

Grand River Conservation Authority Addendum - General Meeting

Friday, November 22, 2024 9:30 a.m.

Hybrid Meeting of the General Membership GRCA Administration Centre Zoom Virtual Meeting

			Pages
10.	Correspondence		
	b.	Susan Watson - Freedom of Information Request regarding Niska Lands	1
	C.	Phil Pothen, Environmental Defence	14
17.	Closed Meeting		
	d.	Litigation or potential litigation	

From: Susan Watson

To: Chris White; Sue Foxton; officeofthemayor@brantford.ca; Guy Gardhouse; Lisa Hern; Shawn Watters; Christine

Billings; Ken Yee Chew; douggcraig@icloud.com; Mike Devine; Jim Erb; Gord Greavette; Colleen James; Sandy Shantz; Natasha Salonen; Kari Williams; Pam Wolf; Jerry Smith; John Challinor II, Alex Wilson; Bruce Banbury;

Brian Coleman; David Miller; Gino Caputo; Dan Lawrence; Rob Shirton; Eowyn Spencer

Cc: Richard Vivian; tpender@therecord.com; Seto, Chris; kate.bueckert@cbc.ca; jstruthers@metroland.com; Erin

Caton; Michele Richardson; Linda Busuttil; Carly Klassen; Phil Allt; Dan Gibson; Rodrigo Goller; Cathy Downer; Leanne Caron; Dominique O'Rourke; Cam Guthrie; Mayors Office; Krista Walkey; Luke Jefferson; Gene Matthews

Subject: FOI results prove MNR Niska grant was for Conservation lands

Date: November 19, 2024 8:04:27 PM

Attachments: FOI-2402-Release Documents - SWatson.pdf

Chair White and members of the GRCA Board:

Several weeks ago, I filed a Freedom of Information Request for the original GRCA application to the Ministry of Natural Resources for the grant to acquire the former Kortright Waterfowl Park (Niska) lands.

Among the documents I received was a letter from Leo Bernier, Minister of Natural Resources to Ron Fox Secretary – Treasurer of the GRCA; the letter, dated January 31 1977, announces the approval by the Minister of the purchase of the Kortright Waterfowl Park lands by the GRCA. These FOI results and that letter are attached to this email.

The heading of the letter specifies the approved project to be: **Valley Land Acquisition – Hanlon Creek Conservation Area**. The approval from the MNR includes a grant of \$160,000 toward the \$320,000 cost of the land purchase.

I submitted a second FOI to Ms. Spencer, asking for the "particulars and conditions of approval" attached to the letter, but Ms. Spencer informed me that these documents were not attached to the Minister's letter and directed me to make an inquiry to the Ministry of Natural Resources or the Provincial Archives.

Despite the clear statement by Minister Bernier that the purchase of the Kortright Waterfowl Park lands was to form part of the Hanlon Creek Conservation Area, (which statement is confirmed by GRCA Minutes and GRCA statements at the time of purchase and in a GRCA Factsheet of 2014) the GRCA has persisted in asserting that the Niska lands were acquired for the Hespeler Dam project and since that project has been mothballed, the Niska Lands are no longer necessary for the original reason for purpose.

The assertion that the Niska Lands were purchased for the Hespeler Reservoir project is completely false. As confirmed by Minister Bernier's letter the purchase of both the Kortright Waterfowl Park lands and the earlier purchase of adjacent lands from the Hanlon estate were made to bring these keystone properties into the Hanlon Creek Conservation Area.

The purchase of the Kortright Waterfowl Park lands in 1977 was the culmination of a series of reports that identified the importance of these lands in the formation of the Hanlon Creek Conservation Area.

In addition to the MNR grant for this Conservation Area, it is well-documented that the City of Guelph contributed 30-40% of the purchase price.

The 1968 Preliminary Report of the Hanlon's Creek Basin, the 1972 Hanlon Creek Ecological Study and the 1975 Interim Master Planning Study all recognized the keystone role of the Niska Lands in providing access to nature within the Hanlon Creek Conservation Area. The 1975 Interim Planning Study identified the whole area of the Kortright Park lands, with specific mention of the upland cultivated fields, as being included in the proposed wildlife viewing area.

Every step of the process for establishing the Hanlon Creek Conservation Area was led by the City of Guelph with the intention that these lands would be protected in perpetuity for future generations of Guelphites. The GRCA, acting on its mandate to provide land for access to nature, provided valuable assistance in technical planning in addition to access to provincial financial support.

