



Board of Directors Meeting Agenda

Thursday, March 7, 2024

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Board of Directors Meeting

Thursday, March 7, 2024 at 6:00 p.m.

Hamilton Conservation Authority is now conducting meetings in a hybrid format via an in-person and WebEx platform.

All hybrid meetings can be viewed live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>

1. **Call to Order** – Brad Clark
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 Page 1
 - 5.2. Approval of Board of Directors Minutes – February 1, 2024 Page 5
 - 5.3. Approved December 14, 2023 Conservation Advisory Board Minutes – for receipt only Page 19
 - 5.4. Email from Ministry of Natural Resources and Forestry re. Update: Regulation of Development for Protection of People and Property from Natural Hazards in Ontario, dated February 16, 2024 (to be referred to item 10.4 in the agenda) Page 25
6. **Foundation Briefing** Foundation Chair – Jennifer Stebbing
7. **Member Briefing**
8. **Business Arising from the Minutes**
 - 8.1. Draft HCA Strategic Plan Report – 2WA Consulting Page 29
(Anne Bermingham/
Michael Howes)

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

9.1. Conservation Advisory Board – February 8, 2024 (Recommendations) – Wayne Terryberry

9.1.1. CA 2405	Indigenous Interpretive Signage Proposal	Page 39
9.1.2. CA 2406	Westfield Accession and Deaccession List	Page 43
9.1.3. CA 2407	Artaban Road and Lower Lions Club Road Parking Areas - Amended	Page 45

10. Other Staff Reports/Memorandums

Reports to be approved

10.1. WWW Slide Tower Corrosion Abatement Tender	– Matt Hall	Page 59
10.2. Proposed New Residential Dwelling, 1241 Governor's Rd	– Mike Stone	Page 63
10.3. Saltfleet Conservation Area Wetland Restoration Project – SC-5, Stage 2 Archeological Assessment	– Scott Peck	Page 73
10.4. Provincial Regulatory and Legislative Changes: Regulation of Development for the Protection of People and Property from Natural Hazards	– Mike Stone	Page 77

Memorandums to be received

10.5. Annual Reporting on CA Permit Review Timelines	– Mike Stone	Page 89
10.6. Watershed Conditions Report	– Jonathan Bastien	Page 95
10.7. Conservation Areas Experiences	– Gord Costie	Page 101

11. New Business

12. In-Camera Items

- 12.1 Confidential Verbal Update – BD/Mar 01-2024 (Legal Matter)
- 12.2. Confidential Verbal Discussion – BD/Mar 02-2024 (Position/Negotiation Matter)

13. Next Meeting – Thursday, April 4, 2024 at 6:00 p.m.

14. Adjournment



Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: Mike Stone, MCIP, RPP, Acting Director, Watershed Management Services

DATE: March 7, 2024

RE: Permit Applications Summary Report
Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06

HCA Regulation applications approved by staff between the dates of January 20, 2024 and February 23, 2024 are summarized in the following Permit Applications Summary Report (PASR-2/24).

RECOMMENDATION

THAT the Board of Directors receive this Permit Application Summary Report PASR-2/24 as information.

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HAMILTON REGION CONSERVATION AUTHORITY

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

February 23, 2024

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, March 07, 2024

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

PERMIT APPLICATION SUMMARY REPORT SER 2/24

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
A/F,C,A/24/04	04-Jan-24	24-Jan-24	18		71 Sulphur Springs Rd Lot 44, Concession 2 Ancaster	For the installation of a new gas line to service a new natural gas back-up generator for an existing sanitation pumping station	Approved subject to standard conditions.
SC/F,A/24/01	21-Dec-23	01-Feb-24	43		711 North Service Road Lot 14, Concession BF Stoney Creek	For maintenance dredging in the harbour at Newport Yacht Club	Approved subject to standard conditions.
D/F,C/23/57	16-Jun-23	13-Feb-24	54		26 Tally Ho Dr Lot 50, Concession 1 Dundas	For the construction of a new detached dwelling	Approved subject to standard conditions.
D/F,C,A/23/19	24-Feb-23	15-Feb-24	74		65 Watsons Lane Lot 19, Concession 1 Dundas	For the alteration of a watercourse, replacement of culvert, and grading	Approved subject to standard conditions.

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Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

February 1, 2024

Minutes of the Board of Directors meeting held on Thursday, February 1, 2024 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	
Jeff Beattie	Craig Cassar
Lisa DiCesare	Susan Fielding
Matt Francis	Wayne Terryberry
Mike Spadafora	Maureen Wilson
Alex Wilson	

Jennifer Stebbing – Foundation Chair

REGRETS: **Brian McHattie**

STAFF PRESENT: **Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Marlene Ferreira, Scott Fleming, Matt Hall, Lesley McDonell, Colin Oaks, Scott Peck, Mike Stone, Jaime Tellier, Stacey Van Opstal and Sandra Winninger**

OTHERS: **Jo-Anne Rzadki – Conservation Ontario**
Sandy Shaw, MPP Hamilton West-Ancaster-Dundas
Media – Richard Leitner

1. Welcome

Lisa Burnside welcomed everyone to the meeting and introduced Jo-Anne Rzadki, Manager of Business Development & Partnerships for Conservation Ontario, as the Acting Chair for the purpose of the Election of Officers. Sandy Shaw, MPP for Hamilton West-Ancaster-Dundas was present in the gallery and was acknowledged.

HCA's Indigenous Land Acknowledgement was read.

BD12, 3292

MOVED BY: Lisa DiCesare

SECONDED BY: Susan Fielding

THAT Jo-Anne Rzadki be appointed Acting Chair for the purpose of the Election of Officers.

CARRIED

2. Election of Officers

Jo-Anne indicated that Brian McHattie sent his regrets but provided advanced notice indicating his interest in self-nominating for a position on the Conservation Advisory Board.

Jo-Anne reviewed the election procedures to be as follows:

- Nominations only require a “mover”;
- Nominations will be called 3 times for each office;
- Closing of nominations will require a “mover” and a “seconder”;
- Each nominee will be asked if they are willing to serve;
- If more than one person is nominated and willing to serve, there will be a vote;
- Each nominee will be allowed to speak in support of their nomination with a time limit of 5 minutes;
- A vote will be held by secret ballot.
- No member may vote by proxy.

Jo-Anne asked if there were any questions, and hearing none, declared all offices vacant.

2.1. Appoint Scrutineers

BD12, 3293

MOVED BY: Craig Cassar
SECONDED BY: Wayne Terryberry

THAT, if more than one person is nominated, Scott Peck and Matt Hall be appointed scrutineers; and further

THAT all voting ballots (AGM Election Procedure) be destroyed after the meeting is concluded.

CARRIED

2.2. Election of 2024 Chair

CARRIED

Jo-Anne declared Susan Fielding as Vice-Chair of the Board of Directors for 2024 by acclimation.

2.4. Board Representatives to Budget & Administration Committee

Jo-Anne Rzadki advised that the Budget & Administration Committee consists of five (5) Board of Director members; the Chair, Vice Chair, and up to three (3) additional directors may join the Chair and Vice-Chair as sitting members of B&A.

Jo-Anne asked for a show of hands for members interested in sitting on the Budget & Administration Committee.

Following the call for expressions of interest, Jo-Anne announced that in addition to the Chair of B&A, Susan Fielding, Board members Alex Wilson, Lisa DiCesare and Maureen Wilson were interested in sitting on the Budget & Administration Committee.

BD12, 3296**MOVED BY: Jeff Beattie****SECONDED BY: Wayne Terryberry****THAT Alex Wilson, Lisa DiCesare and Maureen Wilson be confirmed as members of the Budget & Administration Committee for 2024.****CARRIED****2.5. Board Representatives to Conservation Advisory Board**

Jo-Anne Rzadki explained that up to three (3) directors may join the Conservation Advisory Board and asked for a show of hands for members interested in sitting on CAB.

Jo-Anne announced that member Brian McHattie has sent his regrets for this evening. We have received advance written notice from him, indicating his interest in self-nominating for a position on the Conservation Advisory Board for 202.

Following the call for expressions of interest, Jo-Anne announced that in addition to Brian McHattie, Board member Wayne Terryberry was interested in sitting on the Conservation Advisory Board.

BD12, 3297**MOVED BY: Susan Fielding**

SECONDED BY: Lisa DiCesare

THAT Brian McHattie and Wayne Terryberry be confirmed as members of the Conservation Advisory Board for 2024.

CARRIED

2.6. Election of Chair to Conservation Advisory Board

Jo-Anne RZadki advised that of the members just appointed to the Conservation Advisory Board, one must serve as the Chair and called for nominations for the 2024 Chair for the Conservation Advisory Board.

**Nominated: Wayne Terryberry
By – Mover: Susan Fielding**

Jo-Anne called for nominations twice more. Having no further nominations, she asked Wayne Terryberry if they accept the nomination. The election for the office of Chair of the HCA Conservation Advisory Board for 2024 was then closed and the position acclaimed with the following resolution.

BD12, 3298

**MOVED BY: Jeff Beattie
SECONDED BY: Lisa DiCesare**

THAT nominations for the 2024 Chair of the HCA Conservation Advisory Board be closed and Wayne Terryberry be confirmed as Chair of the Hamilton Conservation Authority Conservation Advisory Board for 2024.

CARRIED

Jo-Anne declared Wayne Terryberry as Chair of the Conservation Advisory Board Directors for 2024 by acclamation.

3. Call to Order

The Chair called the meeting to order and thanked Jo-Anne for her assistance with the elections.

Brad Clark thanked members for re-electing him as Chair for 2024. He also thanked MPP Sandy Shaw for coming to the Board meeting and for her role Critic for Environment, Conservation and Parks.

Vice Chair Susan Fielding thanked Board members for their support for the coming year.

4. Declarations of Conflict of Interest

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

5. Approval of Agenda

The Chair requested any additions or deletions to the agenda.

BD12, 3299

MOVED BY: Mike Spadafora

SECONDED BY: Jeff Beattie

THAT the agenda be approved.

CARRIED

6. Delegations

There were none.

7. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 7.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 7.2. Approval of Board of Directors Minutes – December 7, 2023
- 7.3. Approved August 10, 2023 Conservation Advisory Board Minutes – for receipt only
- 7.4. Letter from Minister of Natural Resources and Forestry Re. Extension Application for Transition Requirements per Ontario Regulation 687/21 dated December 13, 2023
- 7.5. Letter from Minister of Natural Resources and Forestry Re. Extension of Minister's Direction for Conservation Authorities Regarding Fee Changes Associated with planning, Development and Permitting Fees, dated December 13, 2023

8. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$100,374** in new donations from December 1st 2023 to January 31st 2024. They break down as follows:

- **\$40,524** to the Area of Greatest Need Fund
- **\$16,220** from the Friends of Westfield directed to priority projects at Westfield
- **\$9,750** to the Westfield Unrestricted Fund
- **\$8,550** to the Saltfleet CA Fund
- **\$7,898** to the Trail Development Fund
- **\$7,825** to the Step into Nature Fund
-

The remaining **\$9,911** was directed to various projects, including Tribute Benches, Fifty Point CA, Dundas Valley CA Fund, Tribute Trees and Westfield 103 Fund.

This brings the fiscal year-to-date fundraising total to **\$100,374**, which is 11% of the Foundation's goal.

The Chair extended the Board of Director's gratitude to the work completed by the Hamilton Conservation Foundation Board and as well its staff members.

BD12, 3300

**MOVED BY: Maureen Wilson
SECONDED BY: Susan Fielding**

THAT the Foundation Briefing be received.

CARRIED

9. Member Briefing

There was none.

10. Business Arising from the Minutes

10.1. Final Report to MNRF – Ontario Regulation 687/21

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

Lisa Burnside noted that for item 7.4, an extension had been approved but was not necessary; all documents were signed and sent to the applicable recipients by the

deadline. She also noted that the agreements are for a 5-year period; from 2023 to 2028.

BD12, 3301

**MOVED BY: Mike Spadafora
SECONDED BY: Matt Francis**

THAT the memorandum entitled Final Report to MNRF – Ontario Regulation 687/21 be received.

CARRIED

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

Wayne thanked members for their continued support, for being re-elected as Chair for the Conservation Areas Board.

11.1. Conservation Advisory Board – December 14, 2023

11.1.1. CA 2328 HCA Shoreline Management Plan

Wayne Terryberry brought forward the staff report, noting that the HCA retained Zuzek Inc. to complete a Shoreline Management Plan. The Plan provides HCA with updated coastal hazard mapping of its shoreline based on the latest technical information and data, as well as making management recommendations to assist HCA in administering its regulation of development on the shoreline. The plan will be put out for public and stakeholder consultation prior to its finalization.

BD12, 3302

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

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

THAT the Draft Shoreline Management Plan be received as information;

THAT staff be directed to make the Draft Shoreline Management Plan available for public and stakeholder review and comment; and

THAT the final version of the Shoreline Management Plan based on the public input received then be returned to the Board for adoption.

CARRIED

11.1.2. CA 2329 HCA Floodplain Mapping Projects – Status Update

Wayne Terryberry brought forward the staff report noting that three floodplain mapping studies are currently ongoing for Stoney & Battlefield Creek, Stoney Creek numbered water courses and Redhill Creek. These are expected to be completed in the first quarter of 2024. These reports will also be made available for public and stakeholder input and will be brought forward to the Board for future adoption

**BD12, 3303 MOVED BY: Wayne Terryberry
 SECONDED BY: Matt Francis**

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

THAT the draft flood plain mapping reports and draft flood plain maps be made available for public and stakeholder review and comment; and

THAT the flood plain mapping reports and flood plain maps, based on the public input received, be brought forward for adoption by the Board of Directors.

CARRIED

12. Other Staff Reports/Memoranda**12.1. 2024 Schedule of Meetings**

Lisa Burnside presented a summary of the report.

**BD12, 3304 MOVED BY: Lisa Di Cesare
 SECONDED BY: Jeff Beattie**

THAT the Board of Directors' 2024 Meeting Schedule contained within this report be approved.

CARRIED

12.2. Voting Representatives to Conservation Ontario

Lisa Burnside presented a summary of the report.

**BD12, 3305 MOVED BY: Maureen Wilson
 SECONDED BY: Wayne Terryberry**

12.5. 2023 Annual Monitoring Program and Watershed Conditions Summary Report

Watershed Management Services staff prepared this report in response to a previous Board of Directors meeting in which additional reporting on water quality and stewardship activities was requested. Staff reviewed the data obtained from ecological and water quality monitoring programs and answered the members questions regarding the information presented.

BD12, 3308

**MOVED BY: Maureen Wilson
SECONDED BY: Jeff Beattie**

THAT the memorandum entitled 2023 Annual Monitoring Program and Watershed Conditions Summary Report be received.

CARRIED

12.6. Conservation Areas Experiences Update

Gord Costie provided a summary of the memorandum, indicating that conservation areas are open sunrise to sunset, including the Family Day weekend, allowing for winter activities as conditions permit. Westfield Heritage Village Conservation Area was highlighted as a family-friendly destination, offering visitors access to both the newly established recreational trails as well as the historic village.

BD12, 3309

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

THAT the memorandum entitled Conservation Areas Experiences Update be received.

CARRIED

13. New Business

Councillor Alex Wilson asked a question regarding the impact of the fee freeze for planning and permitting fees given the Minister's direction. Lisa Burnside advised that the board had approved a 2% fee increase in the fee guide which was projected to provide an additional \$7,600 in fees to watershed management services in 2024 and while disappointing, is not a material impact given our reserves if needed.

Matt Francis left the meeting.

