



MINUTES

Hybrid Meeting Via Zoom
and at MVCA Office

Board of Directors Meeting

March 11, 2024

MEMBERS PRESENT

Paul Kehoe, Chair
Jeff Atkinson, Vice Chair
Allison Vereyken (Virtual)
Andrew Kendrick (Virtual)
Bev Holmes
Cathy Curry (Virtual)
Cindy Kelsey
Glen Gower
Helen Yanch
Janet Mason
Mary Lou Souter
Richard Kidd
Roy Huetl
Taylor Popkie (Virtual)

MEMBERS ABSENT

Dena Comley
Clarke Kelly
Steven Lewis

STAFF PRESENT

Sally McIntyre, General Manager
Stacy Millard, Treasurer
Matt Craig, Manager of Planning and Regulations
Alex Broadbent, Manager of IC&T
Scott Lawryk, Property Manager
Juraj Cunderlik, Director of Engineering
Jennifer North, Water Systems Technologist
Diane Reid, Environmental Planner (Rural)
Mercedes Liedtke Environmental Planner (Ottawa)
Kelly Hollington, Recording Secretary

P. Kehoe called the meeting to order at 1:04 p.m.

Declarations of Interest (Written)

Members were asked to declare any conflicts of interest and informed that they may declare a conflict at any time during the session. No declarations were received.

Agenda Review

P. Kehoe asked if there were any additions to the agenda. No additions were received.

B24/03-11 - 1

MOVED BY: M. Souter

SECONDED BY: R. Huetl

Resolved, that the agenda for the March 11, 2024 Board of Directors Meeting be adopted as presented.

“CARRIED”

MAIN BUSINESS

1. Approval of Minutes: Board of Directors Meeting, February 12, 2024.

P. Kehoe asked if there were any changes or additions to the minutes. No changes or additions were received.

B24/03/11-2

MOVED BY: H. Yanch

SECONDED BY: J. Mason

Resolved, that the minutes of the Board of Directors Meeting held on February 12, 2024 be received and approved as printed.

“CARRIED”

2. Employee Presentation: 2023 Planning Overview (Diane Reid & Mercedes Liedtke)

D. Reid and M. Liedtke presented the annual overview of the MVCA planning advisory services. They described the program objectives as guiding development in and near regulated areas with an overall focus on protecting people and property from natural hazards. They highlighted that MVCA works closely with its member municipalities in an advisory role, MVCA is circulated planning applications for review in conformity with the Provincial Policy Statement (PPS) and Provincial guidelines. They noted that due to Bill 23 taking effect in 2023 MVCA no longer makes comments on with respect to impacts on significant natural heritage features such as fish habitats, waterbody setback and water quality.

They provided a breakdown of the volume of planning applications in 2023 by municipality and type of application, and a map showing the distribution of planning applications across the watershed. MVCA’s planning department received 456 inquiries in 2023. They described

challenges including: 2 subdivision applications with wetland removal, slope hazard and unauthorized development in the upper watershed and Pit/Quarry applications in Lanark Highlands. They noted that LiDAR imagery now covers the entire watershed, facilitating assessment of high steep slopes in the upper watershed.

M. Souter asked who has the authority to provide comments on planning applications with respect to significant natural heritage features due to Bill 109 and Bill 23. D. Reid responded that it is the responsibility of municipalities. She noted that MVCA assisted municipalities in this transition. M. Liedtke added that MVCA still has a role in regulating wetlands and can still review wetlands with respect to the natural hazard function including base flow and hydrologic function. D. Reid explained that the municipalities are employing different strategies, including incorporating measures into their by-laws to address aggressive applications near a waterbody or natural hazard.

A. Kendrick observed the high number of Minor Variance applications received by MVCA in 2023. He asked if the Conservation Authority has input into determining whether an application is to be treated as a minor variance or not. D. Reid responded that the planner at the municipality makes the decision as to type of application. She noted that MVCA has a screening process and will notify the applicant if their application is outside of the parameters for MVCA permitting. S. McIntyre added that MVCA does not comment on planning applications outside of their authority.

