



Board of Directors
Meeting No. BOD-02-23
Friday, February 24, 2023
9:00 a.m.

Agenda

Meeting Location:

120 Bayview Parkway, Newmarket
Minutes and agendas are available at www.LSRCA.on.ca

Upcoming Events

Board of Directors' Meeting

Friday, March 24, 2023
120 Bayview Parkway, Newmarket

Lake Simcoe Conservation Foundation

34th Annual Conservation Dinner

Wednesday June 14, 2023
The Manor at Carrying Place

5th Annual Invitational Golf Tournament

Monday, August 21, 2023
Oakdale Golf and Country Club

A full listing of events can be found at www.LSRCA.on.ca

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 6

Recommended: That the content of the Agenda for the February 24, 2023 meeting of the Board of Directors be approved as presented.

IV. Adoption of Minutes

a) Board of Directors

Pages 7 - 13

Included in the agenda is a copy of the minutes of the Board of Directors' Annual General Meeting, No. BOD-01-23, held on Friday, January 27, 2023.

Recommended: That the minutes of the Board of Directors' Annual General Meeting, No. BOD-01-23, held on Friday, January 27, 2023 be approved as circulated.

V. Announcements

VI. Presentations

a) The Health of Lake Simcoe

Limnologist, Dr. Brian Ginn, will provide a presentation on the Health of Lake Simcoe. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by Limnologist, Dr. Brian Ginn, regarding the Health of Lake Simcoe be received for information.

b) Lake Simcoe Watershed Report Card 2023

Pages 14 - 16

Manager, Watershed Plans and Strategies, Bill Thompson, will provide a presentation on the Lake Simcoe Watershed Report Card 2023. This presentation will be provided at the meeting and will be available on the Conservation Authority's website following the meeting.

Recommended: That the presentation by Manager, Watershed Plans and Strategies, Bill Thompson regarding the Lake Simcoe Watershed Report Card 2023 be received for information.

Staff Report No. 02-23-BOD regarding the Lake Simcoe Watershed Report Card 2023 is included in the agenda.

Recommended: That the Staff Report No. 02-23-BOD regarding the Lake Simcoe Watershed Report Card 2023 be received for information.

c) Bill 23, More Homes Build Faster Act – Mandatory Changes for the Conservation Authorities Role in Development Review

Pages 17 - 26

CAO Rob Baldwin will provide a presentation on the mandatory changes under Bill 23, More Homes Build Faster Act, 2022 that impact and change the role that Conservation Authorities play in the development review process.

Recommended: That the presentation by CAO Rob Baldwin regarding Bill 23, More Homes Build Faster Act, 2022 – Mandatory Changes to Conservation Authorities' Role in Development Review be received for information.

Staff Report No. 03-23-BOD regarding Bill 23, More Homes Build Faster Act, 2022 – Mandatory Changes to Conservation Authorities' Role in Development Review is included in the agenda.

Recommended: That Staff Report No. 03-23-BOD regarding Bill 23, *More Homes Build Faster Act, 2022* – Mandatory Changes to Conservation Authorities' Role in Development Review be received; and

Further that Staff be directed to provide mid-year and end-of-year assessments associated with the mandatory changes.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

There are no Deputations scheduled for this meeting.

IX. Determination of Items Requiring Separate Discussion

(Reference Pages 5 and 6 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

The Board will move to Closed Session to deal with confidential land, human resources and legal matters.

Recommended: That the Board move to Closed Session to deal with confidential land, human resources and legal matters; and

Further that the Chief Administrative Officer and members of the Executive Leadership Team remain in the meeting for the discussion; and

Further that the Director, Lands remain in the meeting for the discussion on Item a).

The Board will rise from Closed Session and report findings.

Recommended: That the Board rise from Closed Session and report findings.

a) Confidential Land Matter

Confidential Staff Report No. 07-23-BOD will be sent to Board members prior to the meeting.

Recommended: That Confidential Staff Report No. 07-23-BOD regarding a confidential land matter be approved.

b) Confidential Legal Matter

Confidential Staff Report No. 08-23-BOD will be sent to Board members prior to the meeting.

Recommended: That Confidential Staff Report No. 08-23-BOD regarding a confidential legal matter be received for information.

c) Confidential Human Resources Matter

Confidential Staff Report No. 09-23-BOD will be sent to Board members prior to the meeting.

Recommended: That Confidential Staff Report No. 09-23-BOD regarding a confidential human resources matter be approved.

XIII. Other Business

Next Meeting

The next meeting of the Board of Directors will be held on Friday, March 24, 2023. This meeting will be held in person at the Conservation Authority's Newmarket offices located at 120 Bayview Parkway, Newmarket.

XIV. Adjournment

Agenda Items

1. Correspondence

Pages 27 - 66

- a) December 28, 2022 memo from the Ministry of Natural Resources and Forestry regarding Legislative and regulation changes affecting conservation authorities..... P27
- b) December 28, 2022 memo from the Ministry of Natural Resources and Forestry regarding Minister's direction for conservation authorities regarding fee changes associated with planning, development and permitting fees P30
- c) January 25, 2023 letter from Town of Bradford West Gwillimbury to the Hon. Chrystia Freeland regarding the Freshwater Action Plan P46
- d) February 1, 2023 letter from the Town of East Gwillimbury to the Hon. Chrystia Freeland regarding the Federal Funding Commitment for Lake Simcoe..... P51
- e) February 16, 2023 letter from the Town of Newmarket regarding the Lake Simcoe Fund..... P53
- f) February 16, 2023 letter from Scot Davidson, Member of Parliament York-Simcoe regarding the Baldwin East Aerodrome..... P57

Recommended: That Correspondence items a) to f) be received for information.

2. Municipal Freedom of Information and Protection of Privacy Act: Annual Statistical Report

Pages 67 - 77

Recommended: That Staff Report No. 04-23-BOD regarding the Municipal Freedom of Information and Protection of Privacy Act 2022 Annual Statistical Report be received for information.

3. Durham Regional Forest Standing Timber Sale, DRF-2023-001

Pages 78 - 89

Recommended: That Staff Report No. 05-23-BOD regarding the record of tenders for the Durham Regional Forest Tender DRF-2023-001 be received; and

Further That Tender DRF-2023-001 be awarded to Gee's Lumber & Logging and Penguin Poles Ltd.

4. Administrative Offices Flat Roofing Renewal, RFQ FAC-02-2022

Pages 90 - 92

Recommended: That Staff Report No. 06-23-BOD regarding the record of bids for the Administrative Offices Flat Roofing Renewal Request for Quotation FAC-02-2022 be received; and

Further that awarding the contract for Request for Quotation FAC-02-2022 to Sinclair Industrial Roofing Inc. be approved.

72nd Annual General Meeting

Board of Directors' Meeting No. BOD-01-23

Friday, January 27, 2023

Held at Old Town Hall Newmarket

Meeting Minutes

LSRCA Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor P. Ferragine (Vice Chair), Mayor D. Barton, Councillor S. Bell, B. Drew, Councillor F. Drodge, Councillor A. Eek, K. Ferdinands, J. Gough, Mayor R. Greenlaw, Mayor V. Hackson, Councillor B Hamilton, Councillor D. Le Roy, Mayor I. Lovatt, Councillor S. Harrison-McIntyre, Councillor C. Pettingill, Mayor M. Quirk, Councillor C. Riepma, Deputy Mayor and Regional Councillor T. Vegh, Councillor E. Yeo

LSRCA Board Members Absent

K. Aylwin, Councillor W. Gaertner, Regional Councillor B. Garrod, Councillor M. Thompson, Councillor A. Waters

Guests in Attendance

R. Adams, S. Crons, R. Cronsberry, S. Donaldson, M. Geist, D. Genge, R. Gilliland, B. Johns, S. Kurtz, S. Lahey, T. Roy-DiClemente, B. Verkaik

I. Chair's Welcome and Introductions

Chair Emmerson welcomed everyone to the 72nd Annual General meeting of the Lake Simcoe Region Conservation Authority and recognized a number of guests in attendance.

Roll Call – 2022 Board Members

The 2022 Board Members introduced themselves and advised which municipality they represent.

II. Declarations of Pecuniary Interest and Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: D. Barton

Seconded by: B. Drew

BOD-001-23 **Resolved That** the content of the Agenda for the Lake Simcoe Region Conservation Authority's 72nd Annual General Meeting held on Friday, January 27, 2023 be approved as presented. **Carried**

IV. Adoption of Minutes

a) Board of Directors

Moved by: C. Riepma

Seconded by: E. Yeo

BOD-002-23 **Resolved That** the minutes of the Board of Directors Meeting No. BOD-10-22 held on Friday, December 16, 2022 be approved as circulated. **Carried**

V. Greetings

Chair Emmerson called upon some guests to bring greetings on behalf of their respective organizations. First up was Bonnie Fox of Conservation on behalf of General Manager Angela Coleman, and next Marvin Geist, President of the Lake Simcoe Conservation Foundation Board of Directors, brought greetings on behalf of the Foundation.

VI. Presentations

a) Transition through Continued Collaboration with the Building Industry and Land Development Association (BILD)

Mr. Jason Sheldon, Executive Vice President, Land at The Remington Group and Chair of the Building Industry and Land Development Board of Directors provided an overview of Building Industry and Land Development Association, noting their core mission is advocacy – advocacy for the home building and land development industry and for its customers, the purchasers of new homes. Mr. Sheldon stressed the importance of collaboration between the building and development industry, municipalities, and conservation authorities with province's new rules to increase housing supply over the next decade, stressing that new home construction can co-exist with environmental protection.

b) 2022 Year in Review

The Conservation Authority's Chief Administrative Officer, Rob Baldwin, congratulated staff on the many accomplishments of 2022 and shared a video showcasing the 2022 highlights and accomplishments. These accomplishments are also captured in the [2022 Year in Review Infographics](#). To view the video, please click this link: [2022 Year in Review Video](#)

Moved by: K. Ferdinands

Seconded by: J. Gough

BOD-003-23 **Resolved That** the presentations by Jason Sheldon and Rob Baldwin be received for information. **Carried**

VII. Presentation to Outgoing Board Members

Chair Emmerson recounted numerous accomplishments throughout the 2019 to 2022 Board of Directors' term. Chair Emmerson and CAO Baldwin thanked and recognized the following outgoing Board members for their support and contribution: former Barrie Councillor Keenan Aylwin, Uxbridge Mayor Dave Barton, former Scugog Mayor Bobbie Drew, former Whitchurch-Stouffville Councillor Ken Ferdinands, Aurora Councillor Wendy Gaertner, and former Ramara Deputy Mayor Joe Gough.

VIII. 2022 Business is Concluded

Chair Emmerson concluded the business of 2022 and deemed the Chair vacant.

Moved by: B. Drew

Seconded by: S. Harrison-McIntyre

BOD-004-23 **Resolved That** the Board of Directors conclude the business of 2022; and **Further That** the Chair be declared vacant. **Carried**

IX. 2023 Business

After a short break, the 2023 Business portion of the meeting was called to order by the Conservation Authority's Chief Administrative Officer, Rob Baldwin.

Roll Call – 2023 Board Members

The 2023 Board Members introduced themselves and advised which municipality they represent.

X. Election of Officers

CAO Baldwin conducted the election of officers and outlined the general rules for election. He noted that positions are required for Chair and Vice Chair for 2023 and must be appointed members of the Board of Directors.

A. Appointment of Scrutineers

Moved by: S. Harrison-McIntyre

Seconded by: C. Pettingill

BOD-005-23 **Resolved that** in the event of a vote by ballot, Mr. Marvin Geist and Ms. Sarah Kurtz will act as scrutineers for the counting of ballots; and **Further that** all ballots will be destroyed after the election. **Carried**

B. Election of Officers – 2023

i. Chair of the Authority

Regional Chairman and CEO Wayne Emmerson was nominated for the position of Chair by Councillor Clare Riepma. Nominations were called for three times. No further nominations were put forward.

Moved by: P. Ferragine

Seconded by: V. Hackson

BOD-006-23 **Resolved that** the nominations for the position of Chair be closed. **Carried**

Regional Chairman and CEO Wayne Emmerson accepted the nomination for the position of Chair, and CAO Baldwin offered congratulations to Regional Chairman Wayne Emmerson as the 2023 Chair.

ii. Vice Chair of the Authority

Councillor Peter Ferragine was nominated for the position of Vice Chair by Councillor Shira Harrison-McIntyre. Nominations were called for three times and no further nominations were put forward.

Moved by: A. Eek

Seconded by: E. Yeo

BOD-007-23 **Resolved that** the nominations for the position of Vice Chair be closed. **Carried**

Councillor Ferragine accepted the nomination for the position of Vice Chair, and CAO Baldwin congratulated Councillor Ferragine as the 2023 Vice Chair.

Chair Emmerson chaired the remainder of the meeting.

C. Appointment of the Regulations Sub-committee for 2023

In the event of a Hearing by the Board of Directors, a Regulations Sub-Committee is formed in order to review the circumstances of the Hearing and report to the Board. This sub-committee normally consists of the Chair, the Vice Chair, and the Member representing the local municipality in which the application under Ontario Regulation 179/06 is received.

Moved by: E. Yeo

Seconded by: I. Lovatt

BOD-008-23 **Resolved that** the Chair and Vice Chair, along with the Member representing the local municipality in which the application under Ontario Regulation 179/06 is received, shall be members of the sub-committee to review applications and report to the Board of Directors. **Carried**

D. Appointment to Conservation Ontario for 2023

It is the practice for the Chair, or his/her designate, and the Chief Administrative Officer to represent the Conservation Authority on Conservation Ontario's Council. Chair Emmerson asked Vice Chair Ferragine, who agreed, to represent the Conservation Authority for 2023.

Moved by: R. Greenlaw

Seconded by: S. Harrison-McIntyre

BOD-009-23 **Resolved that** the 2023 Vice Chair be appointed as the Conservation Authority's voting delegate to Conservation Ontario; and

Further that the Chief Administrative Officer be the alternate delegate. **Carried**

E. Appointment to the Lake Simcoe Conservation Foundation Board of Directors for 2023

Chair Emmerson explained that the Chair and Vice Chair typically serve on the Lake Simcoe Conservation Foundation Board of Directors. Chair Emmerson requested that Vice Chair Ferragine and Deputy Mayor/Regional Councillor Tom Vegh serve on the Foundation Board of Directors for 2023.

Moved by: V. Hackson

Seconded by: M. Quirk

BOD-010-23 **Resolved that** the Vice Chair, Councillor Peter Ferragine and Deputy Mayor/Regional Councillor Tom Vegh be appointed to the Lake Simcoe Conservation Foundation for 2023. **Carried**

F. Appointment of Solicitors for 2023

The Conservation Authority wishes to continue utilizing the services of five (5) legal firms of: Stiver Vale for general administrative advice and land management; Hicks Morley for employment and labour related matters; HHL Law Firm (formerly Hill Hunter Losell) for floodplain regulation advice; Barriston LLP for general administrative and regulations advice; and Beard Winter for floodplain regulation advice and litigation.

Moved by: D. Le Roy

Seconded by: C. Pettingill

BOD-011-23 **Resolved that** Stiver Vale, Hicks Morley, HHL Law Firm, Barriston Law and Beard Winter be appointed as Lake Simcoe Region Conservation Authority's legal firms for 2023. **Carried**

XI. Signing Officers for 2023

Each year the Conservation Authority appoints four signing officers: namely, the Chair and the Vice Chair, along with the Chief Administrative Officer and the General Manager, Corporate and Financial Services.

Moved by: T. Vegh

Seconded by: A. Eek

BOD-012-23 **Resolved that** an account in the name of Lake Simcoe Region Conservation Authority (hereinafter called the "Organization") be kept at the Bank of Nova Scotia (hereinafter called the "Bank"; and

Further that the Authority's Chair, Vice Chair, the Chief Administrative Officer/Secretary-Treasurer, and the General Manager, Corporate and Financial Services/CFO, or any two of them are hereby authorized to sign, make, draw, accept, endorse and deliver cheques, promissory notes, bills of exchange, orders for the payment of money and such agreements and instruments as may be necessary or useful in connection with the operation of the said account; and

Further that any one of the above-mentioned officers is hereby authorized for and in the name of the Organization to endorse and transfer to the Bank for deposit or discount with or collection by the Bank (but for the credit of the Organization only) cheques, promissory notes, bills of exchange, orders for the payment of money and other instruments, to arrange, settle, balance and certify all books and accounts with the Bank and to sign receipts for vouchers. **Carried**

XII. Borrowing Resolution

The borrowing resolution authorizes the Conservation Authority to borrow an amount up to \$500,000.

Moved by: B. Hamilton

Seconded by: S. Bell

BOD-013-23 **Resolved that** signing officers for the Lake Simcoe Region Conservation Authority be empowered to borrow up to \$500,000 on an Operating Loan Agreement, as required, for administration and/or capital expenditures. **Carried**

XIII. Meeting Schedule

The Board approved Staff Report No. 01-23-BOD, which outlined the Board of Director's 2023 meeting schedule.