14. In-Camera Items**BD12, 3310****MOVED BY: Susan Fielding
SECONDED BY: Jeff Beattie****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED****During the *in camera* session, one property matter and position/negotiation matter were discussed.****14.1. Confidential Report – BD/Feb 01-2024
(Property Matter)**

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

BD12, 3311**MOVED BY: Alex Wilson
SECONDED BY: Wayne Terryberry****THAT Report BD/Feb 01/2024 remain in camera.****CARRIED****14.2. Confidential Verbal Discussion – BD/Feb 02-2024
(Position/Negotiation Matter)**

This item was tabled until the March 7, 2024 Board of Director's Meeting.

BD12, 3312**MOVED BY: Maureen Wilson
SECONDED BY: Craig Cassar****THAT the confidential verbal discussion entitled BD/Feb 02-2024 be postponed until the March 7th meeting and remain in camera.****CARRIED****BD12, 3313****MOVED BY: Mike Spadafora
SECONDED BY: Susan Fielding**

THAT the Board of Directors moves out of closed session.

CARRIED

15. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, March 7, 2024 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

16. Adjournment

On motion, the meeting adjourned.

Scott Fleming
Secretary-Treasurer

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HAMILTON CONSERVATION AUTHORITY

Conservation Advisory Board

MINUTES

December 14, 2023

Minutes of the Conservation Advisory Board meeting held on Thursday, December 14, 2023 at 4:00 p.m., at the HCA main office, 838 Mineral Springs Road, in Ancaster, and livestreamed on YouTube.

PRESENT: **Wayne Terryberry – in the Chair**
 Elise Copps **Tyler Cunningham - Webex**
 Lisa DiCesare **Jamie Freeman**
 Haley McRae – Webex **Sherry O’Connor**
 Noah Stegman

Brad Clark – Ex-Officio
Susan Fielding – Ex-Officio

REGRETS: **Natalie Faught, Brian McHattie, Cortney Oliver**

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

OTHERS: **Media – None**

1. Welcome

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

2. Declaration 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.

**CA 2325 MOVED BY: Lisa DiCesare
 SECONDED BY: Noah Stegman**

THAT the agenda be approved.

CARRIED

4. Delegations

There were none.

5. Member Briefing

There was none.

6. Chairman's Report on Board of Directors Actions

The following items were approved by the Board of Directors at the September 7, 2023 meeting.

CA 2323 Oak Wilt Mapping & Workplan
CA 2324 HCA Trail Guide Mobile App Project Summary

7. Approval of Minutes of Previous Meeting

7.1. Minutes – Conservation Advisory Board (August 10, 2023)

**CA 2326 MOVED BY: Lisa DiCesare
 SECONDED BY: Jamie Freeman**

**THAT the minutes of the August 10, 2023 Conservation
 Advisory Board meeting be approved.**

CARRIED

8. Business Arising from the Minutes

There was none.

9. Staff Reports/Memorandums

9.1. Ecological & Water Resources Monitoring Programs Overview

Colin Oaks, Lesley McDonell, Jonathan Bastien, and Scott Peck jointly presented the Ecological & Water Resources Monitoring Programs Overview for facilitated input and questions were posed to CAB members to review scope, issues/risks, risk mitigation opportunities, and priorities.

Scope

It was suggested that enhanced monitoring may be needed to respond effectively to climate change; this could include a longer timeframe and/or additional monitoring to understand trends and any data gaps.

There was discussion regarding growth of the Ecology program over the past 10 years with staff advising there are a sufficient number of field staff for the current programs. Any additional resources could be used for a staff person to analyse the data.

The potential for expansion of the ecology program to insects, birds, and animal monitoring, as additional indicators of environmental health, was discussed. It was noted it would be beneficial to monitor other taxa, however it would require additional expertise. Technology may be able to assist the program with expanding to other taxa.

There was discussion regarding expanding stream temperature monitoring for aquatic ecology to sites other than on Spencer Creek. The resources required would be the purchase and installation of the equipment and staff time to monitor the results. Additional funding would be required to expand temperature monitoring.

It was suggested that wetlands could also be monitored as part of the Terrestrial monitoring program which would require additional staff resources.

Is there potential to review the various monitoring programs as a wholistic program to aid in the efficient use of staff resources. Staff have begun to coordinate monitoring locations, and distributed monitoring of sites over a three-year cycle.

Issues / Risks

Data analysis and reporting appear to be a limitation of the program. The priority for resource allocation for the program will be to undertake the gap analysis and use any additional resources to fill identified gaps, such as a water quality specialist to analyse water quality data.

CA 2328 **MOVED BY: Lisa DiCesare**
SECONDED BY: Jamie Freeman

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

THAT the Draft Shoreline Management Plan be received as information;

THAT staff be directed to make the Draft Shoreline Management Plan available for public and stakeholder review and comment; and

THAT the final version of the Shoreline Management Plan based on the public input received then be returned to the Board for adoption.

CARRIED

10.2. HCA Floodplain Mapping Projects – Status Update

Jonathan Bastien presented a summary of the report.

CA 2329 **MOVED BY: Elise Copps**
SECONDED BY: Noah Stegman

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

THAT the draft flood plain mapping reports and draft flood plain maps be made available for public and stakeholder review and comment; and

THAT the flood plain mapping reports and flood plain maps, based on the public input received, be brought forward for adoption by the Board of Directors.

CARRIED

10.3. Valens Lookout Platform Update

Matt Hall presented a summary of the memorandum and answered the members' questions.

There was discussion regarding the engagement of an external contractor rather than in-house design and construction. HCA has design and construction staff and completes most work in-house, however this project is considered specialty work, particularly the footings and foundations. HCA staff will be involved in the construction at various stages of the project.

It was clarified that the trail leading up to the new lookout tower will also be brought up to current HCA standards, but not widened beyond existing, before opening.

**CA 2330 MOVED BY: Noah Stegman
 SECONDED BY: Jamie Freeman**

THAT the presentation entitled Valens Lookout Platform Update be received.

CARRIED

11. New Business

There was none.

12. Next Meeting

The next meeting of the CAB is scheduled for Thursday, February 8, 2024 at 4:00 p.m., at the HCA Main Administration Office – Woodend Auditorium.

13. Adjournment

On motion, the meeting was adjourned.

From: ca.office (MNRF) <ca.office@ontario.ca>

Sent: February 16, 2024 3:49 PM

To: dheinbuck@abca.ca; kfurlanetto@crca.ca; generalmanager@catfishcreek.ca; cdarling@cloca.com; quentin.hanchard@cvc.ca; tim.pidduck@crowevalley.com; tbyrne@erca.org; llaliberte@grca.on.ca; slawson@grandriver.ca; t.lanthier@greysauble.on.ca; hbasit@hrca.on.ca; Lisa Burnside <Lisa.Burnside@conservationhamilton.ca>; mmajchrowski@kawarthaconservation.com; elizabeth@kettlecreekconservation.on.ca; r.baldwin@lsrca.on.ca; Tammy Cook <tammy@lakeheadca.com>; jmaxwell@lprca.on.ca; mark.peacock@ltvca.ca; Rhonda.bateman@ltc.on.ca; pbeard@mvca.on.ca; David.Vallier@mattagamiregion.ca; smcintyre@mvc.on.ca; csharma@npca.ca; Carl.Jorgensen@ConservationSudbury.ca; chitra.gowda <chitra.gowda@nbmca.ca>; dhevenor@nvca.on.ca; jsmith <jsmith@otonabeeconservation.com>; bmcnevin@quinteconservation.ca; richard.pilon@rrca.on.ca; sommer.casgrain-robertson@rvca.ca; E.Downing@SVCA.ON.CA; cbarrett@ssmrca.ca; cbickerdike@nation.on.ca; kphillips@scrca.on.ca; jmackenzie@trca.on.ca; annett@thamesriver.on.ca; acoleman@conservationontario.ca; bhorner@abca.ca

Cc: Keyes, Jennifer (MNRF) <jennifer.keyes@ontario.ca>; ca.office (MNRF) <ca.office@ontario.ca>

Subject: Update: Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario – Ministry of Natural Resources and Forestry

This message is being sent on behalf of Jennifer Keyes, Director, Resources Planning and Development Policy Branch, MNRF

Good afternoon:

I am writing to inform you of the proclamation of provisions of the *Conservation Authorities Act* (the act), as well as the approval of Ontario Regulation (O. Reg.) 41/24: Prohibited Activities, Exemptions and Permits, and amendments to O. Reg. 686/21: Mandatory Programs and Services made under the act, all of which come into effect on April 1, 2024. This updated legislative framework and regulations will clarify and streamline regulatory requirements to focus on natural hazards and public safety and provide greater transparency in the permitting process.

I would like to acknowledge the ongoing efforts of conservation authorities in implementing these much-needed changes.

Legislative proclamations

The amendments to the act that have been proclaimed to come into effect on April 1, 2024, including provisions regarding:

- Appeals of permit related fees to the Ontario Land Tribunal (OLT).
- Setting out the prohibited activities in the act instead of in individual conservation authority specific regulations, and enabling exceptions to the prohibitions.
- The issuance of permits by a conservation authority, including appeals to the OLT regarding permitting decisions, requests that the Minister of Natural Resources and Forestry (the minister) review a conservation authority permit decision, and appeals to the OLT if a decision is not made by a conservation authority within 90-days.
- Minister's orders directing a conservation authority not to issue a permit and, and where such an order is made, enabling the minister to issue a permit in the place of a conservation authority.
- Mandatory requirement for conservation authorities to issue permits where a minister's order has been made under section 34.1 or 47 of the *Planning Act* (continues the approach currently in effect).
- Updated enforcement powers and offence provisions under the act, including updated provisions for the appointment of officers, stop work orders and increased penalties.

New regulation for the protection of people and property from natural hazards

Effective April 1, 2024, O. Reg. 41/24: Prohibited Activities, Exemptions and Permits sets out details on: prohibited activities and areas where a conservation authority permit is required, exemptions from a permit for certain low-risk activities, the process for applying for a conservation authority permit, and service requirements for conservation authorities in reviewing permit applications. The new regulation will apply to all conservation authorities and the existing 36 conservation authority-specific regulations ("Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses") and the regulation governing their contents (O. Reg. 97/04) will be revoked. This new regulation will ensure clear and consistent requirements for conservation authorities and permit applicants while still addressing local differences. Amendments to O. Reg. 686/21: Mandatory Programs and Services, also in effect April 1, 2024, prescribes requirements for conservation authorities to prepare an annual report that outlines statistics on permits, including reporting on their level of compliance with the requirements set out in O. Reg. 41/24.

New regulation setting out rules of conduct in Conservation Areas

Effective April 1, 2024, [O. Reg. 668/21: Rules of Conduct in Conservation Areas](#) comes into effect, and the conservation authority specific regulations will be revoked. This

single regulation sets out the rules of conduct in conservation areas across the province. This new regulation generally maintains the requirements formerly set out in the individual regulations with some minor updates and re-numbering. The Ministry is also proposing amendments to Regulation 950: Proceedings Commenced by Certificate of Offence under the *Provincial Offences Act* to update the short form wordings to reflect the new regulation, and will be in contact regarding those updates in the upcoming weeks.

A decision notice is now available at the Environmental Registry of Ontario, posting #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario](#).

The new and updated regulations will be published on e-laws in the coming days and a webinar will take place during the week of March 4th for conservation authorities and Conservation Ontario, for which you will be receiving an invitation shortly.

If you have any questions, please reach out to the Ministry of Natural Resources and Forestry at ca.office@ontario.ca. I look forward to working with you to implement these changes.

Sincerely,

Jennifer Keyes

Director, Resources Planning and Development Policy Branch

Ministry of Natural Resources and Forestry

ca.office@ontario.ca

Please Note: As part of providing [accessible customer service](#), please let me know if you have any accommodation needs or require communication supports or alternate formats.

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Strategic Plan Report

to

Board of Directors

March 7, 2024

Submitted by Anne Bermingham and Michael H. Howes



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Document Overview

This document provides an update to the Board of Directors of the strategic plan being proposed for 2025-2029.

At the December Board meeting, an overview of the data gathered at the front end of the process (interim report) was provided to the Board of Directors. In this March 7 strategic plan document, the proposed strategies and initiatives are outlined. These have been developed by senior staff during January and February 2024.

Methodology

Using the December report as a foundation for this work, the strategic planning steering committee met and determined that there are four strategic directions that best meet the needs of the organization going forward. Four working groups were then created - one per strategy and initiatives were proposed.

These initiatives were fine-tuned by the steering committee and now presented here to the Board of Directors. Once your feedback has been received, there are other final steps to this process.

- Share this draft strategic plan with the public, First Nations and some stakeholders as a final validation step that this plan is on point
- Determine which initiatives are to be the focus in year 1, 2 or 3 of the plan
- Set some measurable goals for each initiative

Highlights from Data Gathering Report

No revisions to the Vision or Mission were suggested by the Board or any of the respondents in the data gathering stage of the strategic plan. Therefore, this strategic plan will build on these two statements as its foundation - namely:

Our Mission

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

Our Vision

A healthy watershed for everyone.

When asked what the Hamilton Conservation could do more of or do differently to deliver on its vision- the top four areas identified and summarized below as follows:

1. **Land Acquisition and Stewardship:** There is a strong emphasis on acquiring more land for conservation, as this approach is seen as one of the most effective methods for watershed protection and growth. As well, people spoke of the need for a continued focus on fostering private land stewardship and employing technology for monitoring purposes.
2. **Community Engagement and Education / Public Relations and Communication:** There were two broad areas of responses to this question as noted in the title. Both spoke specifically to a need to educate the public on what the HCA is and what it does, along with its relationships to various levels of government.

Suggestions include increasing outreach and educational efforts so more people understand what conservation authorities do and the benefits they provide. Also, emphasising connections with diverse community groups, including indigenous nations and new Canadians, is seen as essential for inclusive conservation efforts.
3. **Technology and Innovation:** Utilising and investing in technology was a common theme amongst respondents. The suggestion of increased technology was related to the internal practices of the HCA, ensuring that staff were working with the most efficient, effective technology.
4. **Diversity, Accessibility, and Inclusivity:** This topic came up in both this question as well as in other questions. Respondents suggested a focus on engaging underrepresented communities and ensuring conservation areas meet diverse needs.

In the December report, there was an extensive outline of the many Political, Economic, Sociological, Technological, Legal and Environmental Factors that should be considered when setting the next strategic plan.

Strengths of the Hamilton Conservation Authority

Many strengths were identified in the interim report. There are important to understand as you want your next strategic plan to build on these strengths. Summarized below are the top 6 that respondents noted:

1. **Agility and Responsiveness:** The Hamilton Conservation Authority boasts a small, flexible, and mobile team that can adapt quickly, ensuring swift reactions to changing conditions or needs. The pivot to virtual meeting technology during the pandemic was an oft-cited example. Also, the HCA is quick to respond to requests for assistance or in seeing opportunities to help others, such as doing water sampling for the City of Hamilton.
2. **Financial Self-Sustainability:** It is financially self-reliant (beyond the municipal levy), largely due to efficiently managed conservation areas and facilities. Despite its smaller size compared to other conservation areas in

Ontario, it generates significant revenue beyond the municipal levy. Respondents from Conservation Ontario and other conservation authorities indicated that the HCA is seen to be a leader in this area.

