



Board of Directors
Meeting No. BOD-10-23
Friday, December 15, 2023
10:00 a.m.

Agenda

Meeting Location:

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

Upcoming Events

Board of Directors' Annual General Meeting

Friday, January 26, 2024
120 Bayview Parkway, Newmarket

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

I. Acknowledgement of Indigenous Territory

II. Declarations of Pecuniary Interest and Conflicts of Interest

III. Approval of Agenda

Pages 1 - 4

Recommended: That the content of the Agenda for the December 15, 2023 meeting of the Board of Directors be approved as presented.

IV. Adoption of Minutes

a) Board of Directors

Pages 5 - 11

Included in the agenda is a copy of the draft minutes of the Board of Directors' Meeting, No. BOD-09-23, held on Friday, November 24, 2023.

Recommended: That the minutes of the Board of Directors' Meeting, No. BOD-09-23, held on Friday, November 24, 2023 be approved as circulated.

V. Announcements

VI. Presentations

There are no Presentations scheduled for this meeting.

VII. Hearings

There are no Hearings scheduled for this meeting.

VIII. Deputations

Mr. Michael Jacobs, Chief Executive Officer of Cambium Indigenous Professional Services, will make a deputation regarding the Georgina Island Fixed Link project.

Recommended: That the deputation by Mr. Michael Jacobs regarding the Georgina Island Fixed Link project be received for information.

IX. Determination of Items Requiring Separate Discussion

(Reference Pages 3 and 4 of the agenda)

X. Adoption of Items Not Requiring Separate Discussion

XI. Consideration of Items Requiring Separate Discussion

XII. Closed Session

There are no Closed Session items for this meeting.

XIII. Other Business

Next Meeting

The next scheduled meeting is Annual General Meeting taking place on Friday, January 26, 2023. This meeting will be held in person at the Conservation Authority's Newmarket offices located at 120 Bayview Parkway, Newmarket.

XIV. Adjournment

Agenda Items

1. Correspondence

Page 12 - 13

- a) Lake Simcoe Region Conservation Authority letter dated November 17, 2023 to Minister Khanjin and Lake Simcoe Watershed MPPs regarding Winter Salt Management.

Recommended: That Correspondence item a) be received for information.

2. Georgina Island Fixed Link Project Update

Pages 14 - 16

Recommended: That Staff Report No. 62-23-BOD regarding an update on the Conservation Authority's review of and involvement in the Georgina Island Fixed Link project be received for information.

3. New Nature Centre at Scanlon Creek Conservation Area - Project and Funding Progress Report

Pages 17 - 21

Recommended: That Staff Report No. 63-23-BOD regarding project and funding updates on the new Nature Centre at Scanlon Creek Conservation Area be received for information.

4. New Nature Centre Project: Temporary Utilization of Offsetting Reserves If Required

Pages 22 - 26

Recommended: That Staff Report No. 64-23-BOD regarding temporary funding utilizing Offsetting Reserves for the new Nature Centre be received; and

Further that the use of the Offsetting Reserves if required to act as a funding backstop as outlined in this report be approved.

5. Framework to Limit Liability for Winter Maintenance Contractors Employing Best Practices

Pages 27 - 30

Recommended: That Staff Report No. 65-23-BOD regarding a framework to limit liability for winter maintenance contractors employing best practices be received; and

Further that staff be directed to circulate this report and the attached template resolution to watershed municipalities.

Lake Simcoe Region Conservation Authority

Board of Directors' Meeting

Board of Directors' Meeting No. BOD-09-23

Friday, November 24, 2023

120 Bayview Parkway, Newmarket

Meeting Minutes

Board Members Present

Regional Chairman W. Emmerson (Chair), Councillor S. Bell, Councillor A. Courser, Councillor F. Drodge, Councillor A. Eek, Mayor R. Greenlaw, Councillor S. Harrison-McIntyre, Mayor I. Lovatt, Councillor C. Pettingill, Mayor M. Quirk, Councillor C. Riepma, Deputy Mayor and Regional Councillor T. Vegh, Councillor E. Yeo

Board Members Absent

Councillor P. Ferragine (Vice Chair), Regional Councillor B. Garrod, Mayor V. Hackson, Councillor D. Le Roy, Councillor M. Thompson

Staff Present

R. Baldwin, L. Barnes, T. Barnett, A. Brown, K. Cheney, S. Connor, M. Critch, P. Davies, P. Du, D. Goodyear, E. Green, N. Hamley, K. Kennedy, D. Lembcke, G. MacMillan, B. Thompson, K. Toffan, K. Turriff, K. Yemm

Guests in Attendance

A. Tombia

I. Land Acknowledgement

Chair Emmerson acknowledged the Lake Simcoe watershed as traditional Indigenous territory and thanked all generations of Indigenous peoples for their enduring and unwavering care for this land and water.

II. Declarations of Pecuniary Interest or Conflict of Interest

None noted for the meeting.

III. Approval of Agenda

Moved by: S. Harrison-McIntyre

Seconded by: M. Quirk

BOD-136-23 **Resolved That** the content of the Agenda for the November 24, 2023 meeting of the Board of Directors be approved as circulated. **Carried**

IV. Adoption of Minutes

a) Board of Directors' Meeting

Moved by: C. Pettingill

Seconded by: C. Riepma

BOD-137-23 **Resolved That** the minutes of the Board of Directors' Meeting, No. BOD-08-23, held on Friday, September 29, 2023 be approved as circulated. **Carried**

V. Announcements

- a) Chair Emmerson advised that Mayor Hackson has taken a three-month medical leave, and that her spot on the Board of Directors will remain vacant during this time. Board members and staff wished Mayor Hackson a speedy recovery.
- b) CAO Baldwin advised that he was pleased to attend a provincial announcement in Barrie on November 9th. The Hon. Andrea Khanjin, Minister of Environment, Conservation and Parks, announced funding of three Lake Simcoe projects, which are to be led by the Conservation Authority.

