

MISSISSIPPI VALLEY CONSERVATION AUTHORITY
BOARD OF DIRECTORS

Mississippi Valley Conservation Centre
Carleton Place

MINUTES

September 9, 2015

MEMBERS PRESENT:

J. Karau, Chair;
D. Abbott, Vice-Chair;
M. Burnham;
G. Code;
B. Doucett;
E. El-Chantiry;
J. Flynn;
A. Gillis;
J. Hall;
G. Martin;
J. Mason;
G. McEvoy;
P. Sweetnam;
M. Wilkinson.

MEMBERS ABSENT:

F. Campbell;
B. MacDonald;
K. Thompson.

INVITED MEMBERS ABSENT:

L. Antonakos.

STAFF PRESENT:

P. Lehman, P. Eng., General Manager;
J. Sargeant, Secretary-Treasurer;
R. Fergusson, Operations Supervisor;
S. Gutoskie, Community Relations Coordinator;
J. Price, Director, Water Resource Engineering.

Mr. Karau called the meeting to order at 1:00 p.m. Mr. Sweetnam was congratulated on 35 years of dedication to the Pinhey Point heritage facility in the City of Ottawa. Mrs. Wilkinson provided a brief history of the Pinhey Point site.

Mr. Karau welcomed Jerry Flynn to the Board of Directors. He noted that Mr. Flynn is the second appointment from the Town of Carleton Place as approved by the Board of Directors in February 2015.

BUSINESS:

1. Minutes - Board of Directors Meeting – July 15, 2015

B09/09/15-1

MOVED BY: M. Burnham

SECONDED BY: P. Sweetnam

Resolved, That the minutes of the Mississippi Valley Conservation Authority Board of Directors meeting held July 15, 2015 be received and approved as printed.

“CARRIED”

2. Minutes – Regulations Committee Hearing – July 15, 2015

B09/09/15-2

MOVED BY: D. Abbott

SECONDED BY: E. El-Chantiry

Resolved, That the minutes of the Mississippi Valley Conservation Regulations Committee Hearing held July 15, 2015 be received.

“CARRIED”

3. Business Arising from the Minutes

Mr. Gillis commented on the years dedicated by John Edwards as Chairman of the Mill of Kintail Museum Advisory Committee. He suggested that a thank you be extended to Mr. Edwards on behalf of the Board of Directors.

Mr. Karau advised that an Open House for wetlands will be held at the Authority office on Wednesday, September 23, 2015. Members were invited to attend.

Mr. Doucett spoke about the proposed wetlands policy changes as Councillor for the Town of Carleton Place. He noted that he supports the initiatives of the Authority but has concerns with the direction being pursued with regard to wetlands. He noted that wetlands need to be protected but there must be balance in both the creation and application of any new regulations.

Mr. Doucett stated that the province, under ER posting number 012-4464 has published a Discussion Paper to seek input on challenges, opportunities, ideas and actions related to wetland conservation in Ontario, with a view to developing a Strategic Plan for Ontario's wetlands. The Strategic Plan will identify a provincial vision, goals and objectives, as well as set out a series of actions that the Ontario government will undertake over the next 15 years to improve wetland conservation across the province. He questioned whether the initiative by the province has been considered within the context of whether the proposed regulations should be delayed until there is clearer direction from the province; particularly as to whether funding will be forthcoming to assist with which, by its nature, will be expensive to implement.

Mr. Doucett stated that consultation with the public and the municipal partners is critical and communication must be well thought out and reach the maximum number of potentially affected owners as possible. Mr. Doucett indicated that his public inquiries indicate that communication has failed badly and virtually no member of the public has heard about the proposed policy change. He commented on having to defend the Conservation Authority from allegations of “sneaking something through”. Mr. Doucett noted that the Authority is a respected organization throughout the watershed and he stressed caution in the presentation, explanation and eventual implementation of the wetlands policy. Mr. Doucett explained that it needs to be clear to the public that the interactive map is based on somewhat dated Ministry of Natural Resources data. The areas indicated may be larger, smaller or not correctly identified as wetlands. He also pointed out that the public needs to be aware that the wetlands, once defined by on-site inspection, will have a 30 metre setback from any structure.

