

MISSISSIPPI VALLEY CONSERVATION AUTHORITY

BOARD OF DIRECTORS MEETING

Mississippi Valley Conservation Centre
Carleton Place

September 17, 2014

MINUTES

MEMBERS PRESENT:

J. Karau, Chair;
D. Abbott, Vice-Chair;
D. Black;
M. Burnham;
G. Code;
A. Gillis;
A. Jones;
G. Martin;
G. McEvoy;
W. Millar;
B. Sutcliffe;
P. Sweetnam;
H. Yanch.

MEMBERS ABSENT:

E. El-Chantiry;
R. Kidd.

INVITED MEMBER PRESENT:

L. Antonakos.

STAFF PRESENT:

P. Lehman, P. Eng., General Manager;
J. Sargeant, Secretary-Treasurer;
C. Craig, Project Manager;
M. Craig, Manager, Planning &
Regulatory Services;
G. Mountenay, Water Management
Supervisor.

BUSINESS:

Mr. Karau called the meeting to order at 1:05 pm.

1. Minutes - Board of Directors Meeting – July 16, 2014

B09/17/14-1

MOVED BY: M. Burnham

SECONDED BY: G. Code

Resolved, That the Minutes of the Mississippi Valley Conservation Authority Board of Directors meeting held on July 16, 2014 be received and approved as printed.

“CARRIED”

2. Minutes – Policy and Priorities Advisory Committee Meeting – August 22, 2014

B09/17/14-2

MOVED BY: W. Millar

SECONDED BY: G. Martin

Resolved, That the Minutes of the Policy and Priorities Advisory Committee meeting held August 22, 2014 be received.

“CARRIED”

3. Minutes – MVC Foundation Meeting – June 18, 2014

B09/17/14-3

MOVED BY: M. Burnham

SECONDED BY: D. Abbott

Resolved, That the minutes of the Mississippi Valley Conservation Foundation meeting held June 18, 2014 be received.

“CARRIED”

4. Business Arising from the Minutes

B09/17/14-4

MOVED BY: E. El-Chantiry

SECONDED BY: P. Sweetnam

Resolved, That the Board of Directors endorse the draft Memorandum of Understanding to participate in the City of Ottawa Natural Legacy Project as recommended by the Policy and Priorities Advisory Committee.

“CARRIED”

B09/17/14-5

MOVED BY: A. Jones

SECONDED BY: A. Gillis

Resolved, That the Board of Directors of the Mississippi Valley Conservation Authority be designated as the Head of the Institution for purposes of the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990*, and further,

Resolved, That the General Manager be appointed as the Freedom of Information and Privacy Coordinator and that all powers and duties under the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990*, be delegated to the General Manager.

“CARRIED”

In response to a question, Mr. Lehman explained that the Authority does not have a policy to obtain costs from an applicant under the *Municipal Freedom of Information and Protection of Privacy Act, RSO 1990*. He advised that the number of requests in the past have been minimal but more recent requests are generating additional workload and staff will be developing a policy. Mr. El-Chantiry commented on the

importance of drafting a policy as soon as possible so that staff time can be recovered. Mr. Burnham suggested that staff obtain a copy of the policy for Tay Valley Township and develop an MVC policy for consideration by the Policy and Priorities Committee.

In response to a question regarding the loan agreement with the Town of Carleton Place, Mr. Lehman confirmed that Minister's approval will not be required so the paperwork should be finalized shortly.

5. Gas Line Connection

Mr. Lehman commented on the original contribution agreement with Enbridge Gas to install a gas line from Lake Avenue across the field to the new office at an estimate of \$85,000.00 which was provided to Enbridge Gas. He noted that Enbridge Gas did not proceed with installing the line during the fall of 2013 as planned and, as a result, MVC proceeded to convert the building heating system to propane for the winter. In March, Enbridge Gas advised that they could no longer commit to install the gas line under the original contribution agreement. At that time they advised that the cost would be \$400,000.00 so they were advised that MVC could not proceed on that basis. Since then MVC has been negotiating with Enbridge Gas to find options to have the gas line extended. Recently Enbridge Gas gave a revised contribution agreement amount of \$112,838.00. Based on legal advice received and on the recommendation from the Office Building Committee, Mr. Lehman recommended that the Authority agree to the new amount if Enbridge agrees to cover the additional \$30,000.00 in costs incurred by the Authority to convert to propane during the past winter. If an agreement can be reached then the gas line would be installed over the next few weeks.

