



## Essex Region Conservation Authority

### Board of Directors

### Meeting Agenda

Meeting Date: Thursday, April 11, 2024

Time: 6:00 pm

Location and Details: Council Chambers, County of Essex Civic Centre  
360 Fairview Avenue West, Essex, ON

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- A. **BD12/24 Watershed Management Services Activities Report for February and March 2024** 23-29
- B. **Environmental Registry Reports**
  - i. Conservation Ontario's comments on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891) 30-33
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**13. Committee of the Whole**

None

**14. New Business**

**15. Other Business**

A. **Next Meeting**

The next meeting of the ERCA Board of Directors will be held June 20, 2024, starting at 6:00 p.m. at the Essex Civic Centre.

**16. Adjournment**



A handwritten signature in black ink, appearing to read "Tim Byrne", is written over a horizontal line.

**Tim Byrne, CAO/Secretary-Treasurer**

## Upcoming Events

- May 8, 2024 – At the Call of the Chair
- June 20, 2024
- September 12, 2024
- October 10, 2024 – At the Call of the Chair
- November 14, 2024
- December 12, 2024



## Essex Region Conservation Authority

### Board of Directors

### Meeting Minutes

**Meeting Date:** Thursday, March 28, 2024

**Time:** 6:00 pm

**Location and Details:** Council Chambers, County of Essex Civic Centre  
360 Fairview Avenue West, Essex, ON

#### Attendance

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**Members Present:**

Jim Morrison (Chair)	Anthony Abraham
Sue Desjarlais (Vice-Chair)	Larry Verbeke
Molly Allaire	Dayne Malloch
Katie McGuire-Blais	Joe Bachetti
Kim DeYong	Tania Jobin
Thomas Neufeld	Angelo Marignani
Michael Akpata	Kieran McKenzie
Ryan McNamara	Mark McKenzie

**Absent:**

**Regrets:** Peter Courtney Tracey Bailey  
Jason Matyi

**Staff Present**

Tim Byrne, CAO/Secretary-Treasurer  
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA  
Kevin Money, Director Conservation Services  
Danielle Breault-Stuebing, Director Community and Outreach Services  
James Bryant, Director Watershed Management Services  
Dan Jenner, Regulations Coordinator

**Others**

Ron Giofu, Rivertown Times

#### 1. Call to Order

Good evening and welcome to the March 28, 2024, meeting of the ERCA Board of Directors. I will call the meeting to order. Thank you all.

We have regrets this evening from:

- Councillor Peter Courtney, Amherstburg
- Councillor Jason Matyi, Essex
- Mayor Tracey Bailey, Lakeshore

## 2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

## 3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

## 4. Approval of Agenda

### A. ERCA Board of Directors

**Resolution 29/24** Moved by Angelo Marignani  
Seconded by Anthony Abraham  
THAT the Agenda of the March 28, 2024, meeting of the ERCA Board of Directors be approved.  
**Carried**

## 5. Hearings

None

## 6. Adoption of Minutes

### A. ERCA Board of Directors

**Resolution 30/24** Moved by Molly Alliare  
Seconded by Thomas Neufeld  
THAT the Minutes of the February 15, 2024, meeting of the Board of Directors and the recommendations therein be approved as distributed. **Carried**

### B. ERCA Executive Committee

**Resolution 31/24** Moved by Molly Alliare  
Seconded by Katie McGuire-Blais  
THAT the Minutes of the February 15, 2024, meeting of the Executive Committee and the recommendations therein be approved as distributed. **Carried**

## 7. Business Arising from the Previous Minutes

None

## 8. Announcements

This is a special meeting of the ERCA Board of Directors, called to address several requirements related to the changes to the Conservation Authorities Act and Regulations.

I'd like to thank you all for taking the time to attend this important meeting. Before we dive into tonight's agenda, I did want to remind members of the upcoming Eclipse events which will be hosted at John R. Park Homestead and Holiday Beach Conservation Areas on April 8, 2024. You can speak with Danielle if you need further information.

There are several sweeping changes put forward with Ontario Regulation 41/24 that staff will be advising on and we as a Board are mandated to address prior to April 1, 2024, this date being the trigger for us having to participate in this previously unscheduled meeting.

As Chairperson, I want to thank staff for this diligence in quickly responding to the provincially mandated turnarounds being put forward in reports this evening.

## 9. Delegations

None

## 10. Presentations

None

## 11. Reports for Approval

### A. BD05/24 New Conservation Authorities Act, Regulations, and Interim Policy Guidelines for Development Reviews

**Resolution 32/24** Moved by Kieran McKenzie  
Seconded by Larry Verbeke

THAT the Essex Region Conservation Authority Board of Directors approve and adopt the documents listed herein under Interim Policies and Procedures, for implementation on the provincially set date of April 1, 2024. **Carried**

### B. BD06/24 Delegation of Powers Related to Permit Issuance, Cancellation, and Hearings

**Resolution 33/24** Moved by Joe Bachetti  
Seconded by Angelo Marignani

THAT the Essex Region Conservation Authority Board of Directors delegate powers, effective April 1, 2024, related to Permit Issuance, Cancellation, and Hearings, to those administrative positions, Board Executive Committee, and Members of the Authority (full Board), as recommended in Table 1 of BD06.24. **Carried**

### C. BD07/24 Appointment of Provincial Offences Officers under the CA Act and Delegation of Authority under the Trespass to Property Act

**Resolution 34/24** Moved by Joe Bachetti  
Seconded by Kimberly DeYong

THAT the Essex Region Conservation Authority Board of Directors designate those individuals identified in Table 2 within BD07/24 as a Provincial Offences Officers under S.30.1 of the *Conservation Authorities Act to enforce* Section 28 & 29 of the Act and applicable regulations, as amended from time to time; and further

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THAT the Essex Region Conservation Authority Board of Directors also delegate those same individuals as Agents of the Authority for the purposes of the *Trespass to Property Act*. **Carried**

