



CITY OF  
ST. CATHARINES

## Corporate Report

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**Report from** Planning and Development Services, Planning Services

**Date of Report:** February 18, 2013      **Date of Meeting:** March 18, 2013

**Report Number:** PDS-065-2013      **File:** 10.64.177

**Subject:** Welland Canals Heritage Designation - Memorandum of Understanding

### Recommendation

That Council receive the report from Planning and Development Services, Planning Services, dated February 18, 2013, regarding the Welland Canals Heritage Designation; and

That Council continues to support the Welland Canals Heritage Designation initiative by endorsing the Memorandum of Understanding attached to this report as Appendix 1; and

That the Mayor and Clerk be authorized to sign the Memorandum of Understanding.  
FORTHWITH

### Background

On May 28, 2007, Council considered a report from Planning Services and resolved that the City of St. Catharines support in principle the designation of the Welland Canals Corridor as a National Historic Site with the Historic Sites and Monuments Board of Canada (HSMBC). Designation is achieved by making an application to the HSMBC, who then review the application, conduct follow-up research where required, and make a recommendation to the federal Minister of Environment on designation. To be considered for designation, a site must have had a nationally significant impact on Canadian history or illustrate a nationally important aspect of Canadian history. In this case, designation is honorific in nature in that there are no legal obligations or requirements (i.e. permits or approvals) required by any of the property owners within the designated area to develop lands.

Staff has reported back to Council at various times since May 2007 to provide updates on progress and key issues pertaining to the designation. On February 1, 2010, Regional Councillor Bruce Timms presented to Council an update on the designation. At that time, the main issue was inclusion of the fourth (operating) canal within the boundary recommended for designation. The St. Lawrence Seaway Management Corporation (SLSMC) had concerns that inclusion may conflict with their mandate to move goods in an efficient manner. Council received the presentation from Regional

Councillor Timms and directed that staff meet with the SLSMC to map out areas of agreement and concern and to develop a common position on the designation.

The Welland Canal Working Group (the Working Group) was formed in response and is comprised of staff from the local canal municipalities, SLSMC, and Ontario Power Generation (OPG), under leadership of the Region of Niagara. The Working Group was tasked with moving the designation forward, including identifying the boundary of lands recommended for designation.

## **Report**

The Working Group has developed a Memorandum of Understanding (MOU) (see Appendix 1) to formalize the process of seeking a mutually agreed to boundary for the designation, which could include portions of or the entire Welland Canal. The MOU will drive the designation process forward by providing mutually agreed upon goals, roles and responsibilities for each of the parties to the MOU. The parties include the Region of Niagara, City of St. Catharines, Town of Niagara-on-the-Lake, City of Port Colborne, City of Thorold, Township of Wainfleet, City of Welland, SLSMC, and Ontario Power Generation. Although the City of Niagara Falls has indicated support of the designation in principal, there has been no active engagement in the process, and therefore, the City of Niagara Falls is not currently a party to the MOU.

The Working Group has reviewed and discussed the MOU, and the version attached to this report as Appendix 1 is supported by the members of the Working Group. To date, three of the party municipalities have signed the MOU. The MOU will be considered in effect once all parties have endorsed the document. In this regard, staff recommends that Council continues to support the designation initiative by endorsing and signing the MOU. The HSMBC has indicated that all parties must work together to come to a mutually agreed to boundary before they will consider making a recommendation regarding the designation. In this regard, the MOU will facilitate moving forward with the designation process.

## **Financial Implications**

The MOU will facilitate an application for National Historical Site designation in a mutually agreed upon, efficient manner. Although there is no cost associated with the application for designation, designation often makes Federal funding available.

## **Notification**

It is in order to notify the Regional Municipality of Niagara, c/o Danielle De Fields.

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager

### **Prepared by:**

Britney Williamson  
Planner I

### **Approved by:**

James N. Riddell, M.Pl., MCIP, RPP  
Director of Planning and Development Services

## **Memorandum of Understanding for the Study of the Welland Canal Corridor and Federal Heritage Designation of the selected portions of the Welland Canal Corridor**

### **1. Background:**

The Memorandum of Understanding for the Welland Canal Corridor will outline the duties, responsibilities and expectations of all parties in studying the potential for all or part of the Corridor to be designated as a National Historic Site with the Historic Sites and Monuments Board of Canada (HSMBC) and subsequently applying for the designation of the appropriate lands. The parties include the Regional Municipality of Niagara, Niagara on the Lake, Ontario Power Generation, Port Colborne, St. Catharines, Thorold, Wainfleet, Welland, and the St. Lawrence Seaway Management Corporation (SLSMC).

