



## BOARD OF DIRECTORS

Thursday, November 17, 2022

Ausable Bayfield Conservation Authority Administration Centre  
Morrison Dam Conservation Area

### HYBRID IN-PERSON/VIDEO CONFERENCE

10:00 a.m.

#### AGENDA

1. Chair's Welcome and Call to Order
2. Land Acknowledgement Statement
3. Adoption of Agenda
4. Disclosure of Pecuniary Interest
5. Disclosure of intention to record this meeting by video and/or audio device
6. Approval of Minutes from October 20, 2022
7. **Business Out of the Minutes**
  - 2023 Fee Schedule and Pay Grid Approval – Brian Horner
8. **Presentation:** Investment Income Semi-Annual Report – Adam Skillen
9. **Program Reports**
  - Report 1: (a) Development Review (O Reg147/06) – Daniel King  
(b) Violations/Appeals Update – Geoff Cade/Daniel King
  - Report 2: CA Act Update – Brian Horner/Kate Monk
  - Report 3: Ontario Bill 23 – Brian Horner
  - Report 4: ABCA Fee Policy – Kate Monk
  - Report 5: Stewardship Project Review – Angela Van Niekerk/Ian Jean
  - Report 6: Parkhill Dam Hydro and Telephone Service – Geoff Cade/Ross Wilson
10. Committee Reports
11. Correspondence
12. New Business
13. Committee of the Whole
14. Adjournment

*Source Protection Authority Meeting to follow*

#### Upcoming Meetings and Events

December 15, 2022 – Board of Directors Meeting at 2:30 p.m.

## BOARD OF DIRECTORS MEETING

Thursday, October 20, 2022  
Ausable Bayfield Conservation Authority Boardroom  
Morrison Dam Conservation Area

### IN PERSON/VIDEO CONFERENCE

#### HEARING

Pursuant to Ontario Regulation 147/06  
(Development, interference with Wetlands and Alterations to Shorelines and Watercourses)

#### DIRECTORS PRESENT

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

#### STAFF PRESENT

Geoff Cade, Tina Crown, Abbie Gutteridge, Brian Horner, Daniel King, Tracey McPherson, Kate Monk, Nathan Schoelier, Meghan Tydd-Hrynyk

#### OTHERS PRESENT

Paul Shapton

#### CALL TO ORDER

Chair Dave Jewitt called the virtual Hearing pursuant to Ontario Regulation 147/06 to order at 10:00 a.m. for consideration of Permit Application #2022-44. The chair welcomed the applicant.

Chair Jewitt stated that the procedures for conducting the Hearing and asked Daniel King, Regulations Coordinator, to provide details on the application.

Mr. King advised that the subject property is located at 71443 Shoreline Drive in the Municipality of Bluewater. This property is located in the regulated area along the Lake Huron shoreline, and bluff hazards with slope stability and erosion a concern. All structures located on the property pre-date conservation authority regulations. The Ausable Bayfield Conservation Authority (ABCA) has regulatory responsibility of this lakeshore area under

Ontario Regulation 147/06, but does allow for some development meeting certain conditions. The proposed dwelling is located within Lakeshore Area 2.

Mr. Shapton first contacted the ABCA regarding a septic replacement and redevelopment in 2019, but did not apply for permits at that time. In spring of 2021, Mr. Shapton was issued a permit for a septic replacement, which expired in June 2022. No work was completed during this time. Plans were resubmitted in April 2022 for the septic and the reconstruction of the dwelling on the property. Two engineering reports were submitted, and the ABCA did reduce the setbacks for the work based on the geotechnical review, which recommended a reduction in the recession rate of the bluff. The building reconstruction could take place outside he regulated area. However, the septic system would still need to be within the setback for the top of bank. The proposed septic leaching bed would have to be right to the top of the bluff. Therefore staff recommend that the application be denied as it does not meet ABCA policies and guidelines.

When questioned by Board members if there were any options left for Mr. Shapton, Mr. King replied that they could apply to the municipality to reduce the road allowance setback, which would allow everything to be moved back out of the top of bank setback, or consider a slightly smaller septic bed.

The Chair asked Paul Shapton to present as the applicant. Mr. Shapton told the Board of Directors that the septic needed maintenance as it was very old, and also wanted to replace the cottage, with very little changed in the footprint of the dwelling. Mr. Shapton submitted two engineering reports and all parties agreed that the recession rate of the bank is 0 metres per year, and that the site specific slope stability is 2.7:1 instead of 3:1 as noted in the Shoreline Management Plan. Due to this he believes the stable top is more lake ward than the Shoreline Management plan would delineate it, which would also mean the 6 metre setback from the top of bank would also be more lake ward. Thus, Mr. Shapton believes that all construction would be outside of the hazard area.

COMMITTEE OF THE WHOLE

**MOTION #BD 90/22**

**Moved by Ray Chartrand  
Seconded by Adrian Cornelissen**

**“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 10:44 a.m. to discuss the information presented at the Hearing, with Brian Horner and Abbie Gutteridge remaining in attendance.”**

**Carried.**

**MOTION #BD 91/22**

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

**“RESOLVED, THAT the Committee of the Whole rise and report at 11:01 a.m.**

**Carried.**

**MOTION #92/22**

**Moved by George Irvin  
Seconded by Doug Cook**

**“RESOLVED, THAT the Board of Directors recommend that staff approve Application for Permission #2022-44 pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines or Watercourses*, as presented based on the site specific engineering information provided.”**

**Carried**

**BOARD OF DIRECTORS MEETING**

**DIRECTORS PRESENT**

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

**STAFF PRESENT**

Geoff Cade, Tina Crown, Abbie Gutteridge, Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Kate Monk, Nathan Schoelier, Meghan Tydd-Hrynyk, Mari Veliz, Cristen Watt

**CALL TO ORDER**

Chair Dave Jewitt called the meeting to order at 11:04 a.m., and welcomed everyone in attendance, both in person and virtually.

**LAND ACKNOWLEDGEMENT STATEMENT**

Chair Jewitt read the Land Acknowledgement Statement, acknowledging the original stewards of this land, the Haudenosaunee and Anishinaabe.

ADOPTION OF AGENDA

**MOTION #BD 93/22**

**Moved Ray Chartrand  
Seconded by George Irvin**

**“RESOLVED, THAT the agenda for the October 20, 2022 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 Jewitt 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.

ADOPTION OF MINUTES

**MOTION #BD 94/22**

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

**“RESOLVED, THAT the minutes of the Board of Directors meeting held on September 15, 2022 and minutes of the Budget Committee Meeting held on October 13, 2022 and the motions therein be approved as circulated.”**

**Carried.**

BUSINESS OUT OF THE MINUTES

2023 Proposed Budget

Brian Horner, General Manager, presented the Board of Directors with three documents to supplement the Budget information from the Budget Committee Meeting. The first was an updated Fee Schedule that showed the 2022 fees to compare against the proposed 2023 fees. Secondly, he presented an analysis of the ABCA investments as requested. The net remaining on the Annual earnings for 2022 is just over \$45,000, and the market value of the investments as of September 30, 2022 is just over \$6,700,000. Finally, he presented several changes to the proposed 2023 budget to lower the general and project levies. These changes include minor wage reallocations, and funding fifty percent of two projects with

funds from the reserves. With these changes, the 2023 proposed combined general levy (\$1, 149,362) and project levy (\$253,340) equal an increase of 2.48 percent from 2022.

**MOTION #BD 95/22**

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

**“RESOLVED, THAT the proposed amendments to the 2023 proposed budget be approved as presented, and**

**“FURTHER, THAT the member municipalities be advised of the 2023 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 15, 2022 Board of Directors meeting.”**

**Carried.**

PROGRAM REPORTS**1. (a) Development Review**

Daniel King, Regulations Coordinator, 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 8 *Applications for Permission* and 13 *Minor Works Applications*.

**(b) Violations/Appeals Update**

Geoff Cade, Water and Planning Manager, noted that there were no updates to provide on the ongoing violations.

**MOTION #BD 96/22**

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

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

**Carried.**

**2. Conservation Authorities Act Update**

Kate Monk, Projects Coordinator, provided an update on the ongoing implementation of the *Conservation Authorities Act Update*. She noted that ABCA staff have met with senior staff of all twelve member municipalities. At present, no concerns have been expressed by

municipal staff, and they have noted that they see value in the Category 3 programs and services, which will require levy, for the municipalities and community members. Senior municipal staff are now reviewing drafts of the Cost Apportioning Agreement. They have expressed that they would like ABCA staff to attend council orientation sessions and present at council in the new year. ABCA staff would like to present the Cost Apportioning Agreement to the Board in December 2022, which would allow staff to attend council meetings as the municipalities have time on their agendas, rather than waiting until after the February Board meeting.

**MOTION #BD 97/22****Moved by Alex Westman****Seconded by Bob Harvey**

**“RESOLVED, THAT the Board of Directors receive the update on the Conservation Authorities Act as presented.”**

**Carried.****3. Biomonitoring Update**

Mari Veliz, Healthy Watersheds Manager, and Cristen Watt, Water Quality Technician, presented an update to the Board on Benthic Macroinvertebrate monitoring. As this is a Watershed Report Card year, staff have been taking a deeper look at some of the data collected in the past several years. Cristen presented a report comparing three monitoring sites: Heenan Drain (Lucan, ON), the Hensall Landfill, and Helgrammite Creek (Clinton, ON). In addition, an infographic explaining the main points of the report was shared with the Board. In general, two different species of benthics were studied (ETP Species and Chironomidae Species) and the percentage found can be useful indicators of stream health, as some are less tolerant of pollution. This deep look at the data shows that Helgrammite Creek has deteriorated over 20 years. Hensall and Heenan have poor water quality overall, but the percent of EPT (non-pollution tolerant) is worst at sites near the sewer outfall and leachate zone. Results such as these provide confidence in the ABCA’s existing monitoring programs, and show where improvements are needed in the watershed.

**MOTION #BD 98/22****Moved by Adrian Cornelissen****Seconded by George Irvin**

**“RESOLVED, THAT the Board of Directors receive the report on biomonitoring results as presented.”**

**Carried.****4. Profit and Loss Statement**



MOTION #BD 102/22

Moved by Ray Chartrand  
Seconded by George Irvin

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:53 a.m. to discuss a property matter and personnel matter with Brian Horner, Abigail Gutteridge and Nathan Schoelier remaining in attendance.”

Carried.

MOTION #BD 103/22

Moved by Mike Tam  
Seconded by Ray Chartrand

“RESOLVED, THAT the Committee of the Whole rise and report at 12:21 p.m.

Carried.

ADJOURNMENT

The meeting was adjourned at 12:22 p.m.

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Dave Jewitt  
Chair

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Abigail Gutteridge  
Corporate Services Coordinator

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

# ABCA Program Report

**To:** Board of Directors  
**Date:** November 17, 2022  
**From:** Daniel King, Regulations Coordinator  
**Subject:** Applications for Permission – Ontario Regulation 147/06 – Development, Interference with Wetlands and Alteration to Shorelines and Watercourses.

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The following *Applications for Permission* have been issued by staff since the last Board of Directors Meeting.