He outlined the following questions from his municipality:

Can an individual request an inspection whether they are currently making topographical changes or not to their property?

Is the fee \$95.00?

Is the fee refunded if no wetlands are identified?

If the proposed wetland is situated across properties owned by multiple owners, is the fee payable by each owner or is it prorated?

What notice is provided to a property owner that the Conservation Authority wishes to do an on-site examination?

How often will the map be updated so that municipal planning can readily identify if there is even a need to consult the Conservation Authority?

Previously a municipal official plan was used to identify at risk areas. Are the official plans now to be ignored in favour of the proposed mapping?

Mr. Doucett pointed out that his questions represent only a few of the questions that need to be answered. He expressed the opinion that other Board members may have similar concerns.

Mr. Karau commented on the relationship and timing of the Ontario Discussion Paper on Wetlands and the proposed changes to the MVCA Wetlands Policy.

Mr. Sweetnam questioned whether the Wetlands Open House on September 23 has been advertised adequately in multiple presses.

Mr. Karau suggested that Board members submit questions with regard to the changes to the wetland policy to staff so that they can respond in detail.

Mr. Lehman pointed that the Open House is on Wednesday, September 23 from 4:00 to 8:00 p.m. He noted that the protection of wetlands was an issue raised by the Board of Directors approximately 2-3 years ago and staff have responded to direction from the Board since that time. He noted that the timing in terms of the Provincial review is coincidental. The conservation authority regulation is one tool along with the Provincial Policy Statement which applies to provincially significant wetlands. He noted that initially the MVCA Board chose to implement the wetlands regulation across provincially significant wetlands only. The intent of the Board 2-3 years ago was to examine the protection of all wetlands in the watershed. How the Authority moves toward that is the decision of the Board of Directors.

Mr. Doucett stated that the Open House on September 23 needs to be very visible on the Authority's home webpage.

Mr. Karau suggested that the website also provide a link to the provincial discussion paper on wetlands. He noted that the Township of Beckwith has written to the Chair expressing concerns with regard to the wetlands policy particularly on the issue of the accuracy of mapping.

It was noted that the Open House conflicts with the Lanark County Council Meeting on the same date. Mr. Burnham pointed out that there is a consultation process, the meeting on September 23 is an initial meeting and there will be future meetings to follow. He also noted that the South Nation, Rideau and the Mississippi are the only authorities in the Province of Ontario that do not regulate all wetlands.

Janet Mason suggested that the Authority's webpage could have more information on the proposed wetland policy. She pointed out that consultation meetings with the public are required in various locations throughout the watershed to make it easy for people to attend. Advertisements need to be included in local newspapers where the Open Houses are being held. She expressed the opinion that Mr. Craig's recent presentation on the topic addressed many of the concerns that have been raised including site visits which would not be onerous but required in case maps are not accurate.

Mr. Karau agreed that staff should re-examine the outreach strategy and reach out to municipalities where there is a need and a desire for consultation. He suggested that the Authority make wider use of Mr. Craig's presentation which does help to answer some of the questions that have arisen.

Mrs. Code stated that her municipality is against more regulations that will cost more to implement and consume time for the municipal planner. She noted that there are a lot of upset people in her municipality and all of her councilors are against the wetlands policy. She questioned whether the Authority will continue toward implementation if there are widespread objections.

Mr. Martin commented on the difference in wetlands between rural and urban areas. He noted that his area is peppered with wetlands that come and go depending on the location of beavers.

Mr. Karau agreed that the proposed wetlands policy is a sensitive but important issue. He pointed out that public concerns can be addressed and the Authority will make the effort to deal with the issue effectively once all comments are received.

Mr. Sweetnam stated that if the Authority has reasonable mitigation policies then the regulation is something that the Authority can sell to the municipalities and the public. He pointed out that there are advantages to wetlands and they are decreasing throughout Ontario. He stated that the Authority needs flexible mitigation policies in the beginning of implementation.

