

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

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. The Chair advised the delegation has been withdrawn. The Foundation Chair's report was moved prior to the section 28 hearing on the agenda, as some members were held in traffic.

BD12, 3167

**MOVED BY: Maria Topalovic
SECONDED BY: Matt Francis**

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

4.1. Patrice Valeriano, Dundas Resident Access to Waterfalls

The request to delegate was withdrawn prior to the meeting.

5. Section 28 Hearing

5.1. 46 Seabreeze Crescent, City of Hamilton Permit Application No. SC/F,C,A/23/06

BD12, 3168

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

THAT the Board of Directors sit as the Hearing Board.

CARRIED

Elizabeth Reimer presented the staff report. Chris Gibbons of Dillon Consulting, presented the supplied materials on behalf of the applicant. The development proposal was for two residential dwellings in a regulated area of Lake Ontario. Staff were unable to support the application as the proposed dwellings would partially be within the erosion hazard limit of Lake Ontario which does not conform to HCA policy. The applicant advised they were not aware of HCA's development regulation at the time of purchase. They have not yet applied for an application to sever the property into two, wanting to understand the development potential through HCA

first. Staff, the applicant, and Mr. Gibbons answered a number of the members' questions.

BD12, 3169

**MOVED BY: Maria Topalovic
SECONDED BY: Dan Bowman**

THAT the Hearing Board move in camera to deliberate.

CARRIED

During in camera the members deliberated on the presented material.

BD12, 3170

**MOVED BY: Alex Wilson
SECONDED BY: Maureen Wilson**

THAT the Hearing Board move out of closed session.

CARRIED

The meeting reconvened in open session and the following decision on the application was announced:

BD12, 3171

The hearing board decision is to refuse the application. The applicant has not satisfied the applicable statutory, regulatory, and policy requirements for granting permission.

CARRIED

BD12, 3172

**MOVED BY: Maria Topalovic
SECONDED BY: Alex Wilson**

THAT the membership move out of the Hearing Board and return to the Board of Directors.

CARRIED

6. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 6.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 6.2. Approval of Board of Directors Minutes – March 2, 2023
- 6.3. Approved December 15, 2022 Budget & Administration Committee Minutes – for receipt only
- 6.4. Letter from Minister of Natural Resources & Forestry to City of Hamilton Mayor Andrea Horwath re. exception to Conservation Authorities Act requirement for 70% elected official appointments to HCA Board of Directors, dated March 9, 2023
- 6.5. Five emails regarding federal government recourse for wetland protection, received between March 9 and March 20, 2023
- 6.6. City of Hamilton Notice of Motion re. Reconsideration of Ministry's Decision respecting HCA Board of Directors composition, Council Meeting date March 29, 2023

Item 6.4 was brought out of consent for discussion to understand if any other exception applications have been denied. Lisa Burnside advised that only municipalities can make a request for this particular exception and while Township of Puslinch submitted a request and it was approved, per the Association of Municipalities of Ontario, some other municipal requests have been declined. Per a recent Council motion, the City of Hamilton will ask the Province to reconsider the decision.

The change to 70% elected representation was part of Bill 229, as part of a transparency initiative. The province did not provide a reason for the decision beyond the intent of the legislation.

Item 6.5 was also brought out of consent for discussion. Lisa Burnside advised HCA has undertaken a focused approach by providing feedback directly to the provincial government about these changes as these items all fall under Provincial jurisdiction, including any changes to the Ontario Wetland Evaluation System (OWES). Scott Peck advised that federal and provincial Species and Risk (SAR) legislation has not changed, however the presence of SAR and their breeding habitat is no longer considered in OWES scoring. Following discussion, no motion was made to send correspondence to the Federal government.

7. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of \$2,404 in new donations from March 1st to March 31st 2023, directed to the Area of Greatest Need, Dundas Valley Trails, Westfield Heritage Village, Outdoor Education, Land Securement and Tribute Tree Fund.

This brings the fiscal year-to-date fundraising total to \$107,143, and still continuing ahead of the same time last year.

The Foundation has have started planning for their Annual General Meeting of members to take place in May which will be held in person for the first time since 2020. Individuals who met the membership donation level for the past fiscal year have been invited to opt-in to membership and participate in the AGM.

BD12, 3173

MOVED BY: Jim Cimba

SECONDED BY: Maria Topalovic

THAT the Foundation Briefing be received.