\* A Coastal Assessment and coastal engineering design was submitted as part of the application

## **MAJOR PERMIT**

1. PERMIT #: 2022-100  
NAME: Dan Catton c/o Brodco Construction Limited  
MUNICIPALITY: Lambton Shores (Bosanquet)  
PERMISSION TO: Construct a building addition and onsite sewage disposal system  
COMPLETED APPLICATION RECEIVED ON DATE: September 29, 2022  
PERMISSION GRANTED BY STAFF DATE: October 11, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 8  
STAFF NAME: Andrew Bicknell
  
2. PERMIT #:2022-98  
NAME: Pauline and Mike Bessegato  
MUNICIPALITY: Lambton Shores (Bosanquet)  
PERMISSION TO: Allowing construction of a building addition in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: September 26, 2022  
PERMISSION GRANTED BY STAFF DATE: October 13, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 13  
STAFF NAME: Andrew Bicknell
  
3. PERMIT #: 2021-109A  
NAME: Peter Firth  
MUNICIPALITY: South Huron (Stephen)  
PERMISSION TO: Construct an roof-over deck  
PERMISSION *RENEWED* BY STAFF DATE: October 17, 2022  
STAFF NAME: Daniel King

4. PERMIT #: 2022-102  
NAME: Wayne Manson  
MUNICIPALITY: Bluewater (Stanley)  
PERMISSION TO: Construct an in-ground pool, fence and shed  
COMPLETED APPLICATION RECEIVED ON DATE: October 14, 2022  
PERMISSION GRANTED BY STAFF DATE: October 19, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 3  
STAFF NAME: Daniel King
  
5. PERMIT #: 2022-101A  
NAME: Anthony Kiriakopoulos  
MUNICIPALITY: Bluewater (Hay)  
PERMISSION TO: Replace existing shore protection  
COMPLETED APPLICATION RECEIVED ON DATE: October 7, 2022  
PERMISSION GRANTED BY STAFF DATE: October 20, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 9  
STAFF NAME: Daniel King
  
6. PERMIT #: 2022-101B  
NAME: Costa Pouloupoulos & Mary Johnson  
MUNICIPALITY: Bluewater (Hay)  
PERMISSION TO: Replace existing shore protection  
COMPLETED APPLICATION RECEIVED ON DATE: October 7, 2022  
PERMISSION GRANTED BY STAFF DATE: October 20, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 9  
STAFF NAME: Daniel King
  
7. PERMIT #: 2022-99  
NAME: Don & Brenda Drybrough  
MUNICIPALITY: Central Huron (Goderich)  
PERMISSION TO: Construct an addition to an existing dwelling  
COMPLETED APPLICATION RECEIVED ON DATE: October 3, 2022  
PERMISSION GRANTED BY STAFF DATE: October 21, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 14  
STAFF NAME: Daniel King

8. PERMIT #: 2022-104  
NAME: Mike and Ashley Dewan  
MUNICIPALITY: Lucan-Biddulph (Biddulph)  
PERMISSION TO: construct a detached garage in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: September 28, 2022  
PERMISSION GRANTED BY STAFF DATE: October 21, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 17  
STAFF NAME: Andrew Bicknell
9. PERMIT #: 2022-105  
NAME: Glavin Coating and Refinishing Ltd.  
MUNICIPALITY: Lucan-Biddulph (Biddulph)  
PERMISSION TO: Allow site development including grading in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: October 13, 2022  
PERMISSION GRANTED BY STAFF DATE: October 25, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 9  
STAFF NAME: Andrew Bicknell
10. PERMIT #: 2022-106  
NAME: Paul Lake  
MUNICIPALITY: Bluewater (Stanley)  
PERMISSION TO: construct a new dwelling in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: August 22, 2022  
PERMISSION GRANTED BY STAFF DATE: October 31, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 49  
STAFF NAME: Meghan Tydd-Hrynyk

## MINOR WORKS PERMIT

1. PERMIT: MW#2022-106  
NAME: Michael Voll  
MUNICIPALITY: Bluewater (Bayfield)  
PERMISSION TO: construct an accessory structure  
COMPLETED APPLICATION RECEIVED ON DATE: September 28, 2022  
PERMISSION GRANTED BY STAFF DATE: October 14, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 11  
STAFF NAME: Geoff Cade
  
2. PERMIT: MW#2022-107  
NAME: Holman Construction Inc.  
MUNICIPALITY: Lambton Shores (Bosanquet)  
PERMISSION TO: undertake surface grading in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: September 13, 2022  
PERMISSION GRANTED BY STAFF DATE: September 17, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 4  
STAFF NAME: Andrew Bicknell
  
3. PERMIT: MW#2022-105  
NAME: Zachary and Maddison Turner  
MUNICIPALITY: Bluewater (Bayfield)  
PERMISSION TO: construct a deck in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: September 27, 2022  
PERMISSION GRANTED BY STAFF DATE: October 13, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 12  
STAFF NAME: Andrew Bicknell
  
4. PERMIT: MW#2022-108  
NAME: Bill Stage  
MUNICIPALITY: Bluewater (Stanley)  
PERMISSION TO: Construct an addition to a trailer  
COMPLETED APPLICATION RECEIVED ON DATE: October 7, 2022  
PERMISSION GRANTED BY STAFF DATE: October 18, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 7  
STAFF NAME: Daniel King

5. PERMIT: MW#2022-110  
NAME: John Denys  
MUNICIPALITY: North Middlesex (West Williams)  
PERMISSION TO: Construct a pond in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: October 6, 2022  
PERMISSION GRANTED BY STAFF DATE: October 27, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 15  
STAFF NAME: Andrew Bicknell
6. PERMIT: MW#2022-111  
NAME: Bonnie Pierotti  
MUNICIPALITY: Bluewater (Hay)  
PERMISSION TO: renovate and construct an addition in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: October 13, 2022  
PERMISSION GRANTED BY STAFF DATE: October 27, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 11  
STAFF NAME: Meghan Tydd-Hrynyk
7. PERMIT: MW#2022-104  
NAME: Patty Keller  
MUNICIPALITY: Bluewater (Stanley)  
PERMISSION TO: replace trailer with park model trailer in a regulated area  
COMPLETED APPLICATION RECEIVED ON DATE: October 6, 2022  
PERMISSION GRANTED BY STAFF DATE: November 8, 2022  
NUMBER OF BUSINESS DAYS TO REVIEW: 23  
STAFF NAME: Meghan Tydd-Hrynyk

## *ABCA Program Report*

**To:** Board of Directors  
**Date:** November 17, 2022  
**From:** Brian Horner, General Manager/Secretary Treasurer Kate Monk, Projects Coordinator  
**Subject:** Conservation Authorities Act Update - Progress Report

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This report provides an update on the implementation of the Conservation Authorities Act and associated regulations. Additional information may be available at the board meeting.

1. Municipal staff are providing their input to the draft Cost Apportioning Agreement for Category 3 programs and services that will require municipal levy funding. We plan to provide the updated agreement to the Board of Directors in December.
2. Bill 23 *More Homes Built Faster Act, 2022* was introduced by the province on October 25 and includes changes to the way municipalities and conservation authorities review and approve housing proposals.

Bill 23 includes changes to the Conservation Authorities Act. Staff are reviewing the legislation, and participating in Conservation Ontario and provincial webinars to better understand the impact to the work the ABCA does to manage the watershed in cooperation with member municipalities. Please refer to the report in the November 17, 2022 Board meeting package for more information.

3. Because of this proposed legislation, we will delay further negotiations on the Memorandum of Understanding (MOU) with municipalities for planning services.
4. To meet the requirements of the Act, Staff have developed a draft Fee Policy for the board's approval. This policy will replace the ABCA policy approved in 2007.

## *ABCA Program Report*

**To:** Board of Directors  
**Date:** November 17, 2022  
**From:** Brian Horner, General Manager/Secretary Treasurer  
**Subject:** Bill 23, *More Homes Built Faster Act, 2022*

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Bill 23, the *More Homes Built Faster Act, 2022*, was introduced by the provincial government on October 25 with the intent to expedite housing development. The legislation has wide-spread implications for development in Ontario.

Schedule 2 identifies several changes to the *Conservation Authorities Act*.

This report focusses on four areas of particular importance for the Ausable Bayfield Conservation Authority (ABCA):

1. Transferring CA regulatory responsibilities to municipalities
2. Commenting on natural heritage matters through the Planning Act
3. Freezing or waiving fees paid by developers
4. Identifying conservation authority land suitable for development.

Staff are reviewing the legislation and participating in Conservation Ontario and provincial webinars in order to better understand the impact to the work the ABCA does to manage the watershed in cooperation with member municipalities. Staff have also been responding to inquiries from municipal staff and meeting upon request.

### **Regulatory responsibilities: Potential sweeping exemptions to transfer CA regulatory responsibilities to municipalities**

It is unclear whether the exemptions will be limited to certain types of low-risk development and hazards, or if the purpose is to transfer CA responsibilities to municipalities on a much broader scale. This is the opposite of the government's directive to CAs to focus on their core mandate. As proposed in the legislation, the CA exclusions will nullify the core functions of CAs and open up significant holes in the delivery of our natural hazard roles, reducing their effectiveness. This will negatively impact our ability to protect people and property from natural hazards.

Without limitations or further scoping, these proposed changes signal the likelihood of future delegation of CA permitting roles to municipalities that have neither capacity nor expertise in water resources engineering, environmental planning and regulatory compliance. This will result in longer response times and increased costs, and impede the government's goal of more affordable housing development.

If responsibility was transferred to municipalities, they would also assume sole liability for the impact of development on natural hazards within municipal boundaries and on neighbouring upstream and downstream communities. This is a significant and new responsibility with increased costs.

**Natural Heritage: Proposed changes would prohibit CAs from entering into Memorandum of Understanding (MOUs) or Service Level Agreements for natural heritage reviews, and select aspects of stormwater management review etc.**

Bill 23, as currently written, precludes municipalities from entering into agreements with CAs to provide advice on environmental and natural heritage matters. There is significant corporate knowledge of the watershed that is not available elsewhere, in municipalities or consulting firms. Ausable Bayfield CA staff have a wide-range of skills and knowledge of the local natural environment and watershed that they use for their respective positions at the ABCA. These staff can provide valuable information to municipalities during the plan review process. Our Geographic Information Systems (GIS) is sophisticated and includes comprehensive environmental monitoring, mapping and watershed information.

The ABCA has demonstrated efficient service delivery to municipalities for decades. This is also cost-effective by using portions of staff time as needed. Municipalities will need to coordinate with neighbouring municipalities and the province on a watershed basis, rather than taking advantage of expertise already available within the CA.

Including Conservation Authorities in the plan review process ensures the protection of the watershed-based approach and enables the connections to be made between flood control, wetlands, natural cover and other green infrastructure in order to ensure safe development.

**User Fees: Freezing or waiving fees paid by developers**

The proposed legislation states the province may direct an authority to freeze or waive development fees. This is counter to the fee class policy developed by the Minister of Environment, Conservation and Parks in April 2022, which directed conservation authorities to adopt a user-pay principle in their fee policy and fee schedule. In a user-pay principle, individuals or businesses that benefit from the service pay for all or part of the service.

The legislation does not provide specifics on which circumstances this will be applied, the duration, or other mechanisms to cover the shortfall.

## **CA Lands: Using CA lands for housing and infrastructure development**

The proposed legislation requires conservation authorities to identify lands that are suitable for housing development. And, in the event the CA wishes to dispose of land for development, the process to do so is stream-lined with fewer approvals required.

The ABCA owns more than 9,000 acres of land which are made up of important natural systems and biodiversity such as wetlands, forests, floodplains and ecologically sensitive lands. These lands typically have clear functions and purposes at the site and for the benefit of downstream municipalities. Conservation Areas near communities have trails and other passive recreation features which residents visit for physical and mental well-being.

Careful consideration is required when identifying CAs lands in this way. Disposing of parcels for housing should be evaluated on a case-by-case basis.

Staff have drafted the attached letter with the following recommendations.