It is now widely recognized that providing Green and Blue Spaces for access to nature is a vital contributor to community and individual health. Our City is now facing down a 174 ha parkland shortage relative to population by 2051. No one can assert that either parkland or conservation land is "no longer needed."

In the public engagement conducted as part of the recent Conservation Area Strategy, the most common request was "Don't sell off conservation land", followed by, "You need to acquire more conservation land."

The GRCA's fabrication of a false narrative to justify selling off the Niska lands is shocking. These lands were Purchased by the GRCA to provide access to nature and are to be protected in perpetuity.

The GRCA needs to correct the false narrative being propagated about the Niska Lands and instead collaborate with the City of Guelph to fulfill the vision of the Hanlon Creek Master Plan and to carry out your own mission statement to "provide access to outdoor spaces."

Sincerely,

Susan Watson

----- Forwarded message -----

From: **Eowyn Spencer** < <u>espencer@grandriver.ca</u>>

Date: Fri, 18 Oct 2024 at 11:06

Subject: RE: Freedom of Information Request

To: Susan Watson

Hi Susan, Please see the attached the decision letter and release notice/documents related to your FOI request.

If you have any further questions, or to obtain printed copies, please feel free to contact me directly.

Kind regards,

Eowyn Spencer

Supervisor of Administrative Services

Grand River Conservation Authority

400 Clyde Road, PO Box 729

Cambridge, ON N1R 5W6

Office: 519-621-2763 ext. 2200

Toll-free: 1-866-900-4722

www.grandriver.ca | Connect with us on social

From: Susan Watson

Sent: Sunday, September 22, 2024 8:38 AM **To:** Eowyn Spencer < espencer@grandriver.ca **Subject:** Freedom of Information Request

Ms. Eowyn Spencer

Freedom of Information Coordinator

Grand River Conservation Authority

400 Clyde Rd. PO Box 729 Cambridge, ON N1R 5W6

Dear Ms. Spencer:

I understand that amongst your many roles, you are also the Freedom of Information Coordinator for the GRCA.

I would like to request a copy of the application made to the Ministry of Natural Resources by the GRCA for MNR funds towards the purchase of the 116 acres of the former Kortright Waterfowl Park property (Ontario Waterfowl Research Foundation) in Guelph. The application was likely submitted to the MNR in 1976 or very early in 1977.

An archival article from the February 2, 1977 issue of the Guelph Mercury (attached) announced that a \$160,000 grant had been received from the Ministry of Natural Resources to cover the Province's 50% share of the property purchase price of \$320,000.

The application may state that the purchase is related to the Guelph Valleylands project, the Hanlon Creek Conservation Area or the Hespeler Dam Project.

I am happy to provide credit card information over the phone for payment of the \$5 application fee at your convenience.

Thank you in advance for your help with this matter.

Sincerely,

Susan Watson





Phone: 519-621-2761 Toll free: 1-866-900-4722 Fax: 519-621-4844 www.grandriver.ca

October 21, 2024

Susan Watson by email: susanejwatson@gmail.com

RE: Freedom of Information Request 2024-02

As noted in the decision letter regarding the above-mentioned Freedom of Information Request, your fee for receiving copies of our records has been waived.

Our file search identified eight (8) pages of documents and maps in response to your request, and we determined that your request identified two separate matters as described below:

One, being a purchase of property in 1977 in the amount of \$320,000 with a 50% Provincial Grant.

Two, being a copy of the application made to the Ministry of Natural Resources by the GRCA for Provincial funds towards the purchase of the 116 acres of the former Kortright Waterfowl Park property (Ontario Waterfowl Research Foundation) in Guelph.

We were unable to locate an original grant application, however, we did locate a Minister's Approval from 1977 for a land acquisition related to Hanlon's Creek Conservation Area in the dollar amount you identified in your request. A map or description of the property was not located with respect to this file. A map showing the boundary of the lands identified in the 1982 Hanlon's Creek Conservation Area Master Plan has been provided to illustrate the large area of related lands acquired throughout the 1970s.

Additionally, we located confirmation of the 116-acre property acquired in 1977 from the Ontario Waterfowl Research Foundation and the financial details of that process. A map has been provided to illustrate the properties.

All records noted above are enclosed.

Should you have any further questions, please reach out to me directly.