Moved by: S. Bell

Seconded by: F. Drodge

BOD-014-23 **Resolved that** Staff Report No. 01-23-BOD regarding the 2023 Board of Directors' meeting schedule be received; and

Further that the proposed schedule be approved. **Carried**

XIV. Closing Remarks

Vice Chair Ferragine and Chair Emmerson thanked the Board of Directors for their trust and confidence in them, and both noted they look forward to serving once again in their respective roles.

XV. Adjournment

Moved by: C. Riepma

Seconded by: R. Greenlaw

BOD-015-23 Resolved that the meeting be adjourned @ 11:25 a.m. **Carried**

Original to be signed by:

Regional Chairman Wayne Emmerson
Chair

Original to be signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Bill Thompson, Manager, Watershed Plans and Strategies

Date: February 15, 2023

Subject

Lake Simcoe Watershed Report Card 2023

Recommendation

That Staff Report No. 02-23-BOD regarding the Lake Simcoe Watershed Report Card 2023 be received for information.

Purpose of this Staff Report

The purpose of this Staff Report No. 02-23-BOD is to provide the Board of Directors with a summary of the Lake Simcoe Watershed Report Card 2023 being launched on March 22, 2023 as part of a Conservation Ontario initiative.

Background

Conservation Ontario has been working with its members since 2008 on the coordinated release of Watershed Report Cards, which report on the health of three key indicators within the watersheds of each Conservation Authority's jurisdiction. These indicators are Surface Water Quality, Groundwater Quality, and Forest Conditions. Conservation Ontario provides criteria for assigning grades to watersheds/subwatersheds, as well as a template for the report card to ensure consistency across all 36 conservation authorities. Report cards have been completed every five years since 2008, with the 2023 report card being the fourth iteration.

Lake Simcoe Region Conservation Authority (Conservation Authority) staff began the process of developing the 2023 report card late in 2021. Technical experts from the Conservation Authority sat on several working groups convened to review the guidelines for analysing indicators. Required data sets were compiled and analysed throughout the summer of 2022, and report card maps and text were developed in the fall. The Lake Simcoe Watershed Report Card 2023 is complete, has been submitted to Conservation Ontario, and will be released on the Conservation Authority's website prior to March 22nd release date.

Issues

While the watershed report card tends to be high level, it provides a snapshot of watershed health, identifies the subwatersheds where there are concerns related to the various indicators,

and it is an important communications tool. The following is a summary of the results for the Lake Simcoe watershed. Water Quality grades generally range from Good (“B”) to Poor (“D”) across the watershed, with only the Hawkestone Creeks subwatershed achieving an Excellent (“A”) grade. Grades for Forest Conditions range from Excellent (“A”) to Poor (“D”), with Hawkestone Creek and the lake’s islands having the highest grades, while some of the highly urban and agricultural watersheds have the lowest. Groundwater Quality is generally good across the watershed; all but two wells achieved an overall “A” grade. The shallow wells at Queensville and Baldwin were graded “B” and “C,” respectively, likely due to their greater vulnerability to the effects of nearby activities, such as the use of winter salt on roads and parking lots.

The Conservation Ontario template includes one page that can be used to report an indicator relevant to a conservation authority’s jurisdiction. The Conservation Authority has typically dedicated this page to reporting on parameters related to the health of Lake Simcoe itself. For the 2023 report card, this page reports on the decline in ice cover on Lake Simcoe since record-keeping began in 1852 and the causes of decline; namely, climate change and the increased water clarity due to filtering by invasive mussels. Impacts of these changes, such as the disruption of ecological processes and the shorter season for recreational activities, particularly ice fishing, are also mentioned.

Another page, dedicated to an area-specific issue, has been used to report on chloride concentrations. Chloride, which mainly comes from winter salt application, has become a contaminant of growing concern in the Lake Simcoe watershed and throughout southern Ontario. In addition, chloride concentrations in the subwatersheds has also been reported on for the first time as part of the Surface Water Quality reporting. This is the first year that Conservation Ontario has included chloride as one of the parameters being reported on in the report card, although it has not yet been incorporated into the Surface Water Quality grade. It is expected that it will be reported on in all future report cards.

The final page of the report card is dedicated to informing residents what they can do to enhance the watershed, with links for accessing technical assistance for projects within the watershed, as well as donating to the Lake Simcoe Conservation Foundation.

Following the direction of Conservation Ontario, the launch of the report card takes place on World Water Day, the 22nd of March. Activities to be undertaken by the Conservation Authority include the update of the Watershed Report Card page on the website, an e-mail to applicable stakeholders, social media updates, and a press release.

Relevance to Conservation Authority Policy

The Watershed Report Card is consistent with the Conservation Authority's Strategic Plan. It supports Objective 2.1 by consolidating information on watershed health, and Objective 2.2 by providing an overall picture of watershed health to support decision makers.

Impact on Conservation Authority Finances

The Watershed Report Card is completed every five years and is included in the annual budgets of participating departments.

Summary and Recommendations

The regular completion of watershed report cards by Ontario's 36 conservation authorities serves several purposes. It promotes the value of conservation authorities as agencies that monitor and report on conditions in the various watersheds, and it assists in developing programs and projects to protect natural resources. They also help connect the public to their watersheds, increasing awareness through this easy-to-access and understand publication.

In the Lake Simcoe watershed, the watershed report card provides a snapshot of the conditions in the watershed and actions that the Conservation Authority is taking to better understand and address issues that are identified. It also provides opportunities for the reader to participate in protecting and improving the watershed.

It is therefore **Recommended That** Staff Report No. 02-23-BOD regarding the Lake Simcoe Watershed Report Card 2023 be received for information.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Integrated Watershed Management and the Chief Administrative Officer.

This staff report has been prepared by Pam Strong, Integrated Watershed Management Specialist.

Signed by:

Signed by:

Don Goodyear
General Manager, Integrated Watershed
Management

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: February 16, 2023

Subject

Bill 23, *More Homes Build Faster Act, 2022* – Mandatory Changes to Conservation Authorities' Role in Development Review

Recommendation

That Staff Report No. 03-23-BOD regarding Bill 23, *More Homes Build Faster Act, 2022* – Mandatory Changes to Conservation Authorities' Role in Development Review be received; and

Further that Staff be directed to provide mid-year and end-of-year assessments associated with the mandatory changes.

Purpose of this Staff Report:

The purpose of this Staff Report No. 03-23-BOD is to provide an overview of the mandatory changes under Bill 23, *More Homes Build Faster Act, 2022* that impact and change the role that conservation authorities play in the development review process.

Background:

Bill 23, *More Homes Build Faster Act, 2022* received royal assent on November 28, 2022. Bill 23 contained language that if enacted through a Minister's regulation would impact and change the role that conservation authorities play in the development review process. These changes if enacted would also directly impact and change the role of municipalities in the development review process.

For several decades the Lake Simcoe Region Conservation Authority (Conservation Authority) has partnered with watershed municipalities, both upper and lower tier, through a Memorandum of Understanding to provide a suite of development review services on behalf of the municipality. This work is principally undertaken on a cost recovery basis through the collection of fees.

This service has provided in essence a "one window" approach for the review of development submissions under applicable legislation for aspects such as natural heritage, natural hazards, stormwater management, groundwater, Source Water Protection, and other related technical

requirements. This allowed for a watershed-wide and consistent approach in ensuring development occurred to the highest environmental standards possible in the Lake Simcoe watershed.

The Conservation Authority has a well established and recognized reputation in providing excellent customer service and maintaining strong relationships with the development community and its respective stakeholder groups. Conservation Authority staff have and continue to implement and develop best practice approaches to both increase efficiencies and drive innovation, assisting watershed municipalities in building better communities.

On December 28, 2022, a Minister's Regulation was filed under the *Conservation Authorities Act* and in accordance with Bill 23, *More Homes Build Faster Act, 2022*. This regulation is O.Reg.596/22, which outlines a list of prescribed acts. This list of prescribed acts identifies the various acts that a conservation authority is prohibited from providing comment, input, analysis, or other review services in respect to development submissions.

The following is the list of prescribed Acts:

1. The *Aggregate Resources Act*.
2. The *Condominium Act, 1998*.
3. The *Drainage Act*.
4. The *Endangered Species Act, 2007*.
5. The *Environmental Assessment Act*.
6. The *Environmental Protection Act*.
7. The *Niagara Escarpment Planning and Development Act*.
8. The *Ontario Heritage Act*.
9. The *Ontario Water Resources Act*.
10. The *Planning Act*.

This prohibition came into effect with three days notice on January 1, 2023. This short notice period has certainly brought the development review process across much of Ontario into a significant state of flux and chaos. Conservation Authority staff worked quickly to understand the new prohibitions and communicate with watershed municipal and development partners. Conservation Authority staff then quickly shared this information by hosting a virtual session with watershed municipal executives and senior staff on January 13, 2023 and have followed up with individual municipal meetings to discuss their specific situations and concerns, review transition moving forward, and revise respective Memorandums to reflect the legislative changes. A virtual open session was held on February 8, 2023 for members of BILD (Building Industry and Land Developers Association) and the OHBA (Ontario Home Builders Association) outlining the same information.

Issues:

The mandatory changes associated with Bill 23 and O.Reg.596/22 are significant and limit or scope conservation authorities' roles to only Natural Hazards and source water protection. Bill 23 is applicable to all of Ontario's 36 conservation authorities; however, the impacts and changes to Lake Simcoe Region Conservation Authority differ and are not quite as significant. The Lake Simcoe Protection Act and Plan are mandatory programs for the Conservation Authority and are also prescribed instruments under the *Conservation Authorities Act* and O.Reg.179/06 natural hazard regulation. The primary Conservation Authority program areas that are impacted include:

1. A significantly limited role in providing development review regarding natural heritage in all areas within settlement area boundaries (excluding any boundary changes made since 2009), areas subject to *Oak Ridges Moraine Act* and the *Greenbelt Act* as they fall under the control of the *Planning Act*;
2. No longer providing the Transfer or Review (TOR) for stormwater Environmental Compliance Approvals (ECAs), effective immediately; and
3. No longer implementing the Ecological Offsetting Program in the areas identified above in Bullet 1, effective immediate. The Phosphorus Offsetting Program is under review to redefine its applicability under the Lake Simcoe Protection Plan and as such its status is in flux.

Attached to this report is a detailed table and accompanying map clearly identifying which development review service the Conservation Authority provides, where these services are provided and identifies their respective supporting legislative mandate. This table and map were provided during all outreach sessions, have been provided to watershed municipalities, and will be added to the Conservation Authority's website to ensure transparency and clarity regarding roles and responsibilities.

The primary issue is these changes and prohibitions eliminate the "one window" approach for natural heritage review across the Lake Simcoe watershed and are now the responsibility of 18 municipalities who do not have the appropriate and required staff in place to address natural heritage. This will not increase efficiencies and will significantly impact consistency. The Conservation Authority is also the data, information, and mapping warehouse for natural heritage information used daily to support development reviews. At this time this aspect has not been considered but will require focused attention in how watershed municipalities are supported or have access to the information needed.

A significant secondary issue which was identified immediately upon notification of O.Reg.596/22 was that no transitional provisions were included. This was surprising considering the extensive amount of development review “work in progress” across Ontario.

It was also surprising as the newly prohibited work undertaken by Conservation Authorities is now the sole responsibility of the municipality with three days’ notice. In brief consultation with Ministry of Natural Resources and Forestry staff, they have confirmed that there are no transitional provisions but recognize there should be some orderly transition for “work in progress” as new Memorandums are established.

The Conservation Authority has established a transition period extending to April 28, 2023 to address to the best possible extent the “work in progress” submissions. The Conservation Authority considers a “work in progress” submission one where comments at a minimum were provided on the first submission of a development proposal. Staff will work with municipal and development partners where possible to make this transition efficient and feasible. An applicant does reserve the right to not operate under this transition provision and subsequently at their choice, their development submission for the Conservation Authority’s prohibited program areas only will become a municipal responsibility.

A broader impact for consideration is the loss of watershed context in much of the development review process. Natural heritage does not stop at municipal boundaries, and the loss of ecological offsetting drastically impairs the Conservation Authority’s ability to restore the watershed and mitigate growth. These legislative changes and prohibitions systematically impact the ability to protect, restore and manage the Lake Simcoe watershed.

Relevance to Conservation Authority Policy:

Conservation Authority staff will be reviewing all applicable Conservation Authority policies to determine whether any policy needs to be amended or eliminated. At this time staff are currently refining the Lake Simcoe Phosphorus Offsetting Policy to better reflect and be supported by the Lake Simcoe Protection Plan.

Impact on Conservation Authority Finances:

There will be impacts to Conservation Authority finances, but it is not possible at this time for them to be truly identified and quantified. The above noted changes to program delivery will take time to fully assess as move through the transition period, unravel reductions in program costs and revenue, assess the “trickle down” impacts of contribution to corporate overhead and ancillary programs.

There is no impact to or adjustment required for the 2023 Budget (which will be brought to the Board for approval in March), as any financial impacts are in fee based programs which are not supported by levy or special capital levy. The only known immediate impacts are the loss of

approximately \$30,000 to \$40,000 from the loss of the stormwater Environmental Compliance Approval program. The Ecological Offsetting Program at this time can no longer be implemented in most of the Lake Simcoe watershed, which will likely reduce future revenue for restoration programs. There is outstanding revenue associated with this program to be received over the next few years from previously approved developments. This may provide time to look at alternative models to implement the program in partnership with municipalities.

Conservation Authority staff will be tracking and assessing any financial impacts and will bring a detailed assessment after the mid-year point and end of year outlining all impacts. This analysis and information will be critical during our significant transition year and the 2024 budget development, which will be structurally different to ensure consistency with Bill 229 requirements.

Summary and Recommendations:

The changes and impacts resulting from the legislative changes systematically redefine the development review process within the Lake Simcoe watershed. A long-standing and successful “one window” approach for key development review services has been eliminated, which is currently creating chaos and confusion and will reduce efficiencies, consistency, and remove a watershed context which is critical to protect, restore and manage Lake Simcoe. Conservation Authority staff will continue to provide the high standard of professional customer service to municipal and development partners collectively as this unfortunate transition unfolds.

It is therefore **Recommended That** Staff Report No. 03-23-BOD regarding Bill 23, *More Homes Build Faster Act, 2022* – Mandatory Changes to Conservation Authorities’ Role in Development Review be received; and **Further that** Staff be directed to provide mid-year and end-of-year assessments associated with the mandatory changes.

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachments:

Lake Simcoe Region Conservation Authority Plan Review Roles and Map (Draft)



DRAFT

Lake Simcoe Region Conservation Authority Plan Review Roles

Bill 23 & Ontario Regulation 596/22

January 10, 2023

Lead agency within each area is marked with “CA” for Conservation Authority or “M” where Municipality is the lead.

