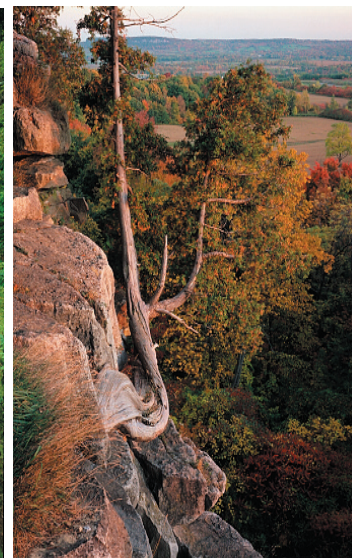




Niagara Escarpment Commission

An agency of the Government of Ontario



2016 - 2017 **ANNUAL REPORT**



June 27, 2017

THE HONOURABLE KATHRYN MCGARRY

Ministry of Natural Resources and Forestry

HONOURABLE MADAM:

I have the honour to submit to you the Annual Report of the Niagara Escarpment Commission for the year commencing April 1, 2016 and ending March 31, 2017.

A handwritten signature in black ink, appearing to read "Don Scott", with a stylized flourish at the end.

DON SCOTT
Chair, Niagara Escarpment Commission

TABLE OF CONTENTS



Note from the Chair ... **1**

Introduction ... **2**

The Niagara Escarpment ... **3**

The Niagara Escarpment Commission ... **4**

Guiding Principles ... **5**

The Niagara Escarpment Plan ... **6**

NEC Operations ... **7**

Strategic Plan ... **8**

Development Permit Activity 2016-2017 ... **11**

Plan Amendments 2016-2017 ... **12**

Environmental Monitoring 2016-2017 ... **16**

Niagara Escarpment Parks and Open Space System ... **17**

Compliance Program ... **18**

Engagement Highlights ... **21**

Niagara Escarpment Biosphere Reserve 2016-2017 ... **22**

Co-ordinated Land Use Planning Review ... **23**

Performance Measures ... **24**

Financial Summary ... **27**

Appendix 1: Niagara Escarpment Commission Members ... **28**

Appendix 2: Niagara Escarpment Plan Map ... **29**

Appendix 3: Municipalities in the NEP Area ... **30**



A NOTE FROM THE CHAIR

I am pleased to report that 2016-2017 was a busy, productive and positive year for the Niagara Escarpment Commission.

The Niagara Escarpment is one of Canada's most magnificent natural landforms and is the cornerstone of Ontario's Greenbelt. It hosts an incredible assortment of forest and freshwater aquatic ecosystems, hundreds of Species at Risk, vital watersheds and prime agricultural areas. With the Escarpment traversing the Greater Toronto Area, one of the most heavily developed and fastest growing regions in North America, the preservation of the Escarpment has never been more challenging and important.

The Niagara Escarpment Planning and Development Act requires that the Niagara Escarpment Plan be reviewed in conjunction with the Greenbelt Plan, every 10 years. For the first time, the review of the Niagara Escarpment Plan was coordinated with the reviews of three other provincial plans: The Greenbelt Plan, The Oak Ridges Moraine Conservation Plan and The Growth Plan for the Greater Golden Horseshoe.

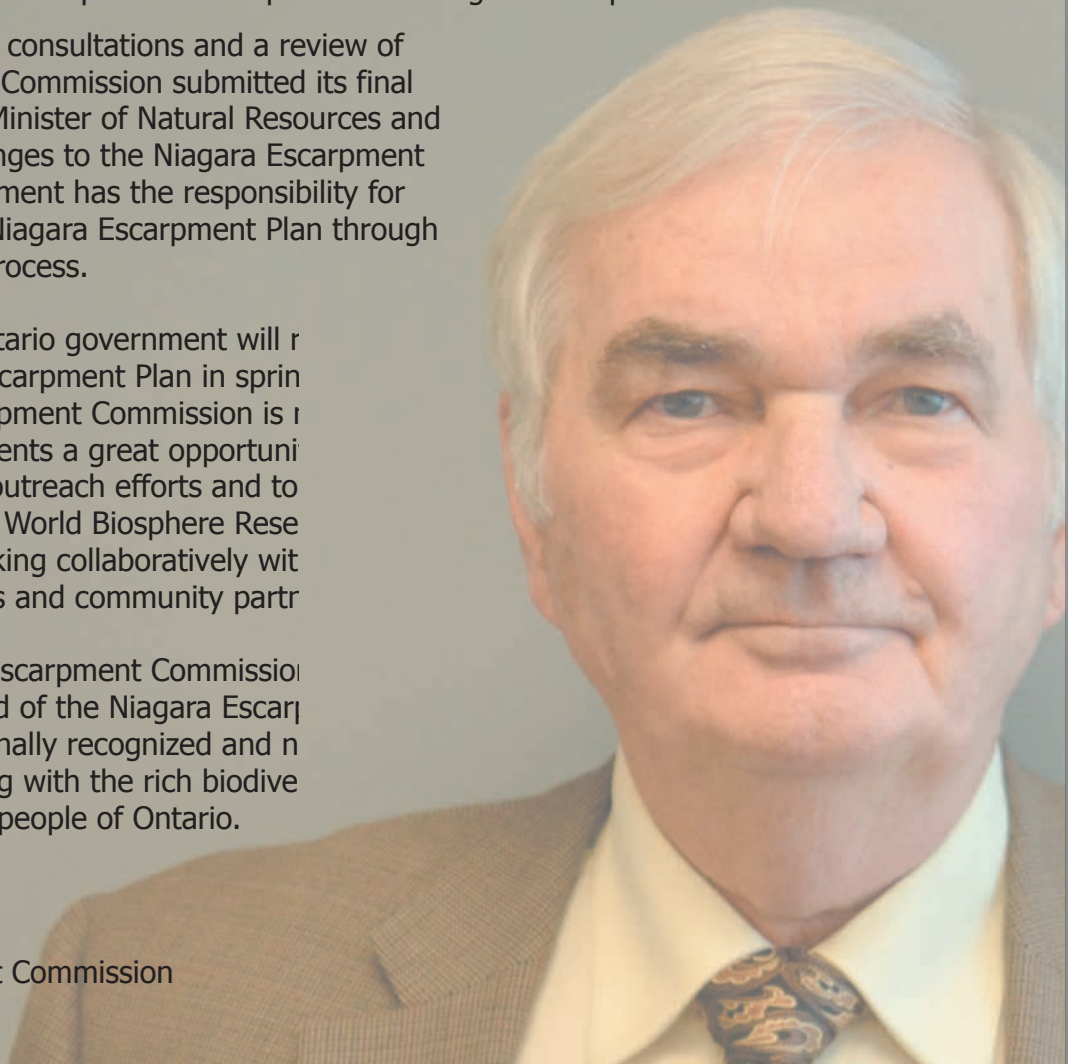
Throughout 2016-2017, the Niagara Escarpment Commission was actively and heavily involved in the Province's Coordinated Land Use Planning Review process. The review of the Niagara Escarpment Plan is a significant undertaking and the Niagara Escarpment Commission continues to remain committed to ensuring policies are in place to preserve and protect the Niagara Escarpment.