VI. Presentations

a) Third Quarter 2023 Financial Report and Year-End Forecast

General Manager, Corporate and Financial Services/CFO, Mark Critch, provided an overview of the third quarter 2023 financial results, noting an operation surplus of \$545K at September 30th, with all annual priorities progressing well and within budget. Drivers of the surplus are spread across the Conservation Authority's various service areas. He reviewed the year-end forecasted expenditures for projects, noting that projects aren't typically completed within the calendar year and progress is often determined by schedules and timelines of municipal and landowner partners, making accurately budgeting in-year spending in Offsetting Programs challenging. He reviewed the 2023 year-end forecasted Capital expenditures and reserve activity.

To view this presentation, please click this link: [Third Quarter 2023 Financial Report and Year-End Forecast](#)

Moved by: T. Vegh

Seconded by: A. Courser

BOD-138-23 **Resolved That** the presentation by General Manager, Corporate and Financial Services/CFO, Mark Critch, regarding the Third Quarter 2023 Financial Report and Year-End Forecast be received for information. **Carried**

Included in the agenda was Staff Report No. 55-23-BOD regarding the Conservation Authority's Third Quarter 2023 Financial Report and Year-End Forecast.

Moved by: T. Vegh

Seconded by: A. Courser

BOD-139-23 **Resolved That** Staff Report No. 55-23-BOD regarding the Conservation Authority's Third Quarter 2023 Financial Report and Year-End Forecast be received for information. **Carried**

b) Chloride in the Lake Simcoe Watershed

Manager, Environmental Science and Monitoring, David Lembcke, together with Manager, Watershed Plans and Strategies, Bill Thompson, provided an overview of the impacts of chloride on Lake Simcoe and its tributaries, along with efforts to address these impacts. Chloride concentrations in the surface waters of the Lake Simcoe watershed, as well as lakes and streams in much of southern Ontario and the northeastern United States, continue to increase due to the use of winter salt on roads and parking lots. A similar increasing trend is observed at the majority of monitoring stations in urban rivers. An analysis of the biologic data sets and water quality parameters identified chloride as the primary factor affecting the health of the aquatic ecology in urban tributaries of the watershed. Decreasing the amount of winter salt use throughout the watershed is critical to the long-term health of Lake Simcoe but more immediately critical to the ecological health of the urban streams and rivers.

The Conservation Authority has been engaging partners on this challenge of increasing chloride concentrations for a decade and has developed a number of resources, including technical briefs that answer commonly received questions (such as, what are the alternatives to salt and their relative advantages?, is salt or sand a better choice?). Case studies have also been done on the triple bottom line benefits of adoption of better winter maintenance practices, and guidelines for designing parking lots which require less salt in winter maintenance.

The Conservation Authority collaborates with various working groups (the Lake Simcoe Salt Working Group, the Freshwater Roundtable, Sustainable Technologies Evaluation Program, Environment and Climate Change Canada, and the Smart About Salt Council), which bring together representatives of all levels of government and source water protection staff, Conservation Ontario, as well as the winter maintenance industry, to discuss the adoption of better winter maintenance practices. Most recently, Conservation Authority staff co-hosted Salt Forum 2023 with Landscape Ontario. This event brought together 100 winter maintenance contractors, provincial staff, municipal staff, and conservation authority staff to discuss the

potential of a regulation to help the industry and help improve water quality throughout Ontario. Broad agreement was found amongst participants that there are significant challenges for both water quality and business sustainability, and that the adoption of the New Hampshire model in Ontario would be a significant step in addressing both of these challenges. The Conservation Authority will continue to work with its partners to promote liability limitation for contractors following winter maintenance best practices, as staff believe this is the single most effective way to hasten the adoption of better practices in the private sector.

Please click this link to view the presentation: [Chloride in the Lake Simcoe Watershed](#)

Moved by: E. Yeo

Seconded by: I. Lovatt

BOD-140-23 **Resolved That** the presentation by Manager, Environmental Science and Monitoring, David Lembcke, and Manager, Watershed Plans and Strategies, Bill Thompson, regarding the impacts of chloride on Lake Simcoe and its tributaries be received for information. **Carried**

Included in the agenda was Staff Report No. 56-23-BOD regarding chloride in the Lake Simcoe watershed.

Moved by: E. Yeo

Seconded by: I. Lovatt

BOD-141-23 **Resolved That** the Staff Report No. 56-23-BOD regarding Chloride in the Lake Simcoe watershed be received for information. **Carried.**

c) **Flood Management Programs**

Director, Engineering, Kenneth Cheney, provided an overview of the Conservation Authority's Flood Management Programs, noting that a core mandate of the Conservation Authority is to undertake watershed-based programs to protect people and property from flooding. Conservation Authorities carry out programs that serve provincial and municipal interest, including Flood Forecasting and Warning and Floodplain Mapping, along with Review and Regulation of development activities within flood hazards, in accordance with the provincial governing legislation. The Conservation Authority compiles rainfall data, land-use information (urban, rural, paved surfaces, wooded areas, etc.), topographic information (ground surface elevations to determine high ground and low ground) into computer models to determine flood hazard lands. These models simulate how much flow there will be and where it is expected. This information assists the Conservation Authority in delineating flooding hazards, in accordance with provincial guidelines.

The Conservation Authority also conducts technical reviews, typically of *Conservation Authorities Act* and the *Planning Act* applications, as part of the approvals process.

