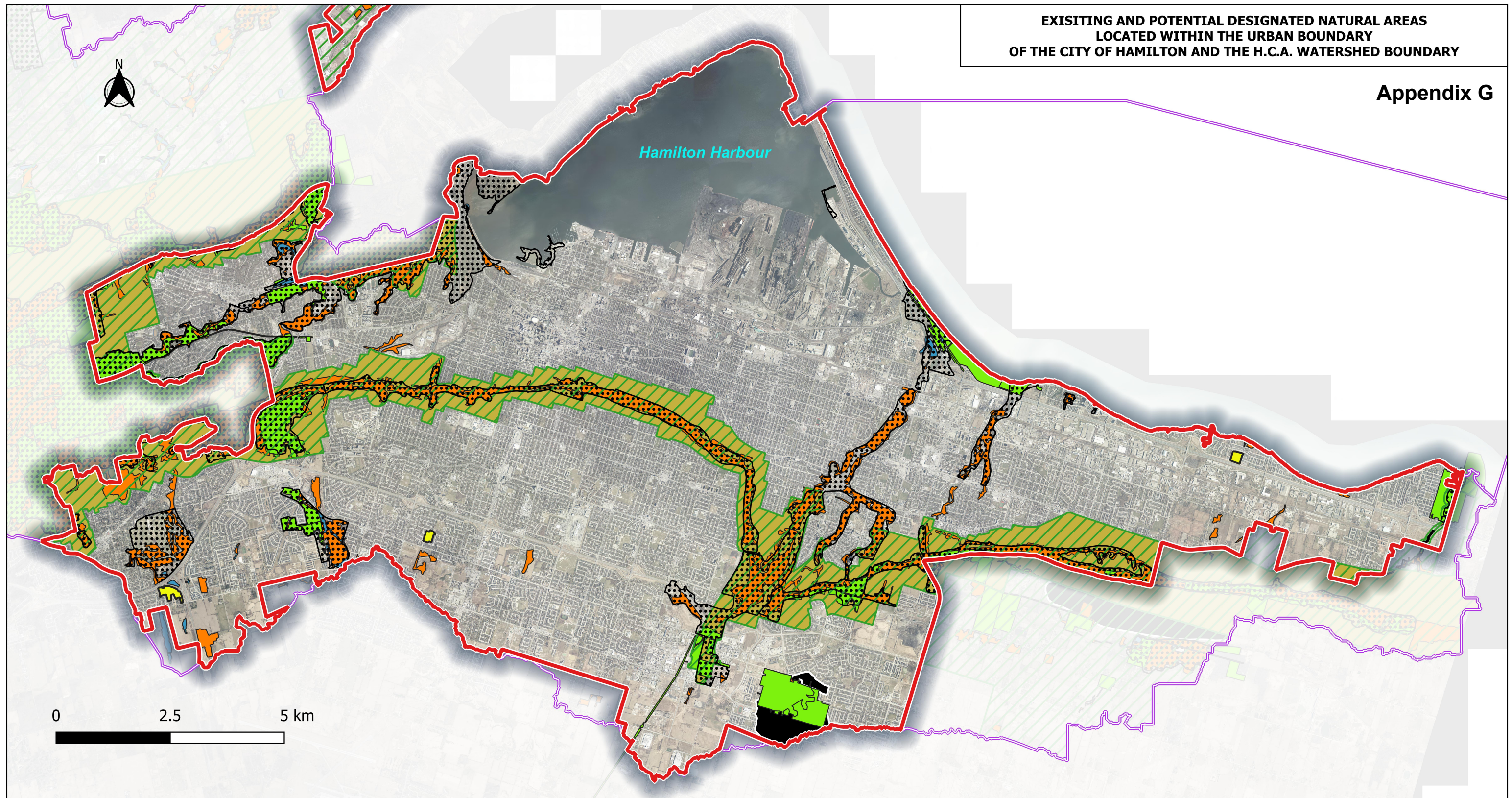
Native habitat

Native Species both plant and animal






Sent from my iPhone

EXISTING AND POTENTIAL DESIGNATED NATURAL AREAS
LOCATED WITHIN THE URBAN BOUNDARY
OF THE CITY OF HAMILTON AND THE H.C.A. WATERSHED BOUNDARY

