

MISSISSIPPI VALLEY CONSERVATION AUTHORITY
BOARD OF DIRECTORS

Mississippi Valley Conservation Centre
Carleton Place

MINUTES

September 20, 2017

MEMBERS PRESENT:

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

MEMBERS ABSENT:

J. Flynn;
B. MacDonald.

INVITED MEMBER PRESENT:

L. Antonakos.

STAFF PRESENT:

P. Lehman, General Manager;
J. Sargeant, Secretary-Treasurer;
A. Broadbent, Information Technology Supervisor;
M. Craig, Manager, Planning and Regulations;
S. Gutoskie, Community Relations Coordinator;
J. Price, Director, Water Resources Engineering;
D. Reid, Environmental Planner;
K. Stiles, Biologist;
A. Playfair, Recording Secretary.

GUESTS PRESENT:

S. Casgrain-Robertson, General Manager, Rideau Valley
Conservation Authority;
L. Hudson, Agriculture;
D. Jones, Drummond /North Elmsley;
M. Jones, Drummond /North Elmsley;
D. Munro, Almonte Resident;
L. Pederson, Chair, Rideau Valley Conservation Authority;
H. Steenbakkens, Ottawa Resident.

Mr. Karau welcomed the Chairman and General Manager of the RVCA as well as all guests attending the meeting.

Mr. Karau noted correspondence circulated by Randy Hillier regarding wetlands will be discussed at agenda item 5.

BUSINESS:

1. Minutes – Board of Directors Meeting – July 19, 2017

B09/20/17-1

MOVED BY: M. Burnham

SECONDED BY: D. Abbott

Resolved, That the Minutes of the Board of Directors meeting held on July 19, 2017 be received and approved as printed.

“CARRIED”

2. Proposed Stormwater Management Facility – Roy Brown Park

Mr. Lehman presented staff report #2922/17 regarding the Proposed Stormwater Management Facility in Roy Brown Park. He advised the members of a proposal to construct a stormwater management pond along the back of the Mississippi Valley Conservation Centre. He noted this was not contemplated when the board agreed to construct washrooms on the exterior of the Mississippi Valley Conservation Authority (MVCA) building.

He noted staff have identified a number of concerns associated with the Bodnar Lands Subdivision Servicing and Stormwater Management Report and Environmental Impact Statement and have advised the County.

Mr. Lehman explained Town Council has initiated a peer review of the proposed stormwater design which may result in changes to the original proposed report.

Mr. Karau noted that as the Town of Carleton Place may reconsider the design it could be useful to await the results of the peer review before commenting further. This was agreed.

3. Wetland Conservation Strategy for Ontario 2017-2030

Mr. Lehman presented staff report # 2923/17. He noted that the Ministry of Natural Resources and Forestry (MNR) released the final Wetland Conservation Strategy for Ontario 2017-2030. He noted the MVCA had some concerns with the timelines which have been addressed in the final strategy.

He explained the Wetland Conservation Strategy identifies two overarching provincial targets concerning wetland area and functions using 2010 as a baseline:

1. By 2025, the net loss of wetland area and function is halted where wetland loss has been the greatest.
2. By 2030, a net gain in wetland area and function is achieved where wetland loss has been the greatest.

He noted to achieve these targets, the strategy focusses on four strategic directions including Awareness, Knowledge, Partnership and Conservation. The first of these is to raise awareness and appreciation of the important functions which wetlands perform and the services and benefits they provide. The second is to improve understanding of the role which wetlands provide at the landscape scale for habitat connectivity as well as their influence between ground and surface waters, which are

important for source water protection. The third strategic direction is to clarify roles and responsibilities and to encourage improved communication, cooperation and coordination between the many partners involved in wetland conservation. The fourth direction will involve reviewing the effectiveness of existing provincial laws, regulations and policies to ensure the conservation of wetlands, identifying gaps and proposing improvements to better conserve Ontario's wetlands.

He explained the strategy is built around several key principles including:

- Wetlands should be conserved based on three hierarchical priorities:
 1. **Protect** – retain area and functions of existing wetlands
 2. **Mitigate** – minimize any further damage to wetlands, and
 3. **Restore** – improve and re-establish wetland area and function on the landscape.
- Wetlands should be conserved based on a precautionary approach and using the best available science, information and traditional ecological knowledge.