Areas of Interest/Features	Settlement Areas	Within ORM	Within Greenbelt	Outside of Settlement, ORM and Greenbelt	Policy Context
Natural Hazards					O. Reg 686/21 Sections 7 & 8
Watercourses (including channel realignments)	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Flooding (Riverine and Lake)	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Erosion	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Slope Stability (Valley Lands/shoreline slopes, etc.)	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Lake Simcoe Shoreline Hazards	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Wetlands	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Unstable Soils/Bedrock	CA	CA	CA	CA	PPS Section 3 CA Act 21.1 & 28
Natural Heritage	*Established prior to July* 2009				O. Reg 686/21 Section 15 (LSPP)
Significant Wildlife Habitat	* M CA in settlement areas established after 2009	M	M	M	*LSPP 6.42 aggregate operations would be applicable CA to comment
Threatened/Endangered Species	M	M	M	M	*LSPP 6.42 aggregate operations T.E.S would be applicable CA to comment

Areas of Interest/Features	Settlement Areas	Within ORM	Within Greenbelt	Outside of Settlement, ORM and Greenbelt	Policy Context
Significant Woodlands	* M CA in settlement areas established after 2009	M	M	CA	LSPP 6.20-6.29
Significant Valleylands	* M CA in settlement areas established after 2009	M	M	CA	6.20 DP -6.29 & Natural Hazards
Wetlands	* M CA in settlement areas established after 2009	CA *hazard only	C *hazard only	CA	6.20 DP -6.29 DP
Fish Habitat	M	M	M	* CA in relation to 6.11 DP	*6.11
MVPZ's	* M CA in settlement areas established after 2009	M CA *Along the shoreline CA 6.2 -6.7	M *Along the shoreline 6.2 – 6.7 CA	CA	6.1 DP- 6.7 DP; 6.8 DP-6.13 DP; 6.20 DP-6.29 DP
Feature Based Water Balance	* M CA in settlement areas established after 2009	M	M	CA	LSPP 6.11 DP a; 6.40 DP *in recharge or ESGRA
Stormwater Management					
Water Quality	CA	CA	CA	CA	4.8 DP *for major development
Water Quantity (flooding) and Erosion Control	CA	CA	CA	CA	PPS Section 3, CA Act and 4.8 LSPP *major development
Water Balance	CA	CA	CA	CA	4.8 LSPP *major development

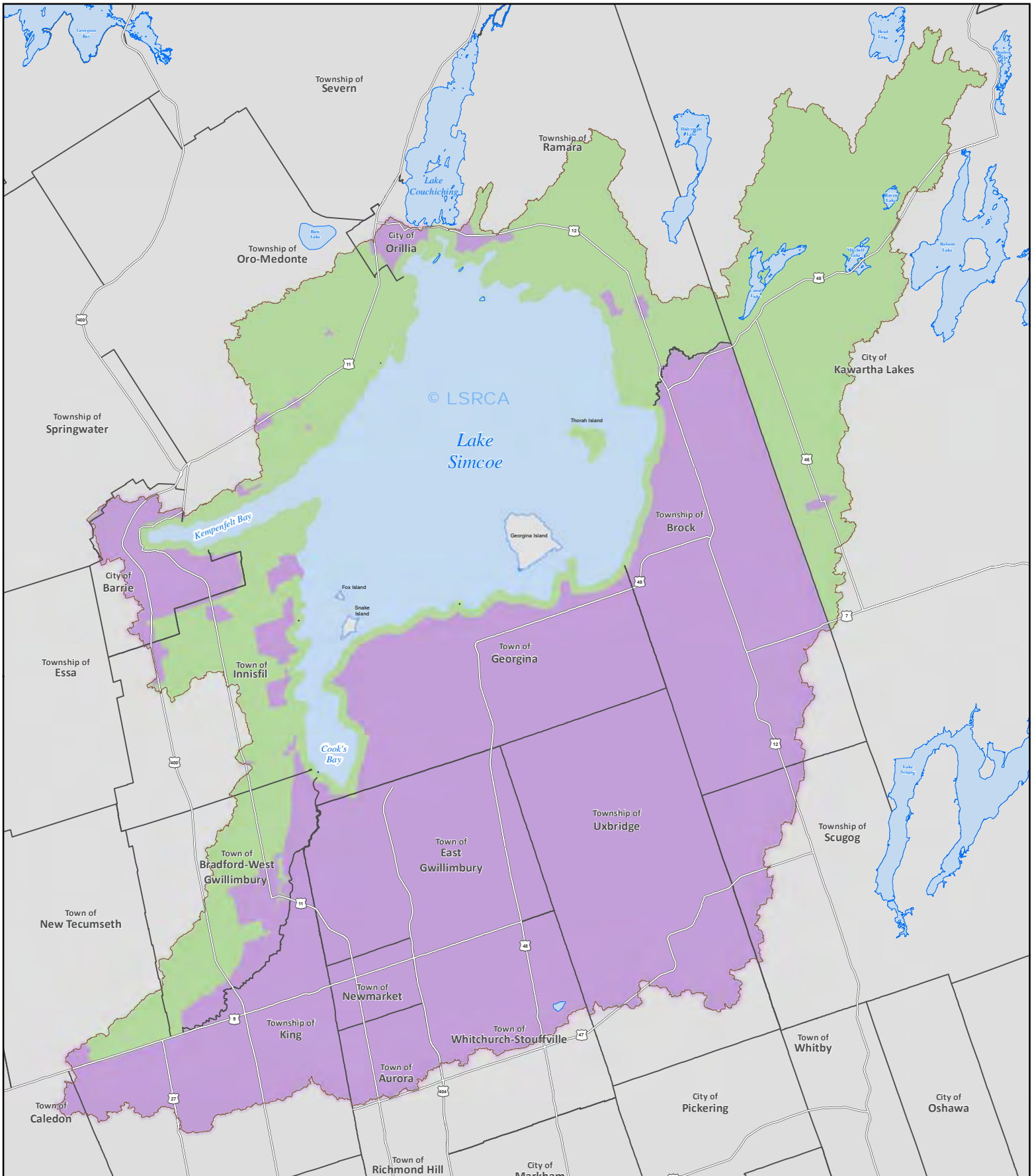
Areas of Interest/Features	Settlement Areas	Within ORM	Within Greenbelt	Outside of Settlement, ORM and Greenbelt	Policy Context
Other					
Erosion and Sediment Control (within regulated area)	CA	CA	CA	CA	Natural Hazards
Erosion and Sediment Control (outside regulated area)	M	M	M	M	
Sewage Treatment/Septic	CA *4.15 only	CA *4.15 only	CA * 4.15 only	CA	LSPP 4.15 DP; 6.40 DP
Hydro-G/Water Balance	CA	N/A in LSPP but covered off in WHPA Q-2	CA	CA	LSPP 6.40 DP *major development
Source Water Protection					
Hydro G/Water Balance	CA	CA	CA	CA	O. Reg 686/21 Mandatory Program and Service WHPA Q-2; LUP 12 Source Water Protection Plan
ECA's	M	M	M	M	CA no longer able to enter into agreement under The Ontario Water Resources Act

*** Note proposals under the *Aggregate Resources Act*; *Drainage Act* and *Environmental Assessment Act* can be circulated for comments related to natural hazard and LSPP as per O. Reg 686/21 Sections 6 and 15.**

Transition Plan

Any application in which the Conservation Authority received 1st submission and provided comments prior to January 1, 2023 will continue to be reviewed in the context of the Conservation Authority's current MOUs.

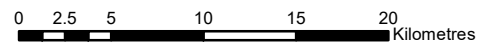
Any application received after January 1, 2023 or any application that did not get reviewed by the Conservation Authority prior to January 1, 2023 will be reviewed in the context of the current legislation.



DRAFT - LSRCA Natural Heritage Review Areas

Legend

-  Lower Tier Municipality
-  Municipal lead for review
-  LSRCA lead for review
-  Major Highway





Ministry of Natural Resources and Forestry

Resources Planning and Development
Policy Branch
Policy Division
300 Water Street
Peterborough, ON K9J 3C7

Ministère des Richesses naturelles et des Forêts

Direction des politiques de planification et d'exploitation des ressources
Division de l'élaboration des politiques
300, rue Water
Peterborough (Ontario) K9J 3C7

To: Conservation authorities and participating municipalities, Conservation Ontario and the Association of Municipalities of Ontario

From: Jennifer Keyes, Director

Date: December 28, 2022

Subject: Legislative and regulation changes affecting conservation authorities

Good afternoon,

I am writing to provide you with information on amendments to the *Conservation Authorities Act* made as part of the *More Homes Built Faster Act, 2022*, as well as two regulations that have been approved by the province in support of Ontario's Housing Supply Action Plan, both of which will come into effect on January 1, 2023. In addition, the Minister of Natural Resources and Forestry has issued a direction regarding fees that will be distributed separately from this letter. A notice will be posted to the Environmental Registry of Ontario (ERO) in the coming weeks regarding these decisions.

Legislative Amendments

As you are likely aware, the *More Homes Built Faster Act, 2022* was passed this Fall, receiving Royal Assent on November 28, 2022. Several changes were made to the *Conservation Authorities Act* that are intended to further focus conservation authorities on their core mandate, support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

Notably, one part of the *More Home Built Faster Act, 2022* which came into effect upon Royal Assent were changes to Section 28.0.1 of the *Conservation Authorities Act*, which include provisions to require a conservation authority to issue a permission or permit where a Minister's Zoning Order has been made under section 47 of the *Planning Act*. This section was amended to also apply to orders made under section 34.1 of the *Planning Act*, otherwise known as the "community infrastructure and housing accelerator" tool, in addition to some other minor changes.

Other changes, which will come into effect on January 1, 2023, include:

- Updates to Section 21 of the Act so that a disposition of land in respect of which the Minister has made a grant under section 39 requires authorities to provide a notice of the proposed disposition to the Minister instead of requiring the Minister's approval. Authorities will also be required to conduct public consultations before disposing of lands that meet certain criteria.
- Sections 21.1.1 and 21.1.2 of the Act which provide that authorities may not provide a program or service related to reviewing and commenting on proposals, applications, or other matters under prescribed Acts.
- A new section 21.3 that enables the Minister to issue temporary direction to a conservation authority preventing the authority from changing the amount of a fee it charges under subsection 21.2 (10) of the Act.

Remaining legislative changes regarding conservation authority development regulations will not come into effect until proclaimed, following the creation of a new Minister's regulation with supporting regulatory details. This regulation is currently being consulted on until December 30th on the ERO, #019-2927: [Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario.](#)

New Regulatory Requirements

Following the passing of these legislative amendments, the government has proceeded with making two regulations, both of which will come into effect on January 1, 2023.

Amendments were made to [Ontario Regulation 686/21: Mandatory Programs and Services](#) to require conservation authorities to identify conservation authority lands suitable for housing. This requirement is part of the preparation of the land inventory required to be completed by conservation authorities by December 31, 2024, and certain considerations for identifying whether or not lands are suitable for housing are listed.

A new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act) was also made to focus conservation authorities' role when reviewing and commenting on proposals, applications, or other matters related to development and land use planning. Under this regulation, conservation authorities are no longer able to provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under the following Acts:

- *The Aggregate Resources Act*
- *The Condominium Act, 1998*
- *The Drainage Act*
- *The Endangered Species Act, 2007*
- *The Environmental Assessment Act*
- *The Environmental Protection Act*
- *The Niagara Escarpment Planning and Development Act*
- *The Ontario Heritage Act*
- *The Ontario Water Resources Act*
- *The Planning Act*

This regulation does not affect conservation authorities' provision of mandatory programs or services (Category 1) related to reviewing and commenting on a proposal, application, or other matter made under those Acts.

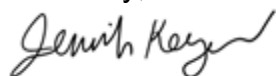
An administrative update to the "Determination of Amounts Owing Under Subsection 27.2 (2) of the Act" regulation (O. Reg. 401/22) was also made to update the methods of determining amounts owed by specified municipalities for operating expenses and capital costs related to mandatory the *Clean Water Act, 2006* and *Lake Simcoe Protection Act, 2008* programs and services to enable use of a benefit-based apportionment method.

I appreciate that with these most recent amendments, along with changes made over the last number of years, this is a time of significant transition for conservation authorities and their member municipalities. Throughout this time, conservation authorities have continued to deliver on their important roles in protecting people and property from natural hazards, conserving and managing lands, and drinking water source protection.

The ongoing efforts of conservation authorities to implement these changes is acknowledged, including initiatives led by conservation authorities and Conservation Ontario that have contributed to the Government's objectives of improving accountability and transparency and supporting timely development approvals to help address Ontario's housing supply crisis.

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

Sincerely,



Jennifer Keyes

Director, Resources Planning and Development Policy Branch
Ministry of Natural Resources and Forestry

**Ministry of Natural
Resources and Forestry**

Office of the Minister

99 Wellesley Street West
Room 6630, Whitney Block
Toronto, ON M7A 1W3
Tel.: 416-314-2301

**Ministère des Richesses
naturelles et des Forêts**

Bureau du ministre

99, rue Wellesley Ouest
Bureau 6630, Édifice Whitney
Toronto ON M7A 1W3
Tél.: 416 314-2301



December 28, 2022

TO: Conservation authorities as listed in the Attachment A “Minister’s Direction to Not Change Fees”

SUBJECT: Minister’s direction for conservation authorities regarding fee changes associated with planning, development and permitting fees

In support of Ontario’s Housing Supply Action Plan: 2022-2023, the province made a series of legislative changes through the *More Homes Built Faster Act, 2022* (Bill 23) to help achieve the goal of building 1.5 million homes over the next 10 years. These changes accelerate housing development approvals while continuing to protect Ontario families, communities, and critical resources. A number of these changes affect conservation authorities and are intended to support faster and less costly approvals, streamline conservation authority processes, and help make land suitable for housing available for development.

To this end, pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, which is in effect January 1, 2023, I am issuing a Minister’s Direction (“Direction”), attached to this letter as Attachment “A”. Subsection 21.3 (1) provides that the “Minister may give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction.”

The purpose of this Direction, which is effective from January 1, 2023 to December 31, 2023, is to require a conservation authority not to change the amount of the fee it charges or the manner in which it determines the fee for any program or service that may be provided by the conservation authority. This relates to reviewing and commenting on planning and development related proposals or land use planning policies, or for permits issued by conservation authorities. For greater certainty, the “Prescribed Acts – subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the Act” regulation (O. Reg. 596/22), effective January 1, 2023, prohibits a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter

made under prescribed Acts. This regulation therefore precludes the charging of a fee by a conservation authority for these specific programs or services provided under subsections 21.1.1 (1) or 21.1.2 (1.1) of the *Conservation Authorities Act*.

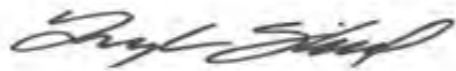
The conservation authorities listed in Appendix A of the Direction are encouraged to make the Direction publicly available on the Governance section of their websites.

Pursuant to subsection 21.2 (3) of the Act, I am also re-distributing the Minister's list of classes and programs and services in respect of which conservation authorities may charge a fee along with this Direction, with editorial changes to reflect the recent legislative and regulatory changes.

If you have any questions, please contact Jennifer Keyes, Director, Resources Planning and Development Policy Branch, at Jennifer.Keyes@ontario.ca or 705-761-4831.

If it is in the public interest to do so, I will provide further direction or clarification at a later date related to the matters set out in this Direction.

Sincerely,



The Honourable Graydon Smith
Minister of Natural Resources and Forestry

c: The Honourable Steve Clark, Minister of Municipal Affairs and Housing
The Honourable David Piccini, Minister of the Environment, Conservation and Parks

**Minister’s Direction Issued Pursuant to Section 21.3 of the *Conservation Authorities Act*
(this “Direction”)**

WHEREAS section 21.2 of the *Conservation Authorities Act*, in effect on January 1, 2023, permits a Conservation Authority to charge a fee for a program or service if the program or service is included in the Minister’s list of classes of programs and services in respect of which a Conservation Authority may charge a fee;

AND WHEREAS subsections 21.2 (6) and 21.2 (7) of the *Conservation Authorities Act* provide that a Conservation Authority shall adopt a written fee policy that includes a fee schedule listing the programs and services that it provides in respect of which it charges a fee, and the amount of the fee charged for each program or service or the manner in which the fee is determined (a “**Fee Schedule**”);

AND WHEREAS subsection 21.2 (10) of the *Conservation Authorities Act* provides that a Conservation Authority may make a change to the list of fees set out in the fee schedule or to the amount of any fee or the manner in which a fee is determined, provided the authority shall give notice of the proposed change to the public in a manner it considers appropriate;

AND WHEREAS section 21.3 of the *Conservation Authorities Act* provides the Minister with the authority to give a written direction to an authority directing it not to change the amount of any fee it charges under subsection 21.2 (10), in respect of a program or service set out in the list referred to in subsection 21.2 (2), for the period specified in the direction;

NOW THEREFORE pursuant to the authority of the Minister of Natural Resources and Forestry under section 21.3, the Conservation Authorities set out under Appendix “A” of this Direction (the “**Conservation Authorities**” or each, a “**Conservation Authority**”) are hereby directed as follows:

Fee Changes Prohibition

1. Commencing on the Effective Date and for the duration of the Term of this Direction, a Conservation Authority is prohibited from making a change under subsection 21.2 (10) of the *Conservation Authorities Act* to the amount of any fee or the manner in which a fee is determined in its fee schedule if such a change would have the effect of changing the fee amount for the programs and services described in paragraphs 2 and 3 of this Direction.

Program and Service Fees Impacted

2. This Direction applies to any fee set out in the Fee Schedule of a Conservation Authority, including without limitation fees for any mandatory program or service (Category 1), municipal program or service (Category 2), or Conservation Authority recommended program or service (Category 3) related to reviewing and commenting on

planning and development related proposals, applications, or land use planning policies, or for Conservation Authority permitting.

3. For greater certainty, this Direction applies to any fees in respect of the following programs or services provided under the Mandatory Programs and Services regulation ([O. Reg. 686/21](#)):
 - a. Section 6: programs and services related to reviewing applications and proposals under the *Aggregate Resources Act*, *Drainage Act*, *Environmental Assessment Act*, and the *Niagara Escarpment Planning and Development Act*, for the purpose of commenting on the risks related to natural hazards arising from the proposal,
 - b. Section 7: programs and services related to ensuring that decisions under the *Planning Act* are consistent with the natural hazards policies in the policy statements issued under section 3 of the *Planning Act* and are in conformance with any natural hazard policies included in a provincial plan as defined in section 1 of that Act,
 - c. Section 8: programs and services related to Conservation Authority duties, functions, and responsibilities to administer and enforce section 28 and its regulations, section 28.0.1, and section 30.1 of the *Conservation Authorities Act*,
 - d. Paragraph 4 of subsection 13 (3): programs and services related to reviewing and commenting on any proposal made under another Act for the purpose of determining whether the proposal relates to a significant drinking water threat or may impact any drinking water sources protected by a source protection plan, and
 - e. Subparagraph 4 iv of section 15: programs and services related to reviewing and commenting on proposals made under other Acts for the purpose of determining the proposal's impact on the Lake Simcoe Protection Plan and the Lake Simcoe watershed.

