

## BOARD OF DIRECTORS MEETING

Thursday, October 21, 2021

Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

### DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Adrian Cornelissen, Bob Harvey, Dave Jewitt, Mike Tam, Marissa Vaughan, Alex Westman

### DIRECTORS ABSENT

George Irvin

### STAFF PRESENT

Geoff Cade, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Kate Monk, Nathan Schoelner, Meghan Tydd-Hrynyk

### OTHERS PRESENT

Delegation attendees: Nigel Gilby, Greg Willson  
Other Observers: Dave Crockett, Leslie Myers

### CALL TO ORDER

Chair Doug Cook called the virtual meeting to order at 10:04 a.m. and welcomed everyone in attendance.

### ADOPTION OF AGENDA

#### **MOTION #BD 104/21**

**Moved Mike Tam  
Seconded by Alex Westman**

**“RESOLVED, THAT the agenda for the October 21, 2021 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

Chair Cook noted that this meeting was being recorded on Zoom for temporary posting online, and is not an official record. The official record of this meeting will be the approved minutes.

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ADOPTION OF MINUTES**MOTION #BD 105/21****Moved by Bob Harvey  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the minutes of the Board of Directors meeting held on September 16, 2021 and minutes of the Budget Committee meeting held on October 14, 2021 and the motions therein be approved as circulated.”**

**Carried.**

DELEGATION

Mr. Nigel Gilby and Mr. Greg Willson joined the meeting at 10:10 a.m. to address the Board of Directors concerning some language in the Shoreline Management policy regarding shoreline protection. Before beginning the presentation, Mr. Gilby raised a concern that he may not be permitted to present based on an email from Mr. Geoff Cade, Manager of Water and Planning. Staff clarified that they had some concern that, based on some of the photos used in the presentation, Mr. Gilby may reference applications that are before staff, and that Board members should remain unbiased about these projects in the event that they come to a Hearing at some point in the future. Mr. Gilby noted that he was not referencing specific projects, but rather that the photos are examples of erosion that has occurred in the past year. Chair Cook asked Mr. Gilby to proceed with the presentation and that he had 15 minutes to present.

Mr. Gilby noted that he is a shoreline property owner along Lake Huron, and that even though he and other landowners are trying to maintain the bank, they cannot stop the erosion that has been occurring over the past year. Mr. Gilby commended the community approach that the ABCA takes with respect to shoreline permitting, as noted in the Shoreline Management Plan. He wants landowners to do shoreline protection in a reasonable way, and feels that the language currently used in the policy is too stringent and does not allow for site-specific analysis. Specifically, Mr. Gilby noted that the policy for new shoreline protection in dynamic beach areas requires that the “proposed works will not...negatively impact on coastal processes.” Mr. Gilby stated that any type of shoreline work results in a negative impact on coastal processes. Therefore, he asked that the Board consider adding wording to the existing policy which would reference the recommendations of a coastal engineer as they relate to the location of a proposed shore protection structure. Mr. Gilby also suggested additional policy wording indicating that the engineer must outline that the proposed works would not ‘unnecessarily or without justification’ aggravate natural hazards. Mr. Gilby’s suggestions were for policies governing new shore protection structures in dynamic beach areas only.

**MOTION #BD 106/21****Moved by Dave Jewitt  
Seconded by Bob Harvey**

**“RESOLVED, THAT a staff report be provided at a future Board of Directors meeting, addressing the issue raised by the Delegation.”**

**Carried.**

BUSINESS OUT OF THE MINUTES

2022 Proposed Budget

General Manager Brian Horner presented several changes to the budget to lower the increase in the general and project levies. These changes include some wage reallocations, using some reserve funds for major maintenance at the Administration Centre and deferring one privy replacement at the Ausable River Cut Conservation Area. With these changes the proposed 2022 combined general (\$1,119,184) and project levy (\$249,595) equal an increase of 2.43 per cent from 2021.

**MOTION #BD 107/21**

**Moved by Dave Jewitt  
Seconded by Adrian Cornelissen**

**“RESOLVED, THAT the proposed amendments to the draft 2022 budget be approved as presented, and**

**“FURTHER, THAT the member municipalities be advised of the 2022 proposed project levy, general levy and budget and provided with supplementary information for the 30 day review, as the weighted vote by apportionment is intended to be held at the December 16, 2021 Board of Directors meeting”**

**Carried.**

PROGRAM REPORTS1. (a) Development Review

Meghan Tydd-Hrynyk, Planning & 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 26 *Applications for Permission* and 9 *Minor Works Applications*.