Within the Lake Simcoe watershed, there are typically three main types of flooding:

- Riverine Flooding: Flooding associated with rivers, streams, watercourses. Conservation Authorities have a lead role associated with riverine flooding.
- Shoreline Flooding: Flooding associated with the shorelines of large water bodies, such as lakes. Conservation Authorities have a lead role associated with riverine flooding.
- Urban Flooding: Flooding in an urban area due to, often related to infrastructure. Municipalities have the lead role when it comes to urban flooding.

Since floods are the most frequent natural hazard in Canada and can happen at any time of year and be caused by various factors, there is a need within the Lake Simcoe watershed, as well as a mandate issued to conservation authorities by the Province of Ontario, to protect people and property from flooding.

Please click this link to view the presentation: [Flood Management Programs](#)

Moved by: A. Eek

Seconded by: R. Greenlaw

BOD-142-23 **Resolved That** the presentation by Director, Engineering, Kenneth Cheney, regarding an overview of the Conservation Authority's Flood Management Programs be received for information. **Carried**

Included in the agenda was Staff Report No. 57-23-BOD regarding the Conservation Authority's Flood Management Programs.

Moved by: A. Eek

Seconded by: R. Greenlaw

BOD-143-23 **Resolved That** the Staff Report No. 57-23-BOD regarding Conservation Authority's Flood Management Programs be received for information. **Carried.**

VII. Hearings

There were no Hearings at this meeting.

VIII. Deputations

There were no Deputations at this meeting.

IX. Determination of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

X. Adoption of Items not Requiring Separate Discussion

Items No. 1, 2, 3 and 4 were identified under items not requiring separate discussion.

Moved by: F. Drodge

Seconded by: S. Bell

BOD-144-23 **Resolved That** the following recommendations respecting the matters listed as "Items Not Requiring Separate Discussion" be adopted as submitted to the Board, and staff be authorized to take all necessary action required to give effect to same. **Carried**

1. Correspondence

BOD-145-23 **Resolved That** Correspondence Item a) be received for information. **Carried**

2. Development Services Fees Update

BOD-146-23 **Resolved That** Staff Report No. 58-23-BOD regarding the Lake Simcoe Region Conservation Authority Development Services Fees Update be received; and

Further that a 2% increase to the current Fees as recommended for cost-of-living increase, approved as part of the budget process and supported by the Watson & Associates report, be approved, effective January 1, 2024. **Carried**

3. Laser Elevation Data Purchase

BOD-147-23 **Resolved That** Staff Report No. 59-23-BOD regarding the purchase of laser elevation data for the Lake Simcoe Watershed be received; and

Further that staff's recommendation to award the contract to Toronto and Region Conservation Authority as a collective purchase be approved for a purchase over \$100K. **Carried**

4. Cyber Security Program Updates

BOD-148-23 **Resolved That** Staff Report No. 60-23-BOD regarding the Conservation Authority's cyber security program updates be received for information. **Carried**

XI. Consideration of Items Requiring Separate Discussion

No items were identified under items requiring separate discussion.

XII. Closed Session

The Board moved to Closed Session to deal with a confidential land matter.

Moved by: E. Yeo

Seconded by: C. Pettingill

BOD-149-23 **Resolved That** the Board move to Closed Session to deal with a confidential land matter; and

Further that the Chief Administrative Officer, members of the Executive Leadership Team, the Director, Lands, and the Land Securement Officer remain in the meeting for the discussion. **Carried**

The Board rose from Closed Session to report findings.

Moved by: S. Harrison-McIntyre

Seconded by: C. Pettingill

BOD-150-23 **Resolved That** the Board rise from Closed Session and report findings. **Carried**

a) **Confidential Land Matter**

Moved by: C. Pettingill

Seconded by: C. Riepma

BOD-151-23 **Resolved That** Confidential Staff Report No. 61-23-BOD regarding a confidential land matter be received; and

Further that the recommendations contained within the report be approved. **Carried**

XIII. Other Business

a) Chair Emmerson advised the next meeting is scheduled for Friday, December 15, 2023. This meeting will begin at 10:00 a.m.

XIV. Adjournment

Moved by: F. Drodge

Seconded by: C. Riepma

BOD-152-23 **Resolved That** the meeting be adjourned at 11:12 a.m. **Carried**

Original to be signed by:

Original to be signed by:

Wayne Emmerson
Chair

Rob Baldwin
Chief Administrative Officer



November 17, 2023

(Via email only)

To The Hon. Andrea Khanjin
Minister of the Environment, Conservation and Parks

And to Lake Simcoe Watershed Members of Provincial Parliament

Dear Minister Khanjin and Lake Simcoe Watershed MPPs:

Re: Winter Salt Management - Working towards a Solution

The Lake Simcoe Region Conservation Authority (Conservation Authority) recognizes the challenges that the over-application of salt (chloride) on roads and parking lots pose to biodiversity on the land, in our lakes, and to overall health of our communities here in the Lake Simcoe watershed and across the Province of Ontario.

The Conservation Authority believes that there is a solution within reach, to finding a balance between ensuring public safety and environmental protection, which will positively impact the health of all Ontarians.

For several years, the Conservation Authority has been working with organizations, including Landscape Ontario and other partners, to share information among sectors and to seek solutions to address the issue of winter salt usage. A Salt Forum held this past October, led by the Conservation Authority and Landscape Ontario, provided a platform for contractors, provincial staff, municipal staff, conservation authorities staff, academia, and other NGOs, to come together to talk about lessons learned and solutions to the issue of winter road salt. There is unanimous agreement that creating technical standards and a regulatory framework will address the challenges facing the winter maintenance industry. Unanimous agreement across multiple sectors, which is rare, provides a strong basis to move forward with legislative changes to support all interests surrounding the challenges of winter salt mandate for mutually beneficial change.

