



Policies for the Administration of Ontario Regulation 155/06 and the Planning Act (May 1, 2020) Review and Procedural Manual

PHASE 2 POLICY THEMES DISCUSSION PAPER

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Preface

The Niagara Peninsula Conservation Authority (NPCA) was formed in 1959 under the authority of the Conservation Authorities Act, and is responsible for undertaking a variety of responsibilities under the Act. As one of 36 conservation authorities across the Province, the NPCA's mandate is to establish and undertake programs designed to further the conservation, restoration, development and management of natural resources across the watershed.

The NPCA is undertaking a review and update of its planning and permitting policies. The update is being undertaken in a manner consistent with the Policies and Procedures for Conservation Authority Plan Review and Permitting Activities (Ontario Ministry of Natural Resources, 2010) and the NPCA Strategic Plan.

The NPCA's Planning and Permitting Policies, formally known as "NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act" (May 1, 2020), was originally approved September 2018 and took effect November 1, 2018. The document was subsequently amended in June 2019 to add lot creation policies and to incorporate housekeeping amendments to the Valleyland policies, and was amended again in May 2020 to remove the section dealing with policy variances.

The NPCA Policy Document is a compendium of NPCA's official "opinion" for the purposes of applying Subsection 3(1) of Ontario Regulation 155/06. NPCA staff rely on the policies contained in this Policy Document, as does the NPCA Board and those who are seeking a permit from NPCA or looking for a recommendation from NPCA in the case of Planning Act applications that are approved by watershed municipalities and approval authorities.

There are several areas within the current NPCA Policy Document that need updating based on change of corporate direction through the new Strategic Plan 2021-2031, on-going partner municipal Official Plan Reviews, Provincial legislation and/or recent and pending changes to the Conservation Authorities Act and related Regulations. It is the combination of these factors that have staff preparing to proceed with a full review of the document.

While the NPCA Policy Document is essential for providing NPCA staff's official opinions, there is a requirement for a Procedural Manual to ensure consistency in administering the policies. Currently, many of the NPCA's Planning and Permitting procedures are not well documented or have not been documented. Having all applicable procedures recorded and in one central document provides clarity for staff and customers as to how our processes work.

NPCA is committed to ensuring that its policies are up-to-date and reflective of new information, studies, statutes, policies and provincial technical guidelines. This work has been carried out in two (2) Phases. The first Phase consisted of an internal policy review and gap analysis. It involved examining the current Policy Document and speaking with staff, Board Members and key partners about areas where policy enhancement was needed. A Phase 1 Report was presented to the NPCA Board in March 2022, together with recommendations for a fulsome engagement and consultation process during Phase 2, during which time the new Policy Document would be developed.

Work on Phase 2, which is the development of the updated Policy Document and an accompanying Procedural Document is underway. The timeframe for completion of the new NPCA Policy Manual is December 2022. While it is vital that the new Policy Document be developed and approved by the NPCA Board by the end of 2022, NPCA is committed to doing it right. Engaging with watershed municipalities, stakeholders and community members is a critical component of the Phase 2 work, hence the reason for developing this Phase 2 Policy Themes Discussion Paper and the accompanying Buffer Width Discussion Paper.

This Discussion Paper builds on the work undertaken in Phase 1, which identified gaps, deficiencies and inconsistencies with the current policies, and recommendations for enhancements. The Phase 1 Report concludes that the NPCA Policy Document offers a solid foundation for NPCA to communicate and further articulate its corporate position on plan review and permitting. The wording of the policies in the current Policy Document meets the intent of the Provincial Policy Statement, and the wording of the policies in the current Policy Document address the Five Tests of a permit application under NPCA's O. Reg. 155/06 (i.e., control of flooding, erosion, dynamic beaches, pollution and conservation of land).

The Phase 2 work aims to gather input from watershed municipalities, stakeholders, governments at all levels (including Indigenous governments) and community members, and invites readers of this Discussion Paper to share their thoughts with respect to key policy themes areas. The document is structured as follows:

- The Preface provides an overview of the role and responsibilities of Conservation Authorities in general, and NPCA in particular;
- Chapter 1 summarizes the key issues that were raised during Phase 1 and the process that will guide the work in Phase 2;
- Chapter 2 references how the policies relate to NPCA corporate Strategic Priorities and why this work is so important both for NPCA and for those who rely on the services and programs offered by NPCA;

- Chapter 3 provides a summary of twelve (12) policy theme areas organized alphabetically. Each subsection begins with a brief overview of current policies and identifies key issues for which policy positions are required;
- Chapter 4 provides a survey of discussion questions that are posed to the reader for responses and input. This survey can be completed online at <https://getinvolved.npca.ca/>.
- Chapter 5 presents a short summary and outlines the next steps.

1.0 Introduction

1.1 The New Policy Document & Procedural Manual

A new Policy Document and Procedural Manual is needed for several reasons:

- The current Policy Document does not contain policy and legislative references that are in alignment with changes to provincial policy, legislation and technical guidelines including, and importantly, changes that have been made to the Conservation Authorities Act.
- The current document was developed at a time when hard copies were preferred, and there is a need to develop a document that can be accessed by staff and others in an accessible, digital format.
- The current document contains terminology that at times is vague and ambiguous and potentially open to interpretation. Clear direction in some areas is needed to guide consistent interpretation and implementation of policies.

