

MISSISSIPPI VALLEY CONSERVATION AUTHORITY  
BOARD OF DIRECTORS

Mississippi Valley Conservation Centre  
Carleton Place

**MINUTES**

July 19, 2017

**MEMBERS PRESENT:**

J. Karau, Chair;  
D. Abbott, Vice-Chair;  
D. Black;  
M. Burnham;  
F. Campbell;  
G. Code;  
J. Flynn;  
A. Gillis;  
J. Hall;  
B. MacDonald;  
G. McEvoy;  
G. Martin;  
J. Mason;  
P. Sweetnam;  
K. Thompson;  
M. Wilkinson.

**MEMBERS ABSENT:**

E. El-Chantiry.

**INVITED MEMBER ABSENT:**

L. Antonakos.

**STAFF PRESENT:**

P. Lehman, General Manager;  
J. Sargeant, Secretary-Treasurer;  
M. Craig, Manager, Planning and Regulations;  
R. Fergusson, Operations Supervisor;  
S. Gutoskie, Community Relations Coordinator;  
J. North, Water Resources Technologist;  
J. Price, Director, Water Resource Engineering;  
K. Stiles, Biologist;  
A. Symon, Watershed Planner;  
E. Levi, Recording Secretary.

Mr. Karau called the meeting to order at 1:00 p.m.

**BUSINESS:**

1. Minutes – Board of Directors Meeting – May 17, 2017

**B07/19/17-1**

**MOVED BY: G. Code**

**SECONDED BY: M. Burnham**

**Resolved, That the Minutes of the Board of Directors meeting held on May 17, 2017 be received and approved as printed.**

**“CARRIED”**

2. Conserving our Future – A Modernized Conservation Authorities Act

Mr. Lehman gave a presentation of Staff Report #2916/17 regarding changes to the *Conservation Authorities Act* contained in Bill 139 - the *Building Better Communities and Conserving Watersheds Act, 2017* which was introduced in the legislature on May 30, 2017. The Bill has to pass through two more readings in the legislature before it can be enacted which could take place during the next sitting of the Legislature which starts September 11, 2017. During this time, it will be debated by Members of the Legislature and could be referred to a Standing Committee for a 'clause by clause' review.

Mr. Lehman noted Conservation Ontario Council found that overall the amendments were positive in that they address the following five key priorities identified and promoted by Conservation Ontario and individual Conservation Authorities including MVCA (July 2016) throughout the consultation stages:

1. Confirm an integrated watershed management approach and the current broad mandate of Conservation Authorities as watershed management agencies.
2. Establish a formalized provincial multi-ministry body to clarify a broader integrated watershed management approach through an eventual Integrated Watershed Management Provincial Policy.
3. Establish a cost shared, multi-ministry sustainable funding model for any provincially mandated programs best delivered with an integrated watershed management approach on a watershed basis.
4. Modernize governance and accountability provisions within the CA Act in order to ensure more consistency across Conservation Authorities while strengthening oversight and accountability.
5. Establish a multi-stakeholder table to regularly address client service issues; and update and deliver provincial process and technical policies and guidelines to facilitate consistency.

Proposed amendments in a table attached to the Staff Report were further reviewed and discussed.

Mrs. Campbell questioned whether Board of Director members would be required to have a science background based on the proposed changes. Mr. Lehman noted he was not certain, but Conservation Ontario would be involved if and when that change occurs. Mr. Burnham noted that the proposal has not defined what scientific background means exactly and it appears that any change to that effect would be done by regulation. He noted that Conservation Ontario is aware of it and that the Province is committed to working with them, so hopefully the Bill will be adjusted accordingly.

Mr. Karau commented that occasionally a knowledge of science helps, but it's not always mandatory. He affirmed that there was a good representation on our current Board of Directors.

Mr. Gillis expressed concern with additional responsibilities being delegated to Conservation Authorities, specifically with regards to who will be funding the extra workload. Mr. Lehman noted the province is willing to look at potential funding sources.

Mr. Sweetnam questioned whether the Authority was to develop support locally for a budget to support the extra work. Mr. Burnham advised that the paramount message was that the Province needs to pay for what they are asking CAs to do.

**B07/19/17-2**

**MOVED BY: J. Flynn**

**SECONDED BY: J. Hall**

**Resolved, That Staff Report #2916/17 regarding the report, *Conserving Our Future – A Modernized Conservation Authorities Act*, be received.**

**“CARRIED”**

3. Gilmor Appeal

Mr. Lehman reviewed Staff Report #2917/17 regarding the Court of Appeal for Ontario decision on the Gilmor case. In its unanimous decision, the appeal was allowed and the court reinstated the Mining and Lands Commissioner’s (MLC) decision. This decision confirmed that the *Conservation Authorities Act* may be regarded as one of the MLC’s several “home acts”; that the Commissioner’s interpretation of O.Reg. 172/06 (the Nottawasaga Valley Conservation Authority’s individual regulation) is reasonable and that it accords with the plain meaning of the relevant sections. It was determined that discretion under the regulation may be exercised on the basis of safety concerns. He noted that the decision is significant in terms of enforcement moving forward.

Mr. Lehman noted that given the significance of this ruling, it is important that member municipalities are made aware of the decision. As such, staff forwarded a copy of the Court of Appeal decision along with an interpretation of the decision by Conservation Ontario and confirmation that MVCA staff would resume applying existing policies with respect to safe access.

Mr. Hall questioned whether this was the final opportunity for appeal. Mr. Lehman noted that it was, unless they take it to the Supreme Court. Mr. Abbott advised that since the case only applies to Ontario, it would be highly unlikely that the Supreme Court would hear it in appeal.