#### **D. BD08/24 Update to ERCA's Hearing Guidelines**

**Resolution 35/24** Moved by Kimberly DeYong  
Seconded by Ryan McNamara

THAT the Essex Region Conservation Authority Board of Directors approve the updated Hearing Guidelines, dated March 28, 2024, which reflects changes to the Conservation Authorities Act and Ontario Regulation 41/24; and further,

THAT Administration make any "housekeeping" updates to the approved Hearing Guidelines, including but not limited to potential amendments based upon any new template being released by Conservation Ontario, with all revisions appropriately tracked; and further,

THAT Administration make a commitment to an annual review of the ERCA Hearing Guidelines to ensure consistency and compliance with current applicable legislation. **Carried**

### **12. Reports for Information**

#### **A. Environmental Registry Reports**

None

#### **B. Correspondence**

- i. Letter from MNRF regarding Update: Regulation of Development for the Protection of People and Property from Natural Hazards in Ontario – Ministry of Natural Resources and Forestry dated February 16, 2024

**Resolution 36/24** Moved by Larry Verbeke  
Seconded by Anthony Abraham  
THAT correspondence be received for Members' information. **Carried**

### **13. Committee of the Whole**

#### **A. Confidential Matters Related to Personnel**

**Resolution 37/24** Moved by Angelo Marignani  
Seconded by Kieran McKenzie  
THAT the actions of the Board of Directors in Committee of the Whole meeting, March 28, 2024, be endorsed. **Carried**

### **14. New Business**

#### **A. Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act (O. Reg. 687/21)**

Tim Byrne provided an update to the Board that the Ministry was advised of signed Cost Apportioning Agreements with all municipalities have been completed and posted on ERCA's

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website with thanks to all local municipal administration for assisting in the finalization of these requirements.

## B. Preliminary Update from Maple Fest

Thank you to all who came out to join us for various events during Maple Fest at John R. Park Homestead. Approximately 2300 visitors over the course of the two weekends of Maple Fest joined us. Our appreciation to the staff for a successful event.

## 15. Other Business.

### A. Next Meeting

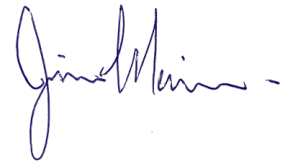
The next meeting of the Board of Directors will be held on April 11, 2024, starting at 6:00 p.m. in Council Chambers at the Civic Centre in Essex, ON.

## 16. Adjournment

**Resolution 38/24** Moved by Molly Alliare

Seconded by Katie McGuire-Blais

THAT the February 15, 2024 meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



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Jim Morrison, Chair



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Tim Byrne, CAO/Secretary-Treasurer





## Essex Region Conservation Authority

### John R. Park Homestead Advisory Board

### Meeting Minutes

**Meeting Date:** Wednesday, April 3, 2024

**Time:** 5:10 pm

**Location:** Via Zoom

#### Attendance

**Members Present:** Lynn Baker (Chair) Susan Poth  
Rita Ossington Councillor Anthony Abraham  
Ken Schmidt Tamara Stomp  
Sue Desjarlais Darlene Marshall  
Karen Sleiman

#### Absent:

**Regrets:** Councillor Jason Matyi

#### Staff Present

Danielle Stuebing, Director Communications & Outreach Services  
Kristin Ives, Curator/Education Coordinator

#### Others

Jeff Hagan

### 1. Call to Order

L. Baker called the meeting to order at 5:10pm and welcomed all in attendance.

### 2. Land Acknowledgement

We begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomi Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

### 3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

### 4. Approval of Agenda

**Resolution JRPBAB 01/24** Moved by K. Schmidt  
Seconded by T. Stomp

THAT the Agenda for the April 3, 2024 Meeting of the John R. Park Homestead Advisory Board be approved. **Carried**

## 5. Business Arising from the Minutes

Ken noted that quorum was not achieved at the scheduled meeting to be held on November 22, 2023. D. Stuebing advised that for emergency reasons beyond a members' control, they were unable to get to the meeting and the JRPHAB decided to move forward to ensure a timely exchange of information. The meeting agenda and record was reviewed with the member the following day, and that the notes are provided for informational purposes.

## 6. Reports for Approval

### A. JRPHAB 01/24 Committee of the Whole Report – K. Ives

**Resolution JRPHAB 02/24** Moved by S. Desjarlais  
Seconded by T. Stomp

THAT the actions of the Committee of the Whole be received and recommended to the ERCA Board for approval. **Carried**

Mr. Jeff Hagan was welcomed to the meeting as a guest, a non-voting member until approved by the ERCA Board.

### B. JRPHAB 02/24 2023 Annual Activities Report – K. Ives

**Resolution JRPHAB 03/24** Moved by R. Ossington  
Seconded by K. Schmidt

THAT the 2023 Annual Activities Report be received and recommended to the ERCA Board for approval. **Carried**

### JRPHAB 03/24 Museum Update – K. Ives

**Resolution JRPHAB 04/24** Moved by S. Desjarlais  
Seconded by A. Abraham

THAT the Curator's Report be received and recommended to the ERCA Board for approval. **Carried**

## 7. Reports of Information

### A. Correspondence – WEDSB, March 5, 2024

Staff offered sincerest appreciation to Darlene Marshall for her leadership in choosing the John R. Park Homestead as a partner in creating the Indigenous Education programs, and was congratulated on her recent retirement. K. Ives was also recognized for her leadership in sharing her learnings with the entire ERCA staff, and her continued excellence as an educator.

**B. Essex Region Conservation Authority AGM – [Annual Report Video](#)**

**C. Architectural Report Update (verbal) – K. Ives**

It was noted that Stage 1 has been completed and that ERCA is still awaiting the permits from the Province of Ontario to move forward with foundation work. Stage 2 of the restoration includes interior and exterior work and the crew is awaiting suitable weather conditions. D. Stuebing noted that Kevin Money was successful in obtaining some additional grant funding towards the restoration and that the Essex Region Conservation Foundation continues to focus on the restoration work as its top fundraising priority.

**D. Maple Festival 2024 (verbal) – D. Stuebing**

More than 2300 people attend the Festival despite poor weather, and more than 75 volunteers supported the successful Festival.