Application

4. This Direction, applies to all Conservation Authorities in Ontario, listed in Appendix "A" to this Direction.
5. For greater certainty, this Direction also applies to the Conservation Authorities listed in Appendix "A" to this Direction when such Conservation Authorities are meeting as a source protection authority under the *Clean Water Act, 2006*.

Effective Date and Term

6. This Direction is effective from January 1, 2023 (the "**Effective Date**").
7. The term of this Direction is the period from the Effective Date to December 31, 2023 (the "**Term**").

Amendments

8. This Direction may be amended in writing from time to time at the sole discretion of the Minister.

**HIS MAJESTY THE KING IN RIGHT OF ONTARIO
as represented by the
Minister of Natural Resources and Forestry**



The Honourable Graydon Smith
Minister of Natural Resources and Forestry
December 28, 2022

APPENDIX A

LIST OF CONSERVATION AUTHORITIES TO WHICH THE DIRECTION APPLIES

Ausable Bayfield CA

R.R. #3
71108 Morrison Line
Exeter ON N0M 1S5
Brian Horner
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Cataraqui Region CA

Box 160
1641 Perth Road
Glenburnie ON K0H 1S0
Katrina Furlanetto
kfurlanetto@crca.ca

Catfish Creek CA

R.R. #5
8079 Springwater Road
Aylmer ON N5H 2R4
Dusty Underhill
generalmanager@catfishcreek.ca

Central Lake Ontario CA

100 Whiting Avenue
Oshawa ON L1H 3T3
Chris Darling
cdarling@cloca.com

Credit Valley CA

1255 Old Derry Rd
Mississauga ON L5N 6R4
Quentin Hanchard
quentin.hancard@cvc.ca

Crowe Valley CA

Box 416
70 Hughes Lane
Marmora ON K0K 2M0
Tim Pidduck
tim.pidduck@crowevalley.com

Essex Region CA

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360 Fairview Ave West
Essex ON N8M 1Y6

Tim Byrne
tbyrne@erca.org

Ganaraska Region CA

Box 328
2216 County Road 28
Port Hope ON L1A 3V8
Linda Laliberte
llaliberte@grca.on.ca

Grand River CA

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Cambridge ON N1R 5W6
Samantha Lawson
slawson@grandriver.ca

Grey Sauble CA

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Owen Sound ON N4K 5N6
Tim Lanthier
t.lanthier@greysauble.on.ca

Halton Region CA

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Burlington ON L7P 0G3
Hassaan Basit
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Hamilton Region CA

P.O. Box 81067
838 Mineral Springs Road
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Lisa Burnside
lisa.burnside@conservationhamilton.ca

Kawartha Region CA

277 Kenrei (Park) Road
Lindsay ON K9V 4R1
Mark Majchrowski
mmajchrowski@kawarthaconservation.com

Kettle Creek CA

R.R. #8
44015 Ferguson Line
St. Thomas ON N5P 3T3
Elizabeth VanHooren
elizabeth@kettlecreekconservation.on.ca

Lake Simcoe Region CA

Box 282
120 Bayview Parkway
Newmarket ON L3Y 3W3
Rob Baldwin
r.baldwin@lsrca.on.ca

Lakehead Region CA

Box 10427
130 Conservation Road
Thunder Bay ON P7B 6T8
Tammy Cook
tammy@lakeheadca.com

Long Point Region CA

4 Elm Street
Tillsonburg ON N4G 0C4
Judy Maxwell
jmaxwell@lprca.on.ca

Lower Thames Valley CA

100 Thames Street
Chatham ON N7L 2Y8
Mark Peacock
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Lower Trent Region CA

R.R. #1
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Trenton ON K8V 5P4
Rhonda Bateman
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Maitland Valley CA

Box 127

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Phil Beard
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Mattagami Region CA
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Timmins ON P4N 8R5
David Vallier
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Mississippi Valley CA
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Sally McIntyre
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Niagara Peninsula CA
250 Thorold Road West, 3rd Floor
Welland ON L3C 3W2
Chandra Sharma
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Nickel District CA
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Suite 401
Sudbury ON P3E 5P9
Carl Jorgensen
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North Bay-Mattawa CA
15 Janey Avenue
North Bay ON P1C 1N1
Chitra Gowda
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Nottawasaga Valley CA
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Utopia ON L0M 1T0
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Otonabee Region CA

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Peterborough ON K9H 7M9
Janette Loveys Smith
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Quinte CA

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2061 Old Highway #2
Belleville ON K8N 4Z2
Brad McNevin
bmcnevin@quinteconservation.ca

Raisin Region CA

PO Box 429
18045 County Road 2
Cornwall ON K6H 5T2
Richard Pilon
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Rideau Valley CA

Box 599
3889 Rideau Valley Dr.
Manotick ON K4M 1A5
Sommer Casgrain-Robertson
sommer.casgrain-robertson@rvca.ca

Saugeen Valley CA

R.R. #1
1078 Bruce Road #12, Box #150
Formosa ON N0G 1W0
Jennifer Stephens
j.stephens@svca.on.ca

Sault Ste. Marie Region CA

1100 Fifth Line East
Sault Ste. Marie ON P6A 6J8
Corrina Barrett
cbarrett@ssmrca.ca

South Nation River CA

38 Victoria Street
P.O. Box 29
Finch ON K0C 1K0
Angela Coleman
acoleman@nation.on.ca

St. Clair Region CA

205 Mill Pond Crescent

Strathroy ON N7G 3P9
Ken Phillips
kphillips@scrca.on.ca

Toronto and Region CA
101 Exchange Avenue
Vaughan ON L4K 5R6
John MacKenzie
john.mackenzie@trca.ca

Upper Thames River CA
1424 Clarke Road
London ON N5V 5B9
Tracey Annett
annettt@thamesriver.on.ca

Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee

December 28, 2022

Preamble

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

Categories of conservation authority programs and services

The *Conservation Authorities Act* establishes three categories of programs and services that a conservation authority may provide:

- Category 1: Mandatory programs and services, which are those that a conservation authority is required to provide under section 21.1 of the Act, and that are described in the "Mandatory Programs and Services" regulation (O. Reg. 686/21).
- Category 2: Municipal programs and services, which are those that a municipality, situated in whole or in part within a conservation authority's area of jurisdiction, requests a conservation authority to provide on behalf of the municipality pursuant to s. 21.1.1 of the Act under a memorandum of understanding or other agreement.
- Category 3: Other programs and services that the conservation authority determines are advisable to provide, pursuant to section 21.1.2 of the Act, to further the purposes of the Act.

Fees that a conservation authority may charge under the *Conservation Authorities Act*

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the

authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of Natural Resources and Forestry.

Reconsideration of fee charged

A conservation authority's fee policy must define the circumstances in which a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee. After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

Fees that a conservation authority may charge as prescribed by other legislation

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program. Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority. When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

Prescribed Acts

Pursuant to subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*, the Minister may make regulations to prohibit a CA from providing a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on a proposal, application, or other matter made under a prescribed Act. This precludes the charging of a fee by a conservation authority for any such program or service under an Act that has been prescribed for the purposes of subsections 21.1.1 (1.1) or 21.1.2 (1.1).

User-Pay Principle

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a

person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

For the purposes of this Minister’s Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is when there is a class of persons that directly benefits from a program or service delivered by an authority (“User-Pay Principle”) (note: other restrictions may apply; see Table 1 below).

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority’s reliance on the municipal levy (now called an “apportionment”) to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

Fee amounts

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority’s fee schedule. Some fee amounts cannot exceed the authority’s costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

Minister’s direction re fee changes

Pursuant to subsection 21.3 (1) of the *Conservation Authorities Act*, the Minister may give a written direction to a conservation authority directing it not to change the amount of any fee it charges, or the manner in which a fee is determined, in respect of a program or

service that is set out in this Minister’s list of classes of programs and services in respect of which a conservation authority may charge a fee. Any conservation authority that receives a direction is required to comply within the time specified in the direction.

Minister’s fee classes

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

Table 1. Classes of programs and services for which conservation authorities may charge a fee

Classes of programs and services	Criteria
<p>Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>) and programs and services provided in accordance with the Mandatory Programs and Services Regulation (O. Reg. 686/21)</p>	<p>Category 1 programs and services where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.
<p>Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement or other agreement (section 21.1.1 of the <i>Conservation Authorities Act</i>)</p>	<p>Category 2 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, and where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service.
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or after January 1, 2024 will require a cost apportioning agreement</p>	<p>Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are financed in whole or in part by the municipal levy, and where the following requirements are met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate; and • Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost

	<p>apportionment agreement relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events. ii) Community relations to help establish, maintain, or improve relationships between the authority and community members. iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario. iv) The provision of information to the public. v) The sale of products by the authority.
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy</p>	<p>Category 3 programs and services, subject to any limitations that may be set out in the <i>Conservation Authorities Act</i> or its regulations, that are not financed in whole or in part by the municipal levy, and where the following requirement is met:</p> <ul style="list-style-type: none"> • The User-Pay Principle is appropriate.

Disclaimer

This Minister’s Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act and regulations may apply to the charging of fees by a conservation authority for programs or services should refer to the Act and regulations. The Act and associated regulations take precedence in the event of any inconsistency with this policy.



Town of Bradford West Gwillimbury
100 Dissette St., Unit 4
P.O. Box 100, Bradford, Ontario, L3Z 2A7
Telephone: 905-775-5366
Fax: 905-775-0153
www.townofbwg.com

January 25, 2023

VIA EMAIL

Hon. Chrystia Freeland PC MP
Ministry of Finance
90 Elgin Street
Ottawa, Ontario K1A 0G5

Dear Deputy Prime Minister,

I am writing to you today to make a pre-budget submission in accordance with a motion presented by my colleagues Councillor Jonathan Scott and Councillor Peter Ferragine, and passed unanimously by our Town Council asking that the federal government fulfil bipartisan commitments towards creating a Lake Simcoe Restoration Fund in the upcoming federal budget.

The motion is enclosed for your reference.

As you know, both local Liberal and Conservative MPs ran on the promise of restoring and exceeding funding that used to exist to help protect Lake Simcoe under the auspices of the Lake Simcoe Clean-up Fund. You yourself made such a commitment of a \$40-million fund during the 2019 election in Barrie. The commitment to a billion-dollar Freshwater Action Fund, which would include funding for Lake Simcoe, is in the Hon. Steven Guilbeault's mandate letter as Minister of the Environment and Climate Change.

The 2022 federal budget did include a new "Fresh Water Action Fund" of roughly \$20 million, but no further details have yet been announced. We ask that funding greater than previous commitments be invested to protect the Lake Simcoe watershed in this year's budget. Such funding should be over and above previous commitments given that funding for the Lake has been in hiatus since the previous fund expired in 2017, and due to inflationary pressures. As the motion outlines, such funding could be used for land conservation, shoreline restoration, cleaning up contaminated sites, reducing discharges from existing wastewater treatment plants, and other tangible means to restore the health of the watershed.

Our region, and Bradford West Gwillimbury in particular, is growing, and so we need to take environmental mitigation and restoration efforts seriously, alongside a federal partner.

I understand this motion is being considered by other municipalities across our region, demonstrating, I believe, the great unity in our area for federal action to protect Lake Simcoe.

Thank you for considering this request.

Sincerely yours,



James Leduc
Mayor
Town of Bradford West Gwillimbury

CC: Hon. Steven Guilbeault PC MP, Minister of the Environment and Climate Change
Hon. Mona Fortier PC MP, President of the Treasury Board
Scot Davidson, MP York—Simcoe
Tony Van Bynen, MP Newmarket—Aurora
Doug Shipley, MP Barrie—Springwater—Oro-Medonte
John Brassard, MP Barrie—Innisfil
Adam Chambers, MP Simcoe North
Jamie Schmale, MP Haliburton—Kawartha Lakes—Brock
Erin O'Toole, MP Durham
Lake Simcoe Region Municipalities
LSRCA



January 25, 2023

VIA EMAIL

Hon. Chrystia Freeland, PC, MP
Ministry of Finance
90 Elgin Street
Ottawa, Ontario K1A 0G5

Dear Deputy Prime Minister,

Re: Lake Simcoe – Freshwater Actin Plan – Federal Funding Motion

At its Regular Meeting of Council held on Tuesday, January 17, 2023, the Town of Bradford West Gwillimbury Council approved the following resolution:

Resolution 2022-10
Moved by: Scott
Seconded by: Ferragine

Whereas Lake Simcoe is one of Ontario’s largest watersheds, home to First Nations since time immemorial, and situated in the growing Greater Toronto Area communities of Simcoe County, York Region, Durham Region, and the cities of Barrie and Orillia; and

Whereas the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries; and

Whereas the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers; and

Whereas the previous Conservative federal government funded a “Lake Simcoe Clean-Up Fund” of \$65 million over 10 years between 2007-2017, but that fund has not been renewed by the current government; and

Whereas during the 2019 federal election, the Hon. Chrystia Freeland MP committed \$40 million over 5 years towards Lake Simcoe; and

Whereas during the 2021 federal election, the Liberal Party of Canada committed to “Implement a strengthened Freshwater Action Plan, including an historic investment of \$1 billion over 10 years. This plan will provide essential funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe...”; and

Whereas the Conservative Party of Canada also committed to re-funding the Lake Simcoe Clean-Up Fund in the 2019 and 2021 general elections with an investment of \$30 million over five years; and

Whereas further to the Minister of the Environment and Climate Change's mandate letter, which directs the Minister to "...establish a Canada Water Agency and implement a strengthened Freshwater Action Plan, including a historic investment to provide funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe..."; and

Whereas the 2022 federal budget included a new "Freshwater Action Fund" with a one-year commitment of \$19.6 million to help watersheds across the country, including Lake Simcoe, but any details and next steps are still to be announced; and

Be it resolved, therefore, that the Town of Bradford West Gwillimbury:

- A. Supports federal funding for Lake Simcoe that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding and details beginning in the 2023 that would honour Minister Freeland's commitment to Lake Simcoe of \$40 million over 5 years;
- B. Asks that such federal funding be used to undertake:
 - o Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River and Black River, and the Holland Marsh,
 - o Planting of 250,000 trees in the watershed,
 - o Projects to ameliorate contaminated sites in the watershed,
 - o Upgrades to help retrofit and improve the environmental efficiency of municipal infrastructure such as wastewater and stormwater facilities,
 - o Purchasing and conservation of more natural heritage sites such as forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and
- C. That a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham; and to all Lake Simcoe-region municipalities and the LSRCA, with a request for their endorsement."

CARRIED.

Thank you for your consideration of this request.

Regards,



Tara Reynolds
Deputy Clerk, Town of Bradford West Gwillimbury
(905) 775-5366 Ext 1104
treynolds@townofbwg.com

CC: Hon. Steven Guilbeault PC MP, Minister of the Environment and Climate Change
Hon. Mona Fortier PC MP, President of the Treasury Board
Scot Davidson, MP York—Simcoe
Tony Van Bynen, MP Newmarket—Aurora
Doug Shipley, MP Barrie—Springwater—Oro-Medonte
John Brassard, MP Barrie—Innisfil
Adam Chambers, MP Simcoe North
Jamie Schmale, MP Haliburton—Kawartha Lakes—Brock
Erin O'Toole, MP Durham
Lake Simcoe Region Municipalities
LSRCA



OFFICE OF THE MAYOR
Virginia Hackson, B.A., B.Ed.



February 1, 2023

The Hon, Chrystia Freeland
Minister of Finance, Deputy Prime Minister
House of Commons
Ottawa, ON K1A 0A6

Dear Minister Freeland,

On behalf of the Town of East Gwillimbury Council, included below is a resolution passed at our meeting held on January 24, 2023. This resolution speaks to the importance of funding support for the Freshwater Action Plan Fund and we urge the federal government to honour their commitment to provide this funding which will ensure continued initiatives that will benefit the health and protection of Lake Simcoe and its watershed.

Subject: Federal Funding Commitment for Lake Simcoe

Moved by: Councillor Crone

Seconded by: Councillor Carruthers

WHEREAS Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing Greater Toronto Area communities of York Region, Durham Region, Simcoe County, and the cities of Barrie and Orillia;

WHEREAS the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries;

WHEREAS the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers;

WHEREAS the Lake Simcoe Region Conservation Authority (LSRCA) is being stripped of regulatory oversight and revenue sources by the Ontario government;

AND WHEREAS the 2022 federal budget included a new "Freshwater Action Fund" with a one-year commitment of \$19.6 million to help watersheds across the country, including Lake Simcoe, but any details and next steps are still to be announced and time is of the essence,

THEREFORE BE IT RESOLVED THAT the Town of East Gwillimbury supports federal funding for Lake Simcoe that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding and details beginning in 2023; and

.../Page 2



THAT the Town of East Gwillimbury asks that such federal funding be used to undertake:

- Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River and Black River, and the Holland Marsh,
- Planting of 250,000 trees in the watershed,
- Projects to ameliorate contaminated sites in the watershed,
- Upgrades to help retrofit and improve the environmental efficiency of municipal infrastructure such as wastewater and stormwater facilities,
- Purchasing and conservation of more natural heritage sites such as forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and

THAT a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham and to all Lake Simcoe region municipalities and the LSRCA, with for their endorsement.