Kind regards,

Eowyn Spencer

Spencer.

Supervisor of Administrative Services



Office of the Minister Ministry of Natural Resources

416/965-1301

Whitney Block
Queen's Park
Toronto Ontario

Mr. Ron Fox Secretary - Treasurer Grand River Conservation Authority P.O. Box 729 Cambridge, Ontario NIR 5W6

Dear Mr. Fox:

AUTHORITY

Project: Valley Land Acquisition - Hanlon Creek Conservation Area

I am pleased to inform you that I have approved the above-mentioned project in accordance with Section 23 and have authorized a grant under Section 39 of The Conservation Authorities Act, R.S.O. 1970, as shown below.

Date of letter of request for grant

November 4, 1976

Grant authorized under

M/A 55/77

Total cost

\$ 320,000.00

Rate of grant

50 per cent

Grant not to exceed

\$ 160,000.00

Please refer to the attached copy of the Report to Management Board for further particulars and conditions of approval.

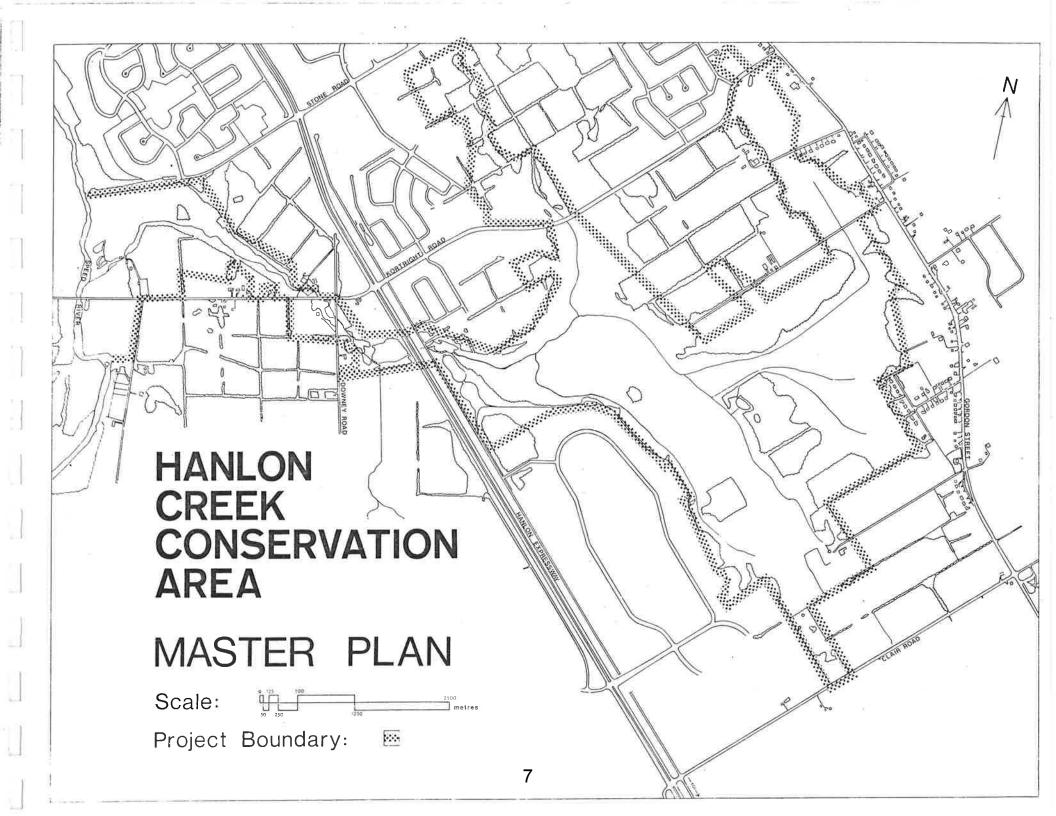
You are advised, however, that before any work is proceeded with, the instructions on page C-2 of the Manual of Information regarding plans and specifications and tenders for contracts must be complied with.

The amount of regular grant payable by the Ministry on this and other projects in any year will be subject to the limitations imposed by the funding allocation to the Authority for that year. Should there be any conflict between funding requirements for grant approvals and funding allocations in any year, the latter will apply.

Yours sincerely,

Leo Bernier Minister

Attach.