### **Recommendation**

Recommended that, the Ausable Bayfield Conservation Authority submit comments to ERO 19-6141 with the following recommendations:

- a) Keep all hazard-related responsibilities with Conservation Authorities
- b) Municipalities should retain the option to enter into MOUs with CAs for natural heritage and other plan review matters the municipalities deem advisable.
- c) Require CAs to demonstrate to the Province, upon request, that permit and planning fees do not exceed the cost to deliver the program or service and only consider freezing fees if CAs are exceeding 100 percent cost recovery.
- d) Conservation Authority lands in areas suitable for development should be evaluated on a case-by-case basis and only considered under exceptional circumstances.
- e) Re-establish the Multi-Stakeholder Conservation Authority Working Group comprised of members from conservation authorities, municipalities, the development section and agriculture to help guide the province in its implementation of the last round of changes to the CA Act.

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To learn more, or to provide input on the proposed changes, visit the Environmental Registry of Ontario for these Notices:

1. Proposed updates to the regulation of development for the protection of people and property from natural hazards in Ontario (ERO number 019-2927) (<https://ero.ontario.ca/notice/019-2927>). Deadline for comments: December 30, 2022.

2. Legislative and regulatory proposals affecting conservation authorities to support the Housing Supply Action Plan 3.0 (ERO number 019-6141) (<https://ero.ontario.ca/notice/019-6141>). The first page (ERO number 019-2927) includes a Consultation Guide on how to provide your input. Deadline for comments: November 24, 2022.

Visit Ontario's Regulatory Registry for its document on Focusing conservation authority development permits on the protection of people and property (<https://www.ontariocanada.com/registry/view.do?postingId=29166&language=en>). To read Bill 23, visit the Ontario Legislative Assembly at this web page: Bill 23, More Homes Built Faster Act, 2022 (<https://www.ola.org/en/legislative-business/bills/parliament-43/session-1/bill-23>)

Dear Premier Ford, Minister Clark, Minister Smith and Minister Piccini,

This letter is the Ausable Bayfield Conservation Authority response to Bill 23, *More homes built faster Act, 2022*, specifically regarding Schedule 2.

We are a rural Conservation Authority in southwestern Ontario. The watershed includes some of Canada's best agricultural land, dotted with towns and villages, and bordered on the west by the beautiful shores of Lake Huron. For more than 75 years, we have worked cooperatively with the member municipalities to balance human needs with the needs of the environment.

Our communities need attainable housing and we want to be part of the solution. However, we are concerned Bill 23 will have unintended, negative consequences in the short term that will have long-lasting impacts.

We respectfully provide the following recommendations:

- a) Keep all hazard-related responsibilities with Conservation Authorities.
- b) Development subject to *Planning Act* authorizations should not be exempt from Conservation Authority permits.
- c) Municipalities should retain the option to enter into Memorandum of Understanding (MOUs) with Conservation Authorities for natural heritage and other plan review matters the municipalities deem advisable. Remove the clauses in Bill 23 that prevent this from occurring.
- d) Conservation Authority fees should not be frozen since they are based on cost recovery.
- e) Conservation Authority lands in areas suitable for development should be evaluated on a case-by-case basis and only considered under exceptional circumstances.
- f) Re-establish the Multi-Stakeholder Conservation Authority Working Group comprised of members from conservation authorities, municipalities, the development section and agriculture to help guide the province in its implementation of the last round of changes to the CA Act.

We look forward to working with the province and municipalities to continue to conserve the watersheds for future generations.

Sincerely,

AUSABLE BAYFIELD CONSERVATION AUTHORITY

Dave Jewitt, Chairman

cc. Monte McNaughton, MPP (Lambton-Kent-Middlesex)

Matthew Rae, MPP (Perth-Wellington)

Lisa Thompson, MPP (Huron-Bruce)

## *ABCA Program Report*

To: Board of Directors  
Date: November 17  
From: Kate Monk, Projects Coordinator  
Subject: ABCA Fee Policy, 2022

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On January 1, 2023, the Conservation Authorities Act is scheduled to be amended by repealing 21 (1) (m.1) which related to the power of Conservation Authorities (CAs) to charge fees for services approved by the Minister of Natural Resources and Forestry and enacting Section 21.2 (1)-(12) “Fees for Programs and Services”.

Section 21.2 of the *Act* sets out that every Conservation Authority shall prepare and adopt both a written fee policy and fee schedule with respect to the fees it charges for the programs and services it provides.

This policy replaces *ABCA Policy A-27: Fees for Service* that was in effect since October 18, 2007. The principles of the new policy are consistent with the 2007 policy. The ABCA has had written Fee Schedules for decades which are reviewed annually and approved as part of the budget process.

Ausable Bayfield Conservation Authority relies on diverse sources of funding: municipal levy, provincial grants, provincial and federal funding programs, foundations, donations, bequests and user fees.

This policy confirms that the ABCA utilizes a user-pay principle and requires the direct beneficiary or recipient of the service(s) to fully or partially pay for the cost of the service. A user-pay model directs public funding and taxes to services that benefit the broader constituency versus subsidizing services delivered to specific individuals for their benefit.

The province enables authorities to charge a fee for programs and services, where the user-pay principle is considered appropriate, increases opportunities for an authority to generate revenue. This may reduce an authority’s reliance on the municipal levy to finance the programs and services it provides.

It is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy.

The policy includes principles, appeal process, review schedule, consultation and notification processes and implementation details for departments. The fee schedule will continue to be reviewed and approved on an annual basis.

The 2023 Fee Schedule will be Schedule 1 when approved by the board during the budget process.

**Recommendation**

Recommended that the Ausable Bayfield Conservation Authority Fee Policy be approved.



# Fee Policy

Approved xxxxxx, 2022

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## 1. POLICY PURPOSE

The purpose of this policy is to meet the requirements of the *Conservation Authorities Act* (“The Act”). Both the Fee Policy and Fee Schedule are intended to provide transparency and accountability surrounding the establishment and charges of Ausable Bayfield Conservation Authority (ABCA) fees.

The policy will provide a framework for ABCA to use to determine fees and to review and revise the annual fee schedule.

This policy was developed using the following documents as references:

- *Guideline for CA Fee Administration Policies for Plan Review and Permitting*, endorsed by Conservation Ontario Council (June 24, 2019).
- *Guidance on CA Fee Policies and Fee Schedules* (Conservation Ontario, September 13, 2022)
- *Guidance on the Second Phase of the Transition Period* (Conservation Ontario, June 27 2022)
- *Policy: Minister’s list of classes of programs and services in respect of which conservation authorities may charge a fee* (Ministry of Environment, Conservation and Parks (MECP), April 11, 2022)
- *Policy A-27: Fees for Service* (ABCA, Approved October 18, 2007)

The policy confirms that the ABCA utilizes a user-pay principle and requires the direct beneficiary or recipient of the service(s) to fully or partially pay for the cost of the service. A user-pay model directs public funding and taxes to services that benefit the broader constituency versus subsidizing services delivered to specific individuals and inure only to their respective benefit.

## 2 OVERVIEW OF FEE POLICY AND FEE SCHEDULE REQUIREMENTS

On January 1, 2023, the Conservation Authorities Act is scheduled to be amended by repealing 21 (1) (m.1) which related to the power of Conservation Authorities (CAs) to charge fees for services approved by the Minister of Natural Resources and Forestry and enacting Section 21.2 (1)-(12) “Fees for Programs and Services”.

Section 21.2 of the *Act* sets out that every Conservation Authority shall prepare and adopt both a written fee policy and fee schedule with respect to the fees it charges for the programs and services it provides. Note that the Minister’s List does not apply to those instances where the authority is already authorized under another statute to charge a fee for a program or service (e.g., *Clean Water Act*, *Building Code Act*).

This policy replaces ABCA *Policy A-27: Fees for Service* that was in effect since October 18, 2007. The principles of the new policy are consistent with the 2007 policy.

Subsection (1) enables the Minister to determine the classes of programs and services in respect of which an authority may charge a fee and (2) requires the minister to publish a List in a policy document. The Minister published the list through the *Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee* ("Minister's List") on April 11, 2022 (see Appendix 1). Conservation authorities may only charge a fee for a program or service that it provides if it is included in this list. This list replaces the *1997 Policies and Procedures for the Charging of Conservation Authority Fees* which was approved by the Minister of Natural Resources and Forestry.

### **3. POLICY SCOPE**

This Fee Policy includes:

- (a) the Fee Schedule (Schedule 1) that addresses fees related to all programs and services provided by the Conservation Authority, as approved by the Board. This includes:
  - Fees for specific services related to planning and development review-oriented activities, such as regulatory or permitting services;
  - Fees for programs, services and products not related planning and compliance activities; and
  - Fees for use and occupation of authority assets (e.g. recreational facilities, lands and works, vehicles etc.);
- (b) the frequency within which the fee policy shall be reviewed by the authority;
- (c) the process for carrying out a review of the fee policy, including the rules for giving notice of the review and of any changes resulting from the review; and
- (d) the circumstances in which a person may request that the authority reconsider a fee that was charged to the person and the procedures applicable to the reconsideration.

### **4. FEE SCHEDULE**

The Fee Schedule is a required component of the Fee Policy and is Schedule 1 in this document.

The Fee Schedule includes two key components:

- (a) a list of the programs and services that the CA provides where a fee is charged; and
- (b) the amount of the fee charged for each individual program or service, or, where a set fee is not established, the manner in which the fee is determined.

The ABCA has been charging fees identified in a Fee Schedule for decades.

While the Fee Schedule is a part of the overall fee policy, it is expected that the Fee Schedule would be subject to more regular review and updates.

The province has provided direction for conservation authority fee schedules in the 2022 document “Policy: Minister’s list of classes of programs and services in respect of which conservation authorities may charge a fee” as well as the requirements of s. 21.2 of the *Conservation Authorities Act*.

The “Minister’s List” establishes classes of programs and services where a conservation authority may charge a fee. This list may be amended from time to time, and where updates are made, a new policy document will be distributed to each CA. Currently, the Minister’s List established three classes of programs and services where a CA may charge a fee, along with specific criteria for each class:

- (a) **Category 1 Mandatory Programs and Services** (*where the user-pay principle is appropriate*);
- (b) **Category 2 Municipal Programs and Services** (*where the user-pay principle is appropriate and the parties agree through the provisions of an MOU or other such agreement that the authority should be permitted to charge a fee for that program or service*); and
- (c) **Category 3 Other Programs and Services** (*where the user-pay principle is appropriate. Where a cost apportionment agreement has been entered into for these programs and services, the agreement must also include provisions permitting the authority to charge a fee for the program or service*).

Fees charged by conservation authorities are considered “User Fees”, which are fees paid to the Authority by a person or organization for a program or service they specifically benefit from. In accordance with the Minister’s List, a fee may only be applied by the CA when the “User-Pay Principle” is considered appropriate (i.e., when there is a person or class of persons that directly benefit from a program or service delivered by the Authority).

## 5. POLICY PRINCIPLES AND STATEMENTS

### Public Sector Service Provider

As a public-body, ABCA strives to balance its multiple roles as a supplier of a wide variety of services, which include:

- delivery of services which broadly benefit the region and its residents;
- legislated services which are applicant or proponent-driven; and
- discretionary services provided by other agencies and private companies.

### Policy Direction

When updating existing fee schedules or establishing new fees the following policy direction will be considered:

- (a) fees need to be set with regard to legislative requirements, ability to sustain programs, and be based on a user-pay philosophy;

- (b) fee increases should include inflation;
- (c) fees must not exceed the costs of delivering the services, if provincial grant funding is provided for the program;
- (d) refunds of fees may carry an administrative cost/penalty;
- (e) fees are reviewed at least annually and regular adjustments to fees are desirable;
- (f) the fee schedule will be approved on an annual basis to inform the budget for the following year.

