

BOARD OF DIRECTORS

Thursday, July 20, 2017

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

HEARING

Pursuant to Ontario Regulation 147/06

(Development, Interference with Wetlands and Alteration to Shorelines and Watercourses)

DIRECTORS PRESENT

Doug Cook, Dave Frayne, Bob Harvey, George Irvin, Burkhard Metzger, Brian Ropp

DIRECTORS ABSENT

Ray Chartrand, Wayne Hall, Mike Tam

STAFF PRESENT

Geoff Cade, Brian Horner, Daniel King, Tracey McPherson, Judith Parker, Alec Scott, Meghan Tydd-Hrynyk

OTHER PRESENT

Craig Overholt - Overholt Excavating Ltd.

Joe Saddy & Russ Oakes, Khaldoon Ahmed & Brenda Power Ahmed, Rod Pamonter & Laurie Woolley, Carolyn Sitko, Dick Masse

Bob Montgomery - CKNX Radio

Sue Haskett - BSRA

Leslie Meyers

Zena Bestard

CALL TO ORDER

Chair Burkhard Metzger called the Hearing pursuant to Ontario Regulation 147/06 to order at 10:04 am for consideration of Applications for Permission #2017-28; 2017-29; 2017-30; 2017-30, 2017-32. The Chair welcomed those attending and introductions were made. Mr. Craig Overholt of Overholt Excavating Ltd. is the agent for the applicants, Carolyn Sitko (72985 Claudette Drive), Khaldoon Ahmed (72987 Claudette Drive), Laurie Wooley (72991 Claudette Drive) and Joe Saddy (72995 Claudette Drive) and Vista Beach Association. The procedures for conducting the Hearing were stated and Chair Metzger asked Geoff Cade, Supervisor of Water & Planning to provide details on the applications.

Mr. Cade advised the four subject properties and access walkway owned by Vista Beach Association, are located in the Municipality of Bluewater along the lakeshore. The proposed work is to construct a continuous stacked armour stone wall to be keyed into the slope. Although being a cooperative project between adjacent landowners, the works will result in an area being unprotected against lake effects and toe erosion, before meeting up with an existing wall. The average erosion at this site is 0.3 metres per year and is an area of increasing moderate erosion. The applications were submitted with limited information and design plans. Considering the site characteristics, staff are unsure about potential impacts of the proposed seawall and if there will be increased erosion in the area that has no shore protection.

ABCA has regulatory responsibility under Ontario Regulation 147/06 to ensure that development will not affect the control of erosion. The applicant has been advised that staff cannot make a decision to approve the application without suitable plans as to where the wall will be located and a coastal engineer's assessment of the proposed seawall. The applicant has not provided the requested information so staff are unable to approve the applications.

Chair Metzger asked agent Craig Overholt of Overholt Excavating Ltd., to make his presentation. Mr. Overholt reiterated that he believes in protecting the investment of his clients and has had success in the design of his shorewall. He did supply two letters from abutting neighbours advising they are aware of the proposed works and have no concerns. Carolyn Sitco commented there have been many changes at her family cottage since the 1960's. Gabion baskets were used as shore protection in the 1980's but they have disappeared. Joe Saddy spoke about wanting to enhance their property and Laurie Wooley said she was told there was moderate erosion after contacting the ABCA 6 years ago when purchasing the lakefront property. She is wanting to protect her family's investment.

COMMITTEE OF THE WHOLE

MOTION #BD 61 /17

**Moved by George Irvin
Seconded by Dave Frayne**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:00 a.m. to discuss the information presented in the Hearing with Brian Horner and Judith Parker remaining in attendance.”

Carried.

MOTION #BD 62/17

**Moved by Dave Frayne
Seconded by Doug Cook**

“RESOLVED, THAT Committee of the Whole rise and report at 11:42 a.m. ”

Carried.

Those in attendance at the Hearing were invited back into the boardroom and Chair Metzger asked the Board for a decision. George Irvin requested a recorded vote.