As one of the Province's key partners in the Provincial Water Quality Monitoring Program, the Conservation Authority is concerned that chloride concentrations have been increasing in Lake Simcoe and have become one of the biggest stressors in our waterways. Since the 1970s, chloride levels in Lake Simcoe have increased by over 500%. Without action, increasing chloride concentrations will continue to impact the Lake Simcoe watershed and watersheds across Ontario.

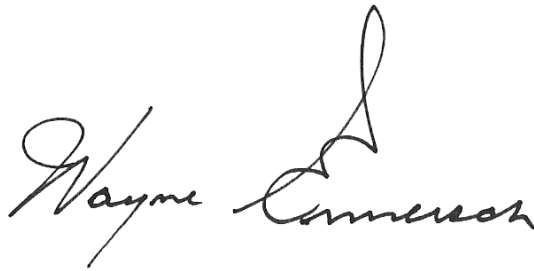
In the state of New Hampshire, USA, contractors who receive certification and demonstrate that they follow state-recognized best practices, receive liability limitation from slip and fall accidents. In a recent case before the State Supreme Court (*Amy Rogers v. Chartwell Management LLC*), the State was successful, further supporting that these regulations are working and are recognized in higher courts.

A solution like this one would be a major step in the right direction to mitigate the environmental and economic concerns being faced, without compromising public safety. The Conservation Authority believes that Landscape Ontario and its partners are ready to successfully support the Province with a similar approach here in Ontario.

Regulating the winter maintenance industry will ensure better protection of our water bodies, increased public safety, better management of roadway infrastructure, reduced snow and ice removal costs, all while protecting the environment from the impacts of oversalting.

We see this solution as a win-win, and we would be pleased to meet with you to discuss how we can assist the Government of Ontario in continuing to show leadership on this issue.

Yours sincerely,



Wayne Emmerson
York Region Chairman and Chief Executive Officer
Chair, Lake Simcoe Region Conservation Authority



Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Glenn MacMillian, General Manager, Development, Engineering and Restoration & Ashlea Brown, Director Development Services

Date: December 15, 2023

Subject

Georgina Island Fixed Link Project Review Update

Recommendation

That Staff Report No. 62-23-BOD regarding an update on the Conservation Authority's review of and involvement in the Georgina Island Fixed Link project be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 62-23-BOD is to provide the Board of Directors with information regarding the Conservation Authority's review of the Georgina Island Fixed Link Project.

Background:

In July 2023, the Board received Staff Report No. 43-23-BOD regarding the status of the Georgina Island Fixed Link Project. In that report, staff advised they were scheduled to attend a technical meeting on August 22, 2023, with the Fixed Link Project team, as well as professionals from Indigenous Aware, WSP, and Cambium Consulting firm. The purpose of the meeting was to review technical information gathered to support the submission to the Impact Assessment Agency of Canada. At the meeting, detailed information was provided by WSP and Cambium on the Aquatic and Terrestrial studies and findings to date. The Coastal Engineering report had not been completed at that time and did not form part of the meeting's discussion.

On October 30, 2023, Conservation Authority staff met with the Indigenous Aware and WSP, the coastal engineering consultants. The consulting team provided a high-level overview of the coastal engineering assessment and preliminary results. This was a preliminary meeting and staff are awaiting the full coastal engineering report/s to properly review and provide detailed feedback. This is expected in the next few months.

Issues:

The project team outlined that the initial location of the causeway had been based on costs, choosing the alignment that would be the least expensive. However, the Project Team after completing and reviewing the draft technical studies available to date, proposed shifting the proposed location of the causeway to avoid sensitive wetland habitat, as well as the Sand Islands located on the south-west tip of Georgina Island. With the newly proposed alignment slightly to the east of that originally proposed, additional studies had to be completed to reflect this change.

The technical data is still being processed by the Project Team; however, some of the suggestions offered by Conservation Authority staff and discussed during the August and October meetings included:

1. The preparation of additional pre-development water quality sampling including benthic invertebrates to use as indicators.
2. The development of a detailed monitoring and adaptive management plan to be implemented during construction and after the project is completed to evaluate, mitigate, and address any future impacts.
3. The hydrodynamic modeling used to assess coastal processes and impacts should consider long-term impacts of the proposed structure.
4. Justification should be provided by the coastal team for the scope of the study area.
5. A detailed assessment of any impacts on local ice conditions should be completed as the location of the proposed Fixed Link is a highly utilized area for ice angling.
6. An assessment of how the Fixed Link may affect local weather and climatic conditions should also be undertaken as the proposed Fixed Link generally is oriented perpendicular to prevailing winds.

The detailed project description, part of the Impact Assessment Agency of Canada process, has been postponed until January 2024 at the earliest to allow adequate time to finalize the necessary studies.

At this time, the Conservation Authority has not received or reviewed any draft technical reports; however, it is understood that when the project team has completed draft reports and upon approval of Council, the Conservation Authority will be asked to review and provide technical advice. Staff are unable to provide comments on the proposal until the technical reports can be reviewed.

Georgina Island First Nation will be hosting two engagement sessions to outline the technical findings of the reports which are tentatively scheduled for January 2024. The Conservation Authority will continue to provide technical advice and review any documentation as requested throughout this process, as well as the Impact Assessment Agency of Canada process.