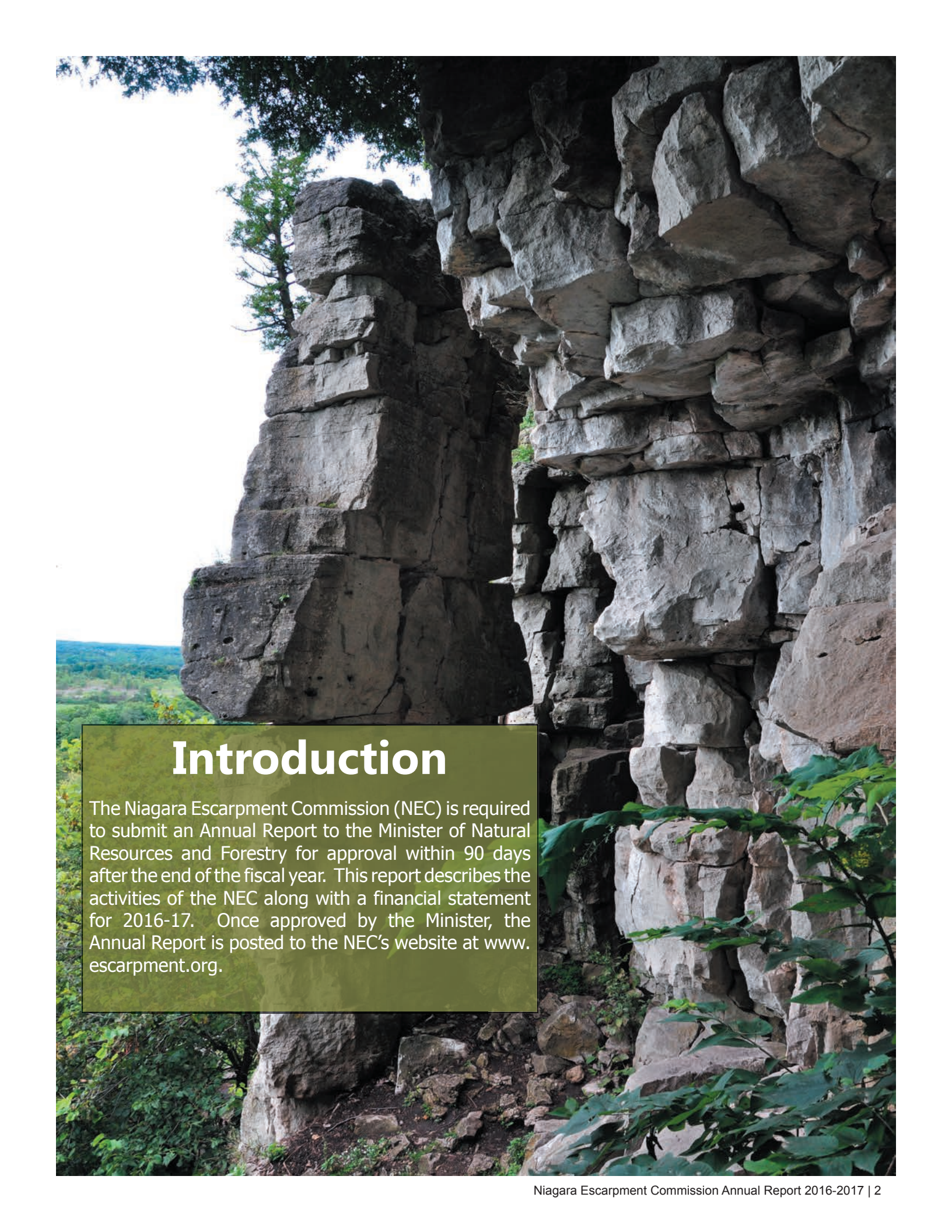
Following extensive public consultations and a review of all feedback received, the Commission submitted its final recommendations to the Minister of Natural Resources and Forestry on proposed changes to the Niagara Escarpment Plan. The Ontario government has the responsibility for finalizing changes to the Niagara Escarpment Plan through the Coordinated Review process.

It is expected that the Ontario government will r
newly updated Niagara Escarpment Plan in sprin
work at the Niagara Escarpment Commission is r
In fact, the new Plan presents a great opportuni
Commission to renew its outreach efforts and to
and celebrate its UNESCO World Biosphere Rese
enlisting support and working collaboratively wit
communities, stakeholders and community partn

In doing so, the Niagara Escarpment Commissio
continue to be the steward of the Niagara Escarp
to preserve this internationally recognized and n
celebrated landscape along with the rich biodive
supports on behalf of the people of Ontario.

Sincerely,
DON SCOTT
Chair, Niagara Escarpment Commission





Introduction

The Niagara Escarpment Commission (NEC) is required to submit an Annual Report to the Minister of Natural Resources and Forestry for approval within 90 days after the end of the fiscal year. This report describes the activities of the NEC along with a financial statement for 2016-17. Once approved by the Minister, the Annual Report is posted to the NEC's website at www.escarpment.org.



The Niagara Escarpment

Spanning 725 kilometres from the Niagara region to the tip of the Bruce Peninsula, the Niagara Escarpment is one of the world's most magnificent natural landforms.

More than 450 million years old, it is the cornerstone of Ontario's Greenbelt and home to Canada's longest footpath, the Bruce Trail, along with hundreds of Species at Risk, vital watersheds and prime agricultural areas.

The Ontario government created the Niagara Escarpment Commission (NEC) and the Niagara Escarpment Plan (NEP) to protect and preserve the Niagara Escarpment as a continuous natural environment and to recognize its role in the health and prosperity of our province.

In 1990, this visionary model of environmental protection earned the Niagara Escarpment recognition as a UNESCO World Biosphere Reserve. This prestigious designation recognizes the Escarpment as an internationally significant landform that balances sustainability between human activities and ecosystems.

Today, with the Escarpment traversing the GTA, one of the most heavily developed and fastest growing regions in North America, the preservation of the Escarpment has never been more challenging and important.

The Escarpment is good for business in Ontario. Rural and agricultural communities support thousands of jobs and produce food consumed by people locally and all over the world, contributing millions of dollars annually to the region's economy. Furthermore, the Escarpment contributes an estimated \$100 million to local and regional economies through tourism.

Ontarians can be proud that it continues to be a site of excellence in biodiversity conservation, one that provides an inspiring model for natural ecosystems, local communities and traditions, and modern economies to co-exist in a sustainable way.

Niagara Escarpment Commission

The Niagara Escarpment Commission (NEC) was established in June 1973 as a regulatory agency that operates at “arm’s length” from the provincial government in accordance with the Niagara Escarpment Planning and Development Act (NEPDA), and the Agencies and Appointments Directive. The NEPDA also established the planning framework for the Niagara Escarpment Plan (NEP) which the NEC administers by promoting the objectives of the plan; processing and making decisions on Development Permit Applications and making recommendations on proposed plan amendments.

The NEC is mandated to develop, interpret and apply policies that maintain and enhance the vitality of the Escarpment’s unique environmental and landscape features and achieves the purpose of the NEPDA and NEP. The decisions of the NEC are made independently, impartially, and according to a risk management framework.

The NEC has 17 members (Commissioners) appointed by Order-in-Council. Nine members, including the Chair, represent the public-at-large and eight municipally-elected members represent counties, cities and regions within the Niagara Escarpment area. A listing of Commission members (as of April 1, 2017) is included in Appendix 1.

The Commission meets on a monthly basis to consider development permits and land use proposals, policy items, and NEP amendments. Meetings are open to the public and are usually held at the NEC’s main office in Georgetown. The NEC reports to the Minister of Natural Resources and Forestry and is supported by a staff of 24, operating from offices in Georgetown and Thornbury.





Guiding Principles

The NEC is guided by the following principles in carrying out its responsibilities, as described in its Strategic Plan (2012-16):

Preservation of the Niagara Escarpment through environmentally sustainable land use planning:

- Leadership in awareness of the value of the Niagara Escarpment;
- Consistent application of policy and legislation;
- Independent and impartial decision-making;
- Transparent, efficient and effective processes and procedures;
- Positive and respectful engagement with clients, partners, and the public; and
- Organizational excellence.

As a regulatory agency, the NEC also conducts itself according to the standards of the Government of Ontario, which include good governance and accountability practices, promoting diversity and inclusion, and providing a high standard of service to the public.



Purpose of the NEPDA and NEP

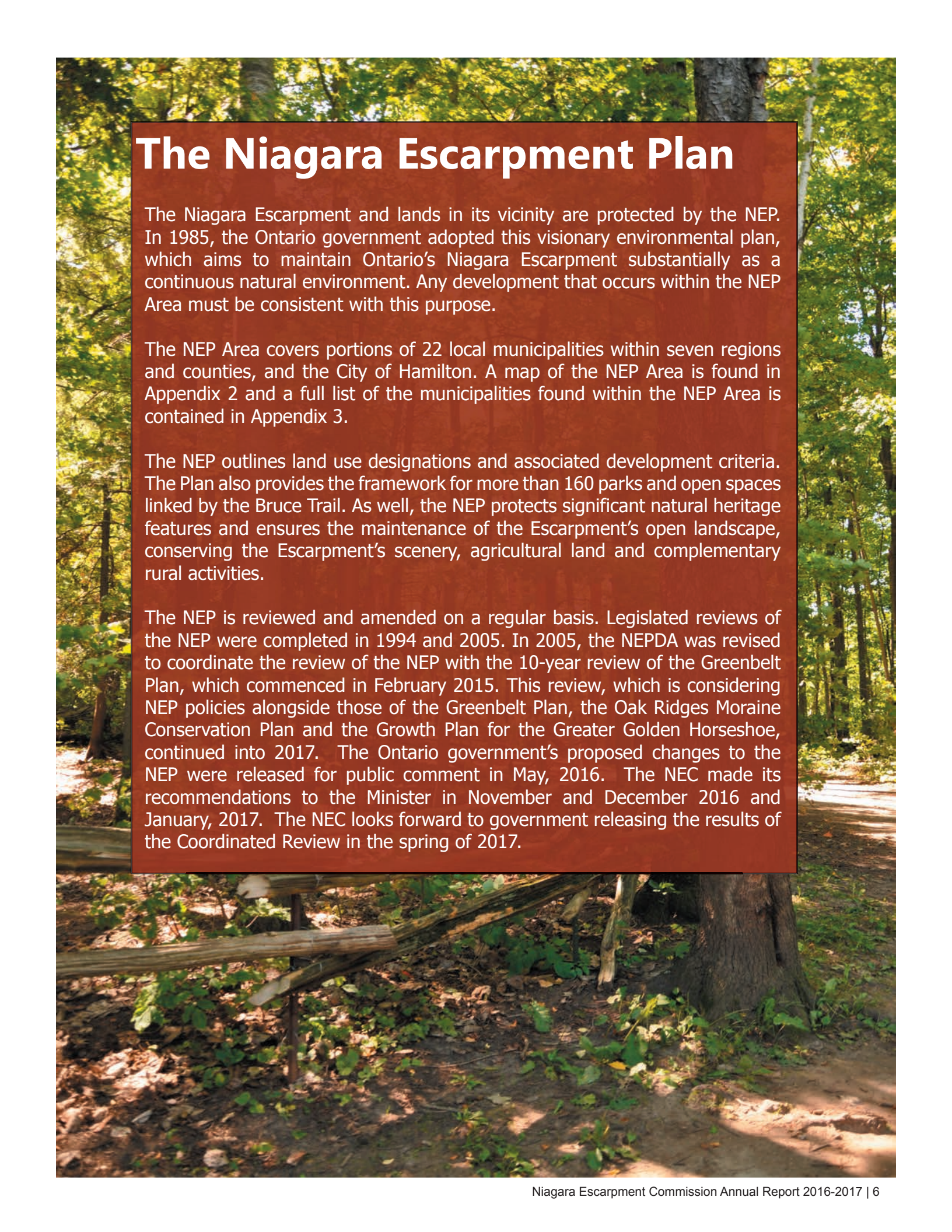
To provide for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.