3. **Diverse Recreational and Conservation Areas:** The authority offers a variety of well-maintained areas, services, and experiences for visitors. Its conservation spaces are kept in better condition compared to others, with clear trail maps and well-maintained infrastructure. People indicated that the state of the trails, the infrastructure, and the accessibility of the conservation lands were key strengths.
4. **Innovative Technologies and Programs:** Innovations, such as advance day pass purchases and automated gates, enhance visitor experience and help manage access and revenue.
5. **Customer Service and Public Engagement:** Staff are recognized for their professionalism, client orientation, and community engagement. They are seen as passionate, dedicated, and entrepreneurial, contributing to a positive workplace environment.
6. **Organizational Profile, Community Engagement and Educational Programs:** The Hamilton Conservation Authority has strong ties with annual pass holders and engages in initiatives with the HPL to tackle socio-economic barriers. They also feature outdoor education programs, partnerships with schools, and a significant volunteer base, all aimed at fostering environmental awareness.

Weaknesses of the Hamilton Conservation Authority

Some weaknesses were identified in the interim report. It is important that these are addressed in the future strategic plan and initiatives. Summarized below are the top 4:

1. **Employee Recruitment and Retention:** There's a high reliance on key individuals, creating a burnout risk. Issues with staff retention have been noted, with a more frequent need to review compensation, internal hierarchy, career growth opportunities and enhance internal recognition and promotion to help prevent loss of employees.
2. **Technology and Modernization:** The Hamilton Conservation Authority is perceived to be slow to adopt new technology (both in the office and in the field), though efforts are being made to modernise through an IT strategy.
3. **Engagement and Public Perception:** There are gaps in Indigenous engagement, though some steps towards improvement are being taken. Beyond that, a number of people suggested that the broader public doesn't know what the HCA is all about, who runs it, what its mandate is, etc. More

social media and greater online presence are some of the recommended steps forward.

Proposed Strategic Directions

With the strengths and weaknesses considered and the potential strategies reviewed, the final recommendation is to have four strategic directions in this next plan. The details are provided here.

Strategic Priority Area A: Water Resources Management

Preamble:

Focused on safeguarding the health of the watershed and protecting people and property from natural hazards. We will prioritize measures such as flood and erosion control, water quality monitoring to assess changes in watershed health and guide restoration and enhancement programs, collaborate with watershed partners and evolve conservation priorities to address climate change, regulatory updates, and creation of new strategies.

Initiatives:

- 1) Advance the implementation of our floodplain mapping program within our watershed to better understand flood risks and direct development away from natural hazards
- 2) Enhance our flood forecasting and warning program to issue relevant and timely flood messaging and assist municipalities and the public in responding quickly and effectively to flood events
- 3) Promote our Watershed Stewardship Program to further strengthen landowner education and restoration efforts on private lands and to align with the heightened public focus on climate change
- 4) Collaborate with the City of Hamilton on their Watershed Action Plan and support our partners involved in the Hamilton Harbour Remedial Action Plan to achieve shared environmental goals
- 5) Monitor the impacts of climate change through existing and enhanced monitoring programs and networks to inform adaptation and mitigation strategies
- 6) Update planning and regulatory policy based on the recommendations of the 2024 Shoreline Management Plan and amendments to the *Conservation Authorities Act* and associated regulatory changes

Strategic Priority Area B: Organizational Excellence

Preamble:

Focused on our organizational resources to ensure efficient and responsive operations are available to meet the needs of the future. We will prioritize attracting and retaining skilled talent, financial sustainability, building organizational and technological capacity while also focusing on enhancing communication and engagement within our watershed's communities, First Nations, and all levels of government.

Initiatives:

- 1) Promote employee training, engagement, well-being, diversity, and inclusivity to strengthen our organizational resilience and ensure employees are equipped with the necessary skills to address emerging needs
- 2) Identify and further invest in technology that improves security measures, business processes, optimizes workflows, and facilitates broader access to open data resources
- 3) Build upon the initial investments and initiatives in the Corporate Climate Change Strategy to reduce our carbon footprint
- 4) Further the physical asset inventory and enhance how we manage HCA assets through their lifespan
- 5) Enhance communications efforts to promote our accomplishments, programs, and services, including results of our monitoring and restoration programs, to strengthen awareness and engagement with the watershed community
- 6) Uphold our ties to federal, provincial, and municipal partners to work together to advance conservation efforts
- 7) Increase our engagement with First Nations to learn about and incorporate traditional knowledge in stewardship and programs on the Treaty and traditional lands within the HCA watershed

Strategic Priority Area C: Natural Heritage Conservation

Preamble:

Focused on the management and conservation of natural areas, which include the forests, wetlands, meadows, and watercourses within the watershed. We will prioritize the acquisition, restoration, and enhancement of the diverse natural areas, along with ecological monitoring to enhance our understanding of watershed ecosystems and stressors.

Initiatives:

- 1) Expand protected natural areas and HCA land holdings through the HCA's Land Securement Strategy and based on other sources of natural areas information and identified priorities
- 2) Advance progress on the Saltfleet Conservation Area Wetland Restoration Program and promote its objective and benefits
- 3) Manage natural areas on HCA lands through monitoring, inventories, strategies and approved master and management plan recommendations to ensure enhancement of natural areas and ecosystems
- 4) Engage our watershed residents and stakeholders to enhance and restore natural features through participation in stewardship programs, education initiatives, and adoption of best management practices
- 5) Improve our understanding of watershed ecosystems and address emerging issues by broadening scope of HCA monitoring activities and working with our municipal partners on the Biodiversity Action Plan and Natural Areas Inventory

Strategic Priority Area D: Connecting People to Nature

Preamble:

Focused on the conservation of HCA lands and connecting communities to natural areas. We will prioritize the provision of high quality, diverse and safe conservation areas, while promoting environmental education and awareness initiatives, outdoor recreation for health and well-being and opportunities for participation in local conservation efforts on HCA lands.

Initiatives:

- 1) Identify and support an inclusive and accessible range of programs and amenities in our conservation areas and managed lands to welcome visitors and enhance inclusivity
- 2) Manage and enhance conservation lands utilizing best management practices to support nature appreciation and recreation activities as communities continue to grow and look to HCA's conservation areas to spend time in nature
- 3) Continue development of master and management plans and implementation of priority capital reinvestments
- 4) Enhance volunteer engagement opportunities and outreach efforts, promoting a sense of stewardship and community involvement
- 5) Strengthen and continue to deliver environmental and cultural heritage education and outreach programs that connect people to nature and foster conservation
- 6) Collaborate with partners to share knowledge and work together to enhance access to conservation areas and trail networks

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Report

TO: Conservation Advisory Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: Scott Fleming, Director of Finance & Central Support Services

PREPARED BY: Sarah Gauden, Marketing & Communications Manager
Griffin Moore, Graphic Design Coordinator

MEETING DATE: Thursday, February 8, 2024

RE: HCA Indigenous Interpretive Panels Project

RECOMMENDATION

THAT The Conservation Advisory Board recommended to the Board of Directors:

THAT the proposed Indigenous Interpretive Panels Project, as outlined in this report, be approved for implementation following the securement of funding.

BACKGROUND & PURPOSE

HCA staff have identified that Royal Botanical Gardens (RBG) recently undertook a project where RBG worked with Indigenous consultants to create an Indigenous Plant Medicine walk on one of their connecting trails. The trail was developed in 2016-2017 in consultation with an Anishinaabe Plant Knowledge specialist, and members of the Mississaugas of the Credit First Nation. The RBG trail includes six interpretive panels which focus on plant medicines and how native plants in the area were used daily by those who inhabited the area. After some research, staff identified the potential for a similar project to be completed in the Dundas Valley Conservation Area (DVCA).

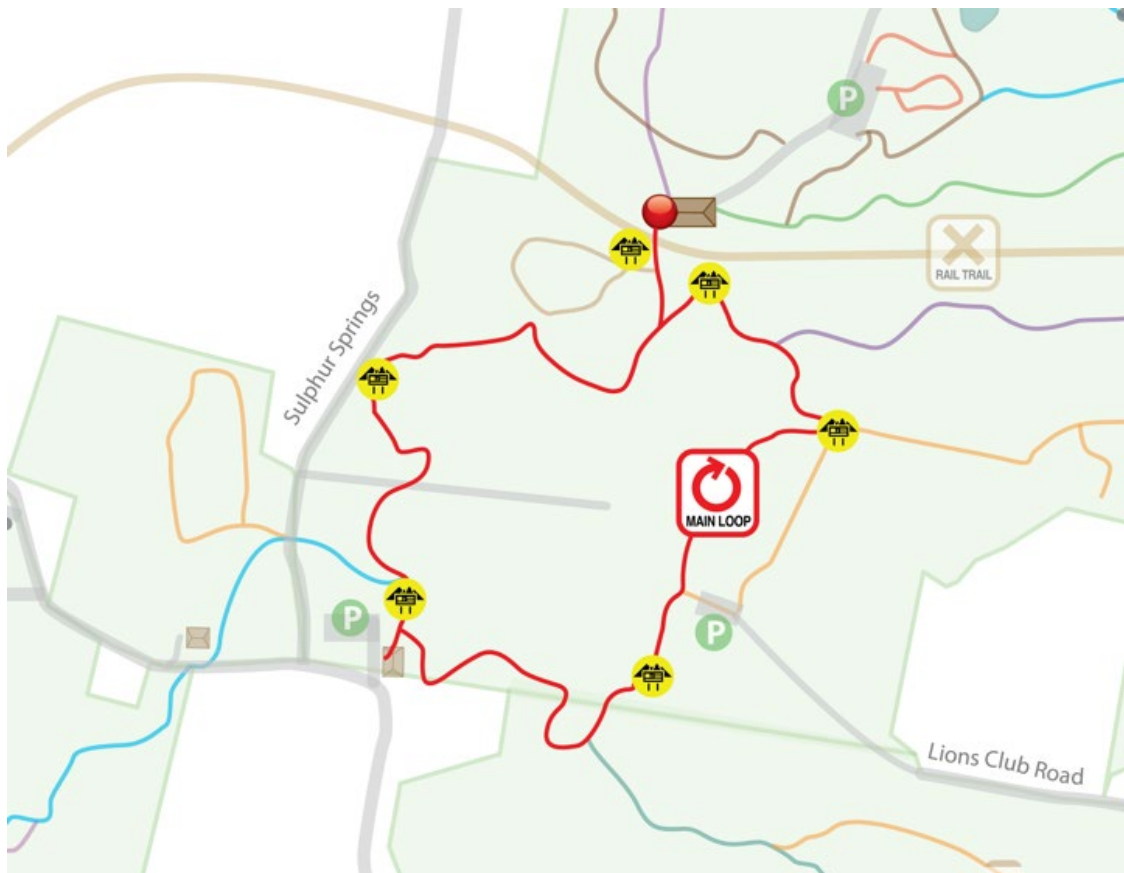
The purpose of this report is to obtain CAB endorsement and Board of Director approval for a similar installation in the DVCA. Implementation of the project is subject to securement of funding.

STAFF COMMENT

This project aims to develop five to seven interpretive panels to create an Indigenous Educational tour within the Dundas Valley Conservation Area on the Main Loop. This trail is one of the most popular trails within the HCA and sees significant year round visitor volume and DVCA is also home to the outdoor environmental education program.

Strategically placing these interpretive panels creates an educational presence for the public. Additionally, by placing this project in the Dundas Valley, the panels have the potential to be incorporated into our current outdoor environmental educational program. The Hamilton Conservation Authority offers a variety of outdoor environmental education programs for both elementary and secondary school students. The panels will start around the Bruce Duncan Teaching Garden and, from there, continue to the Main Loop. Refer to Figure 1 below.

Figure 1



Staff intend to develop the panel project on a schedule culminating by end of Spring 2025 with the following project timeline:

Table 1: High Level Project Objectives by Phase

PHASE 1 Q1/Q2 2024	PHASE 2 Q3/Q4 2024	PHASE 3 Q1/Q2 2025
Seek endorsement to initiate from CAB and Board of Directors	Confirm Indigenous Consultants/Partners	Finalize signage artwork
Confirm funding	Finalize panel topics and draft content	Signage installation
Convene an internal staff project committee	Return draft panels for CAB review	Official opening to share completed project
Draft reference for Indigenous partner / consultant support		Collect feedback from visitors and the community to inform future initiatives

While the specific topics for the panels remain pending confirmation, the overarching aim is to offer insights into the broader narratives and teachings prevalent within First Nations within our watershed to share Indigenous knowledge and relationship to the land. HCA will engage with local First Nations, and representatives from educational institutions that focus on Indigenous teachings such as McMaster University in the development and information on the panels. Focus areas may potentially include explanation of the project and partners, medicines, etc.

This project aims to educate the visitors who walk the trails and also, to strengthen Indigenous knowledge and relationships between the HCA and First Nations.

STRATEGIC PLAN LINKAGE

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

Organizational Excellence

- Initiative: Identify opportunities to engage the community, adjacent landowners and Indigenous Peoples

Conservation Area Experience

- Initiative: Identify and support a more diverse and accessible range of programs for our conservation area users

Education & Environmental Awareness

- Initiative: Enhance and adapt outdoor environmental and cultural education programs with new technology, curriculum and trends

LEGAL/FINANCIAL IMPLICATIONS

A project budget of approximately \$60,000 has been estimated to complete this project. While some costs such as staff time are already accounted within the operating budget, other costs related to sign construction, installation and Indigenous consultation fees will require funding, which is estimated at \$45,000. Staff have initiated outreach with the Hamilton Conservation Foundation in regard to the potential to provide funding as well as the HCA grants officer in regard to potential grants that could be applied to collect funding for the project.

CONCLUSIONS

This project, which involves the creation and installation of interpretive panels focused on Indigenous history and culture, has tremendous potential to enrich the visitor experience in the conservation areas and strengthen the connections between HCA and Indigenous communities. The installation will serve as a means to share the stories, traditions and significance of the land with all visitors.



Report

TO: Conservation Advisory Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: Gord Costie, Director Conservation Area Services

PREPARED BY: Rondalyn Brown, Manager, Westfield Heritage Village
Peter Lloyd, Collections Officer, Westfield Heritage Village

MEETING DATE: February 8, 2024

RE: Westfield Artifact Accessions for 2023

STAFF RECOMMENDATION

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

THAT the Westfield 2023 Artifact Accessions List be accepted as the artifacts to be added to the Westfield Heritage Village Conservation Area and the Hamilton Conservation Authority collection.

BACKGROUND

Westfield is a living history museum dedicated to the collection, preservation and presentation of objects associated with the cultural and natural history of this area. Westfield maintains an artifact and archival collection consisting of more than 25,000 objects reflecting the social, cultural and material history of the area. The museum is committed to managing this collection according to current professional standards for acquisition, preservation, documentation, research, deaccession and use of the artifact collection.

Objects acquired for the collection will be consistent with the mandate, goals and priorities of the site. Objects collected will normally represent the types of material goods that would have been locally manufactured, routinely available or the product of local activity in Southern Ontario from the period 1790-1925. They must be in a condition suitable for display or research.

STAFF COMMENT

Westfield staff is diligent about adhering to the very important collections management and provincial museum standards to ensure the HCA is managing the artifact collection in a professional manner.

Westfield 2023 Artifact Accessions List

The following items are recommended to be accepted into the Westfield Heritage Village Conservation Area permanent artifact collection in 2023.

- Wooden cradle, (1840's)
- Wool winder
- Cook book (1906)
- Group of 5 door bells
- Tool box, agricultural
- Writing box, with marquetry
- Plant stand
- Parlor side table
- Table lamp, "Tiffany style"
- Group of 2 brass blow torches
- Whiskey bottle, "Maple Leaf", prohibition era
- Cigar box, wooden, H. Simon Company, Hamilton
- Framed art, colour print, 1910's

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Conservation Area Experience**
 - Initiatives – Identify and support a more diverse and accessible range of programs for our conservation area users

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

HCA assumes liability and responsibility for the appropriate and professional management of the Westfield Heritage Village artifact collection.