Appendix G



LEGEND

- | | | | |
|---|--|--|---|
|  POTENTIAL ADDITIONAL AREA |  HCA LAND |  GREENBELT PLAN |  AREA OF NATURAL OR SCIENTIFIC INTEREST (ANSI) |
|  URBAN / RURAL BOUNDARY |  NIAGARA ESCARPMENT PLAN |  SIGNIFICANT WOODLAND | |
|  HCA WATERSHED BOUNDARY |  ENVIRONMENTALLY SIGNIFICANT AREA (ESA) |  MNRF WETLAND | |

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Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Saifur Rahman, Project Engineer

DATE: November 4, 2021

RE: Request for Proposal – Lake Ontario and Hamilton
Harbour Shoreline Management Plan

STAFF RECOMMENDATION

THAT the Request for Proposals for the Lake Ontario and Hamilton Harbour Shoreline Management Plan Project be considered for approval at the November 4, 2021 Board of Directors meeting.

BACKGROUND

The responsibilities for regulating natural hazards associated with floodplains and coastal erosion in the Province of Ontario rests with Conservation Authorities and the Ministry of Northern Development, Mines, Natural Resources and Forestry. This mandate is outlined in the Conservation Authorities Act and Ontario Regulation 97/04 which pertain to regulation of development on hazardous lands through Ontario Regulation 161/06 for the Hamilton Region Conservation Authority. Lands adjacent or close to the shoreline, the hazard lands may be defined as the area of land meeting the following conditions:

- The 100-year flood level, plus the appropriate allowance for wave uprush and other related hazards,
- The predicted long-term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as the location may have shifted because of shoreline erosion over a 100-year period,

- Where a dynamic beach is associated with the waterfront lands, an allowance of 30 metres inland to accommodate dynamic beach movement, and
- an allowance of 15 metres inland.