Sincerely,

Mayor Virginia Hackson

Copy to:

The Hon. Steven Guilbeault
Minister of Environment and Climate Change

The Honourable Mona Fortier
President of the Treasury Board

MP Scot Davidson, York Simcoe
MP Tony Van Bynen, Newmarket-Aurora
MP Doug Shipley, Barrie – Springwater – Oro Medonte
MP John Brassard, Barrie - Innisfil
MP Adam Chambers, Simcoe – North
MP Jamie Schmole, Haliburton – Kawartha Lakes – Brock
MP Erin O'Toole, Durham

Mr. Rob Baldwin
CAO, Lake Simcoe Region Conservation Authority

*Lake Simcoe Watershed Municipalities
Attention Municipal Clerk:*
City of Barrie
City of Kawartha Lakes
Township of Brock
Township of Scugog
Township of Uxbridge
Town of Bradford West Gwillimbury
Town of Innisfil
Town of New Tecumseth
Township of Oro-Medonte
Township of Ramara
Town of Aurora
Town of Georgina
Town of Newmarket
Town of Whitchurch-Stouffville



Legislative Services
Town of Newmarket
395 Mulock Drive
P.O. Box 328 Station Main
Newmarket, ON L3Y 4X7

Correspondence Item e)

clerks@newmarket.ca
tel.: 905-953-5300
fax: 905-953-5100

February 16, 2023

Sent via email

RE: Lake Simcoe Fund

I am writing to advise you that at the Council meeting held on February 13, 2023, Council adopted the following recommendations regarding the above referenced matter:

Whereas Lake Simcoe is one of Ontario's largest watersheds, home to First Nations since time immemorial, and situated in the growing Greater Toronto Area communities of Simcoe County, York Region, Durham Region, and the cities of Barrie and Orillia;

Whereas the watershed faces threats due to eutrophication, largely from phosphorus runoff and other contaminants into the lake and its tributaries;

Whereas the lake is a significant source of drinking water, as well as being integral for local recreation, tourism, agriculture and other key economic drivers;

Whereas the previous Conservative federal government funded a "Lake Simcoe Clean-Up Fund" of \$65 million over 10 years between 2007-2017, but that fund has not been renewed by the current government;

Whereas during the 2019 federal election, the Hon. Chrystia Freeland MP committed \$40 million over 5 years towards Lake Simcoe;

Whereas during the 2021 federal election, the Liberal Party of Canada committed to "Implement a strengthened Freshwater Action Plan, including an historic investment of \$1 billion over 10 years. This plan will provide essential funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe...";

Whereas the Conservative Party of Canada also committed to re-funding the Lake Simcoe Clean-Up Fund in the 2019 and 2021 general elections with an investment of \$30 million over five years;



Legislative Services
Town of Newmarket
395 Mulock Drive
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Newmarket, ON L3Y 4X7

clerks@newmarket.ca
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fax: 905-953-5100

Whereas further to the Minister of the Environment and Climate Change's mandate letter, which directs the Minister to "...establish a Canada Water Agency and implement a strengthened Freshwater Action Plan, including a historic investment to provide funding to protect and restore large lakes and river systems, starting with the Great Lakes-St. Lawrence River System, Lake Simcoe...";

Whereas the 2022 federal budget included a new "Freshwater Action Fund" with a one-year commitment of \$19.6 million to help watersheds across the country, including Lake Simcoe, but any details and next steps are still to be announced;

Now therefore be it resolved that the Council of the Town of Newmarket:

1. Supports federal funding for Lake Simcoe that represents a significant percentage of the overall Freshwater Action Plan Fund, with funding and details beginning in the 2023 that would honour Deputy Prime Minister Freeland's commitment to Lake Simcoe of \$40 million over 5 years; and,
2. Asks that such federal funding be used to undertake:
 - a. Shoreline mitigation and restoration, including in the tributaries of the Holland River, Maskinonge River, Black River, Pefferlaw River and the Holland Marsh; and,
 - b. The assistance of the federal government to achieve up to or more than 40 percent high quality natural cover; and,
 - c. Projects to ameliorate contaminated sites in the watershed; and,
 - d. Upgrades to help retrofit and improve the environmental efficiency of municipal infrastructure such as wastewater and stormwater facilities; and,
 - e. Purchasing and conservation of more natural heritage sites such as forests and wetlands under the auspices of the Lake Simcoe Region Conservation Authority (LSRCA); and,



Legislative Services
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395 Mulock Drive
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Newmarket, ON L3Y 4X7

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3. That a copy of this resolution, along with a letter from the Mayor, be sent to the federal Minister of Finance; the Minister of the Environment and Climate Change; the President of the Treasury Board; the Members of Parliament for York—Simcoe, Newmarket—Aurora, Barrie—Springwater—Oro-Medonte, Barrie—Innisfil, Simcoe North, Haliburton—Kawartha Lakes—Brock, and Durham; and to all Lake Simcoe-region municipalities and the LSRCA, with a request for their endorsement.

Yours sincerely,

A handwritten signature in black ink that reads "Kiran Saini".

Kiran Saini
Deputy Clerk



February 15, 2023

Sent via email

Attached please find a motion, passed by Newmarket Town Council, calling on the Federal Government to provide funding to protect and enhance Lake Simcoe. This motion follows up on Deputy Prime Minister Freeland's 2019 election pledge to provide this funding.

These funds would support shoreline restoration, increased high-quality natural cover, the amelioration of contaminated sites in the watershed, improvements to municipal wastewater and stormwater facilities, as well the purchase of additional natural heritage lands by the Lake Simcoe Region Conservation Authority.

The Lake Simcoe Watershed is a significant source of drinking water for Newmarket and the other communities in York Region, Durham Region, and Simcoe County, as well as being integral for local recreation, tourism, agriculture, and other drivers of the local economy.

This investment in a Lake Simcoe fund would be small in comparison to the significant impact that the Lake has on the day-to-day lives of the more than a million people who call its watershed home.

Sincerely,

John Taylor
Mayor of Newmarket



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

SCOT DAVIDSON

Member of Parliament
York—Simcoe

February 16, 2023

Hon. Omar Alghabra, PC MP
Minister of Transportation
Transport Canada
330 Sparks St
Ottawa, Ontario
K1A 0N5

Re: Justification for a Ministerial Order Prohibiting the Baldwin East Aerodrome

Dear Minister,

As you are aware, a general aviation aerodrome is set to be built in Georgina, Ontario in the coming months. The legislated consultation process has now concluded, as has Transport Canada's direct involvement under the Canadian Aviation Regulations (CARs).

Despite this, there remains significant concerns that the proponents of this aerodrome – 'New Aerodrome Ontario 2021' or the 'Baldwin East Aerodrome' – are using the federally-regulated process as a means to soon dump significant amounts of soil and fill on the properties at 7818 and 7486 Old Homestead Road. According to the proponent's own disclosures, they plan to dump 1.2 million cubic metres of fill (or 120,000 truckloads) on the site, generating \$12-18 million in revenue.

This practice has already taken place in other communities, including Greenbank Airport, and aerodromes in Scugog, Tottenham, and Burlington. In 2014, media reports revealed that federally regulated aerodromes such as the Greenbank Airport were being used as dumping grounds for contaminated dirt. In these cases, federal jurisdiction over aerodrome land was being used to circumvent municipal soil rules.

At that time, requirements for aerodromes (under Part III of the CARs) related only to registered aerodromes or licensed airports; aerodromes that did not meet the requirements would not be included in Transport Canada publications, but they would not cease to be aerodromes and consequently remained exclusively within federal jurisdiction. There was also no mechanism for Transport Canada to disallow the establishment of an aerodrome.

In such instances, the dumping of soil occurs under the pretence of expanding or developing an aerodrome – but once that fill is deposited on the site (something that is financially lucrative for the proponents), no further work is undertaken related to the aerodrome itself. The properties are usually abandoned, and municipalities discover that much of the tonnes of dumped soil is contaminated – which requires significant remediation at a great cost to taxpayers and to the environment.

OTTAWA | YORK—SIMCOE

House of Commons, Ottawa, ON K1A 0A6
Tel: 613-996-7752 | Fax: 613-992-8351

45 Grist Mill Rd., Unit 10, Holland Landing, ON L9N 1M7
Tel: 905-898-1600 | Fax: 905-898-4600

In response to the Greenbank Airport incident, Parliament approved section 143 of the *Economic Action Plan 2014 Act, No. 2*, which amended the Aeronautics Act to require consultations, and to allow the Minister of Transport to make an order prohibiting an aerodrome activity or development if it is unsafe or not in the public interest. This was done so that these sorts of incidents can not happen again.

While the consultation process for the Baldwin East aerodrome may have been concluded to the satisfaction of Transport Canada, significant concerns like those that were relevant at the Greenbank Airport remain unaddressed.

The aforementioned dumping of soil is of foremost concern. One of the proponents, Wilf Goldlust, also owns Triwaste Services and Trillium Recovery, which was subject to a Director's Order in 2015 and proceedings from Ontario's Ministry of Environment related to illegal fill dumping on a former rail line in Haldimand County. Goldlust was represented by the main proponent contact, Maurizio Marchioni during those proceedings.

Despite being built on provincially significant wetlands, a groundwater recharge area, and highly-vulnerable aquifers and woodlands within the Lake Simcoe watershed, the aerodrome has been designed to specifically avoid a required assessment by the Impact Assessment Agency of Canada. The proposed runway lengths are 991m (3,250 ft), but the agency only considers projects relating to the construction of an aerodrome with a runway length of 1000m or more. Both the construction and operation of an aerodrome at this location will have serious implications for the local environment.

In addition, the distinct lack of business case for an aerodrome in this area reinforces the impression that the proponents don't actually intend to operate one once the dumping of fill has concluded.

Prospective pilots already have access to numerous local and regional airports and aerodromes in the area, even if Buttonville Airport closes. Moreover, the proposed length of the two paved runways is too short for commercial traffic; larger aircraft that utilize instrument landing systems will not be able to do so, meaning that only small aircraft will be able to make use of this aerodrome – significantly limiting its economic viability.

It is also notable that the direction of the runways do not favour northwest prevailing winds, and therefore will lead to unfavourable landing conditions for most pilots, who will consequently look to land elsewhere. As such, the proposed aerodrome lacks sufficient demand or capabilities to be suitable for recreational or commercial air traffic.

The site of the proposed aerodrome is situated in a rural area with limited or non-existent access to the required services or infrastructure. Both of the nearby roads - Morning Glory and Stony Batter - are insufficient for increased, heavy traffic, particularly during the prolonged construction process.

There is also a distinct lack of servicing for water, sewage, or power in that area, which would be required should the aerodrome be approved and begin operations. When asked about the business case for this proposal, the proponents refused to answer, saying that it was not the community's business how they planned to operate.

Finally, the widespread opposition to this proposal across the community needs to be acknowledged. To be clear, the vast majority of this opposition is not from individuals opposed

to an aerodrome in and of itself (after all, there are many in the area already) – but from community members who have deeply-held concerns about the legitimacy of the project, the suitability of the site chosen, and the environmental impact.

As an indication of how widespread this opposition is: more than 97% of those who participated in the consultation process were against it. Presently, e-petition 4213 calling for this project to be denied has almost 1600 signatures and continues to collect more.

The Town of Georgina, the Lake Simcoe Region Conservation Authority, and the Regional Municipality of York have expressed opposition or concerns with the project, and the Federation of Canadian Municipalities has issued a resolution expressing concerns with aerodromes being approved just so developers can dump contaminated fill, and the inability of municipalities to act and enforce their bylaws.

The local First Nations band, the Chippewas of Georgina Island has also issued a band council resolution on this topic, formally expressing opposition to the project and denouncing the proponents for their failure to consult with them, or acknowledge their rights and impacts on their traditional lands.

Since the CARs were amended in 2014, there have been two usages of the powers granted to you to deny the establishment of an aerodrome from proceeding. In 2020, the Minister of Transport issued an order prohibiting the development of an aerodrome in the municipality of Saint-Roch-de-l'Achigan. In that instance, the proponent was sent a letter from your predecessor which outlined serious shortcomings in the demonstration of the economic benefits of the project, while noting the strong opposition from residents.


The other usage of this power was in 2016, when a proposed aerodrome in Mascouche and Terrebonne was initially approved following the Transport Canada consultation process. The municipalities and the Government of Quebec both argued against its approval, citing the incompatibility of the project with Ministry of Environment guidelines, and the minister prohibited the development thereafter.

Given the previous usages of the ministerial order, it is clearly not sufficient to say that Transport Canada can only look at the aeronautic legitimacy of the proposal – the regulations have been written to enable the Minister to account for other considerations, including the viability of the project, local opposition, the background of the proponents, and the likelihood of this being a soil dumping endeavour.

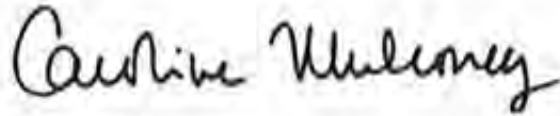
The circumstances around this proposal should make it evident that this aerodrome is not in the public interest, especially as it appears that it is only a pretense to dump soil with no actual plans to construct an aerodrome. Even if it were to be built, the construction and operation of an aerodrome at this site will have significant environmental impacts. As the consultation process has concluded, your intervention is now required to stop it from proceeding.

For all of these reasons, the undersigned formally request that you utilize Section 4.32(1) of the *Aeronautics Act* and make an order prohibiting this aerodrome development as it is unsafe for the environment and not in the public interest, and we ask for your timely response to this request.

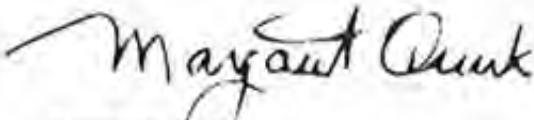
Sincerely,



Scot Davidson
Member of Parliament for York-Simcoe



Caroline Mulroney
Member of Provincial Parliament for York-Simcoe



Margaret Quirk
Mayor, Town of Georgina



Donna Big Canoe
Chief, Chippewas of Georgina Island First Nation



Karen Wolfe,
Advocacy Chair, Pefferlaw Area Ratepayers Association

Enclosures (3):

Chippewas of Georgina Island Band Council Resolution – 02-02-23-1036

Federation of Canadian Municipalities Resolution MIT-2022-01 – Aerodrome Approvals Changes

Resolution from the Town of Georgina

cc,

Wayne Emmerson, Chair, Regional Municipality of York
Rob Baldwin, CAO, Lake Simcoe Region Conservation Authority



BAND COUNCIL RESOLUTION
RESOLUTION DE CONSEIL DE BAND

Note: The words "from our band funds", "capital" or "revenue", which ever is the case must appear in all resolutions requesting expenditures from Band Fund

NOTE: Les mots "de nos fonds de bande", "capital" ou "revenu", quel que soit le cas, doivent apparaître dans toutes les résolutions demandant des dépenses de fonds de bande

Table with financial details: The council of the CHIPPEWAS OF GEORGINA ISLAND FIRST NATION, Date of duly convened meeting (D-1: 26, M: 01, Y-A: 2023), Capital account, Revenue account, Cash free balance.

DO HEREBY RESOLVE:
DECIDE, PAR LES PRESENTES:

- 1. WHEREAS THE CONSTRUCTION OF A GENERAL AVIATION AERODROME 'BALDWIN EAST' HAS BEEN PROPOSED FOR THE PROPERTY AT 7818 AND 7486 OLD HOMESTEAD RD. AND RECEIVED APPROVAL FROM TRANSPORT CANADA;
2. AND WHEREAS THE PROVISIONS OF CANADIAN AVIATION REGULATIONS PART 111, SUBPART 307 REQUIRE THAT ANY NEW AERODROME PROPOSAL ENGAGE IN A CONSULTATION PROCESS WITH THE LOCAL COMMUNITY, BUT DO NOT REQUIRE A DUTY TO CONSULT IMPACTED FIRST NATIONS, WE INSIST CONSULTATION IS ADDRESSED WITH IMPACTED FIRST NATIONS;
3. AND WHEREAS IT IS RECOMMENDED THAT ANY PROPONENT SEEKING A NEW AERODROME ENGAGE IN A NON-MANDATORY PRE-CONSULTATION PROCESS WITH THE KEY STAKEHOLDERS, INCLUDING LOCAL MUNICIPALITIES, IN ADVANCE OF THE REQUIRED CONSULTATION PROCESS; AND WHEREAS, TRANSPORT CANADA HAS A CONSTITUTIONAL DUTY TO CONSULT FIRST NATIONS WHEN THEIR PROPOSED CONDUCT HAVE POTENTIAL TO ADVERSELY IMPACT THE FIRST NATIONS RIGHTS.
4. AND WHEREAS THE AERODROME'S PROPONENTS DID NOT ENGAGE WITH THE CHIPPEWAS OF GEORGINA ISLAND IN ANY MEANINGFUL OR RECOMMENDED NON-MANDATORY PRE-CONSULTATION PROCESS IN ADVANCE OF THE REQUIRED CONSULTATION PROCESS;
5. AND WHEREAS NUMEROUS ENVIRONMENTAL CONCERNS HAVE BEEN RAISED ABOUT THE IMPACT OF THE AERODROME AND RELATED FILL DUMPING WILL HAVE, INCLUDING ON THE LAKE SIMCOE ECOSYSTEM;
6. AND WHEREAS THE PROPOSED AERODROME IS ON THE TRADITIONAL LANDS OF THE CHIPPEWAS OF GEORGINA ISLAND, AND WHEREAS THE PROPOSED AERODROME HAVE THE POTENTIAL TO ADVERSELY IMPACT THE GEORGINA ISLAND FIRST NATIONS ABORIGINAL AND TREATY RIGHTS.

