



Board of Directors Meeting Agenda

Thursday, April 4, 2024

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Board of Directors Meeting

Thursday, April 4, 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 – March 7, 2024 Page 7
 - 5.3. Six items of correspondence, labeled a to f, with respect to the Regulation for Protection of People and Property from Natural Hazards in Ontario. Page 17
6. **Foundation Briefing** Foundation Chair – Jennifer Stebbing
7. **Member Briefing**
 - 7.1. HCA 2023 Annual Report – Lisa Burnside Page 25
 - 7.2. Fifty Point Wetland Verbal Update – Scott Peck

8. Business Arising from the Minutes

- 8.1 Provincial Regulatory and Legislative Changes: Regulation of Development for the Protection of People and Property from Natural Hazards – Mike Stone Page 45

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

10. Other Staff Reports/Memorandums

Reports to be approved

- 10.1. Tar and Chip Tender – Matt Hall Page 57
- 10.2. Re-appointment of Enforcement Officers – Mike Stone Page 61
- 10.3. Delegation of Powers under the Conservation Authorities Act – Mike Stone Page 65

Memorandums to be received

- 10.4. Watershed Conditions Report – Jonathan Bastien Page 71
- 10.5. Conservation Areas Experiences – Gord Costie Page 75

11. New Business

12. In-Camera Items

- 12.1 Confidential Discussion - BD/Apr 01-2024
(Legal Matter)

13. Next Meeting – Thursday, May 2, 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: April 2, 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 February 24, 2024 and March 22, 2024 are summarized in the following Permit Applications Summary Report (PASR-3/24).

RECOMMENDATION

THAT the Board of Directors receive this Permit Application Summary Report PASR-3/24 as information.

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

March 22, 2024

Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Applications Report to the Board of Directors of the Hamilton Region Conservation Authority, April 02, 2024

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

PERMIT APPLICATION SUMMARY REPORT SER 3/24

File Number	Date Received	Date Permit Issued	Review Days	Applicant Name	Location	Application Description	Recommendation / Conditions
H/F,C,A/23/101	20-Dec-23	28-Feb-24	40		172 & 178 Rymal Road West and 1204 West 5th Street Lot 16, Concession 8 Hamilton	For the residential development Sheldon's Gate Phase 1 comprised of 29 lots	Approved subject to standard conditions.
H/F,C,A/24/09	30-Jan-24	06-Mar-24	28		Red Hill Valley Pkwy, near Mud St W Lot 33, 34, Concession 6 Hamilton	To remove accumulated sediment from the main cell of stormwater management pond 117	Approved subject to standard conditions.
H/F,C,A/24/10	30-Jan-24	06-Mar-24	28		Red Hill Valley Pkwy, Near Greenhill Lot 33, Concession 4 Hamilton	To remove accumulated sediment from the main cell of stormwater management pond 109	Approved subject to standard conditions.

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

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PERMIT APPLICATION SUMMARY REPORT SER 3/24

H/F,C,A/24/11	30-Jan-24	06-Mar-24	28		Red Hill Valley Pkwy, near Queenston Rd Lot 30, Concession 2 Hamilton	To remove accumulated sediment from the main cell of stormwater management pond 112	Approved subject to standard conditions.
A/F,C/24/13	20-Feb-24	07-Mar-24	16		374 Filman Rd Lot 51, Concession 2 Ancaster	For the construction of a new single dwelling, installation of a private sewage system and associated landscaping	Approved subject to standard conditions.
F/F,A/23/81	13-Oct-23	11-Mar-24	46		441 Ofield Rd Lot 12, Concession 2 Flamborough	To clean out two sediment and debris from sewer inlets flowing into stormwater management facility (SWMF) #37.	Approved subject to standard conditions.

HAMILTON REGION CONSERVATION AUTHORITY

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

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PERMIT APPLICATION SUMMARY REPORT SER 3/24

F/F,C/24/14	27-Feb-24	14-Mar-24	17		706 Highway 6 N Lot 13, Concession 4 Flamborough	For the installation of a new septic system	Approved subject to standard conditions.
SC/F,C/22/90	28-Nov-22	14-Mar-24	41		390 Highland Rd W Lot 32, Concession 7 Stoney Creek	For the residential subdivision development Phase 2 Stoneywood Park	Approved subject to standard conditions.

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Hamilton Region Conservation Authority

Minutes

Board of Directors Meeting

March 7, 2024

Minutes of the Board of Directors meeting held on Thursday, March 7, 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**
 Craig Cassar **Wayne Terryberry - virtual**
 Lisa DiCesare **Alex Wilson**
 Susan Fielding - virtual **Maureen Wilson**
 Brian McHattie

Jennifer Stebbing – Foundation Chair - virtual

REGRETS: **Jeff Beattie, Matt Francis, Mike Spadafora**

STAFF PRESENT: **Jonathan Bastien, Lisa Burnside, Grace Correia, Gord Costie, Marlene Ferreira, Scott Fleming, Matt Hall, Scott Peck, Mike Stone, Jaime Tellier, and Sandra Winninger**

OTHERS: **Media - Richard Leitner**

1. Call to Order

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

Councillor Clark acknowledged the passing of Mark Shurvin, a former member of the Board of Directors for over ten years and served as chair for 3 years. The HCA recognized his contribution to the HCA through the dedication of the "Shurvin Mile", a trail between Tew Falls and the Dundas Peak, in 2007.

2. Declarations of Conflict of Interest

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

3. Approval of Agenda

The Chair requested any additions or deletions to the agenda. Lisa Burnside advised to two addendums to the agenda: additional items of correspondence and, the second item was to amend item 10.4 to include an appendix.

BD12, 3314

**MOVED BY: Craig Cassar
SECONDED BY: Maureen Wilson**

THAT the agenda be approved, as amended.

CARRIED

4. Delegations

There were none.

5. Consent Items for Applications, Minutes and Correspondence

The following consent items were adopted:

- 5.1. Applications – Development, Interference with Wetlands, Alterations to Shorelines and Watercourses
- 5.2. Approval of Board of Directors Minutes – February 1, 2024
- 5.3. Approved December 14, 2023 Conservation Advisory Board Minutes
- 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)
- 5.5. 41 Items of correspondence related to item 5.4, Email from Ministry of Natural Resources and Forestry re: Update: Regulation of Development for Protection of People and Property from Natural Hazards on Ontario (to be referred to item 10.4 in the agenda).

6. Foundation Briefing

Jennifer Stebbing reported on the following:

The Foundation received a total of **\$5,464** in new donations from February 1st to February 29th 2024. These funds were directed to various projects including Memorial Benches, Dundas Valley Trails and the Hamilton Mountain CA Fund

This brings the fiscal year-to-date fundraising total to **\$107,453**, which is 13% of our goal and the total is slightly ahead of the same time last year.

The Foundation Board is finalizing our fundraising priorities for 2024, and in addition to continuing to fully fund the Environmental Education Program, has committed to providing funding for the Indigenous Interpretive Plaques in Dundas Valley. Other projects under consideration for funding include Wayfinding Signage across the watershed, the Valens Lookout Tower, as well as other projects identified through HCA master plans.

BD12, 3315

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

THAT the Foundation Briefing be received.

CARRIED

7. Member Briefing

There was none.

8. Business Arising from the Minutes

8.1 Draft HCA Strategic Plan Report

Anne Bermingham and Michael Howes of 2WA Consulting presented the four proposed strategic directions.

The consultants posed two questions to the Board: are there any areas requiring clarification and what they were pleased to see in the plan/was anything missing.

The consultants facilitated discussion with many comments focusing on greater engagement with Indigenous Peoples and nations, including the urban indigenous. Comments on the Strategic Priority of *Connecting People to Nature* focused on integrating traditional knowledge, restoration as well as the need to incorporate the idea of valuing nature and enhancing/building people's relationship to nature. Differential barriers to accessing nature was also raised. Additionally, it was clarified that there is no priority order to the four strategic element areas.

It was noted that additional time may be needed to finalize the new strategic plan from the original goal of completion for the June board meeting.

BD12, 3316

**MOVED BY: Alex Wilson
SECONDED BY: Lisa DiCesare**

THAT the Draft HCA Strategic Plan Report be received, with suggested revisions with direction share this draft plan with

the public, First nations, and some other stakeholders as a final validation step.

CARRIED

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

There weren't any reports from the Budget & Administration Committee.

9.1 Conservation Advisory Board – February 8, 2024

9.1.1 CA 2405 Indigenous Interpretive Signage Proposal

Wayne Terryberry brought forward the staff report and answered members' questions. It was noted that funding was confirmed through the Hamilton Conservation Foundation.

BD12, 3317 **MOVED BY: Wayne Terryberry**
SECONDED BY: Brian McHattie

THAT the Conservation Advisory Board recommends 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.

CARRIED

9.1.2 CA 2406 Westfield Accession and Deaccession List

Wayne Terryberry brought forward the staff report recommending a number of items for accession by Westfield in 2023.

BD12, 3318 **MOVED BY: Wayne Terryberry**
SECONDED BY: Alex Wilson

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.

CARRIED

9.1.3 CA 2407 Artaban Road and Lower Lions Club Road Parking Areas - Amended

Wayne Terryberry brought forward a staff report. Following discussion, the proposed recommendation was revised through a friendly amendment to the motion was proposed, deleting the words “carrying capacity” for “visitor use management plan”.

BD12, 3319 **MOVED BY: Wayne Terryberry**
SECONDED BY: Lisa DiCesare

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 visitor management plan 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.

CARRIED

10. Other Staff Reports/Memoranda

10.1 WWW Slide Tower Corrosion Abatement Tender

Matt Hall presented a summary of the report and answered member’s questions.

BD12, 3320 **MOVED BY: Alex Wilson**
SECONDED BY: Lisa DiCesare

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).

CARRIED

10.2 Proposed New Residential Dwelling, 1241 Governor's Rd

Mike Stone presented a summary of the report and answered member's questions.

BD12, 3321

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

THAT HCA staff recommends to the Board of Directors:

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.

CARRIED

10.3 Saltfleet Conservation Area Wetland Restoration Project – SC-5, Stage 2 Archeological Assessment

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

BD12, 3322

**MOVED BY: Lisa DiCesare
SECONDED BY: Craig Cassar**

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors approve the quote submitted by Archaeological Research Associates Ltd., to complete the required Stage 2 Archeological 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.

CARRIED

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

Lisa Burnside provided opening remarks advising of regulatory and legislative amendments coming into effect. These flow from Bills 229 and 23 reported on to the board over the past few years which noted remaining legislative changes to follow regarding the CA development regulation that was not yet in force because the government had not yet proclaimed or released regulations to implement them. The Province has now released the legislative and regulatory changes affecting CAs. Mike Stone then presented a summary of the report and legislative changes effective April 1, 2024.

Board members expressed concern with the changes limiting CA development permits to natural hazards and other regulatory and legislative changes.