Mr. Lehman noted that Enbridge Gas recently requested copies of all invoices for the conversion for consideration. He noted that the revised contribution agreement would be in the amount of \$112,838.00 (exclusive of HST).

Following discussion, it was agreed that MVC should agree to the revised contribution agreement if Enbridge covers conversion costs as submitted to them.

B09/17/14-6

MOVED BY: E. El-Chantiry

SECONDED BY: G. McEvoy

Resolved, That a Revised Contribution Agreement from Enbridge Gas be accepted with terms not to exceed \$112,838.00 (exclusive of HST) and provided that the additional costs incurred by the Authority for conversion to propane are included in the final costs.

“CARRIED”

6. Draft Memorandum of Understanding for Trail Development – Roy Brown Park

The Draft Memorandum of Understanding with the Town of Carleton Place to develop, operate and maintain a trail system in Roy Brown Park between the Mississippi Valley Conservation Centre and Riverside Park was reviewed and

discussed briefly. Mr. Craig noted that the trail system was one of the conditions in the Development Permit Agreement. He noted that Phase 1 could be completed during the fall and will follow the intended gas line extension across Roy Brown Park and end at the public washrooms on the east side of the MVCA building. Much of the trail bed will be completed as part of the gas line extension.

Mr. Craig advised that Phase 2 will involve extension of the Trail into the wetland portion of the area and may consist of a combination of stone dust trails, boardwalks and lookout platform with rest areas for nature interpretation. He advised that the Memorandum of Understanding states that plans for Phase 2 would need to be finalized and costs developed for approval by the Conservation Authority and the Town of Carleton Place before proceeding. He noted that the Agreement does not commit the Authority or the Town of Carleton Place for future costs.

Mr. Sweetnam requested that Schedule A, the draft concept plan for trail development in the waterfront area be circulated to members by email.

B09/17/14- 7

MOVED BY: D. Black

SECONDED BY: A. Gillis

Resolved, That the draft Memorandum of Understanding for Trail Development on Roy Brown Park be approved for execution.

“CARRIED”

7. Draft Memorandum of Understanding for Public Washrooms – Mississippi Valley Conservation Centre

The Draft Memorandum of Understanding with the Town of Carleton Place to operate and maintain public washrooms at the Mississippi Valley Conservation Centre was reviewed and discussed.

B09/17/14-8

MOVED BY: G. Code

SECONDED BY: P. Sweetnam

Resolved, That the draft Agreement for Public Washrooms be approved for execution.

“CARRIED”

8. Poole Creek Stewardship Project

Mr. Craig gave a presentation on the Upper Poole Creek restoration project that was undertaken by MVC staff in 2013 and 2014. He noted that the project has been spearheaded by Alyssa Boivin and is part of the overall water monitoring strategy. He noted that the project is not complete and other areas of the watershed will be considered. There were numerous comments on the good work completed by Ms. Boivin during her time with MVC.

There was a discussion on how the Authority gets word out to the public on the good work completed in the watershed. Mr. El-Chantiry questioned how the public would know what MVC is doing to improve conditions in the watershed. He questioned the promotion of the Authority programs and noted that the Authority fails to communicate what it does. Mr. Karau pointed out that the website does have good information on Authority projects.

Mr. Sweetnam agreed that there is not enough promotion about the good projects happening across the watershed but he also noted that Suzanne McFarlane did send information to the members on upgrades at Poole Creek. The challenge is to catch the attention of the recipient so that they read the articles.

Mr. Martin commented on a meeting held recently in his Township when MVC staff were well received by the public.

9. Watershed Conditions Report

Mr. Mountenay advised that drawdowns have started on western watershed lakes and will continue leading up to Thanksgiving. He also noted that dam inspections are ongoing during the fall period.

10. Ontario Regulation 153/06 Permits

Permits issued up to September 10, 2014 were reviewed.