Mission Statement

Preserve, protect and promote the Niagara Escarpment, and uphold its UNESCO World Biosphere Reserve designation.

Vision Statement of the NEC

Through excellent public service, support the Purpose of the NEPDA by maintaining and enhancing the natural environment and cultural landscape of the Niagara Escarpment for today's and future generations.



The Niagara Escarpment Plan

The Niagara Escarpment and lands in its vicinity are protected by the NEP. In 1985, the Ontario government adopted this visionary environmental plan, which aims to maintain Ontario's Niagara Escarpment substantially as a continuous natural environment. Any development that occurs within the NEP Area must be consistent with this purpose.

The NEP Area covers portions of 22 local municipalities within seven regions and counties, and the City of Hamilton. A map of the NEP Area is found in Appendix 2 and a full list of the municipalities found within the NEP Area is contained in Appendix 3.

The NEP outlines land use designations and associated development criteria. The Plan also provides the framework for more than 160 parks and open spaces linked by the Bruce Trail. As well, the NEP protects significant natural heritage features and ensures the maintenance of the Escarpment's open landscape, conserving the Escarpment's scenery, agricultural land and complementary rural activities.

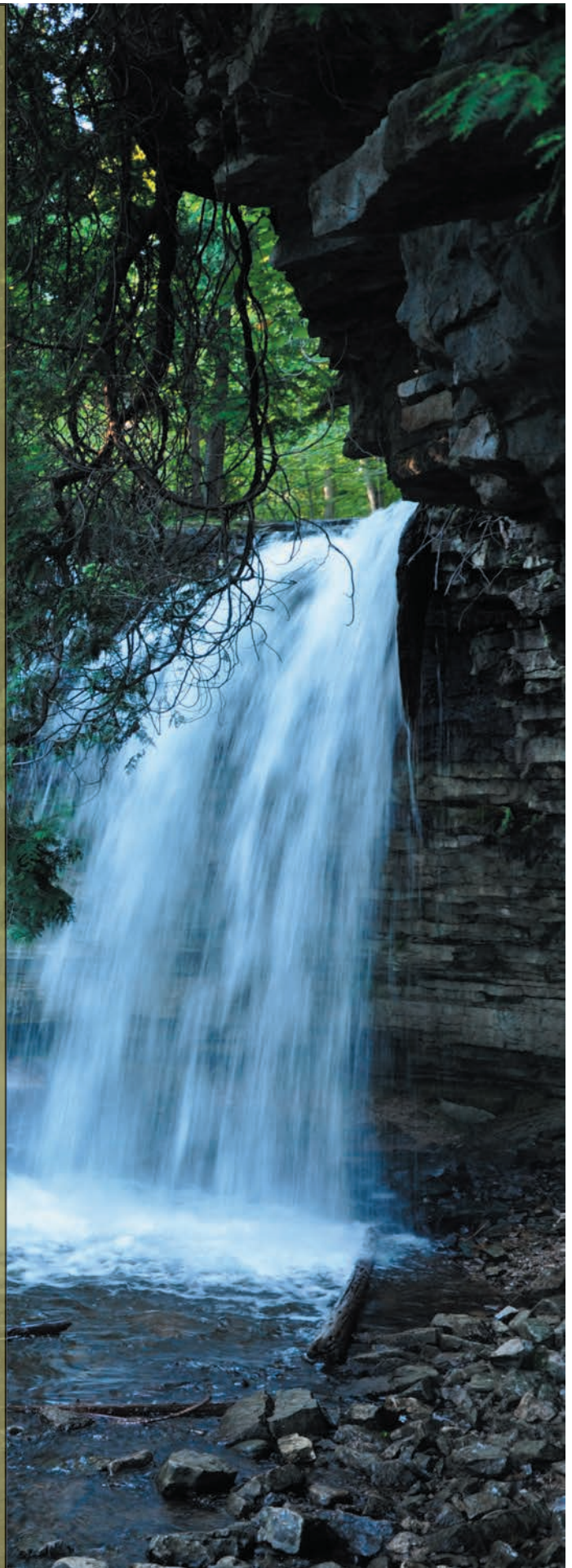
The NEP is reviewed and amended on a regular basis. Legislated reviews of the NEP were completed in 1994 and 2005. In 2005, the NEPDA was revised to coordinate the review of the NEP with the 10-year review of the Greenbelt Plan, which commenced in February 2015. This review, which is considering NEP policies alongside those of the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe, continued into 2017. The Ontario government's proposed changes to the NEP were released for public comment in May, 2016. The NEC made its recommendations to the Minister in November and December 2016 and January, 2017. The NEC looks forward to government releasing the results of the Coordinated Review in the spring of 2017.

NEC Operations

The NEC's role as the province's leading environmental land use planning agency aligns with the Ministry of Natural Resources and Forestry's (MNRF) strategic vision, as set out in Horizon's 2020, of a healthy and naturally diverse environment that enables and contributes to sustainable development in Ontario.

A Memorandum of Understanding (MOU) between the NEC and the MNRF sets out the mandate and core functions of the NEC. Building upon the NEPDA, the NEP, and the MOU, the NEC focuses its operations on:

- Promoting the objectives of the NEP and the NEPDA through sustainable land use planning and policy implementation in the NEP Area;
- Promoting the preservation of biodiversity and ecologically sensitive areas, including the habitat of species at risk;
- Supporting the Niagara Escarpment's economic benefit to Ontario, including sustainable economic opportunities in the resource and tourism sector;
- Leading the Ontario Niagara Escarpment Monitoring Program, in cooperation with the MNRF and other partners;
- Undertaking compliance activities to address possible infractions with regulations and conduct enforcement, as necessary.
- Partnering with the MNRF, park agencies and others in the implementation of the Niagara Escarpment Parks and Open Space System (NEPOSS), a system of inter-connected parks and open spaces along the Escarpment, and support other complementary provincial initiatives such as the Greenbelt and the MNRF's Natural Spaces program.
- Increasing awareness of the Niagara Escarpment through a variety of outreach and communications initiatives; and
- Leading as convenor for the Niagara Escarpment Biosphere Reserve (NEBR).



Strategic Plan

The NEC developed a Strategic Plan covering the period of 2012 to 2016, to guide our work over that four year period as it approached the scheduled review of the NEP. The following describes how the goals were addressed in this last year of implementing the Strategic Plan.

Goal 1 – Role of the NEC

Action 1.1 (Outreach) – Commission members and staff attended a number of the public open houses held with respect to the Co-ordinated Provincial Plan Review.

Goal 2 – Niagara Escarpment Plan Implementation

Action 2.5 (Use of GIS) – The Geographic Information System was extensively used and was essential to effective implementation of the NEP, and delivery of the Commission's advice to the Minister related to the NEP review with respect to Plan Additions, Land Use Designation review, applications for site specific Amendments, Urban Amendments, and to communicating proposed map changes with the public at the open houses.