MOTION #BD 63/17

**Moved by Dave Frayne
Seconded by Doug Cook**

“RESOLVED, THAT the Board of Directors approve the staff recommendation to defer Applications for Permission #2017-28; 2017-29; 2017-30; 2017-31 and 2017-32, pursuant to Ontario Regulation 147/06 Development, Interference with Wetlands and Alteration to Shorelines and Watercourses, pending:

- (1) submission of suitable plans and information whereby, the Ausable Bayfield Conservation Authority staff work with the applicants in providing the specifics of the scope and location of the proposed seawall, and**
- (2) submission of a qualified coastal engineer’s assessment of the proposed seawall which indicates that it will not negatively impact either updrift or downdrift properties.**

Carried.

Yea - Brian Ropp, Bob Harvey, Doug Cook, Dave Frayne, Burk Metzger
Nay - George Irvin

ADJOURNMENT

The Hearing was adjourned at 11:40 a.m. and the applicants left the Hearing. The Board moved into the regular Board of Directors meeting.

BOARD OF DIRECTORS MEETING

CALL TO ORDER

Chair Burk Metzger called the Board of Directors meeting to order at 11:43 a.m. Doug Cook left the meeting at 11:44 a.m.

DIRECTORS PRESENT

Dave Frayne, Bob Harvey, George Irvin, Burkhard Metzger, Brian Ropp

DIRECTORS ABSENT

Ray Chartrand, Wayne Hall, Doug Cook, Mike Tam

STAFF PRESENT

Geoff Cade, Brian Horner, Daniel King, Tracey McPherson, Kate Monk, Judith Parker, Alec Scott, Meghan Tydd-Hrynyk

OTHER PRESENT

Bob Montgomery - CKNX Radio
Sue Haskett - BSRA

ADOPTION OF AGENDA

MOTION #BD 64/17

**Moved by Dave Frayne
Seconded by Bob Harvey**

“RESOLVED, THAT the agenda for the July 20, 2017 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.

DISCLOSURE OF INTENTION TO RECORD PROCEEDINGS

None

ADOPTION OF MINUTES

MOTION #BD 65/17

**Moved by Bob Harvey
Seconded by George Irvin**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on June 15, 2017 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTES

None

PROGRAM REPORTS

1. (a) Development Review

Meghan Tydd-Hyrnyk, Planning and Regulations Officer, presented the Development Review report 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 10 *Applications for Permission* and 9 *Minor Works Permits*.

1. (b) Violation/Appeals Update

Geoff Cade, Supervisor of Water & Planning advised that the remedial action for the violation in the Municipality Lambton Shores is to be completed by September 2017.

MOTION #BD 66/17

**Moved by Brian Ropp
Seconded by George Irvin**

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

Carried.

2. SMP Update Responses to Questions

Geoff Cade, Supervisor of Water & Planning reported that the ABCA held two public information open houses to present technical information on shoreline processes in cohesive bluff and dynamic beach environments; climate change; and shoreline protection and the ongoing update to the 1994 report entitled *Considerations for Shoreline Protection Structures*. Following the information sessions, a number of written questions was received that staff have answered for the Board’s consideration and approval.

MOTION #BD 67/17

**Moved by Dave Frayne
Seconded by Bob Harvey**

“RESOLVED, THAT the recommended answers to the questions be approved by the Board and posted to the ABCA Shoreline Management Plan Update website.”

Carried.

3. Recommendations for Moving Forward with SMP Update

Alec Scott, Water & Planning Manager presented a summary of the two public information open houses and feedback plus the next steps for moving forward with updating the ABCA Shoreline Management Plan.

MOTION #BD 68/17

**Moved by Brian Ropp
Seconded by George Irvin**

“RESOLVED, THAT the Board approve the report on Tasks #1 to #5 and #7, and FURTHER, THAT the Board of Directors

- 1. Authorize staff to post to the website the feedback forms received from the Public Information Open Houses;**
- 2. Authorize staff to post to the website information notes taken during the question period after presentations at the open houses. Once the notes have been reviewed by the consultants, they will be provided to the Board before being posted to the website;**
- 3. Agree that any further public information open houses on the SMP Update are not required in August 2017, but more will be held in 2018;**
- 4. Authorize staff to complete Tasks #6 and #9 to #11 as noted above;**
- 5. Ask that staff regularly report on any changes or updates to the remaining proposed tasks;**
- 6. Post to the website the redacted comments and replies received from the public in response to the consultant’s recommendations.”**

Carried.