THEREFORE LET IT BE RESOLVED THAT THE CHIPPEWAS OF GEORGINA ISLAND FIRST NATION OPPOSE THE AERODROME PROJECT MOVING FORWARD. AND DEMAND THAT TRANSPORT CANADA CONSULT WITH THEM ON ANY PROPOSED AERODROME PROJECT THAT MAY have AN ADVERSE IMPACT ON OUR RIGHTS

Quorum -3-
[Signatures and names of Council members: (Chief - 1st), Patricia Bey-Come, etc.]

FOR DEPARTMENTAL USE ONLY - RESERVE AU MINISTRE
Table with columns: Expenditure - Dépenses, Source of funds, Expenditure - Dépenses, Source of funds, etc.

President
Présidente

January 11 2023

The Honourable Minister Alhabra, P.C., M.P.
Minister of Transport
House of Commons
Ottawa, ON
K1A 0A6

Dear Minister:

On behalf of the Federation of Canadian Municipalities (FCM), thank you once again for your ongoing and productive partnership with local governments. As you know, FCM has been the national voice of municipal government since 1901. Our members include more than 2,000 municipalities of all sizes, from Canada's biggest cities and small rural communities, to northern communities and 20 provincial and territorial municipal associations. Together, they represent more than 90 percent of all Canadians from coast to coast to coast.

FCM's Board of Directors convenes municipal leaders from across Canada to set FCM policy on key issues. At the March and September Board meetings, FCM's Board considers resolutions submitted by its membership. Resolutions adopted by FCM's Board of Directors help inform FCM's policy and advocacy priorities with the Government of Canada. Adopted resolutions represent municipal issues of national significance that fall within federal jurisdiction and therefore require a strong federal partner to help find a solution.

The attached resolution, **Aerodrome Approvals Changes**, was adopted at the September 2022 Board of Directors.

Municipalities are concerned about the environmental impact of aerodrome approvals on the environment. Aerodromes are being approved, but not built, and developers are using these sites to dump contaminated fill harming the surrounding watershed. Based on legislation and regulations, the Transport Canada process for approving aerodromes does not need to adhere to local land use planning, and the department does not need to consult directly with the local municipality. The lack of direct consultation and adherence to local land use planning is putting the environment at risk.

Aeronautics is an area of exclusive federal jurisdiction, and provincial and municipal measures that are otherwise valid (such as a zoning bylaw) and influence aeronautics cannot impair the core of the federal jurisdiction. Sections 307.01 to 307.10 of the *Canadian Aviation Regulations* set out the consultations the proponent of a new aerodrome must undertake as part of the application process. These requirements are purely consultative in nature. There is no decision-making authority conferred upon the municipality or anyone else other than the Minister. Under section 4.32(1) of the *Aeronautics Act*, the Minister can refuse the application, but the refusal must be justified as being "in the public interest". There is therefore an onus on the Minister to establish



grounds for the refusal. By default, if the Minister does not react within 30 days of the report, the proponent is free to proceed.

Changes to the *Canadian Aviation Regulations* could be adopted by Cabinet to explicitly incorporate an obligation for the Minister to have regard for local land-use policies when assessing whether a proposal is in the public interest, for example, or set out specific assessment criteria. Transport Canada's Advisory Circular No. 307-001 indicates, at point 6.0, that "factors including but not limited to economic, social, and environmental are taken into consideration as long as it relates to aviation." This is an administrative practice that is not explicitly reflected in the Act or the Regulation.

We urge the Minister to review and update the *Canadian Aviation Regulations* for the purpose of **ensuring municipalities are consulted directly by Transport Canada during the process of approving or expanding aerodromes**, and that departmental staff give regard to local land-use policies and environmental protections, when assessing whether a proposal is in the public interest.

We also urge the Minister to **ensure that Transport Canada's approval process for the location of commercial aerodromes include a proactive public consultation process** to weigh public and financial impact of locating new commercial and private airports, aerodromes and helicopter pads and hangars.

FCM looks forward to working with you and your government in deepening the federal-municipal partnership to improve consultation with municipalities and protect the environment. If you or your staff have any questions, please feel free to contact Margot Cragg, Manager of Government Relations, at mcragg@fcm.ca or 613-907-6246.

Yours sincerely,



Taneen Rudyk
Councillor Town of Vegreville, Alberta
FCM President

CC:

The Honourable Minister Guilbeault
Minister of Environment and Climate Change
House of Commons
Ottawa, ON
K1A 0A6

MIT-2022-01 – Aerodrome Approvals Changes

WHEREAS, Sutton Airport Development Inc. has made an application to Transport Canada for the construction of an aerodrome (Baldwin East Aerodrome) at 7818 and 7486 Old Homestead Road in the Town of Georgina; and

WHEREAS, The Baldwin East Aerodrome proposed by Sutton Airport Development Inc. includes two paved, all weather marked and lighted runways, supporting taxiways and aircraft parking aprons, aircraft hangar and supporting use development lots and access roads and utilities; and

WHEREAS, The Baldwin East Aerodrome proposed by Sutton Airport Development Inc. is located close proximity to Lake Simcoe; and

WHEREAS, 7818 and 7486 Old Homestead Road are within a rural area and contain environmentally sensitive lands; and

WHEREAS, Ontario Municipalities are required to review proposed land development within a comprehensive legislative framework governed by the Ontario Planning Act and associated legislation and policies to ensure land use compatibility and environmental protection, including the protection of significant watersheds, like the Lake Simcoe Watershed; and

WHEREAS, Ontario Municipalities are required to put in place comprehensive Official Plans and Zoning By-laws, with extensive public and stakeholder engagement, in order to guide responsible development and to implement a long term vision for the municipality; and

WHEREAS, The Town of Georgina has put in place a comprehensive Official Plan and Zoning By-law, based on extensive public and stakeholder engagement, in order to guide responsible development and to implement a long term vision for the municipality, and

WHEREAS, The current Federal legislation governing aerodrome development precludes Ontario Municipalities from reviewing proposed land development within a comprehensive legislative framework governed by the Ontario Planning Act and associated legislation and policies to ensure land use compatibility and environmental protection, including the protection of significant watersheds, like the Lake Simcoe Watershed, thus leaving Ontario Municipalities with no decision-making authority with respect to proposed land development involving new or expanded aerodromes; and

WHEREAS, The result of the current Federal legislation governing aerodrome development proposals means that such aerodrome development proposals can essentially by-pass all comprehensive Official Plans and Zoning By-laws, and the planning and development review processes involved therein, and can be approved even if such aerodrome development proposals are not in conformity with Provincial and Municipal legislation and policy, rendering as useless the efforts of Ontario Municipalities have made to protect their local environment from adverse impacts; therefore be it

Resolved, That FCM urge to federal government to review and update the *Canadian Aviation Regulations* for the purpose of ensuring municipalities are

consulted directly by Transport Canada during the process of approving or expanding aerodromes, and that departmental staff give regard to local land-use policies and environmental protections, when assessing whether a proposal is "in the public interest".

_____ Town of Georgina, ON

Town of Georgina | Council resolution on proposed general aviation aerodrome

A Special Council meeting was held on Dec. 15 to discuss the proposed general aviation aerodrome. Council received a briefing note on the proposed aerodrome planned for 7818 and 7486 Old Homestead Rd.

Council endorsed the following resolution:

Whereas the construction of a general aviation aerodrome has been proposed by "New Aerodrome Ontario 2021" for the property at 7818 and 7486 Old Homestead Rd.;

And Whereas the Town is not a decision-making body under federal legislation in this proposal;

And Whereas the provisions of Canadian Aviation Regulations Part III, Subpart 307 require that any new aerodrome proposal engage in a consultation process with the local community;

And Whereas it is recommended that any proponent seeking a new aerodrome engage in a non-mandatory pre-consultation process with the key stakeholders, including local municipalities, in advance of the required consultation process;

And Whereas "New Aerodrome Ontario 2021" did not engage with the Town in any recommended non-mandatory pre-consultation process in advance of the required consultation process;

And Whereas Town Council convened a Special meeting of Council during the consultation process, the purpose of which was to receive information from representatives of "New Aerodrome Ontario 2021", Town staff and members of the community so as to enable Town Council to determine its position in respect of the proposed aerodrome;

And Whereas Town Council has received and considered presentations from representatives of "New Aerodrome Ontario 2021", Town staff and members of the community;

And Whereas Town Council is now in a position to consider and determine its position in respect of the general aviation aerodrome proposed by "New Aerodrome Ontario 2021" for the property at 7818 and 7486 Old Homestead Rd.;

Now be it resolved that:

1. Town Council oppose the construction of the general aviation aerodrome proposed by "New Aerodrome Ontario 2021" for the property at 7818 and 7486 Old Homestead Rd.
2. The Chief Administrative Officer of the Town be authorized to make submissions within the prescribed time in opposition to the general aviation aerodrome that has been proposed by "New Aerodrome Ontario 2021" for the property at 7818 and 7486 Old Homestead Rd.
3. The opposition to the general aviation aerodrome proposed by "New Aerodrome Ontario 2021" for the property at 7818 and 7486 Old Homestead Rd. be based upon:
 - a. Land use planning concerns;
 - b. Environmental concerns;
 - c. Traffic concerns;
 - d. Noise concerns;
 - e. Such other concerns as Town staff identify as appropriate for consideration in the consultation process.

Staff Report

To: Board of Directors

From: Mark Critch, General Manager, Corporate & Financial Services/CFO

Date: February 15, 2023

Subject:

Municipal Freedom of Information and Protection of Privacy Act: Annual Statistical Report

Recommendation:

Recommended: That Staff Report No. 04-23-BOD regarding the Municipal Freedom of Information and Protection of Privacy Act 2022 Annual Statistical Report be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 04-23-BOD is to provide the Board of Directors with an overview of the number and types of requests made to the Conservation Authority under the auspices of the Municipal Freedom of Information and Protection of Privacy Act (the Act) over the past year.

Background:

The Act provides private individuals, businesses and/or other government agencies the right to request access to records including most general records, as well as their own personal information. At the Conservation Authority this access encompasses, but is not limited to, land use permits and supporting documentation, financial, environmental, watershed and land use reports, as well as limited access to complaint and violation records. As well, individuals have the right to request access to their own personnel files and may request changes and/or additions be made to those records.

Section 3 of the Act stipulates that “the members of the council of a municipality may by by-law designate from among themselves an individual or committee of the council to act as the head of the municipality for the purposes of this Act.” The Conservation Authority policy entitled “Municipal Freedom of Information and Protection of Privacy Act”, dated May 2005, states the General Manager, Corporate & Financial Services shall act as the Freedom of Information Coordinator.

Issues:

There are no issues related to this staff report.

Relevance to Conservation Authority Policy:

The Freedom of Information Coordinator ensures that each request is discussed with the staff members most familiar with the requested information and that due diligence is completed to determine what, if any, information may be released. The work is carried out in accordance with the Municipal Freedom of Information and Protection of Privacy Act legislation as it pertains to Lake Simcoe Region Conservation Authority and its records.

2022 Statistical Report:

The Information and Privacy Commissioner of Ontario requires that a statistical report detailing the number and types of information requests received by a municipality be submitted annually. The Conservation Authority's report was completed and filed with the Information and Privacy Commission on (Feb. 3, 2023). The Conservation Authority processed a total of 17 Freedom of Information requests, from the public, between January 1 and December 31, 2022.

By legislation, the Conservation Authority has 30 calendar days in which to respond to each request. In 2022 two (2) requests exceeded the 30-day timeframe, resulting in one record being released within 31-60 days, and the other released in the 91 days+ time frame. No formal time extension notifications were sent to the two (2) requesters. The extended response times were due to staff turnover and the size of the requests, taking considerably more time to review, redact and process than expected.

Full access to records was granted for 11 of the 17 requests; no responsive records existed for one (1) request; and one (1) request revealed no releasable records within the requested time frame. Four (4) requests were disclosed in part as they either contained third party information where the third party denied access to the record, the record was withheld pending an enforcement investigation, or the requester did not initiate the request to access the third-party records.

No appeals of the Conservation Authority's responses were made to the Information and Privacy Commissioner.

Change in Reporting Methodology:

In previous years, requests were reported on within in the same year they were received and included third party requests to release records that were in the care and custody of the Conservation Authority. Moving forward, requests will be reported on based on completion date and will exclude third party requests received by the Conservation Authority for access to Conservation Authority owned records.

The number of completed requests reported in 2022 appears to be significantly less than the number of requests reported in 2021; however, four (4) of the 30 requests received in 2021 were completed in 2022, bringing the number of completed requests in 2022 to 21. The four additional requests were not reported as they were accounted for in 2021.

Impact on Conservation Authority Finances:

A request for access to information must be accompanied by a legislated fee of \$5.00. Section 45 of the Act and Regulation 823 allow for additional fees to be charged to process the request where warranted. Fees can be levied for computer and/or manual searches for responsive files, record preparation including reading the files and/or redacting personal information, the cost of any invoice(s) issued to the Conservation Authority for the purposes of preparing the response (such as copying of large drawings or maps, courier charges, copying CDs, etc.), and photocopying the records for release. In 2022 the Conservation Authority received legislated fees of \$85.00 representing 15 completed requests and two (2) requests where either no responsive records existed, or no releasable records were available within the requested time frame. \$526.00 was collected in additional processing fees. No fees were waived.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report No. 04-23-BOD regarding the Municipal Freedom of Information and Protection of Privacy Act 2022 Annual Statistical Report be received for information.

Pre-Submission Review:

This Staff Report has been reviewed by the Chief Administrative Officer.

Signed by:

Signed by:

Mark Critch
General Manager, Corporate & Financial
Services/CFO

Rob Baldwin
Chief Administrative Officer

Attachments:

Year-End Statistical Report for the Reporting Year 2022 for Municipal Freedom of Information and Protection of Privacy Act



The Year-End Statistical Report
for the
Information and Privacy Commissioner of Ontario

**Statistical Report of
Lake Simcoe Region Conservation Authority
for the Reporting Year 2022
for
*Municipal Freedom of Information and Protection of Privacy
Act***

Section 1: Identification

1.1	Organization Name	Lake Simcoe Region Conservation Authority
	Head of Institution Name & Title	Robert Baldwin, Chief Administrative Officer
	Head of Institution E-mail Address	r.baldwin@LSRCA.on.ca
	Management Contact Name & Title	Mark Critch, FOI Coordinator, GM, Services
	Management Contact E-mail Address	m.critch@LSRCA.on.ca
	Primary Contact Name & Title	Tammy Bartley
	Primary Contact Email Address	t.bartley@LSRCA.on.ca
	Primary Contact Phone Number	9058951281 ext. 231
	Primary Contact Fax Number	9058535881
	Primary Contact Mailing Address 1	120 Bayview Parkway
	Primary Contact Mailing Address 2	
	Primary Contact Mailing Address 3	
	Primary Contact City	Newmarket
	Primary Contact Postal Code	L3Y3W3
1.2	Your institution is:	Conservation Authority

Section 2: Inconsistent Use of Personal Information

2.1	Whenever your institution uses or discloses personal information in a way that differs from the way the information is normally used or disclosed (an inconsistent use), you must attach a record or notice of the inconsistent use to the affected information.	0
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Your institution received:

- No formal written requests for access or correction
- Formal written requests for access to records
- Requests for correction of records of personal information only

Section 3: Number of Requests Received and Completed

Enter the number of requests that fall into each category.

- 3.1** New Requests received during the reporting year
- 3.2** Total number of requests completed during the reporting year

Personal Information	General Records
0	17
0	17

Section 4: Source of Requests

Enter the number of requests you completed from each source.