The Welland Canal Corridor encompasses the Welland Canal system, and is supported by the rivers, streams, and creeks that feed into it, and the cities, towns, and natural lands that surround them. Initially, the Canal allowed ships to move from the upper lakes to Lake Ontario by by-passing Niagara Falls. With the opening of the St. Lawrence Seaway in 1959, the canal became part of a transportation system that linked the 'inland sea' to the Atlantic Ocean.

The current Welland Canal and its three historic predecessors are important elements of the Corridor. There are also numerous viewing platforms, recreational trails and waterways, cycling routes, picnic areas, historical ruins, museums, beaches, restaurants, and accommodations that fill it with life and activity. The Corridor passes through both the Niagara Escarpment (a UNESCO World Biosphere Reserve), and the provincially legislated Green Belt Plan area. The study and then designation of the appropriate portions of the corridor will be an important step in recognizing and enhancing the diversity and importance that the Corridor has for Niagara as a whole. A Federal designation signifies an "honorific recognition".

The area that is eventually designated will be commemorated with a bronze plaque. There will be no legal obligations or requirements by the owner(s) of any of the Canal lands that are designated. The designation also has no permitting or approval process for work on the designated area. It is significant, however, that designation often makes Federal funding available.

It is important to note that municipalities have no land use jurisdiction over federal lands. Care will be taken during the Cultural Landscape Study, which is outlined on page 3 of this Agreement, to differentiate between the current operating canal of the SLSMC and the three historic canals to enable a clear decision to be made concerning the lands to be designated.

The Welland Canal was recognized by the Historic Sites and Monuments Board of Canada (HSMBC) in 1924, and has been validated a number of times, as an event. In the fall of 2009,

the most recent recommendation that was submitted to the HSMBC considered the first through third canals as 'relict landscapes' (relict landscapes represent the end of an evolutionary process, leaving behind material features), and the fourth canal as a 'continuing landscape' (continuing landscape represents an ongoing but evolutionary process that exhibits traditional ways of life in a contemporary fashion and leaves significant material evidence of its continuing evolution).

The last attempt at designation of the entire corridor in 2009 was held in abeyance by the HSMBC as Transport Canada/SLMSC was concerned that the current operating canal could potentially be impacted by the recognition. The HSMBC stated that prior to future consideration of designation, the major parties must agree about the designated areas. It is anticipated that the Cultural Landscape Study and ongoing discussions with Transport Canada will provide that clarity.

## **2. Goals:**

Successful implementation of this document will mean that:

- There will be support of all parties for the proposed designation,
- The parties support access to all heritage landscape sites wherever and whenever private land along the Canals as well as the working Canal operations are not jeopardized, compromised or put at risk,
- The public's awareness of the Welland Canal Corridor will be recognized and fostered through access to federal and provincial funding opportunities, which promote tourism and creative reuse of the relict components of the Corridor,
- Protection of heritage and archaeology will occur along the designated Corridor, and not interfering with SLSMC operations,
- Partnerships of public, private and non-profit organizations are encouraged and supported to steward the scenic, historic, natural, cultural, recreational, landscapes of the Welland Canal Corridor,
- Interpretive signage, preservation or restoration of historic elements will be developed,
- Recreational uses, increased tourist investment, increased commercial investment, and residential and mixed-use infill development will occur in appropriate locations along the Corridor, and
- Development of a continuous theme along the corridor is encouraged even though decisions on land use are a municipal responsibility.

## **3. Purpose and Scope:**

The purpose and scope of the Memorandum of Understanding is to set forth:

- Expectations of all parties in the study and federal designation process,
- Agreement of the geographic boundaries of the Corridor designation as outlined in the maps that will be part of the revised submission to the Historic Sites and Monuments Board of Canada,

- Local municipalities, in consultation with all the partners, will determine which activities can occur within the Corridor from recreational, economic, planning and heritage preservation perspectives, on land for which the local municipalities have land use jurisdiction,
- The SLSMC will have full control over its operations of the 4<sup>th</sup> Canal and its evolution including locks and spillways.