Goal 3 – 2015 Co-ordinated Provincial Plan Review

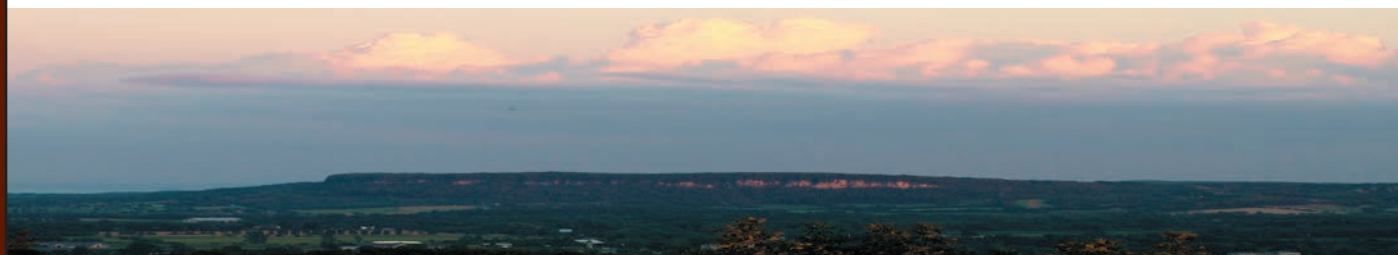
Action 3.2 (Consultation) – The NEC staff consulted extensively with Indigenous communities, the MNRF, Legal Services Branch, municipalities, stakeholders, and the public as part of the Co-ordinated Provincial Plan Review through open houses, technical briefings, consultation meetings, the website and reports to the Commission throughout the process from 2012 to 2017.

Goal 4 – Niagara Escarpment Biosphere Reserve (NEBR)

Action 4.2 (Work collaboratively) –

- NEC Staff participated in a teleconference Board meeting of the Canadian Biosphere Reserves Association. Agenda items included updates on the Canada Man and the Biosphere (MAB) program, the periodic review process working group, Indigenous Working Group and communications.
- In March 2016 NEC staff represented the NEBR at the 4th World Congress of Biosphere Reserves (4WCBR) in Lima Peru where a new action plan for the World Network of Biosphere Reserves was ratified, which ensures that all entities are working towards clearly defined and shared goals.
- Building upon the development of the NEBR Network, the NEC with the help of external consultants, initiated the development of an Indigenous Community Engagement Strategy, to focus on developing, encouraging and supporting Indigenous participation in further NEBR Network initiatives.

Action 4.4 (Renewing and maintaining the designation) – Following the 2012 Periodic Review recommendations, the NEC is facilitating the establishment of an NEBR Network to foster more connection, collaboration, and synergy amongst NEBR practitioners. A draft Terms of Reference was prepared.





Goal 5 – Environmental Monitoring

Action 5.1 (Data collection) – NEC staff led the University of Waterloo forest biodiversity monitoring course in 2016.

Action 5.4 (Performance indicators) – NEC prepared a discussion paper on the topic of Environmental Monitoring during the Plan Review. The NEC collaborated with the MNR and Ministry of Municipal Affairs (MMA) regarding the Plan's commitment for environmental monitoring and development of performance indicators as part of the Co-ordinated Provincial Plan Review and future NEP implementation.

Goal 6 – Consultation and Partnerships

Action 6.1 (Communicate with key partners) – In June 2016, NEC staff hosted a workshop with stakeholders and community partners to introduce the Amazing Places initiative to the NEBR. This initiative is underway in other biosphere reserves across Canada and is focused on encouraging people to explore Ontario's biosphere reserves.

Goal 7 – Communications

Action 7.1 (Convey Commission mandate) – NEC staff co-ordinated two public information sessions to support the Co-ordinated Land Use Planning Review. It was a chance for local communities to ask questions of NEC staff about the proposed changes to the NEP.

Action 7.3 (Undertake public outreach) – The communications work in 2016-17 was focused on establishing a network for the NEBR to foster more connection and collaboration amongst NEBR practitioners.

Action 7.4 (Undertake other activities) – NEC staff undertook a variety of speaking engagements including a presentation on the NEP and NEBR to Chinese delegates in October 2016; participation on a panel of speakers at the Latonnell conference; presentation to University of Toronto forestry students and participation on a panel of speakers at the University of Guelph School of Rural Planning and Development.

Goal 8 – Niagara Escarpment Parks and Open Space System

Action 8.1 (Advisory role) – NEC staff attended the meetings of the NEPOSS Council and attended the Centre for Applied Science in Ontario's Protected Spaces conference at the Royal Botanical Gardens in March 2017.

Action 8.2 (Land securement) – NEC staff met with landowners regarding potential conveyance of land for an addition to the Glen Haffy Conservation Area and met with staff of the Town of Milton regarding two future parks being added to NEPOSS.

Goal 9 – Employee Development

Action 9.1 (Training) – All NEC staff had an individual learning plan. Examples of continuous learning included mandatory on-line OPS training courses, staff attendance at the Ontario Professional Planners Institute Symposium, the Ontario Association of Landscape Architects conference, the Ontario Stone, Sand and Gravel Association Rehabilitation Workshop, the GIS Annual Conference, as well as site visits and an in-house training session on the new Minimum Distance Separation Guidelines led by the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA).

Goal 10 – Technology

Action 10.2 (Improve access to NEC data) – The Ontario government has adopted the principle of "Open Government" which is an initiative about creating a more open and transparent government for the people of Ontario. As part of this initiative the Government is promoting an "Open by Default" approach to the release of government data.

As an agency of the Government of Ontario, the NEC must follow the government's lead and make all of the data it creates, collects and/or manages publically available unless it's exempt for legal, privacy, security, confidentiality or commercially sensitive reasons.

The NEC has created an inventory of all the data it creates, collects and/or manages and has made this list available on the NEC website at escarpment.org/commission/OpenData/index.php. The NEC has also made available for download a limited number of data sets through the Ontario government's Open Data Catalogue.

The NEC also began development of an Operational Strategy that describes how the organization will move forward to implement a new NEP. The Strategy includes approaches for business and organizational effectiveness, promoting the NEC, as well as streamlining and modernizing processes.





Development Permit Activity 2016-2017

The number of Development Permit Applications received in 2016-17 was considerably higher than the previous year due to increased levels of development, primarily within the southern portion of the Niagara Escarpment. A system was put in place to 'triage' applications based on their level of complexity so that more straightforward applications could move forward in a more expedited manner. Further, additional planning staff were put in place to deal with the large number of active Development Permit Applications and increased level of general inquiries. In 2016-17 there was also a noticeable decrease in the number of Development Permit Application Hearings attended versus the number of Permit Application decisions appealed. This change is attributable to the success of NEC staff in resolving issues raised in appeals before they proceed to a Hearing.

	2016-17	2015-16
New Development Permit Applications Received	739	649
Reviewed and Exemption Letters Provided	250	
Conditionally Approved Applications	318	264
Refused Applications	1	8
Permit Application decisions appealed	22	24
Development Permit Application Hearings attended	6	18
Final Development Permits Issued	210	200
Minister's/Hearing Officer's decisions	3	11

The NEP is implemented by the NEC through a Development Permit system. This process ensures that development is compatible with the Escarpment landscape, including its sensitive features, as well as the associated natural, physical and cultural environment.

The NEPDA requires that a Development Permit be obtained from the NEC prior to undertaking development within an area of Development Control, unless it is exempt under Ontario Regulation 828/90, as amended. A Permit is issued with terms and conditions to ensure development is implemented in a manner that minimizes impact to the Escarpment environment. The proponent has a prescribed amount of time (normally one year) to fulfill the conditions of approval prior to issuance of a Development Permit. Once issued, a Permit is typically valid for 3 years in which time the development is to be completed.

Niagara Escarpment Plan Amendments 2016-2017

As part of the administration of the NEP, the NEC processes applications to amend the NEP. Usually such amendments are site specific and propose policy and/or map changes. The Minister of Natural Resources and Forestry can approve, modify or reject amendments and some are referred to the Niagara Escarpment Hearing Office for a decision if there are objections to the proposed amendment.

The NEC can also initiate amendments to update, improve, or clarify Plan maps and policies. Several policy amendments proposed by the NEC (e.g., Significant Woodlands, Species at Risk) are now being considered as part of the Co-ordinated Land Use Planning Review.

Applications for amendments received	0
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Active Amendments	1
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Amendments initiated by NEC	0
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Amendments recommended to the Minister	0
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Amendments approved by Minister	2
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Environmental Review Tribunal and Joint Board Decisions	1
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Amendments deferred by applicant	0
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Amendments referred to Plan Review	7
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There was a significant reduction in the number of active Amendments and the submission of applications for new Amendments to the NEP due to the ongoing NEP Review.