The CAO and Deputy CAO advised the Board that staff must follow the changes made to the *CA Act* and the regulation that will take effect on April 1, 2024. While the Board considered a friendly amendment to adopt WHEREAS statement to address their concerns, the Board ultimately opted during the meeting to table the staff report and recommendation and, instead requested that staff report back on the implications and to seek a legal opinion with the following motions:

BD12, 3323 **MOVED BY: Brian McHattie**
SECONDED BY: Brad Clark

THAT staff report back on the implications of the changes that the regulations are forcing and that this information be related to development impacts in the watershed and other metrics such as number of watercourses no longer regulated.

CARRIED

BD12, 3324 **MOVED BY: Alex Wilson**
SECONDED BY: Craig Cassar

THAT staff be directed to seek a legal opinion in regard to the recent changes made to the *Conservation Authorities Act* and Ontario Regulation 41/24 that will take effect on April 1, 2024 and for legal to facilitate an in-camera discussion with the Board of Directors

CARRIED

10.5 Annual Reporting on CA Permit Review Timelines

Mike Stone reviewed the report and answered member's questions

BD12, 3325

**MOVED BY: Craig Cassar
SECONDED BY: Alex Wilson**

THAT the memorandum entitled Annual Reporting on CA Permit Review Timelines – January 1, 2023 to December 31, 2023 be received.

CARRIED

10.6 Watershed Conditions Report

Jonathan Bastien presented a summary of the memorandum.

BD12, 3326

**MOVED BY: Alex Wilson
SECONDED BY: Craig Cassar**

THAT the memorandum entitled Watershed Conditions Report be received.

CARRIED

10.7 Conservation Areas Experiences Update

Gord Costie provided a summary of the memorandum and answered the members' questions.

BD12, 3327

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

THAT the memorandum entitled Conservation Areas Experiences Update be received.

CARRIED

The Board agreed to extend the meeting time past 10:00 pm

BD12, 3328

**MOVED BY: Lisa DiCesare
SECONDED BY: Maureen Wilson**

THAT the Board of Directors extend the meeting past 10:00 pm.

CARRIED

11. New Business

There was none.

12. In-Camera Items**BD12, 3329****MOVED BY: Alex Wilson
SECONDED BY: Craig Cassar****THAT the Board of Directors moves *in camera* for matters of law, personnel and property.****CARRIED**

During the *in camera* session, one legal matter and one position/negotiation matter was discussed.

12.1 Confidential Verbal Discussion– BD/Mar 01-2024
(Legal Matter)

Lisa Burnside provided information on a legal matter and answered the member's questions.

BD12, 3330**MOVED BY: Alex Wilson
SECONDED BY: Craig Cassar****THAT the confidential /verbal update entitled BD/Mar 01-2024 be received and remain in camera.****CARRIED**

12.2 Confidential Verbal Discussion– BD/Mar 02-2024

Brad Clark led the discussion on the position/negotiation issue.

BD12, 3331**MOVED BY: Maureen Wilson
SECONDED BY: Brad Clark****THAT the confidential /verbal discussion entitled BD/Mar 02-2024 be approved and remain in camera.****BD12, 3332****MOVED BY: Maureen Wilson**

SECONDED BY: Alex Wilson

THAT the Board of Directors moves out of closed session.

CARRIED

13. Next Meeting

The next meeting of the Board of Directors will be held on Thursday, April 4, 2024 at 6:00 p.m. at the HCA Main Administration Office – Woodend Auditorium, 838 Mineral Springs Road, Ancaster, Ontario.

14. Adjournment

On motion, the meeting adjourned.

Scott Fleming
Secretary-Treasurer

From: [Lyn Folkes](#)
To: [Sandra Winninger](#); [Clark, Brad](#); jeff.beattie@hamilton.ca; craig.cassar@hamilton.ca; alex.wilson@hamilton.ca; mike.spadafora@hamilton.ca; matt.francis@hamilton.ca; [Wilson, Maureen](#)
Subject: Ford's wetland destruction
Date: March 7, 2024 4:00:26 PM

Hello HCA members,

Please use this letter in any way that may be a benefit to the preservation of our water quantity and quality in Hamilton. We need to protect this vital resource which we all NEED to survive - we certainly don't need big houses or highways to survive.

The droughts out West in the news lately are just the beginning of food insecurity in Canada -- many farmers don't have enough water to grow food for their livestock anymore because creeks and ponds are drying up due to rising temperatures. The global climate emergency accelerates faster and faster as time goes by too - especially without serious action being taken to slow down the pace. We're all in serious trouble today.

My family are all Hamilton taxpayers, some of us for decades, and I earned a Master's degree from the University of Waterloo in environmental studies (including climate change). From the evidence alone that every climate change prediction is happening much quicker than ever predicted, I very strongly urge all Hamilton politicians and HCA employees to resist Premier Ford's destructive policies towards wetlands and nature in general in Hamilton and Ontario.

Premier Ford doesn't want the federal government telling him what to do, and federal politicians have told me that it is inappropriate for them to 'tell' the province what to do directly. So, why is the province being allowed to order municipal politicians around, like their decisions and the voice of the taxpayer count for nothing?

The Ontario government's obvious denial of the climate emergency has been noticed internationally too. Ontario is moving backwards on climate in direct conflict with most of the world today. Are we crazy? I'm starting to think so the longer this provincial bullying is allowed to continue.

The Premier is an obvious hypocrite and an admitted liar. I don't trust him or his government to make decisions for us. I don't want to see any of his changes in wetland or other wildlife/natural lands protection policies in Hamilton. Doug Ford is completely out of control and acting incredibly irresponsibly, much like a child throwing a temper tantrum. It's not professional or helpful.

Please resist the province's proposed changes to any environmental policies, especially this latest incredibly sloppy "get it done" project. That title alone tells us that the province will stop at nothing to please their rich developer friends and cares absolutely nothing for the well-being of average taxpayers.

Ontario's democracy is in great trouble. We can't take it for granted or we'll lose all power to higher authorities -- who clearly have a different agenda than their job description provides: to protect Ontario's taxpayers from harm. Our local government does a much better job on its own!

I wish this was easier for us but Hamilton needs to continue setting a strong example of reason during this time of threatening climate chaos, and protect what truly thoughtful people know is

most important to our survival. We NEED clean water, air and soil to grow food and these most basic necessities should always be protected as a first priority.

Thank you and let us know how we can best help please,
Lyn Folkes & family
Ward 8, Hamilton

From: [Lynn Gates](#)
To: [Sandra Winninger](#); brad.clark@hamilton.ca; jeff.beattie@hamilton.ca; [Cassar, Craig](#); [Wilson, Alex](#); mike.spadafora@hamilton.ca; matt.francis@hamilton.ca; [Wilson, Maureen](#); [Brian McHattie](#)
Subject: HCA Board Meeting March 7, 2024
Date: March 7, 2024 6:26:28 PM

Dear Board members.

I am writing in regard to the new Provincial regulations that come into effect on April 1, 2024. The new regulations further undermine the role of Conservation Authorities in Ontario to protect wetlands and streams, when these natural resources are essential to mitigating the impact of intensive rainfalls.

Please refuse to agree to these new regulations in a symbolic stand against the systematic destruction of our natural resources by Premier Ford.

Sincerely,

Lynn M. Gates
Ward 1, Hamilton

From: [HERMAN DAVID BOUWMAN](#)
To: [Sandra Winninger](#); [brad.clark](#); [jeff.beattie](#); [craig.cassar](#); [alex.wilson](#); [mike.spadafora](#); [matt.francis](#); [maureen.wilson](#)
Subject: HCA
Date: March 7, 2024 2:38:13 PM

Good day,

I have just read the new regulations that the Ford government wishes to implement which will supercede the HCA's authority. I writing to you to vote vote no to these regulations. I realize that it is symbolic in nature, but this letter may be used to present to the Minister of the Environment that people are against the policy.

We continue to loose local authority with this goverment.

Kind regards,

Karen Bouwman
Hamilton Resident

From: [Andy Kulik](#)
To: [Sandra Winninger](#); brad.clark@hamilton.ca; jeff.beattie@hamilton.ca; craig.cassar@hamilton.ca; alex.wilson@hamilton.ca; mike.spadafora@hamilton.ca; matt.francis@hamilton.ca; maureen.wilson@hamilton.ca
Subject: NO to Ford's new regulations
Date: March 7, 2024 9:19:07 PM

Dear HCA Board Members,

The Province is pressuring the Hamilton Conservation Authority Board to approve Doug Ford's new regulations that will damage our wetlands, starting from April 1, 2024.

I propose that the HCA Board rejects the new regulations with a symbolic NO vote.

Hamilton has already said NO to urban sprawl and NO to the Greenbelt Grab. Now let's encourage the HCA Board to say a symbolic NO to further harm to our wetlands by the Ford government. Even though the new Provincial regulations will take effect in April regardless of our vote, let's not give up without a fight. Let's send a clear message to Ford and other municipalities that we oppose these new regulations!

Some of Ford's changes to legislation include:

- Narrowing the definition of a watercourse to require that it has a defined channel, a bed and banks or sides. Previously, a watercourse was any identifiable depression in the ground. This change will exclude hundreds, maybe thousands of intermittent and ephemeral streams from the protection of the HCA's regulated areas and open them up for development.
- Removing the definition of pollution. This means that buildings such as housing developments, schools, libraries, etc. can be constructed right next to known sources of pollution.
- Reducing the regulated area (development buffer) adjacent to a wetland to only 30m for ALL wetlands. Previously, the buffer was 120m for provincially significant wetlands.
- Giving new powers to the Minister to issue permits and/or direct an authority not to issue a permit.
- Allowing development applicants to request a Minister's review if the HCA denies a permit, or imposes conditions on a permit that an applicant disagrees with.

The Minister's decision is FINAL. This means the end of the authority of all Conservation Authorities. They will no longer have the power to protect us from flooding, erosion, pollution etc. This is a threat to our democracy.

Again, I urge the HCA Board to reject the new regulations with a symbolic NO vote.

Respectfully,

Andy Kulik

From: [Craig Kennedy](#)
To: [Sandra Winninger](#); [brad.clark@hamilton.ca](#); [jeff.beattie@hamilton.ca](#); [craig.cassar@hamilton.ca](#); [alex.wilson@hamilton.ca](#); [mike.spadafora@hamilton.ca](#); [matt.francis@hamilton.ca](#); [maureen.wilson@hamilton.ca](#)
Cc: [Deborah Kennedy](#)
Subject: Please Vote NO To Wetland Destruction
Date: March 9, 2024 9:28:48 PM

To: The Hamilton Conservation Authority Board

My wife and I are totally stunned and deeply saddened by how ignorant and out of touch the Doug Ford Government is when it comes to the environment. They appear to be to be unaware of the climate crisis and nature's valuable role in helping to solve it.