CONCLUSIONS

These measures will help manage the Westfield Heritage Village Conservation Area artifact collection and will preserve important pieces of local history for the community.



A Healthy Watershed for Everyone

Report - Amended

TO: Conservation Advisory Board

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: Matthew Hall, Director, Capital Projects & Strategic Services

MEETING DATE: February 8, 2024

RE: Artaban Rd. & Lower Lions Club Rd. – Parking Lot Enhancement Project Proposals

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

THAT Staff be directed to complete detailed design for the Artaban Rd. Parking Lot Expansion project and formally submit a Development Permit Application for this project to the Niagara Escarpment Commission; and further

THAT Staff be directed to complete a capacity study of Tiffany Falls Conservation Area and return it to the Conservation Advisory Board prior to completing detailed design for the Parking Lot Addition project on Lower Lions' Club Road and formally submit a Development Permit Application for this project to the Niagara Escarpment Commission.

BACKGROUND & PURPOSE

In October 2019, a report titled "HCA Conservation Area – Visitor Management & Vehicle Parking Review" was presented to the Conservation Advisory Board, to address increasing visitor and parking pressures and identify priority actions to balance both preservation of our natural areas while also providing a positive visitor experience.

All seven recommendations were endorsed by CAB and ultimately approved by the Board of Directors.

The purpose of this report is to recap and provide an update on the seven recommendations and seek direction to complete the detailed design for the Artaban road expansion project as well as the Lower Lions Club road parking lot addition project.

STAFF COMMENT

The seven approved recommendations from the October 2019 staff report are as follows:

Recommendation #1 – HCA staff implement immediate parking enhancement opportunities at Artaban Road, Tiffany Falls, Devil’s Punchbowl, Tew Falls and Westfield Heritage Village to optimize number of parking spaces, traffic flow and signage;

Recommendation #2- HCA staff undertake steps to consider expansion of the Artaban road parking lot through a Niagara Escarpment development permit;

Recommendation #3 – HCA staff undertake steps to establish an interim parking lot and trail connection to the Dofasco Trail for the Devil’s Punchbowl at the Saltfleet Conservation Area;

Recommendation #4 – HCA staff further examine and explore additional options for safe visitor access to Tiffany Falls;

Recommendation #5 – HCA staff work with various agencies and partners such as City of Hamilton, Tourism Hamilton, Hamilton/Burlington Trails Council etc. to encourage transportation alternatives;

Recommendation #6 – HCA develop a marketing campaign and website enhancements to increase turnover and shorter term stays at areas with limited parking and encourage visitation to less frequented areas and when there is capacity;

Recommendation #7 – HCA staff ensure that the approved 10-year Masterplan Strategy incorporates detailed review of parking at all areas through the Master planning process.

Since this time HCA staff have been working to implement the recommendations listed. Updates to these are provided below:

Recommendation #1:

- Artaban Rd lot – Modest alignment enhancements to existing gravelled and grass parking areas completed. Addition of two hardwired barcode capable Pay & Display machines added to expedite payment process for visitors.

- Tiffany Falls lot – Lot reconfiguration undertaken in conjunction with City of Hamilton’s Wilson St improvement project, which added bike lanes and an electronic crosswalk for safer pedestrian access. Addition of two hardwired barcode capable Pay & Display machines added to expedite payment process for visitors.
- Devil’s Punchbowl Lot - Modest enhancements to existing gravelled and grass parking areas completed. Road shoulder barriers completed with City of Hamilton to address excessive on street parking issues. New autogate system installed to facilitate improved visitor access.
- Tew Falls lot - Modest enhancements to existing gravelled and grass parking areas completed. New gatehouse and autogate system installed to facilitate improved visitor access.
- Westfield Heritage Village Conservation Area – New parking area added along Kirkwall Rd. substantially improving site capacity. New gatehouse and autogate system installed to facilitate improved visitor access.

Recommendation #2:

- HCA staff hired a third-party ecological planning firm to conduct work to complete an Environmental Impact Study (EIS) report, which would be required by the Niagara Escarpment Commission to permit development within the Artaban Rd lot area. The results of this report are discussed below under Staff Comment.

Recommendation #3:

- HCA staff completed a temporary trail connection and modest lot improvements on the Saltfleet Conservation Area property, in order to allow it to be officially opened for public use. Following this, the site was closed during construction of the wetlands. With the completion of the wetland project a formal trail connection now exists and is fully open to public users. Further parking enhancements are currently under review by HCA staff.

Recommendation #4:

- HCA staff hired a third-party ecological planning firm to conduct work to complete an EIS report, which would be required by the Niagara Escarpment Commission to permit development within the Lower Lions Club Rd property owned by the HCA. The results of this report are discussed below under Staff Comment.

Recommendation #5:

- HCA staff have actively participated in a variety of external agency and stakeholder groups related to public parking and visitor management for parks and conservation areas. Some of these groups have included the City Waterfall Working group, the Hamilton Burlington Trails Council and the Regional Tourism Office for the Hamilton area.

Recommendation #6:

- This is a program which is actively in progress through the HCA's marketing department. Promotional material encouraging visits to a variety of C.A.'s continues to be an important message being conveyed. The expanded trail system at Westfield is HCA's newest promotion to attract more visitors to this area.

Recommendation #7:

- HCA staff continue to progress with the implementation of the HCA's 10 Year Masterplan Strategy, incorporating parking reviews and considerations from internal HCA staff workshops, outside agency and stakeholder comments, as well as public feedback. Draft Master & Management Plans for the Saltfleet, Devil's Punchbowl, Dofasco Trail as well as the Vinemount & Winona Conservation Areas, are all currently under review by the Ministry of Natural Resources & Forestry, the Niagara Escarpment Commission and by our neighbouring Indigenous partners.

The remainder of this report will focus on Recommendation #'s 2 & 4 and the steps HCA staff are looking to take in order to move these items forward.

Artaban Road Parking Lot

This parking lot receives significant visitation, particularly now that Lions Club road has been signed as No Parking with special enforcement area status. Outside of the major core HCA Conservation Areas, it has consistently ranked amongst the highest grossing pay-per-use lots within the HCA's operation. Its popularity is associated with visitation of Sherman Falls which is not owned by HCA but is located adjacent to HCA lands and associated trail system via the Bruce Trail. It is important to note that HCA has continued to work collaboratively with City bylaw enforcement to control and enforce No Parking regulations to address spillover parking on Lions Club Road, as much as reasonably possible.

The HCA's 2019 Visitor and Vehicle Management report recommended the following for this location:

- There is the potential to formally expand the parking lot at Artaban Road adjacent to the existing HCA parking lot. There is additional work to be completed to determine the feasibility of this proposal. This includes:
 - - i. Completion of an Environmental Impact Study (EIS) to determine if it is acceptable according to HCA and City of Hamilton requirements to develop a parking lot on the lands as the majority of the area is

designated as an Environmentally Significant Area. This work would take approximately 1-year to complete and would require the services of an outside consultant.

- ii. The subject lands are located within the Niagara Escarpment Plan area, within the Protection Area designation and a Development Permit would be required for the development of a parking lot in this area. The above noted EIS would form part of this application.

As a result of this, HCA staff hired third party consulting firm, Aboud & Associates Inc. in Feb. 2021 to begin reviewing this area in detail for the potential of a formal parking area expansion project. This work was completed in March 2022. The following is a list of the recommendations made by the consultants, along with the HCA's intentions on how these will be addressed:

1. Revise the site plan during detailed design, to locate the potential parking expansion and formalization entirely within the Graminoid Meadow and avoid any removal of the existing Significant Woodland.

HCA – This has been achieved with the proposed conceptual design.

2. If tree removals are necessary, minimize tree loss through the completion of a Tree Preservation Plan including the installation of a silt and sediment control barrier consisting of a combination of silt fencing as well as orange construction fencing. This fencing barrier is to be installed at least 1m beyond the dripline of remaining trees wherever possible. Ensure that the location and details pertaining to the tree protection measures are accurately outlined and shown within the Tree Protection Plan and Detailed Site Plan.

HCA – A Tree Protection & Removals Plan will form part of the HCA's submission to the NEC after detailed design has been completed.

- a. Any trees proposed for removal should be inspected for bat maternity habitat by a qualified biologist.

HCA – This is noted and HCA will comply.

- b. Sediment control barrier to be inspected weekly during construction and following a storm event of 25mm of rainfall within 24 hours.

HCA – This is noted and HCA will comply.

3. Implement Erosion and Sediment Control Plan (ESC) per the Erosion & Sediment Control Guideline for Urban Construction (TRCA, 2019).

- a. Sediment control fencing to be installed as shown on a Detailed Site Plan. Installed sediment control fencing is to be inspected to ensure that it is in place and functioning as designed prior to any activities or construction.

- b. Install amphibian and reptile exclusion fencing surrounding the potential development limit prior to any site works occurring.

HCA – A Sediment Control & Exclusionary Fencing Plan will form part of the HCA’s submission to the NEC after detailed design has been completed.

4. ESC measures to be kept in place until construction is completed, and disturbed soils have been vegetated.

HCA – This is noted and HCA will comply.

5. The area of construction disturbance shall be kept to a minimum;

HCA – This is noted and HCA will comply.

6. Control the access and movement of equipment and people;

- a. Implement appropriate protocols outlined in the Clean Equipment Protocol for Industry (Halloran et al., 2013);

HCA – This is noted and HCA will comply.

7. Works and equipment storage are to be located as far as possible from the existing natural features as possible;

HCA – This is noted and HCA will comply.

8. Accumulated sediment and debris to be removed before silt fence is removed.

HCA – This is noted and HCA will comply.

9. All disturbed areas to be re-vegetated or restored with site appropriate indigenous plants wherever opportunities exist.

HCA – A Landscaping & Restoration Plan will form part of the HCA’s submission to the NEC after detailed design has been completed.

10. Install vegetated swales to detain surface runoff and re-direct it away from the currently eroding slope. Drainage from the swales is recommended to be directed to the roadside ditch north of the parking lot area on the east side of Artaban Road.

HCA – A Grading Plan will form part of the HCA’s submission to the NEC after detailed design has been completed.

11. Time activities to avoid wildlife disturbance during critical life stages:

- a. Avoid removal of trees and vegetation during the generalized breeding bird nesting period from April 1 to August 31. If removal of vegetation is to occur during the general nesting period, a nest search should be completed by a skilled and experienced Biologist.

HCA – This is noted and HCA will comply.

- b. Close the parking area to public access during the adult salamander migration period (February – beginning of April). Monitor the parking area for salamander mortality during the juvenile migration period (August) to determine whether additional mitigation measures are necessary.

HCA – This is noted and HCA will comply.

- c. Due to the study area being within regulated habitat for Jefferson Salamander, MECP should be contacted regarding vegetation removal prior to any works occurring.

HCA – This is noted and HCA will comply.

- d. If any tree removals are required, MECP communication should also occur regarding bat maternity habitat.

HCA – This is noted and HCA will comply.

- 12. Choose designs and materials that will minimize impacts.

HCA – This is noted and HCA will comply.

- 13. Establish educational signage pertaining to proper trail use and encroachment into the surrounding natural features.

HCA – This is noted and HCA will work to enhance signage within the area post-construction.

Visitor parking lot turnover and capacity issues have persisted due to the lot's poor configuration, lack of automated gate systems and overall size. Further to this, during times of high visitation the parking area's current configuration does not allow sufficient space for EMS services, should an emergency situation arise. The proposed improvements to this lot would optimize traffic flow, modestly increase the number of parking spaces; as well as allowing fair public access while adding enhanced after-hours security measures with the addition of an automated gate system.

Drawings G01 & G02 in this report highlight the existing and proposed lot configurations for this area.

Tiffany Falls

Tiffany Falls is a highly visited conservation area that is serviced by a small parking lot. Similar to the Artaban Lot, it has consistently ranked amongst the highest grossing pay-per-use lots within the HCA's operation, outside of the major core HCA Conservation Areas. This lot is heavily constrained physically however and increasing the overall parking area's shape and size is not possible.

During the summer & fall of 2022 the HCA worked closely with the City of Hamilton to incorporate modest parking enhancements to the existing Tiffany Fall's parking lot and it's surrounding area. Enhancements to the parking area included: paved entry and exit aprons, enhanced signage and line painting, enhanced safety measures such as guardrails and parking curbs, and an optimized parking layout which maximized the spaces available for vehicles.

This work was completed as part of the City's Wilson St. resurfacing project which also added: cycling lanes, lane protection measures, and an automated cross-walk to the Tiffany Fall's area for safe crossing for Bruce Trail and HCA visitors. It is important to note that HCA continues to work collaboratively with City bylaw enforcement to control and enforce no parking regulations with special area enforcement status to address spillover parking along Wilson Street.

The HCA's 2019 Visitor and Vehicle Management report recommended the following for this location:

1. (Review the) potential for the development of a new larger parking lot for this site on HCA lands adjacent to Tiffany Falls located north of Wilson Street with frontage on Lower Lions Club Road. There is additional work to be completed to determine the feasibility of this proposal. This includes:
 - i. Completion of an Environmental Impact Study (EIS) to determine if it is acceptable according to HCA and City of Hamilton requirements to develop a parking lot on the lands as the majority of the area is designated as an Environmentally Significant Area. This work would take approximately 1-year to complete and would require the services of an outside consultant.
 - ii. The subject lands are located within the Niagara Escarpment Plan area, within the Protection Area designation and a Development Permit would be required for the development of a parking lot in this area. The above noted EIS would form part of this application.

As a result of this, HCA staff hired third party consulting firm, Aboud & Associates Inc. in Feb. 2021 to begin reviewing this area in detail for the potential of a formal parking area addition project. This work was completed in March 2022. The following is a list of the recommendations made by the consultants, along with the HCA's intentions on how these will be addressed:

1. Locate the potential parking area within the western meadow community beneath the existing hydro corridor to minimize potential impacts to the Significant Woodland, avoid removal of Significant Wildlife Habitat for Rare and Special Concern species (Monarch) and maintain the candidate snake hibernacula.

HCA – This has been achieved with the proposed conceptual design, with some limitations due to requirements constructing within hydro corridors.

- a. Implement a variable buffer, if feasible based on detailed design, to provide an opportunity for restoration and enhancement of the southern portion of the western meadow.

HCA – This has been achieved with the proposed design, the HCA has no intention of building within a larger envelope than what is required to service the site.

2. Implement Erosion and Sediment Control Plan (ESC) per the Erosion & Sediment Control Guideline for Urban Construction (TRCA, 2019).

- a. Sediment control fencing to be installed as shown on a Detailed Site Plan.
Installed sediment control fencing is to be inspected to ensure that it is in place and functioning as designed prior to any activities or construction.

HCA – A Sediment Control Fencing Plan will form part of the HCA’s submission to the NEC after detailed design has been completed.

3. Minimize tree loss through the completion of a Tree Preservation Plan including the installation of a silt and sediment control barrier consisting of a combination of silt fencing as well as orange construction fencing. This fencing barrier is to be installed at least 10m beyond the dripline of remaining trees wherever possible. Ensure that the location and details pertaining to the tree protection measures are accurately outlined and shown within the Tree Protection Plan and Detailed Site Plan.

HCA – A Tree Protection & Removals Plan will form part of the HCA’s submission to the NEC after detailed design has been completed.

- a. Any tree proposed for removal should be inspected for bat maternity habitat by a qualified biologist.

HCA – This is noted and HCA will comply.

- b. Sediment control barrier to be inspected weekly during construction and following a storm event of 25mm of rainfall within 24 hours.

HCA – This is noted and HCA will comply.