It was noted that detailed mapping will be available at the Open House and it will allow the public to attend, ask questions, and find out how the policy will affect them personally. Mrs. Gutoskie stated that staff will be available to show people where their property is and what the impact will be for them.

Mr. El-Chantiry noted that one issue is how to deliver the message. If a website link could be advertised for people to look at their own property it may be worthwhile.

Mr. Abbott stated that the Authority must start somewhere because a load of fill can destroy a wetland. If the Authority does not set the wetlands policy in motion it will get nowhere. Mr.

Doucett advised that he has put together four different links with regard to the wetlands policy for the public that he has talked to and he will provide those links to staff.

4. Board of Directors Representation

Staff Report #2831/15 was reviewed. Mr. Lehman indicated that the Town of Carleton Place has recently advised that it will appoint a second representative based on a decision of the Board of Directors in February 2015. Mr. Flynn has been appointed from the Town.

5. Conservation Authorities Act Review

Staff Report #2832/15 regarding the Conservation Authorities Act Review was reviewed and commented on by the General Manager. He noted that the Ministry of Natural Resources and Forestry (MNRF) has posted a Discussion Paper regarding the Conservation Authorities Act Review on the Environmental Bill of Rights registry for public comment until October 19, 2015. A copy of the Discussion Paper was circulated on August 26th. MNRF has scheduled a number of Engagement Sessions to solicit views from conservation authorities, municipalities and other stakeholders on a variety of questions regarding the Roles and Responsibilities of the Conservation Authorities, Governance and Funding.

It was noted that given the changes which have occurred within the provincial ministries and increasing stress on land and water resources from climate change and urbanization, a review of the *Conservation Authorities Act* is timely. As stated in the Discussion Paper, the Review is intended to identify opportunities to improve the legislative, regulatory and policy framework that currently governs the creation, operation and activities of conservation authorities. The Discussion Paper and consultation process is the first step in the review process in which the feedback will help the MNRF identify priorities for further review. Any proposed legislative, regulatory or policy changes will be subject to further consultation. No timeline has been provided as to completion of the Review.

Mr. Lehman advised that conservation authorities are considered to be a stakeholder in the review process along with municipalities, First Nations and other interest groups. While individual conservation authorities may have specific concerns or issues of interest, it will be important to communicate commonly accepted views which can be accepted by most if not all CA's. To assist in that regard, Conservation Ontario struck a Conservation Authorities Act Review Working Group to formulate an initial response to the questions posed in the Discussion Paper for consideration by Conservation Ontario Council and individual Conservation Authorities. The preliminary response to the questions posed in the Discussion Paper has been updated from the previous response circulated in August and was attached to the staff report.

It was noted by Mr. Lehman that conservation authorities have been the subject of numerous reviews, the most recent of which occurred in 1996, resulting in a significant withdrawal of provincial support for conservation authority programs and elimination of the Conservation Authorities and Water Management Branch within MNRF. Over the ensuing 20 years, much of the corporate knowledge regarding the conservation authority program which had existed within the province was eventually lost.

As a result of the changes introduced in 1996, the conservation authorities consulted with their municipal partners and developed programs to address local priorities while continuing to deliver

responsibilities for natural hazard management delegated by the province. The conservation authorities continued working with other provincial ministries and federal departments to deliver programs and services which aligned with local priorities. They were largely ad-hoc in nature resulting in inconsistent program delivery; however, by adhering to an integrated watershed management approach they allowed the conservation authorities to capitalize on resources/programs when they became available and achieve a synergy with on-going programs.

It was noted that integrated watershed management is recognized internationally as the most efficient approach to addressing the cumulative impacts on land and water resources from a variety of simultaneous issues such as climate change, rapid urbanization and changes in land use - all of which influence the economy, environment and individual well-being. The conservation authority model is also recognized as a best practice for integrated watershed management. While the conservation authorities have had some success in delivering an integrated watershed management program, there has been inconsistency in the extent to which programs and services are available, largely due to local capacity and competing priorities.