R. Kidd asked for more information on the challenges with subdivision planning applications in regards to slope hazards. D. Reid explained that there are 2 subdivision applications with unique challenges that fall within regulated wetlands. She noted the importance of finalizing wetland offsetting policies to inform similar applications.

R. Kidd commented that there are a high number of applications for Lanark Highlands and North Frontenac and asked why the volume of applications chart varies from the distribution of planning applications shown on the map. D. Reid and M. Liedtke noted the inconsistencies and will review the distribution of planning applications map.

3. Watershed Outlook, Report 3395/25, (Jennifer North)

J. North explained that rainfall and warm temperatures received have triggered an early spring freshet resulting in above normal flows for this time of year. A watershed conditions statement on water safety was released on February 26 and a flood outlook on March 8th due to unsafe ice conditions and increased water levels and flows. The main river is expected to peak this week, with below average water levels. Smaller tributaries have seen multiple small peaks, with flows constantly above normal and exceeding previously historical maximum values for February. She noted that averages have been increasing over the past 10 years. She explained that snow pack conditions as of March 1st were 50% below average. Between February 15th and

March 1st, the majority of the snow was lost due to sublimation with very little runoff. Current operating objectives are to capture as much precipitation over the next two months to be able to fill the upper lakes. She highlighted that there may be issues filling the lakes if there are low amounts of precipitation in the upcoming months. The long-range forecast predicts rain throughout April.

R. Kidd asked if the percentage of run-off is dependent on the snow pack and rain. J. North responded that the snow pack adds up to roughly 20% of the freshet, but that rain and air temperature are big factors. She estimated that about 4 inches of rainfall is needed over the next two months to fill the lakes.

R. Huetl asked if more water was left in the lakes due to a dry fall. J. North responded that water levels were kept higher due to a dry fall.

4. GM Update, Report 3402/24. (Sally McIntyre)

S. McIntyre highlighted the following items:

- MVCA's Server is being upgraded from Friday March 15- Sunday March 18.
- The first Community Liaison Committee (CLC) workshop meeting was held on February 26, 2024 for the Kashwakamak Environment Assessment (EA). First Nations communities have reached out with interest in the project. Preparations for the Public Information Centre (PIC) are currently underway, tentatively schedule for late April with the EA results schedule to be tabled with the Board of Directors in July.
- Rideau Valley Conservation Authority (RVCA), acting on behalf of both watersheds, has retained a consultant to prepare a conceptual water budget update with an interim report expected the end of March.
- MVCA received notice from MNRF of an implementation report for the Mississippi Water Management Plan (MWMP) being due December 31st, 2024. MVCA will be coordinating with partners including MNRF and Ontario Power Generation (OPG) in the completion of this report.

M. Souter asked what a water budget study entails. J. Cunderlik explained that a water budget study looks at the hydrological cycle, how water is transferred throughout the watershed, by examining factors such as precipitation, infiltration into ground water and ground water flow.

R. Huetl asked if there are any updates to the Water/Sewer connection. S. McIntyre responded that there are no updates as the town of Carleton Place is still in active negotiations with Cavanagh Construction.

5. Draft Land Inventory Report, Report 3396/24, (Sally McIntyre & Alex Broadbent)

S. McIntyre presented the Draft Land Inventory Report. She noted that the report is due by the end of 2024 and is a requirement of O.Reg 686/21 Under the Conservation Authority (CA) Act.

She explained that most of the documents are on file but challenges include: inaccessible formats, conflicting land ownership information, and lack of clear easements at most dams. She provided illustrated examples for properties on the Carp River, the Clyde River, at Bennett Lake Dam, and in Poole Creek. Further discussion is needed on management objectives for some shoreline parcels acquired in the late 1980s and early 1990s. She highlighted the importance of having clear roles and responsibilities set with landowners of properties that MVCA manages.

J. Mason asked if past staff have been contacted to better understand the history of land ownership, specifically former General Manager, Paul Lehman. S. McIntyre responded that she would be reaching out to Mr. Lehman once a comprehensive list of questions was prepared.