Relevance to Authority Policy:

The Conservation Authority has no legislative authority over this project. The project is being undertaken by a First Nation and therefore is governed by the Federal Government and respective federal legislation. The *Conservation Authorities Act* and the *Lake Simcoe Protection Act* and Plan are Provincial Legislation and are not applicable. The Conservation Authority will not be issuing any permits related to the proposed project as it falls under federal jurisdiction.

Impact on Authority Finances:

At this time, there are no significant financial implications directly associated with this project. Funding from the Impact Assessment Agency of Canada for the Planning phase of the Impact Assessment has been received for staff time spent on the initial review. Additional funding may be available through the next phase of the project. The Conservation Authority will be seeking funding from the Impact Assessment Agency of Canada as detailed review will likely be time consuming, and there is no ability to charge a fee for this matter.

Summary and Recommendations:

It is therefore **Recommended that** Staff Report No. 62-23-BOD regarding an update on the Conservation Authority's review of and involvement in the Georgina Island Fixed Link project be received for information.

Pre-Submission and Recommendations:

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

Signed by:

Glenn MacMillan
General Manager Development,
Engineering & Restoration

Signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: Mark Critch, General Manager, Corporate and Financial Services/CFO; Phil Davies, Director, Conservation Lands; Cheryl Taylor, Executive Director, Lake Simcoe Conservation Foundation

Date: December 15, 2023

Subject

New Nature Centre at Scanlon Creek Conservation Area - Project and Funding Progress Report

Recommendation

That Staff Report No. 63-23-BOD regarding project and funding updates on the new Nature Centre at Scanlon Creek Conservation Area be received for information.

Purpose of this Staff Report:

The purpose of this Staff Report No. 63-23-BOD is to provide the Board with an update on the new Nature Centre at Scanlon Creek Conservation Area, including construction planning, design, and funding of the new facility.

Background:

The new Nature Centre Project was originally initiated in 2014 to advance the replacement of the existing Scanlon Creek Nature Centre with a new, multi-functional facility to service outdoor education and other priority business goals, such as professional training, workshops, events, and community programming. The multi-year project is being advanced in stages, with the findings of each stage informing decisions on how to proceed. Broadly defined project stages and timelines are as follows:

Stage 1: Program Asset Evaluation and Options (2014 - Complete)

Stage 2: Feasibility Assessment (2015-2017 – Complete)

Stage 2A: Connect Campaign (2018 – Present – Ongoing)

Stage 3: Final Design / Approvals (2022 – 2024)

Stage 4: Construction (2024-2025)

Stage 5: Occupancy – (Fall 2025)

The above approach allows for the careful planning, due diligence and decision making required to plan and execute a project of this business magnitude.

Project Financial/Budget Update:

The updated Class D estimate for the full cost of the Nature Centre is projected at \$8.5 million. As with all current construction projects, inflationary pressures are impacting the total project budget. Staff have worked to contain the overall cost by moving the location of the building closer to the entrance, thereby reducing the original construction budget. There have been no changes to the size of the building since the original design.

The Lake Simcoe Conservation Foundation was successful with its application to the Federal Government's Green and Inclusive Community Buildings Program, which provided much needed funding of \$4.175 million. This Federal funding also contained several green infrastructure initiatives that will increase the project budget but will enable lower operating costs for the new Nature Centre. The remaining \$4.3 million dollars will need to come from donations to the Foundation, in-kind donations of construction products and services or other granting opportunities. Through the Foundation's hard work over the last 5+ years, funds totaling over \$3.3M have been raised or committed, with just under \$1.0 million remaining to fully fund the new Nature Centre.

Construction Project Update:

An internal project team including representation from across the Conservation Authority and Conservation Foundation has been established to guide facility development. Education programming is the primary design focus, with additional consideration for professional development training, Conservation Authority events and community activities.

Gow Hasting Architects has been retained to serve as Prime Design Consultant, and they have assembled a team of sub-consultants to lead development of specific design components. The services of CBRE Project Management have also been retained to act as the Owner's Representative to facilitate workplan development and management through to project completion.

The location for the new Scanlon Creek Nature Centre is adjacent to the Operations Centre and approximately 80m from the current facility, bringing benefits that include continuity of program delivery using existing Education program areas, operating efficiencies for grounds and building maintenance, as well as promoting employee, visitor and facility safety and security. The site is close to utility services (power, data, water), reducing associated servicing costs. Tree removal and natural heritage disturbances will be limited as minimal land clearing is required, and the facility will be separated from the Head of Trails, reducing interaction and conflicts between Education programming and public use.

In keeping with Conservation Authority objectives and commitments to project funding partners, the new Nature Centre will be a universally accessible and inclusive building,

welcoming to all visitors. To demonstrate a commitment to Truth and Reconciliation, Gow Hastings retained the services of Two Row Architect to incorporate indigenous values and teachings into the building design and architectural and functional components. This work is being informed through a 9-stage process of engagement with representatives of First Nation communities. The building will incorporate sustainable design features and be net-zero for Carbon, considering all stages of the project from resource extraction through construction, operations and facility end of life. The building and surrounding grounds will house the Conservation Authority's industry-leading education programming and will be designed and built as teaching tools to demonstrate and showcase best practices.

The Conceptual and Schematic Designs stages of the project are complete, and the consulting team has moved into the Detailed Design phase. It is anticipated that municipal approvals will be secured in the first quarter of 2024, and the start of a two-phase development process in March with construction of new parking facilities, septic system and associated landscaping. Phase two construction of the new Nature Centre is anticipated to be complete for occupancy by the end of September 2025.