4. Overnight Education Program Exploration Findings

Kate Monk, Stewardship, Land and Education Manager provided an update to the Board on exploring alternatives to Camp Sylvan for overnight conservation education programs. Staff had communicated with camps in the watershed or nearby to determine if their facilities would be suitable. The findings showed some areas are not suitable for the stream studies of our programs. Some teachers are taking classes to other camps that have more instructors who do all the programming and responsibilities for the teachers. They also offer alternative experiences such as archery, swimming, and ropes. ABCA education day programs have grown and are now reaching Kindergarten to Grade 12 with multi-phase opportunities for students.

MOTION #BD 69/17

**Moved by George Irvin
Seconded by Dave Frayne**

“RESOLVED, THAT the ABCA does not pursue an overnight conservation education program at this time but continue to focus on day programs for elementary and secondary school students.”

Carried.

5. Five-Year Forecast

Brian Horner, General Manager presented the proposed five year forecast for the period 2018-2022 with an average overall increase of 4%.

MOTION #BD 70/17

**Moved by Dave Frayne
Seconded by George Irvin**

“RESOLVED, THAT the five-year forecast be approved as presented and forwarded to the member municipalities for their information.”

Carried.

6. Financial Statement to June 30, 2017

Brian Horner presented the profit and loss statement for the first six months, with comparatives to the budget for the Board’s information.

7. Conservation Authorities Act Review

Brian Horner gave an overview of the province’s review of the *Conservation Authorities Act*. Bill 139, the *Building Communities and Conserving Watersheds Act, 2017* was introduced and passed first reading on May 30, 2017. Schedule 4 of Bill 139 refers to the *Conservation Authorities Act*. The province has posted a document on the EBR, *Conserving our Future: A Modernized Conservation Authorities Act*, that supports the bill and describes the changes being proposed resulting from the review. The five key areas are: i) strengthening oversight and accountability; ii) increasing clarity and consistency in programs and services; iii) increasing clarity and consistency in regulatory requirements; iv) enhancing collaboration and engagement; v) modernizing funding mechanisms.

GENERAL MANAGER'S REPORT

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

COMMITTEE REPORTS**MOTION #BD 71/17**

**Moved by Dave Frayne
Seconded by George Irvin**

“RESOLVED, THAT the minutes of the Source Protection Committee meeting on April 19, 2017 and the Water Response Team meeting on May 11, 2017 and the motions therein be approved as presented.”

Carried.

CORRESPONDENCE

- a) Reference: Review of *Conservation Authorities Act*
File: A.8.3
Brief: Copy of correspondence from Conservation Ontario to Ministry of Natural Resources and Forestry acknowledging and supporting the proposed amendments to the *Conservation Authorities Act*.
- b) Reference: Proposed Amendment to *Conservation Authorities Act*
File: A.8.3
Brief: Motion from Municipality of North Middlesex advising of their support for a resolution by Municipality of Brockton opposing the *Conservation Authorities Act* amendment on the composition of CA Boards. It was noted by the General Manager that this amendment had already been removed from the review.
- c) Reference: Thank you
File: A.5.1
Brief: Note of thanks from Sharon Pavkeje and family for the donation following the passing of her mother.
- d) Reference: Shoreline Management Plan Update
File: W.4.11.1
Brief: Correspondence from Municipality of Bluewater council providing comments that the proposed Shoreline Management Plan Update does not reflect the situation in Bluewater with scientific evidence and that shoreline protection can be done effectively by private property owners. The General Manager will set up a meeting with the Bluewater Shoreline Management Plan sub-committee to discuss concerns.

NEW BUSINESS

None

COMMITTEE OF THE WHOLE

MOTION #BD 72/17

**Moved by Dave Frayne
Seconded by George Irvin**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 1:00 p.m. to discuss property matters with Kate Monk, Brian Horner and Judith Parker remaining in attendance.”

Carried.

MOTION #BD 73/17

**Moved by Dave Frayne
Seconded by Brian Ropp**

“RESOLVED, THAT Committee of the Whole rise and report at 1:04 p.m.”

Carried.

MOTION #BD 74/17

**Moved by Bob Harvey
Seconded by Brian Ropp**

“RESOLVED, THAT staff be directed to proceed with discussions on potential property dispositions.”

Carried.

ADJOURNMENT

The meeting was adjourned at 1:05 p.m.

Burkhard Metzger
Chair

Judith Parker
Corporate Services Coordinator

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