



MINUTES



BOARD OF DIRECTORS

Thursday, September 15, 2011

**Ausable Bayfield Conservation Authority Administration Centre
Morrison Dam Conservation Area**

DIRECTORS PRESENT

Jim Ginn, Paul Hodgins, Lorie Scott, Bill Siemon, Don Shipway, Ute Stumpf, Mike Tam, Janisse Zimmerman

DIRECTORS ABSENT

Dave Frayne

STAFF PRESENT

Andrew Bicknell, Geoff Cade, Brian Horner, Kate Monk, Judith Parker, Tom Prout, Alec Scott

OTHERS PRESENT

Rick Kiriluk - Dept of Fisheries & Oceans
Chantal Larochelle - Dept of Fisheries & Oceans
Bob Montgomery - CKNX Radio

CALL TO ORDER

Chair Ginn called the Board of Directors meeting to order at 10:00 a.m.

ADOPTION OF AGENDA

MOTION #BD 69/11

**Moved by Lorie Scott
Seconded by Paul Hodgins**

“RESOLVED, THAT the agenda for the September 15, 2011 Ausable Bayfield Conservation Authority Board of Directors meeting be approved.”

Carried.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest at this meeting or from the previous meeting.

ADOPTION OF MINUTES

Janisse Zimmerman asked that Motion #BD 65/11 regarding approval of the 5 year budget be amended to include the phrase, ... "*subject to annual review.*" The revision was agreed to by consensus.

MOTION #BD 70/11

**Moved by Bill Siemon
Seconded by Lorie Scott**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on, July 21, 2011 and the motions therein be approved as amended.”

Carried.

BUSINESS OUT OF THE MINUTES

Analysis of Violations Pursuant to Ontario Regulation 147/06

Geoff Cade, Supervisor of Water & Planning provided a breakdown of the violations which have occurred in the last five years along with the associated legal fees. The costs do not reflect the staff time to investigate and resolve violations. The number of violations investigated by ABCA staff has been increasing with municipal staff or neighbours reporting the majority of infractions.

MOTION #BD 71/11

**Moved by Lorie Scott
Seconded by Bill Siemon**

“RESOLVED, THAT the report analysing violations pursuant to Ontario Regulation 147/06 be received as presented.”

Carried.

PROGRAM REPORTS

1 (a) Development Review

Andrew Bicknell, Regulations Coordinator prepared the report on the Development Review pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for eight *Applications for Permission* and twelve *Minor Works* applications.

1 (b) Violations update pursuant to O. Reg 147/06

- (i) Geoff Cade advised that staff have learned that the landowner related to the violation in the Municipality of South Huron on Parr Line may be applying to remove and rebuild the structure to another location on the property.
- (ii) Our solicitor will be laying charges against the landowner and contractor in regards to the unauthorized work undertaken to fill and grade within the ravine area along the lakeshore in Green Acres subdivision.

MOTION #BD 72/11**Moved by Don Shipway
Seconded by Lorie Scott**

“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report #1 - Development Review.”

Carried.

2. OMB Appeal Appointment of Lawyer

Geoff Cade advised that Mr. Paul Fournier has appealed a decision of the Municipality of Bluewater denying his request for a re-zoning of portions of his lot on Lindy Avenue from an Natural Environment zone to a site specific Natural Environment zone. The re-zoning would permit the construction of a residence and associated septic system. The ABCA is concerned the site cannot be developed in a manner which meets provincial policy and technical guidelines. The municipality has requested that the ABCA and Bluewater use the same lawyer and share the costs of defending at the Ontario Municipal Board appeal.

MOTION #BD 73/11**Moved by Mike Tam
Seconded by Paul Hodgins**

“RESOLVED, THAT the Ausable Bayfield Conservation Authority share legal council with the Municipality of Bluewater, and

FURTHER, THAT the costs of legal council and witnesses be shared equally with 50% for each party, and

FURTHER, THAT Mr. Ken Strong of the firm Strong, MacDougall and Oudekerk be appointed as solicitor in this matter.”

Carried.

3. Amendments to Ont Reg 147/06

Alec Scott, Water & Planning Manager gave background to a number of actions approved by the provincial government and the Ministry of Natural Resources affecting the *Conservation Authorities Act* and related regulations, policy and operations of conservation authorities.

The Ontario Regulation 97/04 under the *Conservation Authorities Act* is a Lieutenant Governor in General approved template or ‘generic’ regulation that dictates the form and content of each individual conservation authorities’ regulation for the *Development, Interference with Wetlands and Alterations to Shorelines Watercourses*. All conservation authorities are requested to adopt the proposed amendments for submission to the Minister of Natural Resources by September 30th.

MOTION #BD 74/11**Moved by Janisse Zimmerman
Seconded by Ute Stumpf**

“WHEREAS a local Conservation Authorities Act Section 28 ‘Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation’ has been prepared in conformity with the provisions outlined in Section 28 of the Conservation Authorities Act and the amended Ontario Regulation 97/04, and as per the eligible amendments identified by the Ministry of Natural Resources.”