Connect Campaign Update:

The Foundation's Connect Campaign to raise \$3.0 million to help build the new Nature Centre was launched in late Fall 2018. Campaign goals were set based on the capacity of the Foundation to raise funds with a dedicated staff compliment, as well as 2017 Class D costing estimates that informed the total project budget. Funding for the new Nature Centre is a partnership between the private and public sector. Understandably, the COVID-19 pandemic made raising funds for the new Nature Centre very challenging, but thanks to generous donors and the work of key external stakeholders on the Connect Campaign Committee, over \$3.3 Million has been raised in private sector donations. The largest private sector donation to date is from Mr. Paul Sadlon at \$850,000 in June 2023.

In June 2022, the Foundation was successful in its application to Infrastructure Canada's Green and Inclusive Community Building Program for \$4.17 Million and covers 60% of eligible construction costs. Advance payments are now being received based on the Nature Centre project's cash flow projections.

Thanks to the entire community, there have been almost 2,400 gifts with 735 donors giving to the campaign. Naming opportunities start at \$25,000, and there are 33 gifts in this category.

Although the Connect Campaign has overachieved on its original fundraising goal, the rising costs of inflation, construction materials and labour have resulted in an increase in the new facilities project budget. Therefore, the campaign will continue into the near future to secure the additional cash and in-kind (product and service) donations needed.

On November 2, 2023, the Foundation hosted a donor event celebrating milestones and officially unveiling the site location. Updates on the design, project, and campaign were provided to over 40 enthusiastic donors, prospects, Board, staff, and elected officials. Once active fundraising ends, the campaign will move to a construction update and recognition phase that will celebrate community support of the new Nature Centre.

Issues:

The rising costs of inflation, construction materials and labour are the main issues for the new Nature Centre Project. Requirements of the federal funding in terms of net zero and accessible design may increase budget considerations from a construction perspective but will help mitigate operating costs in the future. Ongoing project management by CBRE and the internal project team is ensuring efficiencies are sought at each stage.

Impact on Conservation Authority Finances:

All capital costs related to the new Nature Centre will be covered by the federal funding and donations and grants secured by the Lake Simcoe Conservation Foundation. There is no municipal budget request for this capital project.

Some site costs were ineligible for federal funding and have been covered through Conservation Authority reserves/deferred revenue, approved by the Board of Directors, in 2023. The relocation of the parking lot used by Conservation Authority staff at the Operations Centre is being proposed in the 2024 Budget and is required to accommodate the new building.

Summary and Recommendations:

It is therefore **Recommended That** Staff Report 63-23-BOD regarding project and funding updates on the new Nature Centre at Scanlon Creek Conservation Area be received for information.

Pre-Submission Review:

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

Signed by:

Cheryl Taylor
Executive Director, Foundation

Signed by:

Rob Baldwin
Chief Administrative Officer

Attachment

Map of New Nature Centre Building site



Features

□ LSRCA Lands



Printed On:
11/30/2023

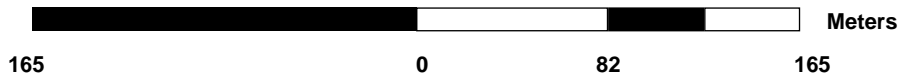


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Mapped By: pd

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Scale 1: 3,246



Staff Report

To: Board of Directors

From: Rob Baldwin, Chief Administrative Officer

Date: December 15, 2023

Subject:

New Nature Centre Project: Temporary Utilization of Offsetting Reserves if Required

Recommendation:

That Staff Report No. 64-23-BOD regarding temporary funding utilizing Offsetting Reserves for the new Nature Centre be received; and

Further that the use of the Offsetting Reserves if required to act as a funding backstop as outlined in this report be approved.

Purpose of this Staff Report:

The purpose of this Staff Report No. 64-23-BOD is to provide a brief overview of the current funding and estimated costs for the construction of the new Nature Centre and to seek approval for the use of Offsetting Reserves if required to ensure timely construction and completion of the facility.

Background:

As the Board is aware, the Conservation Authority has been progressing for multiple years to construct a new Nature Centre to replace the well-worn and outdated facility currently being used to support outdoor education and engagement programs. This project commenced based on one key principle, that there would be no funding request of member municipalities. The funds to design and construct the new Nature Centre were to be primarily raised by the Lake Simcoe Conservation Foundation, along with any provincial and/or federal grants and in-kind contributions.

The fundraising has been led by the Foundation by implementing a focused capital fundraising program known as the Connect Campaign. The Foundation was also the lead in securing federal funding through the Green and Inclusive Community Buildings Program, as well as various in-kind contributions ranging from engineering design to building supplies. The Connect Campaign has been highly successful and continues to develop new donor relationships.

The Connect Campaign began before the COVID-19 pandemic with the intent of having the new Nature Centre nearing or completed by now. Much like all infrastructure projects, the

pandemic significantly impacted the timelines to construct the Nature Centre, and the challenging inflationary increases and general increases in capital construction that all sectors are experiencing have significantly increased the costs for construction. The Green and Inclusive Community Buildings grant was contingent on several capital requirements, which will increase construction costs but will also reduce the long-term operating costs associated with an energy efficient building.

Architectural design and the site plan approval process are well underway with the intent to tender for construction in Spring 2024. Advance works, such as some tree removal, relocation and expansion of parking areas, and other related activities, will commence in early 2024.