**E. JRPH 2023 Financial Report – D. Stuebing**

It was noted that the financials are reviewed twice per year by the JRPHAB and four times annually by the ERCA Board of Directors.

**8. New Business**

**9. Other Business**

**Resolution JRPHAB 03/24** Moved by T. Stomp  
Seconded by K. Schmidt

That the April 4, 2024 Committee of the Whole Meeting of the JRPH Advisory Board be adjourned at 5:06pm. **Carried**



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Kristin Ives  
Curator/Education Coordinator



## Essex Region Conservation Authority

### Board of Directors

BD09/24

From: Shelley McMullen, CFO/Director of Finance & Corporate Services  
Tim Byrne, CAO/Secretary-Treasurer

Date: Thursday, March 21, 2024

**Subject: Essex Region Conservation Foundation Grants**

Strategic Action: Supports all strategic directions of the Authority

Legislative Action: Charities Accounting Act

**Recommendation:** THAT the Board of Directors accept the 2023 grants from the Essex Region Conservation Foundation, inclusive of the donor designations and gift restrictions, and that it will comply with all specifics contained within the restricted charitable gift agreements, as summarized in attached Schedule A.

### Summary

- The Essex Region Conservation Foundation (Foundation) accepts designated (preferred-use) and restricted-purpose charitable gifts from donors, predominantly for the benefit of the Authority, consistent with its charitable objects. During 2023, the Foundation recognized \$570,601 of grants to the Authority, in its financial statements, of which \$300,537 was advanced to the Authority during the fiscal year.
- When the Authority receives a grant that represents a restricted-purpose gift, it is legally obligated to utilize the gift, in accordance with the restrictions, as set out in the gifting agreement. Historically, Administration has always ensured that restricted-purpose gifts were directed to the appropriate program or project, as specified in the gifting agreement.
- With increased scrutiny on the charitable sector, with respect to compliance with the Charities Accounting Act and the Trustee Act, as well as consideration of the Foundation's Imagine Canada certification, the process to communicate and to accept the designated and the restricted-purpose gifts will now be formalized. The Board of Directors, as the governing body, is bound to uphold the restrictions and should acknowledge the grants and accept the restrictions, through Resolution of the Board.

### Discussion

The Authority has received correspondence from the Essex Region Conservation Foundation regarding grants to the Authority of \$570,601, that it has recognized in its 2023 financial statements. During the year, the Foundation advanced \$300,537 of grants, to support various projects and operations of the

Authority and a final payment of \$270,064 will be released, upon receipt of a Resolution from the Authority's Board, accepting the designated and restricted-purpose gifts.

With increased scrutiny on the charitable sector, with respect to compliance with the Charities Accounting Act and the Trustee Act, as well as consideration of the Foundation's Imagine Canada certification, the process to communicate and to accept the designated and the restricted-purpose gifts will now be formalized. As the ERCF Board has accepted not only designated (preferred-use) gifts for the benefit of the Authority, but donor-restricted gifts, that are considered charitable trusts at law, it is necessary for the Authority's Board of Directors to formally acknowledge, through Resolution, that it accepts the 2023 grants from the Foundation, inclusive of the donor designations and gift restrictions, and that it will comply with all specifics contained within the restricted charitable gift agreements.

The Foundation has included Schedule 'A', included herein, which identifies the ERCF strategic priority, the amount of the gift, the donor-directed designation or the specific nature of the restriction for the restricted-purpose gifts, received by way of signed gift agreements.

Administration recommends that the Board of Directors accept the 2023 grants from the Essex Region Conservation Foundation, inclusive of the donor designations and gift restrictions, and confirms that the Authority can comply with all specifics contained within the restricted charitable gift agreements, as summarized in attached Schedule A.

**Approved By:**



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Tim Byrne  
CAO/Secretary Treasurer

**Attachments:**

- March 14, 2024 Letter from the Essex Region Conservation Foundation

**Appendices:**

- Schedule A



Thursday, March 14, 2024

Essex Region Conservation Authority  
Attention: Mr. Tim Byrne, CAO  
#311-360 Fairview Ave. West  
Essex, ON N9J 3S2

To the Board Members of the Essex Region Conservation Authority

**Re: 2023 Grants to the Essex Region Conservation Authority**

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On behalf of the Board, I am pleased to inform you that the Essex Region Conservation Foundation was extremely successful in its fundraising efforts during 2023 and slightly exceeded expectations. The wonderful financial support of donors and event participants, throughout the year, has enabled the Foundation to recognize grants to the Authority in 2023, of \$570,601. During the year, the Foundation advanced \$300,537 of grants, to support various projects and operations of the Authority and a final payment of \$270,064 will be released, upon receipt of a Resolution from the Authority's Board, accepting the designated and donor-restricted gifts.

While this has not been historic practice, as an organization certified by Imagine Canada, we endeavor to mirror and demonstrate best practice and legal compliance with charity law, and accordingly will now be issuing more formal communications to the Authority. As the ERCF Board has accepted not only designated gifts for the benefit of the Authority, but donor-restricted gifts, that are considered charitable trusts at law, it is necessary for the Authority's Board of Directors to formally acknowledge, through Resolution, that it accepts the 2023 grants from the Foundation, inclusive of the donor designations and restrictions and that it is able to, and will comply with all specifics contained within the restricted charitable gift agreements.

To facilitate this Resolution, we have included Schedule 'A', which identifies the ERCF strategic priority, the amount of the gift, the donor-directed designation or the specific nature of the restriction for the restricted-purpose gifts, received by way of signed gift agreements.

The Board would also like to take the opportunity to formally acknowledge the exemplary work of ERCA staff members: Tim Byrne, Danielle Stuebing, Nicole Kupnicki, and Shelley McMullen, without whom, the Foundation would be challenged to meet its financial goals, maintain its Imagine Canada certification and comply with the high standards and onerous legal requirements for operating a registered charity

in Canada. It is often not a simple nor easy undertaking. The Foundation is currently transitioning to the new Ontario Not For Profit Corporations Act, and these staff members have been integral to meeting the transition deadline. As part of the change to our Bylaws, required by ONCA, and as recommended by legal counsel, the two appointed board members from the Authority will now serve as full voting members and further communication in that regard will be circulated. We anticipate that this governance change will only strengthen the relationship and communication between our respective organizations and additionally, align fundraising priorities.