The new Policy Document and accompanying Procedural Manual is being developed to serve many uses and users:

- It will provide direction to NPCA staff that will receive, review and evaluate development applications against the policies contained within the document;
- It will provide guidance and clarity to watershed municipalities who will take these policies and incorporate them further in their planning review functions and in Official Planning documents;
- It will provide guidance and direction to landowners who will utilize these policies in preparing applications for Section 28 permits and/or proposals for approval under the Planning Act;
- It will provide guidance and direction to the development community (applicants and their agents) who will utilize these policies in preparing their proposals for consultation, review and approval;

- It will provide guidance and direction to community stakeholders who have an interest in protecting, preserving and enhancing those natural features and functions of the watershed that are worthy of protection;
- It will instill confidence among Provincial partners that matters of stated Provincial interest have been accurately interpreted and are being applied appropriately; and finally
- It will help other municipal, provincial and federal agencies coordinate the administration of their own jurisdiction and policies with those of NPCA.

Once developed, the new Policy Document and accompanying Procedural Manual will:

- Be in conformity with the current legislation, regulations, technical guidelines and policy;
- Clearly articulate NPCA's role and activities by describing NPCA's local resource management program priorities, its delegated responsibilities applied in representing matters of Provincial interest related to the natural hazards component of the Provincial Policy Statement, its role in the provision of land use planning advice to partner watershed municipalities, and its regulatory authority under the Conservation Authorities Act;
- Consolidate all regulatory and watershed plan review policies in one central location to offer an up-to-date set of policies that are contained in a single document against which NPCA will review Conservation Authority Act permit applications as well as plan review services that are provided to watershed municipalities;
- Provide watershed municipalities, applicants and their agents, private landowners and special interest groups with a clear understanding of NPCA's role, mandate and responsibilities.

It is important to note that at the time of preparing this Discussion Paper, the Province had not yet proclaimed some amendments to Section 28 of the Conservation Authorities Act, which pertains to issuing permits within regulated areas, and the implementing regulation has not been released. The MNRF is also reviewing the technical guidelines for lakeshore erosion hazards, which guides Conservation Authorities in completing their shoreline management plans. As such, further amendments to the NPCA Policy Document and additional technical guidance may be required once the Province proclaims the Section 28 amendments and releases the regulation, and the NPCA undertakes any updates to the Lake Ontario and Lake Erie Shoreline Management Plans.

1.2 The Policy Themes Discussion Paper

This Discussion Paper builds on the work undertaken, and the findings that emerged in Phase 1. It is important to note that:

- There are some recommendations related to natural hazards that are technical in nature not presented in this Discussion Paper that must be guided by Provincial technical guidance documents. NPCA staff will follow the direction provided within those documents when addressing updates to policies.
- The Province is updating technical guidelines for lakeshore erosion management, which will guide updates to NPCA's Lake Ontario and Lake Erie shoreline management plans. The NPCA Policy Document will need to be updated at that time to reflect the new plans.
- The policy themes presented in this Discussion Paper and the Buffer Width Discussion Paper were identified to address gaps within the current NPCA Policy Document.
- The policy themes that are included in this Discussion Paper have not been selected or chosen at random, but are a direct reflection of the recommendations that were identified in Phase 1.
- The policy themes that are detailed in this Discussion Paper and the Buffer Width Discussion Paper, and the recommendations within the Phase 1 Report are comprehensive and once addressed in the new Policy Document, will provide clarity and direction for Board Members and staff, but also for municipal partners, industry, government and community members.

In addition to the policy themes that are outlined in this Discussion Paper, a number of additional recommendations were also raised in the Phase 1 Report. These included the following:

- General formatting of the new Policy Document to make it easier to navigate;
- The inclusion of updated references to ensure the new Policy Document is reflective of current legislation, regulation and policies;
- The elimination of vague and ambiguous terminology that could be open to interpretation.

The new Policy Document is an important initiative and a priority for the NPCA Board and staff. Once finalized, the new Policy Document will articulate NPCA's position on all matters of planning and environmental policy. It will include the position that NPCA will take when making recommendations to approval authorities (watershed municipalities, upper-tier and single-tier) who are responsible for approving applications submitted under the Planning Act. It will also include NPCA's position with respect to the issuance of a permission under the Conservation Authorities Act. In addition, the document will explain the role and mandate of NPCA under

other legislation including the Drainage Act, Aggregate Resources Act, Clean Water Act and the Environmental Assessment Act, to name a few.

NPCA invites you to review this document and share your thoughts by responding to the key questions posed throughout this Discussion Paper. A direct link to the online digital survey can be found at <https://getinvolved.npca.ca/>. Written comments can also be submitted to policy_review@npca.ca.

1.3 Additional References & Resources

There are several references and resources that the reader is encouraged to review. The current Policy Document, “NPCA Policy Document: Policies for the Administration of Ontario Regulation 155/06 and the Planning Act” (May 1, 2020) is available for review in the event that there are readers who are interested in perusing the current policy details.

The Phase 1 Report, upon which this Discussion Paper is based, provides detailed information about the policy gaps, deficiencies and inconsistencies that emerged through the internal NPCA review of the existing Policy Document.

In addition to this Discussion Paper, readers should note that a separate stand-alone Buffer Width Discussion Paper has been developed to address the value of buffers, the difference between buffers and setbacks, and the approaches being used by municipalities and other Conservation Authorities with respect to buffers around wetlands and other natural features.

Through the Phase 2 work and resulting from recommendations from the Phase 1 Report, NPCA staff have also developed an Interim Environmental Impact Study (EIS) Guidelines document, and an Interim Wetlands Procedure Document, which were both endorsed by the NPCA Board of Directors on May 20, 2022. These interim guidance documents address some of the recommendations within the Phase 1 report with respect to providing clarity and consistency in the implementation of current policies that require an EIS to be completed and the process and study requirements for the identification, evaluation, study, protection and enhancement of regulated wetlands. The interim documents will be finalized and form part of the NPCA Procedure Document.