**MOTION #BD 108/21**

**Moved by Alex Westman  
Seconded by Marissa Vaughan**

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

**Carried.**

Permit Extension

Geoff Cade presented an additional report regarding a permit extension for permit numbers MW2020-89A, MW2020-89B, and MW2020-89C. The original permit for the installation of temporary shore protection was approved at a hearing held on October 15, 2020. Prior to expiry on March 31, 2021, the Board approved a permit extension request until October 15, 2021. The landowners have made application to install permanent protection, as was the intent of the permit for temporary works. Another extension for the temporary works has been requested until April 15, 2022, and staff supports the request and recommends approval.

**MOTION #BD 109/21**

**Moved by Mike Tam  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the Board of Directors extend the approval of permits MW2020-89A, MW2020-89B and MW2020-89C, for temporary shoreline protection until April 15, 2022.”**

**Carried.**

(b) Violations/Appeals Update

Daniel King, Regulations Coordinator, advised that, along with some ongoing violations, there is a new violation along the shoreline, that involves over 100 truck loads of fill material being put over the bank. There were no permits issued for this work. The Municipality of Bluewater’s CBO alerted staff to this work, and staff are working with the municipality and considering what action to take. At present, as this is not a building code matter, the municipality may not need to issue permits.

**MOTION #BD 110/21**

**Moved by Alex Westman**

**Seconded by Dave Jewitt**

**“RESOLVED, THAT the Board of Directors receive the Violations and Appeals update as presented.”**

**Carried.**

2. Stewardship Funding Project Review

Nathan Schoelier, Manager of Stewardship and Conservation Lands, presented a report on stewardship funding to the Board of Directors. He reported that two fragile land retirement wetland projects and 10 cover crop projects were approved for funding through the Canada Nature Fund. In addition, one wetland project was approved for funding through the EcoAction program.

**MOTION #BD 111/21**

**Moved by Adrian Cornelissen**

**Seconded by Bob Harvey**

**“RESOLVED, THAT the reports on Stewardship project funding be received as presented.”**

**Carried.**

3. Morrison Dam Concrete Repairs

Tommy Kokas, Water Resources Engineer, reported to the Board that the ABCA was successful in receiving Water and Erosion Control Infrastructure (WECI) funding from the Ministry of Northern Development, Mines, Natural Resources and Forestry (NDMNRF) in 2021. As a result of a Dam Safety Assessment in 2015-16, a number of deficiencies or repair works were identified for Morrison Dam. Concrete Repairs were originally to take place in 2018, but the cost was too prohibitive at that time. ABCA has continued to apply for WECI funding for this work since that time, and obtained the grant in 2021. The total estimate for capital works on the Morrison Dam bridge (in partnership with the Municipality of South Huron) is \$300,000. South Huron has budgeted to do their work within the next five years, but was unable to start work within the budget timelines of the NDMNRF.

Due to the uncertainty of WECI funding from year to year, ABCA staff recommend using the current grant funding towards minor concrete repairs on the ABCA owned and managed components of the dam. ABCA received quotations from both B.M. Ross and GM BluePlan, and recommend retaining B.M Ross for engineering services at their quoted priced of \$8,000, excluding HST. The total cost

for this project is estimated at \$40,000. WECI funding will provide \$18,500 toward the project and the Special Benefitting Levy from South Huron will provide an additional \$15,000.

**MOTION #BD 112/21**

**Moved by Mike Tam  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the Board of Directors allow the ABCA to retain B.M Ross for engineering services at a quoted price of \$8,000 excluding HST.**

**Carried.**

**4. Land Acknowledgment**

Brian Horner brought a report before the Board of Directors regarding a land acknowledgement statement. Several departments have requested a land acknowledgement statement to use at special meetings and events, as it is an important step as we learn and develop actions to build better relations with Canada’s First Nations. The recommended statement was developed by looking at many different interpretations from other conservation authorities, municipalities and other environmental non-governmental organizations. Guidance from First Nations organizations was also consulted.

Board members raised concern about the phrase “We are all Treaty People,” and requested that staff return at the next board meeting with a more fulsome explanation of the language used in the proposed land acknowledgement.