The 2012 Conservation Ontario Whitepaper – Watershed Management Futures for Ontario recognized that despite their current limitations and challenges, as a collective, conservation authorities provide an important opportunity for the province to improve watershed management in Ontario. By clarifying roles and responsibilities and formalizing the broad working relationship which conservation authorities have developed across multiple ministries, the province could establish an effective framework for integration of provincial policy and science into local decision-making, to ensure that natural resources and water in particular, are sustainable for environmental, economic, and social uses in watersheds.

The four key recommendations outlined in the staff report were reviewed and discussed. Mr. Lehman pointed out that in addition to the four key recommendations, a number of amendments to the *Conservation Authorities Act* which were previously endorsed by Conservation Ontario council are being recommended for adoption. Those recommendations were also attached to the staff report. Mr. Lehman noted that an engagement session for conservation authorities has been scheduled for September 10th and another for municipalities on September 24th in Smith Falls. The engagement sessions will be facilitated and will pose the series of questions regarding Governance, Funding and Roles as listed in the Discussion paper. Participants will have an opportunity to express their views while the Facilitator or Ministry staff may ask questions for clarification.

Additional engagement sessions will be held with other stakeholders including the development industry, agriculture and environmental organizations.

Janet Mason pointed out that there are unregulated areas in the province not covered by a Conservation Authority. She noted that those areas should be addressed in the review. Mr. Lehman explained that the *Conservation Authorities Act* does allow for the establishment of a Conservation Authority in those areas but there needs to be municipal interest and support for a Conservation Authority before the province will consider. He noted that there has not been increased funding to conservation authorities in 20 years and questioned whether there is capacity to support new authorities in the province.

Mr. Burnham pointed out that originally when conservation authorities were set up provincial money was available. Theoretically those areas without a conservation authority are regulated by the

Ministry of Natural Resources but the Ministry no longer has people on the ground to address provincial policies. With regard to source water protection, the Ministry was supposed to handle those areas but nothing has been done. He stressed that since 1996, provincial funding has significantly decreased and downloading to the municipalities and the conservation authorities has increased. He commented on the inability for the Mississippi Valley Conservation Authority to provide similar programs as those provided by the Rideau Valley Conservation Authority. He noted that the situation is very similar in all areas of the province leading to a lack of consistent programs province wide.

Mr. Abbott commented on the blue green algae bloom on White lake that is being addressed by a volunteer organization that meets quarterly. The volunteer group has no legislated authority. The area is a large watershed with a real need for a conservation authority.

Mr. Karau noted that he was part of the Ottawa River Summit and the issue of inconsistent programs was discussed. He noted that conservation authorities do explore opportunities where they can offer some partnering abilities but without risk to individual conservation authority capacity and mandate.

Mr. El-Chantiry expressed caution that even though the province is revisiting conservation authorities it does not mean that there may be more money. He noted that the Ministry of Natural Resources is one of the poorest ministries and the province does not know the full effect of some of the downloading that has occurred. He stated that the province has walked away from property with no regard for the protection.

Mr. Gillis expressed concern with the lack of support for conservation authorities during his years on local government. He questioned whether the exercise is a real effort or an effort to divert attention.

Mr. Karau stated that there is value in participating in the review. The province treats conservation authorities like a stakeholder rather than a partner. The municipalities have an opportunity to participate in the review and they need to be aggressive with the province with regard to downloading and financial support for conservation authorities.

B09/09/15-3

MOVED BY: M. Burnham

SECONDED BY: B. Doucett

Resolved, That Conservation Ontario's Draft Submission on the Conservation Authorities Act – Discussion Paper dated September 2, 2015 be endorsed.

“CARRIED”

6. Bell Canada Lease Renewal – K&P Trail

Mr. Lehman advised that in 2006 MVCA entered into an Agreement with Bell Canada to permit the installation of a buried phone line on the K&P Trail property from Lavant Station to Folger to supply phone service to several residents in Folger. The Agreement was renewed in 2010 for a further five year period which expires in 2015. Under the terms of the Agreement, Bell Canada pays an annual fee to MVCA in the amount of \$1,500. Bell Canada has requested a renewal of the agreement for a further five year period.