4. ESC measures to be kept in place until construction is completed, and disturbed soils have been vegetated.

HCA – This is noted and HCA will comply.

5. The area of construction disturbance shall be kept to a minimum;

HCA – This is noted and HCA will comply.

6. Control the access and movement of equipment and people;

- a. Implement appropriate protocols outlined in the Clean Equipment Protocol for Industry (Halloran et al., 2013);
- b. Equipment is to be limited to a pre-determined construction allowance area and is not to encroach within the adjacent natural communities.

HCA – These are noted and HCA will comply.

7. Works and equipment storage are to be located as far as possible from the existing natural features as possible.

HCA – This is noted and HCA will comply.

8. Accumulated sediment and debris to be removed before silt fence is removed.

HCA – This is noted and HCA will comply.

9. All disturbed areas to be re-vegetated or restored with site appropriate indigenous plants wherever opportunities exist.

HCA – A Landscaping & Restoration Plan will form part of the HCA's submission to the NEC after detailed design has been completed.

10. Install vegetated swales to detain surface runoff and prevent the formation of eroded gullies. Drainage from the swales is recommended to outlet to the roadside ditch at Lower Lions Club Road.

HCA – A Grading Plan will form part of the HCA's submission to the NEC after detailed design has been completed.

11. If removal of the existing rock pile is proposed, complete studies to determine whether the feature provides significant wildlife habitat in the form of Reptile Hibernaculum.

HCA – This is noted and HCA will comply. Removal of the rock pile identified on site is not currently proposed.

12. Examine any trees proposed for removal for candidate bat maternity habitat characteristics.

HCA – This is noted and HCA will comply.

13. Time activities to avoid wildlife disturbance during critical life stages:

- a. Avoid removal of trees and vegetation during the generalized breeding bird nesting period from April 1 to August 31. If removal of vegetation is to occur during the general nesting period, a nest search should be completed by a skilled and experienced Biologist.

HCA – This is noted and HCA will comply.

14. Align required trail connection so tree removals target existing White Ash in poor or dead condition where feasible.

HCA – A Tree Protection & Removals Plan will form part of the HCA's submission to the NEC after detailed design has been completed.

15. Choose designs and materials that will minimize impacts.

HCA – This is noted and HCA will comply.

16. Establish educational signage pertaining to proper trail use, encroachment into the surrounding natural features and the negative effects of feeding and/or approaching wildlife.

HCA – This is noted and HCA will work to enhance signage within the area post-construction.

Again, similar to the Artaban Lot, visitor parking turnover and capacity issues have persisted at Tiffany Falls due to the lot's poor configuration, lack of automated gate systems and overall size. Further to this, during times of high visitation the parking area's current configuration does not allow sufficient space for EMS services, should an emergency situation arise. Wilson St. protected bike lanes add a further element to this area bringing together vehicles, pedestrians and bikes in or along the parking area. The proposed additional parking lot along Lower Lion's Club Rd. would act to support the existing Tiffany Falls lot to optimize traffic flow, increase the number of parking spaces available, and spread visitors apart further via a new trail connection to the new Wilson

St. cross-walk feature; in addition to allowing fair public access while adding enhanced after-hours security measures with the addition of an automated gate system.

Drawings G03, G04 & G05 in this report highlight the existing and proposed lot configurations for this area.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives - Support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current

- **Strategic Priority Area – Conservation Area Experience**
 - Initiatives – Develop visitor and parking management strategies to support conservation areas for sustainable recreation, education and tourism
 - Initiatives - Continue to expand installation of automatic gates across our conservation areas

AGENCY COMMENTS

This project's implementation will require continued collaboration with partner agencies such as the City of Hamilton and the Bruce Trail Conservancy. Development Permits for the work proposed will be required from the Niagara Escarpment Commission (NEC) before commencement of work.

One important note: a public commenting period will be required during the NEC's development permit review process. During this period of time neighbouring landowners adjacent to the project locations will be circulated the details of the development permit application for their own comments and feedback. This process can sometimes lead to project proposal delays or outright dismissals by the NEC.

LEGAL/FINANCIAL IMPLICATIONS

Appropriate monies for construction have been allocated for these parking enhancement projects within the HCA's 2024 Capital Projects budget.

CONCLUSIONS

The changes proposed for both the Artaban Parking Lot area and the Tiffany Falls/Lower Lion's Club Rd area, follow through on the recommendations previously

endorsed and approved in 2019 by the HCA's Conservation Advisory Board and the Board of Directors. HCA staff have reviewed the concepts proposed in great detail internally and are confident the resulting changes to both locations will yield favourable results from both a public access and area management perspective. HCA staff recommend moving forward with the completion of detailed design packages for both proposed parking improvement projects, along with a final review by the original consulting team Aboud & Associates Inc. to ensure all recommendations have been adequately addressed. A formal Development Permit submission to the NEC would follow in order to continue to move these initiatives forward.

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Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: Matt Hall, Director; Capital Projects & Strategic Services

PREPARED BY: Nicholas Oleschuk, Asset Management Coordinator;
Capital Projects & Strategic Services

MEETING DATE: March 7, 2024

RE: Tender Results for East Slide Tower Refurbishment at Wild Waterworks

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

That the tender for the East Slide Tower Refurbishment at Wild Waterworks be awarded to TruGrp Inc. at a total cost of \$140,685.00 (including contingency & taxes).

BACKGROUND & PURPOSE

HCA manages Confederation Beach Park, which includes Wild Waterworks on behalf of the City of Hamilton. One of the main, central attractions at Wild Waterworks is the four East Tower Water Slides. The original construction of the steel structure for the East Slide Tower was in 1983. The main structure of this slide tower requires corrosion abatement work following recent TSSA inspections and engineering reports.

On June 20, 2023, prior to Wild Waterworks opening for the season, an “Amusement Device Periodic Inspection” for Waterslides was performed by the TSSA. On June 21, 2023, the TSSA ordered that a structural review of the steel structure and concrete ramps leading to the top launch platform for the four East Slides be conducted due to heavy corrosion in some areas.

To meet the compliance date of September 18, 2023, HCA Capital Projects staff retained a consultant (Kalos Engineering Inc.) to inspect the East Slide Tower structure and provide comment. The results of the inspection indicated that moderate repairs involving the removal of corrosion and the replacement of zinc coatings were required within the next year to prevent further deterioration.

The purpose of this report is to advise the Board of the requirement for the East Slide Tower repairs and recommendation to award to TruGrp Inc. following the public tender process.

STAFF COMMENT

On January 16, 2024, HCA staff issued public tender and specification documents for firms to consider in their bids. This has been advertised publicly through the HCA’s online Biddingo tender portal and sent to a variety of specific contractors who specialize in this type of work. A recommended site meeting for bidders was held on January 31, 2024 to go over project specifics and address any questions the contractors had. A total of five (5) contractors were present for this site meeting with one package officially received. A total of fourteen (14) firms downloaded tender packages online.

Tenders officially closed on February 21, 2024 @ 11:00 a.m. A tender opening process followed at 11:05 a.m. to evaluate pricing and verify bonding. A summary of the final public tender results is as follows:

Company	Necessary Bonding	Final Price (Inc. Taxes & Contingency)
TruGrp Inc.	Yes	\$140,685.00

HCA staff are satisfied that the bidder is a qualified and suitable contractor for this type of work and recommend that the contract be awarded to TruGrp Inc.

It is anticipated that the project will be substantially completed on or before May 24, 2024, prior to the opening of Wild Waterworks.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Areas – Organizational Excellence**
 - Initiatives – support the capital development and major maintenance program to enhance our facilities and ensure they are safe, functional and current

AGENCY COMMENTS

This work is necessary in order to comply with TSSA Inspection Report 10080064, and the recommendations from the subsequent structural inspection completed on by Kalos Engineering Inc.

LEGAL/FINANCIAL IMPLICATIONS

Sufficient funding for this project is available within the HCA's annual capital allotment from the City of Hamilton for Confederation Beach Park & Wild Waterworks.

CONCLUSIONS

It is recommended to proceed with this project in order for HCA staff to adequately prepare for the annual opening of the waterpark in June 2024. The contractor is a fully qualified construction company, specializing in structural restoration and maintenance, located in Mississauga, Ontario.

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Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer

PREPARED BY: Cathy Plosz, MCIP, RPP, Senior Planner
Mike Stone, MCIP, RPP, Acting Director, Watershed Management Services

MEETING DATE: March 7, 2024

RE: Proposed new Residential Dwelling in the Regulated Area of Spring Creek, 1241 Governor's Road, Dundas, City of Hamilton – NEC Permit File No. W/R/2022-2023/253

STAFF RECOMMENDATION

THAT the Board of Directors direct staff to provide further comments to the Niagara Escarpment Commission (NEC) to indicate that natural hazard issues have been addressed to the HCA's satisfaction and that HCA would have no concerns with the NEC issuing a development permit for the proposed development; and

THAT subject to the NEC's approval and issuance of a development permit for the proposed development, HCA staff be directed to issue a permit under *Ontario Regulation 161/06* (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses) for the construction of a new single-family residence within the regulated area associated with Spring Creek, Town of Dundas, City of Hamilton.

BACKGROUND & PURPOSE

Staff can not issue a permit which does not comply with Board-approved policy. Proposals that do not meet policy may be considered for approval by the Board of Directors, typically through a formal hearing process where staff are not supportive of the application.

In this particular case, a Niagara Escarpment Commission development permit application has been reviewed by staff as outlined below for the proposed new single-family residence. Given the specifics of the proposal and existing site conditions, and in consideration of the guidance in the Ontario Ministry of Natural Resources and Forestry's Technical Guide for River and Stream Systems, staff are of the opinion the intent of the HCA Board policy direction regarding safe access is generally maintained in this site-specific instance.

Accordingly, the purpose of this report is to advise the Board of staff's support for the proposal and recommendation that staff be directed to indicate their support to the NEC, and subject to the NEC's approval and issuance of the NEC permit, and that staff be further directed to issue the HCA permit without a formal hearing.

Subject Property & Permit Application

The subject property is approximately 13.4 ha in size, located within the Spring Creek subwatershed, which flows into Spencer Creek and ultimately, Hamilton Harbour. HCA owns the lands which abut the site to the east. The location of the property is shown in Attachment A.

In July 2020, the landowner obtained a permit from HCA to replace a driveway culvert and associated driveway crossing (Permit No. 2020-49) because they were structurally unsound. At the time, GeoProcess Research Associates (GRA) completed hydraulic floodplain modelling at the culvert which determined that flood depths at this location can be up to 0.72 m (72 cm) and velocity can be up to 0.8 m²/s. The culvert was replaced in 2020 according to the plans in the HCA Permit, which provided safe access for the 100-year storm ("like for like" replacement).

On September 2, 2022, the HCA received a NEC Development Permit application to demolish the existing 1.5 storey (2,637.2 square foot) single dwelling and to construct a two-storey (5,091.3 square foot) single dwelling with a patio and covered porches, a one-storey (667.4 square foot) detached garage, and a septic system and driveway extension (Attachment B).

In the HCA response dated February 23, 2023, it was noted that the proposed development is outside of the Regulatory (Regional) floodplain and the erosion hazard associated with the watercourse. Therefore, the HCA had no concerns related to natural hazards for the proposed house, septic, and accessory building. However, the response outlined concerns related to safe access to the proposed house. Two tributaries of

Spring Creek cross the existing driveway access from Governor's Road, which have associated flooding hazards, with the northerly tributary being of particular concern.

HCA policies for safe ingress and egress for pedestrians and vehicles require that the depth is less than 0.3 m and the velocity is no greater than 1.7 m/s. The 2020 hydraulic assessment had determined that the depths of flooding can be up to 0.72 m (72 cm) at the culvert crossing. Therefore, the existing culvert crossing was noted as not providing safe access to the proposed new house under the Regional storm event.

The HCA advised that, prior to supporting any new development on the site, the applicant would need to demonstrate that safe access is available for the regulatory (Regional) storm based on the depth of flooding along the driveway. This would require further consideration of driveway culvert improvements and additional floodplain modelling and analysis to support any proposed changes.

HCA staff conducted a site visit with the landowner and GRA on March 2, 2023 to view the culvert and driveway crossing which were constructed through the HCA Permit. Based on the site visit, HCA staff requested that GRA incorporate the as-built driveway elevations into the hydraulic model, to determine if it met the HCA safe access requirements. Other options to address flooding were discussed, including a relief culvert.

On June 19, 2023, GRA provided an updated hydrologic assessment based on the as-built culvert replacement. The flow data showed that the Regional flood is more than four times the size of the 100-year flood. Therefore, to provide safe ingress and egress under the Regional storm event, preliminary modelling indicated that a 4.0 m x 2.0 m or larger box culvert would be required, at an estimated cost of approximately \$100,000. The landowners were concerned about the cost and impacts to vegetation along the creek and driveway.

On January 24, 2024, HCA staff met with GRA and the landowners to discuss the findings of a 2D hydraulic model, which is considered more accurate than the previous model completed by GRA in June 2023, and was prepared to further evaluate flood depths at the driveway crossing. The HCA had also suggested GRA could undertake a more detailed assessment of the access based both on HCA policy and the Ontario Ministry of Natural Resources and Forestry's Technical Guide – River and Stream Systems: Flooding Hazard Limit (MNR 2002), which looks at safe access criteria in more detail. A memo and model outputs were provided to HCA staff on February 1, 2024 (Table 1).

Table 1: Summary of 2D Hydraulic Model

Side	Parameter	Min Value	Max Value	Median Value
Left Half of Laneway	Depth (m)	0.00	0.90	0.39
	Velocity (m/s)	0.13	3.78	1.24
	Depth x Velocity (m ² /s)	0.00	1.33	0.51
Right Half of Laneway	Depth (m)	0.00	0.53	0.17
	Velocity (m/s)	0.37	4.23	2.07
	Depth x Velocity (m ² /s)	0.00	1.25	0.33

Velocity and depth output from the 2D model were compared against recommendations taken from Appendix 6 of the MNRF Technical Guide, which provides guidelines related to safe access for pedestrians, professionals trained to work in moving water, private vehicles, and emergency vehicles (e.g. fire truck).

Based on the model, GRA determined that safe access in the Regional storm was generally available (there were differences based on the left and right sides of the driveway) for emergency vehicles, private vehicles, and wading by trained professionals. Based on the model outputs, it was determined safe access for pedestrians may not be available. The GRA memo included maps to illustrate where safe access was available (Attachment D).

STAFF COMMENT

In the HCA's Planning and Regulations Policies and Guidelines (October 2011), safe access (ingress and egress) requires that:

8. 1. 1 Safe Access

- a. Safe ingress and egress for pedestrians and vehicles must be such that the depth is less than 0.3 m (1 ft) and the velocity is no greater than 1.7 m/s (5.5 ft/s).

HCA policy takes a simplified and conservative approach in consideration of the MNRF's Technical Guide in relation to safe access. Consideration of safe access is complex, given variability in individual (pedestrian) age, size, weight and experience/training in water, as well as the diverse range of vehicle types. Appendix 6 of the Technical Guide provides a detailed discussion of these considerations in relation to flood depths and velocities. Table 2 provides a summary of criteria for various scenarios.