### **Eligible Fees**

Unless otherwise prescribed by the Minister in regulation, Conservation Authorities may charge fees for the following services:

- Conservation Services: Stewardship, tree planting, restoration and forestry services;
- Conservation Lands: Entrance fees, camping, facilities and site rentals, hunting and trapping permits, Special Use Permits, professional photography, sale of timber and other products, etc.;
- Education and Community Outreach: Conservation education programs, special events, public speakers, meeting registration, etc.;
- Watershed Management Services: Floodplain regulations and related development applications (i.e. permit review, property inquiries, survey), Watershed Planning (e.g. Planning Act applications);
- Corporate Services: Sale of products (e.g. reports, maps, photographs); and
- Technical Services: Environmental monitoring, research, property assessments and management plans, and other advisory services.

### **Eligible Costs**

Fees are dependent on the complexity of the project and the level of effort required to administer or deliver the program or service.

Eligible costs may include:

- Staff salaries, mandatory payroll taxes, discretionary benefits, training, professional membership dues and other related payroll costs;
- Appropriate percentage of salary and overhead for staff/consultants who support the program or service (e.g. administration, geomatics (GIS) and information technology, engineering, surface water and groundwater specialists, source water protection, natural heritage, property management, senior staff/management);
- Compliance costs (e.g. inspection of approved permits, potential violations and enforcement);

- Overhead costs associated with office space (lease, building maintenance/ operations, computers/networks, etc.); and
- Vehicle operating costs associated with program delivery (e.g. acquisition, depreciation, maintenance, insurance, gas, etc.);
- Equipment and software (e.g. mobile phones, cameras, GPS, safety equipment, software, etc.);
- Legal expenses (e.g. annual expenses and contingency reserves) and insurance (liability, directors and officers, errors and omissions);
- Maintenance and development of public resources (e.g. website, fact sheets, etc.);
- Other supply costs (paper, postage, courier, etc.);
- Other reasonable indirect costs that are associated with service delivery; and
- Allocated cost of assets used to deliver services.

### **Determining Fees**

Fees are necessary to finance Ausable Bayfield Conservation Authority's programs and services in the absence of sufficient government funding to deliver the program or service, or as a means of generating revenues to support the program or service.

Unless otherwise prescribed by the Minister through regulation, the Authority determines the amount of the fee based on consideration of eligible costs, and consideration of the following issues and data, where and when relevant:

- Analysis of trends in workload changes, shifts in the market and types of applications;
- Consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining;
- General overview of the status of cost recovery;
- Statistics of numbers of applications and annual changes, where required;
- Level of service/review turn-around timing;
- Areas of improvement of level of service/staffing demands;
- Cost cutting measures as required;
- Reserve fund requirements;
- Identification of specific/specialized municipal requirements such as trends in legal costs associated with the Local Planning Appeal Tribunal (LPAT), legal decisions and other legal services; and
- Fees charged by the private sector for similar services.

In addition, the Board will consider the impact of fees on program delivery (e.g. education programs), the nature of the request (e.g. for-profit or commercial activities), and fair-market-

value of similar services in the private sector in order to prevent a situation of unfair competition, inappropriate application of taxpayer subsidized services and excessive use of ABCA's limited staff resources.

Where a program or service is supported through provincial grant funding, fees shall not exceed the costs of delivering the services on a program basis.

Authority staff will consult with key stakeholders at an appropriate level for proposed changes to the Fee Schedule. The greater the impacts of changes to the fee schedules, the larger the scale of consultation.

### **Notification and Consultation**

The *Conservation Authorities Act* (s. 21.2 (7) (c)) requires that the CA includes within their fee policy, information regarding the process for carrying out a review of the policy, including the rules for giving notice and of any changes resulting from the review. The Minister's List states CAs must notify the public of any proposed change it wishes to make to its fee schedule. Any updates to the fee schedule should follow the procedures outlined in the CA's fee policy.

The public will be notified of the policy development, review and approval as well as matters relating to the fee schedule by way of posting on the ABCA website and other means determined by the ABCA.

Authority staff will consult with key stakeholders at a level appropriate for proposed changes to the Fee Schedule. The greater the impacts of changes to the fee schedules, the larger the scale of consultation.

Key stakeholders include:

- (a) Primary user groups who may represent interests of applicants, participants, customers, or other program or service stakeholders who may be consulted for various ABCA programs and services;
- (b) Neighbouring conservation authorities, in order to compare services, eligible costs and percentage cost recovery proposed to and/or approved by the Board; and
- (c) Municipalities in order to identify proposed changes to fee schedules, and define service(s) to be provided.

Consultation will, at a minimum, include posting the proposed changes to the fee schedule on the ABCA website and by other means deemed to be appropriate.

### **Fee Schedule Approval**

Staff will draft a Fee Schedule annually for Board approval, based on its analysis and comments received through consultation.

Notification of fee revisions is made by way of posting a notice on the ABCA website that the Fee Schedule will be reviewed on an identified date, at an open meeting of the Authority's Board.

Inflationary costs associated with fees may be applied to fee schedules without undertaking formal consultations.

### **Waiving Fees**

The Fee Policy and Fee Schedule are approved by the Board and is administered and applied by ABCA staff.

Senior management, in consultation with the General Manager may, under extenuating circumstances, waive or reduce fees. The type and complexity of the application will be reviewed in order to make a determination on the appropriate fee. This assessment will consider the scope of work required to administer and review the application and supporting technical reports, the nature of the project or request, and the associated risk to the resource affected.

## **6. APPEAL PROCESS**

The fee appeal process will be based on the principles of fairness, opportunity, and notification. Application for an administrative review may be received for:

- (a) An appeal if a fee is contrary to the fees set out in the fee schedule; or
- (b) That the fee set out in the fee schedule is excessive in relation to the service or program received.

If an appellant wishes to appeal a fee:

- (a) The appellant must submit a written request for an administrative review of the fee to the General Manager/Secretary-Treasurer specifying the reasons for the appeal. The General Manager/Secretary-Treasurer shall review the appeal and notify the appellant accordingly of the decision.
- (b) If the appellant is not satisfied with the decision of the General Manager/Secretary-Treasurer's decision, the appellant may request consideration of the appeal by the Board in writing with reasons for the appeal.

Once heard or reviewed by the Board, the appeal will be dismissed or upheld through a resolution. The appellant will be notified accordingly of the Board's decision.

In making their decision, the General Manager/Secretary-Treasurer and/or the Board will consider the scope of work required to administer and review the application and supporting technical reports; the nature of the project or request, and the associated risk to the resource affected.

Upon reconsideration of a fee that was charged by the authority, the authority may:

- (a) Order the person pay the fee in the amount originally charged;
- (b) Vary the amount of the fee originally charged, as the authority considers appropriate; or
- (c) Order that no fee be charged for the program or service.

## **7. REVIEW**

### **Fee Policy Review**

In keeping with the Conservation Authorities Act, S.21.2 (9), the Fee Policy will be reviewed by ABCA staff every five years and propose any changes to the Policy to the Members for approval.

### **Fee Schedule Review**

The Fee Schedule will be reviewed annually by ABCA staff, in conjunction with the annual budgeting process. Information will be sought regarding fees, from various sources, as identified above and recommend any changes to listed fees for consideration by the Board.

Once approved, the revised Fee Schedule will be published on the ABCA's website and distributed to member municipality clerks and appropriate stakeholders for posting, and in other materials used by the public.

If, after a review of the Fee Schedule or at any other time, the Board wishes to make a change to the list of fees set out in the Fee Schedule or to the amount of any fee or the manner in which a fee is determined, the authority shall give notice of the proposed increases or revisions to the Fee Schedule, by way of posting a notice on the ABCA website, that the Fee Schedule will be reviewed on an identified date, at an open meeting of the Authority's Board.

## **8. IMPLEMENTATION**

The user-pay principle and cost recovery are required and are appropriate for certain services as noted above. However, the Authority considers other factors when setting fees, such as fees of neighbouring Conservation Authorities, the nature and level of fees charged by local municipalities for related services and in some cases, the value of similar services provided by the private sector. It should also be noted that for some circumstances and programs, an attempt to charge a fee that would provide complete cost recovery is not feasible due to the inability to pay and would result in reduced demand for the service, e.g., school education programs.

## **Planning and Regulations (Section 28 Permit Fees, Planning Act and Technical Reviews)**

The fee program for Planning and Regulations is administered to partially recover costs. The fee structure aims to achieve a minimum 50 percent cost recovery with a maximum 100 percent cost recovery on a per annum basis. Maximum reliance on user fees buffers the planning and regulations program against economic volatility and subsequent budgetary uncertainty.

It is also intended to reflect that significant effort and resources are used for pre-consultation related to activities, proposals and inquiries prior to application submissions as well as compliance activities. Fees are based on the complexity of the application and technical review required, which influences the staff time and resources needed. Administration may consider the following issues and data, where and when relevant, to revise the fee schedule:

- Analysis of trends in workload changes as a result of shifts in the development market and types of applications;
- Consultation with developers/municipalities about work effort, new planning/legislative requirements and streamlining;
- General overview of status of cost recovery;
- Statistics related to number of applications and annual changes, where required;
- Level of service and the review expectation for processing timing;
- Areas of improvement of level of service/staffing demands;
- Cost cutting measures as required;
- Reserve fund requirements;
- Identification of specific or specialized municipal requirements;
- Trends in legal costs associated with appeals to the Local Planning Appeal Tribunal (formerly the Ontario Municipal Board), legal services and compliance activities.

It is the objective of the ABCA to provide an effective and efficient delivery of services consistent with the *Client Service Standards for Conservation Authority Plan and Permit Review*, endorsed by Conservation Ontario Council, June 24, 2019.

Exemptions to the application of these fees include:

- Non-profit conservation groups contributing to the protection and restoration of the natural environment, examples include but are not limited to: Ducks Unlimited, Nature Conservancy of Canada, Ontario Federation of Anglers and Hunters;
- ABCA for permit applications, Planning Act applications, inquiries, and site assessments.

## Conservation Lands

Fees are charged for the use of land owned by the ABCA as follows: Rock Glen Conservation Area entrance, hunting and trapping permits, facilities and site rentals, and Special Use Permits. Agricultural land rent and forest management are determined through a tender process.

Criteria for setting fees are:

- Impact on or opportunity to support the expenses of owning, maintaining, protecting and improving conservation authority properties;
- Anticipated operational expenses;
- Cost of collecting the fees;
- Comments and feedback from CA users and user groups; and
- Comparison to similar operations and opportunities in the industry, including trends.

Fees collected may be excess of the costs to operate a particular property. The surplus can be used to subsidize the cost of maintaining, managing and restoring ecological functions on properties where fees are not collected or allocated to reserves for future conservation land projects.

Other sources of revenue include donations, and corporate, foundation or government funding programs.

## Stewardship Services

The stewardship and forestry program has four key components: technical assistance (advisory and project design) to watershed landowners, connecting landowners with cost-share funding, ecological restoration and tree planting. The program is funded by fees for products and services, and agreements with funders that assist with the costs of stewardship projects and program delivery. The levy provides a small portion of funding.

Reforestation Assistance Program fees are reviewed and up-dated annually. An attempt is made to balance fees for products and services with program costs while trying to maintain and, over the long-term, improve watershed health. It must be noted that fees would be without cost-sharing opportunities such as the Clean Water Project, 50 Million Tree Program, Canadian Nature Fund and others that assist landowners with the cost of the program, the tree planting program would not be sustainable.

The cost of providing these services is based on the following principles:

- Prices for tree and other plant material are based on wholesale tree costs dependent on individual stock items. A mark-up is applied to cover costs associated with employee costs, tree delivery and storage, administration and outreach. Fees are also based on the costs of products and services by private companies;
- Planting fees for both machine and hand planting, site preparation, follow-up care, licences are based on staffing, supply and equipment costs;
- The tree planting program strives to be funded by user fees, donations and grants.