- 4.1** Individual/Public
- 4.2** Individual by Agent
- 4.3** Business
- 4.4** Academic/Researcher
- 4.5** Association/Group
- 4.6** Media
- 4.7** Government (all levels)
- 4.8** Other
- 4.9** Total requests (Add Boxes 4.1 to 4.8 = 4.9)

Personal Information	General Records
0	17
0	0
0	0
0	0
0	0
0	0
0	0
0	0
0	17

BOX 4.9 must equal BOX 3.2

Section 5: Time to Completion

How long did your institution take to complete all requests for information? Enter the number of requests into the appropriate category. How many requests were completed in:

- 5.1** 30 days or less
- 5.2** 31 - 60 days
- 5.3** 61 - 90 days
- 5.4** 91 days or longer
- 5.5** Total requests (Add Boxes 5.1 to 5.4 = 5.5)

Personal Information	General Records
0	15
0	1
0	0
0	1
0	17

BOX 5.5 must equal BOX 3.2

Section 6: Compliance with the Act

In the following charts, please indicate the number of requests completed, within the statutory time limit and in excess of the statutory time limit, under each of the four different situations:

- NO notices issued;
- BOTH a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) issued;
- ONLY a Notice of Extension (s.27(1)) issued;
- ONLY a Notice to Affected Person (s.28(1)) issued.

Section 6: Compliance with the Act

Please note that the four different situations are mutually exclusive and the number of requests completed in each situation should add up to the total number of requests completed in Section 3.2.(Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = BOX 6.13 and BOX 6.13 must equal BOX 3.2)

A. No Notices Issued

	Personal Information	General Records
6.1 Number of requests completed within the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	0	10
6.2 Number of requests completed in excess of the statutory time limit (30 days) where neither a Notice of Extension (s.20(1)) nor a Notice to Affected Person (s.21(1)) were issued.	0	0
6.3 Total requests (Add Boxes 6.1 + 6.2 = 6.3)	0	10

B. Both a Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.4 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)) and a Notice to Affected Person (s.28(1)).	0	0
6.5 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)) and the time limit permitted by the Notice to Affected Person (s.28(1)).	0	0
6.6 Total requests (Add Boxes 6.4 + 6.5 = 6.6)	0	0

C. Only a Notice of Extension (s.27(1)) Issued

	Personal Information	General Records
6.7 Number of requests completed within the time limits permitted under both the Notice of Extension (s.27(1)).	0	0
6.8 Number of requests completed in excess of the time limit permitted by the Notice of Extension (s.27(1)).	0	0
6.9 Total requests (Add Boxes 6.7 + 6.8 = 6.9)	0	0

D. Only a Notice to Affected Person (s.28(1)) Issued

	Personal Information	General Records
6.10 Number of requests completed within the time limits permitted under both the Notice to Affected Person (s.28(1)).	0	5
6.11 Number of requests completed in excess of the time limit permitted by the Notice to Affected Person (s.28(1)).	0	2
6.12 Total requests (Add Boxes 6.10 + 6.11 = 6.12)	0	7

E. Total Completed Requests (sections A to D)

	Personal Information	General Records
6.13 Total requests (Add Boxes 6.3 + 6.6 + 6.9 + 6.12 = 6.13)	0	17

BOX 6.13 must equal BOX 3.2

Section 6a: Contributing Factors

Please outline any factors which may have contributed to your institution not meeting the statutory time limit. If you anticipate circumstances that will improve your ability to comply with the Act in the future, please provide details in the space below.

The Authority dealt with staff turnover due to the retirement of the FOI Lead. The position wasn't immediately backfilled therefore FOI requests were being handled by another staff member.

Also, with respect to one request, there was a substantial number of records to be reviewed by the temporary FOI Lead, who was also fulfilling their own full time job requirements.

The Authority has now backfilled the position of FOI Lead therefore all requests are being managed accordingly.

Section 7: Disposition of Requests

What course of action was taken with each of the completed requests? Enter the number of requests into the appropriate category.

	Personal Information	General Records
7.1 All information disclosed	0	11
7.2 Information disclosed in part	0	4
7.3 No information disclosed	0	1
7.4 No responsive records exists	0	1
7.5 Request withdrawn, abandoned or non-jurisdictional	0	0
7.6 Total requests (Add Boxes 7.1 to 7.5 = 7.6)	0	17

BOX 7.6 must be greater than or equal to BOX 3.2

Section 8: Exemptions & Exclusions Applied

For the Total Requests with Exemptions/Exclusions/Frivolous or Vexatious Requests, how many times did your institution apply each of the following? (More than one exemption may be applied to each request)

	Personal Information	General Records
8.1 Section 6 — Draft Bylaws, etc.	0	0
8.2 Section 7 — Advice or Recommendations	0	0
8.3 Section 8 — Law Enforcement ¹	0	1
8.4 Section 8(3) — Refusal to Confirm or Deny	0	0
8.5 Section 8.1 — Civil Remedies Act, 2001	0	0
8.6 Section 8.2 — Prohibiting Profiting from Recounting Crimes Act, 2002	0	0
8.7 Section 9 — Relations with Governments	0	0
8.8 Section 10 — Third Party Information	0	1
8.9 Section 11 — Economic/Other Interests	0	0
8.10 Section 12 — Solicitor-Client Privilege	0	1
8.11 Section 13 — Danger to Safety or Health	0	1

Section 8: Exemptions & Exclusions Applied

8.12	Section 14 — Personal Privacy (Third Party) ²	0	15
8.13	Section 14(5) — Refusal to Confirm or Deny	0	0
8.14	Section 15 — Information soon to be published	0	0
8.15	Section 20.1 Frivolous or Vexatious	0	0
8.16	Section 38 — Personal Information (Requester)	0	0
8.17	Section 52(2) — Act Does Not Apply ³	0	0
8.18	Section 52(3) — Labour Relations & Employment Related Records	0	0
8.19	Section 53 — Other Acts	0	0
8.20	PHIPA Section 8(1) Applies	0	0
8.21	Total Exemptions & Exclusions Add Boxes 8.1 to 8.20 = 8.21	0	19

¹ not including Section 8(3)

² not including Section 14(5)

³ not including Section 52(3)

Section 9: Fees

Did your institution collect fees related to request for access to records?

	Personal Information	General Records	Total	
9.1	Number of REQUESTS where fees other than application fees were collected	0	4	4
9.2.1	Total dollar amount of application fees collected	\$0.00	\$85.00	\$85.00
9.2.2	Total dollar amount of additional fees collected	\$0.00	\$526.00	\$526.00
9.2.3	Total dollar amount of fees collected (Add Boxes 9.2.1 + 9.2.2 = 9.2.3)	\$0.00	\$611.00	\$611.00
9.3	Total dollar amount of fees waived	\$0.00	\$0.00	\$0.00

Section 10: Reasons for Additional Fee Collection

Enter the number of REQUESTS for which your institution collected fees other than application fees that apply to each category.

	Personal Information	General Records	Total	
10.1	Search time	0	4	4
10.2	Reproduction	0	2	2
10.3	Preparation	0	4	4
10.4	Shipping	0	0	0
10.5	Computer costs	0	0	0
10.6	Invoice costs (and other as permitted by regulation)	0	0	0
10.7	Total (Add Boxes 10.1 to 10.6 = 10.7)	0	10	10

Section 11: Correction and Statements of Disagreement

Section 11: Correction and Statements of Disagreement

Did your institution receive any requests to correct personal information?

- 11.1** Number of correction requests received
- 11.2** Correction requests carried forward from the previous year
- 11.3** Correction requests carried over to next year
- 11.4** Total Corrections Completed [(11.1 + 11.2) - 11.3 = 11.4]

Personal Information

0
0
0
0

BOX 11.4 must equal BOX 11.9

What course of action did your institution take regarding the requests that were received to correct personal information?

- 11.5** Correction(s) made in whole
- 11.6** Correction(s) made in part
- 11.7** Correction refused
- 11.8** Correction requests withdrawn by requester
- 11.9** Total requests (Add Boxes 11.5 to 11.8 = 11.9)

Personal Information

0
0
0
0
0

BOX 11.9 must equal BOX 11.4

In cases where correction requests were denied, in part or in full, were any statements of disagreement attached to the affected personal information?

- 11.10** Number of statements of disagreement attached:

Personal Information

0

If your institution received any requests to correct personal information, the Act requires that you send any person(s) or body who had access to the information in the previous year notification of either the correction or the statement of disagreement. Enter the number of notifications sent, if applicable.

- 11.11** Number of notifications sent:

Personal Information

0

Note:

This report is for your records only and should not be faxed or mailed to the Information and Privacy Commissioner of Ontario in lieu of online submission. Faxed or mailed copies of this report will NOT be accepted. Please submit your report online at: <https://statistics.ipc.on.ca>.

Thank You for your cooperation!

Declaration:

I, Mark Critch, FOI Coordinator, GM, Services, confirm that all the information provided in this report, furnished by me to the Information and Privacy Commissioner of Ontario, is true, accurate and complete in all respects.

Signature

Date

Staff Report

To: Board of Directors

From: Philip Davies, Director, Conservation Lands

Date: February 15, 2023

Subject

Durham Regional Forest Standing Timber Sale, DRF-2023-001

Recommendation

That Staff Report No. 05-23-BOD regarding the record of tenders for the Durham Regional Forest Tender DRF-2023-001 be received; and

Further That Tender DRF-2023-001 be awarded to Gee's Lumber & Logging and Penguin Poles Ltd.

Purpose of this Staff Report

The purpose of this Staff Report No. 05-23-BOD is to seek the Board of Directors' approval for the awarding of the tender as per the Conservation Authority's Purchasing Policies and Procedures.

Background

The Conservation Authority provides management services for the Durham Regional Forest under a formal Agreement with Durham Region. This includes forest, trail, infrastructure and stakeholder management. Periodic harvesting of trees is undertaken to convert the primarily conifer stands to a forest composition more consistent with conditions before land clearing by European settlers. All management activities are carried out by Conservation Authority staff under the direction of a Registered Professional Forester.

As manager, the Conservation Authority issued a tender on behalf of the Region of Durham for a standing timber sale on Friday, January 13, 2023 (see attachments). The tender was distributed both electronically (via email) and physically (via courier) to ten south-central Ontario Forest products companies and contractors. Any bids received are date and time stamped and stored in a secure location until opening. The closing time was 10:00 a.m. and tenders were opened and publicly read at 10:05 a.m. on Monday, January 30, 2023, at the Conservation Authority's Mabel Davis Office, as per the approved purchasing policies and procedures. Three Conservation Authority staff were present along with two contractor representatives from the same company.

The record of tenders is as follows:

Tenderer's Name & Address	Tendered Amount	Rank
Gee's Lumber & Logging and Penguin Poles Ltd. 8650 Line 86, Listowel, ON, N4W 3G8	\$44,355.00	1/1

Issues

No issues were identified.

Relevance to Conservation Authority Policy

It is the Conservation Authority's mission to collaborate to protect and restore the Lake Simcoe watershed with innovative research, policy and action. Ongoing forest management activities contribute to the Conservation Authority's Strategic Directions, including a commitment to restoring protected areas as we find a balance between what society and our environment needs, and protecting that which we love by ensuring our landholdings provide ecological and human health benefits in a sustainable way.

Impact on Conservation Authority Finances

All services provided by the Conservation Authority for the management of Durham Regional Forest are on a fee-for-service basis, resulting in no net impact on Conservation Authority finances. Timber sale revenues support ongoing management of the forest, and all surpluses at year-end are forwarded directly to the Region of Durham.

Summary and Recommendations

While only one bid was received for this sale, a review of past tender results has found that the bid received for DRF-2023-001 represents fair market value. It is not uncommon to receive one bid due to the small capacity of the local forest products industry and limited number of contractors. The bidder has been awarded past sales and it has been our experience that they undertake harvesting activities in a safe manner, according to best forest management practices, and meet our expectations for service delivery.

It is therefore Recommended That Staff Report No. 05-23-BOD detailing the record of tenders for Durham Regional Forest Tender DRF-2023-001 be received; and further that tender DRF-2023-001 be awarded to Gee's Lumber and Logging and Penguin Poles Ltd.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO and the Chief Administrative Officer.

This staff report has been prepared by Cory Byron, Forestry Program Coordinator.

Signed by:

Mark Critch

General Manager, Corporate and Financial
Services/CFO

Signed by:

Rob Baldwin

Chief Administrative Officer

Attachments

1. Tender for forest products lump sum sale
2. Timber sales and cutting agreement Terms and Conditions
3. Forest compartment map



Tender for Forest Products

Lump Sum Sale

Tender Number DRF-2023-001
Date Issued (Year/Month/Day) 2023-01-13

Return completed tender forms within the enclosed postage-paid envelope.

The undersigned tenders for timber according to the attached conditions of sale and located as outlined on the attached map and described as follows: **DURHAM REGIONAL FOREST MAIN TRACT**
Compartment: M26 Area: 13.61ha TOWNSHIP OF UXBRIDGE
718 Houston Road – Concession 7, approximately 2.1km south of Goodwood Road at communications tower

Tenders must be received by **10:00 A.M.** local time on **Monday, January 30, 2023** at **THE LAKE SIMCOE REGION CONSERVATION AUTHORITY (LSRCA) OFFICE, 120 BAYVIEW PARKWAY, NEWMARKET, ONTARIO, L3Y 3W3.**

Tenders will be opened publicly and read at **10:05 A.M.** on **Monday, January 30, 2023** at the **LSRCA OFFICE**.

Further information may be obtained by contacting Cory Byron at Lake Simcoe Region Conservation Authority, 120 Bayview Parkway, Newmarket, telephone (905) 895-1281, Ext 152, or c.byron@lsrca.on.ca

The following/attached is offered for sale.

Species	No. of Trees	Average Diameter (DBH)	Estimated Volume*	Species	No. of Trees	Average Diameter	Estimated Volume	
Red Pine (Pr)	883	32.4cm	700.8m ³					
								Total Lump Sum Purchase Price Bid: (HST <u>NOT</u> REQUIRED)
								\$

***Total Estimated Volume (Volume is estimated and not guaranteed) 700.8 CUBIC METRES.**

NOTES: All marked trees have been assessed by LSRCA staff as potential pole quality, however the LSRCA DOES NOT GUARANTEE THE QUALITY OF ANY OR ALL TIMBER FROM THIS SALE

Submit 25% of Total Lump Sum Purchase Price Bid as a deposit with the tender. **Do not send cash.**
Please make cheques payable to **Lake Simcoe Region Conservation Authority**

Enclosed is a cheque (or money order) as required, in the amount of _____.

The balance of payment (if any) is to be paid by the successful bidder prior to the commencement of operations. Final payment may be made by cheque or money order.

The highest or any tender not necessarily accepted. The Authority may accept tender in whole or in part, whether the price or prices be the highest or not, and may reject any or all tenders.



Tender for Forest Products

Lump Sum Sale

Tender Number DRF-2023-001
Date Issued (Year/Month/Day) 2023-01-13

The Undersigned is fully aware of the aforementioned terms and attached Timber Sales and Cutting Agreement Terms and Conditions. The tender is submitted in accordance with said conditions and should this tender be accepted, the undersigned agrees to comply with these terms and conditions.

Full Legal Name of Business:		Telephone No.: () - Ext.	
Email Address:		Fax No. () -	
Business Address (Street)		City, Town or Village:	
Province:	Postal Code:	Authorized Signature:	Name (Please Print):



Tender Number DRF-2023-001
Date Issued (Year/Month/Day) 2023-01-13

TIMBER SALES AND CUTTING AGREEMENT TERMS AND CONDITIONS

1. The Occupational Health and Safety Act

In order to avoid any misunderstanding as to the nature of the work to be performed herein, the Purchaser, by executing this purchase and timber cutting agreement unequivocally acknowledges that he is the Purchaser within the meaning of the Occupational Health and Safety Act and amendments thereto.

Purchasers shall be responsible to:

- (a) Demonstrate establishment and maintenance of a health and safety program with objectives and standards consistent with applicable legislation.
- (b) Include health and safety provisions in their management systems to reach and maintain a consistently high level of health and safety.
- (c) Ensure that workers in their employ are qualified in cutter-skidder operator competency-based training standards, aware of hazardous substances that may be in use at place of work and wear appropriate personal protective equipment.
- (d) Upon request at any time from tender award to completion of timber cutting agreement, submit proof of fulfillment of above responsibilities.
- (e) Provide the name(s) of the individual(s) identified as on-site supervisor(s) for the duration of the operation.
- (f) Provide mobile telephone numbers at which the on-site supervisor(s) can be reached during operating hours. Mobile telephone numbers of the LSRCA Manager, Forestry and Greenspace Services, Forestry Program Coordinator and Forest Technician will be provided to the operator and must be carried by the Site Supervisor at all times during the logging operation in case of emergency.

2. The Purchaser agrees that the Lake Simcoe Region Conservation Authority (LSRCA) Manager, Forestry and Greenspace Services or Forestry Program Coordinator or Forest Technician or Forestry Program Assistant and/or the Region of Durham Safety Officer can conduct a safety inspection of the project/cutting site at any time during the duration of the timber cutting agreement and document safety requirements.