11. K&P Trail Maintenance

Mr. Lehman commented on Staff Report #2786/14 regarding K & P Trail maintenance. He noted that staff continue to work toward developing an updated management plan for the K&P Trail Conservation Area in conjunction with the K&P Trail Advisory Sub-committee. Through consultation with the Sub-committee members, the Eastern Ontario Trail Alliance (EOTA) offered to include the K&P Trail in a broader application for trail maintenance funding across eastern Ontario from the National Trails Coalition (NTC). The funding program requires matching funds from NTC members or their partners and if the EOTA application is successful, funding would have to be spent by the end of 2015.

He noted that staff submitted a request for \$35,000 to upgrade portions of the K&P Trail with gravel, grading and bridge improvements. The project would require a matching contribution of \$35,000 and staff subsequently submitted a request for \$25,000 from the Farm Credit Canada Agri-Spirit Fund for a portion of the matching funds. Unfortunately the application for the FCC Agri-Spirit Fund was not successful and staff will resubmit an application for the next round of funding in April 2015.

Mr. Lehman pointed out that as a result of timing, staff propose to allocate \$35,000 toward the project in the 2015 Budget.

Fencing along trails going through agricultural land was discussed briefly. Mr. Abbott noted that farmers are questioning when fencing will be fixed.

12. Other Business

a. Correspondence – Mississippi Mills Council Motion

Correspondence regarding the effects of climate change on water levels in Mississippi Mills was received from the Town of Mississippi Mills Council on September 8, 2014. Mr. Lehman noted that there will be a response from the Ministry of Natural Resources to Council. The concerns will be brought up as part of the steering committee of the water management plan, Council concerns will be investigated, and the item will be brought back to the Board for discussion.

b. Response to Faith Blacquiere

Mr. Lehman noted that staff have reviewed the concerns raised by Faith Blacquiere at the Board of Directors meeting on May 21, 2014 regarding the Poole Creek, Feedmill Creek and Carp River Restoration Project. Mr. Lehman circulated his response, as attached to the minutes, and commented on the concerns raised. Mr. Lehman noted that the response from MVC clarifies the environmental assessment process and he noted that the Authority could not deny the permit application.

Mrs. Blacquiere responded to the MVC response by giving the oral presentation as attached to the minutes.

c. A. D. Latornell Conservation Symposium

It was noted that the early bird deadline for the A. D. Latornell Conservation Symposium in November is October 3. Board members and municipal staff were encouraged to consider attending.

ADJOURNMENT

The meeting was adjourned at 2:45 p.m.

B09/17/14-9

MOVED BY: A. Jones

SECONDED BY: H. Yanch

Resolved, That the Mississippi Valley Conservation Authority Board of Directors meeting be adjourned.

“CARRIED”

“J. Sargeant, Secretary-Treasurer

J. Karau, Chair”

Date: September 11, 2014

To: Faith Blacquiere

Reference is made the questions posed in your letter to Mr. Karau and the Board of Directors dated May 4, 2014 regarding the City of Ottawa and Kanata West Owners Group (KWOG) Carp River Restoration Plan (CRRP). Staffs responses to those inquiries are provided below.

- 1) MVCA staff has been consulted throughout the CRRP design process which included a review of the Kanata West Owner Group Carp River Restoration Design Brief dated June 2013 and the Kanata West Owner Group Carp River Restoration Design Brief Addendum dated March 19, 2014. The Design Brief Addendum detailed various changes to the design which the City of Ottawa and KWOG decided to make including replacing a number of fish habitat ponds with wet meadows and changing certain materials and channel protection designs. The City of Ottawa and KWOG consulted with MVCA, MNR and DFO on the modified design.

The CRRP is being designed under the Municipal Engineers Association's Municipal Class Environmental Assessment (Class EA) and as co-proponents the City of Ottawa and Kanata West Owners Group are responsible for determining if further public consultation is required as a result of design changes.