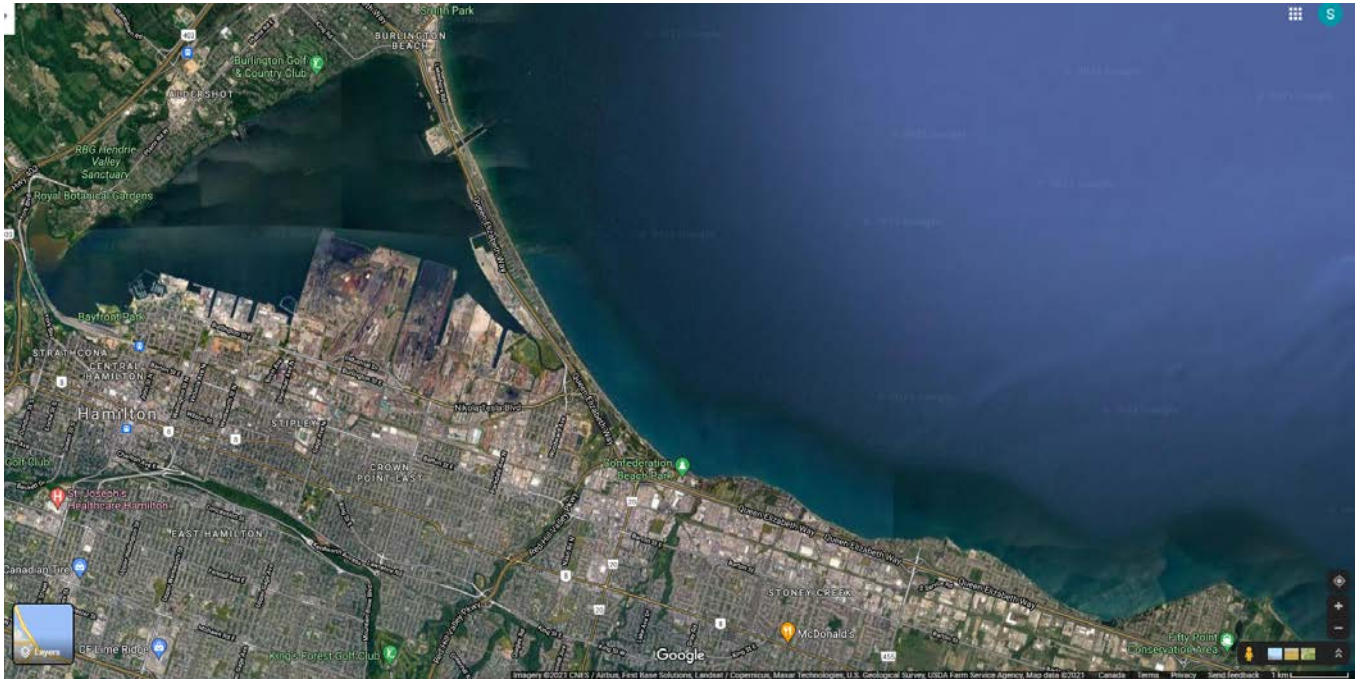


Figure 1

The Hamilton Conservation Authority (HCA) previously carried out shoreline erosion hazard assessment and monitoring study in 2013. However, erosion and flood hazard mapping is currently not available for the area along the Lake Ontario shoreline within the jurisdiction of the HCA. A greater understanding of the extent of the impacts to shoreline properties and infrastructure (private and municipal) by flooding and erosion hazards, during the high-water events, is required. To help in regulating of these hazards, the HCA will undertake a shoreline management plan including the following:

- Hazard mapping and an inventory of the status of the shorelines including inventory for the developed and undeveloped areas within the study area;
- Determine nearshore wave conditions throughout the study area to assess wave affects for the flood hazard limit;
- Information pertaining to planning implications (zoning) and official plan inputs.

The outcomes from the shoreline management study will help with the issuance of permits and provide recommendations on effective approaches for shore protection.

STAFF COMMENT

A detailed Request for Proposal (RFP) has been sent out requesting consultant services to complete this project. The closing date for this RFP is October 20, 2021 at 2pm.

Given the deadline for the RFP and timing associated with staff completing the evaluations required of the submitted RFP's and getting the November 4, 2021 Board of Directors meeting agenda out, this background report on the project has been prepared to be included in the Board of Directors Agenda package and a brief summary report on the RFP's submitted for the project will be provided at the November 4, 2021 Board of Directors meeting.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Water Management**
 - Initiatives – Complete Lakeshore Management Plan.

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project will be detailed in the tender summary report on November 4, 2021. Funds are available to do this work and are within the WP&E budget.

CONCLUSIONS

The information that the Lake Ontario and Hamilton Harbour Lakeshore Management Plan will assist HCA staff in our reviews of planning and permit applications in these areas. Development and redevelopment in these areas forms a significant amount of HCA staff planning and permit work. The plan will also provide a greater understanding of the natural processes associated with these areas. The recommended firm to complete this plan will be presented at the November 4, 2021 Board of Directors meeting.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Saifur Rahman, Project Engineer

DATE: November 4, 2021

RE: Request for Proposal – Red Hill Creek Floodplain Mapping Study

STAFF RECOMMENDATION

THAT the Request for Proposals for the Red Hill Creek Floodplain Mapping Study Project be considered for approval at the November 4, 2021 Board of Directors meeting.

BACKGROUND

The Red Hill Creek Watershed is one of the major watersheds feeding into Hamilton Harbour. Within the Red Hill Creek Watershed, there are eight distinct sub-watersheds which include Hannon Creek, Upper Ottawa, Upper Davis, Lower Davis, Upper Greenhill, Lower Greenhill, Montgomery and the Red Hill Valley.

Floodplain mapping is a critical tool for Conservation Authorities in achieving the objectives of the Authority and they are used extensively by Conservation Authorities across Ontario. The key components of the floodplain mapping study include data collection and review, field survey, hydrologic analysis and climate change, geomorphology, hydraulic model development, flood mapping and reporting, and project management and quality assurance. This project will involve developing a sub-watershed scale hydraulic model utilizing the HEC-RAS (Hydrologic Engineering Centre River Analysis System) hydraulic modeling platform to determine flood elevation estimates for the 2-year to 100-year and Regional design storms throughout Red Hill Creek watershed. The completed model will be used to develop the floodplain

mappings. Several floodplain map sheets will be developed, by sufficiently covering the whole watershed, and stamped by a professional engineer licensed to practice in Ontario.