Status of Recent Amendments

2016-2017

File Number	File Name	Date Received/Initiated	Status
PH 143 03	Milton Outlier	March 20, 2003	Deferred - to be addressed through Plan Review
PG 146 03	Castle Glen Recreation Area	July 17, 2003	Deferred - to be addressed through Plan Review
PC 175 08	NEC - Escarpment Recreation Area	August 5, 2008	Deferred - to be addressed through Plan Review
PC 183 10	Significant Woodlands	March 29, 2010	Deferred - to be addressed through Plan Review
PH 185 10	Mount Nemo (Protecting Escarpment Rural Lands)	July 16, 2010	Deferred by applicant
PS 194 12	Covington House	April 27, 2012	Deferred by applicant
PB 196 13	Nochemowenaing (Hunter Court) Ontario Heritage Trust	March 28, 2013	With Minister for decision
PC 197 13	Pinchin Pit	October 17, 2013	With Minister for decision
PC 200 13	OSSGA	December 13, 2013	Deferred - to be addressed through Plan Review
PC 201 14	Species at Risk	December 2013	Deferred - to be addressed through Plan Review
PC 202 14	Source Water Protection	December 2013	Deferred - to be addressed through Plan Review
PC 203 14	Kerbel (Duncan Lake)	September 18, 2014	With Minister for decision
PD 204 14	Doug's Haulage	September 19, 2014	With Minister for decision
PG 207 15	Caframo Ltd.	February 17, 2015	Approved by Minister, May 2016
PB 208 15	Rabicki & Municipality of North Bruce Peninsula	November 19, 2015	Under review
PW 209 15	Posavad	April 16, 2015	With Minister for decision
PH 211 15	Union Gas Ltd.	November 19, 2015	Approved by Minister, May 2016



Plan Amendment Highlights 2016-2017

There were decisions on three NEP Amendments in 2016-2017. Two decisions were made by the Minister, and one by the Joint Board under the Consolidated Hearings Act.

PH 211 – Union Gas Ltd.

In May 2016, the Minister approved an amendment to allow Union Gas to construct a buried natural gas pipeline through the NEP Area in Burlington, in Halton Region. Construction of the pipeline required an open cut through Limestone Creek. As Limestone Creek is habitat of an endangered species, development is not permitted. However, Union Gas proposed an extensive rehabilitation program to ensure that the creek is restored as suitable habitat. Given that there are several species at risk known to inhabit the general area, it would not have been possible for Union Gas to identify an alternate route that would have completely avoided the habitat of a threatened or endangered species. For these reasons, the NEC supported the Amendment.

PG 207 – Caframo Limited

In May 2016, the Minister approved this amendment to allow for a 2,200 square metre expansion of the Caframo manufacturing facility in Wiarton to the boundary of the former Town of Grey County. Caframo is a light industrial company that designs and produces fans, heaters and similar products. Caframo has operated on the site since 1956 and currently employs about 80 staff. Many of the current buildings and/or foundations on the property have existed since 1901. In the early 20th century, the site was owned and operated by a cement company. Caframo is the largest employer in the area, and the expansion will result in an approximate addition of 45 new jobs.

PH 180 – Dufferin Acton Quarry

In October 2016, a Joint Board decision was issued regarding Dufferin Aggregates' (CRH Canada Group Inc.) application to expand its quarry outside of Acton in Halton Region. The decision approved the quarry expansion, which included the re-designation of lands within the NEP Area from Escarpment Rural Area to Mineral Resource Extraction Area. Also approved was the re-designation of 46 hectares from Escarpment Rural Area to Escarpment Natural and Protection Areas to permit conservation of environmental features (Provincially Significant Wetlands and a Regional Life Science Area of Natural and Scientific Interest). When extraction is complete and the site is rehabilitated, 438 hectares of land will be transferred to the Town of Halton Hills for park, recreation and conservation purposes.



NEC Involvement in Other Land Use and Environmental Planning Processes

NEC staff work closely with municipalities within the NEP area by regularly participating in the review of municipal official plan amendments, zoning by-law amendments, master planning processes, and environmental assessments. This ensures that that municipal planning initiatives in or near the Niagara Escarpment take into account the Purpose and Objectives of the NEP. In addition, NEC staff review and comment on strategies and policy initiatives at the provincial and federal levels. In 2016-2017, staff participated in the following planning processes:

Park & Open Space Master and Management Plans	6
Environmental Assessments, Sub-watershed Studies and Source Water Plans	17
Transportation Master Plans	1
Forest Management Plans	2
Official Plan, Zoning By-law & Municipal Reviews	202
Provincial Policy Initiatives	4
Municipal and Community Advisory Committees	9

Environmental Monitoring 2016-2017

Through a long-standing partnership with the University of Waterloo (UW), starting in 1996, the NEC has been monitoring five one-hectare forest biodiversity monitoring plots on public lands within core protected areas of the NEBR.

The 5th inventory of the Hilton Falls plot in August 2016 marked the 20th anniversary of the plot-based monitoring along the Escarpment. The Hilton Falls plot is located in the Robertson Tract of the Halton Agreement Forest in Halton Region. The forest tract is classified as a Natural Environment Park in the NEPOSS and is owned and managed by Halton Region. The Escarpment forest plots are monitored on a five-year rotation for temporal changes in forest biodiversity, growth, mortality, health and regeneration.

Thirteen students from the UW Environment and Resource Studies program participated in the 2016 inventory. Students gain skills in implementing monitoring protocols, vegetation identification and sustainable land use planning. The program contributes to long-term indicator monitoring for measuring the effectiveness of NEP policies and supports the UNESCO biosphere objectives of research, monitoring and education.

Short-term trends analyzed indicate that the land use and management activities within the NEP are providing effective protection to the Escarpment forest types represented by the plots. However, the presence of exotic invasive species is becoming more prevalent and has the potential to impact the quality of these natural areas.



Niagara Escarpment Parks and Open Space System

The Niagara Escarpment Parks and Open Space System (NEPOSS) now consists of 163 parks and open spaces on public lands acquired to protect the Escarpment's significant natural and cultural heritage. The NEPOSS Council is comprised of representatives from various park and open space agencies who work collaboratively to further NEPOSS objectives such as promoting land acquisition and public access. The NEPOSS Council is co-ordinated and administered by the MNRF in partnership with the NEC. The Bruce Trail is the common linkage connecting the parks and open spaces.

Lands within the System are managed in accordance with the policies and objectives of the NEP. The NEPOSS Planning Manual (2012) provides guidance to park and open space agencies/bodies on the planning, development and implementation of management plans. In 2016-2017, the NEC and MNRF participated in the development of new or revised management plans, including:

- **Niagara Region:** Cave Springs Conservation Area
- **City of Hamilton:** Mountain Brow City-owned lands and Churchill Park
- **Halton Region:** Mount Nemo and Kelso-Glen Eden Conservation Areas
- **Peel Region:** Cheltenham Badlands and Belfountain Conservation Area

Additional NEPOSS achievements include significant acquisitions by the Bruce Trail Conservancy (10 properties totalling 286 hectares).

Through the Co-ordinated Land Use Planning Review, the NEC has also proposed revisions to Part 3 of the NEP, which contains policies for NEPOSS. The NEC made its final recommendations to the government on the proposed NEPOSS policies in December 2016. If approved, these changes will help to clarify permitted uses on NEPOSS lands, and establish policies to manage the impacts associated with popular activities such as rock climbing, ropes courses, and snowmobiling.

In March 2017, the NEPOSS Council collaborated with the Centre for Applied Science in Ontario's Protected Spaces (CASIOPA) to host a one-day conference focused on solutions to the challenges of increasing visitation to Ontario's protected areas. Speakers from Trossachs National Park in Scotland, Bruce Peninsula National Park, Royal Botanical Gardens and Ontario Heritage Trust shared their experiences. It was a successful day with more than two hundred participants from across Ontario in attendance.



Compliance Program

The NEC's Compliance Program plays an important role in successful implementation of the Niagara Escarpment Program, as well as ensuring compliance with the NEPDA and its regulations.

The implementation and management of the NEC's Compliance Program is a shared responsibility between the NEC and the MNRF's Enforcement Branch. This is achieved through an Inspection, Investigation and Enforcement Protocol (II&E), which was recently updated in 2015. This joint relationship is paramount to the success of the compliance program, and continues to build and improve over time. Through this relationship, NEC staff have direct access to professional enforcement support and advice, and access to a broader network of Ministry specific compliance and enforcement training/tools. This partnership also allows for the MNRF Conservation Officers and Enforcement managers to receive specific training and updates on NEC related policy matters, compliance initiatives and updates to the Niagara Escarpment Plan.

Inspections are planned annually to monitor compliance with Development Permits and their conditions. Inspections may also be undertaken in response to information reported by NEC staff or the public, or as part of a targeted inspection campaign. Occurrence reports are used by NEC staff to evaluate a possible compliance violation as well as to track and report follow-up by the compliance specialist or other staff members. A Risk Management Framework is in place which is used by all staff to make strategic, risk-informed decisions in response to compliance matters.