CARRIED

8. Member Briefing

8.1. HCA 2022 Annual Report

Lisa Burnside presented an overview of the 2022 Annual Report, highlighting key activities under each strategic area. The report marks the fourth year of progress for HCA's current strategic plan and demonstrates HCA's important work toward our vision of a healthy watershed for our communities and the shared natural environment. The Board members congratulated staff on all of the work undertaken. Staff were also thanked for their efforts to facilitate the public engagement.

It was noted that the annual report will be posted on our website and our Marketing and Communications staff will implement a communications plan to distribute the report on social media, to HCA membership pass holders, Foundation donors, and the public in general, in a variety of ways. The report will also be sent to local Federal and Provincial Members of Parliament as part of our government relations efforts.

8.2. Watershed Report Card

Scott Peck presented the Watershed Report Card (WRC) and answered member questions. The WRC is an initiative of Conservation Ontario, undertaken every five years. The report card includes analyses of groundwater quality, surface water quality, forest conditions, and wetland conditions across the HCA watershed. The report card guides staff on where to undertake work, and illustrates the benefits of restoration work when projects like the Saltfleet CA wetlands are undertaken. It was

noted that some grades for surface water quality have decreased compared with the previous report card, however, this is attributed to a change in the amount of data available and parameters tested, and not a change in actual water quality. The report cards were released on World Water Day. Conservation Ontario has a storyboard of all participating Conservation Authorities. Locally, the report card is being distributed electronically via HCA's website and social media.

Craig Cassar requested a copy of the data analyses between the 2018 and 2023 report cards. Scott to forward to Councillor Cassar.

BD12, 3174

**MOVED BY: Alex Wilson
SECONDED BY: Matt Francis**

**THAT the Hamilton Conservation Authority 2023
Watershed Report Card be received.**

CARRIED

9. Business Arising from the Minutes

9.1. HCA Quarterly Report #4 to MNRF

Lisa Burnside presented a summary of the memorandum, noting that as a result Bill 23 whereby Conservation Authorities are no longer permitted to undertake planning review for natural heritage matters, HCA's programs and services inventory was amended to remove this activity and replace it with ecological monitoring as a category 2 and/or 3 program.

BD12, 3175

**MOVED BY: Jim Cimba
SECONDED BY: Craig Cassar**

THAT the HCA Quarterly Report #4 to MNRF be received.

CARRIED

10. Reports from Budget & Administration Committee and Conservation Advisory Board

10.1. Budget & Administration Committee – March 16, 2023

10.1.1. BA 2303 Casual Staff Eligibility for "other holidays"

Santina Moccio brought forward a staff report recommending that casual staff be eligible for the three "other holidays", Easter Monday, Civic Holiday, and Remembrance Day, moving forward. The policy change will help HCA remain

competitive in the job market, provides equity among staff, and reduces administrative workload.

BD12, 3176

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

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

THAT casual staff eligibility for the three “other holidays” provided by HCA be effective immediately upon commencement of employment as of April 1st, 2023.

CARRIED

11. Other Staff Reports/Memoranda

11.1. Indigenous Land Acknowledgement

Lisa Burnside presented a summary of the report, providing an overview of the facilitated process undertaken to identify purposes and priorities for the land acknowledgement. A summary was given on key messaging HCA wanted to convey and that discussion with the Haudenosaunee was undertaken to gain further perspectives. The proposed Land Acknowledgment incorporates shared knowledge to support and represent best thinking, intent and action with a focus on creating and maintaining long-term relationships, rather than focusing on distinct treaty events.

Approval of the land acknowledgement was postponed with staff directed to contact the Mississaugas of the Credit First Nation to share HCA's land acknowledgement and receive and consider any feedback.

BD12, 3177

**MOVED BY: Cynthia Janzen
SECONDED BY: Dan Bowman**

THAT staff be directed to contact the Mississaugas of the Credit to share HCA's land acknowledgement and receive and consider any feedback.

CARRIED

11.2. Water Quality Program Funding

Scott Peck presented a summary of the report advising that MECP is not able to provide funding for water quality monitoring for the Cootes Paradise tributaries this

year and therefore requested that staff be able to draw from the Watershed Management Services reserve to fund the water quality monitoring program for the remainder of 2023. This water quality monitoring program provides critical water quality data that is utilized by the HCA, City of Hamilton and other Hamilton Harbour Remedial Action Plan partners.