THEREFORE BE IT RESOLVED THAT the Ausable Bayfield Conservation Authority adopts the proposed amendments to the subject regulation,

AND THAT the said regulation proposal with eligible amendments be submitted to the Ministry of Natural Resources for review, posting on the Regulatory Registry, and depending on the results of the registry posting, for subsequent consideration for approval by the Minister of Natural Resources.”

Carried.

4. Amendment to Policies and Procedures Manual

Geoff Cade asked for the Board’s consideration in amending Section 3.17.6 - Manure Storage Facilities of the Ausable Bayfield Conservation Authorities Policies and Procedures Manual for the Administration of Ontario Regulation 147/06. The current policy provides clear direction with respect to constructing new manure storage facilities in the floodplain. However there needs to be appropriate policy when considering reconstruction or relocation of an existing manure storage facility.

MOTION #BD 75/11

Moved by Don Shipway

Seconded by Paul Hodgins

“RESOLVED, THAT Section 3.17.6 - Manure Storage Facilities, of the Ausable Bayfield Conservation Authority’s Policies and Procedures Manual for the Administration of Ontario Regulation 147/06 be amended to the following:

3.17.6 Manure Storage Facilities

Manure storage facilities shall be located outside of floodplain areas whenever possible. If construction outside of the floodplain limits is not possible, new facilities shall be constructed so as to meet the following guidelines.

- a.) In cases where the proposed storage facility is a replacement of an existing facility and:***
- i.) the existing farm operation is not changing or intensifying significantly (i.e. where there is no significant increase in the quantity of livestock thus the quantity of manure production / storage), and;***
 - ii.) the new construction is considered by staff to result in a lower threat to the facility and lower threat to the environment, in the event of a flood - for example, the existing manure storage facility is being rebuilt at a higher elevation or relocated to higher ground or covered.***

The new manure storage structure shall be constructed so as to be suitably floodproofed

- b.) Where all requirements of Section 3.17.6 a.) are not met, the minimum opening for the new manure storage structure must be above the Regional Flood Datum (R.F.D.).*

In all cases, structures shall be designed to withstand the hydraulic/hydrostatic forces of floodwaters and shall be designed, and located such that no negative impact on flooding and / or the erosion of adjacent properties results.”

Carried.

5. Equipment Disposal

Kate Monk, Stewardship & Conservation Lands Supervisor advised that there are two surplus pieces of used equipment available for disposal this fall. It is recommended that the Ausable Bayfield Conservation Authority dispose of the 2004 Dodge Dakota pickup truck and the 16 foot long equipment float.

MOTION #BD 76/11

**Moved by Bill Siemon
Seconded by Lorie Scott**

“RESOLVED, THAT the Board of Directors approve of the disposal of surplus equipment by tender.”

Carried.

6. Port Franks Phragmites Project

Kate Monk, advised that a successful information meeting was held in Port Franks with 100 people attending on August 30th. Experts in the field of phragmites presented valuable information and answered questions on the impact of the invasive plant. Phragmites already has made an impact on local plants and wildlife and this impact will increase as the plant invades more ABCA watercourses.

MOTION #BD 77/11

**Moved by Ute Stumpf
Seconded by Mike Tam**

“RESOLVED, THAT the ABCA cooperate with member municipalities, landowners, St. Clair Region Conservation Authority, Ministry of Natural Resources to develop and implement a strategy to control phragmites, and

FURTHER, THAT staff explore funding and that phragmites control be considered in the 2012 budget.”

Carried.

7. Port Franks Erosion Control Project Tender

Alec Scott provided the minutes of the tender opening meeting on September to open the tenders submitted for the Port Franks River Management Erosion Control Repair project. Riggs Engineering have reviewed the tenders and recommend acceptance of the lowest bid.

MOTION #BD 78/11

**Moved by Bill Siemon
Seconded by Ute Stumpf**

“RESOLVED, THAT the tender submitted by McKenzie & Henderson Ltd. at a price of \$16,130.19 including HST be accepted, and

FURTHER, THAT staff proceed to sign the agreement for the work and complete the project.”

Carried.

8. Update on Low Water Response Team Activities

Alec Scott reported that there were three weeks without significant precipitation during July of this year resulting in very low stream levels. This prompted the Water Response Team, in cooperation with Ministry of Environment, to organize a meeting of all surface water Permit to Take Water holders within the ABCA watershed. There are 72 surface water or combination surface/groundwater taking permits issued by MOE to 10 property owners within the ABCA watersheds. However, 57 of these permits are held by 4 owners. A goal of the meeting was to facilitate discussion between surface water taking permit holders for consideration of forming a irrigation advisory committee.

9. Parkhill Mosquito Issue

Tom Prout and Kate Monk provided an update on the 2011 activities related to developing solutions and long term strategy in abating the increased mosquito problems in Parkhill. The Municipality of North Middlesex, Middlesex London Health Unit and ABCA staff met over the summer to discuss communications and education, larvicide application, field surveys and on-the-ground activities to reduce mosquito habitat. The ABCA has been surveying the 62 acres downstream of the dam to determine best options for addressing mosquito habitat while retaining both the floodplain and wetland functions of the property. A final report with recommendations and cost estimates will be finished in mid November and a project will be included in the proposed 2012 budget.