The current NPCA Policy Document, the Phase 1 Report, Buffer Width Discussion Paper, Interim Environmental Impact Study (EIS) Guidelines, and Interim Wetlands Procedure Document can be found on the NPCA Policy Review webpage at <https://getinvolved.npca.ca/>.

2.0 Nature for All

2.1 Alignment with NPCA Strategic Plan

There is a strong alignment between the policy themes that are presented in this Discussion Paper, and the NPCA 2021-2031 Strategic Plan. As an organization with a 60-year history of sound watershed management, NPCA's 2021-2031 Strategic Plan is premised on a Vision that promotes "Nature for all". NPCA envisions a healthy and vibrant environment with shared greenspace and clean water that sustains life for future generations. NPCA's purpose is to create a common ground for conservation-inspired action and accountability to nature. To achieve our Vision and Mission, NPCA is guided by Principles based on a conservation-first and ecosystem philosophy, collaboration ethics, and an importance of innovation rooted in science. There are four guiding principles identified in the Strategic Plan that direct the work of the NPCA. These include the following:

- **Watersheds transcend municipal boundaries.** We are committed to working with the watershed community to support and create climate-resilient and connected natural systems.
- **Natural green infrastructure is critical to life.** Our day-to-day work conserves and restores our communities' integral ecological, socio-economic, public safety and health services.
- **Diverse experiences and ideas lead to better and stronger collective impact and outcomes.** We seek to exemplify inclusion and equity through meaningful engagement and collaboration.
- **Innovation requires learning from each other and the past.** As a result, we are progressive, resilient, adaptable, and strive for continuous improvement to remain a trusted and valued partner.

The policies identified in this Discussion Paper are inherently connected to the six (6) strategic goal areas that individually and in combination, support the achievement of NPCA's Vision and Mission. These strategic goal areas and objectives include the following:

Goal	Objective
Goal 1: Healthy and Climate Resilient Watersheds	Improving nature for the betterment of life across the watershed.
Goal 2: Supporting Sustainable Growth	Helping to create resilient communities through land-use planning and the use of sustainable technologies, to prepare for a changing climate and related environmental challenges.
Goal 3: Connecting People to Nature	Improving access to and connections with nature for the health and well-being of all people.
Goal 4: Partner of Choice	Strengthening our relationships with stakeholders, partners, the watershed community, and Indigenous peoples toward shared stewardship, knowledge exchange, and collective impact.
Goal 5: Organizational Excellence	Striving for excellence through high service delivery standards and accountability to the environment and its people.
Goal 6: Financial Sustainability	Ensuring a financially stable and sustainable organization and continued service-delivery through innovative business models, diverse funding sources, and best practices.

Update to the NPCA Policy Document and the development of a new Procedural Manual support the six strategic goal areas and, individually and collectively, the policies once developed will enable NPCA with its partners to build a healthy and climate resilient watershed, support sustainable and safe communities, and remain leaders in effective watershed management.

The new Policy Document together with the Procedural Manual will support NPCA in achieving a number of key goals, including the following:

- Goal 1.2: Protect people and properties from natural hazards and climate impacts
- Goal 2.1: Maintain a high standard of client services, tools, and procedures for planning review and permits
- Goal 2.2: Lead an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds

- Goal 2.3: Lead the implementation of sustainable technologies and green infrastructure best practices for climate resilience and sustainability

3.0 Policy Themes Emerging from Phase 1

As referenced previously, the policy themes that are presented in this Discussion Paper emerged during Phase 1 of this project. They have not been randomly selected, but emerged as a result of a comprehensive gap analysis completed by NPCA in consultation with key partners. The Phase 1 Report identified several recommendations to address gaps, deficiencies and inconsistencies within the current NPCA Policy Document, which are summarized in Appendix A of the Phase 1 Report. This Discussion Paper brings forward particular policy theme areas for which NPCA staff are seeking input to assist in developing new policy directions and/or validate the current policy approach.

There are some recommendations related to natural hazards that are technical in nature not presented in this Discussion Paper that must be guided by Provincial technical guidance documents. NPCA staff will follow the direction provided within those documents when addressing updates to policies. Other recommended updates are related to formatting and organization of the policies, which are more administrative in nature and are not included in this Discussion Paper.

NPCA is confident that the policy themes and recommendation that emerged in Phase 1 will, once addressed, support the development of a robust and comprehensive Policy Document and Procedural Manual that will provide clear direction and clarity for NPCA and for those who rely on NPCA for planning review and permitting services.

This Discussion Paper presents the policy themes under three headings:

- 1. Governing Fundamentals Policy Themes**
- 2. Feature/Resource Specific Policy Themes**
- 3. Customer & Client Service and Policy Implementation Related Themes**

This Paper begins with a discussion of the governing fundamentals and takes the reader through a discussion of feature/resource specific policy themes. The last section in this Chapter addresses policy themes that focus on customer/client service delivery and policy implementation.

It is important to note that the discussion that follows moves from the general to the specific and the discussion of specific policy/theme areas is not presented in order of priority, but simply in a logical and iterative manner.

3.1 Governing Fundamentals Policy Themes

The policy themes that are inherently connected to all policies (i.e., governing fundamentals) include the following eight (8) theme areas, in alphabetical order:

- Climate Change
- Cumulative Impacts
- Ecological Net Gain
- Intensification and Increasing Urban Density
- Minister's Zoning Orders
- Public Education and Awareness of Roles and Responsibilities
- Stormwater Management, Low Impact Development & Green Infrastructure
- Watershed and Sub-Watershed Planning

3.1.1 Climate Change

Current NPCA Policy:

Section 12.1. of the current Policy Document includes a high-level reference to climate change and its impacts within the watershed. Broad direction is provided for NPCA to continue to undertake programs and initiatives which assist with adaptation and mitigation. This section also states that through a future study or update to the Strategic Plan, the NPCA will seek to develop a comprehensive approach for climate change, including any new policies or programs which assist with adaptation and mitigation. In addition, the NPCA will participate, coordinate and collaborate with municipal partners and other agencies in addressing the impacts of climate change.

