

BOARD OF DIRECTORS MEETING

Thursday, March 18, 2021

Ausable Bayfield Conservation Authority Boardroom
Morrison Dam Conservation Area

VIA VIDEO CONFERENCE

DIRECTORS PRESENT

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

STAFF PRESENT

Bev Brown, Geoff Cade, Abbie Gutteridge, Davin Heinbuck, Brian Horner, Denise Izcuk, Ian Jean, Daniel King, Mary Lynn MacDonald, Tracey McPherson, Kate Monk, Nina Sampson, Nathan Schoelner, Meghan Tydd-Hrynyk

OTHERS PRESENT

Paul Seebach, *Seebach & Company*

36 members of the public also viewed the meeting via Zoom, as per a list provided by Lerner's LLP.

CALL TO ORDER

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

ADOPTION OF AGENDA

MOTION #BD 25/21

**Moved Ray Chartrand
Seconded by Alex Westman**

“RESOLVED, THAT the agenda for the March 18, 2021 Annual Meeting be approved,”

Carried.

DISCLOSURE OF PECUNIARY INTEREST

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

DISCLOSURE OF INTENTION TO RECORD

Chair Cook noted that this meeting was being recorded on Zoom for temporary posting online.

ADOPTION OF MINUTES**MOTION #BD 26/21****Moved by Bob Harvey
Seconded by George Irvin**

“RESOLVED, THAT the minutes of the Board of Directors meeting held on February 18, 2021 and the motions therein be approved as circulated.”

Carried.

BUSINESS OUT OF THE MINUTESShoreline Protection Policy Update, Dynamic Beach Areas

Geoff Cade, Manager of Water & Planning, provided the Board of Directors with a report on the results of the public comment period for the Shoreline Protection Policy for dynamic beach areas, which closed on March 5, 2021. The report noted that 28 comments were received, some of which represented multiple landowners. Included with the report was: a copy of all of the comments received during the public comment period, as well as staff responses; a short letter report from ABCA’s consulting Coastal Engineering firm, Baird; a letter to the Board from ABCA’s solicitor, as a response to some legal questions raised by one of the comments received; a copy of the current existing policy; a copy of the proposed policy released for comment; an updated policy based on comments received; and excerpts from the St. Clair Region Conservation Authority and Maitland Valley Conservation Authority’s dynamic beach protection policies.

The report presented three options for moving forward. The Board can leave the policy as it currently exists, approve the policy as recommended by staff, or consider further amendments to the policy. Staff recommended approving the updated policy based on comments received during the comment period, and further, to review existing applications using the recommended policy.

Board Member Marissa Vaughan, representing the Municipality of South Huron, raised some concerns about the wording in the policy revision that may open up further debate. In addition, she questioned whether or not accessory structures need to be removed if qualified engineering reports note that they do not interfere with shoreline protection. Further, Ms. Vaughan reiterated the need to examine applications on a case-by-case basis. She would like to see further amendment of the policy to include language about reviewing applications on a case-by-case bases, and to emphasize that landowners work together cooperatively when able.

Geoff Cade responded to these concerns, noting that the wording that was causing concern could be removed if needed. Further, he noted that staff would recommend policy that provides latitude for staff to use their professional discretion. Staff does not recommend a policy that is too prescriptive, as it could become very challenging to implement.

The Chair requested permission to speak to the issue, as he is the representative for the Municipality of Lambton Shores, which is directly impacted by the dynamic beach area policy.

By consensus, the Board agreed to allow the Chair to speak to the issue.

Chair Cook was in agreement with Ms. Vaughan's comments and would like to see the current revision of the policy become a draft, and to have it go out to the public for further consultation and amendment. In particular, he noted that he would like to hear more from Mr. Damstra, who represents a number of shoreline owners.

Chair Cook requested a recorded vote on the following motion.

By consensus, the Board agreed to a recorded vote.

MOTION #BD 27/21

Moved by Doug Cook

Seconded by George Irvin

“RESOLVED, THAT the current amendment of the proposed policy for shoreline protection in a dynamic beach area be called Draft Revision 2 and be released for further public comment,

“FURTHER, THAT members of the public be permitted to speak to the Board of Directors regarding the proposed policy changes.”

Carried.

Mike Tam voted Nay; remaining members voted Yea.

Some further discussion on the issue included comments from Dave Jewitt, who noted that it will be difficult for staff to amend the policy to the extent that the public would like, while still upholding regulations. Ms. Vaughan noted that she would like to see cases come to the Board for approval in the interim. Geoff Cade responded that it would be likely that they will come to the board as hearings. Further, Ray Chartrand, Bob Harvey and Mike Tam also commented that staff have tried to work with landowners to allow them to meet their needs through this policy revision, and that it is unfortunate that it has become a larger issue than intended.