Technical service fees are the same as the ABCA Technical Service Fee which is charged by other departments.

### **Education and Outreach Program**

Conservation education programs are funded through a number of avenues including fees charged to participants, and through donations, and corporate, foundation or government sponsorships. This revenue is augmented by Authority levy funds to cover costs. Staff endeavour to control dependency on Authority levy funds by recovering as much of the program costs as the market will bear. To determine the fees charged directly to the school classes a number of factors are considered including:

- availability of similar services;
- surveys of prices charged by organizations offering similar services; and
- demand for the program.

Community outreach and special events are also funded by a variety of sources.

In some circumstances, fees charged may be greater than the cost of a specific program with the surplus used to subsidize other costs.

### **Corporate Services**

The Conservation Authority charges fees for services, facility rental and products. Fees for Category 3 products and services will provide complete cost recovery.

### **Technical Services**

The Conservation Authority charges fees in order to strive for complete cost recovery for a variety of services such as environmental monitoring, research, property assessments and management plans, species inventories and advisory services. The fees are to cover the costs of providing the services including staff time, mileage, equipment, laboratory fees, mapping, licenses, certification, and other items related to providing the service.

## **Appendix 1: Policy: Minister's list of classes of programs and services in respect of which conservation authorities may charge a fee (MECP, April 11, 2022)**

### **Preamble**

A conservation authority is permitted to charge a fee for a program or service only if the program or service is included in the Minister's list of classes of programs and services in respect of which a conservation authority may charge a fee. The Minister's published list of classes of programs and services in respect of which a conservation authority may charge a fee ("Minister's Fee Classes Policy") is provided as per the provisions set out in section 21.2 of the *Conservation Authorities Act*. From time to time, the Minister may make changes to the list and will promptly update this document and distribute it to each conservation authority.

### **Fees that a conservation authority may charge under the *Conservation Authorities Act***

Section 21.2 of the *Conservation Authorities Act* requires a conservation authority to administer the charging of fees in a transparent and accountable manner by adopting and publishing a written fee policy, which includes a fee schedule that lists the programs and services for which an authority charges a fee and the amount to be charged. Conservation authorities must maintain their fee schedule and if an authority wishes to make changes to its fee schedule, it must notify the public of the proposed change (e.g., on its website). In its fee policy, a conservation authority must also set out the frequency with which it will conduct a review of its fee policy, including its fee schedule, the process for carrying out a review of the fee policy, including the rules for giving notice of the review and any changes as a result of a review, and the circumstances under which any person may request the authority to reconsider a fee that was charged to the person and the procedures applicable to the reconsideration. Decisions regarding the fee policy and fee schedule are made by the members of a conservation authority, comprised of representatives appointed by the participating municipalities and the agricultural sector representative member, where appointed by the Minister of the Environment, Conservation and Parks.

### **Reconsideration of fee charged**

A conservation authority's fee policy must define the circumstances in which

a person may request that the authority reconsider a fee that was charged and the procedures applicable to the reconsideration. Where the authority's fee policy permits a person to request the authority to reconsider the fee it has charged that person because it is contrary to the authority's fee schedule or excessive in relation to the program or service for which it was charged, that person may apply to the authority, in accordance with the procedures set out in the authority's fee policy, to request a reconsideration of the fee.

After receiving and considering the request, the authority may vary the amount of the fee to be charged to an amount the authority considers appropriate, order that no fee be charged, or confirm the original amount of the fee.

### **Fees that a conservation authority may charge as prescribed by other legislation**

The Minister's Fee Classes Policy does not include those instances where the authority is already authorized under another statute to charge a fee for a program or service. For example, where an authority administers an on-site sewage system program under the *Building Code Act, 1992*, the authority has the power to charge fees for that program.

Similarly, under Part IV of the *Clean Water Act, 2006*, a municipality has enforcement responsibility to regulate significant drinking water threats in wellhead protection areas and intake protection zones and may delegate that responsibility to a conservation authority.

When this delegation occurs, the conservation authority is also given the power to charge fees as the enforcement body under that Act.

### **User-Pay Principle**

The fees that conservation authorities charge, in accordance with the Minister's Fee Classes Policy, are considered 'user fees.' 'User fees' are fees paid to an authority by a person or organization for a service that they specifically benefit from. This includes use of a public resource (e.g., park access or facility rental) or the privilege to do something (e.g., receive an approval through a permit or other permission to undertake a regulated activity).

**For the purposes of this Minister's Fee Classes Policy, a fee may only be applied when the User-Pay Principle is considered appropriate, which is**

**when there is a class of persons that directly benefits from a program or service delivered by an authority (“User-Pay Principle”) (note: other restrictions may apply; see Table 1 below).**

Enabling authorities to charge a fee for programs and services where the User-Pay Principle is considered appropriate increases opportunities for an authority to generate revenue. This may reduce an authority’s reliance on the municipal levy (now called an “apportionment”) to finance the programs and services it provides. However, it is up to a conservation authority to decide the proportion of the costs associated with administering and delivering a program or service that should be recovered by a user fee versus those costs that are offset by other funding sources, such as the municipal levy. Beginning with the 2024 calendar year budgets, if an authority considered opportunities to raise and use self-generated revenue such as fees to finance its operations, the authority will be required to include in its budget a description of what the authority considered.

### **Fee amounts**

A conservation authority may determine the amount of a fee to be charged for a program or service that it provides. If a fee is to be charged for a program or service, the amount to be charged or the manner for determining the amount must be listed in the conservation authority’s fee schedule. Some fee amounts cannot exceed the authority’s costs for administering and delivering a program or service. For example, fees for planning services should be developed in conjunction with the appropriate planning authorities and set to recover but not exceed the costs associated with administering and delivering the services on a program basis. Similarly, fees for permitting services should be developed to recover but not exceed the costs associated with administering and delivering the services on a program basis. Other fees set by the authority for a program or service are not subject to this restriction, such as fees for selling products or fees for rentals. Fees that are not subject to this restriction can provide the authority with a source of revenue to help offset costs for other programs and services offered by the authority.

### **Minister’s fee classes**

The following is the list of classes of programs and services in respect of which an authority may charge a fee.

**Table 1. Classes of programs and services for which conservation authorities may charge a fee**

<b>Classes of programs and services</b>	<b>Criteria</b>	<b>Examples</b>
<p>Category 1 mandatory programs and services (section 21.1 of the <i>Conservation Authorities Act</i>)</p>	<p>Category 1 programs and services where the following requirement is met:</p> <ul style="list-style-type: none"> <li>• The User-Pay Principle is appropriate.</li> </ul>	<p>Examples may include:</p> <ul style="list-style-type: none"> <li>– Administration of section 28 natural hazards development permits (current section 28 and unproclaimed section 28.1), including related technical advice and studies.</li> <li>– Responses to legal, real estate and public inquiries regarding a section 28 permit (and unproclaimed section 28.1) and natural hazard inquiries under the <i>Planning Act</i>.</li> <li>– Activities requiring a permit made pursuant to section 29 of the <i>Conservation Authorities Act</i>.</li> <li>– Review and commenting on applications under other legislation noted under the Mandatory Programs and Services Regulation (O. Reg. 686/21) and associated inquiries.</li> <li>– Access to authority owned or controlled land for recreational activities not requiring direct authority or other staff involvement.</li> </ul>

<p>Category 2 municipal programs and services – i.e., those programs and services an authority provides on behalf a municipality pursuant to a memorandum of understanding or service level agreement (or other agreement) (section 21.1.1 of the <i>Conservation Authorities Act</i>)</p>	<p>Category 2 programs and services where the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The User-Pay Principle is appropriate; <b>and</b></li> <li>• The parties agree through provisions in a memorandum of understanding, service level agreement, or other agreement governing the provision of the Category 2 program or service that the authority should be permitted to charge a fee for that program or service.</li> </ul>	<p>Examples may include commenting on <i>Planning Act</i> applications for technical and policy matters other than for consistency with natural hazard policies, such as related to natural heritage, storm water management, or other matters requested by a municipality.</p>
<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are financed in whole or in part by the municipal levy and on or</p>	<p>Category 3 programs and services that are financed in whole or in part by the municipal levy, where the following requirements are met:</p> <ul style="list-style-type: none"> <li>• The User-Pay Principle is appropriate; <b>and</b></li> <li>• Where a cost apportionment agreement has been entered into for a Category 3 program or service, the agreement includes provisions permitting the authority to charge a fee for the program or service. This requirement does not apply where the cost apportionment agreement</li> </ul>	<p>Examples may include private land stewardship or extension services that are partially funded by municipal levy.</p>

<p>after January 1, 2024 will require a cost apportioning agreement</p>	<p>relates to any of the following Category 3 programs and services:</p> <ul style="list-style-type: none"> <li>i) Recreational activities that are provided on land that is owned or controlled by the authority with the direct support or supervision of staff employed by the authority or by another person or body, or with facilities or other amenities maintained by the authority, including equipment rentals and renting facilities for special events.</li> <li>ii) Community relations to help establish, maintain, or improve relationships between the authority and community members.</li> <li>iii) Public education services to improve awareness of issues relating to the conservation, restoration, development, and management of natural resources in watersheds in Ontario.</li> <li>iv) The provision of information to the public.</li> <li>v) The sale of products by the authority.</li> </ul>	
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<p>Category 3 authority determined programs and services (section 21.1.2 of the <i>Conservation Authorities Act</i>) that are not financed in whole or in part by the municipal levy</p>	<p>Category 3 programs and services that are not financed in whole or in part by the municipal levy, where the following requirement is met:</p> <ul style="list-style-type: none"> <li>• The User-Pay principle is appropriate.</li> </ul>	<p>Examples may include those listed in the row above that are not financed in whole or in part by municipal levy.</p>
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**Disclaimer**

This Minister’s Fee Classes Policy summarizes some of the requirements in the *Conservation Authorities Act* with respect to the charging of a fees by a conservation authority for programs and services. This document should not be construed as legal advice or a substitute for seeking independent legal advice. Anyone seeking to fully understand how the Act may apply to the charging of fees by a conservation authority for programs or services should refer to the Act. In the event of any inconsistency between the *Conservation Authorities Act* and this policy, the Act will always take precedence.

## Schedule 1: 2023 Fee Schedule

DRAFT

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk  
**Re:** Canada Nature Fund Projects  
Restoration and mitigation for Ausable River Species at Risk (SAR) in Ontario  
**Date:** November 17, 2022

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## Background

The draft Ausable River Recovery Action Plan (2018) has reconfirmed that the two main threats to aquatic species at risk (SAR) in the Ausable River are nutrient enrichment and sediment deposition. The primary goal of this multi-year project is to improve aquatic habitat in the Ausable River for SAR freshwater mussels and fishes.

Fisheries and Oceans Canada (DFO) is providing \$250,000 in funding for the 2022-2023 project year. Stewardship activities will include working with watershed residents for up to five wetland restorations; up to 17 tree planting sites; up to 1,200 acres of cover crops; and up to five sediment and nutrient reduction activities (fencing out livestock and WASCOS). As well as monitoring SAR fish and the SAR mussel fish hosts at six long term index stations and education and outreach in the Ausable River watersheds.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

Project type	Grant rate	Maximum grant per property
Fragile Land Retirement	50%	\$4,000
Wetland Restoration	50%	\$5,000
Sediment and Nutrient Reduction Activities	50%	\$5,000
Livestock Access Restriction	50%	\$4,000
Cover Crops	\$15/acre	\$1,500

**Applications for funding: WETLAND RESTORATION**

The following applications for funding have been received and approved by ABCA staff.