Table 2: Safe Access Guidelines from MNRF Technical Guide (Appendix 6)

Access Type	Safe Access Criteria
Pedestrians	Velocity < 1.7 m/s AND Depth < 0.8m AND Depth X Velocity < 0.4 m ² /s
Wading (Trained Professionals)	Depth X Velocity < 1 m ² /s
Private Vehicle	Depth < 0.3 m AND Velocity < 4.5 m/s OR Depth < 0.4 m AND Velocity < 3.0 m/s
Diesel Fire Truck	Depth < 1.2 m

The determined flood depths and velocities at the driveway under a Regional storm event do not meet HCA policies for safe access. However, in looking at the Technical Guide, a number of the criteria are satisfied, including for private vehicles, emergency vehicles and wading for trained professionals. Although close to meeting the criteria for pedestrians, based on model outputs (Table 1) safe access for pedestrians is not satisfied. The property owners have noted they have received permission from their neighbours to allow flood-free pedestrian access from the north half of their property out to Middletown Road.

Although the proposal does not meet HCA policies for safe access, it does meet many of the more detailed Technical Guide criteria. HCA staff are satisfied that some level of safe access would be available during a Regional flood and therefore that the proposed development can reasonably be supported.

Staff can not issue a permit which does not comply with Board-approved policy. Proposals that do not meet policy may be considered for approval by the Board of Directors, typically through a formal hearing process where staff are not supportive of the application. Given staff's support for the proposal, it is being recommended that staff be directed to indicate their support to the NEC, and subject to the NEC's approval and issuance of the NEC permit, that staff be further directed to issue the HCA permit without a formal hearing.

STRATEGIC PLAN LINKAGE

HCA's Strategic Plan 2019-2023 outlines its Strategic Priority Areas and associated Initiatives for advancing the Authority's Vision and Mission to ensure a healthy watershed for all through leadership in conservation and sustainable management of the watershed. HCA implements a wide variety of programs to fulfill this mandate,

including programs to protect people and property from natural hazards. Administration of HCA's regulation (*Ontario Regulation 161/06*) contributes to the achievement of these program objectives and HCA's Strategic Plan more generally.

AGENCY COMMENTS

Not Applicable

LEGAL/FINANCIAL IMPLICATIONS

Not Applicable

CONCLUSIONS

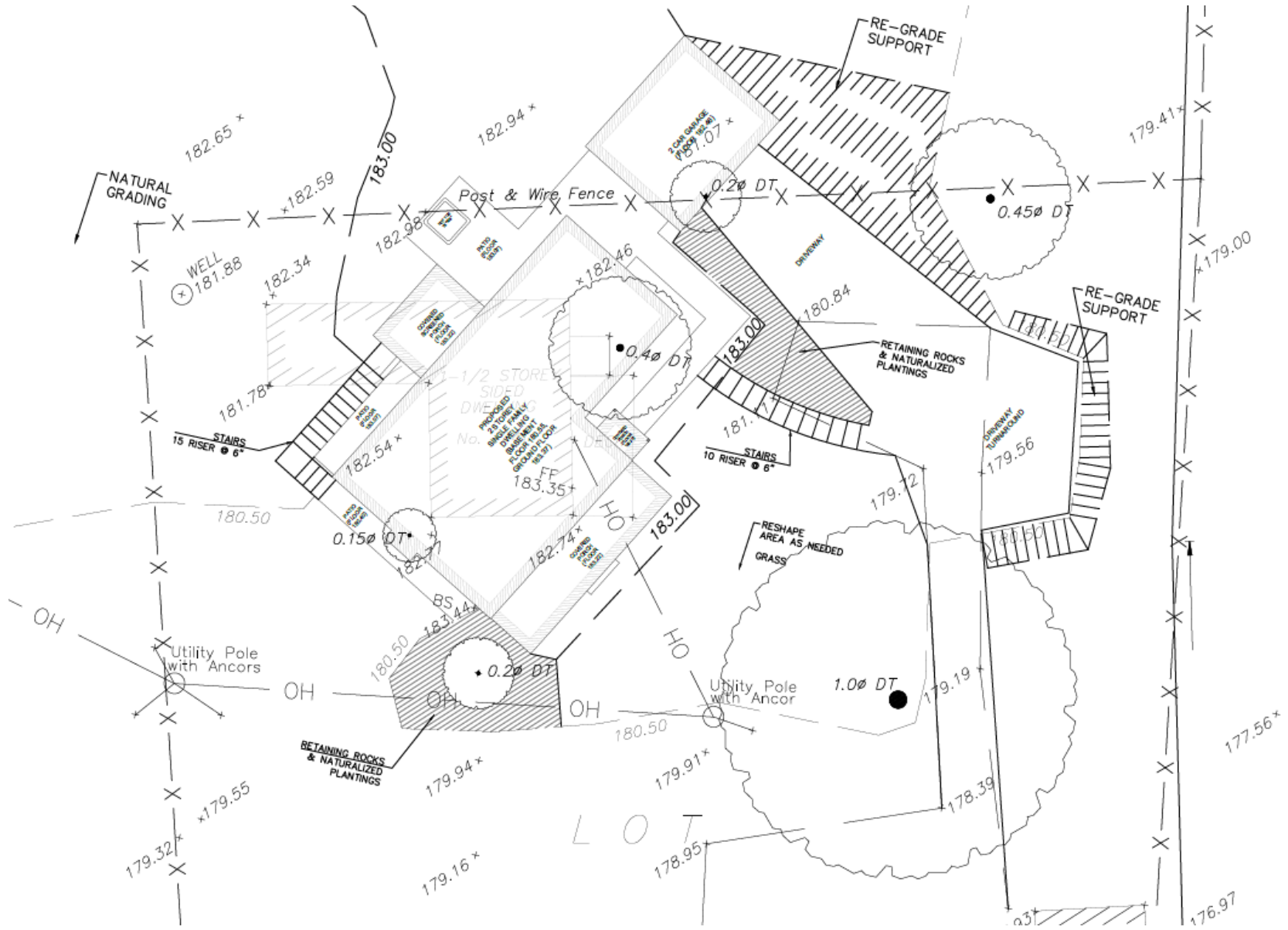
Staff are supportive of the issuance of a permits by the NEC and HCA for the proposed new single-family residence. Given the specifics of the proposal and existing site conditions, and in consideration of the guidance in the Technical Guide for River and Stream Systems, staff are of the opinion the intent of the HCA Board policy direction regarding safe access is generally maintained in this site-specific instance.

ATTACHMENT A – Property

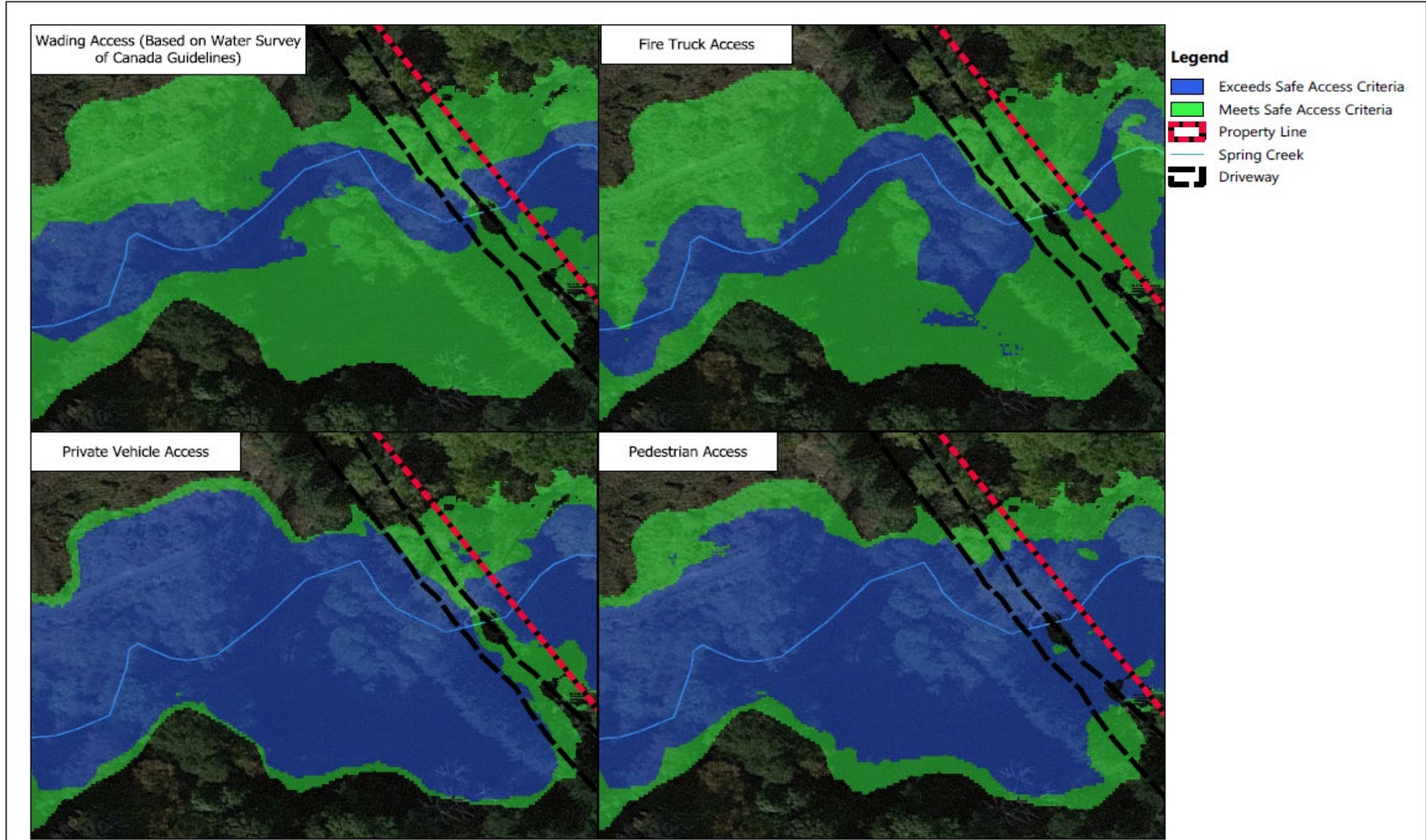
Location



ATTACHMENT B – Development Proposal









 **GeoProcess**
RESEARCH ASSOCIATES

CREATED BY: EJ PROJECT NO.: P2019-410
CHECKED BY: CA DATE: Jan 12, 2024

Map 1
Safe Access Criteria for Regional Flood

1241 Goveners Road
Lenore Dickson

G:\Shared drives\Projects-2019\P2019-410 1241 Goveners Road Culvert Replacement\GIS\1241GovenersRoad_1025_NEW.gaz

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED & PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy CAO

MEETING DATE: March 7, 2024

RE: Saltfleet Conservation Area Wetland Restoration Project – SC-5, Stage 2 Archaeological Assessment

STAFF RECOMMENDATION

THAT the Board of Directors approve the quote submitted by Archaeological Research Associates Ltd., to complete the required Stage 2 Archaeological Assessment for the SC-5 Wetland for an upset limit of \$106,485.00 excluding HST and this be funded through the East Mountain Wetland Construction Reserve.

BACKGROUND & PURPOSE

As part of the design work for the Saltfleet Conservation Area Wetland Restoration project, archaeological assessments were required and were included as requirements in the Request for Proposals published by the HCA for wetlands BC-1, SC-8 and SC-5.

Archaeological Assessments are classified into 4 stages and it is noted not all stages are required for all projects. The 4 stages are:

Stage 1 – background study and property inspection – this stage involves identifying if there are potential archaeological sites on the property.

Stage 2 – property assessment – this stage involves physical review of the site by ploughing fields and digging test pits in forested areas to determine if there are archaeological resources of significant cultural heritage value that requires a Stage 3 assessment.

Stage 3 – building on what is found through a Stage 2 assessment. “A consultant archaeologist determines the dimensions of the archaeological site, evaluates its cultural heritage value or interest and, where necessary, makes recommendations for Stage 4 mitigation strategies.”

Stage 4 – mitigation of development impacts. “This stage involves implementing conservation strategies for archaeological sites.”

The purpose of this report is to provide an update on the archaeological assessments related to the Saltfleet wetland restoration project and recommend approval of the quote to complete the required Stage 2 archaeological assessment for the SC-5 wetland.

STAFF COMMENT

Archaeological assessments for BC-1 and SC-8 have been completed with construction of the wetland at BC-1 completed in 2022 and construction of the wetland at SC-8 anticipated for later 2024.

Through the Request for Proposal competitive bid process for wetland SC-5 that was awarded to Water’s Edge Environmental Solutions Team Ltd., Archaeological Research Associates Ltd., was the subconsultant to complete the required Stage 1 assessment. The result of the Stage 1 assessment determined the potential for archaeological resources on site and recommended that a Stage 2 assessment be completed.

Archaeological Research Associates Ltd., has provided a quote for the Stage 2 assessment work that includes an estimated time frame to complete the field work of 2 weeks commencing in the spring of 2024. The cost for this required Stage 2 work is \$106,485 excluding HST. It is noted that dependent on the findings of the Stage 2 assessment, Stage 3 and Stage 4 assessment work may also be required.

While not required, the Ministry of Heritage, Sport, Tourism and Cultural Industries (MHSTCI) encourages Aboriginal engagement as part of Stage 2 archaeological assessments. MHSTCI provides municipalities and Aboriginal communities a listing of projects being undertaken, the stage of field work, the name of the project and the name of the consulting archaeological firm undertaking the work and, in this regard, Aboriginal communities in our watershed would become aware of this proposed work. For previous work at BC-1 and SC-8, the HCA did engage with our Aboriginal communities and had them on site to monitor the archaeological work being undertaken. This monitoring work does require payment to the respective Aboriginal communities to cover their time and mileage costs. As an example, for the Mississauga of the Credit, the monitoring fees paid are based on an hourly rate of \$125 per hour (2023 cost). The Haudenosaunee and the Six Nations of the Grand River would have similar fees. As outlined in the HCA Strategic Plan, HCA staff will engage with these Aboriginal communities to monitor the SC-5 assessment and note these costs are not known and are in addition to the above noted consultant fees.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Natural Heritage Conservation**
 - Initiatives – Implement the Saltfleet Conservation Area Wetland Restoration Program and have the first wetland designed and constructed by 2021
- **Strategic Priority Area – Organizational Excellence**
 - Initiatives – Identify opportunities to engage the community, adjacent landowners and Indigenous Peoples

AGENCY COMMENTS

Not applicable

LEGAL/FINANCIAL IMPLICATIONS

Staff have followed a non-competitive purchase process for the proposed archaeological services. The *HCA's Purchasing Policies and Procedures* permits non-competitive purchasing when there was “the possibility of a follow-on contract identified in the original bid solicitation.” As noted, the original request for proposal approved by the Board of Directors included archaeological services and it was known at that time that additional work may be required. Further, Section 4.4 of the above noted policy states that “the supplier in whom the HCA has the greatest confidence to fulfill the requirement and provides for fair market value will be selected” and awards over \$100,000 will be approved by the Board. This report is presented to the Board for their approval per the noted policies and staff note that Archaeological Research Associates Ltd., has provided cost effective services to the HCA the SC-5 wetland project and have been efficient and professional in their project work.

CONCLUSIONS

The Stage 2 work noted in this report is required to proceed with the design of the SC-5 wetland. Archaeological Research Associates Ltd., is qualified to undertake this work and has demonstrated their effectiveness and efficiency on the Stage 1 assessment completed for SC-5.

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Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

RECOMMENDED & PREPARED BY: Mike Stone, MCIP, RPP, Acting Director, Watershed Management Services

REVIEWED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer

MEETING DATE: March 7, 2024

RE: Provincial Regulatory and Legislative Changes: Regulation of Development for the Protection of People Property from and Natural Hazards

STAFF RECOMMENDATION

THAT the Board of Directors receive this report as information and further;

THAT the *Interim Policies & Guidelines for the Administration & Implementation of O. Reg. 41/24 and Transitional Procedures & Guidelines* prepared by Conservation Ontario be adopted as interim direction to support implementation and compliance with the regulatory and legislative changes taking effect April 1, 2024; and

THAT staff be directed to produce or update existing HCA documents, policies and procedures as may be required to ensure compliance with the new regulations and legislative changes, and to report to the Board periodically on these matters.