PRESENTATION

Paul Seebach, of Seebach & Company, presented the 2020 audited financial statement for the Ausable Bayfield Conservation Authority. Seebach & Company staff were able to enter the ABCA Administration Centre in late fall, and the remaining auditing took place via email during the Provincial “stay at home” orders earlier in 2021, which went smoothly. There were no audit issues found or unusual transactions. The statements of financial position and operations were reviewed and the Board had no questions.

MOTION #BD 28/21

Moved by Ray Chartrand

Seconded by Alex Westman

“RESOLVED, THAT the 2020 audited financial statement be approved as presented.”

Carried.

Mr. Seebach left the meeting at 11:25 a.m.

PROGRAM REPORTS

1. (a) Development Review

Meghan Tydd-Hrynyk, Planning & Regulations Officer, presented the Development Review report pursuant to Ontario Regulation 147/06 *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Through the application process, proposed developments within regulated areas are protected from flooding and erosion hazards. Staff granted permission for 18 *Applications for Permission* and 8 *Minor Works Applications*.

(b) Request for Extension

Geoff Cade asked the Board for a temporary extension for the temporary shoreline measure that were approved on October 15, 2020 for applications #MW2020-89A, #MW2020-89B, and #MW2020-89C. These approval of these temporary measures were conditional upon the applicants receiving permission for permanent shore protection structures by March 31, 2021. As the process to update the Shoreline Protection Policy for dynamic beach areas has not yet been resolved, staff recommended extending the approval for temporary measure to the maximum extent, which is a year from initial approval. In this case, approval for the temporary measures would extend until October 15, 2021.

MOTION # BD 29/21**Moved by George Irvin
Seconded by Mike Tam**

“RESOLVED, THAT the Board of Directors extend the approval of applications #MW2020-89A, #MW2020-89B, and #MW2020-89C until October 15, 2021 for temporary shoreline protection to conventional ABCA conditions for shoreline protection structures.”

(c) Violations/Appeals Update

Daniel King, Regulations Coordinator, advised that staff visited a site in Central Huron where work was ongoing where no permit had been issued. Staff advised the contractor that work should be stopped until permits were in place, but work continued. The contractor has had several violations and warnings in the past. Mr. King noted that staff will need to apply for a court injunction to issue an order to stop work at the site.

MOTION #BD 30/21**Moved by Alex Westman
Seconded by Adrian Cornelissen**

“RESOLVED, THAT the Board of Directors affirm the approval of applications as presented in Program Report # 1 – a) Development Review and receive the information as presented in Program Report #1 - c) Violations/Appeal Update.”

Carried.**2. Gypsy Moth Management Recommendations**

Ian Jean, Forestry & Land Stewardship Specialist, provided an update on planned gypsy moth caterpillar management on private lands, municipal lands, and to provide recommendations for management actions on CA properties this spring. The area of primary focus in Lambton Shores, specifically the Port Franks and Northville communities. Some management options include a “hands off” approach, as populations of gypsy moth will eventually be managed naturally by disease

and predators, and the long-term health of forests is not generally impacted by defoliation. Removing egg masses or tree trunk wrapping to remove caterpillars are another option, but may not make a large impact on areas of severe outbreaks. Finally, aerial application of Btk (*Bacillus thuringiensis*) can be used for larger scale management. Consistent with other conservation authorities, Lambton Shores and Lambton County, the ABCA does not take a position for or against aerial application of Btk to control gypsy moth. Staff generally recommends a “hands off” approach for ABCA owned forests. However, as a number of residential and commercial properties are under contract to be sprayed, staff recommend using a “good neighbor” approach and take actions to spray a 30 meter buffer on our lands adjacent to these properties, at our own expense.

MOTION #BD 31/21

**Moved by Bob Harvey
Seconded by Alex Westman**

“RESOLVED, THAT hands-off management be the default approach for gypsy moth for ABCA properties with the understanding that natural factors will bring the population under control and that forests recover from periodic defoliation, and

“FURTHER, THAT an exception to this approach occur where ABCA forests are adjacent to residential or commercial property and where egg mass surveys predict a moderate to severe defoliation. Under this ‘good neighbour’ approach, if a residential or commercial property is under contract to be sprayed with Btk, ABCA will enter into a contract to spray a 30 m buffer on adjacent forested lands under CA ownership at its own expense, and

“FURTHER, THAT if a residential or commercial property adjacent to a CA property is not under contract and/or objects to spray, ABCA will not spray the adjacent forested lands, and

“FURTHER, THAT staff be authorized to sign non-objection waivers to allow adjacent private property owners to spray.”

Carried.

