

Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

September 7, 2023

Minutes of the Board of Directors meeting held on Thursday, September 7, 2023 at 6:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT: **Brad Clark – in the Chair** **Craig Cassar**
 Lisa DiCesare **Susan Fielding**
 Brian McHattie **Mike Spadafora (Webex)**
 Wayne Terryberry **Alex Wilson (Webex)**

Jennifer Stebbing – Foundation Chair (Webex)

REGRETS: **Jeff Beattie, Maureen Wilson, Matt Francis**

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

OTHERS: **None**

The Chair opened the meeting with remarks on the passing of the Honorable Justice Thomas A. Beckett. Among a lifetime of achievements, Mr. Beckett was instrumental in creating the Spencer Creek Conservation Authority in 1958. He was our first Vice-Chairman of the Board of Directors, and later became Chairman in 1964. In 1966 he convinced the Ontario Government to amend the Conservation Authorities Act to expand the Spencer Creek Conservation Authority to include the City of Hamilton and became the first Chairman of the newly named Hamilton Region Conservation Authority. He continued to serve as Chairman until 1971.

His vigorous and determined leadership of the Conservation Authority set the pace for an expansive land acquisition program in the Hamilton area. Through his efforts many of the Authority's major conservation areas were created, most notable was his role in the preservation of the Dundas Valley in the 1960's. HCA's land holdings total nearly 11,000 acres today.

1. Call to Order

The Chair called the meeting to order and welcomed everyone present. HCA's Indigenous Land Acknowledgement was read.

2. Declarations of Conflict of Interest

The Chair asked members to declare any conflicts under the Board's Governance Policy. Brad Clark declared a conflict of interest specific to item 12.4 relating to 140 Garner Road East, as his son has a retail business interest with the principal planner for the appeal for the development application.

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised of two additional items for the agenda; one item of correspondence from the Ministry of Municipal Affairs and Housing to Clerks, CAOs, and Conservation Authority Administrators regarding Proposal to return lands in Ajax to the Greenbelt, to be added as item 5.4 under consent items, and a motion from member Brian McHattie regarding a request to the Province to reverse recent changes to the Conservation Authorities Act and the Ontario Wetland Evaluation System, to be added as item 11.1 under New Business.

BD12, 3233

**MOVED BY: Brian McHattie
SECONDED BY: Craig Cassar**

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 for adoption:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses

- 5.2. Approval of Board of Directors Minutes – August 3, 2023
- 5.3. Approved June 8, 2023 Conservation Advisory Board Minutes – for receipt only
- 5.4. Letter from Ministry of Municipal Affairs and Housing to Clerks, CAOs, and Conservation Authority Administrators regarding Proposal to return lands in Ajax to the Greenbelt, dated September 6, 2023

In response to a question from member Brian McHattie, staff provided clarification on permit applications for pipelines maintenance. There was a further question regarding a proposed liquid natural gas (LNG) pipeline for Arcelor Mittal in the Centennial Parkway area. HCA has been circulated the preferred routes for the proposed pipeline and staff have provided comments at this preliminary stage in the project. Following discussion, staff were provided direction to bring forward information on the proposed pipeline to a future meeting.

BD12, 3234

**MOVED BY: Brian McHattie
SECONDED BY: Lisa DiCesare**

THAT staff bring forward an information report on the upcoming Arcelor Mittal pipeline.

CARRIED

Related to item 5.2, Craig Cassar noted a correction for the minutes of the Board of Directors meeting for August 3, 2023, noting he was listed as being present when he was unable to attend and had sent regrets.

6. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$54,645** in new donations from July 1st to August 31th 2023. They break down as follows:

- **\$24,302** to the Area of Greatest Need Fund
- **\$12,100** to our “Step into Nature” Environmental Education Fund
- **\$14,631** for Trail Maintenance

The remaining **\$3,612** was directed to various projects, including Tribute Benches, Westfield Heritage Village, and Land Securement.

This brings their fiscal year-to-date fundraising total to **\$756,273**, which is 91% of the goal.

Jennifer also share that the Friends of Westfield are holding their Westfield Express 2023 event on Saturday, September 16, in support of the Westfield Locomotive restoration. Tickets can be obtained by visiting the Friends' website at friendsofwestfield.ca

BD12, 3235

**MOVED BY: Craig Cassar
SECONDED BY: Susan Fielding**

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

There was none.

8. Business Arising from the Minutes

There was none.

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

9.1. Conservation Advisory Board – August 10, 2023
(Recommendations)

9.1.1. CA 2323 Oak Wilt Mapping & Work Plan

Wayne Terryberry, Chair of the Conservation Advisory Board provided a summary of the staff report.