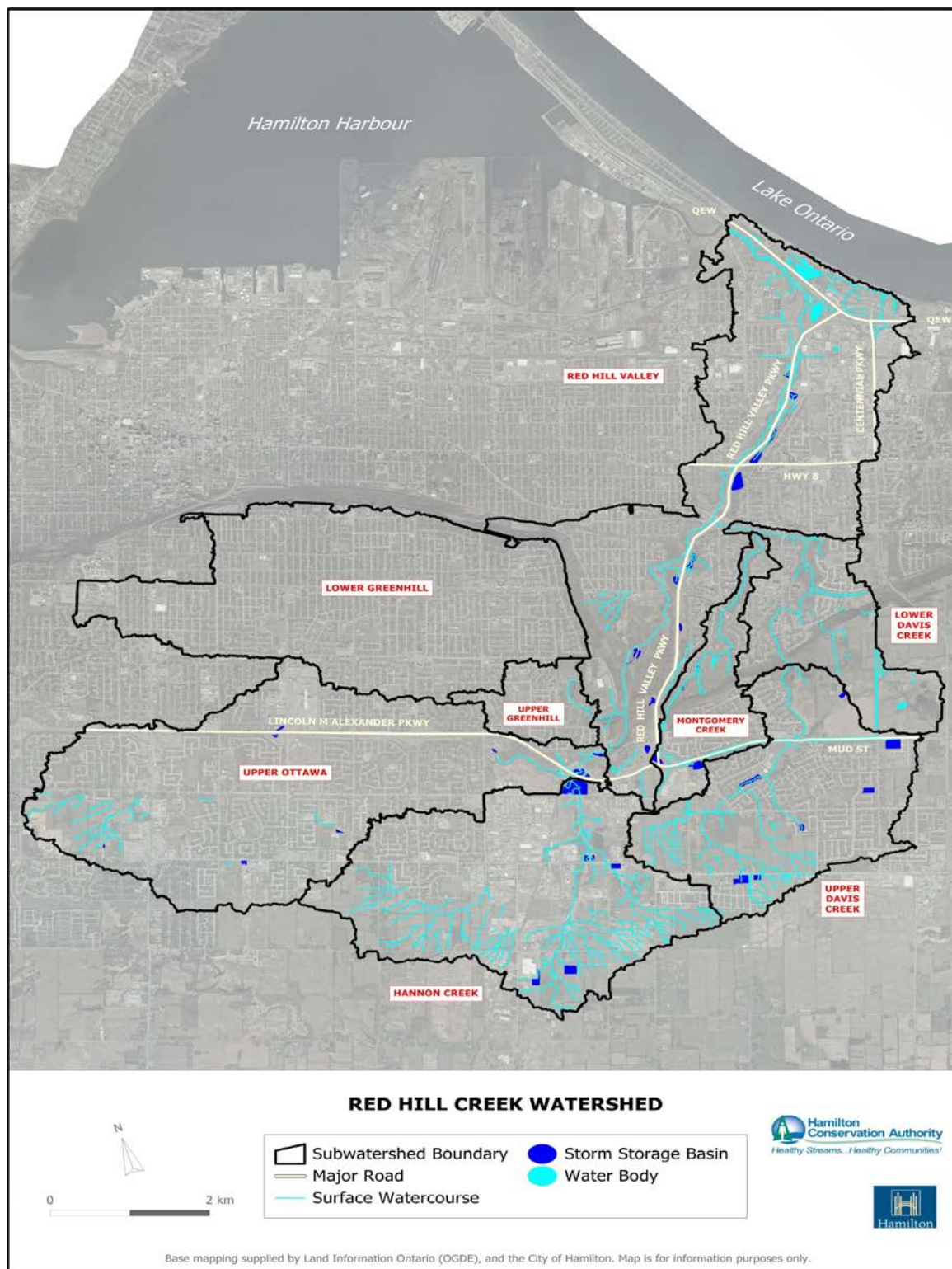


Figure: Red Hill Creek Watershed Area

Floodplain mapping will be developed for most of the watercourse sections within Red Hill Creek Watershed with a total watercourse length of approximately 60 km. The floodplain mapping study will be undertaken in accordance with the HCA FPM Standards.

STAFF COMMENT

A detailed Request for Proposal (RFP) was issued for professional services from a qualified consulting engineering firm to complete floodplain mapping of the stipulated watercourses within Red Hill Creek watershed. The closing date for this RFP was October 21, 2021 at 2pm.

Given the deadline for the RFP and timing associated with staff completing the evaluations required of the submitted RFP's and getting the November 4, 2021 Board of Directors meeting agenda out, this background report on the project has been prepared to be included in the Board of Directors Agenda package and a brief summary report on the RFP's submitted for the project will be provided at the November 4, 2021 Board of Directors meeting.