BACKGROUND & PURPOSE

On October 25, 2022, the Ministry of Natural Resources and Forestry (MNRF) posted a notice to the Environmental Registry proposing changes to the regulation of development for the protection of people and property from natural hazards in Ontario.

The proposal was for a new regulation to govern the activities that require permits under the *Conservation Authorities Act* (CA Act), and to focus CA permitting decisions on matters related to the control of flooding and other natural hazards, and the protection of people and property. The proposed regulation would also allow a number of the amendments made to the CA Act in recent years to come into effect, including changes flowing from Bills 229 and 23 that were reported on to the Board over the past two years. These amendments include in particular the changes made to Section 28 of the CA Act, which pertain to the regulation of development. The notice indicated the proposed changes were intended to streamline approvals under the CA Act, which would help to support the government's priority of increasing Ontario's housing supply.

On February 16, 2024, the provincial government posted a decision notice to the Environmental Registry indicating it was moving ahead with the proposed regulatory changes to the CA Act and that a new regulation governing CA permitting of development had been passed.

The purpose of this report is to advise the Board of the regulatory and legislative amendments coming into effect on April 1, 2024, to provide a summary of key changes, and to endorse staff recommendations for the adoption of interim policies and updating existing HCA documents, policies and procedures as may be required to ensure compliance with the new regulatory and legislative framework.

STAFF COMMENTS

Ontario Regulation 41/24, *Prohibited Activities, Exemptions and Permits*, comes into effect on April 1, 2024 and addresses a number of matters related to CA regulation of development. Earlier amendments to Sections 28 and 30.1 of the *CA Act*, which also address CA regulation of development, permitting and enforcement will also come into effect on April 1, 2024. With these changes, all individual Conservation Authority development regulations will be revoked, including Ontario Regulation 161/06, *HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*.

The following provides a summary of key changes resulting from the passing of new regulation O. Reg. 41/24 and the enactment of amended sections under the *CA Act*.

1. Definitions and Regulation Limits

- The definition of a *watercourse* has been amended to require that a watercourse be a *defined channel, having a bed and banks or sides* (formerly *an identifiable depression in the ground*)
- The definition of *pollution* is removed
- The regulated area adjacent to a wetland is changed to 30m for all wetlands (formerly 120m for provincially significant wetlands)

2. Regulation Mapping

- Maps depicting regulated areas must be made available to the public on an authority's website
- At least once annually review mapping to determine if updates are required, and make any updates available to the public
- Where significant mapping updates are to be made an authority shall provide notice to the public, municipalities and stakeholders at least 30 days prior to any authority meeting to consider the changes

3. Permit Exemptions

- A number of development activities are exempt from requiring a permit
- Most are minor in nature, and have size and/or location restrictions in order to be exempt:
 - non-habitable accessory structures
 - non-habitable garage replacements
 - detached decks
 - agricultural in-field erosion control
 - installation/maintenance of tile drainage
 - maintenance/repair of driveway or public road
- New regulation did not address/enact exemptions for activities authorized under the *Planning Act*

4. Permit Applications

- An authority must engage in pre-consultation if requested by an applicant
- More detailed list of permit application requirements, including fee submission and landowner authorization
- Must notify applicant in writing within 21 days of receiving an application if application is deemed complete
- Once application deemed complete no new studies/plans can be requested
- An applicant may request a review by an authority if no notice of complete application received within 21 days or if the applicant disagrees with the authority's determination of a complete application or request for additional information
 - Reviews must be completed within 30 days of request
- 90 days for notice of decision for all permits (formerly 30 days for minor permits and 90 days for major permits)
- Requests for permit fee reconsideration must be responded to within 30 days and can be appealed to the OLT for non-decision or continued objection to fee amount

5. Permits

- Existing permit 'tests' related to *pollution* and *conservation of land* are removed
- New tests added for consideration of *unstable soil or bedrock, health or safety of persons, and damage or destruction of property*

- Permit conditions limited to those which assist in preventing or mitigating hazards or effects on health and safety or property damage, or which support permit administration
- Maximum period of validity for permits issued by delegate (or Minister) increased from 24 to 60 months
- New powers for Minister to issue permits and/or direct an authority not to issue a permit
- Applicants may request a Minister's review where authority refuses permit, or imposes conditions on a permit which an applicant objects to
 - Minister's decision is final

6. Enforcement

- Appointment of Officers moved from individual regulations (to be revoked) to Act
- Minor changes to provisions for power of entry to private property
- New powers for Officers to issue Stop Orders where:
 - Activity contravening Act, regulations, or permit conditions
 - Causing or would cause significant damage that would affect hazards, health and safety or property damage
 - Order will prevent/reduce damage
- Maximum fines for offences increased – up to \$50,000 for individuals and \$1 million for corporations, plus additional daily fines and/or court-imposed amounts

7. Other

- Authorities shall develop policy and procedure documents for permit applications and reviews
- Authorities shall prepare and publish an annual report that outlines statistics on permits and its level of compliance with the requirements of O. Reg. 41/24, *Prohibited Activities, Exemptions and Permits*

8. Conservation Areas (Section 29)

- Enactment of O. Reg. 688/21, *Rules of Conduct in Conservation Areas*
- Replaces individual CA regulations, including HCA's Conservation Areas regulation, O. Reg. 109, *Conservation Areas – Hamilton Area*
- Outlines prohibited activities and activities requiring a permit
- Enforcement provisions remain unchanged

As a result of these changes and in order to ensure compliance, Conservation Authorities, including HCA, will be required to undertake a review and update of a number of documents, policies and/or procedures. Based on a preliminary assessment this will include:

- Review and update of existing HCA policy and procedure documents for development review and permitting
- Review and update of HCA's Administrative By-Laws, Hearing Guidelines and Fee Policy

- Review and update of permit application forms
- Review for and removal of all references to Ontario Regulation 161/06
- Review and revision of extent of regulated areas mapping
- Re-designation of Officers under the CA Act
- Review existing/required delegations of authority (e.g. for new administrative review provisions for permit applications)
- Communications to municipalities, stakeholders and the public

Conservation Ontario (CO) has advised certain transitional and interim measures should be in place for April 1, 2024 to ensure compliance with the new regulations and changes to the CA Act. Conservation Ontario is working to support CAs through the provision of supporting guidance materials and templates, and on February 27, 2024, provided CAs with a 'transition checklist' that included a number of resources to assist CAs in working towards an April 1, 2024 effective date. The checklist included recommended messaging for municipal partners and stakeholders, transitional procedures and interim guidelines for the administration of O. Reg. 41/24, as well as recommendations for the delegation of certain authorities/powers for administering the act and regulations, and for the re-appointment of Officers to enforce the act.

HCA will work towards compliance for April 1, 2024, but note not it may not be possible to complete all necessary updates and documentation for this date. Staff are recommending the Board support the adoption of the interim guidelines for the administration of O. Reg. 41/24 (Attachment A) and transitional procedures (Attachment B) provided by CO as interim guidance until such time as HCA staff are able to undertake a more fulsome review and update of policies and procedures.

HCA staff will be participating in an information session regarding the CA Act regulatory changes being hosted by MNRF on March 7, 2024 which should provide further information and clarification on timing for many the administrative updates outlined above.

AGENCY COMMENTS

The email message received from MNRF regarding the changes (item 5.4 in the agenda package) notes that "this updated legislative framework and regulations will clarify and streamline regulatory requirements to focus on natural hazards and public safety and provide greater transparency in the permitting process". Over the last several years, Conservation Ontario along with many individual Conservation Authorities, including HCA, have undertaken advocacy to the province regarding the proposed legislative and regulatory changes to the CA Act, submitting comments to the EROs and letter to Standing Committee.

LEGAL/FINANCIAL IMPLICATIONS

There is no immediate financial impact and staff anticipate relatively few permits annually (e.g. <5) would fall under the permit exemptions for low risk activities. However, it should be noted that the administrative review and updating of documents, policies and procedures that is required to implement the changes will involve significant time from staff.

CONCLUSIONS

New regulations and sections of the CA Act related to the regulation and permitting of development activities will take effect on April 1, 2024. Under the new rules, Conservation Authorities will continue to regulate development activities in watercourses, wetlands and hazard prone areas such as river valleys and shoreline areas, and permits will continue to be required for development activities in such areas in most cases.

While it is anticipated that many of the changes will have only a relatively minor impact on HCA's regulations program, the revisions to the definition of a *watercourse*, and the elimination of the *pollution* and *conservation of land* 'tests' will have a more significant impact. These changes are expected to reduce the extent of regulated watercourses, and will effectively remove the consideration of natural heritage issues in determining if a permit can be issued. New Ministerial powers to issue permits and undertake reviews of denied permits when requested by applicants could also potentially be impactful.

HCA staff will need to review, update and/or produce new documentation and resources to support implementation of the changes. The adoption of the transitional procedures and interim guidelines for the administration of O. Reg. 41/24 provided by CO would provide HCA with interim guidance to support implementation of the changes until such time as a more fulsome review and updating of policies and procedures can be completed. HCA staff will continue to work to review and update documents, policies and/or procedures as may be required for compliance with the new regulations, and will report back to the Board as this work progresses.

ATTACHMENT A

Interim Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)

Summary

On April 1, 2024, Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces the [NAME OF CONSERVATION AUTHORITY's] previous "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation.

The proclamation of the new legislative and regulatory framework necessitates updates to existing Conservation Authority policies and procedures, including the [NAME OF CONSERVATION AUTHORITY's POLICIES/ PROCEDURAL MANUAL / OTHER].

Interim Policy Guidance

As of April 1, 2024, the [NAME OF CONSERVATION AUTHORITY] will review and make decisions on applications for permits in accordance with Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24. Amendments to the [POLICIES/ PROCEDURAL MANUAL / OTHER] will be forthcoming to reflect this new framework. Per section 12 of O. Reg. 41/24, the [NAME OF CONSERVATION AUTHORITY] will consult with stakeholders and the public during the review and update process as the authority considers advisable. Where discrepancies exist between the text of the legislation or regulation and the information provided within the [POLICIES/ PROCEDURAL MANUAL/ OTHER] and these Interim Policy Guidelines, the text of the legislation and regulation will prevail.

Key variances from the processes in the existing [NAME OF CONSERVATION AUTHORITY's POLICIES/ PROCEDURAL MANUAL / OTHER] include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**.
- 2) Assessing applications to determine whether the proposed activity would create conditions or circumstances 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**.

- 3) Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard.
- 4) Reducing the regulated area surrounding provincially significant wetlands or wetlands greater than 2 hectares in size [*if applicable to your CA*] from 120 m to 30 m. The other areas in which development activities are prohibited are within 30 m of all wetlands in the [NAME OF CA's] area of jurisdiction.
- 5) Exceptions from CA permits for specific activities outlined in section 5 of O. Reg. 41/24, when carried out in accordance with the regulation.
- 6) Updated complete application requirements (as outlined in section 7 of O. Reg. 41/24), including requirements for landowner authorization and payment of applicable fee.
- 7) A new process for applicants to request an administrative review of an application (circumstances outlined in section 8 of O. Reg. 41/24).
- 8) Updated definition of *watercourse* to a "defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs".
- 9) New requirement (as outlined in subsection 7(2) O. Reg. 41/24) to notify the applicant of whether an application is complete within 21 days and provide the applicant notice of a decision within 90 days following confirmation of a complete application (as outlined in 28.1(22) of the *Conservation Authorities Act*).
- 10) A new process for pre-submission consultation (circumstances outlined in section 6 of O. Reg. 41/24).
- 11) Enforcement procedures, appeals and hearing processes described in Parts VI and VII of the *Conservation Authorities Act*.

ATTACHMENT B

Model Transitional Procedures and Guidelines

(Transitioning from the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation to the NEW Ontario Regulation 41/24)

Background

The existing Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation provided each CA with the power to regulate development and activities in or adjacent to river or stream valleys, shorelines of the Great Lakes-St. Lawrence River system and inland lakes, watercourses, hazardous lands (e.g., unstable soil, bedrock, and slopes), wetlands and other areas around wetlands. Development taking place on these lands may require permission from the CA to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected.

On February 16, 2024 the [Prohibited Activities, Exemptions and Permits under Conservation Authorities Act](#) Regulation (Ontario Regulation 41/24) was approved by the Province under subsection 28(1) of the *Conservation Authorities Act*. The administration of O. Reg. 41/24 is a Mandatory Program and Service of the Conservation Authorities as per Section 21.1.1 of the [Conservation Authorities Act](#) and as stipulated in [O. Reg. 686/21: Mandatory Programs and Services](#). Under section 8 of O. Reg. 686/21, Conservation Authorities shall provide programs and services to ensure that the Authority carries out its duties, functions and responsibilities to administer and enforce the provisions of Parts VI and VII of the Act and any regulations made under those Parts.

The transitional policies and procedures are important in the implementation of the new regulations which will become effective as of April 1, 2024.

Purpose

The purpose of this document is to guide Authority staff through the transition from the current individual Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulations to the implementation of the new O. Reg. 41/24: Prohibited Activities, Exemptions and Permits Regulation.

PERMIT APPLICATIONS

Applications Submitted Before April 1, 2024

Applications for permission to develop in a regulated area or interfere with a wetland or watercourse received prior to April 1, 2024, will be subject to the provisions of the applicable Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation in effect at the time the application was received.

If the subject application for the proposed works is not within an area or an activity regulated under the new regulation (O. Reg. 41/24), then the applicant will be advised in writing that a permit is not required for the proposed works.

Applications Submitted After April 1, 2024

All applications received on or after April 1, 2024, will be subject to the provisions of O. Reg. 41/24.

Extension of Permissions Issued under the Current Regulation

Permits issued prior to April 1, 2024, and have expiry dates beyond April 1, 2024 will remain valid for the duration identified on the permission. Inspections and conditions enforced under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation will continue until the permission expires.

A request for extension of a permit issued before April 1, 2024, that is received prior to April 1, 2024, will be considered in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

A request for extension of a permit issued before April 1, 2024, that is received after April 1, 2024, will be considered in accordance with O. Reg. 41/24. An applicant requesting an extension will be notified in writing that an extension is not required if the permit is for a development activity or interference/alteration not within a regulated area established under O. Reg. 41/24 or is otherwise subject to an exception under the same.

Requests for an extension of the existing permit must be received by the Authority prior to the date of expiry shown on the permission.

REVIEW OF PLANNING APPLICATIONS

Planning Applications Submitted Before April 1, 2024

All plan review will be conducted in accordance with the O. Reg. 686/21: Mandatory Programs and Services, [O. Reg. 596/22: Prescribed Acts – Subsections 21.1.1 \(1.1\) and 21.1.2 \(1.1\) of the Act](#), as well as based on the provisions of the current Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation. Plan input activities will note that O. Reg. 41/24 will be in effect April 1, 2024.

Planning Applications Submitted After April 1, 2024

All plan input and review will be conducted in accordance with the O. Reg. 686/21: Mandatory Programs and Services, [O. Reg. 596/22: Prescribed Acts – Subsections 21.1.1 \(1.1\) and 21.1.2 \(1.1\) of the Act](#), as well as based on the provisions of O. Reg. 21/24: Prohibited Activities, Exemptions and Permits Regulation.

VIOLATION NOTICES AND LEGAL ACTIONS COMMENCED BEFORE APRIL 1, 2024

Violation Notices issued prior to April 1, 2024 will be addressed and remedied by CA Provincial Offences Officers in accordance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation.