3. Conservation Lands Regulations

Kate Monk, Stewardship, Lands and Education Manager provided a report on regulations for Conservation Lands. The ABCA owns approximately 9000 acres of land, which are open to the public for passive recreation activities, with permitted and prohibited activities determined by the conservation authority to protect the environment and the public. While the public generally abides by the rules of use for these lands, there are occasionally offenders who disregard the rules. When rules are disregarded there is a process of education, in-person communication, and direct mail correspondence to gain compliance. When these fail, warnings and charges are used under the Conservation Authorities Act (Section 29) and Trespass to Properties Act (engaging in a prohibited activity). Some offenders are not deterred by these charges or the associated fines.

Staff discussed this issue with the OPP to determine next steps in these cases. They recommended using a Notice of trespass under the Trespass to Property Act to ban or bar a person from entering an ABCA property for a specified period of time. Staff also recommend this action to the Board of Directors, which would be a last resort, and not taken lightly.

MOTION #BD 32/21

Moved by Alex Westman

Seconded by Mike Tam

“RESOLVED, THAT the Ausable Bayfield Conservation Authority use the Trespass to Property Act to bar and ban repeat offenders from its properties for a specified time period.”

Carried.

4. Crediton Conservation Area Memorandum of Understanding

Kate Monk, Stewardship, Land and Education Manager notified the Board about a new proposed Memorandum of Understanding between the ABCA and the Municipality of South Huron for the Crediton Conservation Area. When the property was originally obtained in 1975 the ABCA entered into an agreement with the Township of Stephen for maintenance, which was taken over by the Municipality of South Huron at the time of amalgamation. The Municipality would like to change the agreement to a Memorandum of Understanding so that it remains in effect until superseded or cancelled by either party. Staff agree with this action and recommend entering into the Memorandum of Understanding.

MOTION #BD 33/21

Moved by Marissa Vaughan

Seconded by George Irvin

“RESOLVED, THAT the Ausable Bayfield Conservation Authority enter into a Memorandum of Understanding with the Municipality of South Huron for Crediton Conservation Area.”

Carried.

5. Vehicle Tender Results

Kate Monk, Stewardship, Land and Education Manager presented the results from a vehicle tender. The 2021 ABCA budget included funding for the capital purchase of a four-wheel-drive pick-up truck for technical staff to replace the 2011 Dodge Ram truck. A request for quotations was sent to watershed vehicle dealers on March 2 with a closing date of March 15. Staff received six quotations, and recommend accepting the low tender of \$32,030.01 plus taxes from Huron Motor Products in Exeter.

MOTION #BD 34/21

Moved by Bob Harvey

Seconded by Ray Chartrand

“RESOLVED, THAT the Ausable Bayfield Conservation Authority accept the low tender of \$32,030.01 plus taxes for the purchase of a 2021 Chevrolet Silverado 1500 from Huron Motor Products, Exeter ON.”

Carried.

6. Education Update

Denise Iszczuk, Conservation Educator, presented the Board with an update on Education programs that ran over the winter, and that are planned for spring and summer. To date, they have had 253 participants in programs, plus those attending virtual Lunch and Learn sessions. Through the winter,

snowshoe rentals totaled \$1,433. New educational opportunities include further Lunch and Learn sessions, School Programs (virtual), Wetlands Teacher Training (virtual), Virtual Library Programs for both Lambton County Libraries and Huron County Libraries, and the Oaks & Acorns Program will continue on Fridays through March and April for adult caregivers and tots. Additionally, staff are planning a number of Schoolyard Programs, a Future Leaders in Conservation Program (Youth Corps), other virtual programming, education kits for teachers to borrow with contactless pick up, Outdoor School, Coyotes & Pups and Muskrats Programs (for families and students, respectively), as well as a number of Family Programs. Summer WILD Nature Day Camps are also planned for 2021, including two weeks of Explorers (ages 6-9) and a week of Adventurers (ages 10-13).

MOTION #BD 35/21

**Moved by Dave Jewitt
Seconded by Marissa Vaughan**

“RESOLVED, THAT the Education Update by staff be received as presented.”

Carried.

CORRESPONDENCE

None

NEW BUSINESS

None

COMMITTEE OF THE WHOLE**MOTION #BD 36/21**

**Moved by Ray Chartrand
Seconded by Alex Westman**

“RESOLVED, THAT the Board of Directors go into Committee of the Whole at 11:06 a.m. to discuss two legal matters with Brian Horner, Kate Monk, Geoff Cade, Tracey McPherson and Abbie Gutteridge remaining in attendance.”

Carried.

MOTION #BD 37/21

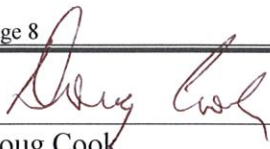
**Moved by Alex Westman
Seconded by Dave Jewitt**

“RESOLVED, THAT Committee of the Whole rise and report at 11:55 a.m. and the information presented on the legal matters be received.”


Carried.

ADJOURNMENT

The meeting was adjourned at 11:58 a.m.



Doug Cook
Chair



Abigail Gutteridge
Corporate Services Coordinator

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