STRATEGIC PLAN LINKAGE

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

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

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project will be detailed in the tender summary report on November 4, 2021. Funds are available to do this work and are within the WP&E budget.

CONCLUSIONS

Red Hill floodplain mapping will be a crucial tool for the program that protects life and property from natural hazards such as flooding and erosion within Red Hill Creek Watershed. This floodplain mapping will assist HCA staff in planning and implementing programs for the protection of wetlands. The information that the Red Hill Creek

floodplain mapping will assist HCA staff in our reviews of planning and permit applications in these areas. Development and redevelopment in these areas forms a significant amount of HCA staff planning and permit work. The recommended consulting firm to complete this study will be presented at the November 4, 2021 Board of Directors meeting.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Saifur Rahman, Project Engineer

DATE: November 4, 2021

RE: Request for Proposal – Design, Supply and Installation of Permanent Public Safety Boom Including Onshore and In-Water Anchors at Christie Lake Dam.

STAFF RECOMMENDATION

THAT the Request for Proposals for the Design, Supply and Installation of Permanent Public Safety Boom at CLD Project be considered for approval at the November 4, 2021 Board of Directors meeting.

BACKGROUND

The Christie Lake Dam is located on Lot 6, Concession 2 in the Geographic Township of West Flamborough, City of Hamilton, Ontario. The 180-meter-long dam was completed in October of 1971 to help prevent major flooding in the low-lying town of Dundas. Christie Lake is a man-made reservoir created by the construction of the Christie Dam.

There is a seasonal public safety boom (public safety boom is removed for winter) as well as a safety buoy installed upstream of the dam. The public safety boom and safety buoy are intended to warn members of the public as they approach the dam and the public safety boom is intended to prevent entry into the Headpond component area (Danger Area). A Public Safety Risk Assessment (PSRA) for Christie Lake Dam was completed in March 2021, which recommended that a permanent public safety boom be installed to replace the existing seasonal safety boom.

The design, fabrication and installation of the permanent public safety boom is to meet the current recommendations outlined in the Guidelines for Public Safety Around Dams and Technical Bulletin: Booms and Buoys for Public Safety Around Dams (CDA, 2011), as well as any other applicable regulatory requirements.

The new and permanent public safety boom will withstand environmental conditions in all four seasons including ice and debris loads. The boom will be yellow in colour. The chain of floats is expected to be anchored at the banks. An in-water anchor is also expected to be necessary.

STAFF COMMENT

A detailed Request for Proposal (RFP) has been sent out requesting a contractor to design, fabricate and install a new and permanent public safety boom upstream of the Christie Lake Dam. The closing date for this RFP is October 22, 2021 at 2pm.

Given the deadline for the RFP and timing associated with staff completing the evaluations required for the submitted RFP's and getting the November 4, 2021 Board of Directors meeting agenda out, this background report on the project has been prepared to be included in the Board of Directors Agenda package, and a brief summary report on the RFP's submitted for the project will be provided at the November 4, 2021 Board of Directors meeting.

STRATEGIC PLAN LINKAGE

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

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

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

The total cost of the project will be detailed in the tender summary report on November 4, 2021. Funds are available to do this work and are within the WP&E budget.

CONCLUSIONS

The PSRA for Christie Dam has identified that the replacement of the seasonal public safety boom has the potential to reduce the Risk Level (RL) at the Christie Lake Dam. The new public safety boom will remain in place year-round and hence must be able to withstand environmental conditions in all four seasons including ice and debris loads. The boom will be designed so that the opportunity for swimmer self rescue is provided. The boom will be installed along the profile/alignment so that the stranded boaters or swimmers are directed towards shore. The boom will prevent entry into the Headpond area. The recommended firm to complete this project will be presented at the November 4, 2021 Board of Directors meeting.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

PREPARED BY: Jonathan Bastien, Water Resources Engineering

DATE: November 4, 2021

RE: Watershed Conditions Report

SYNOPSIS

There is potential for shoreline flooding today and tomorrow, due to an ongoing wind storm. A Flood Watch – Lake Ontario Storm Surge was issued today. There is also ongoing rain, and although no significant watercourse flooding is expected, flow-related public safety concerns may occur. HCA staff are monitoring conditions and will take necessary additional actions as required.