<b>CANADA NATURE FUND</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-3279	Frank Smeekens	Lot 27, Con 6, Lambton Shores	Restored 2 wetlands on the property to capture field run off and provide habitat.	\$5,000 CNF Ausable  Matched with DUC, OCEF

**Total Canada Nature Fund: \$10,000 of \$18,200 approved (Fisheries and Oceans Canada)**

**Applications for funding: SEDIMENT AND NUTRIENT REDUCTION ACTIVITIES**

The following applications for funding have been received and approved by ABCA staff.

<b>CANADA NATURE FUND</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-				

**Total Canada Nature Fund: \$3,150 of \$15,000 approved (Fisheries and Oceans Canada)**

**Applications for funding: FRAGILE LAND RETIREMENT**

The following applications for funding have been received and approved by ABCA staff.

<b>CANADA NATURE FUND <i>updated Nov 2, 2022</i></b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-3304	Penhale, Mark	CON 8, W PT LOT 10, Usborne, South Huron	Establish field buffer/ windbreak to mitigate runoff to downstream tributary of Little Ausable River. 170 spruce, ABCA to provide trees and planting services.	\$700  Proposed match with Huron Clean Water Project
AB-3306	Penhale, Mark	CON 8 W PT LOT 11, Usborne, South Huron	Establish treed buffer adjacent restored wetland. 105 trees and shrubs (White Cedar, Bur Oak, Sugar Maple, White Birch and wildlife shrubs). ABCA to provide trees and planting services.	\$1000  Proposed match with Ontario Community Environmental Fund
AB-3038	Hartwick, Mary Angela	W PT LOT 12, CON 1 SER, Adelaide, Adelaide Metcalfe	Establish treed buffer adjacent Ausable River tributary. 180m length plus 0.1 hectares corner. 40 trees, tallstock	\$1200  Proposed match with Ontario

			trees (maple, oak, sycamore, tulip tree). ABCA to provide trees and planting services.	Community Environmental Fund
AB-3309	Hendriks, Kathy and Jerry	CON 12, Lot 4 West Williams, North Middlesex	Retire from pasture and plant trees to establish forest on erosion prone knoll. 0.75 acres planted with 550 seedlings. ABCA to provide trees and planting services.	\$197.50 Proposed match with Ontario Community Environmental Fund and Forests Ontario
AB-3310	Morgan, Kevin	CON 9, LOT 18 McGillivray, North Middlesex	Plant trees adjacent Morgan Drains. 2.5 acres along south side requires 1750 seedling (White pine, mixed hardwoods). 30 tallstock maple north side spaced at 50 ft apart to enable future cleanout. ABCA to provide trees and planting services.	\$352.50 Proposed match with Ontario Community Environmental Fund and Forests Ontario
AB-3311	Watson, Jason	CON 7 ECR, PT LOT 25, McGillivray, North Middlesex	Plant trees to restore Ausable River Floodplain north of Ailsa Craig. ~ 1 acre planted with 300 white pine seedlings and 135 tallstock hardwoods (maple, oak and sycamore). ABCA to provide trees and planting services.	\$3358 Proposed match with Ontario Community Environmental Fund
AB-3312	Van Der Laan, Mels and Ruthanne	CON 13, PT Lot 4, Lobo, Middlesex Centre	Plant trees on retired pasture adjacent pond and tributary of Ausable River. ~1.5 acres planted with 1000 seedlings (white pine, maple, oak and sycamore). ABCA to provide trees and planting services.	\$352.50 Proposed match with Ontario Community Environmental Fund and Forests Ontario
AB-3314	Heyink Poultry	CON 2 LOT 32, Usborne, South Huron	Establish multi-row, multi-species windbreaks to reduce overland runoff in Black Creek tributary of Ausable River. 530 seedlings, mixed trees and shrubs.	\$992 Proposed match with Ontario Community Environmental Fund

**Total Canada Nature Fund: \$22,756 of \$46,000 approved (Fisheries and Oceans Canada)**

**Applications for funding: COVER CROPS**

The following applications for funding have been received and approved by ABCA staff.

<b>CANADA NATURE FUND</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-3268	Eric Devlaeminck	Part Lots 1 & 2, Concession 1, McGillivray, North Middlesex.	34 acres. Oats/radish, berson clover, sunflower. Upper Ausable sub-watershed	\$510 CNF Ausable
AB-3269	Eric Devlaeminck	Lot 7, Concession 1, Biddulph, Lucan-Biddulph.	35 acres. Oats/radish, berson clover, sunflower. Upper Ausable sub-watershed	\$525 CNF Ausable
AB-3270	Eric Devlaeminck	Lot 11, Concession 2, McGillivray, North Middlesex.	25 acres. Radish, berson clover, faba beans. Upper Ausable sub-watershed.	\$375 CNF Ausable
AB-3271	Nathan Cann	Lot 26, Concession 6, Usborne, South Huron.	50 acres. Rye (After corn). Ausable Headwaters sub-watershed.	\$750 CNF Ausable
AB-3248	Don McAlpine	Part Lot 15 & 15, Concession 6 BF, West Williams, North Middlesex.	42lbs/acre oats, rye, a.w.p, faba beans, sunflower, buckwheat, pearl millet, flax, phacelia.	\$1005 CNF Ausable
AB-3249	Don McAlpine	Part Lot 16, Concession 6 BF, West Williams, North Middlesex.	42lbs/acre oats, rye, a.w.p, faba beans, sunflower, buckwheat, pearl millet, flax, phacelia. Middle Ausable sub-watershed.	\$495 CNF Ausable
AB-3273	Jeremy Van Esbroeck	Lot 12, Concession 6, Usborne, South Huron.	25 acres. 40lbs oats, 7lbs peas, 0.5lbs radish. Little Ausable sub-watershed.	\$300 CNF Ausable
AB-3274	Jeremy Van Esbroeck	Lot 2, Concession 1, Tuckersmith, Huron East.	80 acres. 40lbs oats, 7lbs peas, 0.5lbs radish. Black Creek sub-watershed.	\$1200 CNF Ausable
AB-3278	Dave Frayne	Part Lot 22, Concession 3, Usborne, South Huron.	93 acres. 50lbs/acre cereal rye inter-seeded into soybeans. Upper Ausable sub-watershed.	\$1395 CNF Ausable
AB-3282	Clayton Charbonneau	Lot 19, Concession 12, McGillivray, North Middlesex.	60 acres. 20lbs oats, 2lbs radish, 2lbs sunflower, 4lbs clover, 2lbs faba beans. Upper Ausable sub-watershed.	\$900 CNF Ausable

AB-3283	Clayton Charbonneau	Part Lots 20, 21 & 22, Concession 10, McGillivray, North Middlesex.	31 acres. 20lbs oats, 2lbs radish, 2lbs sunflower, 4lbs sorghum, 2lbs clover. Little Ausable sub-watershed.	\$465 CNF Ausable
AB-3284	Calvin Charbonneau	Part Lots 20, 21 & 22, Concession 10, McGillivray, North Middlesex.	40 acres. 20lbs oats, 2lbs radish, 2lbs sunflower, 4lbs sorghum, 2lbs clover. Little Ausable sub-watershed.	\$600 CNF Ausable

**Total Canada Nature Fund: \$16,815 of \$20,000 approved (Fisheries and Oceans Canada)**

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk  
**Re:** Canada Nature Fund Projects  
Improving freshwater habitat for species at risk in the Bayfield watersheds  
**Date:** September 15, 2022

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## Background

Aquatic Species at Risk (SAR) are also known in the Bayfield River and two Lake Huron shoreline tributaries (Gully Creek and Unknown Stanley J Drain). Aquatic SAR in these rivers face many threats to their survival and recovery (sediment loads, nutrient enrichment, altered flow regime, low oxygen concentrations and invasive species).

This project involves a three-pronged community approach. Best management practices on private lands include: tree planting, wetland restoration, implementing erosion control on ephemeral channels and supporting cover crops to prevent the development of these channels. The second approach is monitoring SAR, their habitat and the effectiveness of different practices on the reduction of downstream sediment and nutrients. Finally, ongoing communications about the project helps to raise awareness about the SAR, threats to their survival, and the approaches being taken to address these threats.

Fisheries and Oceans Canada (DFO) is providing \$121,825 in funding for the 2022-2023 project year. Stewardship activities will include working with watershed residents for up to two wetland restorations; up to three tree planting sites; up to six sites of 782 ha of cover crops; and up to two sediment and nutrient reduction activities (WASCOBS). As well as providing monitoring of aquatic ecosystems and providing outreach and education to watershed residents.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

<b>Project type</b>	<b>Grant rate</b>	<b>Maximum grant per person</b>
Fragile Land Retirement	50%	\$4,000
Wetland Restoration	50%	\$5,000
Sediment and Nutrient Reduction Activities	50%	\$5,000
Livestock Access Restriction	50%	\$4,000
Cover Crops	\$15/acre	\$1,500

**Applications for funding: WETLAND RESTORATION**

The following applications for funding have been received and approved by ABCA staff.

CANADA NATURE FUND				
File #	Name	Location	Details	Grant

**Total Canada Nature Fund: \$2,000 of \$6,000 approved (Fisheries and Oceans Canada)**

**Applications for funding: SEDIMENT AND NUTRIENT REDUCTION ACTIVITIES**

The following applications for funding have been received and approved by ABCA staff.

CANADA NATURE FUND				
File #	Name	Location	Details	Grant
<i>No projects at this meeting.</i>				

**Total Canada Nature Fund: \$0 of \$8,240 approved (Fisheries and Oceans Canada)**

**Applications for funding: FRAGILE LAND RETIREMENT**

The following applications for funding have been received and approved by ABCA staff.

CANADA NATURE FUND				
File #	Name	Location	Details	Grant
AB-3303	Corrie, Deb and Mike	CON BRN, PT LOT 19, Stanley, Bluewater	Plant trees to establish windbreak and buffer adjacent tributary of Bayfield River north of Varna. 165 trees and shrubs. ABCA to provide trees and planting services.	\$2152 CNF Bayfield  Proposed match with Huron Clean Water Project
AB-3305	Layton, Sherri	CON 1 and 2, Lot 26, Stanley, Bluewater	Plant trees to establish windbreaks and buffer adjacent tributary of Bayfield River near Clinton. 678 trees. ABCA to provide trees and planting services.	\$1910 CNF  Proposed match with Huron Clean Water Project and Forests Ontario
AB-3313	Alexander, Paul	CON 2, PT LOT 26, Hay, Bluewater	Plant trees to establish buffer along tributary of Bannockburn Creek. 200 seedlings (Oak, Birch, Hickory). ABCA to provide trees and planting services.	\$691 CNF Bayfield  Proposed match with Ontario Community Environmental Fund

**Total Canada Nature Fund: \$5,733 of \$21,000 approved (Fisheries and Oceans Canada)**

**Applications for funding: COVER CROPS**

The following applications for funding have been received and approved by ABCA staff.