Summary of Policy Opportunities:

Since the adoption of the current Policy Document, the NPCA Board of Directors has declared a Climate Change Emergency and sent notice to the province not to remove any wetlands that have been designated as Provincially Significant Wetlands (PSWs). Similarly, NPCA's partner watershed municipalities have also made

commitments to address climate change through policies and practices to reduce greenhouse gas emissions and support more resilient communities. More recently, On June 28, 2022, the NPCA joined Niagara's municipalities, institutions and businesses in signing a call to action as a demonstration of their commitment to form partnerships, share critical data and accelerate action on climate change and greenhouse gas emissions in Niagara.

NPCA's new 10-year Strategic Plan commits the conservation authority to be a leader in climate change research and innovation to support evidence-based decision-making for climate resilient watershed and shorelines. Updates to floodplain mapping and shoreline management plans through a climate change lens will provide direction for implementing a risk management approach to permitting and planning decisions that take into account the impacts of a changing climate. There is an opportunity to provide clear direction within the NPCA Policy Document regarding the on-going and future technical work needed to identify natural hazards and the approach for incorporating the impacts of climate change when managing the risks to people and property. For example, flood risk vulnerability studies or updates to shoreline management plans may identify the need for setbacks to mitigate the dynamic nature of flooding and erosion hazards.

While further technical work is still needed to inform how the impacts of a changing climate will affect NPCA's approach to risk management, there is an opportunity to provide direction for the completion of this work in collaboration with our municipal partners and other key stakeholders.

The new Strategic Plan also commits the NPCA to lead an integrated watershed management approach to support planning and policy for protecting and enhancing watersheds. The NPCA Policy Document should include clear and directive policies for the protection and enhancement policies that must be met to satisfy the "conservation of land" test to obtain a permit under Section 28 of the Conservation Authorities Act. NPCA should also develop policies and procedures for land dedication that support conservation and watershed enhancement through the planning process.

3.1.2 Cumulative Impacts

Current NPCA Policy:

The current NPCA Policy Document does not provide clear direction for assessing cumulative impacts of proposed development on natural hazards or ecological functions, nor is there a definition of cumulative impacts.

Summary of Policy Opportunities:

NPCA's watershed management approach to protecting and enhancing watersheds includes the assessment of cumulative impacts of hazards and land use changes on a ecosystem basis that transcends municipal /political boundaries, and identifying applied solutions to address those impacts. The NPCA Interim Section 28 Environmental Impact Study Guidelines provides direction for undertaking an Environmental Impact Study (EIS) as part of a work permit application and emphasizes the need to evaluate cumulative impacts. The EIS Guidelines defines cumulative impact as, "the effect on the physical and natural resources resulting from the incremental activities of development over a period of time and over an area". The new Policy Document and Procedural Manual needs to include clear direction for assessing cumulative impacts within the watersheds as a result of proposed development.

3.1.3 Ecological Net Gain**Current NPCA Policy:**

The current NPCA Policy Document includes policy direction for reconfiguring and compensating for Non-provincially Significant Wetlands. Policy 8.2.2.8, Wetland Reconfiguration and Compensation for Non-Provincially Significant Wetlands does not apply to Provincially Significant Wetlands and is only considered where no reasonable alternative exists to locate a proposed development, site alteration or activity outside of a Non-Provincially Significant Wetland. When the policy is implemented, NPCA staff aim to achieve an ecological net gain to the natural system functions. The NPCA interim Wetlands Procedure Document provides guidance on NPCA's expectations and requirements for satisfying the various tests of this policy.

Summary of Policy Opportunities:

The current policy requires clarification regarding the protection hierarchy when consideration is given to reconfiguring Non-Provincially Significant Wetlands to achieve an overall ecological net gain to the natural system functions. All efforts to protect the natural feature must be exhausted and all alternatives examined before reconfiguring or re-creating the feature can be considered. It has been NPCA's practice and position that monetary compensation for wetland removal or stream alignment as part of a development proposal is not a form of mitigation and does not achieve ecological net gain

Where an approved Environmental Assessment (EA) or Minister's Zoning Order (MZO) results in the removal of regulated features and areas, such as wetlands, there is a need for clear policies and procedures for

considering the use of mitigation through reconfiguration and re-creation of features for ecological net gain, or where mitigation cannot be achieved the consideration of monetary compensation.

3.1.4 Intensification and Increasing Urban Density

Current NPCA Policy:

The upper-tier and single-tier partner municipalities within NPCA's watershed jurisdiction have updated their Official Plans to conform to the Provincial Growth Plan and have updated policies to manage growth within urban areas, which includes supporting compact built form and complete communities to achieve intensification targets. The current NPCA Policy Document is silent with respect to forms of development that support urban intensification or increased density that would be located within regulated areas.

Summary of Policy Opportunities:

As communities grow and change, and as the need for housing increases, more and more marginal land may be considered for development. Areas susceptible to erosion and/or flooding may be identified to accommodate innovative forms of infill development and face greater development pressure. NPCA has an important role to play not only in supporting its watershed municipalities to uphold key provincial interests, but will have a vital role in assessing plan review and permit applications for development in areas that are subject to natural hazards and hazardous lands.