#### **4. Roles and Responsibilities of Signatories:**

- Niagara Region and the local municipalities will seek the federal HSMBC designation of the mutually agreed to Welland Canal Corridor,
- Communications to the public of the nature and boundaries of the designation will be the responsibility of the Region and the local municipalities,
- The Region, the local municipalities and the SLSMC agree to appoint representatives to a working group for the purpose of creating a management plan after the designation with the working group to conclude in 2012 in accordance with the resolution of Regional Council,
- The Region will work with local municipalities, the public and stakeholders, particularly the SLSMC, to complete a “Cultural Landscape Study” on the Welland Canal Corridor,
- The Region will undertake consultations for the purpose of securing public comment on the conservation, management and operational issues associated with the federal designation and the Welland Canal Corridor “Cultural Landscape Study”.
- The Region in consultation with local municipalities, the SLSMC, the public and stakeholders will develop a Regional Policy Plan Amendment, including public notice and at least one statutory public meeting as required under the ***Planning Act***. As with other planning applications, there also is an opportunity to appeal the decision of Regional Council subject to meeting administrative and legislative requirements.
- Municipalities do not have land use jurisdiction over federally owned lands. Care will be taken to ensure that the proposed Regional policies reflect this. As a result, while the policies in the proposed Amendment could affect private property owners for lands within or adjacent to the Welland Canal Corridor, they will not compromise or interfere with the SLSMC’s operations of the 4<sup>th</sup> Canal, including locks and spillways.

#### **5. Communication and Involvement:**

- The Welland Canal Working Group will make every attempt to find a suitable compromise that will allow the Historic Sites and Monuments Board of Canada and the Ministry of the Environment to approve the designation prior to the Bicentennial celebration in 2012,
- Communication and notice of public access changes will be a joint responsibility of the Region and the local municipalities,
- SLSMC will inform all parties of operational changes in advance.

## **6. Duration:**

- This MOU shall remain in effect until such time as replaced by an updated MOU (if any) that may result from the mandatory Review that would take place no more than two years from the effective date of this MOU, and
- The mandatory Review, as conducted by the Welland Canal Working Group, shall be overseen by Regional Council with any final recommended changes being subject to full agreement by all signatories hereto.

## **7. Definitions:**

**Operating Canal:** In total, four Welland Canals have been built between 1824 and 1932 with the first three now considered heritage canals which no longer function as working canals and with sections abandoned, covered over or used for recreation. The fourth Welland Canal, the operating canal, is a commercial canal that moves approximately 40,000,000 metric tonnes of cargo annually by over 3,000 ocean and lake vessels. The canal utilizes water and gravity to lift and lower ships in a watertight chamber called a lock. The canal is about 43.4 kilometres in length and includes seven lift locks and one guard lock that bring commercial and recreational vessels up 99.36 meters from Lake Ontario to Lake Erie. One can view the operations of the fourth Welland Canal from numerous vantage points along the canal.

**Honorific Recognition:** The Federal heritage designation is a tribute of distinction and does not place additional requirements on the property(s). By commemorating the site with a bronze plaque, it provides communities with the opportunity to build awareness, understanding and support of their cultural heritage resources.

**Cultural Landscape Study:** As landscapes have evolved over time, and as human activity has changed, they have acquired many layers of meaning that can be analysed through historical, archaeological, geographical and sociological study. Although the HSMBC does not have approved guidelines for determining national significance of cultural landscapes, they identified twelve broad elements that often constitute a cultural landscape. They are: land use; land patterns; scale; landforms; spatial organization; built features; circulation; views; traditional knowledge and practices; ecosystems; vegetation; and water features.

## Signatures

The following signatures represent the endorsement of this Memorandum of Understanding by the respective parties:

Town of Niagara-on-the-Lake	_____ Lord Mayor	_____ Clerk
City of Port Colborne	_____ Mayor	_____ Clerk
City of St. Catharines	_____ Mayor	_____ Clerk
City of Thorold	_____ Mayor	_____ Clerk
Township of Wainfleet	_____ Mayor	_____ Clerk
City of Welland	_____ Mayor	_____ Clerk
Regional Municipality of Niagara	_____ Chair	_____ Clerk
Ontario Power Generation	_____	_____
St. Lawrence Seaway Management Corporation	_____	_____