Why else would this government be intent on disbanding Conservation Boards' authority and ignoring expert advice from scientists and other professionals? We are appalled at the latest changes to legislation including the definition of a watercourse, the definition of pollution removed, the reduction in regulated area, and the new powers for the Minister regarding permits.

Please protest against these horrible new regulations by voting NO and send the right message to the Ford Government.

Sincerely,
Deborah and Craig Kennedy

RECEIVED

MAR 22 2024

5.3 f

[REDACTED]
Hamilton, ON L8S1J7
March 17, 2024

Board of Directors
Hamilton Conservation Authority
PO Box 81067, 838 Mineral Springs Rd.
Ancaster, ON L9G 4X1

Dear Directors,

I am writing in response to the article that appeared in the Hamilton Spectator on March 15, 2024. It states that new provincial regulations effective April 1 "threaten local wetlands, watercourses and the health of the city's watersheds."

Please do whatever you can to protect these precious natural resources.

Janet Bryers



2023 ANNUAL REPORT
HAMILTON CONSERVATION AUTHORITY

Our Vision

A healthy watershed for everyone.

Our Mission

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

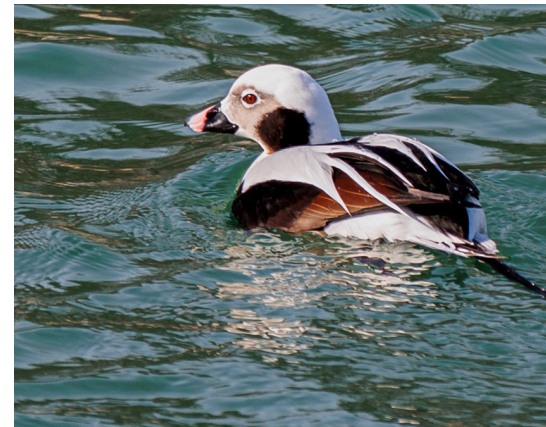
Land Acknowledgment

The HCA joins in stewardship of lands and waters with Indigenous Peoples who have cared for them since time before memory. We acknowledge that the land on which we gather, and the HCA watershed, is part of the Treaty Lands and Territory of the Mississaugas of the Credit First Nation and traditional territory of the Haudenosaunee.

As an organization, we are committed to learning about the shared history and experiences of Indigenous Peoples in Canada and creating relationships based on respect, trust and friendship. In our shared gratitude for every aspect of the natural world, may we create a lasting legacy now and for future generations.

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2023 HCA Board of Directors

January to July

Dan Bowman
Councillor Craig Cassar
Jim Cimba
Councillor Brad Clark
Susan Fielding
Councillor Matt Francis
Cynthia Janzen
Santina Moccio – Acting Chair
Maria Topalovic
Councillor Alex Wilson
Councillor Maureen Wilson

August to December

Councillor Jeff Beattie
Councillor Craig Cassar
Councillor Brad Clark – Chair
Lisa DiCesare
Susan Fielding – Vice Chair
Councillor Matt Francis
Brian McHattie
Councillor Mike Spadafora
Wayne Terryberry
Councillor Alex Wilson
Councillor Maureen Wilson

MESSAGE FROM HCA CAO & CHAIR

We are pleased to present our annual report for 2023. As we reflect on the past year, we share with great pride and enthusiasm the remarkable achievements and progress we have made in our ongoing commitment to environmental stewardship and community well-being.

A key focal point of our watershed management and natural heritage goals is the Saltfleet Conservation Area Wetland Restoration Program, and we were thrilled to acquire the last parcel of land required to finalize the project, which will ultimately see four wetlands built. These wetlands will reduce the impacts of flooding in lower urban Stoney Creek, provide larger natural areas for future generations and add trails for the public while protecting properties and residents downstream. The project received significant funding of \$1.25 million in 2023 from Environment and Climate Change Canada through the Canada Nature Fund and has also been supported by key donors, including the Heritage Green Community Trust. This project is a testament to our dedication to preserving and rehabilitating vital ecosystems and ensuring a sustainable future for generations to come.

Another standout accomplishment of the year has been the substantial expansion of our trail system at Westfield Heritage Village Conservation Area, adding a further 2.4 km of trail. The expanded trails provide a unique opportunity for the community to connect with nature, fostering a sense of appreciation for our cultural heritage and the natural environment.

The last year also saw all Conservation Authorities navigating the complexities of changes to the *Conservation Authorities Act* and Bill 23. The Hamilton Conservation Authority (HCA) adapted to Provincial direction restricting Conservation Authorities' role in providing technical advice on natural heritage matters for development proposals. HCA diligently focused on developing and executing Agreements with our two-member municipalities, the City of Hamilton and Township of Puslinch. This allows programs and services to continue that are now categorized as non-mandatory and demonstrates our commitment to work collaboratively with local government for the betterment of our watershed.

As we celebrate these accomplishments, we also bid farewell to citizen board members, Santina Moccio, Dan Bowman, Maria Topalovic, Jim Cimba and Cynthia Janzen. We thank those citizens for their dedication and contributions. We also welcomed new City of Hamilton councillors to our board; Mike Spadafora and Jeff Beattie, and citizens Lisa DiCesare, Brian McHattie and Wayne Terryberry.

HCA also tragically lost long-time staff member Bruce Harschnitz. Bruce's career spanned over 40 years starting as a summer student and culminating as Manager, Conservation Area Services. He worked at most of our conservation areas during his tenure and left an indelible mark on the organization.

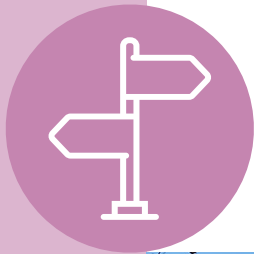
We extend our sincere gratitude to our dedicated staff, board, volunteers, and partners who have played a pivotal role in making the achievements of 2023 possible. Together, we are shaping a future where the natural areas of our watershed are cherished, protected, and enjoyed by all. We will continue to navigate the challenges and opportunities that come our way, with a focus on our vision; a healthy watershed for everyone.

Brad Clark
Chair



Lisa Burnside
Chief Administrative Officer



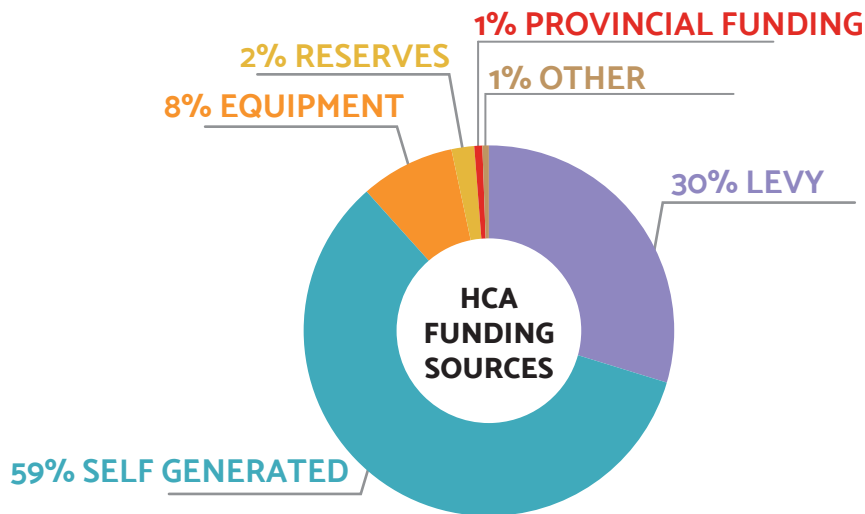


ORGANIZATIONAL EXCELLENCE

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



Saltfleet Conservation Area



HCA FINANCIAL BREAKDOWN

Top **3** self generated revenue sources continue to be **gate admission, marina operations and camping fees.**

WEBSITE STATISTICS

- **1,368,000+** Page Views
- **780,000+** Sessions
- **532,000+** Users

MEDIA RELATIONS

- **22** media releases
- **337** news mentions

HCA E-NEWSLETTER

- **21** circulated
- **20,257** subscribers - **up 78%** from 2022

HCA SOCIAL MEDIA FOLLOWERS



23,000
Facebook



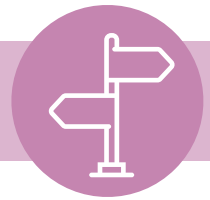
12,700
Instagram²⁸



9,135
X (Twitter)



3,410
LinkedIn

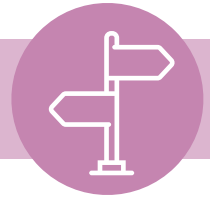


2023 Highlights

- A Land Acknowledgement statement was developed for HCA. The Acknowledgement highlights HCA's commitment to learning about the shared history and experiences of Indigenous Peoples in Canada, and creating relationships based on respect, trust and friendship.
- An IT modernization strategy was created for HCA with the key goals to:
 - Enhance network security.
 - Review and refresh server infrastructure.
 - Establish best practice policies and procedures.
 - Refresh and replace desktop workstations.
 - Plan for business continuity and disaster recovery.
- Advancing the IT plan in 2023, HCA undertook network infrastructure upgrades and implemented equipment standardization and lifecycle management practices at all HCA offices which have bolstered security, performance and resiliency in our corporate systems.
- Funding relationships and application efforts resulted in over \$1,787,000 dollars in grants, for projects such as Saltfleet Conservation Area Wetland Program, summer student positions, Fifty Point Conservation Area Wetland Restoration Project, facility and equipment upgrades, environmental education, and litter clean-ups, among others.
- Formalized an internal archive to ensure preservation and access to legacy records that document the history of HCA. A significant volume of legacy records were reviewed and select records included in the archive. This project will continue in 2024.
- A comprehensive records retention schedule and file classification scheme was developed and approved. Implementation of the schedule and filing scheme will operationalize best practices for HCA.