From the perspective of urban infilling and intensification, clearer policies would better guide NPCA's ability to review and consider permissions for forms of development that aim to support municipal intensification targets. In addition, focusing on a high-quality pre-consultation process with applicants and municipalities outlined within the new Procedural Manual would greatly assist the NPCA with identifying planning and permit application submission requirements when infill development is proposed on lands constrained by regulated features and areas. Maintaining up-to-date and accessible regulation mapping will also assist municipalities and development proponents in understanding where development may be prohibited or limited, and therefore, direct development away from those areas.

3.1.5 Minister's Zoning Orders

Current NPCA Policy:

The current Policy Document does not provide direction or guidance for reviewing municipal requests for Minister's Zoning Orders (MZOs) or processing permit applications for approved MZOs.

Summary of Policy Opportunities:

Recent amendments to the Conservation Authorities Act have included a section relating to MZOs. Section 28.0.1 of the amended Conservation Authorities Act applies to a development project that has been authorized by an MZO under the Planning Act, within an area regulated under Section 28(1) of the Conservation Authorities Act, outside of the Greenbelt Plan Area. Should an MZO be approved by the Province, the provisions of this new Section of the Conservation Authorities Act would apply and are summarized as follows:

- Conservation authorities shall issue a permit.
- Conservation authorities may only impose conditions to the permit, including conditions to mitigate:
 - Any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or pollution or the conservation of land.
 - Any conditions or circumstances created by the development project that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property.
 - Any other matters that may be prescribed by the regulation.
- An applicant has the right to a Hearing before the Authority (Board) if there is an objection to the permit conditions being imposed by the conservation authority.
- If the applicant still objects to conditions following a decision of the Hearing Board, the applicant has the option to either request a Minister's review or appeal to the Ontario Land Tribunal (OLT).
- All MZO-related conservation authority permits must have an agreement with the permittee (can include all parties, e.g., municipalities, on consent with applicant).
- The agreement shall set out actions that the holder of the permission must complete or satisfy to protect and/or compensate for ecological impacts (where applicable), and any other impacts that may result from the development project.
- The agreement must be executed before works commence on the site. Some enforcement provisions through court proceedings are in effect for MZO permits in accordance with Section 28.0.1 of the Conservation Authorities Act.

As a result of Provincial legislative change and direction, new policies are needed to address MZO and the Procedural Manual will need to provide direction on the process for commenting on municipal requests for an MZO and the permitting process. In particular, where the approved MZO results in the removal of regulated features and areas, such as wetlands, there is a need for clear policies and procedures for considering the use of mitigation through reconfiguration and re-creation of features with a goal to achieve ecological net gain, or where mitigation cannot be achieved the consideration of monetary compensation.

3.1.6 Public Education and Awareness of Roles and Responsibilities

Current NPCA Policy:

Section 1.5.1 of the current NPCA Policy Document identifies several roles the NPCA plays in the permitting and planning review processes. These roles are:

- Regulatory Authority under Section 28 of the Conservation Authorities Act;
- Representative of the Province of Ontario that has delegated provincial interest for Section 3.1 of the Provincial Policy Statement (Natural Hazards) and act on behalf of the Province;
- Resource Management Agency under the Conservation Authorities Act that can develop programs that reflect local resource management needs within the watershed. These programs and/or policies are approved by the conservation authority board;
- Public Commenting Body under the Planning Act;
- Service Provider through agreements with other levels of government to undertake regulatory or approval responsibilities;
- Landowner who can be involved in the planning and development process as either a proponent or as a landowner impacted by adjacent development.

Summary of Policy Opportunities:

The NPCA has several roles and responsibilities that support climate resilience and sustainable growth within the watersheds. With respect to permitting and plan review, clearly defining NPCA's roles and responsibilities and the authority's relationship to other public approval agencies will help applicants and the public understand what technical studies and approvals are required by the NPCA in an effort to better streamline and coordinate multiple-agency approvals.

The Policy Document could also provide clarity and guidance for the NPCA's role within other legislated approval processes such as commenting on municipal Environmental Assessments and Niagara Escarpment

Plan Development Permits. The NPCA also has agreements in place through Conservation Ontario and other agencies to streamline certain reviews under provincial legislation, such as municipal drain works under the Drainage Act, and works by Hydro One Networks Inc. within regulated areas.

Clarifying roles and responsibilities of the NPCA and other agencies through policies and the Procedural Manual will help achieve NPCA's strategic goal to maintain a high standard of client services and procedures for planning review and permits.

3.1.7 Stormwater Management, Low Impact Development & Green Infrastructure

Current NPCA Policy:

The current NPCA Policy Document includes guidance for the completion of a Stormwater Management Plan that would be required in support of a permit or planning application (Section 12.4.8.1). However, there is no policy direction for NPCA to review permit or planning applications with associated SWM facilities that are affected by regulated areas and natural hazards.

The current NPCA Policy Document refers to Low Impact Development (LID) as a method for mitigating climate change (Section 12.1.3.2). However, there are no policies that provide guidance or direction to the NPCA to support the implementation of LID or green infrastructure through permit and planning approvals.

Summary of Policy Opportunities:

The NPCA has established Memoranda of Understanding (MOU's) with the City of Hamilton and Haldimand County that specify the roles and responsibilities of the NPCA in reviewing proposed SWM facilities and their impacts on natural hazards and other regulated features and areas, such as wetlands and receiving watercourses, from an erosion sediment control and flooding perspective. The current MOU between NPCA and Niagara Region does not specify a role for the NPCA in the review of SWM. However, Niagara Region is updating their Stormwater Management Guidelines, which will clarify the roles and responsibilities of the NPCA in SWM review to include review of SWM facilities and outlets within regulated areas and affected by natural hazards.