It has been our pleasure to raise these funds for a credible and most capable agency and we recognize the many challenges that the Authority has faced legislatively over the past four years, restricting the usage of municipal levies. We remain committed to the support of both mandatory and non-mandatory programs and services and will continue to actively solicit funds for programs and projects, as recommended by the Authority and communicated through your Board and staff representatives.

On behalf of the Board,

A handwritten signature in black ink, appearing to read 'J. Wales', with a long horizontal flourish extending to the right.

J. Claire Wales  
Chair of the Board of Directors

**Schedule 'A'**

ERCF Strategic Priority	Grant Amount	Designation/ Restriction	Signed Gift Agreement(s)	Nature of Restrictions
Connecting our Region by Trails	\$ 95,000	Conservation Area Development	Y	For the development of infrastructure and passive recreation opportunities at the Collavino Conservation Area that will promote and enhance public use; the ongoing conservation and preservation of a significant natural area; and onsite education programs.
Connecting our Region by Trails	26,431	Thomas Road Trail Entrance		
Connecting our Region by Trails	19,000	Conservation Area Development	Y	To enhance the visitor entrance and interpretive signage at Devonwood Conservation Area
Connecting our Region by Trails	4,530	Trail maintenance		
Greening our Region and Climate Action	47,502	Tree planting/Restoration		
Greening our Region and Climate Action	57,000	Tree planting/Restoration	Y	To provide the funding support to the ERCA to implement the Caldwell First Nation Habitat Restoration project. Donation 2 of 3
Greening our Region and Climate Action	23,158	Reid Memorial Forest tree planting		
Greening our Region and Climate Action	17,993	Tree planting/Earth Day		
Inspiring Future Generations Through Outdoor Education	52,250	Education program	Y	Inspiring Future Conservationists and Eco-Stewards- outdoor & heritage education programs
Inspiring Future Generations Through Outdoor Education	26,957	Education program		
Inspiring Future Generations Through Outdoor Education	5,500	HMCA Display cases refresh		
Preserving Our Heritage	75,570	JRPH Museum and heritage buildings repairs		
Preserving Our Heritage	47,500	JRPH Museum and heritage buildings repairs	Y	To fund the capital restoration works at the John R. Park Homestead - Donation 1 of 2
Preserving Our Heritage	12,210	Fox Creek Conservation Centre construction (multi-year pledge pmt)		
Building and maintaining a responsible, sustainable, and ethical Foundation	60,000	Governance, Finance & Fundraising supports		
	<b>\$ 570,601</b>			





## Essex Region Conservation Authority

### Board of Directors

BD10/24

From: Tim Byrne, CAO/Secretary-Treasurer

Date: Wednesday, April 3, 2024

**Subject: Transition Plan Requirements under O. Reg 687/21 and Municipal Cost Apportioning Agreements**

Compliance Action: [Ontario Regulation 687/21 TRANSITION PLANS AND AGREEMENTS FOR PROGRAMS AND SERVICES UNDER SECTION 21.1.2 OF THE ACT](#)

Recommendation 1: THAT the information contained herein, be accepted for Board Members' information.

Recommendation 2: THAT the Board of Directors accept the 2024 discretionary and recommended municipal contributions, from the Town of Amherstburg, in the amount of \$30,712, and from the Municipality of Lakeshore in the amount of \$49,396, and from the Municipality of Leamington in the amount of \$31,698, to the new and separate land acquisition and protection fund, in accordance with the respective Cost Apportioning Agreements and Resolutions of Council.

### Discussion

As previously reported, the Authority is required to meet the requirements and associated deadlines, as included in *Ontario Regulation 687/21 TRANSITION PLANS AND AGREEMENTS FOR PROGRAMS AND SERVICES UNDER SECTION 21.1.2 OF THE ACT*. This Regulation prescribes the mandatory components of the Transition Plan, including requirements to: formally adopt a plan (December 31<sup>st</sup>, 2021); to prepare an inventory of programs and services (February 28, 2022); and to enter into Cost Apportioning Agreements with participating municipalities, supported by a resolution of each municipality, that is party to the agreement (December 31<sup>st</sup>, 2023), if funding is required to support Category 3 non-mandatory programs and services.

Prior to the October 1st, 2023, deadline, the Authority requested an extension of the transition date, for the Cost Apportioning Agreements, to March 31, 2024, which was approved by the Minister. As reported to the Minister on March 28<sup>th</sup>, 2024, Administration is pleased to confirm that each of its participating municipalities entered into the Cost Apportioning Agreement by March 31<sup>st</sup> and all Council Resolutions have been received.

Subsequent to Board Report BD01/24 (Budget Approval and Municipal Cost Apportionment), which included the recommendation to accept the discretionary land acquisition contributions from the Town

of Essex and the Township of Pelee, three additional participating municipalities included support for the land acquisition fund, in their respective Cost Apportionment Agreements.

Administration recommends that the Board of Directors accept the 2024 discretionary and recommended municipal contributions, from the Town of Amherstburg, in the amount of \$30,712, and from the Municipality of Lakeshore in the amount of \$49,396, and from the Municipality of Leamington in the amount of \$31,698, to the new and separate land acquisition and protection fund, in accordance with the respective Cost Apportioning Agreements and Resolutions of Councils.

**Approved By:**



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Tim Byrne  
CAO/Secretary Treasurer

**Attachments:**

- March 28, 2024 Letter to the Minister of Natural Resources and Forestry



[admin@erca.org](mailto:admin@erca.org)

Phone 519-776-5209

Fax 519-776-8688

360 Fairview Avenue West

Suite 311, Essex, ON N8M 1Y6

Thursday, March 28, 2024

Sent via email: [ca.office@ontario.ca](mailto:ca.office@ontario.ca)

Ministry of the Natural Resources and Forestry  
Attention: Hon. Graydon Smith, Minister  
Whitney Block, 99 Wellesley Street West  
Toronto, ON M7A 1W3

Dear Minister:

**Re: Essex Region Conservation Authority's (ERCA) Requirements under O. Reg. 687/21**

Please be advised that Essex Region Conservation Authority has met the requirements outlined in Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act (O. Reg. 687/21).