He informed the board an implementation plan will be developed by MNRF to prioritize actions, and coordinate an approach to meeting the identified targets. Implementation planning will include prioritizing where to improve wetland knowledge and mapping, and what types of action will take place in different parts of the province. He noted maintaining connectivity and functions will be the focus of work in some parts of the province, but restoration of wetlands and re-establishment of functions will be required where there are few wetlands remaining. Reporting on a 5 year cycle will allow for adapting implementation planning on a regular basis and refine prioritization through improved wetland inventory mapping of area and function.

In response to a question, Mr. Lehman explained the strategy recognizes a number of groups involved with trying to protect wetlands. The Conservation Authorities under the Conservation Authorities Act is one of those groups as well as Ducks Unlimited. Municipalities also have a role to play in achieving the target. He expressed the intent is to look at the existing policies, including the provincial policy statement and identify areas that need to be addressed.

In response to a question, Mr. Burnham noted 3 out of 36 authorities do not regulate non-provincially significant wetlands while the other 33 authorities do.

Mr. Karau commented that the strategy adds clear expression of objectives to be achieved, like the concept of no net loss. He noted staff report# 2924/17 to be discussed next on the agenda provides some explanation on how the combination of regulatory responsibility and the draft wetland policy by MVCA helps to deliver on the strategy.

In response to a question, Mr. Craig explained how the province's evaluation process for identifying Provincially Significant Wetlands (PSW) and Non-Evaluation Wetlands (NEW) differ from 20 years ago to today as many updates are completed through desktop analysis. He noted MVCA staff have taken an initiative to update the wetland mapping with the intent to update boundaries and identify wetlands with the current information and tools provided through site visits, new imagery and data.

In response to a question, Mr. Craig advised the members the authority has no record of the total loss of wetlands in each municipality but have shown examples of wetlands lost in the watershed.

In response to a question, Mr. Lehman noted that it has been estimated that 65% of the original wetlands which existed in the watershed have been lost. He noted that presently 13% of the watershed consists of wetland, 2% is located on crown land and 4 % are classified as Provincially

Significant Wetland. The proposed regulation policy would add an additional 4% of unevaluated wetlands for a total of 10% of the watershed being wetland with some form of protection. Mr. Lehman explained that Environment Canada suggests a target of 10% of a watershed should be retained as wetland.

B09/20/17- 2

MOVED BY: P. Sweetnam

SECONDED BY: M. Wilkinson

Resolved, That Staff Report #2923/17 and the Wetland Conservation Strategy for Ontario 2017 – 2030 be received.

“CARRIED”

4. Proposed Wetland Regulation Policy Revisions

Mr. Karau informed the board that Mr. Lehman will present the staff report and then correspondence from Mr. Hillier proposing to postpone the wetland regulation decision to allow for his direct participation will be considered.

Mr. Lehman presented staff report #2924/17 regarding Proposed Wetland Regulation Policy Revisions. He noted the Board chose to defer the decision on implementing the proposed wetland regulation policy until September with the understanding that the provincial Wetland Strategy may be released which may provide some additional clarification and direction.

He advised all wetlands became subject to the conservation authorities Section 28 regulation in 2005. The Board of Directors adopted the amended Regulation and submitted it to the Minister for approval which occurred in 2006. Due to concerns about the adequacy of existing mapping, the Board adopted an implementation policy which limited administration of the Regulation to wetlands which had been classified as provincially significant.

He explained that the decision drew the attention of the Environmental Commissioner for Ontario in his 2006 and 2009 Annual Reports noting that some conservation authorities in eastern Ontario were not conforming to provincial expectations with respect to regulating activities in wetlands.

Mr. Lehman advised that during the past year, the province released two significant reports which in his opinion laid out very clearly the province’s objectives and expectations related to wetland conservation. The Wetland Conservation Strategy calls for “no net loss” in wetland area and function by 2025 relative to 2010. We are approaching 2018 and continue to see wetlands lost. The strategy proposes to review provincial laws, regulations and policies with the goal of strengthening Ontario’s wetland policies. Based on Mr. Lehman’s review of the strategy, he commented that conservation authority regulations will figure prominently in that review.

He also advised the province was proposing a series of amendments to the *Conservation Authorities Act* to improve clarity and consistency in regulatory requirements for conservation authorities. Section 28 of the Conservation Authorities Act which provides the “discretionary power” to establish regulations to regulate activities within wetlands is being replaced with an outright prohibition within the Act itself. The Province was also proposing to significantly amend the fines associated with an offence.