ORGANIZATIONAL EXCELLENCE



- HCA's Corporate Climate Change Strategy was developed and approved. The strategy was advanced in 2023 through:
 - Purchase of a fully electric vehicle (EV) to add to HCA's fleet, and installation of four EV charging stations at the Main Administration Office.
 - Completion of an energy audit for HCA's Main Administration Office to identify priority retrofits to reduce green house gas emissions.
 - Designation of 10% of annual membership pass sales to be set aside in a Climate Change Reserve to fund climate change initiatives, beginning in 2024.
- Supported a dynamic work culture, safe working environments, professional development, and effectiveness of staff through:
 - Revising and updating 25 safe working procedures, and creating six new procedures and programs for the protection of staff.
 - Provided training and certification in First Aid, traffic control, chainsaw operations, working at heights, confined space entry, Joint Health and Safety Committee certification, and self-contained breathing apparatus use.
 - HCA offered its second annual learning opportunity for all staff and the Board of Directors in support of the National Day of Truth and Reconciliation. Darin Wybenga, the Traditional Knowledge and Land Use Coordinator with the Mississaugas of the Credit First Nation, shared his knowledge and experiences with HCA so we may continue to learn as we work to build relationships with our Indigenous communities.
- Held the second annual HCA Staff Social at Fifty Point Conservation Area for staff to learn about the upcoming wetland construction, which will provide additional natural area and help reduce flooding on nearby residential properties associated with the watercourses in the area.
- Collaborated with our two member municipalities, the City of Hamilton and Township of Puslinch, to secure Agreements for non-mandatory programs and services for changes to the Conservation Authorities Act, and implemented other transparency and accountability initiatives on our website for legislative compliance.
- Continued to increase effective communication and engagement by using Bang the Table, an online stakeholder engagement tool for our community engagement on projects.
 - 901 people visited HCA's Bang the Table site, www.conservationtalkhca.ca.
 - 158 people completed surveys.
 - 251 were informed, by downloading documents, utilizing site tools like key dates, or visiting multiple project pages.
 - 651 visited at least one project page.
- Collaborated and shared expertise through numerous forums and working groups with neighbouring conservation authorities and other partners, including the Latornell Conservation Symposium and Conservation Areas Workshop. HCA staff participated, presented, and assisted with the organization of the events.



WATER MANAGEMENT

Water Management is undertaken to protect the watershed for people, property, flora and fauna, and natural resources through flood and erosion control, water quality programs, low flow augmentation and adaption strategies to adapt to changing climatic conditions.



Christie Lake Conservation Area

SECTION 28 CONSERVATION AUTHORITIES ACT PERMIT PROCESSING

- **93** Total Permits Issued
- **27** Total Major Permits; **89%** were processed within the Provincial time period of 90 days
- **66** Total Minor Permits; **91%** were processed within the Provincial time period of 30 days

WATERSHED CONDITION STATEMENTS AND MESSAGES

4 WATER SAFETY

High flows, unsafe banks, melting ice or other factors could be dangerous for recreational users. Flooding is not expected

FLOOD OUTLOOK 0

Early notice of the potential for flooding based on weather forecasts calling for heavy rain, snow melt, high wind or other conditions.

8 FLOOD WATCH

Indicates that there is the potential for flooding within specific watercourses and municipalities.

FLOOD WARNING 0

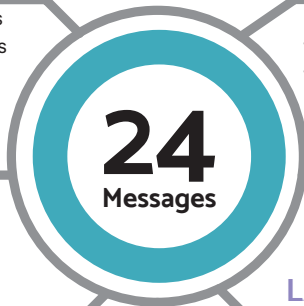
Indicates that flooding is imminent or occurring within a specific watercourse and municipalities.

0 LOW WATER LEVELS

Low Water Level 1: 0
Low Water Level 2: 0
Low Water Level 3: 0

LAKE ONTARIO SHORELINE 3

Water Safety: 0
Flood Outlook: 1
Flood Watch: 3

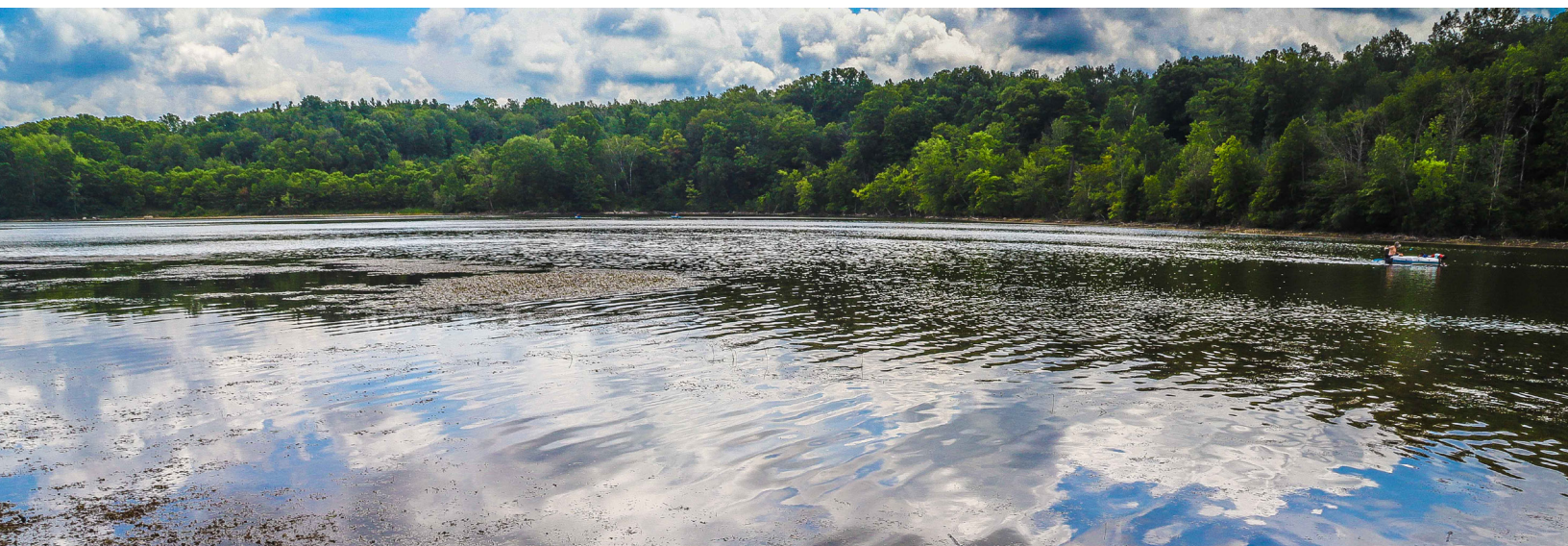


9 TERMINATION MESSAGES Return to normal watershed conditions.



2023 Highlights

- HCA prepared its third watershed report card, a report on the state of some of our watershed's most essential resources: surface & groundwater quality, forest conditions and wetland cover. The report, produced every five years, reflects watershed conditions impacted by various stressors, such as rapid urbanization, changing land uses and climate change.
- HCA's Lake Ontario and Hamilton Harbour shoreline management plan study was completed and will be put forward for public consultation in 2024. In support of planning and regulation activities, this project will provide:
 - Valuable existing shoreline protection information.
 - Future design guidance.
 - Shoreline flood hazard information.
- Flood Plain Mapping projects were completed for Stoney Creek numbered watercourses, Stoney Creek, Battlefield Creek, and Red Hill Creek systems, and will be put forward for public consultation in 2024. These projects provide necessary flood hazard information to support planning and regulation activities.
- To ensure maintenance and safe operation of HCA dams, a Christie Lake Dam Safety Review, as well as OMSS & EPP Studies for Valens Lake and Christie Lake dams were undertaken (OMSS relates to the operation, maintenance and surveillance of a dam, while EPP are emergency preparedness plans).
- Continued to invest in monitoring programs and networks including assessing impacts of nutrient and sediment loading through:
 - Provincial water quality and groundwater quality monitoring completed for six surface water sites and seven groundwater sites.
 - Annual City of Hamilton water monitoring projects, including groundwater well inspections at 86 wells, groundwater well water quality sampling at 40 wells, and erosion monitoring at 21 sites.





NATURAL HERITAGE CONSERVATION







Natural Heritage Conservation is the conservation, restoration and enhancement of watershed natural areas and ecology.



Spencer Gorge Conservation Area



ECOLOGY SURVEYS AND MONITORING

-  **25** plant surveys in support of HCA Master Plans
-  **20** frog call survey stations
-  **5** frog species counted
-  **10** forest health monitoring plots visited
-  **21** fish sites monitored
-  **24** benthic invertebrate sites monitored



63% ASH TREES
AFFECTED BY THE EMERALD ASH BORER

FORESTRY





2023 Highlights

- HCA acquired the final parcel of land required, through the generosity of our donors and grants, to complete the Saltfleet Conservation Area Wetland Restoration Program. The 95.38-acre parcel brings the total land at Saltfleet to 411 acres, and 11,500 acres of land preserved by HCA for environmental conservation and recreation opportunities.
- Carried out invasive species control and removal strategies in our watershed including:
 - Targeted 14 different invasive species including; English ivy, Common and Glossy buckthorn, Multiflora rose, Periwinkle, Phragmites, Dog-strangling vine, Garlic mustard, Privet, Autumn olive, Honeysuckles, Cut-leaved teasel, Giant hogweed and Burning bush.
 - Invasive species were addressed at 11 different areas including; Fletcher Creek, Valens Lake, Dundas Valley, Fifty Point, Felker's Falls, Lower Spencer Creek and others. There were over 25 specific sites treated within these areas.
 - 55 garbage bags of invasive plants were removed, and a total of 3,200 stems of invasive trees and shrubs were pulled.
- Enhanced natural heritage features with restoration projects across our watershed, including:
 - Collection of just under six dozen Christmas trees from the Dundas Waste Transfer Station and were utilized for aquatic restoration projects.
 - Completion of wetland restoration project in Middle Spencer Creek in conjunction with Ducks Unlimited Canada, including two excavated wetland cells and two impounded wetland ponds. The project will expand habitat and improve water quality adjacent to Christie Lake Conservation Area.
 - Restoration planting which took place at Mount Albion Conservation Area, with 2,000 native plants making their way into the ground.
 - Tree and shrub planting took place at the Lower Spencer Creek, with three volunteer events and over 600 plants in the ground and 16 kg of seed spread.
- HCA partnered with the Royal Botanical Gardens to install wildlife barrier fencing along Cootes Drive in Dundas. Providing a stable barrier will help reduce vehicle strikes on Cootes Drive, where wildlife such as snakes, frogs and



NATURAL HERITAGE CONSERVATION



turtles migrate.

- HCA's Water Quality and Habitat Improvement Program (WQHIP) assisted landowners within HCA's watershed to undertake conservation projects and improve wildlife habitat and water quality, including:
 - Worked with 75 landowners through site visits, project development, invasive species removal and general inquiries.
 - Funding native species planting and seeding around wetland restoration site to support adjacent species at risk populations.
 - Funding 6.26-acre memorial meadow seeding in the headwaters of Upper Spencer Creek.
- Aquatic and terrestrial monitoring programs continued and were expanded to assess watershed health:
 - Monthly photo monitoring continued of both the restoration at Saltfleet Conservation Area, and of beaver activity and dams at Fifty Point Conservation Area.
 - Temperature loggers were installed on several private properties in the Spencer Creek upper watershed to better understand potential impediments to water quality, and identify future restoration opportunities.
 - Monitored the Salmon Run on Lower Spencer Creek; the salmon returned this fall after a two-year hiatus!
- HCA approved working in partnership with the City of Hamilton and Hamilton Naturalist Club to undertake the fourth edition of the Natural Areas Inventory (NAI). The NAI is an inventory of significant natural areas in the City of Hamilton, created so that current information on plant and wildlife species, vegetation communities and site boundaries is available for agencies which are responsible for protecting and enhancing natural features.