MOTION #BD 79/11

**Moved by Paul Hodgins
Seconded by Lorie Scott**

“RESOLVED, THAT the two program information reports be received.”

Carried.

PRESENTATION

Representatives of the Department of Fisheries & Oceans (DFO) attended the meeting to make a presentation on the partnership program between DFO and the ABCA. Senior Biologist, Rick Kiriluk and Chantal Larochelle, Administration Manager at the Burlington regional DFO office talked about the goals, strategies and challenges in having a partnership program with CAs that strengthens the delivery of the fish habitat management program. The partnership agreement with ABCA has existed for 10 years now. In 2010, conservation authorities assisted in reviewing 50% of the referrals across the Ontario Great Lakes Area for protection and compliance under the

federal *Fisheries Act*. The goal is to ensure Conservation Authorities have the tools to sustain the partnership and to offer a streamlined approach to landowners for reviewing projects that impact fish habitat under the Harmful Alteration, Destruction and Disruption (HADD) components.

COMMITTEE REPORTS

MOTION #BD 80/11

**Moved by Don Shipway
Seconded by Lorie Scott**

“RESOLVED, THAT the minutes of the Property Management Committee held on July 14, 2011 and the motions therein be approved as presented.”

Carried.

GENERAL MANAGER REPORT

Tom Prout provided a written report with a brief update on the progress of various projects, staff training and development, upcoming events and general activities over the previous month.

CORRESPONDENCE

- a) Reference: Congratulations
File: A.5.8
Brief: Certificate of congratulations was received from the Minister of Environment, Hon. John Wilkinson, MPP in recognition of the 40th Anniversary of the Bayfield River watershed joining the Ausable River Conservation Authority.
- b) Reference: Thank you
File: A.5.5.
Brief: A note of appreciation from Carol McKenize, Clerk for Municipality of Lambton Shores to Ian Jean ABCA Forestry and Stewardship Specialist for his assistance in their tree plan application.
- c) Reference: Thank you
File: A.5.1
Brief: A note of thanks from Skip Peerless to Ian Jean for his effort in making the Tree Growers Day a valuable and interesting excursion.
- d) Reference: Thank you
File: A.5.1
Brief: A note of thanks from Jan Purvis to Mari Veliz and Abbie Gutteridge of the ABCA Healthy Watersheds department for their presentation to shoreline residents involved in the Ridgeway project near Bayfield.
- e) Reference: Turnbull Drain Project
File: F.22.1

- Brief: Correspondence from the Grand Bend Rotary Club advising that as part of their ongoing program called *Clean Water Now*, they will donate \$3,000 to the ABCA for the Turnbull Drain project.
- f) Reference: Drainage Superintendents' Course
File: P.1.
Brief: Sid VanderVeen, OMAFRA Drainage Coordinator supplied a summary of the evaluations received at the Drainage Superintendents' Course related to Davin Heinbuck's presentation as an instructor representing Conservation Ontario. The average rating from the responses was 4.52 out of 5.
- g) Reference: Lambton Shores Nature Trails Committee
File: R.1.
Brief: Invitation to attend an open house on September 28, 2011 at the Lambton Heritage Museum hosted by the Lambton Shores Nature Trails committee to learn more about their vision of making a network of connected, accessible nature trails in Lambton Shores and vicinity.
- h) Reference: A.D. Latornell Conservation Symposium
File: P.7.3
Brief: Preliminary program and registration forms are available for the 2011 A.D. Latornell Symposium to be held November 16-18, 2011
- i) Reference: First Nations Training
File: P.7.2
Brief: A draft itinerary for training by MNR staff, Aboriginal Policy Branch on October 24th. Board members are invited to join with interested ABCA staff for the session.
- j) Reference: Species at Risk
File: S.64.1
Brief: Notice of the 2011-2012 Species at Risk Farm Incentive Program environmental cost-share funding opportunity for farmers.
- k) Reference: Ministry of Research and Innovation
File: A.5.1
Brief: Notice from the Minister of Research and Innovation of the appointments to the Water Technology Acceleration Project (WaterTAP) Board. The Chair, Nicholas Parker and seven member Board represent private and public sectors.
- l) Reference: Armstrong East Subdivision
File: L.4.51
Brief: Correspondence from Linda Simpson expressing concern at not being allowed vehicle use across Ausable Bayfield Conservation Authority property in the Armstrong East subdivision at Port Franks. Because there is a pending lawsuit in regards to this issue, staff and board members are not permitted to discuss or negotiate the matter at this time.

NEW BUSINESS

1. Budget schedule

The 2012 proposed budget information will be presented to the Board at a meeting to be held on October 13th at 9:30 a.m. The next Board of Directors meeting is October 20, 2011. The directors asked that staff consider projects that could be ranked as high, medium and low priority.

ADJOURNMENT

The meeting was adjourned at 12 noon.

Jim Ginn
Chairman

Judith Parker
Corporate Services Coordinator

*Copies of Program Reports are available upon request.
Contact Judith Parker, Corporate Services Coordinator.*