The NEPDA provides for administrative orders and offence provisions to address non-compliance. In support of the shared delivery of II&E functions, and by applying an Informed Judgement Matrix (see Table 2), the NEC identifies the need for MNRF support at any stage of preparing for or conducting an inspection or investigation. The request for support may be simply for advice on how to proceed on a compliance-related matter, or for the assistance of a Conservation Officer in an inspection, or for a Conservation Officer to take a lead role in the inspection or investigation. The NEC, in consultation with the MNRF, will evaluate the issue to determine the appropriate response from the suite of options in the compliance continuum. The options include encouraging voluntary compliance, using a Development Permit to gain compliance, an administrative order, a warning, and/or laying of a charge.

The NEC maintains a database for reporting and information management to document and track referrals of occurrences, how they are followed-up (i.e.; II&E actions) and the results. This information is reported annually and is used to assess the efficiency and effectiveness of compliance operations and to inform adjustments to compliance approaches. The results for 2016-2017 are contained in the table below.

The increased volume of Development Permits combined with the high level of development activity resulted in an increase of reported compliance issues in 2016-2017. Increases were particularly higher in the southern portions of the Niagara Escarpment. By working with landowners and NEC staff, a large number were brought into compliance, either through voluntary actions by the landowner, or through obtaining an 'as-built' Development Permit in situations where the compliance issue was minor, and could be undertaken in conformity with the NEP.

The top three types of compliance issues that NEC staff respond to and investigate are fill placement, tree cutting and site alterations (Grading and Excavation). This trend has continued to increase over the last 3 years, primarily due to the close proximity of the Niagara Escarpment to the GTA, where development pressure is intense, and the increasing pressure on companies to legally dispose of fill. The NEC is working with its key partners like the Ministry of the Environment and Climate Change (MOECC) and local municipalities to increase its ability to address these challenges. An example of this is the recent collaboration between the NEC and the MOECC in the creation of a proposed Excess Soil Regulation, which would include changes to the Environmental Protection Act (EPA), to drastically improve the tools for compliance staff use to address unauthorized fill placement within Ontario, including lands of the Niagara Escarpment.

Outreach and Education remain key elements of the NEC's proactive compliance initiatives. The main goal is to provide partners (e.g.; local municipalities, conservation authorities, other provincial Ministries) with information on the NEPDA and its associated Regulations, compliance and enforcement tools, as well as the risk-based approach used in the delivery of the NEC's Compliance Program. Collaboration with our partners also allows the NEC to receive information regarding other tools (e.g. Municipal site alteration bylaw) that may be available to better address compliance issues where jurisdictions (e.g. NEC/Local Municipality) overlap. These local partnerships are a key component that directly contributes to the success of the NEC's Compliance Program.

Table 1: 2016-2017 Compliance Program and II&E Activities

<i>Total Incidents received, recorded & reviewed</i> <i>(Risk assessment results shown in Table 2 based on Informed Judgement Matrix)</i>	125
Not related to NEPDA	16
Determined exempt from requiring DPA under O. Reg 828/90	12
Reviewed for compliance follow up	83

<i>Compliance Actions Taken</i>	
Addressed through voluntary compliance & corrective action	35
Processed through 'as built' Development Permit	17
Compliance files referred to MNRF for further investigation	1
Tickets issued under Part 1 of Provincial Offences Act	3
Occurrence files remaining open & under review (all low risk)	42

<i>Development Permit Compliance Monitoring</i>	
Inspections (per risk-based selection process) See diagram below	19
# Development Permits in total compliance	13
# in various conditions of non-compliance	7
<i>Note: All were subsequently resolved through voluntary compliance</i>	

**Table 2: NEC's Informed Judgement Matrix for Compliance Program
(with Risk Assessment for 2016-2017 Compliance Incidents)**

Informed Judgement Matrix (IJM)		Severity of Alleged Violations			
		1. Administrative	2. Minor Operational / Environmental	3. Medium Operational / Environmental	4. Major Operational / Environmental
Compliance History	A. No history/good compliance history	Compliance Category I (Low Risk) 2016-17: 74 Incidents 60 %			
	B. Previous Minor Violation(s)				
	C. Previous Repetitive Violations	Compliance Category II (Medium Risk) 2016-17: 36 Incidents 28 %			
	D. Obstruction or false information				
	E. Ongoing violation not resolved despite directions	Compliance Category III (High Risk) 2016-17: 15 Incidents 12 %			
	F. Previous convictions or orders				
Category I - Encourage land owner to attain voluntary compliance. Recommend education and outreach to help the land owner understand regulatory obligations. Warnings or Inspection Reports may also be considered.					
Category II - Refer to stronger mandatory application of tools such as orders, suspensions and possible charges.					
Category III - Refer to the strongest mandatory compliance tools such as the laying of charges or the Restoration Orders.					

Engagement Highlights

2016-2017

The NEC encourages awareness of the NEP and the NEBR to the public, partners and clients by:

- Promoting the Objectives of the NEP and the NEPDA through sustainable land use planning and policy implementation in the NEP Area.
- Increasing awareness of the Niagara Escarpment through a variety of outreach and communications initiatives.
- Providing opportunities for information and knowledge exchange among Niagara Escarpment stakeholders.

In 2016-2017, the NEC engaged in a variety of communications initiatives, and a few highlights are included below.

The Niagara Escarpment Commission

- In June 2016, NEC staff were invited to the City of Burlington to give a presentation on the Niagara Escarpment Commission and the Development Permit Application process.
- In October 2016, NEC staff gave a presentation to a Chinese delegation on the Niagara Escarpment Commission, Niagara Escarpment Plan and the UNESCO World Biosphere Reserve status.
- In November 2016, NEC staff presented at a Planner's Panel hosted by the Southern Georgian Bay Association of Realtors.

The Coordinated Land-Use Planning Review

- Throughout 2016, NEC staff met with representatives in various Escarpment municipalities to discuss the proposed policy changes to the Niagara Escarpment Plan.
- In September 2016, the NEC hosted two public information sessions in Mulmur and Owen Sound to discuss proposed changes to the Niagara Escarpment Plan. The NEC Chair, Commissioners, staff and the MNRF were available to answer questions from local media, municipal representatives and the public.

The Niagara Escarpment Biosphere Reserve

- In June 2016, the NEBR hosted a workshop to introduce the Amazing Places initiative, a project geared toward encouraging people to explore Ontario's biosphere reserves.

Building Relationships with Indigenous Communities

- In October 2016, NEC staff attended the Indigenous Perspectives on Biodiversity Offsetting workshop hosted by Ontario Nature to meet with Indigenous communities across Ontario to share experiences on biodiversity offsetting and to discuss emerging policies and practices.



NIAGARA ESCARPMENT

A UNESCO World Biosphere Reserve

A place where people share a way of living with nature that builds a future we're proud of



Niagara Escarpment: UNESCO World Biosphere Reserve 2016-2017

As the convenor of the NEBR, the NEC has continued to build upon the UNESCO inspired Brand and Story project initiated in 2015 by connecting people to the benefits of the biosphere through communications, events and outreach. The NEC continued to facilitate the establishment of a formal Network to foster more connection, collaboration, and synergy amongst NEBR practitioners. The goal of the Network is to support the objectives of the UNESCO MAB programme through the collective commitments and actions of the NEBR Network. A draft Terms of Reference and governance structure for the Network was developed by an NEBR Working Group. The NEC has also been engaging Indigenous communities with the goal of increasing Indigenous participation in the work of the NEBR.



Co-ordinated Land Use Planning Review

In 2016-2017, the NEC worked toward concluding its work for the ten-year statutory review of the NEP. On February 27, 2015, the Province announced that the four provincial land use plans, including the NEP, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Growth Plan for the Greater Golden Horseshoe, would be reviewed in a co-ordinated manner. These four plans work together to build complete communities, manage growth, curb sprawl, and protect the natural environment.

The government's proposed changes to the NEP and the other three provincial land use plans were released for consultation in May 2016. This release was followed by a series of open houses across southern Ontario, and several workshops with Métis and Indigenous communities, hosted by the government. The NEC itself hosted two additional public information sessions in Mulmur Township and Owen Sound in September 2016, to respond to the significant interest in the proposed changes to the NEP in the northern NEP Area.

A total of 1,963 submissions from stakeholder organizations and individuals (not including write-in campaigns) were received during the comment period, which closed on October 31st, 2016. Of these submissions, 1,026 included comments on the proposed NEP. The NEC considered these comments in making its final recommendations, which were provided to the government in early 2017. These recommendations included the Commission's positions on the proposed NEP Area additions, the proposed NEP policy and mapping changes, and more than sixty site-specific NEP amendment requests.