As you are aware, MVCA's Fish Habitat Referral Agreement with DFO was terminated effective November 25, 2013 and as a result, any changes in project design related to fish habitat were referred to DFO for consideration. MVCA's regulatory function with the CRRP is to review the project design with respect to potential impacts on flooding, erosion, pollution or the conservation of land. MVCA's involvement in the design process to date has been to facilitate an effective review once an application is submitted.

MVCA staff considers all relevant information in the review of an application against the Regulation Policies of the Authority. The design changes did not have any impact on this particular application and staff must review each application based on its own merits. The requirement for engineered drawings and/or analysis depends on the scale and type of work being proposed. This information forms part of the permit to which the proponent must adhere. Modelling of the proposed CRRP has and continues to be completed demonstrating no increase in flood risk.

- 2) Regarding Permit W14-07, the permission granted was for an excavation within the Regulatory Flood Plain of the Carp River. MVCA cannot comment on why this particular application was submitted, however, we do anticipate that the CRRP will be conducted in three phases. The excavation will be incorporated into Phase 1 of the CRRP which we anticipate to occur later this year. It is possible that individual sections of the overall project may be advanced to accommodate development or infrastructure requirements. These applications will be assessed with respect to their individual merits, potential impact and conformity with the CRRP. MVCA staff are in

frequent contact with the proponents of the CRRP to monitor progress or when changes may be under consideration.

Applications submitted to MVCA for permission must be reviewed and a decision rendered within specific timelines. Permits are issued to the landowner or their authorized agent and the internal procedures used to establish authorization are not a matter which MVCA can address. Misleading or fraudulent information submitted on an application may result in the Permit being revoked or lead to a civil action.

- 3) MVCA cannot comment on either the City of Ottawa's or Kanata West Owners Group procurement procedures.
- 4) Permit W14-07 was issued for "Excavation within the Regulatory Floodplain". Ontario Regulation 153/06 is applicable to the Regulation Limit which includes the Regulatory Floodplain. Activity outside of the Regulation Limit is not subject to the Regulation. It is anticipated that one application will be submitted on behalf of multiple landowners for each phase of construction resulting in multiple permits being issued.
- 5) MVCA cannot comment on individual proponents insurance provisions.
- 6) Proposed work may be subject to other approvals which MVCA staff should be made aware of, however, the decision on granting or denying permission under Ont. Regulation 153/06 must be based solely on the technical merits of the application and the potential impacts on flooding, erosion, pollution or the conservation of land. The responsibility to obtain other forms approval rests with the proponent.
- 7) The Hwy 417 bridge work will be incorporated into the hydraulic model and verified when the work has been completed. To date, all model results have indicated lower 1:100 yr water levels at that location.
- 8) The channel protection design included in the March 2014 Design Brief Addendum proposes a change from the typical brush mattress to wattles/facines or sod mats. Hydraulic modelling has been updated to reflect the proposed design and will be confirmed at the time an application has been submitted. Throughout this process, the objective has been to insure there is no increase in flood risk.
- 9) Fill stockpiles adjacent to the Carp River which may temporarily retain runoff would not have a significant impact on the Carp River or the associated modelling.
- 10) With respect to the Arcadia Phase 2 residential development, the flows from the upstream drainage basin have been included in the Carp River modeling. Any proposed alterations to a natural watercourse are subject to Ontario Regulation 153/06.

This response will be submitted to the Board of Directors for information at the September 17, 2014 meeting.

Yours truly,

Paul Lehman, P.Eng.
General Manager

CRRP Oral Presentation to the MVC Board 20140917

By Faith Blacquiere, Glen Cairn

Thank you for the opportunity to speak to the Board again. I was disappointed that the MVC Response did not address the vision, coordination, and fish habitat pond issues and the additional concerns which were in the detailed presentation which I provided on CD for circulation. I realize that the amount of information and the number of concerns may have overwhelmed the Board and staff and I do not intend to rebut each point made in the MVC Response, but would like to clarify 3 things:

1. The diagram in the Calibration/Validation Report definitely shows storage space above the fish habitat pond which has shared banks with the Carp River channel, and CRRP documents indicate that the channel was narrowed due to these ponds
2. The berms which I identified as cutting off the flow from the Carp River, thereby impacting the streamflow monitoring, are not random "fill stockpiles" – MVC has issued permits for at least some of these extensive, uninterrupted "pre-loading" berms, and an additional un-permitted berm has also been created adjacent to the Glen Cairn Pond. The Ministry of the Environment PTTW Director informed me that it is not legal to cut off the water, however, there appears to be a regulatory gap in the MVC and PTTW statutory instruments.
3. The Huntmar Tributary which the MVC Response refers to as an "upstream drainage basin" and says a permit will be issued, has already been diverted to the Kanata West Pond 1 outlet channel.