BD12, 3236

**MOVED BY: Wayne Terryberry
SECONDED BY: Lisa DiCesare**

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

THAT the Oak Wilt Mapping and Work Plan as detailed in this report be approved, and further;

facility will pass all inspections and that HCA will be able to hire all necessary staff to operate the facility, including lifeguards.

BD12, 3238

**MOVED BY: Susan Fielding
SECONDED BY: Brian McHattie**

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

THAT this report be received for information and further;

THAT the budget assumptions for the 2024 Operating and Capital Budgets as identified be approved for use in the development of the 2024 budgets and further;

THAT the 2024 draft budget be reviewed by the Budget and Administration Committee at their September 2023 meeting and brought to the Board of Directors at the October 2023 meeting for approval; and further.

THAT the City of Hamilton and Township of Puslinch be advised 30 days in advance of the of the final budget vote in accordance with the *Conservation Authorities Act* and Ontario Regulation 402/22.

CARRIED

9.2.2. BA 2318 2024 Fee Schedule

Susan Fielding provided a summary of the staff report. Lisa Burnside and Scott Fleming answered the members' questions.

There was discussion and comment amongst members in regard to the substantial reduction in provincial funding contributions to Conservation Authority budgets since the 1990's and development planning application reviews due to recent legislative changes terminating Conservation Authorities' technical commenting role on natural heritage matters. Lisa Burnside advised that staff will once again utilize Watson and Associates in 2024 to review our planning and permit review fees again and how they are benchmarked, to ensure we fall within our Board approved cost recovery targets.

BD12, 3239

**MOVED BY: Susan Fielding
SECONDED BY: Craig Cassar**

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

THAT effective January 1, 2024, HCA staff be directed to implement the revised fee schedule contained in this report and further;

THAT HCA provide an additional 34 annual vehicle passes as part of the ongoing agreement with the Hamilton Public Library System.

CARRIED

Mike Spadafora left the meeting.

10. Other Staff Reports/Memoranda

10.1. City of Hamilton Natural Areas Inventory

Scott Peck presented a summary of the report and answered the members' questions. HCA's leadership in the initial and continued updating of the Natural Areas Inventory was acknowledged.

BD12, 3240

**MOVED BY: Brian McHattie
SECONDED BY: Alex Wilson**

THAT the Board of Directors endorse the development of a Natural Areas Inventory;

THAT staff be directed to continue to work with the City of Hamilton and Hamilton Naturalist Club towards the development of a Terms of Reference to guide the development of a Natural Areas Inventory; and,

THAT staff be directed to provide a Draft Terms of Reference to the HCA Board of Directors for consideration and approval.

CARRIED

10.2. Watershed Conditions Report

Scott Peck presented a summary of the memorandum and answered the members questions. The role of HCA watershed monitoring in contributing to infrastructure stormwater management was discussed. Monitoring guides stormwater management planning and design by providing an understanding of how storms impact water

quantity and quality. HCA has good working relationships with the City of Hamilton and Hamilton Harbour Remedial Action Plan partners to share data to best understand our watershed and how our environment is impacted by climate change.

BD12, 3241

**MOVED BY: Craig Cassar
SECONDED BY: Wayne Terryberry**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

10.3. Conservation Areas Experiences Update

Gord Costie presented a summary of the memorandum.

BD12, 3242

**MOVED BY: Brian McHattie
SECONDED BY: Lisa DiCesare**

THAT the memorandum entitled Conservation Areas Experiences Update be received.

CARRIED

11. New Business

11.1. Notice of Motion re. Changes to the Conservation Authorities Act and Ontario Wetland Evaluation System

Brian McHattie read his notice of motion which was added under approval of the agenda. He advised the Board of his concern with the recent reports from the Auditor General and Integrity Commissioner regarding the Greenbelt, significant changes to wetland evaluation and Conservation Authorities to limit our work and the need to respond with strong direction to have these changes reversed.

Lisa Burnside was asked to provide a history of HCA's advocacy to-date on the subject. Lisa provided an overview of staff efforts to respond to the proposed legislative changes, including commenting on a number of Environmental Registry of Ontario postings, submitting comments to the Standing Committee on Bill 23, submitting Board approved position points to our two participating municipalities to take into account a watershed based approach to balance growth with the environment and public health and safety and requested continued collaboration with the Province on Bill 23, coordinating comments with other CAs to our umbrella

organization, Conservation Ontario, for their advocacy to the Province and publication of a related Op-Ed in the Hamilton Spectator.

Board members discussed government relations and advocating for the Conservation Authority and Chair Clark advised that all the above advocacy was discussed internally and any action was directed through the Board.