The members expressed concern that the Province will not be providing funding for this program this year. Staff will continue to seek funding from MECP in future years, however, will also consider funding the program through the HCA 2024 budget process and amendment to HCA Inventory of Programs and Services, as needed as a category 2 and/or 3.

BD12, 3178

**MOVED BY: Cynthia Janzen
SECONDED BY: Maria Topalovic**

THAT HCA staff be authorized to draw from Watershed Management Services reserve as needed to fund the Tributary Watercourses to Cootes Paradise (Spencer Creek, Ancaster Creek, Borer's Creek, Sulphur Creek and Chedoke Creek) Water Quality Monitoring Program for the remainder of 2023;

THAT staff be directed to continue efforts to obtain funding for this project from the Ministry of Environment, Conservation and Parks; and,

THAT funding requirements and allocations for this program continue be considered as part of the 2024 Watershed Management Services program for the HCA and the HCA Inventory of Programs and Services be amended as required to reflect 2024 funding sources.

CARRIED

11.3. Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum, highlighting elevated creek flows due to the ongoing Spring melt. There were also a few days of significant rain during the reporting period. A water safety message was upgraded to a flood watch and further updated to include potential Lake Ontario shoreline flooding, but all were also subsequently downgraded. There have been no reports of flooding during this Spring melt, with only some localized flooding in low lying areas that typically flood at this time of year.

The Lake Ontario mean daily water level averaged across the entire lake is currently about 23 cm above average for this time of year. Current Christie Lake and Valens

Lake levels are above the preferred winter operating levels, however there are no flooding concerns at this time.

The Hamilton Low Water Response Team will release a notice terminating the Level 1 and Level 2 Low Water Conditions that have now been resolved.

BD12, 3179

**MOVED BY: Jim Cimba
SECONDED BY: Craig Cassar**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

11.4. Conservation Areas Experiences Update

Lisa spoke to the amendment to the agenda with regard to the withdrawal of the request to delegate. Following a discussion with Gord Costie regarding recent changes to increase the flexibility of the Spencer Gorge reservation system, the delegate withdrew their request to address the Board, as they were satisfied with the changes. They were very complimentary of HCA and staff for continuing to adapt to balance facilitating access while still managing visitation pressures.

Gord Costie presented a summary of the memorandum, sharing highlights from the Maple Syrup season at Westfield and an update on the status of reservations for the Valens Lake cabins. So far, 800 nights have been reserved through September. All Conservation Areas are busy as recruitment of Summer staff and Spring maintenance are underway.

BD12, 3180

**MOVED BY: Alex Wilson
SECONDED BY: Maria Topalovic**

THAT the memorandum entitled Conservation Areas Experiences Update be received.

CARRIED

12. New Business

The Chair thanked the City of Hamilton Council for their unanimous support of a motion brought forward by Councillors Tom Jackson and Mark Tadeson recognizing the value of citizen appointees to local boards.

13. In-Camera Items**BD12, 3181****MOVED BY: Alex Wilson
SECONDED BY: Cynthia Janzen****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED****During the *in camera* session, one property / legal matter was discussed.****13.1. Confidential Report – BD/Apr 01-2023
(property/legal matter)**

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

BD12, 3182**MOVED BY: Alex Wilson
SECONDED BY: Maureen Wilson****THAT the Board of Directors moves out of closed session.****CARRIED**

The meeting reconvened in open session and the following motion was announced.

BD12, 3183**MOVED BY: Alex Wilson
SECONDED BY: Maria Topalovic****THAT motion BD 12, 3165 come out of camera:****THAT the HCA Board of Directors direct staff to enter into discussion regarding a long-term lease agreement with the City of Hamilton on HCA lands in the Grant Blvd. area to support the community desire to design, construct and maintain a staircase structure with the city leading and funding the project;**

THAT the City of Hamilton be responsible for all associated costs;

THAT City of Hamilton legal and real estate lead in the preparation of a suitable lease agreement for the HCA's Board of Directors review and endorsement; and further

That HCA's legal counsel review any draft agreement to be brought forward to the Board of Directors, and that the review address prospective liability issues.

CARRIED

14. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, May 4, 2023 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

15. Adjournment

On motion, the meeting adjourned.



Scott Fleming
Secretary-Treasurer