CONSERVATION AREA EXPERIENCE

Conservation Area Experience is the provision of 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.



Westfield Heritage Village Conservation Area

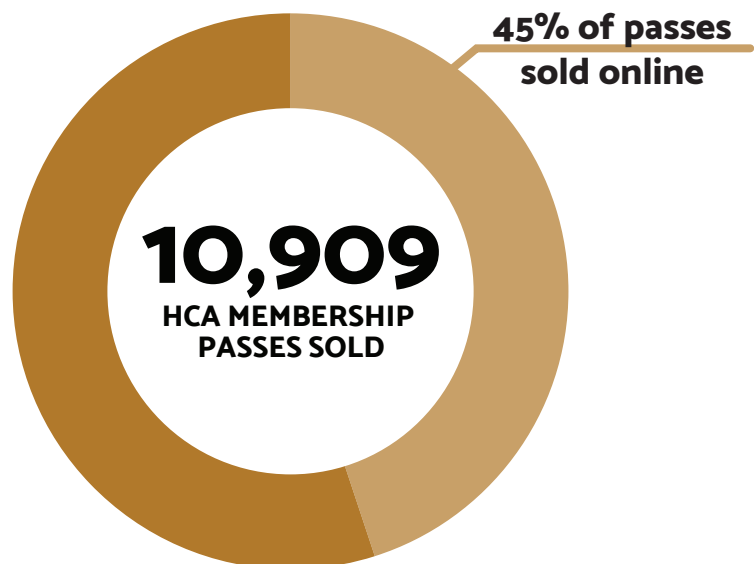


2023 ATTENDANCE

HCA welcomed over **950,000** visitors to its Conservation Areas in 2023, and over **600,000** people to Confederation Beach Park. **81,779** visitors enjoyed Wild Waterworks during the summer operating season.



NIGHTLY RESERVATIONS



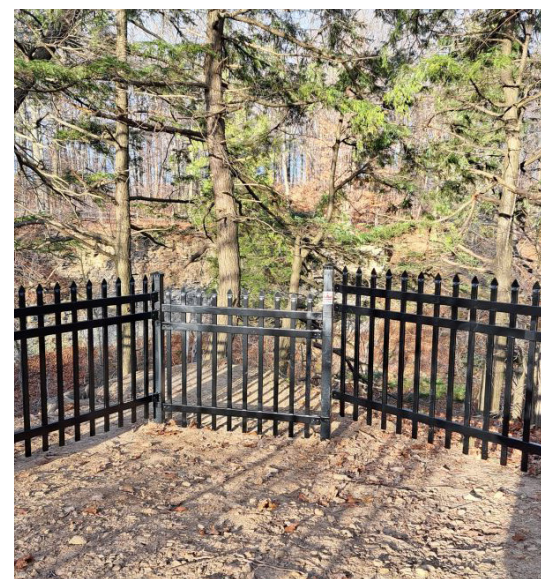
10,909
HCA MEMBERSHIP
PASSES SOLD

45% of passes sold online



2023 Highlights

- In February, HCA opened reservations for eight brand-new all-season cabins at Valens Lake Conservation Area and were an instant success. The Drumlin Cabins are the first of their kind at HCA, and their opening wrapped up a long-term vision for HCA from concept to construction.
- Online advanced day passes were launched in early summer for four HCA conservation areas to offer a quick and easy entry to HCA conservation areas. 1,520 people purchased a day pass in 2023.
- Westfield Heritage Village Conservation Area unveiled a major expansion to their trail network, with an official opening held in November. 2.4 km of trails were added, bringing the total amount of trails to 6.7 km. The trail is fully accessible, with flat packed gravel, and features three new bridges crossing wetlands and streams.
- Invested in projects to enhance and expand recreation experiences as follows:
 - New gatehouses were installed at Fifty Point and Spencer Gorge Conservation Areas. Additionally, new autogates, were installed at the Webster Falls parking lot in the Spencer Gorge Conservation Area.
 - Fifty Point Conservation Area underwent a trail reroute and shoreline restoration work. 90 m of trail was rerouted and improved, and 930 sq. m of shoreline restored.
 - Main entrance signs were replaced at Christie Lake, Valens Lake, and Fifty Point Conservation Areas.
 - Lakeland splash pad at Confederation Beach Park was refreshed with rubber resurfacing and new paint on the water features.
 - Valens Lake Conservation Area's fishing bridge guardrail was fully replaced. Numerous other bridge and platform guardrail system replacements were also completed throughout HCA areas.
 - Felker's Falls Conservation Area added 100 m of protective fencing to steep escarpment areas.
 - Christie Lake and Fifty Point Conservation Areas received a total of 2 km of road resurfacing throughout their areas.



CONSERVATION AREA EXPERIENCE



- Westfield Heritage Village Conservation Area had building renovations at the Ironwood Teahouse and Costume Building. These improvements were much needed for staff, volunteers, and visitors.
- The Dofasco 2000 Trail's 1.6 km boardwalk is now fully restored. After over five years of challenging work, the remaining 55 m reconstruction work was completed in 2023.
- A total of eight HCA Master & Management Plans are currently in progress. These multi-year plans provide a long-term vision for our areas, including direction for management and improvements within the properties and are completed in-house by HCA staff. The areas currently under review include:
 - Saltfleet, Devil's Punchbowl, Vinemount & Winona, Eramosa Karst, Mount Albion, and Felker's Falls Conservation Areas, as well as;
 - The Chippawa Rail Trail and the Dofasco 2000 Trail.
- Forest Bathing Walks were introduced to the Dundas Valley Conservation Area where participants had the opportunity to deepen their connection with nature. Four sessions were offered and well received.
- New Trail Map & Wayfinding Signage System was developed for HCA. Eramosa Karst Conservation Area was used as the first pilot site. Signage concepts were sent out for public comment and will be installed in the Spring of 2024. Other HCA conservation areas will follow in the coming years.



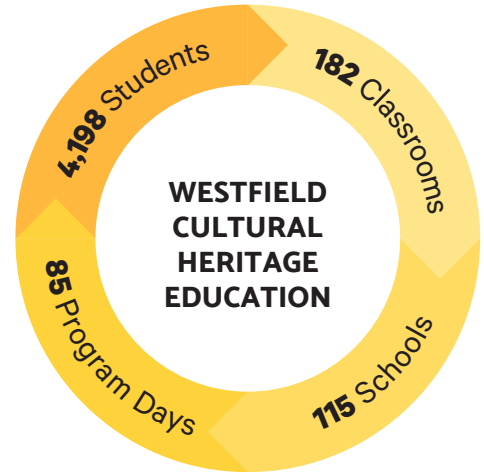
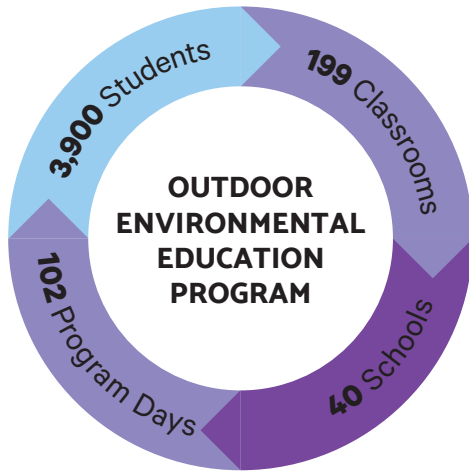


EDUCATION & ENVIRONMENTAL AWARENESS

Education and Environmental Awareness is the opportunity to provide outdoor learning experiences for students, teachers, and the community, increasing knowledge and awareness of the value of our environment and heritage.



Dundas Valley Conservation Area



HCA VOLUNTEERS



29 events



471 volunteers



1,106 hours



\$22,120 in-kind value



224 bags of litter removed

WESTFIELD VOLUNTEERS



192 volunteers



9,214 hours

OUTREACH



6 stewardship workshops held



12 educational and outreach events attended

EDUCATION AND ENVIRONMENTAL AWARENESS



2023 Highlights

- Summer day camps returned to the Dundas Valley Conservation Area for the first time since 2019. The camps were designed to be both educational and fun, covering topics like local wildlife, ecosystem dynamics, and sustainable practices to help engage young minds in the importance of conservation and environmental stewardship.
- Piloted several new programs for the Hamilton Wentworth District School Board (HWDSB), to reach students from kindergarten to high school.
 - Kindergarten program: newly developed to engage students at a younger age than we have traditionally delivered programming to.
 - Grade 9 program specifically targeted for Geography students.
 - French Immersion program, offering outdoor education in both French and English.
 - Grade 4 in-school program to deliver HCA education programs to accommodate schools who are unable to visit in person.
- Worked with the HWDSB Consultant of Reconciliation and Indigenous Educational Wellness to host a program that included Indigenous learning.
- Supported the Hamilton Children's Water Festival in the spring, working alongside high school volunteers to teach hundreds of grade 4 students about protecting aquatic ecosystems during the three-day festival.
- Partnered with Niagara College's Ecosystem Restoration Program for a second year, to help students develop a restoration strategy document for a local agricultural property in the Spring Creek subwatershed.



EDUCATION AND ENVIRONMENTAL AWARENESS



- Partnered and work with local community residents to facilitate the supply of nesting boxes/structures and to produce bat boxes, turtle nest protectors and swallow boxes for use at various conservation areas.
- In collaboration with McMaster University, hosted an Ancaster Creek open house to 43 members of the public, learning about the current state of the creek, stewardship and restoration efforts, and being engaged with upcoming volunteer events.
- A joint HCA and McMaster walk was conducted through 13 interconnected landowner properties in Ancaster Creek, making observations and providing landowners with summaries on how to address impediments.
- Niagara College students participated in a fieldwork session in April, revegetating a pond in Spring Creek using Dogwood and Willow live stakes.
- Watershed Steward's Appreciation Day was held for the first time since 2019 after a three-year hiatus due to the pandemic. Eight landowners within HCA's watershed were recognized and presented with a Watershed Stewardship Award.
- Enhanced Stewardship programs for both urban and rural areas through the Hamilton Watershed Stewardship Program including:
 - One well decommissioned.
 - \$30,512 in funding provided through WQHIP, Great Lakes Protection Initiative, Hamilton Conservation Foundation, and City of Hamilton's Well Decommissioning Program.
 - 13 projects were funded for 12 different landowners.
- In September, Westfield Heritage Village Conservation Area recognized four of their volunteers for their combined 100 years of volunteer service at Westfield. Each were presented with the Ontario Volunteer Service Award.



MESSAGE FROM HAMILTON CONSERVATION FOUNDATION

Who we are

The Hamilton Conservation Foundation protects and enhances natural and cultural legacies by raising and stewarding funds for the Hamilton Conservation Authority.