3. Workplace Safety Insurance Board (WSIB)

- (a) **The Purchaser shall submit, prior to commencement of operations, a satisfactory clearance from the Workplace Safety Insurance Board stating that all assessments or compensation payable to the Workplace Safety Insurance Board have been paid.**
- (b) The Purchaser also agrees that at any time during the performance or upon completion of the work, to furnish a satisfactory certificate from the Workplace Safety Insurance Board, as outlined in(3)(a), if requested by the LSRCA or Region of Durham.
- (c) **The Purchaser shall submit a current copy of their WSIB accident frequency rate (CAD-7).**



Tender Number DRF-2023-001 Date Issued (Year/Month/Day) 2023-01-13

TIMBER SALES AND CUTTING AGREEMENT TERMS AND CONDITIONS

4. Pine Shoot Beetle (PSB)

- (a) The Purchaser agrees to be familiar with and comply to all Canadian Food Inspection Agency (CFIA) requirements regarding plant protection restrictions on the movement of pine material from, to or within the Regional Municipality of Durham.
- (b) **The Purchaser agrees to obtain all required permits/certificates (i.e. Domestic Movement Certificate) and provide a copy of same to the LSRCA prior to the commencement of any operations on the property as described in the timber Cutting Agreement.**

The Purchaser further agrees to the following:

- 5. To indemnify and save harmless the LSRCA and Region of Durham from and against all claims, demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted for any damage or injury to persons or property occasioned in the carrying on of the operations of the Purchaser under this agreement or by any neglect, misfeasance, or nonfeasance on the Purchaser's part or on the part of persons employed by him/her or under his/her control.
- 6. That the LSRCA and the Region of Durham is released from any and all claims for injury or damage to property, however caused, which may be sustained by the Purchaser or his/her employees while conducting operations on the woodlot under this agreement.
- 7. During the entire term of this contract, the Purchaser agrees to have in force a general public liability and property insurance policy or policies subject to **limits of not less than five million dollars (\$5,000,000.00) for each occurrence** that protects the LSRCA, the Region of Durham and the Purchaser against any claim arising out of any act of omission of the Purchaser, any employee of the Purchaser, or any of them, in performance or intended performance of this contract. The insurance shall be in the joint names of the Contractor and the Owner and shall also cover as Unnamed Insured, all Subcontractor and anyone employed directly or indirectly by the Contractor or his Subcontractors. The Region of Durham and LSRCA are to be named as an additional insured on the above policy. **The Purchaser shall provide written proof of such insurance prior to the commencement of work.**
- 8. That all trees harvested by the Purchaser or his/her contractor shall be only those trees marked (designated) as specified in this contract. If any trees are cut which have not been designated for harvest, it will be considered a breach of this agreement.
- 9. To cut trees in such a manner as to leave evidences of butt marking (yellow) so that the stump heights are not higher than the diameter of the stump, to a maximum of 30cm.
- 10. To utilize and remove all merchantable wood 2.54 metres and longer as follows:
 - (a) in plantations down to 12 cm diameter outside bark top end.
 - (b) in natural stands down to 10 cm diameter outside bark top end.



Tender Number DRF-2023-001 Date Issued (Year/Month/Day) 2023-01-13

TIMBER SALES AND CUTTING AGREEMENT TERMS AND CONDITIONS

11. To fell and skid all trees designated for harvest to minimize damage to the residual stand and to prevent unnecessary damage to young growth and other trees not designated for cutting. Whole tops shall not be skidded. Work must be conducted in a professional, business-like manner.
12. To repair to original condition immediately after logging operations have been completed, all damage caused by logging to roads, trails, fences, culverts, bridges, utilities or other improvements damaged beyond ordinary wear and tear.
13. To have in place signs (supplied by the LSRCA) at all access points to the logging operation warning the public of the danger. Signs must be in place prior to the commencement of operations and must be removed at the end of each day.
14. To provide to LSRCA a minimum of **thirty (30) business days advance notice before scheduled commencement of the logging operation** to facilitate public and stakeholder notification of the planned activities. LSRCA will be responsible for undertaking all public notification.
15. That if any of the timber is lost through theft, or destroyed or devalued in any way by fire, hurricane, tornadoes, lightning, ice storms, insects or diseases, during the term of this agreement, such losses shall be borne entirely by the Purchaser.
16. That all trees designated for harvest shall be felled to the ground. Partially severed standing trees and lodged trees must be pulled to the ground by the Purchaser daily.
17. That all tops and slash are to be cut to within 1.2 metres of the ground. All such logging debris is to be cleared from all roads, trails, watercourses, and property adjoining the woodlot. Roads and trails are to be kept passable at all times.
18. Not to assign this contract to a third party, in whole or in part, without prior written consent of the owner.
19. To obtain at his/her expense all permits from public authorities which may be required in connection with the performance of this contract and to comply with all municipal, provincial, federal and other laws, statutes, ordinances and requirements
20. To pay as liquidated damages and not as a penalty:
 - (a) a sum of \$200.00 per tree for each unmarked tree which is cut, destroyed or damaged by the operator or their employees;
 - (b) a sum of \$20.00 per tree for each future crop tree, as specified by LSRCA staff, which is damaged or destroyed by the operator or their employees;
 - (c) a sum of \$50.00 for each lodged tree;
 - (d) a sum of \$10.00 for each high stump as described in condition 9;



<p>Tender Number DRF-2023-001</p> <p>Date Issued (Year/Month/Day) 2023-01-13</p>
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TIMBER SALES AND CUTTING AGREEMENT TERMS AND CONDITIONS

- (e) a sum of \$2.00 for each piece of merchantable timber as described in condition 10;
- (f) a sum of \$20.00 for each tree left standing that was authorized for cutting.

- 21. To reimburse the LSRCA for extra trees that may be marked upon agreement of both parties after the signing of this Agreement to accommodate landings and access on the property. Payment to be based upon tendered or negotiated amount per cubic metre with payment to be received by the LSRCA within two months of invoice date.
- 22. That no garbage or litter will be left on the property during or after the operation.
- 23. **Equipment to be washed in accordance with the Ontario Invasive Plant Council (OPIC) Clean Equipment Protocol for Industry (2013) before moving into the tract and upon moving out.**
- 24. To take all necessary steps to prevent and to suppress any forest fire on the sale area, and to have on hand one shovel and one axe for every two people employed in the forest. In the event of fire, the Purchaser will immediately notify the closest fire department and the LSRCA and will endeavour to control and extinguish the fire.
- 25. To possess, on site at all times, a fully stocked spill kit and first aid kit.
- 26. To return any keys provided by LSRCA for access to the site.
- 27. Should fire hazard conditions warrant, the purchaser agrees to suspend operations until such time as the LSRCA deems advisable.
- 28. The LSRCA retains the right to conduct inspections in person and/or assign an agent to conduct inspections of the cutting operations from time to time and to order the immediate cessation of all work if any violation of this contract occurs.

29. The available operating periods are as follows:

A:	October 23 to December 15, 2023
B:	January 8 to February 29, 2024

<p>No harvesting permitted outside of the above periods due to public safety concerns, level of active use and migratory bird nesting.</p> <p>No harvesting is permitted on weekends or statutory holidays.</p>

After February 29, 2024, all operations must cease and all uncut wood, cut and/or piled wood will revert back to the LSRCA. No refunds will be granted. **Additionally, no cutting or other woods operations will occur on weekends or holidays.**

- 30. In case of any dispute as to the meaning of any of the provisions of this agreement, the LSRCA and the Purchaser agree to submit such dispute to arbitration in accordance with the Arbitration Act. Each



Tender Number DRF-2023-001
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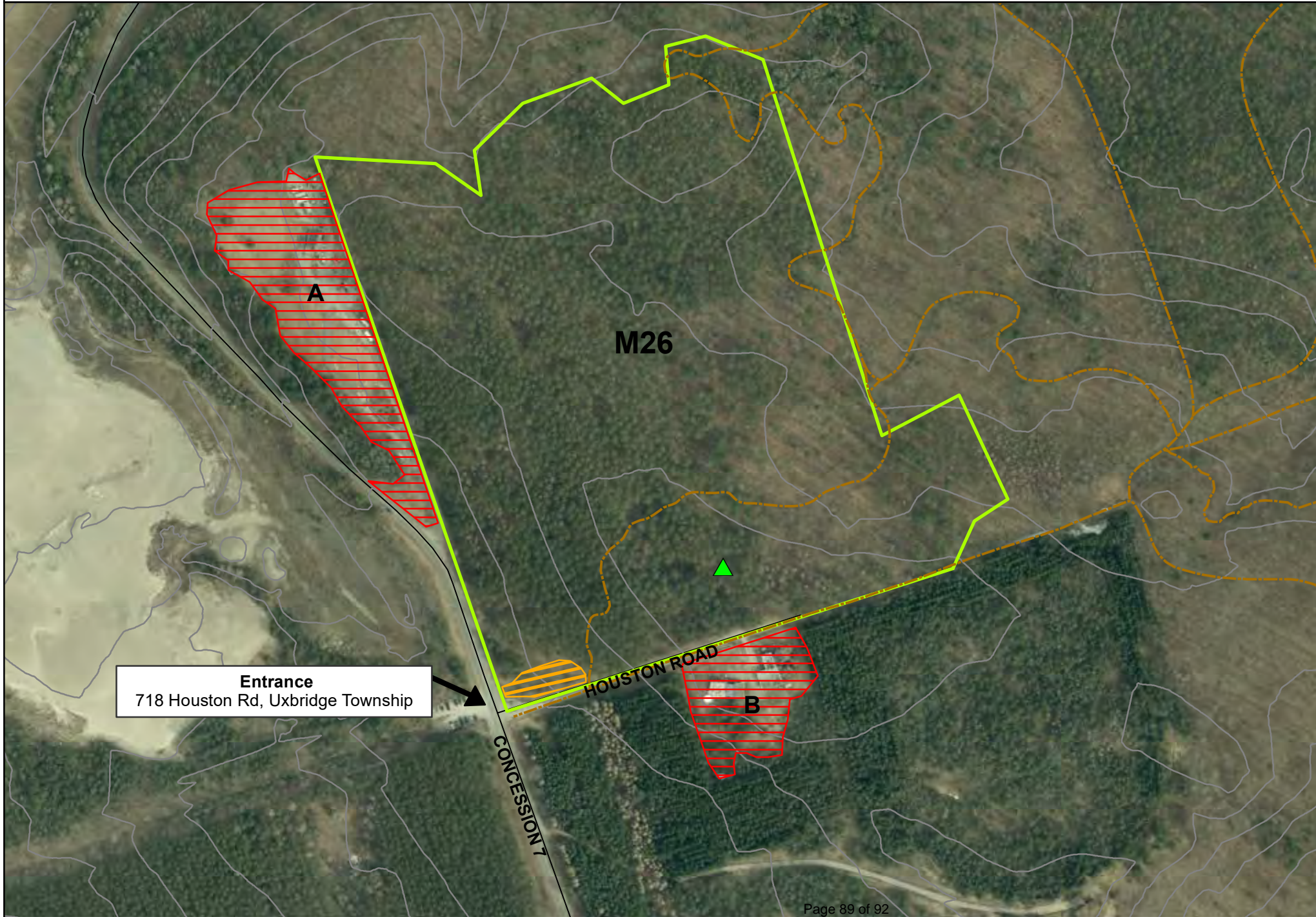
TIMBER SALES AND CUTTING AGREEMENT TERMS AND CONDITIONS

contracting party will select one arbitrator and two arbitrators selected shall select a third arbitrator, and the decision of the arbitrators shall be final.

Lake Simcoe Region Conservation Authority: Sale of Standing Timber - DRF-2023-001																					
Red Pine - Stand DBH Summary																					
DBH (cm)	14	16	18	20	22	24	26	28	30	32	34	36	38	40	42	44	46	48	Total	Average DBH	
Quantity	0	0	0	0	3	9	46	111	154	170	155	127	66	27	11	3	1	0	883	32.4 cm	
																				Average Height	
																				21.7 m	

Durham Regional Forest - Main Tract, Management Unit M26

Management Unit M26 - 2023 Harvest

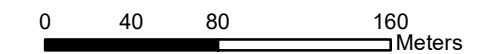
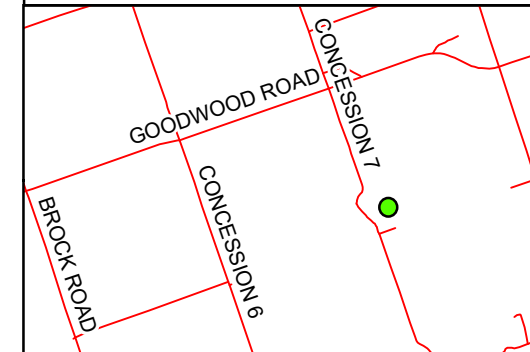


Legend

- Area of Concern
- Trails**
- Trails
- Proposed Landing
- Area Constraints
- Road
- 5m Contours
- Management Units**
- M26

Additional Notes

- Entrance and road must not be blocked unless for temporary loading purposes
- Harvesting equipment may be left within block M26
- Be aware: Hydro lines are present along east side of Concession 7 and south side of Houston Road
- Area of concern - old foundation, perimeter is flagged use caution in area
- Multiple stick nests in M26, all are marked with two blue rings
- Area Constraint A: Residential home, 2 row no disturbance buffer added
- Area Constraint B: Bell Towers



Staff Report

To: Board of Directors

From: Philip Davies, Director, Conservation Lands

Date: February 15, 2023

Subject

Administrative Office Flat Roofing Renewal, RFQ FAC-02-2022

Recommendation

That Staff Report No. 06-23-BOD regarding the record of bids for the Administrative Office Flat Roofing Renewal Request for Quotation FAC-02-2022 be received; and

Further That awarding the contract for Request for Quotation FAC-02-2022 to Sinclair Industrial Roofing Inc. be approved.

Purpose of this Staff Report

The purpose of this Staff Report No. 06-23-BOD is to seek the Board of Directors' approval to award the roofing renewal contract as per the Conservation Authority's Purchasing Policies and Procedures.

Background

In 2022, the Conservation Authority retained W. Allen Partners Inc. (W. Allen) to provide roofing consulting services for the Newmarket Administrative Office. This included inspecting the flat roofing systems, preparing a conditions assessment report and tender ready drawings and specifications, and reviewing and recommending bids submitted by qualified service contractors.

W. Allen identified a series of issues with the roofing systems requiring attention. These included roofing components that are beyond their design service life, areas damaged due to wear and tear that are allowing water leakage into the building, and opportunities to improve energy efficiency through the addition of insulation.

The Conservation Authority opened a Request for Quotation from roofing contractors on December 7, 2022. A mandatory site visit was conducted by W. Allen on December 14th and was attended by ten contractors. The Request for Quotation closed on January 20, 2023 with bids received from the following six contractors:

Rank	Contractor	Base Bid
1	Sinclair Industrial Roofing Inc.	\$155,242.20
2	Solar Roofing & Sheet Metal Ltd.	\$210,000.00
3	Triumph Roofing & Sheet Metal Inc.	\$222,885.00
4	Nortex Roofing Ltd.	\$260,600.00
5	Trio Roofing Systems Inc.	\$268,120.00
6	Provincial Industrial Roofing & Sheet Metal Company Ltd.	\$373,066.80

W. Allen conducted a review of all bids and confirmed that each followed the specifications set out in the tender, including a schedule that met the substantial completion date of June 30, 2023.

Issues

No issues were identified.

Relevance to Conservation Authority Policy

The Conservation Authority Asset Management Policy, approved in 2018 through Staff Report No. 09-18-BOD, sets out a formalized plan to enable the best possible decisions for the short- and long-term replacement of its assets, and more informed decisions toward new investments in capital. In 2019, the Conservation Authority retained the services of AW Hooker Associates Ltd. to prepare a Conditions Assessment Report for Conservation Authority facilities, including the Newmarket Administrative Office. Flat roofing components were identified as in fair or poor condition, and it was recommended that further detailed assessments be conducted and repairs undertaken as required. This project addresses the concerns identified in the report.

Impact on Conservation Authority Finances

The funds for this project will be drawn from the Asset Management Reserve and have been included within the 2023 Annual Budget that will be tabled at the March Board of Directors' meeting. In accordance with the Request for Quotation, bids for this contract are irrevocable for a period of 60 days from the closing of the tender period and will expire before the March Board of Directors' meeting. Therefore, staff are requesting approval at this time so that the contract may be awarded for the price submitted.

Summary and Recommendations

The bids received were assessed by the consultant and found to meet the specifications set out in the Request for Quotation. This included an analysis of the pricing provided and implementation schedules set out. Completing the roofing renewals is a critical action in the

maintenance, protection and effective operation of the Conservation Authority's largest physical asset.

It is therefore **Recommended That** Staff Report No. 06-23-BOD regarding the record of bids for the Administrative Offices Flat Roofing Renewal Request for Quotation FAC-02-2022 be received; and further that awarding the contract for Request for Quotation FAC-02-2022 to Sinclair Industrial Roofing Inc. be approved.

Pre-Submission Review

This Staff Report has been reviewed by the General Manager, Corporate and Financial Services/CFO and the Chief Administrative Officer.

This staff report has been prepared by Phil Davies, Director, Conservation Lands.

Signed by:

Signed by:

Mark Critch
General Manager, Corporate and Financial
Services/CFO

Rob Baldwin
Chief Administrative Officer