During the recent period of September 30, 2021 to October 24, 2021, there were no observations, reports, or expectations of significant watercourse flooding events or public safety concerns, nor Lake Ontario shoreline flooding events.

In the next 2 weeks no significant watercourse flooding is expected. Other than the current wind storm, in the next 9 days no Lake Ontario shoreline flooding is expected.

Current streamflows are well above the long-term average monthly flows for October, due to ongoing rain. In addition, the average monthly flows in October to date have been well above the long-term average flows.

Christie Lake levels are above typical summer levels, and rising slowly due to ongoing rain, and HCA staff continue to actively manage reservoir levels and downstream flow

conditions. Reservoir levels at Valens Lake are not currently available, and necessary gauge repairs are underway.

The Hamilton Low Water Response Team terminated the Level 1 Low Water Conditions for the HCA watershed on October 19, as conditions are now considered to be consistently normal.

CURRENT WATERSHED CONDITIONS – October 25, 2021

Current Flows in Major Area Watercourses

There are no observations, reports, or expectations that significant watercourse flooding or significant public safety concerns are occurring at this time. Current flows are elevated and rising slowly due to ongoing rain, but are below thresholds for public safety concerns.

No significant watercourse flooding is expected to result from the ongoing rain, however, flow-related public safety concerns may occur. HCA staff are monitoring conditions and will take necessary additional actions as required.

Current flows are well above the long-term average monthly flows for October at all five stations with available flow data (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) due to the ongoing rain storm.

In addition, at all five stations the average monthly flows in October to date have been well above the long-term average October flows. The average monthly flows in September were also well above the long-term average September flows. The average monthly flows in August were near to slightly below the long-term average August flows. The average monthly flows in July were generally significantly above the long-term average July flows. Conversely, for January to June, in general the average monthly flows were significantly below the long-term average monthly flows.

Current Lake Ontario Water Levels

At this time, there are no observations or reports of significant shoreline flooding. However, there is potential for shoreline flooding today and tomorrow, due to an ongoing wind storm. A Flood Watch – Lake Ontario Storm Surge was issued today, due to anticipated high waves of up to 2 m. HCA staff continue to monitor conditions closely, and will take necessary additional actions as required.

The Lake Ontario mean daily water level is approximately 74.77 m IGLD85. This is about 18 cm above average for this time of year.

Current Storages in HCA Reservoirs

The current reservoir level at Christie Lake dam (about 771.88 ft) is above typical levels (771.0 – 771.5 ft), and is rising slowly at this time due to ongoing rain. HCA staff continue to actively manage reservoir levels and downstream flow conditions. The reservoir is at 80 percent of its preferred maximum storage capacity (corresponding to a water level of 773.0 ft).

Reservoir levels at Valens Lake are not currently available, and the necessary gauge repairs are underway.

Current Soil Conditions

The surface and root-zone soils are wet, presently.

RECENT STORM EVENTS

During the recent period of September 30, 2021 to October 24, 2021, there were no observations, reports, or expectations of significant watercourse flooding events or public safety concerns, nor Lake Ontario shoreline flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

The Hamilton Low Water Response Team (Hamilton LWRT) terminated the Level 1 Low Water Conditions for the HCA watershed on October 19.

Conditions in the watershed are now considered to be consistently normal. For the latest assessment (which includes data up to the end of September), the 1- and 3-month precipitation totals both indicated normal conditions, at all 8 available stations. Current and recent 30-day average streamflows also all indicated normal conditions, at all 5 available stations. In addition, although 1-month precipitation totals for August indicated Level 1 Low Water Conditions at just under half of the available stations, 1-month totals for July and June indicated normal conditions at all 8 available stations.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

Other than the ongoing rain event, 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 are not expected to result in significant watercourse flooding.

Lake Ontario Shoreline Flooding

Other than the current wind storm, in the next 9 days no Lake Ontario shoreline flooding is expected.

According to International Lake Ontario – St. Lawrence River Board information, Lake Ontario is expected to resume a slow, seasonal decline over the next several weeks. The rate and magnitude of water level changes will depend largely on received precipitation amounts and temperatures.

Watershed Low Water Conditions

Drought conditions are not anticipated within the watershed, moving into November. However, actual watershed conditions will be largely dependant on the amount of rainfall received.