There is an opportunity in the new Policy Document to include policies that clarify the roles and responsibilities of the NPCA in SWM reviews where the proposed facilities are within regulated areas, have cumulative impacts related to erosion, sediment, and flooding in regulated areas and/or affected by natural hazards.

NPCA's 10-Year Strategic Plan commits the NPCA to lead the implementation of sustainable technologies, such as LID and green infrastructure best practices for climate resilience and sustainability. Through NPCA permitting and planning policies, the NPCA can help achieve this goal by supporting the implementation of green infrastructure best practices in future development proposals to minimize impacts to the watershed. Engaging municipalities, the development community, and other private landowners will be key for implementing green infrastructure and sustainability best practices and actions within the NPCA's watersheds. There is an opportunity to include policies and technical guidance for the NPCA to advocate for the integration of sustainable technologies and green infrastructure in site designs.

3.1.8 Watershed and Sub-Watershed Planning

Current NPCA Policy:

Section 2.1 of the current NPCA Policy Document describes the NPCA's Integrated Watershed Management (IWM) approach to planning. The IWM approach recognizes that water is a valuable resource which should be managed in a sustainable manner. Conservation Ontario defines IWM as "the process of managing human activities and natural resources on a watershed basis, taking into account social, economic, and environmental issues, as well as community interests in order to manage water resources sustainably" (Conservation Ontario, 2012). For the NPCA, this means adopting the IWM lens when it acts as a landowner, resource management agency, regulator, delegated provincial responsibility, commenting body and a service provider.

Section 12.5 of the current NPCA Policy Document identifies the role of watershed plans in managing watershed resources. Current policies state that a watershed plan is a proactive document created cooperatively by government agencies and the community to manage the water, land/water interactions, aquatic life and aquatic resources within a particular watershed to protect the health of the ecosystem as land uses change. Watershed and sub-watershed plans provide specific direction for the overall water and resource management of specific creek systems. The NPCA will continue to work collaboratively with municipalities in the development of watershed plans and any municipally-led watershed or sub-watershed studies. NPCA has several watershed plans that require updating.

The current Policy Document does not provide direction or guidance for the role of the NPCA in supporting the watershed municipalities in undertaking watershed planning or subwatershed planning to inform future growth, as directed by the Province through provincial legislation and plans.

Summary of Policy Opportunities:

Within Provincial planning documents, such the Provincial Policy Statement (2020) and the Growth Plan, there is an increased emphasis on the need for watershed planning to inform land use planning. Through their Official Plan conformity exercises, the Upper-Tier and Single-Tier municipalities within the NPCA watershed have developed policies that require that certain land use planning decisions be informed by watershed or sub-watershed planning. Watershed planning is also required to inform municipal decisions regarding growth and infrastructure.

Section 3.2 of Niagara Region's new Official Plan includes policies that guide the Region in undertaking watershed planning and sub-watershed planning to inform land use planning decisions. The Official Plan policies state that:

The Region recognizes the watershed as the ecologically meaningful scale for integrated and long-term planning. Watershed planning is a proactive process for assessing and documenting existing conditions, and establishing values, objectives, and targets to support the protection, enhancement, or restoration of the natural resources within a watershed, with an emphasis on water resources. Carrying out watershed planning involves a cross-jurisdictional coordination of efforts in order to best assess cumulative and cross-watershed impacts. Essential to the entire process are the principles of monitoring and adaptive management.

Niagara Region's Official Plan also identifies the roles and responsibilities of the Region, Local Municipalities and the NPCA in preparing and implementing watershed plans and sub-watershed plans in support of land use planning. As a resource management agency, the NPCA is committed through the NPCA's 10-Year Strategic Plan to implement a proactive sub-watershed work program to complement and inform the quaternary and sub-watershed planning for growth areas within the NPCA jurisdiction within Niagara Region, and support municipal partners with watershed data collection and analysis to understand cumulative impacts.

There is an opportunity through the new Policy Document and Procedural Manual to clarify NPCA's role as a resource management agency, regulatory authority and service provider within watershed and sub-watershed planning work that informs watershed resource management programs and land use planning.

3.2 Feature/Resource Specific Policy Themes

As a result of Phase 1 of the project, three (3) feature/resource-specific policy themes emerged for discussion, which are:

- Agriculture
- Buffers
- Natural Heritage Features and Areas
 - Areas of Natural and Scientific Interest (ANSIs)
 - Habitat of Endangered and Threatened Species
 - Linkages
 - Significant Valleylands
 - Significant Wildlife Habitat
 - Significant Woodlands

3.2.1 Agriculture

Current NPCA Policy:

One of the Guiding Principles noted in Section 3.2 of the current NPCA Policy document recognizes that healthy communities require a sustainable balance between agricultural, environmental, social and economic priorities, interests and uses. Sections 3.3.4.1 and 3.3.4.2 of the current NPCA Policy Document identifies when works on agricultural lands do not require an NPCA work permit. Certain forms of value-added, agri-tourism uses, and agricultural activities that require a Building Permit may require a work permit from the NPCA, depending on the nature of the application and any considerations related to the Five Tests under the Conservation Authorities Act.

Section 4.2.2 of the current NPCA Policy Document identifies permitted uses within the flood hazard, and includes:

- Agriculture uses that do not require permanent, closed structures or any major alteration of the landscape;
- Additions or extensions, including new structures which are minor in scale, to existing primary agricultural operations which are not likely to incur flood damages, impede flows, reduce flood storage, or cause pollution to a watercourse as a result of a flooding event.