Issues

Architectural design of the new Nature Centre has progressed to the point where the design team has been able to provide a Class D cost estimate. Conservation Authority staff and the design team have been revising and working through cost saving concepts to ensure the building meets the functional requirements while respecting the bottom line. The following table outlines the cost estimates for the Nature Centre Project:

Item	Estimated Costs
Construction Costs (includes Parking Lot)	\$6,620,000
Consultants	1,236,000
Permits and Fees	98,000
Occupancy/Owners' Costs	92,000
Furniture, fixtures, equipment (ineligible for federal funding)	345,000
	\$8,391,000
HST (only 1.76%)	148,000
Subtotal of Costs	\$8,539,000
Less:	
Furniture, fixtures, equipment (Conservation Authority)	\$345,000
Parking Lot (Conservation Authority)	400,000
HST	13,000
Total Cost to be funded	\$7,781,000

Currently, the working cost estimate for the Nature Centre project is \$7,781,000. This cost estimate does include cost contingencies. As stated, this is a Class D estimate and further refinements are expected as detailed design is completed and in-kind contributions are included where feasible.

Revenue generated and committed to is currently at approximately \$6,980,000. The following table outlines the current project funding as of the end of the third quarter 2023:

Funding Source	Amount
Green Inclusive Community Buildings Program (Federal)	\$4,175,000
Donations/Pledges	3,300,000
Less Admin (15%)	(495,000)
Net Donations	\$2,805,000
Interest	--
Funding Subtotal:	\$6,980,000
Funding Needed	
Net New Donations Needed	\$942,353
Less Admin	(141,353)
Net New Donations Needed	801,000
Total Funds needed for new Nature Centre	\$7,781,000

The table above outlines the funding needed to address the total estimated cost. The estimated funding gap at the end of the third quarter is approximately \$942,353. This number is expected to be reduced as the Foundation continues to develop new and existing donor support and as in-kind construction contributions are included.

A significant in-kind contribution is currently developing during the design phase, which includes a local manufacturer and will assist in reducing costs.

Staff and the design team met to discuss the funding gap and the design several weeks ago. The only primary way to dramatically reduce costs would be to remove one classroom from the design. This was seen as a non-starter as the program functionality and growth potential is predicated on having four primary classrooms available for the education program. The demand for outdoor education from existing partners is increasing, which the current facility cannot serve.

Staff have reviewed all funding options while always ensuring that a municipal funding request would not occur. A Conservation Authority is prohibited from obtaining a mortgage or seeking another traditional financing option from the private sector other than for operational purposes.

The decision was made to find cost savings through minor design changes, additional Foundation fund raising, in-kind contributions, and the use of a Conservation Authority supported financial backstop accessing idle offsetting reserve funding, if required, which would be repaid through interest revenue and surplus. This solution ensures financial viability for the construction of the Nature Centre while posing no risk to Conservation Authority operations and ensuring any reserve funds utilized are replaced. It is truly hoped that a reserve draw will

not be required as the project unfolds, but the approval of a reserve funding backstop provides financial security.

The estimate of backstop funding, if required, is difficult to ascertain as this time. An estimated draw on the offsetting reserves will not be fully known until all site assessments are complete, the construction is tendered, the Connect Campaign exhausts all funding relationships, and detailed savings from in-kind construction contributions are fully realized. A conservative estimate of the maximum reserve draw may approach \$1.0 million dollars.

The current state of the Offsetting Reserves is quite healthy. Conservation Authority staff are continuing to develop projects to implement offsetting projects but not to a level that would deplete these reserves in the next several years. The brief table below outlines the current state of the Offsetting Reserves:

Ecological Offsetting:	~\$6,520,000
Water Balance Offsetting:	~\$4,640,000
Phosphorus Offsetting:	~\$7,520,000
Total Offsetting Reserve:	\$18,680,000

Note: these balances fluctuate and are approximate as of the end of the third quarter 2023.

Conservation Authority staff strongly believe that this is the one chance to ensure that a new Nature Centre is constructed that can support and grow the Education Program to its potential, as well as the additional revenue generating opportunities that a proper facility can provide. The approval to utilize the Offsetting Reserve as a financial backstop provides certainty for project success and reaffirms the Conservation Authority's commitment to build a new Nature Centre without asking for municipal support in challenging economic times.

Relevance to Conservation Authority Policy:

Conservation Authority staff are seeking the Board's approval for draw/s from the Offsetting Reserve, if and as required, as a funding backstop which is a deviation from the existing Offsetting Policies. This is considered a one-time deviation for this undertaking with the full reserve principle to be returned to the Offsetting Reserve for future projects in keeping with the existing Offsetting Policies.

Any Offsetting Reserve draw would occur in accordance with the Conservation Authority's purchasing thresholds to ensure consistency with Conservation Authority Policy. The maximum cumulative total of Offsetting Reserve draws will be capped at \$1.0 million dollars and any requirements beyond that threshold will require Board approval.

All other Conservation Authority policies and procedures are being adhered to regarding the construction of the new Nature Centre.

Impact on Conservation Authority Finances:

There are minor material impacts to the Conservation Authority finances. A minor impact may be a decrease in available interest revenue and/or surplus revenue if required to replenish any offsetting reserve draws ensuring a full replacement of the reserve funds to pre-draw levels.

There are no impacts to operational and routine Conservation Authority finances as the funds to be potentially used would flow from non-operational reserves and no levy or directly collected fees for service would be utilized.

Conservation Authority staff will include detailed reporting regarding actual Offsetting Reserve draws, if required, projected future Offsetting Reserve draws, and repayment in each quarterly financial update brought to the Board of Directors through project completion and any reserve repayments.

Summary and Recommendations:

A new Nature Centre is on the horizon after many years of hard work and emergence from the COVID-19 pandemic. Inflation and infrastructure costs have risen significantly because of the pandemic and subsequent inflationary pressures resulting in project funding challenges. This capital project will ensure that the Education Program continues with a purpose-built new facility, allowing increased program growth to meet the needs of the Lake Simcoe watershed's growing communities and reaffirm the Conservation Authority's commitment to outdoor education and environmental leadership.