Cost Apportioning Agreements that ERCA has entered into with regional municipalities within the watershed are posted here: <https://www.essexregionconservation.ca/governance>.

Should you have any questions or concerns, please do not hesitate to contact me directly at [tbyrne@erca.org](mailto:tbyrne@erca.org).

Sincerely,

Tim Byrne – CAO/Secretary-Treasurer

Cc: Shelley McMullen – CFO/Director of Finance & Corporate Services

Jim Morrison, Chair

Sue Desjarlais, Vice Chair



## Essex Region Conservation Authority

### Board of Directors

BD11/24

From: Kevin Money, Director of Conservation Services

Date: Wednesday, April 3, 2024

**Subject: Modernization of Conservation Area Entrance Systems**

Recommendation: THAT Members receive BD11/24 Modernization of Conservation Area Entrance Systems for information and approval; and further,  
  
THAT the proposed \$5.00 daily entrance fee for Hillman Marsh Conservation Area be approved beginning June 1, 2024, reflected in an updated 2024 Fee Schedule and posted on the Authority's website, as required.

### Summary

- Day-use fees have been collected at select Conservation Areas since the mid-1990s. In recent years, there has been no consistent, secure method for collecting day-use fees at Hillman Marsh Conservation Area due to vandalism, theft and limited technology solutions.
- At the Hillman Marsh Conservation Area, the implementation of the HONK Mobile parking solution system, will allow for a consistent collection of day-use fees, alleviate reliance on staffing resources and ensure value for those who purchase seasonal and spring birding passes.
- The existing gate system at Holiday Beach Conservation Area has been replaced with new hardware and technology due to the previous system experiencing repeated failures and the termination of technical support by the vendor.

### Discussion

Since the mid-1990s, user fees have been collected at several conservation areas including Holiday Beach, Hillman Marsh, and the John R. Park Homestead. Seasonal Pass sales, which have grown significantly post-Covid, provide seasonal access to each of these Conservation Areas during operational months. The user fees generated from seasonal pass sales are important to support site maintenance ensuring that conservation areas are open, safe, and accessible. This practice is consistent with the user-pay principle endorsed by the Board. Fees generated from special event and seasonal pass sales contribute to the repair and replacement of structures like boardwalks, viewing blinds, benches, upgrades to trails, educational signage and other safety features in conservation areas.

### Hillman Marsh Conservation Area

The collection of user fees at Hillman Marsh Conservation Area has proved to be a challenge in recent years. Prior to 2019, a locked drop box was provided for visitors to pay their entry fees which was

limited to cash-only payment. Continued vandalism and theft rendered this option no longer viable and the lock box was removed. During the busy spring season at Hillman Marsh, when birders from around the world flock to the area, Administration had endeavoured to hire part-time gate staff to collect entrance fees while providing a point of welcome and customer service. The demand for staffing during this period is limited in nature (approx. 6 weeks) and revenue generation does not sufficiently cover wages required for this task. Additionally, complaints have been received from Seasonal Pass holders questioning value proposition of purchasing a seasonal or Spring Birding pass with ERCA's limited ability to staff the site and collect fees from day-use visitors not participating in those programs. As a result, an alternative payment collection system has been determined to be a more viable option.

In an effort to streamline the collection of user fees, ERCA has contracted with HONK mobile, a mobile parking solution. The cost of HONK Mobile is approximately \$300.00 per month plus transaction and processing fees. This cost is far less than the cost of staffing per month at this site. The implementation of this system will occur this spring.

With this system, users can use a QR code to pay their entry fee to Hillman Marsh Conservation Area using a mobile phone. This cloud-based application provides a mechanism to collect fees and report on day-use visitation. During regular and routine maintenance at the conservation area, ERCA staff will be conducting spot checks at this site. An education campaign will be undertaken, utilizing personal contact with seasonal staff, social media channels, and signage and will advise conservation area guests of this process. In addition to demonstrating value to seasonal and spring birding pass holders, this newly implemented process is also expected to show a net increase to revenues, allowing for additional investment in visitor amenities at this site. Administration will monitor the HONK system after implementation for a period of one year to ensure that it is functioning as expected and being utilized by day-use visitors and will report back to the Board.

During the annual Spring Shorebird Celebration, the Board approved Special Event fee is \$10.00 (inclusive of HST). The HONK Mobile system provides for a return to reinstatement of daily access fees for the remainder of the year. Administration recommends a daily fee of \$5.00 (HST incl.) per vehicle during non-event days for the Hillman Marsh Conservation Area which is a change to the existing 2024 Fee Schedule requiring Board approval.

### **Holiday Beach Conservation Area**

Approximately 10 years ago, an electronic gate system was installed at Holiday Beach Conservation Area to ensure the safety and security of park guests while providing an efficient and cost-effective means of collecting revenues required to operate and maintain the park. This has proved an effective method of validating and confirming Holiday Beach access and allowing park staff to be redeployed within the park. In 2023, the gate technology and hardware was determined to be outdated and the software was no longer supported by the vendor. The previous gate system was comprised of two separate components, a payment machine at the gate and an access control system. Both systems were at the end of their lifespan and beginning to fail, causing entry issues for customers in the fall of 2023.

A new gate payment machine has been installed in anticipation of the park opening in late April 2024 to welcome visitors on opening day. This system includes modern payment options such as credit/debit tap and mobile phone pay, while also maintaining the traditional coin option. The new payment

machine also enables pedestrian/cyclist guests to pay user fees to support the amenities and services provided at Holiday Beach as approved by the Board (Report BD22/23).

The new access control system is cloud-based and can be used by staff for remote and after-hours troubleshooting. The access control system supports entry for staff, seasonal pass holders, seasonal campers, controlled access for contractors working at the site, access for emergency services and allows for reliable and controlled access into the park and enhanced reporting. Prior to opening day at Holiday Beach Conservation Area on April 27, 2024, Administration will contact all existing Holiday Beach user groups to providing instructions for use and to replace existing fobs, allowing seamless access to the park.