“Agriculture Uses” is defined in the Policy Document as the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Summary of Policy Opportunities:

The unique microclimate created by the Niagara Escarpment and rich soils supports one of Ontario's most productive agriculture systems, including vineyards, tender fruit orchards, livestock, and various specialty crops (greenhouses for flowers, vegetables, sod farms, and mushroom farms). NPCA's Upper-Tier and Single-Tier partner municipalities are updating their Official Plan policies to reflect new or amended provincial agricultural system policies. In an effort to continue NPCA's support of the agricultural industry within its watersheds, there is an opportunity to examine the existing NPCA policies to determine if further clarification is required related to permitted agricultural uses, agriculture-related uses and on-farm diversified uses within NPCA regulated areas in accordance with updated municipal Official Plan policies and the Five Tests of the Conservation Authorities Act and O. Reg. 155/06.

3.2.2 Buffers

In reviewing this section of the Policy Themes Discussion Paper, please also refer to the Buffer Width Discussion Paper that can be accessed from the NPCA's website at <https://getinvolved.npca.ca/>.

Current NPCA Policy:

The current NPCA Policy Document includes policies specific to buffer widths for the different regulated features and areas. There are, however, inconsistencies for buffer requirements in the policies. For example, Section 8.2.3.3 of the current NPCA Policy Document provides criteria where reductions to the 30 metre buffer requirement for wetlands may be reduced to as low as five metres. Section 8.2.3.5 provides the opportunity to reduce the 30 metre wetland buffer requirement for major development with no bare minimum. The inconsistencies between these two policies appear to allow a major development to potentially have a smaller buffer requirement, whereas as small-scale development with less impacts to a wetland requires a wider buffer.

Summary of Policy Opportunities:

On December 17, 2021, the NPCA Board of Directors directed staff to propose amendments to NPCA policies to set a minimum 30 metre buffer for natural hazards, wetlands and watercourses, etc. and review the policy

regarding exceptions. The Phase 2 Report recommended that a technical discussion paper be prepared to review buffer policies, and specifically if and how buffer widths should be prescribed in policy.

The Buffer Width Discussion Paper provides a technical analysis of buffers, reviews best practices, undertakes a jurisdictional review of policies related to buffer widths, and reviews decision support tools that are used to inform the determination of appropriate buffer widths. The results of this technical work are intended to provide input into the policy development and potential decision support tools that will be developed within the Phase 2 work plan.

Following a review of the definitions, best practices and jurisdictional review, and review of decision support tools, the Buffer Width Discussion Paper provides the following recommendations regarding buffer policies in the NPCA policy document:

1. The term buffer should be defined including providing the purpose of the buffer.
2. Buffer width(s) should be prescribed in policy. The approach to set a minimum buffer or set a robust buffer should be determined by the NPCA with input through the engagement program.
3. A decision support tool is necessary to inform the refinement to the prescribed buffer width (whether a minimum or robust width starting point).
4. The buffer policies, prescribed buffer width(s) and decision support tool should be developed with consideration of the goals, objectives and targets (if any) for protection, maintenance and enhancement of the natural features and ecological functions.

3.2.3 Natural Heritage Features and Areas

Current NPCA Policy:

The current Policy Document is silent with respect to the review of natural heritage features and areas that are protected and managed under municipal and provincial policies or plans, including:

- Areas of Natural and Scientific Interest (ANSIs)
- Habitat of Endangered and Threatened Species
- Ecological Linkages
- Significant Valleylands
- Significant Wildlife Habitat

- Significant Woodlands

Summary of Policy Opportunities:

The NPCA currently has a Memorandum of Understanding (MOU) for plan review services with the City of Hamilton and the County of Haldimand, for which the conservation authority provides services to review Planning Act applications and comment on impacts to natural heritage features and areas within regulated areas as it relates to the ecological function of the regulated features. Natural heritage features and areas are protected and managed through municipal Official Plan policies and provincial plans. Niagara Region, City of Hamilton and Haldimand County also review planning applications for impacts on natural heritage features and areas within their natural heritage systems. Through the Phase 1 gap analysis, it was identified that other Conservation Authority policy documents include guidance policies for natural heritage features and areas when providing their plan review services to municipal partners through established MOUs. There is an opportunity through the Policy Document and Procedural Manual to provide clarity around NPCA's roles and responsibilities under the plan review MOUs with partner municipalities and guidance for reviewing planning applications (e.g. Environmental Impact Study requirements) in relation to natural heritage features and areas.

3.3 Implementation and Customer, Client Services

Current NPCA Policy:

Section 12.4 of the current NPCA Policy Document includes guidance for studies that NPCA requires as part of a permit or planning application submission. There is a requirement for a Procedural Manual to ensure consistency in administering the policies. Currently, many of the NPCA's Planning and Permitting procedures are not well documented or have not been documented. Having all applicable procedures recorded and in one central document provides clarity for staff and customers as to how our processes work.

Summary of Policy Opportunities:

Through the 10-Year Strategic Plan, and Conservation Ontario Client Services Streamlining Initiative (2019), the NPCA is committed to maintaining a high standard of client services, tools, and procedures for planning review and permits. The NPCA aims to achieve this goal by:

- Continuously improve implementing NPCA Client Services Standard for Plan and Permit Review protocol to support streamlining, efficiency, and transparency
- Refine decision-support tools for efficient application management and review

- Enhance customer service feedback mechanisms to support performance evaluation and reporting
- Communicate the role and responsibilities of NPCA in plan review and permitting

It is important for members of the community and applicants who are seeking permits from the NPCA or relying on comments from NPCA on planning applications to have the information and guidance necessary to understand what is required from the NPCA. In a few words, all parties need the right tools; access to updated standards, procedures and techniques to support implementation of policies.