Harris, White, Matlow, Miller & Harris

Barristers and Solicitors

P.O. Box 604, 39 Dickson Street, Cambridge (Galt), Ontario N18 5W1 (519) 621-2430/653-2828

John Monroe Harris, G.: Arthur White, Q.C., BA. (1998/73)/Myron Matlow, BALUR Robert J. Miller. BRALLIE /John Morgan Harris, BALUB George R. Ingrem, BALUB/Paul M. Mann, PALUB

Reply to: J.M. Harris, Jr February 1st, 1977

CERTIFICATE OF TITLE

We, HARRIS, WHITE, MATLOW, MILLER & HARRIS, Solicitors, certify that GRAND RIVER CONSERVATION AUTHORITY is the registered owner of the lands described in Schedules "A" and "B" hereto, comprising 116 acres, more or less, in fee simple, free of encumbrances, subject to the following:

- 1. first mortgage in favour of Ontario Waterfowl Research Foundation in the amount of \$240,900,
- 2. the bed of the Speed River as it flows through the property and designated as Parts 4 and 6 of reference plan 61-R-1483 being vested in the Crown,
- 3. the boundaries, acreage and dimensions of these lands and premises being located and confirmed by way of further survey and what defects such further survey would show,

the said parcel being acquired from ONTARIC WATERFOWL RESEARCH FOUNDATION at a purchase price of \$300,000 by a deed to it dated the 26th day of January, 1977 and registered the 27th day of January, 1977 as instrument 182018 in the Registry Office of Wellington South (No. 61).

HARRIS, WHITE, MATLOW, MILLER & HARRIS

PER:

John M. Harris

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being the whole of Clergy Reserve Lot Number Twelve (12) in the Sixth Concession being partly in the City of Guelph (formerly in the Township of Puslinch) and partly in the Township of Puslinch, in the County of Wellington, and the whole of Clergy Reserve Lot Number Thirteen (13) in the Sixth Concession, in the City of Guelph (formerly in the Township of Puslinch), in the County of Wellington, containing by admeasurement sixty-two (62) acres of land more or less and more particularly described as follows:

COMMENCING at the Southeast angle of Lot number thirteen (13);

THENCE North sixteen (16) degrees West along the division line between said lot number thirteen (13) and Lot number fourteen (14) twenty-six (26) chains, thirty (30) links (1735.8 feet) more or less to the limit between the Townships of Guelph and Puslinch;

THENCE South forty-five (45) degrees West along said Town line forty-five (45) chains (2970 feet) more or less to the Westerly angle of Lot number twelve (12);

THENCE North Seventy-seven (77) degrees, Fifteen (15) minutes East along the Southerly limit of said Lots twelve (12) and thirteen (13) to the place of beginning.

AND SECONDLY

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph (formerly in the Township of Guelph), in the County of Wellington and being composed of a part of Lot number nine (9) in the Fifth Concession of Division "G" containing three and one-half acres be and the same more or less and which may be more particularly described as follows:

COMMENCING at a point on the road between the Township of Puslinch and the Township of Guelph on the Southerly boundary of said Lot number 9 adjacent to the adjoining Lot number thirteen (13) and fourteen (14) in the Township of Puslinch and being distant Southwesterly 700 feet from the Easterly angle of said lot number thirteen (13);

THENCE Northeasterly along the said Southerly boundary of said Lot Number nine (9), 960 feet to a point;

THENCE North ten (10) degrees West 315 feet to a point;

THENCE South thirty (30) degrees West 1,000 feet to the place of beginning;

SAVE AND EXCEPT PARTS 1, 2, 3 and 4 of REFERENCE PLAN 61-R-152 which lands were previously conveyed by registered instrument M-105159 to The Corporation of the City of Guelph and instrument M-105195 to University Village (Guelph) Limited.

. AND THIRDLY

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph (formerly in the Township of Puslinch), in the County of Wellington and being composed of part of the North part of the Broken Front Lot number twelve (12) in the Fifth Concession of the said Township of Puslinch, containing fifty-four acres more or less and being more particularly described as follows:

COMMENCING at the Northerly angle of said Lot twelve (12);

THENCE Southeasterly along the Northeast limit of said lot sixteen (16) chains, ninety-two and one-half links (1117.05 feet) more or less to a point in the last-mentioned limit one-third (1/3) the distance to the centre of the said concession;

THENCE at right angles to the last course to the centre of the main channel of the River Speed;

THENCE upstream Northerly, Westerly and Northerly along the centre of the main channel to the Northwesterly limit of said Lot 12;

THENCE Northeasterly along the last-mentioned limit to the place of beginning.