**Approved By:**



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Tim Byrne  
CAO/Secretary Treasurer

**Attachments:**

- None



## Essex Region Conservation Authority

### Board of Directors

BD12/24

**From:** James Bryant, Director, Watershed Management Services

**Date:** Tuesday, April 2, 2024

**Subject:** **Watershed Management Services Activities Report for February & March 2024**

<b>Recommendation:</b>	THAT the review of Regulations and Planning Applications, as presented in Report BD12/24 be received for Members' information
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### Discussion

This report is provided to the Board as a summary of staff activity related to the Conservation Authority's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (ONT 158/06, made pursuant to Section 28 of the Conservation Authorities Act). It is a summary of staff activity related to the review of municipal planning applications in accordance with the *Planning Act, Environment Assessment Act, Canadian Environmental Assessment Act*. This report summarizes the month of February & March 2024.

**Total Regulations and Planning Activity – February & March 2024**

Application	Count	Type
Clearance	19	
Condominium Request for Conditions	1	Condominium Condition Review
Consent/Variance/Zoning/OPA/SPC/OP	1	
Consent/Variance/Zoning/OPA/SPC/OP	20	Consent
Consent/Variance/Zoning/OPA/SPC/OP	30	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	3	Official Plan Amendment
Consent/Variance/Zoning/OPA/SPC/OP	6	Pre-submission Liaison
Consent/Variance/Zoning/OPA/SPC/OP	10	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	18	Zoning By-Law Amendment
Development Review	2	
EIA Review	1	
Environmental Assessment	1	
Lawyers Request	40	
Miscellaneous Developments	204	
Municipal Drainage Engineer	10	
Municipal Drainage SCR	10	
Permit	100	
Pre-consultation	1	
Pre-consultation	1	Minor Variance
Pre-consultation	9	Pre-submission Liaison
Site Evaluation	1	
Subdivision Clearance of Conditions	2	SUB/Clearance Condition
Subdivision Request for Conditions	2	SUB/Req. Conditions (CTY)



**Activity Summary – Amherstburg – February & March 2024**

Application	Count	Type
Clearance	3	
Condominium Request for Conditions	1	Condominium Condition Review
Consent/Variance/Zoning/OPA/SPC/OP	6	Consent
Consent/Variance/Zoning/OPA/SPC/OP	10	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	3	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	2	Zoning By-Law Amendment
Lawyers Request	4	
Miscellaneous Developments	37	
Municipal Drainage Engineer	3	
Municipal Drainage SCR	1	
Permit	19	

**Activity Summary – Essex – February & March 2024**

Application	Count	Type
Consent/Variance/Zoning/OPA/SPC/OP	1	
Consent/Variance/Zoning/OPA/SPC/OP	2	Consent
Consent/Variance/Zoning/OPA/SPC/OP	3	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	2	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	3	Zoning By-Law Amendment
Lawyers Request	9	
Miscellaneous Developments	22	
Municipal Drainage Engineer	1	
Municipal Drainage SCR	3	
Permit	8	
Pre-consultation	2	Pre-submission Liaison
Subdivision Request for Conditions	1	SUB/Req. Conditions (CTY)

**Activity Summary – Kingsville – February & March 2024**

Application	Count	Type
Clearance	2	
Consent/Variance/Zoning/OPA/SPC/OP	2	Consent
Consent/Variance/Zoning/OPA/SPC/OP	1	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	1	Official Plan Amendment
Consent/Variance/Zoning/OPA/SPC/OP	1	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	3	Zoning By-Law Amendment
Lawyers Request	6	
Miscellaneous Developments	19	
Municipal Drainage Engineer	2	
Municipal Drainage SCR	1	
Permit	8	
Subdivision Clearance of Conditions	1	SUB/Clearance Condition
Subdivision Request for Conditions	1	SUB/Req. Conditions (CTY)

**Activity Summary – Lakeshore – February & March 2024**

Application	Count	Type
Clearance	2	
Consent/Variance/Zoning/OPA/SPC/OP	1	Consent
Consent/Variance/Zoning/OPA/SPC/OP	4	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	2	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	1	Zoning By-Law Amendment
Lawyers Request	9	
Miscellaneous Developments	48	
Municipal Drainage SCR	5	
Permit	27	
Pre-consultation	1	
Pre-consultation	1	Pre-submission Liaison

Application	Count	Type
Site Evaluation	1	

**Activity Summary – LaSalle – February & March 2024**

Application	Count	Type
Clearance	1	
Consent/Variance/Zoning/OPA/SPC/OP	2	Consent
Consent/Variance/Zoning/OPA/SPC/OP	2	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	1	Zoning By-Law Amendment
Miscellaneous Developments	14	
Municipal Drainage Engineer	3	
Permit	6	

**Activity Summary – Leamington – February & March 2024**

Application	Count	Type
Clearance	3	
Consent/Variance/Zoning/OPA/SPC/OP	5	Consent
Consent/Variance/Zoning/OPA/SPC/OP	7	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	5	Pre-submission Liaison
Consent/Variance/Zoning/OPA/SPC/OP	5	Zoning By-Law Amendment
Development Review	2	
Lawyers Request	2	
Miscellaneous Developments	24	
Permit	4	
Pre-consultation	1	Minor Variance
Pre-consultation	3	Pre-submission Liaison
Subdivision Clearance of Conditions	1	SUB/Clearance Condition

**Activity Summary – Pelee – February & March 2024**

Application	Count	Type
Clearance	1	
Miscellaneous Developments	3	
Permit	2	

**Activity Summary – Tecumseh – February & March 2024**

Application	Count	Type
Clearance	5	
Consent/Variance/Zoning/OPA/SPC/OP	2	Consent
Consent/Variance/Zoning/OPA/SPC/OP	3	Minor Variance
Consent/Variance/Zoning/OPA/SPC/OP	1	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	1	Zoning By-Law Amendment
Lawyers Request	2	
Miscellaneous Developments	12	
Municipal Drainage Engineer	1	
Permit	9	