6. CA Act and Regulatory Changes, Report 3397/24, (Sally McIntyre)

S. McIntyre outlined regulatory changes to the *Conservation Authorities Act (CAA)* released by the Ministry of Natural Resources and Forestry (MNRF) on February 20, 2024. She summarized that O. Reg 42/24 amends the scope of CA mandatory programs and services; and that O. Reg 688/21, consolidated 36 different regulations into one to provide common rules across all 36 CA jurisdictions.

The focus of S. McIntyre's presentation was on changes made by O. Reg 41/24 that will take effect April 1. She stated that most elements of Section 28 of the Act were moved out of the legislation and into the new regulation and noted the following key changes: the definition of watercourse was altered; pollution and the conservation of land were removed as permitting tests and will constrain future permitting conditions; and setbacks from Provincially Significant Wetlands (PSW) were reduced from 120 meters to 30 meters. She noted that reducing the setbacks around PWS will reduce protection of the core resource due to increased edge effects. She noted that the new regulation provides for administrative reviews of submission requirements, and that Cas must notify applicants within 30 days whether their submission is deemed complete.

J. Mason asked what distinguishes a Provincially Significant Wetland (PSW) from another evaluated wetland from a regulations point of view. M. Craig responded that the policy says that a PSW has to be recognized by the MNRF. She expressed concern over a ¼ reduction of the buffer area. S. McIntyre suggested that municipalities may want to consider implementing a holding zone around PSWs. R. Kidd asked if municipalities can retain the 120-meter setback. S. McIntyre confirmed that the municipality can implement their own setback. M. Souter expressed concerns over small municipalities not having the man-power or funds to implement their own policies. P. Kehoe expressed concerns over the cost of the arbitration/ appeal process in the case of mediation at the Ontario Land Tribunal.

7. Revisions of MVCA Regulation Policies, Report 3398/24, (Matt Craig)

M. Craig explained that revisions to *MVCA's Regulation Policies* are required to be consistent with O. Reg. 41/24. He noted several key requirements including: removal of "pollution and conservation of land", change to the definition of "watercourse", and the reduction in the setback from PSWs from 120 metres to 30 metres. He also presented the new list of permitting exemptions that would require addition to MVCA regulation policies, namely maintenance or repair of municipal drains and reconstruction of a garage that does not exceed the same footprint. He noted that there are many municipal drains within the MVCA watershed. He noted that MVCA mapping will be updated to comply with these regulatory changes.

G. Gower asked about the maintenance of a municipal drain that passes through the Poole Creek Wetland and the permitting process involved. M. Craig explained that MVCA cannot permit maintenance or repair on municipal drains. S. McIntyre added that when CA's were briefed, the province hadn't considered potential overlap of municipal drains with PSWs and expects further direction from the province on this matter.

R. Kidd expressed concerns in regards to municipalities policing and permitting for municipal drains rather than the Conservation Authority. He highlighted the importance of including municipal drain rules/regulations in contracts with contractors doing maintenance on municipal drains.

B24/03/11-3

MOVED BY: R. Huetl

SECONDED BY: C. Kelsey

Resolved, That the Board of Directors approve:

- a) Update of the MVCA Regulation Policies as set out in report 3398/24 to comply with O. Reg. 41/24, and**
- b) That proposed changes take effect April 1, 2024.**

"CARRIED"

8. Designation of a Provincial Offences Officer under Part VII (Enforcement and Offences) of the Conservation Authorities Act, Report 3403/24, (Matt Craig)

M. Craig explained that on April 1, 2024, Part VII Enforcement and Offences of the Conservation Authorities (CA) Act will be proclaimed and there is a need to re-appoint all existing Conservation Authority Provincial Offences Officers. He noted that William Ernewein and Brittany Moy were previously designated by the Board to enforce the CA Act. He highlighted changes to O. Reg 41/24 including changes with regards to officer entry without a warrant, stop work orders, and increases to penalty maximum fines.

B24/03/11 - 4

MOVED BY: J. Atkinson

SECONDED BY: M. Souter

Resolved, That the Board of Directors appoint William Ernewein and Brittany Moy to enforce Ontario Regulation 41/24 and Ontario Regulation 686/21 of the *Conservation Authorities Act*.