My overall impression of the MVC Response is that staff are saying everything is fine, when I believe it is not.

My understanding is that a Board of Directors is supposed to provide direction, approve higher level policies, and make decisions on major changes. With regard to the issues and concerns I have raised, it appears that MVC and City staff have assumed this role and made the following decisions:

1. To overturn the CRWSS vision and recommendations for fish habitat ponds which are part of the vision for a healthy natural watercourse, as well as quantity and erosion control for Feedmill Creek
2. To change fish habitat ponds to wet meadows and change channel materials because the Fisheries Act changed and to undertake cost cutting outside of budgetary reporting processes
3. To mix up the catchment area boundaries and divert stormwater to different subwatersheds
4. To flood pathways
5. To ignore common law rights relating to stormwater runoff and surface drainage
6. To approve applications and permits when the CRRP design has not been finalized
7. To not provide detailed modelling for bridges, confluences, and Carp River tributaries
8. To not take action to ensure that decisions are coordinated and based on the same design information. 2

Many of these decisions have been buried in lengthy, complex engineering reports or staff reports which do not clarify the issues and policy changes. I believe that the MVC Board has been asked to make the decisions to proceed with the CRRP without adequate coordination mechanisms or analysis of the legal issues, impacts, and cumulative impacts. There are also a number of problems with the watershed and subwatershed boundaries in the various maps being used for development, source water protection, etc.

I see the solution to these problems as requiring a MVC policy decision to do the following:

1. Confirm that all decisions made by staff reflect the Board's position
2. Ensure that all of my comments are reviewed, and that new documents explicitly identify legal and flooding aspects
3. Ensure MVC Permits are not issued without final designs being available and require an impact, and cumulative impact, analysis. Ensure that every berm, restoration work, road crossing, pedestrian bridge, recreational pathway or trail within, and upstream of, the Regulation Limit, filling or diversion of tributaries, wetland storage and groundwater flow, and addition of fill and vegetation, be evaluated for impact and the need for storage compensation
4. Ensure projects are coordinated with the City and other agencies
5. Review the Carp River watershed and subwatershed boundaries and correct errors in floodplain mapping
6. Consider developing policies for Natural Stormwater Management Infrastructure Systems.

In my previous presentation to the Board, I indicated that failure to coordinate several projects was a major contributing factor in the Glen Cairn flooding. I continue to be very concerned, as I see this happening in the CRRP process. The City is being required to spend close to \$40 million to mitigate the flooding caused in the Carp River watershed by past decisions – surely prevention would be a better alternative. I am also concerned that as I extend my research deeper in looking at west end developments and Carp River planning, that I am finding more and more problems. For example, the Feedmill Creek confluence with the Carp River has been modelled downstream of the Transitway rather than upstream, and proposed changes result in a very hydraulically congested narrow area which may impact flows.

Some of my research findings on the Feedmill Creek development and catchment were submitted to the MVC Board Chair in my 15 July email. I intend to follow up with staff about the lack of quantity control, the higher water levels, the number of contributing tributaries, the floodplain mapping which was based on only 1 of these tributaries, and other concerns.

I also have comments on several of the items in the Agenda and Minutes:

1. Wetlands Policies – Please ensure that stormwater aspects and protection of people and property are considered, rather than the just the current focus on fish and trees and PSWs
2. Stewardship Projects – Please ensure that the impact of any restoration works and related infrastructure on channel capacity and flood levels are considered
3. Freedom of Information – Please consider posting MVC Permits online before and after approval and provide for public input. In addition, an open access policy with more information online may help reduce the number of “contentious issues” if the public knows projects are being well managed.

Thank you again for your time and attention