The Agreement involves approximately 3300 m of the K&P Trail bed or approximately 2.5 acres of

land. Since the original installation of the line, the Agreement has not resulted in any disturbance of the Trail and the annual fee is applied to annual maintenance along the Trail. Based on typical land values in the area, Mr. Lehman recommended that a modest increase in the annual fee to \$1,600 would be reasonable compensation.

Mr. Sweetnam pointed out that the increase should be in keeping with the annual CPI which would mean an increase of approximately \$150.00 since 2006. Following a lengthy discussion it was agreed that the agreement be renewed for \$1,650.00 per year.

B09/09/15-4

MOVED BY: P. Sweetnam

SECONDED BY: A. Gillis

Resolved, That the Board of Directors approve the renewal of a five year Agreement with Bell Canada for the maintenance of a buried line as per the terms and conditions of the original agreement with an annual fee of \$1,650 as per the CPI.

“CARRIED”

7. Property Disposition

B09/09/15-5

MOVED BY: E. El-Chantiry

SECONDED BY: G. Martin

**Resolved, That the Board of Directors move “in camera” to address matters pertaining to a proposed or pending disposal of property for Authority purposes; and further
Resolved, That Paul Lehman and Joan Sargeant remain in the room.**

“CARRIED”

B09/09/15-7

MOVED BY: G. Code

SECONDED BY: M. Burnham

Resolved, That the Board of Directors move out of “in camera” discussions.

“CARRIED”

Mr. Karau reported in his rise and report that a motion B09/09/15-6 was passed during the in camera session giving direction to the Chairman and General Manager.

B09/09/15-8

MOVED BY: E. El-Chantiry

SECONDED BY: M. Burnham

Whereas a 1.6 ha parcel of land owned by the Mississippi Valley Conservation Authority which was acquired for flood control purposes and;

Whereas, the property is no longer required for its original purpose and is therefore deemed to be surplus to the needs of the Mississippi Valley Conservation Authority, and;

Whereas, disposition of the subject property would further the objectives of the Conservation Authority;

Therefore be it Resolved, That the Mississippi Valley Conservation Authority approves the disposition of approximately 1.6 hectares of land referenced as part of Part 1 and Parts 2, 3, 4, 5, 6, 7, 9, and 10 on Plan 4R-28120 in Part of Lot 30, Concession 11, Township of Goulbourn, City of Ottawa.

“CARRIED”

8. Ontario Regulation 153/06 Permits

Permits issued and the activity report up to September 2, 2015 were reviewed.

9. Long Range Budget Projection

Mr. Lehman provided a presentation on strategic priorities and long range budget projections for the next 3 years. It was agreed that the long range projections be discussed with the Finance and Administration Advisory Committee as part of the annual budget process.

Mr. Burnham stressed that the Conservation Authority is long overdue in providing for increases in the capital budget. He noted that the capital budget has been low for years. There has always been a struggle to balance the budget to meet municipal demands but the capital requirements are falling behind. He pointed out that the municipalities continue to budget for capital expenses and the Authority needs to do the same.

Mr. Lehman noted that the authority needs to look at the strategic priorities, the implications of not funding and examining ways to proceed. The intent is to begin the discussion process to address funding needs that are growing each year.

Mrs. Code agreed that the Authority does need sufficient funding but there is only one taxpayer and decreased funding every year from the province to the municipalities. She noted that roads and bridges need to be repaired. She stated that the money is just not available and the situation continues to worsen. She suggested trying to get funding through other sources.

Janet Mason suggested examining other revenue sources from within current authority programs.

10. Climate Change Vulnerability Assessment and Adaptation Project Update

It was agreed that the update on Climate Change Vulnerability Assessment be postponed to the next meeting.

11. Other Business

Correspondence from Jeff Yurek, MPP, Elgin-Middlesex-London, PC Critic of Natural Resources and Forestry was reviewed.

ADJOURNMENT

The meeting was adjourned at 3:30 p.m.

B09/09/15-9

MOVED BY: M. Burnham

SECONDED BY: D. Abbott

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

J. Sargeant
"J. Sargeant, Secretary-Treasurer"

"CARRIED"
J. Karau
"J. Karau, Chairman"