The Foundation raises funds in three key areas:

- Acquiring and Protecting Environmentally Sensitive Land.
- Teaching Children About Nature.
- Celebrating Cultural Heritage.

2023 at a Glance

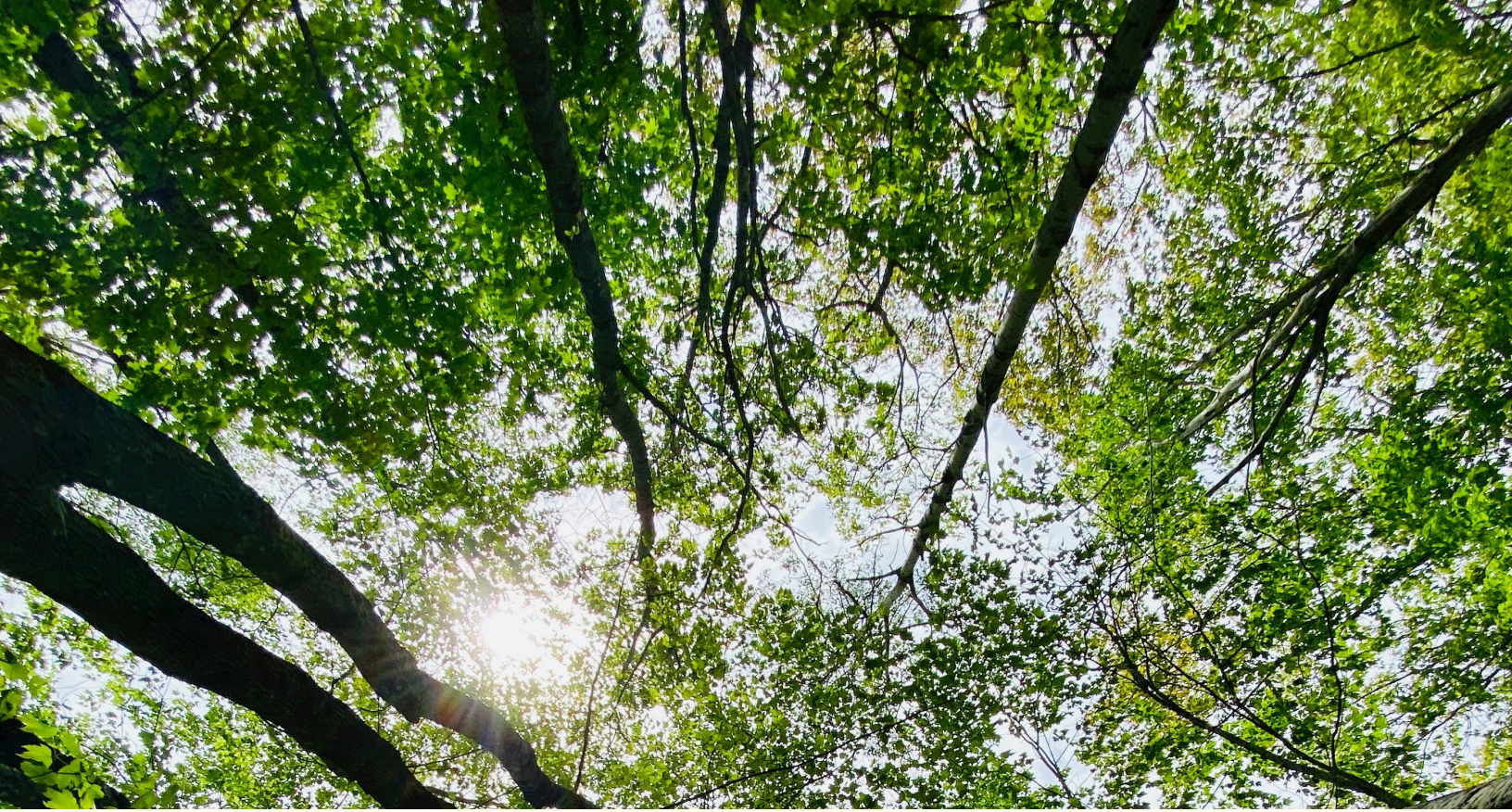
The Foundation raised a total of \$946,680 in our 2022-2023 fiscal year. The second \$500,000 installment on a \$2 million pledge from Heritage Green Community Trust, as well as a \$100,000 donation toward the Dobson-McKee Environmental Education Endowment Fund, contributed greatly to the Foundation's fundraising success this year.

As a result of our fundraising efforts and the generosity of our donors, the Foundation contributed approximately \$870,000 toward various HCA priority projects, including the Saltfleet Conservation Area Wetland construction, the Outdoor Environmental Education program, trail improvements at Westfield Heritage Village Conservation Area and Dundas Valley Conservation Area, interpretive signage, and plantings coordinated through the Stewardship department.



Donations to the Foundation's Step Into Nature Education Fund, and to the Dobson-McKee Environmental Education Endowment Fund ensure that HCA's Environmental Education Program is accessible to students from across Hamilton.



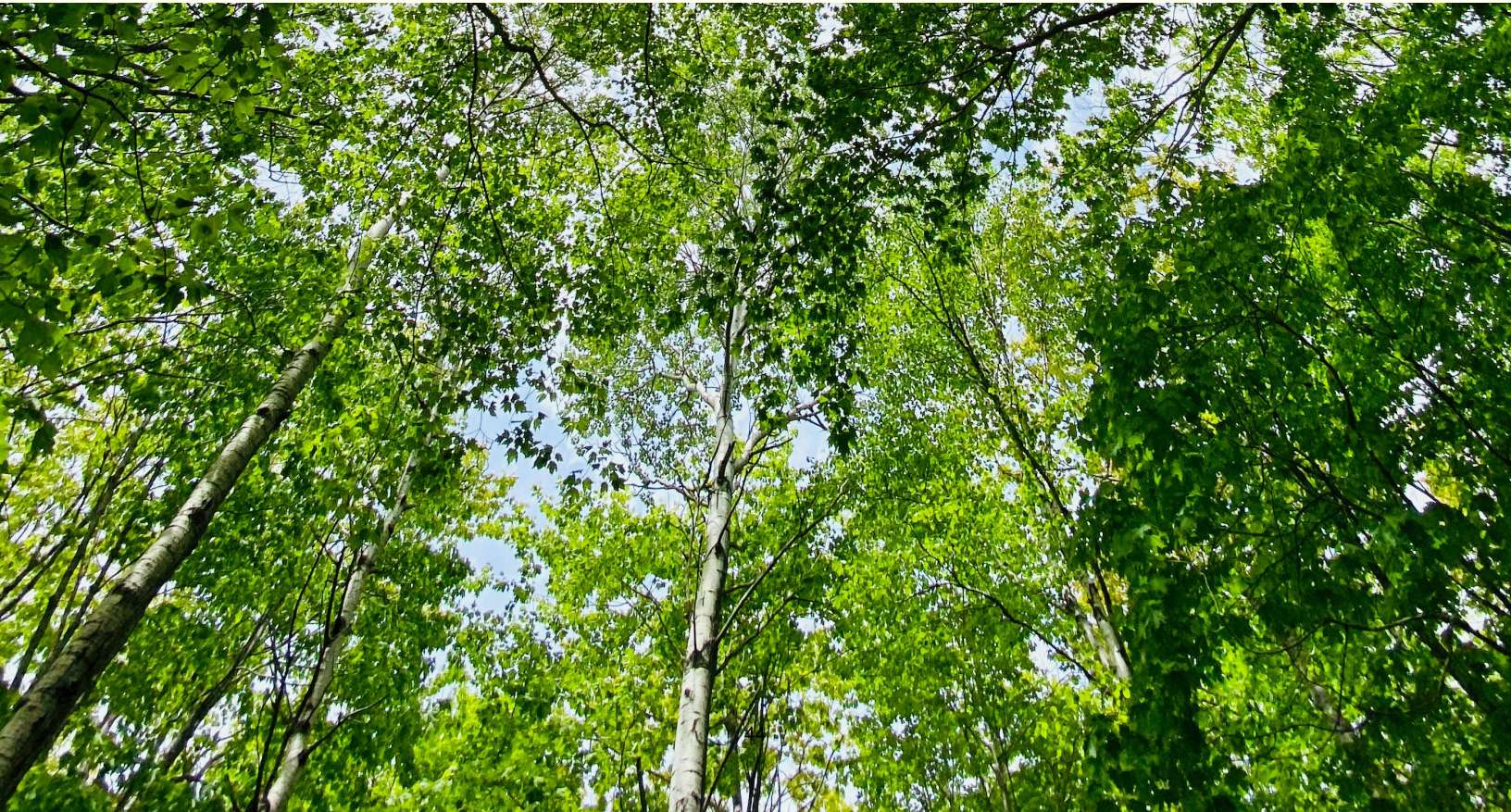


**Hamilton
Conservation
Authority**

A Healthy Watershed for Everyone

838 MINERAL SPRINGS ROAD
P.O. BOX 81067
ANCASTER, ONTARIO L9G 4X1
P: 905-525-2181
WWW.CONSERVATIONHAMILTON.CA

Cover photo taken by James Lees



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.

Report

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

RECOMMENDED BY: Matt Hall, C.E.T., Director; Capital Projects & Strategic Services

PREPARED BY: Kyle Kuhn, Projects Designer; Capital Projects & Strategic Services

MEETING DATE: April 4th, 2024

RE: 2024 Tar & Chip Road Resurfacing – Tender Results

STAFF RECOMMENDATION

HCA Staff recommends to the Board of Directors:

THAT the construction tender for the 2024 Tar and Chip Road Resurfacing project, be awarded to Cornell Construction Limited for a total cost of \$227,898.40 which includes a contingency sum and HST.

BACKGROUND & PURPOSE

This project covers Tar & Chip Road Resurfacing for various Conservation Area roads and parking lots that totals approximately 14,360 m², to help maintain and enhance our parks. Previous HCA Tar & Chip road treatment work was most recently completed in 2023 within Christie Lake C.A, Fifty Point C.A and Spencer Gorge C.A. The planned areas that will be improved this year include locations within; Dundas Valley C.A, Eramosa Karst C.A, Devil's Punchbowl C.A, Fifty Point C.A and Confederation Beach Park. The priority areas selected were based upon annual road inspections conducted over 2023 and 2024.

The purpose of this report is to recommend award to **Cornell Construction Limited** following the public tender process.

STAFF COMMENT

In February 2024, HCA CaPSS staff developed and issued tender contract and specification documents for firms to consider. This Public Tender was issued on February 29th, 2024 through the HCA’s Bidding Tender website and issued directly to firms that have previously conducted this work for the HCA.

Tenders closed on March 19th, 2024 at 11:00 AM. A summary of bid results received is as follows:

Company Name	Necessary Bonding	Total Price (including tax and contingency)	Notes
Cornell Construction Limited	Yes	\$227,898.40	Lowest Bid
Dufferin Construction Company	Yes	\$317,539.04	

This project is part of the HCA’s standard maintenance program for Conservation Area road upkeep.