**Activity Summary – Windsor – February & March 2024**

Application	Count	Type
Clearance	2	
Consent/Variance/Zoning/OPA/SPC/OP	2	Official Plan Amendment
Consent/Variance/Zoning/OPA/SPC/OP	1	Pre-submission Liaison
Consent/Variance/Zoning/OPA/SPC/OP	1	Site Plan Control
Consent/Variance/Zoning/OPA/SPC/OP	2	Zoning By-Law Amendment
EIA Review	1	
Environmental Assessment	1	
Lawyers Request	8	

Application	Count	Type
Miscellaneous Developments	25	
Permit	16	
Pre-consultation	3	Pre-submission Liaison

Approved By:



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Tim Byrne  
CAO/Secretary Treasurer

Attachments:



March 18, 2024

Ministry of Environment, Conservation and Parks (MECP)

Submitted via email: [EAmmodernization.mecp@ontario.ca](mailto:EAmmodernization.mecp@ontario.ca)

**Re: Conservation Ontario's comments on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891)**

Thank you for the opportunity to comment on the "New regulation to focus municipal environmental assessment requirements" (ERO#019-7891). Conservation Ontario is the network of Ontario's 36 Conservation Authorities (CAs). These comments are not intended to limit the consideration of comments shared individually by CAs. CAs are proponents of comprehensive (individual) and Class Environmental Assessments (Class EAs), as well as prescribed public bodies under the *Environmental Assessment Act (EAA)* which review and provide comments on EAs in accordance with Ontario Regulation 686/21. Conservation Ontario offers the following comments further to the proposed Municipal Project Assessment Process (MPAP) and proposed revocation of the Municipal Class Environmental Assessment (MCEA).

**Removal of EA Requirements**

The proposed MPAP establishes a Project List that describes the municipal infrastructure project types to be subject to the new process and EA requirements. Any other municipal project type which is currently subject to the MCEA but is not listed in the proposed Project List would no longer have EA requirements. Eliminating EA requirements for these activities removes the ability for regulatory agencies such as Conservation Authorities to provide early comments and additional considerations to proponents to support selection of the preferred alternative. CA input would be provided in the context of risks related to natural hazards as well as drinking water source protection.

For instance, a new well at a new municipal well site is currently prescribed as a Schedule B project under the MCEA and would not have EA requirements under the proposed MPAP framework. Drinking water source protection vulnerable areas associated with these wells may expand past municipal lands and impact neighbouring properties (e.g., application of new prohibition policies for private property owners, such as restriction of current farming practices, or restrictions on storage of chemicals essential to a businesses' daily operations). Generally, the first point of contact with these potentially impacted individuals/groups would occur during the EA process through issuance of notices and consideration of alternatives. Without the EA process in place, the impacted

individuals/groups will not have the ability to influence alternative solutions/locations to address these concerns prior to it becoming a matter for local Source Protection Authorities (SPAs). Due to the potential impacts beyond the municipal property and municipal boundaries, it is recommended that these changes to the drinking water systems and water supply be included in the Project List.

Should the proposal proceed as written, it will be imperative that the Ministry clarify that other legislative, regulatory (e.g., Conservation Authority permits) or municipal (e.g., Source Protection Plans) requirements outside of the EA Act may still apply to a project. To assist proponents with successful implementation, the Ministry should consider providing a comprehensive list of such requirements / approvals as part of the forthcoming MECP implementation guidance. Such a list would be useful for both proponents of Project List projects (e.g., to assist with proposed documentation requirements to identify any “municipal, provincial, federal or other approvals or permits that may be required”), as well as act as a reference guide for proponents of projects which no longer have EA requirements (e.g., current Schedule B projects in the MCEA).

Given the proposed condensed timeframe for the MPAP (six months), opportunities to pre-engage with regulatory agencies, Indigenous communities and members of the public should be encouraged in the MPAP. For instance, certain regulatory agencies such as CAs may provide pre-consultation services, which should be highlighted as a best practice in the MPAP (e.g., prior to proponents issuing the Notice of commencement). Additionally, municipalities will continue Official and Master Planning processes (e.g., master servicing planning for municipal water or wastewater projects). These processes offer opportunities for agencies such as CAs to provide input on longer-range planning, prior to the EA or project implementation process. The current MCEA provides details on integration with municipal planning processes, including municipal Master Planning, and it is recommended that reference to these complementary processes be included in the proposed MPAP. Proponents are ultimately responsible for ensuring necessary approvals are obtained prior to commencing work (regardless of application of the EA Act). However, identification and encouragement of such pre-EA consultation and engagement opportunities within the MPAP provides proponents with greater confidence that the project planning considers relevant legislative, regulatory, and municipal requirements prior to initiating the EA process.

### **Project Notices and Distribution**

The proposed MPAP requires two key notices to be issued to inform the MECP, the public, regulatory agencies, property owners and Indigenous communities of proposed municipal infrastructure projects (i.e. those on the Project List). The MPAP provides a description of the types of groups who should receive notice, but does not provide recommended agency contacts (e.g., as provided in Appendix 3 of the MCEA). Conservation Ontario notes that the Ministry has committed to providing guidance for proponents on consultation with regulatory agencies, including identification of which agencies may be relevant to a project. The Ministry is encouraged to provide this guidance consistent with Appendix 3 of the MCEA. Timely provision of this guidance is essential, as the proposed MPAP requires the proponent to identify interested or potentially impacted persons and groups, including regulatory agencies that they believe may be interested in the project. Conservation Ontario would be pleased to review the draft guidance to ensure recommended points of consultation with

CAs/SPAs are appropriately documented. Notice to and consultation with CAs is essential to ensure proponents are made aware of potential restrictions for project implementation, such as natural hazard features and whether the proposal relates to a significant drinking water threat governed by local Source Protection Plans. This step helps to ensure a smooth transition from EA to implementation.

