

BOARD OF DIRECTORS

Thursday, October 26, 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

Ray Chartrand, Doug Cook, Dave Frayne, Wayne Hall, Bob Harvey, George Irvin, Brian Ropp, Mike Tam

DIRECTORS ABSENT

Burkhard Metzger, Brian Ropp

STAFF PRESENT

Bev Brown, Geoff Cade, Brian Horner, Daniel King, Judith Parker, Tracey McPherson, Meghan Tydd-Hrynyk

OTHER PRESENT

Mike & Nancy Avery, Mr. Birko, Lyle Zavitz, David Van Vliet & Beth Burrows, Larry McCann
Chad Schwartzentruber, Kris Bedard - C & K Shoreing
Sue Haskett - BSRA
Rod Dale - Beach of Pines Association
Bob Montgomery - CKNX Radio

CALL TO ORDER

Vice Chair George Irvin declared a conflict of interest due to prior knowledge of the *Applications for Permission* being presented for deliberation at the Hearing. He asked that a Chair be appointed and excused himself from the proceedings.

MOTION #BD 88/17

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

“RESOLVED, THAT past Chair Mike Tam be appointed as Chair for the Hearing pursuant to Ontario Regulation 147/06.”

Carried.

Mike Tam assumed the Chair and called the Hearing pursuant to Ontario Regulation 147/06 to order at 10:03 a.m. for consideration of Applications for Permission #2017-73; 2017-74; 2017-75; 2017-76, 2017-77, 2017-78. The Chair welcomed those attending and introductions were made. Chad Schwartzenruber and Kris Bedard of C & K Shoring are contractors for the applicants Mike & Nancy Avery (72385 Bluewater Hwy; Mr Birko representing Lynne Kittle, Karen Porter & Sue Birko (72377 Bluewater Hwy); Lyle Zavitz (72369 Bluewater Hwy); David Van Vliet & Beth Burrows (72367 Bluewater Hwy); Larry Ratz (72343 Bluewater Hwy). The procedures for conducting the Hearing were stated and Chair Tam asked Geoff Cade, Supervisor of Water & Planning to provide details on the applications.

Mr. Cade advised that the six subject properties are located in the Municipality of Bluewater along the lakeshore south of Sararas Road. The proposed work is to construct a continuous steel seawall as shore protection. Erosion rates of the subject properties range from 0.26 to 0.22 metres per year. Immediately south, the neighbours range from 0.17 to 0.03 metres per year. The concern is whether the structure will shift the erosion to the southerly properties making it worsen. The applications were submitted with limited design plans and information such as the location of the seawall in relation to the toe of the bank. A coastal engineer's assessment regarding impacts from the proposed seawall was also requested. ABCA has regulatory responsibility under Ontario Regulation 147/06 to ensure that development will not affect the control of erosion on adjacent shoreline properties. Staff corresponded with the contractor asking a number of questions before reviewing and approving the applications. The requested information was not provided, so staff are unable to approve the applications.

The Chair asked David Van Vliet to present on behalf of the applicants. Mr. Van Vliet provided photos of the ongoing shoreline erosion of the properties. At one site, the toe of the bluff has eroded 30 to 40 feet since spring 2016. Over time, four of the six subject cottages have been moved back from the top of bank. The landowners are very concerned with the rate of erosion on their unprotected shoreline, but understand it is a natural process. In an effort to protect their properties, the six applicants decided on a sheet pile seawall to be installed by C & K Shoring. Consultation has been ongoing with the ABCA for the past six months. Due to the current rate of erosion they feel it is impossible to submit valid design drawings for installation of the seawall. The coastal engineering consultant they contacted would not complete a coastal assessment in support of their seawall as proposed. They are therefore appealing to the Board to approve the shoreline protection application.

COMMITTEE OF THE WHOLE

MOTION #BD 89 /17

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

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:16 a.m. to discuss the information presented in the Hearing with Brian Horner and Judith Parker remaining in attendance.”

Carried.

MOTION #BD 90/17

**Moved by Wayne Hall
Seconded by Dave Frayne**

“RESOLVED, THAT Committee of the Whole rise and report at 11:37 a.m. ”

Carried.