The anticipated schedule for this project is as follows:

February 29, 2024	Public Tender advertised and sent out.
March 19, 2024	Tender Closing @ 11:00 AM Eastern Standard Time
March 19, 2024	Tender Package Opening@ 11:05 AM Eastern Standard Time
April 5, 2024	Anticipated Tender Award
April 8, 2024	Anticipated Official Contract Commencement
June 28, 2024	Project Substantial Completion Deadline

It is anticipated that the scope of work will be substantially completed on or before June 28th, 2024. HCA CaPSS staff will be actively involved in site review as the project progresses.

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

AGENCY COMMENTS

N/A

LEGAL/FINANCIAL IMPLICATIONS

Sufficient funding for this work has been allocated within the HCA's 2024 Capital and Major Maintenance Budget. A contingency sum of \$15,000 for unforeseen issues during construction works has also been allocated for this project. This has been included in the prices listed above.

CONCLUSIONS

It is recommended that this contract be awarded to Cornell Construction Limited located in Brantford, Ont. They are a fully qualified and bonded, contracting firm that specializes in tar & chip and road maintenance projects. Recent, similar completed projects of theirs include tar & chip surface treatment projects with the Grand River Conservation Authority, City of Hamilton, County of Bra, as well as numerous contracts previously with the HCA.

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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 CAO
Gord Costie, Director, Conservation Area Services

MEETING DATE: April 4, 2024

RE: Hamilton Conservation Authority – Re-appointment of Officers under the *Conservation Authorities Act*

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

THAT effective April 1, 2024, the HCA staff identified in Attachment A, be re-appointed as Officers under Section 30.1 of the *Conservation Authorities Act*, and designated as Provincial Offences Officers per the Class Designation approved by the Minister of Natural Resources on March 20, 2024, for the purposes of ensuring compliance with the *Conservation Authorities Act* and its regulations, as well as the *Trespass to Property Act*, as more specifically identified in Attachment A.

BACKGROUND & PURPOSE

On April 1, 2024, Part VI (Regulations of Areas over which Authorities have Jurisdiction) and Part VII (Enforcement and Offences) of the *Conservation Authorities Act* (CAA) will be proclaimed. Ontario Regulation (O. Reg) 686/21: Mandatory Programs and Services under the CAA requires that Conservation Authorities provide programs and services to ensure that the authority satisfies 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.

As a result of these changes, the section under which a Conservation Authority may appoint Officers for the purposes of ensuring compliance with the CAA and its regulations has changed. Previously, Officers of the HCA were appointed under Section 10 of Ontario Regulation 161/06 (HCA's Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses). With the proclamations that will take effect on April 1st, 2024, Officers must now be appointed under Section 30.1 of the CAA. This change requires that existing Officers be re-appointed by the HCA Board of Directors under Section 30.1.

The re-appointment of Officers under Section 30.1 is also necessary in order to fulfill class designation requirements for HCA Officers to also be designated as Provincial Offences Officers. On March 20, 2024, the Minister of Natural Resources issued a class designation under the authority of subsection 1(3) of the *Provincial Offences Act* to designate Officers appointed under Section 30.1 of the CAA as Provincial Offences Officers for the purpose of enforcing the *Conservation Authorities Act* and its regulations, as well as the *Trespass to Property Act*, within the jurisdiction of their conservation authority.

The purpose of this report is to seek the re-appointment of the HCA staff identified in Attachment A, as Officers of the HCA and Provincial Offences Officers.

STAFF COMMENTS

Prior to appointment as an Officer under Section 30.1 of the CAA, and the corresponding designation as a Provincial Offences Officer under the MNR Class designation, it is important that staff have the appropriate knowledge and training in order to enforce the CAA and its regulations. Only those HCA staff with the requisite training are appointed as Officers and designated Provincial Offences Officers. In 2010, Conservation Ontario developed a *Protocol for Conservation Authority Designation of a Provincial Offences Officer*. This protocol was recently updated to reflect the changes to the CAA that will take effect April 1, 2024.

Under the protocol, in order to be appointed as an Officer under the CAA, the following criteria shall be satisfied:

1. The officer shall provide proof of a clean criminal record check
2. The officer shall be adequately trained in the legislation they are to enforce (i.e. the *Conservation Authorities Act*, *Provincial Offences Act*, and the *Trespass to Property Act*).

The protocol clarifies that adequate training is to include Level 1 Provincial Offences Officer training or equivalent. Once the identified criteria are satisfied, a staff member may be appointed as an Officer under Section 30.1 of the CAA and designated as a Provincial Offences Officer per the MNR Class Designation.

HCA Officers are appointed specifically for the sections of the CAA and related regulations that are responsible for enforcing. In this regard, planning and regulations staff within HCA's Watershed Management Services Division have responsibilities related to the administration and enforcement of Section 28 of the CAA and O. Reg. 41/24: Prohibited Activities, Exemptions and Permits. Conservation Area Managers, Superintendents, and Assistant Superintendents within Conservation Areas Services Division have responsibilities related to the administration and enforcement of Section 29 of the CAA and O. Reg. 688/21: Rules of Conduct in Conservation Areas.

Attachment A identifies the HCA staff to be appointed as Officers under the CAA and designated as Provincial Offences Officers under the MNRF class designation, and identifies which section(s) of the CAA they are responsible for enforcing. The staff identified in Attachment A have met the criteria and requirements, as identified above, to be designated.

Currently, Watershed Management Services Division has one staff person trained and to be designated as a Provincial Offences Officer. While normally, there would be at least two staff trained and designated, as a result of staffing changes (retirements, departures), only one of the two Conservation Planners is currently trained as a Provincial Offences Officer. The second Conservation Planner is scheduled to participate in Level 1 Provincial Offences Officer training in April 2024, and can be designated upon successful completion of the course, which will add a second Provincial Offences Officer to Watershed Management Services Division.

Currently, the Conservation Area Services division has nine staff trained and to be designated as a Provincial Offences Officer, spread across the watershed at various conservation and managed areas.

CONCLUSIONS

As of April 1st, 2024, the CAA section under which Officers are appointed for the purpose of enforcing the CAA and its regulations has changed. Existing Officers must be re-appointed by the HCA Board of Directors under Section 30.1 of the CAA in order to be able to continue their duties as they relate to enforcement of Section 28 and/or Section 29 of the CAA. Further, re-appointment of Officers under Section 30.1 will also allow for these staff to be re-designated as Provincial Offences Officers in accordance with the March 2024 MNRF Class Designation. The staff to be appointed and designated are identified in Attachment A. These appointments are necessary to allow the HCA staff identified in Attachment A to fulfill their job duties and responsibilities as they relate to Sections 28 and 29 of the CAA.

ATTACHEMENT A

Watershed Management Services Division

HCA staff appointments for the purposes of enforcing Section 28 of the *Conservation Authorities Act* and related regulations, as well as the *Trespass to Property Act*

Elizabeth Reimer

Conservation Area Services Division

HCA staff appointments for the purposes of enforcing Section 29 of the *Conservation Authorities Act* and related regulations, as well as the *Trespass to Property Act*

Gord Costie
Lindsey Darling
Liam Fletcher
Paul Karbusicky
Sara Kinnear
Stacey McConnell
Evan McKnight
Jon Roberts
Carissa Smith

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: April 4, 2024

RE: Hamilton Conservation Authority – Delegation of Powers under the *Conservation Authorities Act*

STAFF RECOMMENDATION

THAT HCA staff recommends to the Board of Directors:

THAT the Board of Directors approve the delegation of powers outlined in Attachment A, as permitted under Section 28.4 of the *Conservation Authorities Act*.

BACKGROUND & PURPOSE

On April 1, 2024, Part VI (Regulations of Areas over which Authorities have Jurisdiction) and Part VII (Enforcement and Offences) of the *Conservation Authorities Act* (CAA) will be proclaimed. Ontario Regulation (O. Reg) 686/21: Mandatory Programs and Services under the CAA requires that Conservation Authorities provide programs and services to ensure that the authority satisfies 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.

As a result of these changes, the section under which a conservation authority may delegate certain powers related to the administration of the CAA and its regulations has changed. Previously, Sections 28(2) and 28(12) of the CAA and related Sections 3(3) and 6(3) of O. Reg. 161/06, provided for the delegation of certain powers related to the issuance of permits and holding of hearings to an authority's executive committee or

employees. As of April 1, 2024, the section under which powers may be delegated has changed. Under new Section 28.4, “an authority may delegate any of its powers related to the issuance or cancellation of permits under the CAA or its regulations to any other person or body, subject to any limitations or requirements that may be prescribed by regulation.”.

The purpose of this report is to seek approval of the delegation of powers outlined in Attachment A, as permitted under Section 28.4 of the CAA. The proposed delegations generally maintain earlier existing HCA delegations of power and review processes. Staff would continue to issue permits that meet policy, and permit applications not meeting policy would be brought to the HCA Board for consideration through a formal hearing.

STAFF COMMENTS

As a standard best practice, many conservation authorities have existing delegations of powers to their executive committees and/or staff related to the granting of permits. In 2013, the HCA Board of Directors delegated approval of permits issued for a 2-year period under O. Reg. 161/06 (HCA’s Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation) to the CAO, Director, Watershed Planning & Engineering, Manager, Watershed Planning Services and Manager, Water Resources Engineering. This continues to be current practice, and under this approach HCA staff prepare and submit monthly summary reports of permits issued to the Board for information purposes. Permit applications that do not comply with HCA policy are brought to the Board for decision through a formal hearing process. Similarly, under current practice, permits proposed to be issued for a period of 5 years (as opposed to the standard 2 years) would be presented to the Board to consider.

The delegation of powers outlined in Attachment A would generally maintain the existing authorities and processes. However, under the revised CAA, Section 28.4 does provide that additional powers may be delegated, including for the issuance of permits for a maximum period of validity of 5-years, as well as permit extensions and the cancellation of permits. As a result, the delegations outlined in Attachment A for 5-year permits, permit extensions, and permit cancellations would represent new powers to be delegated to staff.

HCA must also consider how the administrative review of permit applications, as provided for in Section 8 of O. Reg. 41/24, will be managed. Section 8 of the new regulation provides that a permit applicant may request a review by the authority if a notice of complete application is not received within 21 days of submitting an application, or if the applicant disagrees with the authority’s determination of a complete application or any request for additional information, studies or plans. An authority must complete a requested review within 30 days, and either confirm if the application is complete or provide reasons why it is incomplete. Given the 30 day review requirement would generally not allow such matters to come before the Board under the normal meeting schedule, and in order to allow for timely review and response, Attachment A

proposes to delegate the authority for undertaking administrative reviews of permit applications to senior staff.