<b>CANADA NATURE FUND</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-3227	Tom Feeney	Lot 13, Concession 3, Hibbert, West Perth.	30 acres. 60lbs oats, 6lbs crimson clover, 20lbs soybeans. Bayfield Headwaters sub-watershed.	\$450 CNF Bayfield
AB-3223	Steve Van Doornik	Lot 4 & Part Lot 5, Concession 4, Tuckersmith, Huron East.	100 acres. 40lbs/acre Oats, peas, faba beans, sunflower, brassica's, phacelia. Bayfield Headwaters sub-watershed.	\$1500 CNF Bayfield
AB-3230	Chris Hundt	Lot 12 & 13, Concession 4 HRS. Tuckersmith, Huron East.	175 acres. 25lbs oats, 2.5lbs sunflower, 0.5lbs flax, 0.4lbs phacelia, 2lbs crimson clover, 0.1lb turnip. Bayfield Headwaters sub-watershed.	\$1500 CNF Bayfield
AB-3267	Fotheringham Farms (C/o Bill Fotheringham)	Lot 35, Concession 3 LRS, Tuckersmith, Huron East.	94 acres. 50lbs oats, 5lbs tillage radish, 20lbs forage peas. Bayfield Headwaters sub-watershed.	\$1410 CNF Bayfield
AB-3285	Melady Acres Ltd. (C/o Ale Melday)	Part Lot 1 E & Part Lot 2, Concession 2 HRS, Tuckersmith, Huron East.	93 acres. 60lbs oats, 15lbs peas, 2lbs radish. Bayfield Headwaters sub-watershed.	\$1395 CNF Bayfield
AB-3294	James Armstrong	Part Lot 4, Concession LRE, Stanley, Bluewater.	29 acres. 60% oats, 20% radish, 20% peas (31lbs/acre total). South Gullies sub-watershed.	\$435 CNF Bayfield
AB-3300	Papple Farms Ltd.	Lots 13 & 14, Concession 7 HRS, Tuckersmith, Huron East.	167 acres. Multi-species planted into corn. Bayfield Headwaters sub-watershed.	\$1500 CNF Bayfield
AB-3301	Tyler & Summer Papple	West ½ Lot 9, Concession 6 HRs, Tuckersmith, Huron East.	38 acres. Rye & wheat planted into soybeans. Bayfield Headwaters sub-watershed.	\$570 CNF Bayfield

**Total Canada Nature Fund: \$8,760 of \$30,305 approved (Fisheries and Oceans Canada)**

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk, Wetland Specialist  
**Re:** Conservation Ontario ECCC Fund  
Ausable River Recovery Strategy - Land Stewardship  
**Date:** September 15<sup>th</sup>, 2022

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## Background

ABCA seeks to restore the Ausable and Bayfield watershed area by working with the community to implement restoration projects such as riparian buffers, wetlands and prairie habitat and adopting best management practices such as cover crops, grassed waterways and permanent vegetation cover.

Environment Canada and Climate Changes is providing \$32,500 in funding for the 2022-2023 project year. This is the first year of a two-year grant for this project. Stewardship activities will include working with watershed residents to create and enhance water storage and water filtration on the landscape, and plant native trees and shrubs.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

Project type	Grant rate	Maximum grant per person
Fragile Land Retirement	50%	\$5,000
Wetland Restoration	50%	\$5,000

## Applications for funding: WETLAND RESTORATION

The following applications for funding have been received and approved by ABCA staff.

Conservation Ontario ECCC Fund				
File #	Name	Location	Details	Grant
AB-3280	Heiner & Ellen Holland	Lot 13/14, Con 20, South Huron	Restoring 2.6 acre area with two wetlands for water storage, filtering and habitat.	\$6,500 ECCC Matched with DUC, OCEF

**Total CO ECCC September 2022: \$22,500 of \$22,500 (Environment and Climate Change Canada)**

## Applications for funding: FRAGILE LAND RETIREMENT

The following applications for funding have been received and approved by ABCA staff.

Conservation Ontario ECCC Fund				
File #	Name	Location	Details	Grant
<i>No projects at this meeting.</i>				

**Total CO ECCC September 2022: \$ of \$10,000 (Environment and Climate Change Canada)**

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk, Wetland Specialist  
**Re:** EcoAction Projects  
Investing in Lake Huron: Green infrastructure to control storm water  
**Date:** September 15<sup>th</sup>, 2022

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## Background

ABCF seeks to create wetlands or water retention areas located in, or at the edge of fields, floodplains and near existing wetlands, bio-retention demonstration site in the village of Bayfield and planting riparian habitats with native trees and plants within the Lake Huron watershed (Middlesex, Huron and Lambton Counties). Restoring at least 25 acres (2020 to 2023) will provide water quality improvements for Lake Huron.

Environment Canada and Climate Changes is providing \$34,133 in funding for the 2022-2023 project year. This is the third and final year of the grant for this project. Stewardship activities will include working with watershed residents to create and enhance water storage and water filtration on the landscape, and plant native trees and shrubs. As well, the education department provides 10 school programs on the benefits of wetlands and green infrastructure.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

Project type	Grant rate	Maximum grant per person
Fragile Land Retirement	50%	\$4,000
Wetland Restoration	50%	\$5,000

## Applications for funding: WETLAND RESTORATION & BIORETENTION

The following applications for funding have been received and approved by ABCA staff.

ECOACTION PROGRAM				
File #	Name	Location	Details	Grant
AB-3044	Rempel	Lot 6& 7, Con 20, North Middlesex	Created wetland in floodplain to provide water storage longer, filter, and provide habitat.	\$4,913 EcoAction Matched with DUC, OCEF, Landowner

**Total EcoAction Fund for April 2022 to Sept 2022: \$15,188.00 of \$15,533 (Environment and Climate Change Canada)**

**Applications for funding: FRAGILE LAND RETIREMENT**

The following applications for funding have been received and approved by ABCA staff.

<b>EcoACTION</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
<i>No projects at this meeting.</i>				

**Total EcoAction Fund for April 2022 to Sept 2022: \$ of \$15,000 (Environment and Climate Change Canada)**

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk, Wetland Specialist  
**Re:** Habitat Stewardship Project  
Community Actions to Protect Black Redhorse in the Little Ausable  
**Date:** September 15, 2022

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## Background

Black redhorse is a Threatened SARA schedule 1 species. The goal of this project is to protect Black Redhorse habitat and mitigate human impact. The three year project objectives are to support community infrastructure that improves aquatic habitat, support private land stewardship to reduce sediment and nutrients loads and to educate the local community about land-river linkages to promote long-term protection. The known threats to Black Redhorse include pollution from agricultural and urbanized landscape runoff, as well as the effect of climate change and extreme weather events.

Fisheries and Oceans Canada (DFO) is providing \$15,200 in funding for the 2022-2023 project year. The goal of the project is to protect Black Redhorse habitat and mitigate human impact. The funds will restore one wetland, provide multiple planting events with over 300 students in the Lucan area and include monitoring water quality.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

Project type	Grant rate	Maximum grant per person
Wetland Restoration	50%	\$5,000

## Applications for funding: WETLAND RESTORATION

The following applications for funding have been received and approved by ABCA staff.

Habitat Stewardship Project				
File #	Name	Location	Details	Grant
AB-3195	Derek & Danielle Greenlee	Lot 15, Con 3, Lucan Biddulph	Restored one wetland on property to capture field run off and provide habitat.	\$2,370 HSP  Matched with OCEF, ALUS, landowner

**Total Habitat Stewardship Project: \$2,370 of \$2,370 approved (Fisheries and Oceans Canada)**

**\*\*The Lucan projects at Campanale stormwater pond attracted some extra donations this year for plants and signs. Colden Homes, Parry Homes, and Radcliffe Real Estate provided \$2,000 each for a total of \$6,000 (\$3,000 for plants and \$3,000 for signs) to help with the HSP student plantings and LID restorations at Campanale stormwater pond. This will increase filtration for the black redhorse (SAR fish) in the Little Ausable. 1,300 plants and shrubs were planted this fall at the Ausable Field's LID and at Campanale (stormwater edge, a vegetation barrier to stop erosion, and a pollinator patch). The signs will be created this winter and installed in the spring.**

# ABCA Program Report

**To:** Board of Directors  
**From:** Angela Van Niekerk, Wetland Specialist  
**Re:** Ontario Community Environment Fund  
Enhancing rural green infrastructure in the Ausable and Bayfield Watersheds  
**Date:** September 15, 2022

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## Background

Ontario Community Environment Fund collects funds through environment violations and provides it in the same regions for environmental restoration and remediation activities, resilient communities and local solutions to environmental issues.

This project is to improve water quality create wildlife, fish habitat, prevent the risk of flooding, reduce erosion, mitigate the effects of climate change and create recreational opportunities. The ABCA will restore 20 wetlands and plant 20,000 trees with the \$82,575 over two years.

Funding rate is 50% of project costs. However, where projects meet the eligibility requirements of both programs the federal and provincial funding can be stacked to recover up to 100% of project costs.

The following are the project categories and grant ceilings per project.

Project type	Grant rate	Maximum grant per property
Fragile Land Retirement	50%	\$4,000
Wetland Restoration	50%	\$5,000

## Applications for funding: WETLAND RESTORATION

The following applications for funding have been received and approved by ABCA staff.

Ontario Community Environment Fund				
File #	Name	Location	Details	Grant
AB-3279	Frank Smeekens	Lot 27, Con 6, Lambton Shores	Restored 2 wetlands on the property to capture field run off and provide habitat.	\$323 OCEF Matched with CNF, DUC
AB-3280	Heiner & Ellen Holland	Lot 13/14, Con 20, South Huron	Restoring 2.6 acre area with two wetlands for water storage, filtering and habitat.	\$550 OCEF Matched with DUC, ECCC


**Total Ontario Community Environment Fund: \$13,067 of \$49,775 approved**

**Applications for funding: FRAGILE LAND RETIREMENT**

The following applications for funding have been received and approved by ABCA staff.

<b>Ontario Community Environment Fund</b>				
<b>File #</b>	<b>Name</b>	<b>Location</b>	<b>Details</b>	<b>Grant</b>
AB-3235	Griffiths, Brett	Part Lot 18, Con 10, Lobo, Middlesex Centre	Establish treed buffer around constructed wetland. 0.5 acres, 180 trees. 2 ft conifers (cedar, pine and spruce and 5 ft potted deciduous (maple, oak and tulip tree). ABCA to provide trees and planting services.	\$2500  Proposed match with Canada Nature Fund

**Total Ontario Community Environment Fund: \$2,500 of \$32,800 approved**

## ***ABCA Program Update***

**To:** Board of Directors  
**Date:** November 04, 2022  
**From:** Geoff Cade, Water & Planning Manager  
Ross Wilson, Water & Soils Coordinator  
**Subject:** Parkhill Dam Hydro and Telephone Service

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This matter has no connection to the electrical panel upgrades discussed at the last Board of Directors' meeting.

The municipality of North Middlesex is installing new watermain in the town of Parkhill. During that construction the hydro and electrical connections to the Parkhill Dam control tower were cut where those services cross the municipal property to the south of the dam property. Currently the dam control tower has no hydro service or telephone connection. The water level gauge is accessed through the phone line.

ABCA staff have met with the contractor, the design engineer and staff of North Middlesex. Restoration of hydro and phone service to the dam has been identified as a priority. All parties are working toward a rapid resolution.

An update on watershed conditions will be provided to the Board, but at the time of the writing of this report, staff continues to monitor conditions very closely and is not concerned that there will be a need to operate the dam in the near future.

There are redundancies in place for operation of the dam and monitoring water levels. The dam has the capacity of being operated manually in an emergency. In addition, the water level monitor is on a battery back up, and telemetry can be accessed through the GOES satellite system (Geostationary Operational Environmental Satellite).



**Ausable Bayfield Conservation Authority**  
**Source Protection Authority Meeting**

Thursday, November 17, 2022

11:45 a.m.

Administration Centre Boardroom  
Morrison Dam Conservation Area  
**VIA VIDEO CONFERENCE**

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## Agenda

1. Call to Order
2. Adoption of Agenda for November 17, 2022
3. Declaration of Pecuniary Interest
4. Adoption of Minutes from September 15, 2022
5. Business Out of the Minutes
6. Program Report - Mary Lynn MacDonald
  - Program Update
  - Source Protection Committee Update and Reappointments
7. New Business
8. Adjournment



## **SOURCE PROTECTION AUTHORITY**

**Thursday September 15, 2022**

**Ausable Bayfield Conservation Authority Administration Centre  
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, Tina Crown, Abbie Gutteridge, Brian Horner, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Nathan Schoelier

### CALL TO ORDER

Chair Dave Jewitt called the meeting to order at 10:53 a.m.