Those in attendance at the Hearing were invited back into the boardroom and the Chair asked the Board for a decision.

MOTION #BD 91/17

**Moved by Doug Cook
Seconded by Bob Harvey**

“RESOLVED, THAT the Board of Directors proceed with approving Applications for Permission #2017-73; #2017-74; #2017-75; #2017-76; #2017-77; and #2017-78 pursuant to Ontario Regulation 147/06 Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, subject to the applicants submitting all information for the proposed seawall, as required by Ausable Bayfield Conservation Authority staff, with the exception of a coastal engineer’s assessment.”

Carried.

ADJOURNMENT

The Hearing was adjourned at 11:39 a.m. and the applicants left the Hearing. The Board moved into the regular Board of Directors meeting.

BOARD OF DIRECTORS MEETING

DIRECTORS PRESENT

Ray Chartrand, Doug Cook, Dave Frayne, Wayne Hall, Bob Harvey, George Irvin, Mike Tam

DIRECTORS ABSENT

Burkhard Metzger, Brian Ropp

STAFF PRESENT

Bev Brown, Geoff Cade, Brian Horner, Daniel King, Kate Monk, Judith Parker, Meghan Tydd-Hrynyk

OTHER PRESENT

Sue Haskett, BSRA
Adam Skillen, Skillen Investment Management

CALL TO ORDER

Vice-Chair George Irvin assumed the chair for the Board of Directors meeting and called it to order at 11:40 a.m. Due to the time, he asked if the Board would consider deferring some agenda items.

ADOPTION OF AGENDA

MOTION #BD 92/17

**Moved by Bob Harvey
Seconded by Doug Cook**

“RESOLVED, THAT agenda items - Proposed 2018 Budget Revisions and the Profit & Loss Statement to September 30, 2017 be deferred until the next Board of Directors meeting on November 16, 2017.”

Carried.

MOTION #BD 93/17

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

“RESOLVED, THAT the agenda for the October 26, 2017 Ausable Bayfield Conservation Authority Board of Directors meeting be approved as amended.”

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 94/17

**Moved by Ray Chartrand
Seconded by Doug Cook**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on September 14, 2017 and October 12, 2017 and the motions therein be approved as circulated.”

Carried.

PRESENTATION

Adam Skillen, Skillen Investment Management presented an update on the performance of the investment portfolio and reviewed the investment policy statement criteria which currently is weighted 35 percent equities (which includes 10% common shares) and 65 percent bonds. There were no changes to the portfolio recommended at this time.

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 9 *Applications for Permission* and 9 *Minor Works Permits*.

1. (b) Violation/Appeals Update

Geoff Cade, Supervisor of Water & Planning reported there has been no resolution to the violation in the Municipality Lambton Shores.

MOTION #BD 95/17

**Moved by Dave Frayne
Seconded by Ray Chartrand**

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

Carried.

2. Habitat Stewardship Program Funding

Kate Monk, Stewardship, Lands and Education Manager presented the stewardship projects eligible for Habitat Stewardship Program funding.

MOTION #BD 96/17

**Moved by Doug Cook
Seconded by Wayne Hall**

“RESOLVED, THAT the Board of Directors affirm the approval of applications #AB-2428 and AB-2426 for Habitat Stewardship Funding as presented.”

Carried.

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 97/17

**Moved by Mike Tam
Seconded by Doug Cook**

“RESOLVED, THAT to further the objectives of the Ausable Bayfield Conservation Authority, the long term lease between the Ausable Bayfield Conservation Authority and the Great Canadian Hideaway be renewed and submitted to the Ministry of Natural Resources and Forestry, Province of Ontario for approval.”

Carried.

MOTION #BD 102/17

Moved by Doug Cook

Seconded by Wayne Hall

“RESOLVED, THAT Ausable Bayfield Conservation Authority enter into a lease agreement for gas and oil storage/exploration with ELS and Company Inc. on the McGregor Tract in the Municipality of North Middlesex.”

Carried.

ADJOURNMENT

The meeting was adjourned at 12:47 p.m.

George Irvin
Vice-Chair

Judith Parker
Corporate Services Coordinator

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