He commented that the Province was providing a very clear message of what it expects from the

conservation authorities with respect to wetland protection and is establishing the mechanisms to insure conformance.

Mr. Lehman informed the board there was a growing body of research which demonstrates the important functions which wetlands provide at a landscape scale to mitigate the effects of extreme hydrologic events on flood damage and water quality impairment resulting from an increasing frequency and severity in floods and droughts. He noted MVCA's research has demonstrated that runoff conditions in the Mississippi Valley have and will continue to become far more variable than they have been in the past. Over the past five years the MVCA watershed has experienced 2 severe droughts and historic flood conditions across much of Ontario during the past year. It has been estimated that 65% of the wetlands which originally existed within the watershed had been lost. The remaining wetlands amounting to approximately 13% of the watershed will become increasingly important to mitigate the effects of changing climate on the watershed.

The Province has provided the conservation authority with the regulatory tools to assist it in meeting its wetland conservation objectives and the proposed implementation policy will help to achieve this.

In response to a question, Mr. Lehman explained the decision to postpone the wetland policy changes to September was in anticipation of the provinces wetland strategy release for the board to consider. He noted the strategy has been released, has a very clear objective and The Conservation Authority has a long standing mandate to regulate all wetlands.

In response to a question, Mr. Lehman advised that a Provincially Significant Wetland in the upper Poole Creek watershed had been recently re-classified as non-provincially significant largely due to continuing alterations to the wetland despite MVCA's efforts and a recent court order for the owner to rehabilitate the wetland. He noted the proposed policy would provide some form of protection even if it is not classified as provincially significant.

Ms. Wilkinson commented that the proposed wetland policy changes would allow the authority to apply the regulations to the non-evaluated wetlands that meet the criteria as they do for PSW's currently. This will help maintain an important part of the ecosystem.

In response to a question, Mr. Craig noted part of the authority's role is in exercising wetland regulations and is to also provide a stewardship function. Staff complete 500 site inspections a year and the number of site visits related to wetlands could potentially increase. He also noted that over the past 2-3 years staff have discussed and visited landowners that have wetlands on their properties. Currently site visits for planning and regulation applications are paid for through the operational budget. Permit fees would apply for work within and adjacent to wetlands. Landowners are not charged for consultations on their properties.

In response to a question, Mr. Craig noted that MVCA staff have been refining the mapping. He noted unevaluated wetlands that do not meet the proposed wetland criteria have been removed. He mentioned the maps provided to the municipalities were screening maps not regulatory maps.

Mr. El-Chantiry commented on the benefits of the regulation policy and the frustration to the agricultural residents as this could be a cost for them. He noted that 80% of Ottawa is rural and with this year's flooding, residents see the importance of the conservation authorities regulations and that these regulations protect private properties.

Mrs. Code commented that the authority should be working together with the municipalities through their official plans rather than setting heavy regulations on the landowners. She noted wetlands are important but the authority is sending the wrong message. She also questioned staff as to where most wetland loss had occurred. Staff responded that wetlands near the urban area were under the most pressure but development is also expanding to rural areas. Others noted that historically agriculture development has been responsible for much of the loss of wetlands.

Mr. Martin noted his agreement with Mrs. Code's comments regarding heavy regulations. He also noted his municipality completed their official plan and are beginning their by-laws and feel the policy will add more fees to the landowners. He mentioned the mapping indicates a changing landscape over the years and many of the properties in the municipality have ponds and watercourses.

Mr. Gillis expressed concern regarding the proposed policy changes and noted the board should wait for the passing of Bill 139 before making a decision.

Ms. Wilkinson commented the wetland strategy could be passed in a few months but not implemented for years. She noted staff have been analyzing the wetlands and removing the ones that do not meet the criteria. She agreed municipalities have Official Plans and Zoning By-laws but they do not protect wetlands from all development. Their mandate is to protect the environment in a friendly way. She advised the authority to go forward with the wetland policy.

Mr. Karau advised the members that a request had been submitted by Randy Hillier to postpone the decision until he could participate directly in the board decision. Mr. Karau asked for the members comments.