More information on the Co-ordinated Land Use Planning Review can be found on the Province's website at www.ontario.ca/landuseplanningreview.



Performance Measures

Performance measurement provides benchmarks for evaluation of agency effectiveness, efficiency, quality of service and accountability of action. The NEC has established performance measures to help provide important information on the time it takes to process applications, how access is provided to a variety of stakeholders and to what extent agency decisions are in conformity with NEP policies. In addition to these measures, the NEC began monitoring customer service inquiries by initiating in October 2014, a bi-annual two week survey of customer inquiries. This data will help the NEC better understand the volume and nature of inquiries from the public, which in turn helps align NEC administrative and professional resources to the needs of the NEC's customers and clients. By monitoring NEC performance, the Commission can evaluate the effectiveness of policies, quality standards and/or practices in meeting its approved performance goals. All of the following measures were met in 2016-2017.

Activity	Measure	Result
Posting of Memorandum of Understanding (MOU), Annual Report and Annual Business Plan.	2016 Agency and Appointments Directive requires Memorandum of Understanding (MOU), Annual Reports and Business Plans be posted upon approval of the Minister of Natural Resources and Forestry.	MOU with the Minister of Natural Resources, the approved 2016-2019 Business Plan, and the approved 2015-2016 Annual Report, were posted in December 2016. Approved plans and MOU posted here: https://www.escarpment.org/Commission/AgencyDirectivesAndReporting
Commission Meetings	Minutes of Commission meetings are posted on the NEC website (www.escarpment.org). Commission meetings are open to the public. Applicants and other stakeholders are provided opportunities to address the Commission in writing or in person.	A total of 13 Commission meetings were held consisting of 8 regular and 5 policy meetings (related to NEP Review)
Conflict of Interest (if any) by Commissioners or staff	Declaration to Chair or Director as required by OPS directives	No declarations were made to the Chair or Director.
Commission Decisions	Conformity with NEP policies and recommendations	Decisions of Commission were in conformity with the NEP policies.
Accessible Public Service	As per OPS Customer Service Standards, staff are available from 8:30 am to 5:00 pm at Commission offices (Georgetown and Thornbury) Monday to Friday and other times by appointment. Annually, the NEC is required to attest compliance with the Accessibility for Ontarians with Disabilities Act (AODA).	Achieved.

Activity	Measure	Result
Telephone	As per OPS Customer Service Standards, calls are answered by the third ring or sent to voicemail during business hours. Protocols in place to deal with inquiries Calls returned within one business day.	Telephone audit completed (random check of 20 staff). Compliance achieved in 19 cases.
Correspondence (Written, Email and Fax).	OPS Customer Service Standards for emails and online messages require responses to be acknowledged within two business days and answered within 15 days. Best practice protocols in place for assisting staff in responding. If a conclusive response is not possible, an interim response, along with an estimated date for a complete response, will be provided within 15 days.	Achieved, with minor exceptions. NEC has protocols in place to respond to inquiries in timely manner.
Provide relevant information: Application guidelines, forms, maps, and publications.	Current guidelines, maps and applications are provided to clients and the public in both electronic (on NEC website) and printed formats.	<u>Site visits:</u> 78,580 visits to the NEC Website (11.9 % increase from previous year.) <u>Plan Maps:</u> 23, 240 page views (21.4 % increase from previous year.)
Development Permit Applications	NEC follows process for Development Permits as set out in the NEPDA. Agencies and municipalities are provided the opportunity to comment on applications. Notices of Decision are sent out within 2 working days of a decision being made. Development Permits issued promptly after clearance of conditions of approval.	Processed 437 Development Permits. All in accordance required process. Processing and timelines for issuing Permits met.
Niagara Escarpment Plan Amendment Applications	NEC staff follow <i>NEPDA</i> requirements for processing Plan Amendments. Plan Amendments are posted on NEC website and on the Environmental Registry (EBR) for public review.	No new Amendment Applications received. Seven deferred to be addressed through Plan Review. Three Plan Amendments approved. <i>NEPDA</i> requirements met.

□

Activity	Measure	Result
Review of municipal Official Plans, consents, zoning by-laws, etc.	NEC reply within due date (usually 30 – 60 days depending on complexity)	Review of municipal official plans, zoning by-laws and consents took place within the specified due dates. Commented on 202 <i>Planning Act</i> instruments and other planning-related initiatives by due date.
Reports of potential compliance issues.	All incidents evaluated within first 48 hours in terms of Informed Judgment Matrix. All potentially high risk issues responded to within 48 hours (site inspection, or occurrence report logged).	125 incidents evaluated using Informed Judgment Matrix. 15 high risk responded to within 48 hours.
Public Access to Information	The NEC meets established timelines as set out by the Ministry of Natural Resources & Forestry, Information, Privacy and Records Management Unit in order to meet Freedom of Information and Protection of Privacy Act (FIPPA) requirements.	7 FIPPA requests were received and processed within prescribed timelines.

□



Financial Summary

The following provides a summary of the 2016-2017 operating budget and expenses.

Account Categories	2016-17 Budget	2016-17 Actual Expenditures
Salary and Wages	\$1,780,100	\$1,766,401
In-Year Allocation to address salary pressure ²	\$5,600	
Employee Benefits	237,600	245,060
Total	\$2,017,700	\$2,011,461
Transportation & Communication	66,200	65,873
Services	298,000	290,469
Supplies and Equipment	33,800	31,777
Total	\$398,000	\$388,119
Grand Total	\$2,415,700	\$2,399,580

The NEC's maximum staffing complement is 24 Full-Time Equivalent (FTE) employees. As of March 31, 2017, the NEC had 23 FTE employees with 19 in the main Georgetown office and 4 in the satellite Thornbury office. Additional staffing was required to undertake the research, consultation and analysis for the Co-ordinated Plan Review. The NEC's Operational Strategy identifies staffing necessary to support effective program implementation.

The NEC's non-salary or operating allocation is composed of several categories of funds. These categories include Transportation and Communication (e.g., telephones, mail and travel expenses, etc.), Services (e.g., computer leases, per diems, leased office equipment, staff development and education, vehicles, Commission meetings, litigation costs, etc.) and Supplies and Equipment (e.g., office supplies and IT supplies). If those monies are not spent on NEC operations, they are returned to the MNRF. Any forecasted in-year savings or pressures in operating or salary are discussed with the MNRF on a quarterly basis. Commissioner travel expenses are posted on the NEC website quarterly.

Salary expenditures were higher than budgeted amount due to payments for two retirements. NEC had a surplus in its operating and expenses budget as an IT expense for higher line speed (\$22,500) did not occur. The remaining surplus in the operating and expenses budget covered the pressure in salary and benefits. The NEC came within 0.7% of the 2016-2017 budget allocation.

² Note: The NEC's year-start budget allocation was \$2,410,100. The NEC received an in-year increase to its budget of \$5,600 to cover a salary pressure. This pressure was offset at year-end through underspending in its operating and expense budget.

Appendix 1:

Niagara Escarpment Commission

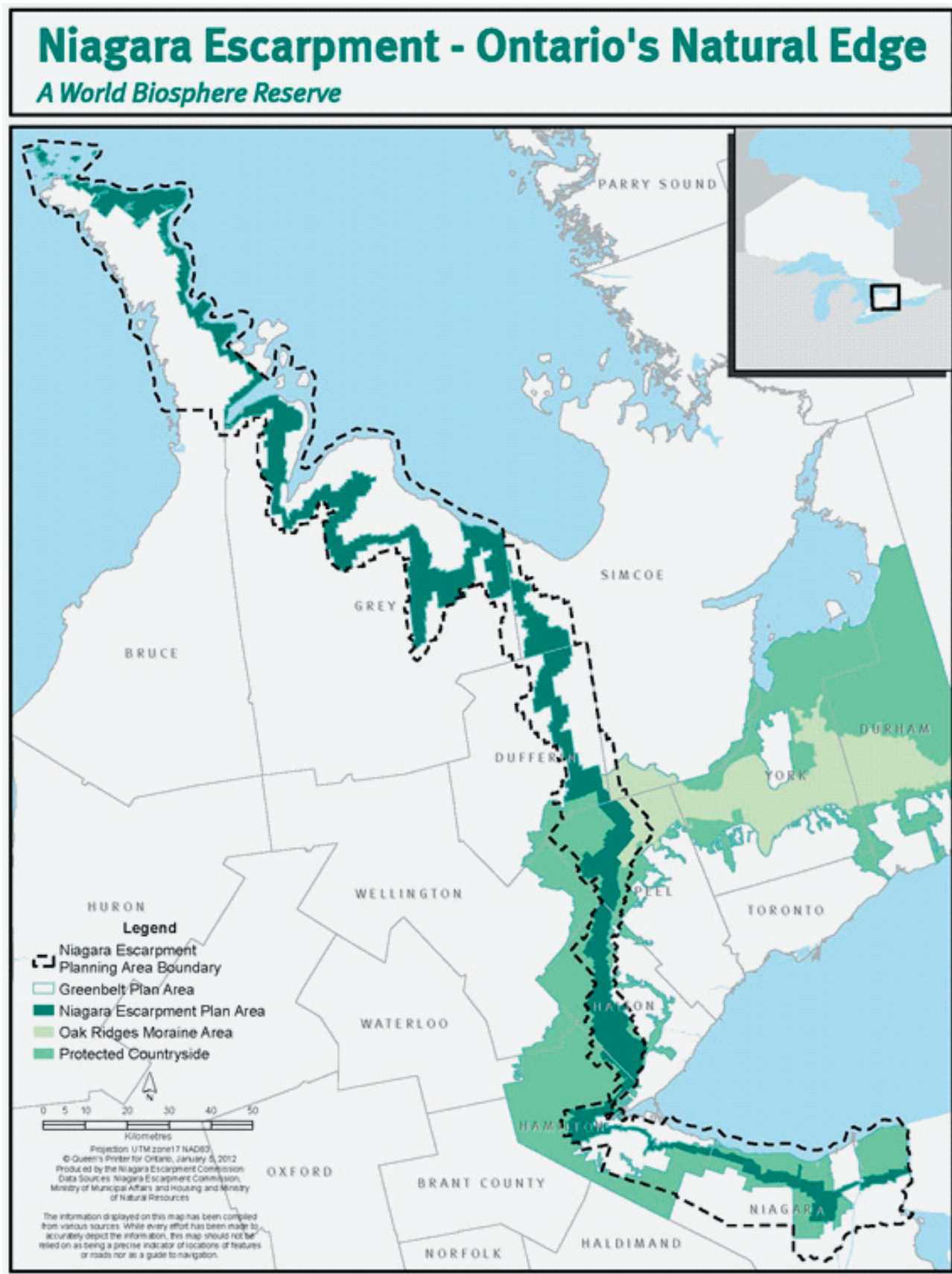
OIC Appointments

Terms Ending in 2017				
Name	County/ Region	Municipal / At-Large	Number Of Terms (Years)	Term Expires
ALEXANDER, Donald	St. Catharines	At-Large	5 (12 years)	April 12, 2017
BEATTIE, Georgina	Winona	At-Large	5 (12 years)	April 12, 2017
BORODCZAK, Nars	Oakville	At-Large	3 (10 years)	April 3, 2017
CAMBRAY, Corwin T.	St. Catharines	At-Large	4 (9 years)	July 8, 2017
DAVIDSON, Shawn	Simcoe	Municipal	3 (10 years)	October 27, 2017
ELGAR, Allan	Halton	Municipal	4 (13 years)	April 28, 2017
LITTLE, Joan	Burlington	At-Large	9* (25 years)	April 12, 2017
LOUIS, Cecil	Toronto	At-Large	5 (12 years)	April 12, 2017
MILLER, Moreen	Port Carling	At-Large	5 (12 years)	April 12, 2017 Resigned Nov. 2016
SCOTT, Donald W.	- Chair -		7 (19 years)	July 18, 2017
Terms Ending in 2019				
BATY, Brian	Niagara	Municipal	3 (9 Years)	May 26, 2019
DOWNEY, Johanna	Peel	Municipal	1 (2 Years)	November 3, 2019
GREIG, Patricia	Bruce	Municipal	1 (2 Years)	July 21, 2019
HORNER, Janet	Dufferin	Municipal	1 (1 Year)	December 1, 2019
McQUEEN, Paul	Grey	Municipal	2 (6 Years)	May 26, 2019
VANDERBEEK, Arlene	Hamilton	Municipal	1 (2 Years)	June 16, 2019

One Public-At-Large Commissioner has yet to be appointed.

*Terms not consecutive

Appendix 2: NEP Map



Appendix 3:

Municipalities in the NEP Area

REGION OF NIAGARA

Seven local municipalities:

- Town of Grimsby
- Town of Lincoln
- City of Niagara Falls
- Town of Niagara-On-The-Lake
- Town of Pelham
- City of St Catharines
- City of Thorold

CITY OF HAMILTON

REGION OF HALTON

Three local municipalities:

- City of Burlington
- Town of Halton Hills
- Town of Milton

REGION OF PEEL

One local municipality:

- Town of Caledon

COUNTY OF SIMCOE

One local municipality:

- Township of Clearview

COUNTY OF BRUCE

Two local municipalities:

- Town of South Bruce Peninsula
- Municipality of Northern Bruce Peninsula

COUNTY OF DUFFERIN

Two local municipalities:

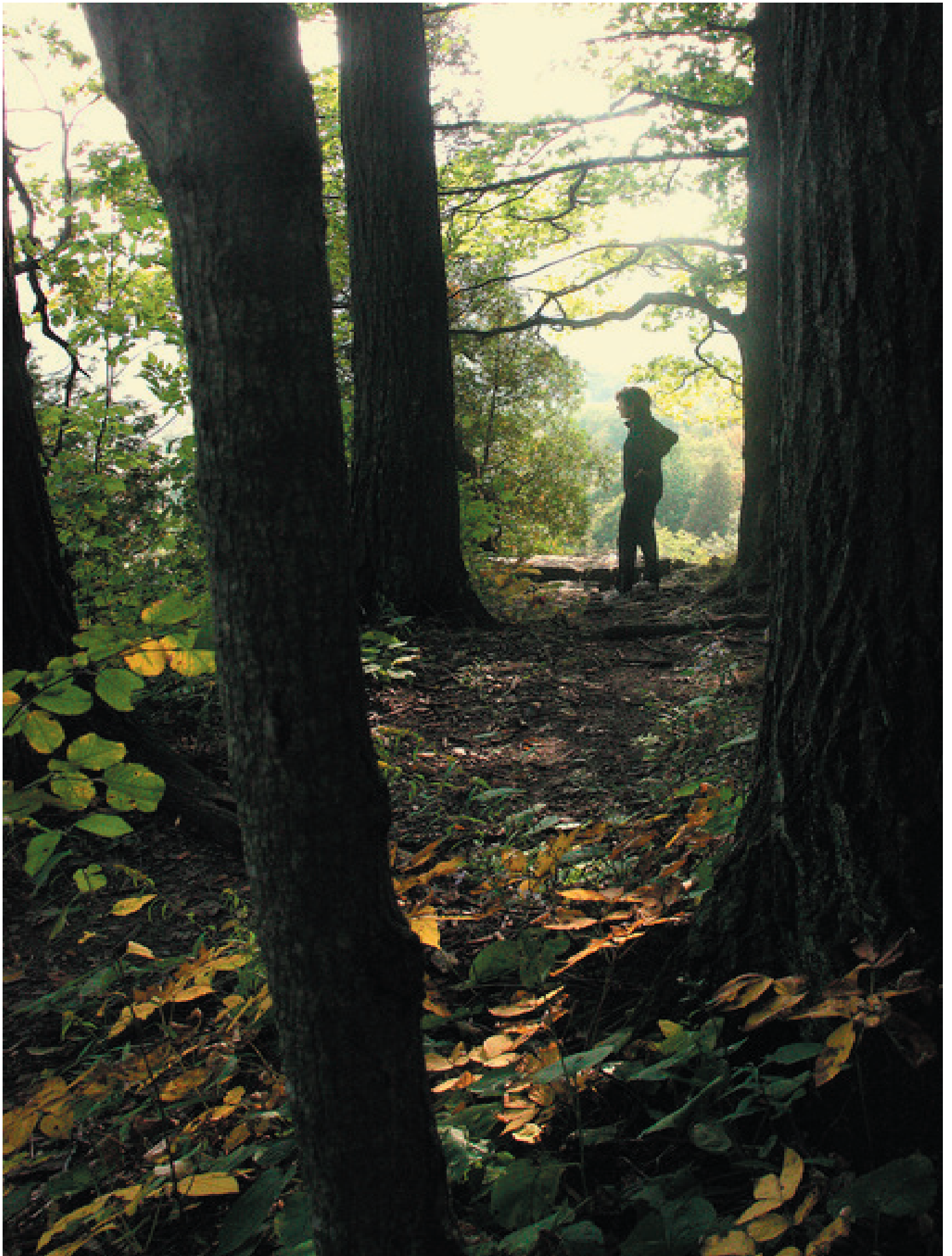
- Town of Mono
- Township of Mulmur
- Township of Melancthon

COUNTY OF GREY

Six local municipalities:

- Town of Chatsworth
- Municipality of Grey Highlands
- Municipality of Meaford
- City of Owen Sound
- Township of Georgian Bluffs
- Town of The Blue Mountains







Niagara Escarpment Commission
An agency of the Government of Ontario

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