Further, on April 1, 2024, new Sections 21.2(13) – (21) will be added to the CAA to provide for the reconsideration of fees for permit applications. Under these new provisions, applicants may request an authority to reconsider a fee charged for a permit application. Where a request is received, an authority must provide a decision within 30 days. Given the 30 day review requirement would generally not allow such matters to come before the Board under the normal meeting schedule, and in order to allow for timely review and response, Attachment A proposes to delegate the authority for undertaking permit fee reviews to senior staff. Where an applicant continues to disagree with an authority's review and determination of a permit fee, they may appeal to the Ontario Land Tribunal (OLT).

Attachment A identifies the proposed delegation of powers.

AGENCY COMMENTS

Not applicable.

LEGAL/FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSIONS

As of April 1st, 2024, the CAA section under which the delegation of certain powers for the administration of the CAA and its regulations has changed. As a result, the authority must consider and approve any powers to be delegated under new Section 28.4 of the CAA. The proposed delegations of power are identified in Attachment A.

The proposed delegations generally maintain earlier existing HCA delegations of power and review processes. Staff would continue to issue permits that meet policy, and permit applications not meeting policy would be brought to the HCA Board for consideration through a formal hearing.

Section 28.4 provides for consideration of additional delegations of powers, including for the cancellation of permits, which are proposed in Attachment A to be delegated to senior staff. Attachment A also outlines proposed delegations for conducting permit application administrative reviews and permit fee reconsiderations.

The proposed delegation of powers will support HCA staff in administering the CAA and O. Reg. 41/24, and are necessary for ensuring efficient review processes and providing a high standard of client service.

ATTACHMENT A

PROPOSED DELEGATION OF POWERS

Activity	Delegation	Rationale / Comments
<p>Issuance of permits up to 60 months (5-years), with or without conditions</p> <p>CAA Sec 28.1(1), (4) OReg 41/24 Sec 9(1), 11(1)</p>	<p>CAO Deputy CAO/Director, Watershed Management Services Manager, Planning, Stewardship & Ecological Services Manager, Water Resources Engineering</p>	<p>Carries forward existing delegation of powers for issuance of permits, with additional powers for staff to issue permits up to 60 months</p> <p>Staff issue permits based on Board approved policies</p> <p>Staff provide monthly Permit Application Summary Reports for Board meetings</p>
<p>Approval of permit extensions up to maximum period of validity of 60 months (5-years)</p> <p>Notice of intent to refuse a permit extension request</p> <p>OReg 41/24 Sec 11(3), 11(4)</p>	<p>CAO Deputy CAO/Director, Watershed Management Services Manager, Planning, Stewardship & Ecological Services Manager, Water Resources Engineering</p>	<p>Where permits issued for less than maximum 5-year period of validity, applicants may request an extension to the max. period</p> <p>Administrative process in most cases</p> <p>Where a request is to be refused, applicants have opportunity to request a Board hearing</p>
<p>Notice of intent to cancel a permit</p> <p>CAA Sec 28.3(1), (2)</p>	<p>CAO Deputy CAO/Director, Watershed Management Services Manager, Planning, Stewardship & Ecological Services Manager, Water Resources Engineering</p>	<p>No existing delegation in place</p> <p>Permits may be cancelled where permit conditions not met</p> <p>Where a permit is to be cancelled, applicants have opportunity to request a Board hearing</p>

<p>Hearing for permit where staff recommend refusal</p> <p>CAA Sec 28.1(5)</p>	<p>Board of Directors</p>	<p>Carries forward existing practice for Board hearing where staff recommend refusal of a permit</p> <p>Where Board refuses a permit, applicant can request a Minister's review</p> <p>Board decisions can also be appealed to OLT</p>
<p>Hearing where applicant objects to conditions attached to a permit</p> <p>CAA Sec 28.1(5)</p>	<p>Board of Directors</p>	<p>Can not attach conditions to a permit unless the applicant has been given an opportunity to be heard by the authority</p> <p>OReg 41/24 limits types of conditions that can be attached to a permit</p> <p>Generally attach standard list of permit conditions</p>
<p>Hearing for notice of intent to refuse permit extension request</p> <p>OReg Sec 11(5)</p>	<p>Board of Directors</p>	<p>Upon receiving a notice of intent to refuse a permit extension request, applicants may request a hearing by the authority</p>
<p>Hearing for notice of intent to cancel a permit</p> <p>CAA Sec 28.3(3)</p>	<p>Board of Directors</p>	<p>Upon receiving a notice of intent to cancel a permit, applicants may request a Board hearing</p> <p>Board decision may be appealed to OLT</p>
<p>Hearing where applicant objects to conditions attached to a mandatory permit (Minister's zoning order)</p> <p>CAA Sec 28.1.2(7)</p>	<p>Board of Directors</p>	<p>Can not attach conditions to a mandatory permit issued as a result of a Minister's zoning order unless the applicant has been given an opportunity to be heard by the authority</p> <p>Sec 28.1.2(6) limits types of conditions that can be attached to a mandatory permit</p>

		<p>Generally attach standard list of permit conditions</p> <p>Where applicant objects to conditions imposed by Board decision, applicant can request a Minister's review</p> <p>Board decisions can also be appealed to OLT</p>
<p>Hearing requested on issuance of stop work order</p> <p>CAA Sec 30.4(6)</p>	Board of Directors	<p>Any person served with a stop work order may request a hearing before the authority</p> <p>Board decision may be appealed to the Minister</p>
<p>Administrative review of complete permit applications</p> <p>OReg 41/24 Sec 8</p>	<p>CAO Deputy CAO/Director, Watershed Management Services Manager, Planning, Stewardship & Ecological Services Manager, Water Resources Engineering</p>	<p>An applicant may request a review by the authority if a notice of complete application is not received within 21 days of submitting an application, or if the applicant disagrees with the authority's determination of a complete application or any request for additional information</p> <p>Delegation to staff required to allow reviews to be completed within mandated 30-day timeframe</p>
<p>Reconsideration of fees for permit applications</p>	<p>CAO Deputy CAO/Director, Watershed Management Services Manager, Planning, Stewardship & Ecological Services Manager, Water Resources Engineering</p>	<p>An applicant may request a review of a fee to be charged for a permit application</p> <p>Delegation to staff required to allow reviews to be completed within mandated 30-day timeframe</p> <p>Decisions may be appealed to OLT</p>



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: April 4, 2024

RE: Watershed Conditions Report

SYNOPSIS

During the period of February 23rd 2024 to March 25th 2024 to, there were no observations, reports, or expectations of significant water safety concerns, significant watercourse flooding events, or Lake Ontario shoreline flooding events.

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 slightly elevated above baseflow conditions but well below the adopted thresholds for significant water safety concerns. The average monthly recorded flows for March so far have all been below long-term averages. However, ice conditions within the creeks have artificially affected flow readings in January, February and March, thus there are inaccuracies in the provided average monthly flows for these 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 was about 2 cm above average for this time of year, as of March 20, 2024.

Current Christie Lake levels are just above the preferred winter operating levels. Current Valens Lake levels are above the preferred winter operating levels, but well below the preferred summer operating levels.

The most recent drought assessment indicated that normal conditions are an appropriate overall characterization of the watershed. Although monthly precipitation amounts in February were roughly half of long-term averages, the monthly amounts in December and January had been normal to above normal.

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 – March 25th, 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 slightly 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, February and March, thus there are inaccuracies in the provided average monthly flows for these months. That said, ice condition effects were less prevalent in March.

The average monthly recorded flows for March so far have all been below long-term averages. Monthly flow in Upper Spencer Creek at Safari Road has been 70% of long-term averages. Monthly in flow Middle Spencer Creek at Highway 5 has been 68% of averages. Monthly flow in Lower Spencer Creek at Market Street has been 59% of averages. Monthly flow in Ancaster Creek at Wilson Street has been 60% of averages. Monthly flow in Red Hill Creek at Barton Street has been 50% of averages.

February 2024 average recorded flows ranged between below to above long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 147% of long-term averages (considered above average). Monthly flow in Middle Spencer Creek at Highway 5 was 109% (considered near average). Monthly flow in Lower Spencer Creek at Market Street was 106% (considered near average). Monthly flow in Ancaster Creek at Wilson Street was 85% (considered slightly below average). Monthly flow in Red Hill Creek at Barton Street was 56% (considered 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 in Middle Spencer Creek at Highway 5 was 207% (considered significantly above average). Monthly flow in Lower Spencer Creek at Market Street was 214% (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 all near long-term averages. Monthly flow in Upper Spencer Creek at Safari Road was 90% of long-term averages. Monthly flow in Middle Spencer Creek at Highway 5 was 93% of averages. Monthly flow in Lower Spencer Creek at Market Street was 100% of averages. Monthly flow in Ancaster Creek at Wilson Street was 96% of averages. Monthly flow in Red Hill Creek at Barton Street was 100% of averages.

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 74.78 m to 74.79 m IGLD85 as of yesterday. The Lake Ontario mean daily water level averaged across the entire lake (74.75 m IGLD85 as of March 20) is about 2 cm above average for this time of year.

Current Storages in HCA Reservoirs

Current Christie Lake levels (765.85 ft) are just above the preferred winter operating levels (765.3 to 765.8 ft).

Current Valens Lake levels (274.70 m) are above the preferred winter operating levels (274.15 to 274.40m), but well below the preferred summer operating levels (275.25 to 275.45m).

Current Soil Conditions

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

RECENT STORM EVENTS

During the period of February 23rd 2024 to March 25th 2024 to, there were no observations, reports, or expectations of significant water safety concerns, significant watercourse flooding events, or Lake Ontario shoreline flooding events.

RECENT WATERSHED LOW WATER CONDITIONS

The most recent drought assessment (including data up to February 29) indicated that normal conditions are an appropriate overall characterization of the watershed. Although monthly precipitation amounts in February were roughly half of long-term averages, the monthly amounts in December and January had been normal to above normal.

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.

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

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

MEETING DATE: April 4, 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

Fifty Point Conservation Area – spring signals a very busy time of year for the staff and visitors alike at this Conservation Area. We're excited to begin the Spring boat lift season this month where over 275 power boats and sailboats will be transported from storage to dockside by staff. Following the opening of the marina, the 74 site campground will reach sold out capacity for the Victoria Day long weekend. Lastly as was shared by staff earlier this evening, the wetland has been completed and we look forward to the additional natural area and habitat diversity it will provide. A new accessible fishing dock will also be installed, allowing all user groups to enjoy enhanced fishing opportunities. The existing trail will be maintained in the new wetland, giving visitors additional nature appreciation opportunities as they travel through the wetland.

Conservation Areas – all Conservation Areas continue to be spring time busy with the fair-weather conditions and seasonal visitation levels. Staff have also been active with recruitments for summer jobs as HCA hires approximately 225 students to work at our Conservation Areas, Confederation Beach Park, and Wild Waterworks.