**5. Flood Event Summary – September 22-27**

Davin Heinbuck, Water Resources Coordinator, provided a summary of the major flood event that occurred on September 22, 2021. Staff monitored conditions as the low pressure system moved into the watershed from the south. The heaviest rains occurred along the shoreline of Lake Huron. Prior to the event the watershed saw approximately 10 mm of rain. This small rainfall, along with several rain events in the preceding weeks, cause saturated ground conditions and very little capacity to store extra rain. By noon on September 22, the watershed had received between 40-60 mm of rain, and the same amount was forecast for the next 12 hours. In total, between 60-130 mm of rain fell in the watershed over 24 hours.

This resulted in rapid runoff and widespread overland flows, causing road closures throughout the watershed. In addition, the water levels in the Parkhill reservoir rose quickly, and staff operated the dam beginning on September 23 and continued for 6 days. ABCA staff issued a watershed wide Flood Warning for this event, and the warning remained in place in Lambton Shores and North Middlesex over the weekend.

**6. Conservation Authorities Act – Update**

Kate Monk, Projects Coordinator, provided an update on the Conservation Authorities Act implementation process. The Province released the Phase 1 Regulations earlier in October. These regulations now give conservation authorities until January 1, 2024, to complete the transition to a new budgetary framework with their municipalities. The deadline for the distribution of the Transition Plan is now December 31, 2021 and the deadline to create the inventory of current programs and services is February 28, 2022. The three new regulations made under the Conservation Authorities Act include:

- Ontario Regulation 686/21: Mandatory Programs and Services

- Ontario Regulation 687/21: Transition Plans and Agreements for Programs and Services Under Section 21.1.2 of the Act.
- Ontario Regulations 688/21: Rules of Conduct in Conservation Areas.

**MOTION #BD 113/21**

**Moved by Ray Chartrand  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the update on Conservation Authorities Act implementation plan be received as presented.”**

**Carried.**

**7. Profit and Loss Statement**

Brian Horner, General Manager/Secretary-Treasurer, provided the profit and loss statement to September 30, 2021 including a projection for the remaining quarter of 2021.

**MOTION #BD 114/21**

**Moved by Mike Tam  
Seconded by Adrian Cornelissen**

**“RESOLVED, THAT the financial statement to September 30, 2021 be received as presented.”**

**Carried.**

**COMMITTEE REPORTS****MOTION #BD 115/21**

**Moved by Doug Cook  
Seconded by Alex Westman**

**“RESOLVED, THAT the minutes of the Arkona Lions Museum Management Committee meeting held on September 15, 2021 and the motions therein be approved as circulated.”**

**Carried.**

**CORRESPONDANCE**

None.

**NEW BUSINESS**

1. Nathan Schoelier reported to the Board that the Rock Glen Conservation Area (RGCA) parking lot has taken some damage over the past two seasons. In September 2020 the Board approved at project to upgrade the parking lot with granular material and install catch basins using surplus revenue from Rock Glen entrance fees. Time constrains prohibited the completion of this project in 2020, so staff would like to go ahead with it in 2021. Staff received two bids for this project and the competitive bid was from JLH Excavating Incorporated for \$40,125 plus HST.

**MOTION #BD 116/21**

**Moved by Mike Tam  
Seconded by Ray Chartrand**

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**“RESOLVED, THAT the Ausable Bayfield Conservation Authority accept the bid of \$40,125.00, plus HST, from JLH Excavating Inc. of Arkona for the RGCA Parking Lot Expansion, using funds from RGCA surplus revenue.”**

**Carried.**

2. Brian Horner mentioned to Board members that the ABCA Boardroom could accommodate more Directors in person with distancing in place. Board members inquired as to whether the ABCA will have a vaccination policy. Brian reported that a draft policy has gone to staff for comment and will be coming to the Board for approval. Board members agreed in principal that Directors should be fully vaccinated to attend an in-person Board Meeting at the ABCA Administration Centre.

COMMITTEE OF THE WHOLE

None.

ADJOURNMENT

The meeting was adjourned at 11:30 a.m.

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Doug Cook  
Chair

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Abigail Gutteridge  
Corporate Services Coordinator

*Copies of program reports are available upon request.  
Contact Abigail Gutteridge, Corporate Services Coordinator*