It is therefore **Recommended That** Staff Report No. No. 64-23-BOD regarding temporary funding utilizing Offsetting Reserves for the new Nature Centre be received; and **Further that** the use of the Offsetting Reserves if required to act as a funding backstop as outlined in this report be approved.

Pre-Submission Review:

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

Signed by:

Rob Baldwin
Chief Administrative Officer

Staff Report

To: Board of Directors

From: David Lembcke, Manager of Environmental Science and Monitoring; and Bill Thompson, Manager of Watershed Plans and Strategies

Date: December 15, 2023

Subject

Framework to Limit Liability for Winter Maintenance Contractors Employing Best Practices

Recommendation

That Staff Report No. 65-23-BOD regarding a framework to limit liability for winter maintenance contractors employing best practices be received; and

Further that staff be directed to circulate this report and the attached template resolution to watershed municipalities.

Purpose of this Staff Report

The purpose of this Staff Report No. 65-23-BOD is to provide the Board of Directors with a template resolution should their Councils wish to advocate for a Provincial regulatory framework that limits liability for contractors following best practices for roads maintenance. Such a framework would help address the sustainability of small business in this sector, as well as environmental concerns around chloride.

Background

At their November 2023 meeting, the Board received a presentation and staff report on the impacts of chloride, which advised that chloride concentrations in the surface waters of the Lake Simcoe watershed are above Canadian Water Quality Guidelines in many places and continue to increase due to the use of winter salt on roads and parking lots. This trend is not unique to the Lake Simcoe watershed and is mirrored in the lakes and streams across southern Ontario and the northeastern United States. Decreasing the amount of winter salt use throughout the watershed is critical to the long-term health of Lake Simcoe.

Research, including local studies on a large commercial parking lot in the Lake Simcoe watershed, has demonstrated that adopting best practices like those used in New Hampshire can reduce salt use by 40% without any increase in slips and falls. In fact, in some cases, the over-application of salt can create a slipperier surface for walking on. The most substantial barrier to reducing salt application, however, is concern over liability.

In addition to the environmental concerns over escalating chloride concentrations, there is also a business sustainability crisis in the winter maintenance industry. Many contractors are seeing insurance costs escalate substantially which, combined with the frequency of slip and fall legal settlements, is creating a significant challenge for these small businesses across the province. Many businesses have failed due to these challenges, and some property owners have been unable to find winter maintenance contractors.

Issues

The Conservation Authority believes that there is a solution within reach to reduce salt application and assist businesses in this sector, while ensuring public safety.

The Conservation Authority has been working with organizations including Landscape Ontario and other partners to share information and seek solutions to address the issue of winter salt usage. A Salt Forum held this past October, led by the Conservation Authority and Landscape Ontario, provided a platform for contractors, provincial staff, municipal staff, conservation authorities, academia, and non-governmental organizations to review lessons learned and solutions to the issue of winter road salt. There was unanimous agreement amongst participants that there are significant challenges for both water quality and business sustainability in Ontario. The solution that all participants are working towards, including contractors and property owners, is implementation of technical standards and a Regulatory framework similar to one in place in the state of New Hampshire. In New Hampshire, contractors that have been trained and certified in winter maintenance best practice and can demonstrate due diligence through appropriate record keeping have limited liability against slip and fall claims.

This unanimous agreement amongst such a diverse range of stakeholders is rare, and creating technical standards and a Provincial regulatory framework that limits liability for contractors following best practices significantly benefits each sector and ultimately the environment. It will reduce salt application on private parking lots, provide more certainty and reduce risk for insurance underwriters, thereby helping with business sustainability, while maintaining public safety. It is important to note that the framework that exists in New Hampshire is built upon the Smart About Salt Program that was created and is in use here in Ontario, and that the liability limitation has been successfully defended in the highest level of New Hampshire state courts.

Relevance to Conservation Authority Policy

This work supports strategic directions 2.1 (Knowledge of watershed health and management decisions are improved through comprehensive, leading-edge science) and 3.2 (Mutually beneficial partnerships leverage knowledge and resources for watershed health outcomes).

Impact on Conservation Authority Finances

This report has no impact to Conservation Authority finances.

Summary and Recommendations

It is therefore Recommended That Staff Report No. 65-23-BOD regarding a framework to limit liability for winter maintenance contractors employing best practices be received; and **Further that** staff be directed to circulate this report and the attached template resolution to watershed municipalities.

Pre-Submission Review

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

Signed by:

Signed by:

Don Goodyear
General Manager, Integrated Watershed
Management

Rob Baldwin
Chief Administrative Officer

Attachment

1. Template Resolution regarding a framework to limit liability for winter maintenance contractors employing best practices

Attachment 1

Template resolution regarding a framework to limit liability for winter maintenance contractors employing best practices

Whereas: Chloride concentrations in the surface waters of the Lake Simcoe watershed are above Canadian Water Quality Guidelines in many places and continue to increase due to the use of winter salt on roads and parking lots; and

Whereas: Decreasing the amount of winter salt use throughout the watershed is critical to the long-term health of Lake Simcoe; and

Whereas: a substantial barrier to the reduction of salt application for parking lots and walkways is concern over liability; and

Whereas: businesses in the winter maintenance sector are seeing insurance and legal costs dramatically escalate to the point where many have failed, and some property owners have been unable to find winter maintenance contractors.

Therefore, be it resolved that the Council for (*municipality*) requests that the Attorney General of Ontario and the Minister of the Environment, Conservation and Parks establish technical standards and a Provincial regulatory framework that limits liability for contractors following best practices to ensure public safety, business sustainability, and environmental protection.