The MCEA currently requires proponents to contact the local Ministry of Natural Resources and Forestry (MNRF) and CA offices for any proposed project involving a water crossing. This requirement is absent from the proposed MPAP and as such, Conservation Ontario recommends it be included in the above-referenced guidance. On their own, water crossing projects are not proposed to be included in the Project list (and therefore not subject to the MPAP or EA Act), however, water crossings may be required as an ancillary activity to an undertaking on the Project List (e.g., water crossings for a new water treatment or sewage facility). Conservation Ontario strongly recommends that notification to CAs be referenced for all projects involving water crossings (regardless of inclusion on the Project List) and new drinking water systems for which an approval under the *Safe Drinking Water Act* is required. Proponents of water crossing projects can benefit from additional regulatory agency input to help recommend design and placement to mitigate high-risk scenarios. Specifically, CAs may require permits for water crossings to ensure the crossing has minimal interference on the natural features and hydrologic functions of the watercourse. Maintaining this mandatory notification provides the opportunity to flag potential concerns or permitting requirements early in the planning and design process.

**Statement of Completion and Notice of Termination:** Under the proposed MPAP, the Statement of Completion and Notice of Termination would only need to be submitted to the Director of the EAB. Conservation Ontario recommends that these notices be provided to the same distribution list as the Notice of Commencement (relevant regulatory agencies such as CAs, adjacent property owners, Indigenous communities, etc.), as well as any other persons or groups who provided a review of the Environmental Project Report (EPR). These notices should be sent to the aforementioned contacts at the same time as they are sent to the Director of the EAB. Particularly, provision of the Statement of Completion ensures these contacts are aware that the EA process has been completed and the project may proceed to implementation. This can act as a touch point for regulatory agencies such as CAs to confirm project timing and potential approvals required to facilitate successful and timely implementation.

**Notice of Addendum:** The proposed MPAP provides an addendum process for proponents where project changes are required due to unforeseen circumstances or changes in the environment. Proponents would be required to note whether they are of the opinion that the change is significant (or not), and the basis for their opinion. Publishing and circulation of a Notice of Addendum for review would only be required where the proponent indicates the change is “significant”. Conservation Ontario strongly recommends that all projects proceeding with an addendum be required to post a notice and circulate the notice and review opportunity to all people and groups



who received prior notices and/or provided a review of the EPR. Proponents of the MPAP may not be subject matter experts in all matters regarding local environmental conditions at the site of the proposed works, and changes to a project which may not be significant to the proponent may be significant to other interested or affected parties. Conservation Ontario recognizes that the MECP is proposing to provide implementation guidance related to the “addendum process for significant changes to a project”, however, criteria to determine “significant changes” must be outlined in the MPAP directly to ensure a consistent approach for project proponents.

Thank you for the opportunity to review and provide comments on the “New regulation to focus municipal environmental assessment requirements” (ERO#019-7891). Please contact me directly should this letter require any clarification.

Sincerely,

*Nicholas Fischer*

Nicholas Fischer  
Policy and Planning Liaison

c.c: All CA CAOs / GMs



1325 California Avenue  
Windsor, ON N9B 3Y6  
CHAIRPERSON: Fulvio Valentinis  
DIRECTOR OF EDUCATION: Emelda Byrne  
Telephone: (519) 253-2481 FAX: (519)253-0620

March 5, 2024

Mr. Tim Byrne  
Chief Administrative Officer  
360 Fairview Avenue West, Suite 311  
Essex, ON N8M 1Y6  
[tbyrne@erca.org](mailto:tbyrne@erca.org)

**Sent via email**

Dear Mr. Byrne,

On behalf of the Windsor-Essex Catholic District School Board and our Indigenous Education Advisory Committee, we are writing to you today to express our gratitude for Essex Region Conservation Authority's contributions to the education of our students and our educational staff.

In particular, our letter today is to highlight and thank you for the exceptional contribution of Kristin Ives, Curator/Education Coordinator, John R. Park Homestead, ERCA, not only for her contributions to our Indigenous Education program, but also for developing a genuine interest and stewardship for the lands on which our students live, learn and play.

Over the past several years, ERCA and the Windsor-Essex Catholic District School Board have built a mutually supportive and cooperative relationship. Through their collaborative efforts, Kristin Ives and our Indigenous Teacher Lead, Darlene Marshall, have inspired stewardship of human and natural heritage in our students at all levels.

Kristin's understanding of the importance of inclusion and accessibility of all of our students across our system, has been a major catalyst in her development of her "Nature Near You." These sessions, being delivered with the land, for all our grade 4 students are truly valued by our students and their teachers. Kris and her team bring excitement to learning about Indigenous innovations and our connection to nature. Her innovative sessions are rich and meaningful and highlight our student's understanding of their natural everyday surroundings.

Through creative education programs, opportunities and presentations based on the foundations of Indigenous Education, Kristin engages the community. She continually creates public awareness and engagement by curating and hosting exhibits that amplify local Indigenous voices and knowledge. As one of the community leads in creating content that deconstructs colonialism in Windsor-Essex County, Kris continues to build capacity with educators and committees, through Indigenous art, culture, stories and traditions, while embedding knowledge into the interpretive narrative.

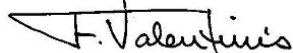
The Calls to Action in the Truth and Reconciliation Commission have challenged all community partners to utilize best practices to ensure compliance through cultural

competency training for Kristin's staff and board. Kristin also endeavors to incorporate commemorative projects that create pathways towards reconciliation. We feel very strongly that this partnership through the on-going daily efforts of our Curriculum Consultant Daniela Koppeser, our Indigenous Teacher Lead and Kristin have enabled us as a Board and you as a community partner to make great strides in fulfilling these calls to action.

Development of an appreciation and stewardship for the land on which we live and an appreciation for the rich Indigenous history and culture as an integral part of our Essex County heritage, is imperative in moving our community forward.

We, at Windsor-Essex Catholic District School Board, are so very grateful for the partnership we have developed with ERCA and for the ongoing contributions Kristin Ives makes in supporting our students' learning.

Sincerely,



Fulvio Valentinis  
Chair of the Board



Emelda Byrne  
Director of Education

c.c. Board of Trustees, WECDSB  
WECDSB Indigenous Education Advisory Committee Chair  
Jim Morrison, Chair of ERCA

/bm