### ADOPTION OF AGENDA

**MOTION #SPA 07/22**

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

**“RESOLVED, THAT the agenda for the September 15, 2022 Source Protection Authority meeting be approved.”**

**Carried.**

### DECLARATION OF PECUNIARY INTEREST

None

ADOPTION OF MINUTES**MOTION #SPA 08/22**

**Moved by Doug Cook  
Seconded by Marissa Vaughan**

**“RESOLVED, THAT the minutes of the Source Protection Authority meeting held on April 21, 2022 and the motions therein be approved as circulated.”**

**Carried.**

BUSINESS OUT OF THE MINUTES

None

PROGRAM REPORT1. Program Update

Mary Lynn MacDonald, Drinking Water Source Protection Co-Supervisor, reported that correspondence was received from the Ministry of Environment, Conservation and Parks (MECP) with regard to the Early Engagement review of the Section 36 Amendment to the ABMV Source Protection Plans. Some editorial changes were suggested, as well as simplifying some policies by removing detailed threat circumstances.

The Source Protection Committee met on July 27 in person and on Zoom. Further revisions of Source Protection Plan policies, including agricultural policies and organic solvents to remove circumstances, and fuel policies were passed. Jennette Walker provided an update on the Zurich Pipeline from the Lake Huron Primary Water Supply System (LHPWSS). Once completed, the Wellhead Protection Area mapping for Zurich will be removed. The SPC also hear a presentation by Marcy McKillop regarding the EA for a disinfection and storage upgrade of the LHPWSS.

Matt Pearson’s term as Chair for the SPC expired on August 20, 2022, along with all other Chairs across the province. He has indicated to the MECP that he would like to continue in that role; however, a decision on a Chair could take up to six months from the Minister. As such, Bert Dykstra was elected as Acting Chair. SPC member Myles Murdock has taken over as Mayor in Goderich, and is no longer qualified to act as SPC member. Another member is also running for a Mayoral position in the upcoming election, and three other committee members will be coming due for renewal this fall.

**MOTION #SPA 09/22**

**Moved by Marissa Vaughan  
Seconded by Bob Harvey**

**“RESOVLED, THAT the Ausable Bayfield Source Protection Authority receive the Source Water Protection program update as presented.”**

**Carried.**

**2. Pre-consultation of ABMV Source Protection Plan Amendments**

Mary Lynn MacDonald noted that pre-consultation for the Section 36 Amendments started on Aug 19. All municipal and county clerks, ministries, agencies and Project Managers from other SP Regions were emailed a Pre-consultation notice and Summary of Amendments. Comments for the pre-consultation period are due to the ABCA office by October 14, 2022.

A new Source Protection video titled “Have Your Say” featuring East Group municipal representative, Alan Rothwell has had a limited release. Once public consultation begins, a full promotional launch will happen. In addition, the Source Protection website has been updated with a consultation tab and materials.

The SPC will be meeting on November 30, 2022 to review the comments from the pre-consultation period and make any policy changes deemed necessary. In addition, if the Zurich municipal well system is taken offline during that period, those updates will also be added to the Amendment. Public Consultation is scheduled to begin in early January for a minimum of 35 days. Two in-person Open Houses are planned for this period.

**MOTION #SPA 10/22**

**Moved by Adrian Cornelissen**

**Seconded by Doug Cook**

**“RESOLVED, THAT the Ausable Bayfield Source Protection Authority receive the report on the Pre-Consultation of ABMV Source Protection Plan Amendments as presented.”**

**Carried.**

**NEW BUSINESS**

None

**ADJOURNMENT**

The meeting was adjourned at 11:03 a.m.

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Dave Jewitt  
Chair

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Abigail Gutteridge  
Corporate Services Coordinator



To: Source Protection Authority  
 Date: Nov 17, 2022  
 From: Mary Lynn MacDonald and Donna Clarkson, DWSP Co-Supervisors  
 Subject: Program Update

**Source Protection Plan Amendment**

**a. Background**

Proposed amendments to the Source Protection Plans (SPP) and Assessment Reports (AR) for the Ausable Bayfield and Maitland Valley Source Protection Areas have been circulated for review and comment. These updates are being completed under Section 36 of the *Clean Water Act (2006)*, and have been developed under the direction of the Source Protection Committee (SPC) for this Region.

**b. Consultation Plan**

There are three stages of consultation required before the amendments can be submitted to the province for approval: Early engagement, Pre-consultation and Public Consultation. The table below outlines the timeline for consultation and SPP amendment:

	Date	Item	Notes / Task
✓	April	SPP edits	Staff sent draft SPP / AR docs to MECP
✓	April to June	Early Engagement with the Province	MECP reviewed draft SPP and AR. Comments received in June 2022
✓	July 2022	SPC meeting	Address MECP comments; revise policies as needed
✓	Aug to Oct	Pre-Consultation	Email SPP /AR documents to implementing bodies (Province, Municipalities, other agencies). Mail notice to landowners affected by WHPA changes
	Nov 30 <sup>th</sup> 2022	SPC meeting	Address comments from pre-consultation and update documents for public consultation
	<b>Jan 2023</b>	<b>Public Consultation</b>	Minimum 35 days. Public posting and open house Proposed Jan 3rd – Feb. 10 <sup>th</sup> 2023
	March 2023	SPC meeting	Approve final edits and forward to SPAs
	April 2023	SPA meetings	Approve amendment for submission to province

Parties to notify of posting and opportunity to comment:

Notice to:	Pre-consultation	Public Consultation
Municipalities	Email	Email
Ministries / Agencies	Email	Email
Risk Management Officials	Email	Email
SPA; Neighbouring SPR	Email	Email
Chiefs of First Nations (optional)		Email
Impacted Landowners		Mail
Planning boards; Commissions; others		Email

### c. Summary of proposed changes to the Source Protection Plan (SPP)

There are numerous changes to the Source Protection Plan and the associated Assessment Reports and Explanatory Document. The proposed changes are the result of:

- Items identified through review carried out under Section 36 of the *Clean Water Act, 2006* (e.g. to address implementation challenges)
- Revised wellhead protection areas (WHPA) for Belgrave to reflect replacement well; minor changes to Auburn, Palmerston and Wingham WHPAs
- Policy changes to align with the 2021 Technical Rules (Rules), which include the Tables of Drinking Water Threats. The risk assessment in the Assessment Reports was also updated with revised threat numbers.
- Re-structuring of the Source Protection Plans to reduce duplication of policies and improve readability, plus updates and re-organization of maps in Chapter 4 of the Assessment Reports

#### Key changes in the proposed amendments that may affect municipalities:

- Changes in wellhead protection areas (WHPA) due to municipal well changes. These changes may result in additional septic inspections
- Above-ground fuel tanks more than 250 L may require a risk management plan
- Risk management plans required for snow storage in parking areas more than 1,000 m<sup>2</sup>, close to municipal wells
- Transporting snow into the 100-metre zones of municipal wells will be prohibited
- Road salt management plans will be required for municipalities
- Risk management plans required for salt storage more than 250 kg
- Prohibition of DNAPL chemicals now only in the 100-metre zone of a municipal well, with risk management elsewhere
- Ongoing education to promote source water protection

### d. Next Steps

Written comments received during pre-consultation will be provided to the Source Protection Committee at the November 30<sup>th</sup> meeting. Additional policy changes will be made at the

direction of the SPC. Public consultation will begin in January 2023, for a minimum 35 day period. The documents are posted online and can be accessed at this link:

<https://www.sourcewaterinfo.on.ca/consultation/>

### **Upcoming Source Protection Committee Meeting**

The next meeting to be held Nov. 30<sup>th</sup> at the White Carnation in-person and on Zoom as required. Recognition will be given to long standing SPC members Ian Brebner and Myles Murdoch who are stepping down from the committee.

To: Source Protection Authority  
 Date: Nov 17, 2022  
 From: Mary Lynn MacDonald and Donna Clarkson, DWSP Co-Supervisors  
 Subject: Source Protection Committee Update and Reappointments

**Source Protection Committee (SPC) Membership**

**SPC Chair Update:**

Matt Pearson has been reappointed as Chair by the Minister to August 20, 2025.

**Municipal Election Results Update:**

Municipal representatives on the SPC can be elected officials or appointed representatives. Municipalities in the ABMV region are divided into 4 groups. Groups must mutually agree on their representative. Previous term representatives can be reappointed.

Allan Rothwell has been re-elected as councillor for North Perth. He has been contacted and is willing to remain on the SPC as the East Group representative. Paul Heffer was elected as Mayor of North Huron. He would also like to remain on the SPC as the Central Group Representative. Dave Frayne was the appointed representative for the South-West Group. He is also will to remain on the SPC as their representative. Myles Murdoch stepped up as Goderich Mayor after John Grace’s tragic death and became a board members on the Maitland Valley CA. As such he is not allowed to be both a SPC member and a SPA member. Myles has resigned from the SPC for the North Group.

After the election results were confirmed, staff reached out to municipalities in the 4 groupings for Ausable Bayfield and Maitland Valley Source Protection Region to see if they wish the 3 current municipal members to remain or if other councillors or appointed representatives will be preferred. A new representative will need to be chosen for the North group.

<b>Grouping</b>	<b>Municipalities</b>	<b># of Wellhead Protection Areas (WHPA)/Intake Protection Zones (IPZ)</b>	<b>Current Representative Until January 2023</b>
East	Howick, Minto, North Perth, Mapleton, Perth East, Wellington North	6 WHPAs	Allan Rothwell
Central	North Huron, Morris-Turnberry, Huron East	6 WHPAs	Paul Heffer
North	Huron-Kinloss, Ashfield-Colborne-Wawanosh, Goderich, South Bruce	6 WHPAs, 1 IPZ	Vacant

Southwest	Central Huron, Bluewater, South Huron, West Perth, Lucan Bidulph, North Middlesex, Lambton Shores, Adelaide Metcalfe, Middlesex Centre, Warwick, Perth South	6 WHPAs, 1 IPZ	Dave Frayne
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### **SPC Member Retirements**

Ian Brebner will resign from the committee as of after the Nov. 30<sup>th</sup> meeting. Ian was part of the original committee formed in 2007.

### **SPC Member Reappointment:**

In November, Agriculture Representatives Bert Dykstra and Mary Ellen Foran terms expire. In December, Environment Representative Jennette Walker's term will expire. Staff contacted all 3 members and each of them has written to express interest in continuing in their current roles for another 5 years. All three members are active members on the committee and have assisted with the SPC series of educational videos released to the public over the last 2 years.

At a meeting of the ABMV Joint Management Committee on Oct. 19<sup>th</sup>. The following motion was approved:

**MOTION #JMC: 2022-10-03**

***Moved by Dave Jewitt***

***Seconded by Marissa Vaughn***

***“That the Joint Management Committee recommends reappointment of Bert Dykstra (Agriculture), Mary Ellen Foran (Agriculture) and Jennette Walker (Environment) to the Ausable Bayfield Maitland Valley Source Protection Committee for a 5 year term.”***

***Approved by Consensus***

### **Staff Recommendation:**

**That the Joint Management Committee recommendation to reappoint Bert Dykstra (Agriculture), Mary Ellen Foran (Agriculture) and Jennette Walker (Environment) to the Ausable Bayfield Maitland Valley Source Protection Committee for a 5 year term be accepted.**