There is an opportunity through updates to the NPCA Policy Document and the new Procedural Manual to develop and/or adopt tools and standards to effectively implement NPCA's policies. For example, the Interim Environmental Impact Study Guidelines and Interim Wetlands Procedure Document provide clear guidance for technical work and specifies NPCA's expectations for completing an EIS and evaluating and protecting regulated wetlands. Similar technical guidance documents and decision support tools can be developed to further clarify the implementation of NPCA policies related to natural hazards and other regulated features.

4.0 Discussion Questions

The following questions are designed to elicit discussion around the policy themes presented in this paper. The list of questions is not exhaustive; they focus on key policy areas for which NPCA is seeking input. NPCA invites interested community members, organized stakeholder, government, business, industry and the environmental community to share their thoughts. Feedback will be used to update NPCA's new Policy Document and Procedure Manual. The Discussion Paper survey can be completed online at <https://getinvolved.npca.ca/>. Alternatively, detailed written comments may be forwarded to policy_review@npca.ca. We extend our thanks for your assistance and support.

4.1 Survey

1. Please tell us about yourself.... please select all that apply:
 - a) A community member
 - b) A representative from industry/business
 - c) A representative from the agricultural sector

- d) A representative from an environmental organization
 - e) An elected community leader
 - f) A government representative (Federal, Indigenous, Provincial, Municipal)
 - g) Other (please specify)
2. What policy theme is most important to you and why?
 3. **Climate Change:** Given NPCA'S critical and evolving role with respect to climate change and watershed resilience, what recommendations do you have for the new Policy Document with respect to climate change?
 4. **Ecological Net Gain:** Should the new Policy Document contain policies for ecological net gain related to reconfiguration and re-creation of Non-provincially Significant Wetlands? Please specify.
 5. **Public Education and Awareness of Roles and Responsibilities:** NPCA wants to ensure stakeholders and community partners have a solid understanding of NPCA's regulatory and watershed role for effective implementation of Policies. Should the new Policy Document contain information that better explains the role and responsibilities of NPCA, and other levels of government involved in Environmental, land use, and watershed planning? Please specify.
 6. **Stormwater Management, Low Impact Development & Green Infrastructure:** Given NPCA's commitment to climate change and important role in sustainable land use planning and growth, what recommendations do you have for the new Policy Document with respect to green infrastructure and/or Low Impact Development, including how these policies are implemented collaboratively with municipal partners? Please specify.
 7. **Urban Intensification:** Should the new Policy Document include policies to address urban intensification and/or infilling that impact NPCA regulated areas? Please specify. [For example, a proposed innovative housing project on a site subject to erosion.]
 8. **Watershed and Sub-Watershed Planning:** How can NPCA watershed planning support municipal sub-watershed planning processes?

9. **Agriculture:** Do the existing policies accurately reflect current agricultural practices? Are updated NPCA policies needed to better support normal farm practices and diversified on-farm uses within regulated areas? Please specify.
10. **Buffers:**
- A. Should the new Policy Document contain prescribed policies relating to buffers? Please specify.
 - B. If you support prescribed buffer policies, would you recommend that NPCA adopt a policy approach that focuses on (a), (b), or (c) below:
 - (a) Minimum buffer widths with no opportunity to reduce the width, but can be increased through an environmental study;
 - (b) Robust buffer widths that can be reduced or increased with support from an environmental study; or
 - (c) None of the above. (Please explain).
 - C. Should NPCA develop and utilize a decision support tool for determining buffer width? If so, do you have any recommendations for NPCA with respect to criteria and methodology?
11. **Natural Heritage Features and Areas:** Should the new Policy Document contain policies to clarify the role of NPCA and watershed municipal partners with respect to the review of impacts to natural heritage features and areas that are also protected and managed under municipal and provincial policies and plans (e.g., Significant Woodlands, Significant Wildlife Habitat, Habitat of Endangered and Threatened Species and Linkages)? Please specify.
12. **Implementation and Customer, Client Services:** NPCA is committed to service excellence. Do you have any recommendations for NPCA that would enable the organization to deliver services more efficiently and more effectively? Please specify.
13. **Application Requirements:** NPCA is committed to excellent client service and timely review. To help landowners with minor permits (e.g. sheds, decks, pools, and minor home additions) what general advice do you have to make the technical requirements and procedures easy to navigate?

Additional Thoughts/Comments:

14. Are there any additional issues, comments or thoughts you would like to share with NPCA regarding the development of the new Policy Document? Please specify.
15. Are there thoughts or comments that you would like to share regarding the development of the new Procedural Manual? Please specify.
16. If you had 'One Big Idea' or 'One Big Recommendation' to make to the regarding the new Policy Manual, what would that One Big Idea/Recommendation be? Please be specific.

5.0 Summary and Next Steps

This Policy Discussion Paper highlights the policy themes that emerged during Phase 1 of this initiative. It presents an overview of several key policy themes and opportunities and provides the reader with an opportunity to offer comments and feedback.

The input received from all interested parties will help to shape the new NPCA Policy Document and Procedural Manual. We value and appreciate the time you have taken to read this Discussion Paper, and the Buffer Width Discussion Paper. Additional information about this initiative – timelines, process and deliverables – is outlined in a Frequently Asked Questions document available on the NPCA's website at <https://getinvolved.npca.ca/>.

We will be seeking input from interested parties until **September 9, 2022**. NPCA will be taking the time to fully assess the comments that have been shared. An Engagement Summary Report, Draft Policy Document and Draft Procedural Manual will be developed and shared for further review and comments prior to bringing the final documents to the NPCA Board of Directors for approval at the end of 2022. There is a lot of work to do to develop a new Policy Document. With your help, NPCA is well-positioned to build a document that will be valued and valuable for all.

Thank you for your time and for your assistance.



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