A friendly amendment to clause d) in the motion was adopted to add circulation of the approved Board motion to local Members of Provincial Parliament.

BD12, 3243

**MOVED: Brian McHattie
SECONDED: Craig Cassar**

Whereas over the past several years the Provincial Government has amended the Conservation Authorities Act to reduce the effectiveness of Conservation Authorities in protecting natural heritage (i.e., Bill 23, and;

Whereas, the Provincially Significant Wetland Evaluation System has also been changed leading Conservation Ontario to estimate that over 80% of the wetlands that currently receive protection will lose this status, and;

Whereas, legislative changes implemented January 1, 2023 to Conservation Authority roles related to Natural Heritage and review under prescribed Acts as well changes to the Ontario Wetland Evaluation System, as well as remaining legislative changes regarding Conservation authority development regulations that have not yet come into effect, if implemented, would have serious unintended consequences, and;

Whereas recent reports by the Provincial Auditor-General and the Integrity Commissioner have raised serious concerns on the bias and lack of transparency and fairness in the Greenbelt removals, drawing conclusions that the changes unfairly benefitted private landowners, and;

Whereas, the role of Conservation Authorities in protecting natural heritage and mitigating/ adapting for climate change has never been more important in light of the 6th Mass Extinction in biodiversity and the increasing possibility that Canada and the world will not meet the

Paris Accord greenhouse gas target limiting temperature rise to less than 1.5 degrees Celsius, and;

Whereas the Hamilton Conservation Authority's ability to provide comments on natural heritage to the City of Hamilton is critical and must be restored.

Therefore:

That the Hamilton Conservation Authority Board of Directors respectfully request that:

- a) the Province of Ontario reverse recent changes to the Conservation Authorities Act and Provincially Significant Wetland Evaluation System that adversely affect natural heritage protection, and;**
- b) the Province of Ontario's Auditor General undertake an investigation into the processes that were followed to make the above policy decisions, and whether this decision-making structure and its outcomes provide Ontarians with value for money, and;**
- c) That the Hamilton Conservation Authority Board requests that City of Hamilton Council provide similar direction to the Province of Ontario and;**
- d) That a copy of this Hamilton Conservation Authority Board of Director's motion be shared with local Members of Provincial Parliament, Conservation Ontario and all conservation authorities in Ontario.**

CARRIED

Brad Clark reiterated his conflict of interest for item 12.4 and indicated he would leave the in-camera portion of the meeting at the appropriate time.

12. In-Camera Items

BD12, 3244

**MOVED BY: Lisa DiCesare
SECONDED BY: Susan Fielding**

12.3. Confidential Report – BD/Sep 02-2023 (Lisa Burnside)
(Property Matter)

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

BD12, 3247

MOVED BY: Wayne Terryberry
SECONDED BY: Brian McHattie

THAT the confidential report entitled BD/Sep 02-2023 be received for information.

THAT Report BD/Sept 01-2023 remain in camera.

CARRIED

Brad Clark left the meeting.

12.4. Confidential Report – BD/Sep 03-2023 (Scott Peck)
(Legal Matter)

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

BD12, 3248

MOVED BY: Brian McHattie
SECONDED BY: Wayne Terryberry

THAT the Board of Directors approve the request for an adjournment related to the October 2, 2023 OLT Hearing related to permit Application No. A/F,C,A/21/14 – 140 Garner Road;

THAT the HCA request that there be strict timelines imposed for the delivery of ONE Properties Inc. materials to ensure a future Hearing date can be determined;

THAT the HCA advise ONE Properties Inc. that the consent for an adjournment should not be interpreted to waive the HCA's right to seek costs as a result of the adjournment in the future should it be, in our view, appropriate to do so;

THAT this approval motion come out of camera and further;

THAT Confidential Report BD/Sep 03-2023 Re: Ontario Land Tribunal Hearing Case No.: OLT-21-001567 – 140 Garner Road, City of Hamilton (Ancaster), HCA Permit Application No. A/F,C,A/21/15 remain in camera.

CARRIED

BD12, 3249

**MOVED BY: Craig Cassar
SECONDED BY: Brian McHattie**

THAT the Board of Directors moves out of closed session.

CARRIED

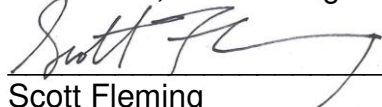
Resolutions **BD12, 3246** and **BD12, 3248**, regarding Agreement for Services with the Township of Puslinch and 140 Garner Road – Ontario Land Tribunal (OLT) Hearing Adjournment Request respectively, were brought out of closed session.

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, October 5, 2023 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. Adjournment

On motion, the meeting adjourned.



Scott Fleming
Secretary-Treasurer