Violation Notices issued prior to April 1, 2024, for works in an area or activity no longer regulated under the new O. Reg. 41/24, upon satisfactory resolution of the matter, the proponent will be issued a letter advising that the works occurring in violation of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation have remedied/ rectified and the violation notice is revoked.

Violation notices issued and prosecutions commenced on or after April 1, 2024, will confirm with Parts VI and VII of the Act and O. Reg. 41/24.

Legal actions that commenced prior to April 1, 2024, may proceed where appropriate under consultation with legal counsel.

Other Agency Approvals

Issuance of a permit does not relieve the applicant from the responsibility of acquiring approval from other agencies or relieve the applicant from compliance with any conditions that other agencies may impose on the work.



Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer

PREPARED BY: T. Scott Peck, MCIP, RPP, Deputy Chief Administrative Officer
Mike Stone, MCIP, RPP, Acting Director, Watershed Management Services

MEETING DATE: March 7, 2024

RE: Annual Reporting on CA Permit Review Timelines – January 1, 2032 to December 31, 2023

BACKGROUND & PURPOSE

In April 2019, Conservation Ontario (CO) Council endorsed the Conservation Ontario Client Service and Streamlining Initiative (CSSI). This initiative is intended to help support the Province's strategic objectives through improved client service and accountability among Conservation Authorities (CA).

As part of the CSSI, CO working in cooperation with its partner CAs produced the *Guideline for Client Service Standards for Conservation Authority Plan and Permit Review*, which was endorsed by the CO Board of Directors in June 2019 (amended in December 2019). Included in this guideline are recommended service level targets for the review and issuance of CA permits under Section 28 of the *Conservation Authorities Act*.

Related to the implementation of service level targets, CO has asked Conservation Authorities in high growth areas to track review times for the issuance of Section 28 permits and to report these to CO annually. HCA's review timelines for permits issued in 2023 are summarized in Attachment A. This summary has been provided to CO as part of annual reporting under the CSSI.

STAFF COMMENTS

HCA is committed to providing excellent client service, and has a strong history of working cooperatively with our watershed municipalities, residents and businesses to ensure efficient and timely planning and regulatory review processes. As part of the CSSI, in September 2019, the HCA Board of Directors approved the HCA Client Service Standards Commitment, which includes targeted review times for the review and issuance of permits.

Section 28 Application Service Standard Guidance – MNRF and Conservation Ontario

HCA has tracked permit review timelines for many years, based on standards that were set by the province in 2010 (MNRF, *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*, May 2010). This policy directs that conservation authorities are to render an application decision regarding a permit within 90 days for a major application and 30 days for a minor application.

As part of a renewed commitment to efficient regulatory services through the CSSI, CO produced the *Client Service Standards for Conservation Authority Plan and Permit Review (2019)*. This guidance established a second set of service standards that conservation authorities would strive to meet as a best practice. The new CO best-practice service standards provide for shorter review and approval time frames in comparison to the previous standards, representing a 52% reduction in the overall timeline for major permit applications and 42% for minor permit applications. Under this framework, Conservation Authorities would make a decision within 28 days for major applications and 21 days for minor applications

CO has requested that CAs track permit review times under both the 2010 and 2019 standards. The Annual Reporting on Timelines Template included in Attachment A reports on HCA's permit review times under both standards for January 1, 2023 to December 31, 2023. Attachment A also includes a table comparing the 2010 and 2019 review time service standards.

2023 Data and Results

HCA issued 93 permits in 2023, with 90% of issued permits meeting the 2010 standards and 49% meeting the 2019 standards. These represent similar results in comparison to previous years, as summarized in the table below.

Year	No. Permits Issued	% Meeting 2010 Standards	% Meeting 2019 Standards
2023	93	90	49
2022	87	90	49
2021	99	84	51
2020	92	87	59

Permits that did not meet review time standards in 2023 can, in part, be attributed to complex applications that required more extensive consultation and review, or applications where incomplete submissions were received. Further, in 2023, regulations staff received a large number of City infrastructure permits, which were submitted in a single ('batch') submission, which created challenges in meeting review timelines.

With the departure of one of the Conservation Planners in mid-2022, the regulations program was operating at a reduced staffing level into the first half of 2023. This position was filled in May of 2023, and a contract Planner was hired in July (a new position), which has assisted in better meeting service delivery targets. The number of permits issued within Conservation Ontario best practice standards improved over the second half of year at 57%, up from 45% during first half of the year.

In 2023, a new dedicated email address was established for the purpose of receiving electronic permit submissions (permits@conservationhamilton.ca), which has resulted in some efficiencies in managing and processing permit submissions. Meeting permit timing targets remains a priority, and staff will continue to look for opportunities to improve on meeting the 2019 best practice standards recommended by Conservation Ontario.

STRATEGIC PLAN LINKAGE

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

- **Strategic Priority Area – Organizational Excellence**
 - Initiatives:
 - Continue to update and streamline operational policies and leverage technology to enhance business service delivery
 - Communicate both internally and externally about what HCA does and why

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

N/A

CONCLUSIONS

HCA is tracking and reporting on its permit review timelines in support of Conservation Ontario's Client Service Streamlining Initiative. On-going tracking and reporting of permit review times will continue to allow HCA staff to identify trends in service delivery and adapt as necessary to ensure continued efficient client service and will be reported on annually to the Board of Directors and Conservation Ontario.

Attachment A

Table 3: Annual Reporting on Timelines for Permissions under Section 28 of the *Conservation Authorities Act* – Hamilton Conservation Authority, January 1 – December 31, 2023

Hamilton Conservation Authority	Number of Permits Issued Within Policy and Procedure Timeline ⁱ			Number of Permits Issued Outside of Policy and Procedure Timeline		
	Major		Minor	Major		Minor
	24		60	3		6
	Number of Permits Issued Within CO Guideline Timeline			Number of Permits Issued Outside of CO Guideline Timeline		
	Major	Minor	Routine	Major	Minor	Routine
	19	27		8	39	

ⁱ Ministry of Natural Resources and Forestry. *Policies and Procedures for Conservation Authority Plan Review and Permitting Activities*. 2010

Comparison of 2010 & 2019 Permit Review Time Standards

Permit Process Step	2010 Standards	2019 Standards
	MNRF Polices & Procedures	CO Client Service Guideline
Notification of Complete Application Requirements (Preconsultation)	All applications - 21 days	Major - 14 days Minor - 7 days
Notification of Complete Application	All applications - 21 days	Major - 21 days Minor - 14 days Routine - 10 days
Application Decision	Major - 90 days Minor - 30 days	Major - 28 days (30 days each resubmission) Minor - 21 days (15 days each resubmission) Routine - 14 days (7 days each resubmission)

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Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: Mike Stone, MA, MCIP, RPP – Acting Director, Watershed Management Services

PREPARED BY: Jonathan Bastien, P.Eng. – Manager, Water Resources Engineering

DATE: February 23rd, 2024

RE: Watershed Conditions Report

SYNOPSIS

During the period of January 22nd 2023 to February 23rd 2024, there were no observations, reports, or expectations of significant watercourse flooding events or Lake Ontario shoreline flooding events. However, a winter rain event on January 25th and 26th warranted issuing messages and additional monitoring of elevated watercourse conditions.

Currently, there are also no observations, reports, or expectations that significant watercourse flooding or significant water safety concerns are occurring.

Current flows range from near baseflow conditions to elevated above baseflow conditions but well below the adopted thresholds for significant water safety concerns. The average monthly recorded flows for February so far have ranged between well below to well above long-term averages. However, ice conditions within the creeks have artificially affected flow readings in January and February, thus there are inaccuracies in the provided average monthly flows for these two months.

Currently, there are no observations, reports, or expectations that significant Lake Ontario shoreline flooding is occurring.

The Lake Ontario mean daily water level averaged across the entire lake is currently about 7 cm above average for this time of year.

Current Christie Lake and Valens Lake reservoir levels are within the preferred winter operating levels.

The most recent drought assessment indicated that normal conditions are an appropriate overall characterization of the watershed.

There are no significant rainfall and/or snowmelt events (+20 mm in a day) forecasted for the watershed over the next 2 weeks, at this time. In the next 9 days, no significant Lake Ontario shoreline flooding is expected, at this time. HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

CURRENT WATERSHED CONDITIONS – February 23rd, 2024

Current Flows in Major Area Watercourses

There are no observations, reports, or expectations that significant watercourse flooding or significant water safety concerns are occurring at this time. Current flows range from near baseflow conditions to elevated above baseflow conditions but well below the adopted thresholds for significant water safety concerns. The five available streamflow gauges are Upper Spencer Creek at Safari Road, Middle Spencer Creek at Highway 5, Lower Spencer Creek at Market Street, Ancaster Creek at Wilson Street and Red Hill Creek at Barton Street.

Ice conditions within the creeks have artificially affected flow readings in January and February, thus there are inaccuracies in the provided average monthly flows for these two months. The average monthly recorded flows for February so far have ranged between well below to well above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road has been 163% of long-term averages (considered well above average). Monthly flow Middle Spencer Creek at Highway 5 has been 112% of long-term averages (considered slightly above average). Monthly flow in Lower Spencer Creek at Market Street has been 115% of long-term averages (considered slightly above average). Contrastingly, monthly flow in Ancaster Creek at Wilson Street has been 82% (considered slightly below average). Monthly flow in Red Hill Creek at Barton Street has been 40% (considered well below average).

January 2024 average recorded flows ranged between well above to significantly above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 217% of long-term averages (considered significantly above average). Monthly flow Middle Spencer Creek at Highway 5 was 207% of long-term averages (considered significantly above average). Monthly flow in Lower Spencer Creek at Market Street was 214% of long-term averages (considered significantly above average). Monthly flow in Ancaster Creek at Wilson Street was 160% (considered well above average). Monthly flow in Red Hill Creek at Barton Street was 306% (considered significantly above average).

December 2023 average flows were near long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 90% of long-term averages. Monthly flow Middle Spencer Creek at Highway 5 was 93% of long-term. Monthly flow in Lower Spencer Creek at Market Street was 100% of long-term averages. Monthly flow in Ancaster Creek at Wilson Street was 96%. Monthly flow in Red Hill Creek at Barton Street was 100%.

November 2023 average flows ranged between slightly below to well below long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 81% of long-term averages (considered slightly below average). Monthly flow Middle Spencer Creek at Highway 5 was 61% of long-term averages (considered below average). Monthly flow in Lower Spencer Creek at Market Street was 80% of long-term averages (considered slightly below average). Monthly flow in Ancaster Creek at Wilson Street was 81% (considered slightly below average). Monthly flow in Red Hill Creek at Barton Street was 52% (considered well below average).

Current Lake Ontario Water Levels

At this time, there are no observations, reports, or expectations of significant Lake Ontario shoreline flooding. The Lake Ontario mean daily water level in the Hamilton area was 74.73 m to 74.74 m IGLD85 as of yesterday. The Lake Ontario mean daily water level averaged across the entire lake (74.70 m IGLD85 as of yesterday) is about 7 cm above average for this time of year.

Current Storages in HCA Reservoirs

Current Christie Lake levels (765.75 ft) are within the preferred winter operating levels (765.3 to 765.8 ft).

Current Valens Lake levels (274.26 m) are within the preferred winter operating levels (274.15 to 274.40m).

Current Soil Conditions

Surface and root-zone soils are considered moist, and vary from fully thawed to slightly frozen across the watershed.

RECENT STORM EVENTS

During the period of January 22nd 2023 to February 23rd 2024, there were no observations, reports, or expectations of significant watercourse flooding events or Lake Ontario shoreline flooding events.

However, a winter rain event warranted issuing messages and additional monitoring of watercourse conditions.

Potential for Watercourse Flooding During Winter Rain Event

January 24th to February 2nd

Prior to this event, 16 to 43 mm of combined rain and snowmelt was forecasted for the Hamilton area on January 24 and 25. Given the combination of rain and snowmelt forecasted, as well as the fully frozen soil conditions within the watershed ahead of the storm event, there was considerable uncertainty as to the amount of runoff that would occur. HCA staff continued to monitor watercourse and weather conditions closely, and reassessed the potential for flooding. There were water safety concerns during this event in some watercourses, due to elevated water levels and flows. Also, localized watercourse flooding of low-lying areas that typically flood during higher water levels is expected to have occurred in some watercourses.

However, there were no received observations, reports, or expectations of significant watercourse flooding.

HCA engineering staff issued the following messages related to this winter rain event, to communicate the potential watercourse flooding and water safety concerns to the City and public:

- Flood Watch - Watercourse Flooding on January 24th
- Active Flood Watch Downgraded to Watershed Conditions Statement (Water Safety) on January 26th
- Updated Watershed Conditions Statement (Water Safety) on January 29th
- Termination of Updated Watershed Conditions Statement (Water Safety) on February 2nd

RECENT WATERSHED LOW WATER CONDITIONS

The most recent drought assessment (including data up to January 31) indicated that normal conditions are an appropriate overall characterization of the watershed.

FORECASTED WATERSHED CONDITIONS

Watercourse Flooding

There are currently no significant rainfall and/or snowmelt events (+20 mm in a day) forecasted for the watershed over the next 2 weeks. HCA staff continue to monitor conditions and forecasts routinely. Resultant water levels and flows from currently

anticipated rain and snowmelt are not expected to result in significant watercourse flooding.

Lake Ontario Shoreline Flooding

In the next 9 days, no significant Lake Ontario shoreline flooding is expected. According to International Lake Ontario – St. Lawrence River Board information, weather conditions, including temperatures and precipitation, will primarily determine the rate and magnitude of water level fluctuations over the coming weeks.

Watershed Low Water Conditions

HCA staff will continue to undertake monthly drought assessments, and coordinate with the Hamilton Low Water Response Team as required if drought conditions are identified.

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Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

PREPARED BY: Gordon R. Costie, Director of Conservation Area Services

MEETING DATE: March 7, 2024

RE: Conservation Areas Experiences Update

BACKGROUND:

HCA provides high quality, diverse conservation areas that promote outdoor recreation, health and well being and strengthen public awareness of the importance of being in or near our conservation areas.

STAFF REPORTING COMMENTS

- Maple Syrup Season at Westfield Heritage Village Conservation Area
Advanced reservations are required for this ever-popular HCA signature program which showcases the amazing historic village amidst this beautiful 503-acre Conservation Area setting. The self guided event runs across all Sundays through the month of March, the March Break period, and for your convenience, Good Friday and Easter Sunday. Check out the HCA website or <https://hcareservations.ca/> to make your own personalized reservation date.
- March Break Camps at Dundas Valley
March Break camps are running, and new this year with an option to register for the full week or individual days. Monday and Tuesday are sold out. Participants will be hiking trails, investigating signs of animals, and exploring forests and meadows. They will also learn about animal adaptations and the seasonal transition from winter to spring with hands-on exploration of nature and lots of games.

- Monday April 8 Solar Eclipse

As it has been widely reported, people across North America will see the moon pass between the sun and the Earth on April 8. In some places, it will partially block out the sun and in others, which have been noted as Hamilton, Burlington, Niagara Region, Six Nations, Kingston, Belleville and Cornwall, there will be a total solar eclipse where the moon will fully block the sun's light. In Hamilton, according to the Canada Space Agency, the sun will be completely hidden for about two minutes and partially covered for over 2 hours in the afternoon. All of the 22 Conservation Area parking lots will be open for regular day use access. HCA is developing safety procedures for staff during this known astronomical event and McMaster University has teamed up with the Hamilton Public Library to offer residents free eclipse glasses to safely view the event.