Ms. Mason asked whether the decision would affect the validity of any permits that were issued in the past year while the case was in appeal. Mr. Craig advised that there is no recourse once permit is issued.

**B07/19/17-3**

**MOVED BY: D. Abbott**

**SECONDED BY: G. Code**

**Resolved, That Staff Report #2917/17 regarding the Gilmor Appeal be received.**

**“CARRIED”**

4. City of Ottawa Floodplain Mapping Update Agreement

Mr. Price commented on Staff Report #2918/17. He noted staff have been working with City of Ottawa staff to finalize a second floodplain mapping agreement including the required deliverables and budget. Under the new agreement, the City of Ottawa will contribute 50% of the total project cost of \$487,850 to undertake the work while MVCA would be responsible to cover the remaining 50%

over a period of five years. The City is proposing to insert an additional clause with respect to public consultation in the final agreement which is not available at present. He noted that the Board of Directors should be made aware of the possible addition now so MVCA could proceed execution of the agreement if it occurs prior to the next Board meeting September.

Mr. Price noted one of the objectives of this project is to build the capacity and expertise within the individual CAs to ensure ongoing maintenance of the floodplain maps can be carried out efficiently. As a result, MVCA has assigned existing staff to the project and has allocated an annual cost of approximately \$50,000 in the 2017 budget to complete the work in 2017. He noted that the project has been a great success so far.

There was a brief discussion regarding the possibility of property boundaries being included on the mapping. Mr. Price advised that the floodplain maps are portraying a space in time and that property boundaries do change. He noted the floodplain mapping is done uniformly for all three CAs within the City, so any additions would have to be agreed upon.

In response to a question, Mr. Price advised that there will be additional flood lines, namely the 5:100 year, 25:100 year and 1:350 year. He noted that care will have to be taken with the 1:350 year as it is not what we regulate, however it will provide good information for climate change purposes.

**B07/19/17-4**

**MOVED BY: M. Wilkinson**

**SECONDED BY: M. Burnham**

**Resolved, That the draft Agreement for the Review and Maintenance of Flood Plain Mapping within the City of Ottawa be approved for execution.**

**“CARRIED”**

5. Program Updates

**Monitoring Program**

Mrs. Stiles gave a presentation regarding MVCA’s monitoring strategy and new integrated monitoring program outlining a new sampling rotation schedule, new sampling protocols and changes to annual reports.

Ms. Mason indicated the strong support for the program from citizen science and volunteers are willing to help whenever required.

Mr. Martin informed the Board that lake associations within North Frontenac were hosting an invasive species open house in partnership with MVCA. He noted it would take place at the Plevna Community Centre on July 29th.

Mr. Karau thanked Mrs. Stiles for a thorough presentation and a job well done.

## **Wetland Update**

Mr. Craig advised that there was an open house session with Ontario Federation of Agriculture on June 21<sup>st</sup> in which approximately 50 people were in attendance. He also noted a presentation was given at a meeting of the Mississippi Madawaska Land Trust Conservancy.

Mr. Craig advised that apart from the presentations which have occurred, there are phone calls and questions during the course of day-to-day business with regard to what may be happening with potential wetland policy changes.

### 6. Ontario Regulation 153/06 Permits

Permits and activities up to July 11, 2017 were reviewed. Mr. Craig noted there were a large number of requests for inspections and permits for repairs which were received in connection with flooding this spring.

### 7. Watershed Conditions Report

Staff Report #2920/17 was reviewed and discussed. Mrs. North commented that with all the rain received, levels remain high. She noted that as long as rain is in the forecast, levels are expected to remain high.

Mr. Lehman touched briefly on climate change projections completed by MVCA. The weather experienced over the past two years is fairly consistent with those projections which show precipitation increases of 10-30% depending on the model. The precipitation projections can be quite different from year to year. He noted that this year is extreme and an event such as the flood this spring may not be repeated right away. There will be swings between drought and rain. This is a sign that climate change is happening now and a lot of systems are not set up to handle this. He noted that flooding is not just localized, but province-wide.

Ms. Mason commented that the extreme events are due to jet streams that aren't where they are supposed to be. She noted that there are no fronts as there have been in the past and people need to be prepared for these extremes.

Mr. Karau noted that the point of re-examining the water control structures is to incorporate potential for more extreme rain and drought events.

### 8. Conservation Authority Biennial Tour

Mr. Lehman noted Conservation Halton and Credit Valley Conservation will be hosting the 2017 Conservation Authority Biennial Tour on October 1st to October 4th. Members are to advise Erin Levi or Allison Playfair of their desire to attend prior to July 31, 2017.

### 9. Other Business

Mr. Lehman provided a brief progress report on the Asset Management Plan. He noted that as the process started, it became apparent that further information needed to be obtained before the plan can proceed. He advised that a policy will be brought to the Policy & Priority Advisory Committee in the

fall. Specifically, level of service is something that needs to be addressed prior to identifying needs within the plan. Once the process has been completed, it will be brought back to the Board.

Mr. Price advised that the Shabomeka Lake project under the WECI program was awarded to Stantec Consulting.

**ADJOURNMENT**

The meeting was adjourned at 2:50 p.m.

**B07/19/17-5**

**MOVED BY: M. Burnham**

**SECONDED BY: G. Martin**

**Resolved, That the Board of Directors meeting be adjourned.**

**“CARRIED”**

“E. Levi, Recording Secretary

J. Karau, Chair”