AND FOURTHLY .

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Guelph (formerly in the Township of Puslinch), and County of Wellington and being composed of the North part of the North half of Lot thirteen (13) in the Fifth Concession of the said Township more particularly described as follows:

COMMENCING at the Northerly angle of said Lot thirteen (13);

THENCE Southeasterly along the Northeast limit of said lot, sixteen (16) chains, ninety-two and one-half (92%) links (1117.05 feet) more or less to a point in the last-mentioned limit one-third (1/3) the distance to the centre of the said Concession;

THENCE Westerly and parallel to the road allowance between the Fifth (5th) and Sixth (6th) Concessions to the Southwesterly limit of said Lot;

THENCE Northwesterly and along the said last-mentioned limit to the Westerly angle of said Lot;

THENCE Northeasterly along the road allowance between the Fifth (5th) and Sixth (6th) Concession to the place of beginning.

SCHEDULE "B"

 ${\tt ALL}$ AND SINGULAR that certain parcel or tract of land and premises situate, lying and being

FIRSTLY - the whole of Clergy Reserve Lot 12 in the 6th Concession being partly in the City of Guelph (formerly in the Township of Puslinch) and partly in the Township of Puslinch, in the County of Wellington, and the whole of Clergy Reserve Lot 13 in the 6th Concession, in the City of Guelph (formerly in the Township of Puslinch) and more particularly designated as PARTS 5, 6 and 7 on REFERENCE PLAN 61-R-1483;

SECONDLY - in the City of Guelph (formerly in the Township of Guelph) in the County of Wellington and being composed of part of Lot 9 in the 5th Concession of Division "G" and more particularly designated as PART 11 on REFERENCE PLAN 61-R-1483; SUBJECT TO AN EASEMENT shown as PART 1 of REFERENCE PLAN 61-R-752.

THIRDLY - in the City of Guelph (formerly in the Township of Puslinch) in the County of Wellington and being composed of part of the north part of the Broken Front Lot 12 in the 5th Concession of said Township and more particularly designated as PARTS 3 and 4 on REFERENCE PLAN 61-R-1483;

FOURTHLY - in the City of Guelph (formerly in the Township of Puslinch) and County of Wellington and being composed of the north part of the north half of Lot 13 in the 5th Concession of said Township and more particularly designated as PART 1 on REFERENCE PLAN 61-R-1483;

FIFTHLY - in the City of Guelph (formerly in the Township of Puslinch) in the County of Wellington and being composed of part of Lot 14 in the 6th Concession of said Township and more particularly designated as PART 8 on REFERENCE PLAN 61-R-1483;

SUBJECT TO an easement as more particularly designated as PART 5 on REFERENCE PLAN 61-R-752;

SIXTHLY - part of the original road allowance between the Townships of Guelph and Puslinch, now in the City of Guelph and closed by by-law 365 (registered instrument # 148) and more particularly designated as PART 9 on REFERENCE PLAN 61-R-1483;

SUBJECT TO an easement more particularly designated





Grand River Conservation Authority

Date: Jan 19, 2018 Author: Slawson

Item 1-Niska Land Holdings

Legend

Municipal Boundary (GRCA)

Park - Local (GRCA)