Mr. Sweetnam, Mr. Burnham and Mr. Thompson all noted there had been 7 months to make a request to speak to the board on the matter and recommended to move forward with the decision. Mr. Karau canvassed the board to see if there were any additional views and there were none expressed.

B09/20/17- 3

MOVED BY: K. Thompson

SECONDED BY: M. Burnham

Resolved, That the proposed Policies for administration of Ontario Regulation 153/06 associated with non-provincially significant wetlands within the jurisdiction of the Mississippi Valley Conservation Authority be approved for implementation effective October 1, 2017.

“CARRIED”

Recoded Vote

10 In favour

5 Against

5. **Palmerston-Canoto Conservation Area**

Mr. Lehman presented staff report #2925/17 regarding Palmerston-Canoto Conservation Area. He noted further to the March 15, 2017 Board of Directors meeting, the Township of North Frontenac has renewed the lease of the Palmerston-Canoto Conservation Area for five years and has forwarded a letter indicating its interest to permanently acquire the “Beach Area” to facilitate improvements.

Mr. Lehman also noted that at the March meeting, staff had discovered some issues with the Title associated with the “Beach Area” and the adjacent property. He advised the members that legal

counsel has investigated the property title and staff would be discussing their findings in the near future.

6. Budget Report

The 2017 Budget Control Summary up to September 15, 2017 was reviewed.

In response to a question, Mrs. Sargent explained the program supervisors are given the line items and they project what will be spent in the upcoming months. She noted no concerns at the present time.

7. Program Updates

Source Water Protection

Mr. Lehman advised that the agreement to deliver Part IV Risk Management Inspection services under the *Clean Water Act* had been renewed with Rideau Lakes Township and expected renewals with other municipalities would be completed soon.

Mr. Karau mentioned the next Source Water Protection committee meeting will be held on November 2, 2017.

8. Watershed Conditions Report

Staff Report # 2926/17 was reviewed and discussed. Mr. Lehman informed the members Mr. Mounetay had returned to work and was attending a Flood Forecasting and Warning Conference in Toronto. He noted water levels have remained at or above their summer target levels for the month of August and into September. Higher than normal flows and levels are expected to continue in the fall.

Mr. Price updated the members regarding the rehabilitation project for Shabomeka Lake Dam. He noted that Stantec Inc. were the consultants for the project and a site visit has been completed and an existing conditions report is being prepared.

Mr. Price informed the members that the WECI funding for the Shabomeka Lake Dam project must be spent by the end of March 2018. This is allowance in the contract with Stantec for presentations to the MVCA Board of Directors and the Township of North Frontenac and these presentations will probably occur in March. The official public open house as part of the Environmental Assessment process will not occur until the summer of 2018 so that landowners on Shabomeka Lake can attend. The open house will occur after the contract with Stantec is complete. MVCA staff will lead this meeting using the material assembled for previous presentations.

Mr. Price informed the members the firm of McIntosh and Perry has been engaged to complete the erosion project on the Carp River in the Glen Cairn area.

He advised that the open house for Shirley's Brook and Watts Creek/Kizell Drain flood plain mapping projects had not been publicly announced but has been scheduled for October 25, 2017 and the ward Councillor had been informed. The mapping will soon be available on the MVCA website. He noted the reports are too large to be included on the MVCA website and are available upon request.

9. 2017 A.D. Latornell Conservation Symposium

Mr. Leman noted the 2017 A.D. Latornell Conservation Symposium will be held November 20-23, 2017. Members are advised to contact Allison Playfair by Friday October 6th, 2017 if they would like to attend.

10. In-Camera Session

B09/20/17- 4

MOVED BY: G. McEvoy

SECONDED BY: J. Hall

Resolved, That the Board of Directors move “in camera” to address a matter pertaining to litigation affecting the Conservation Authority and that Paul Lehman, Joan Sargeant and Ross Fergusson remain in the room.

“CARRIED”

B09/20/17- 6

MOVED BY: M. Burnham

SECONDED BY: K. Thompson

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

“CARRIED”

Mr. Karau advised that motion B09/20/17-5 was passed during the closed session.

11. Other Business

A Finance and Administration Advisory Committee meeting was scheduled for Wednesday, November 8, 2017 at 1:00 p.m.

ADJOURNMENT

B09/20/17- 7

MOVED BY: M. Burnham

SECONDED BY: D. Abbott

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

“CARRIED”