“CARRIED”

9. Wetland Offsetting Policy Update, Report 3400/24, (Matt Craig)

M. Craig gave a history of MVCA Wetland Regulations with examples from previous approvals with unique features. He summarized the mitigation hierarchy process. He reviewed the objectives and requirements for Ecological Offsetting Plans (EOPs) and highlighted that all costs are to be associated with the applicant. He overviewed the feedback received from discussions with municipal partners.

R. Kidd asked how the municipalities were engaged. M. Craig responded that MVCA staff held three briefing sessions with planning staff including North and South Frontenac, Addington Highlands, Greater Madawaska, City of Ottawa and Municipalities within Lanark County. S. McIntyre added that the policy was shared with the CAOs of all 11-member municipalities.

P. Kehoe expressed concerns in regards to costs associated with arbitration or appeals related proposed developments on wetlands and associated ecological offsetting plans.

B24/03/11 - 5

MOVED BY: G. Gower

SECONDED BY: J. Mason

Resolved, That the Board of Directors approve revisions of the wetland offsetting policy and other changes to MVCA’s Regulation Policies, as set out in report 3400/24.

“CARRIED”

10. Changes to the Class EA Act, Report 3403/24, (Sally McIntyre)

S. McIntyre described changes to the Class Environmental Assessments (EA) Act. She outlined the proposed updates to the Municipal Class EA (MCEA) process and reviewed the new “streamlined” process. She noted the opportunity to conduct field studies prior to the notice of commencement. She noted that CAs still have the ability to review and comment on matters related to natural hazards under O. Reg. 686/21.

J. Mason noted that the timeline for comment is very short. She asked if the Association of Municipalities of Ontario (AMO) has been notified of the changes. S. McIntyre responded that she is unsure if Conservation Ontario has reached out to AMO or if they will respond.

11. 2024 Audit Update, Report 3404/24, (Stacy Millard)

S. Millard noted that MVCA's audit is underway and close to completion. She highlighted an element of the audit, a new counting standard that came in place for public service bodies referred to the Asset Retirement Obligations (ARO). She explained that the purpose of an ARO is to set up a financial liability to capture costs that may be incurred at the end-of-life of an asset for hazardous material removal. She noted that the only assets that may be in scope are the Mill of Kintail Gatehouse, Museum, and Education Centre. KPMG recommended that MVCA adopt a definition of an ARO and a policy to review all asset acquisitions to determine if an ARO should be set up. She noted that a contract extra of approximately \$3,500 would be required for KPMG to deal with this matter.

P. Kehoe asked if wells and septic tanks are included and if the Water and Sewer connection for MVCA HQ would be an ARO. S. Millard responded that the costs to decommission are included in the costs for connection to Water and Sewer. Costs for future maintenance and replacement are not ARO's.

B24/03/11 - 6

MOVED BY: M. Souter

SECONDED BY: H. Yanch

Resolved, That the Board of Directors approve amendment of MVCA's Tangible Capital Assets policy as set out in report 3404/24.

"CARRIED"

12. Budget Control Report for 2023, Report 3401/24, (Stacy Millard)

S. Millard compared the budgeted expenditures and revenues to un-audited actual values for 2023. She noted that actual expenditures and revenues were within 1% of the budget. She reviewed the factors that created differences in expenses compared to the budget including: realignment of expenditures per the new categories of services (1,2 and 3), vacant positions, fees for service, grants/funding, and deferred projects.

13. K&P Trail Sale, Report 3405/24. (Scott Lawryk)

S. Lawryk explained that MVCA has received three draft documents from the County of Lanark on behalf itself and the counties of Frontenac and Renfrew: An Agreement of Purchase of Sale (APS), a lease agreement, and a memo of title issues along MVCA's 35 km section of the trail.

He noted that the agreement calls for a split in the surveying and legal costs to clear up title issues, with an estimated proportionate cost of approximately \$175,000. He noted that a large percentage of the land and trail can be conveyed to the counties immediately but the resolution of title issues could be costly and time-consuming.

ADJOURNMENT

B24/03/11 – 7

MOVED BY: R. Huetl

SECONDED BY: J. Atkinson

Resolved, That the Board of Directors meeting be adjourned.

“CARRIED”

The meeting adjourned at 2:55 p.m.

K. Hollington, Recording Secretary