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NAD 1983 UTM Zone 17N



Hanlon's Creek FP14 FLOOD PLAIN - GUELPH Price Accumulated Property Vendor Deed Acreage No No. Acreage 25000000 FP14-1 David Smith MV11471 256 356. Estate Henry A Honlon 65% 1971 14-109568 42.435 42.435 FP 14-2 Tuelph Woodlands Ltd 9 8 219 923 25 6090 135.391 MN9889 92.950 1972 FP14:3 Margaret ann M'Catal 60% 1973 245 382.50 126049 98:159 233.544 60 90 1973 181 550 60 1974 65/5 Quinter Vande Vice 363.626 64510.00 140249 25,30 G.R.C.A. - Corp. City of Son 1974 65% t) . 100 48461 363.626 65% G. R. C. A. - Cop. City of Sulph rent). 100 1974 363,626 1484.60 60% 19.76 Unworthy Village (Gulph) Star 36 000:00 167302 10: -373.626 60% 1976 195 669,00 60% Ontares Waterberg Research From 1977 300 000,00 82018 116. 554.819 Major Holdings & Developments of 60% Frit 11 194416 1977 206,028.00 68.676 623.525 FPIY 12 Major Holdings + Developments 1978 6495 7434,00 196995 626.003 2.47 (800ms) City of Guelph + GRCA - Cury to the Surent agreement + Cury to the surent to the suren 65/6 1979 2 00 65.10 1980 9.935 FP17. 15 Hanlon Park Revelopments Lle 2500.98 641.476 6490 5,63 1982 FP14-16 GRCA to Hanlon Park Des. Ltd 6 0, 5, 2994/81 (2.09A 639, 383 1982 64% Univ. Vellege (Sulph) Hon 9,900,-267808 11,56 650.943 1983 FP14-18 District Trustle. Contra 65% 1984 7.68, 402 279.079 117.45 1983 64% FPM- 20 GRCA & City of Sulph FOIN 21 GRCA to Colon + Mayonic Juty F1 14 22 GRCA to 50000 76 4 Stat 65% 764, 565 1984 (3.837 65% .085 764,48 19.85 763.932 1959 NA 11 14.23 GACA in City / Bulgh 763 420 1.938 NA 25,000.00 FP14-24 Henry Hanlon 635693 2.365 766.285 1990 FP14-25 GRCA s/t 508067 766.275 2.00 639600 .010 1991 Ont. Ltd. FP14-25 GRCA s/t C. of Guelph 2.00 688250 766.275 1993 17323 FF - 21 CHORN GULLET 100-33 1994. 2 1996. FILL OS Thin Sie at manscereation 750 ffor-13



November 20, 2024

Provincial Planning Policy Branch 13th Flr, 777 Bay St Toronto, Ontario M7A 2J3

Sent by email to: espencer@grandriver.ca,

All GRCA Board Members

Re: November 22 GRCA Meeting, Item 17- Legal Status of Kortright Waterfowl Park

Attention Chair White and Members of the Grand River Conservation Board of Directors.

I am writing on behalf of Environmental Defence to remind you that it would not, at present, be legally permissible for the Grand River Conservation Authority to sell, declare surplus or otherwise convey any of the GRCA lands which constituted the historic Kortright Waterfowl Park. For clarity, these are the same lands occasionally referred to in GRCA meetings as the "Niska Land Holdings".

As you are aware, the Grand River Conservation Authority's *Land Disposition Policies and Procedures* prohibit any disposition of GRCA lands unless the proposed disposition has first been reviewed and found to be compliant with all the terms of the original acquisition. In particular, clause 1.4 of the *General Policies* prescribes that "1.4 The terms of the original acquisition shall be reviewed for compliance and consideration."

The GRCA cannot at present sell, declare surplus or otherwise convey the relevant lands because it does not *have* the terms of the original acquisition. A recent Freedom of Information Request revealed the original acquisition (attached) was broadly for "Valley Land Acquisition - Hanlon Creek Conservation Area", but the document (from then Minister Leo Bernier) specified that specific "Further particulars and conditions" were contained in "the attached copy of the Report to Management Board". However, GRCA Supervisor of Administrative Services Eowyn Spencer admitted in response to the request that the GRCA was <u>unable to locate those particulars and conditions</u>. The GRCA referred the applicant to the MNR or the Ontario archives because it did not have the relevant documents.

Since the GRCA admits that it does not have the specific terms of the original acquisition, it cannot review any decision regarding the relevant lands for compliance with them. That means it cannot sell, declare surplus or otherwise convey them.

As a side-note, the documents revealed by this FIPPA request indicate the Kortright Waterfowl Park/"Niska Land Holdings" were not in fact acquired for the Hespeler Dam project. The document specifies that the acquisition was for "Valley Land Acquisition - Hanlon Creek Conservation Area".

It is important to note also, that in our view the GRCA is likely also prohibited from making a decision to dispose of or surplus these lands by he MNRs directives for lan acquired with MNR funding. Pursuant to 1.1 of the *Land Disposition Policies and Procedures* "The disposition of property must fulfill the objects of the GRCA in compliance with the Conservation Authorities Act and other applicable provincial policies and guidelines."

Sincerely,

Phil Pothen, J.D., M.L.A.

Counsel. Land Use and Land Development Program Manager

Ontario Environment Program Manager

Environmental Defence