



**LAKE ÉRIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES**

Thursday, June 7, 2012

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, June 7, 2012 at the Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON.

- Members Present:** C. Ashbaugh, Chair; A. Dale, R. Haggart, D. Hill, K. Hunsberger, C. King, I. Macdonald, D. Murray, J. Oliver, D. Parker, L. Perrin, G. Schneider, B. Ungar, M. Wales, P. Wilson, D. Woolcott, W. Wright-Cascaden
- Members Regrets:** M. Ceschi-Smith, H. Cornwell, P. General, A. Henry, R. Krueger, J. Laird, T. Schmidt
- Proxy Representatives:** K. Hagan (M. Ceschi-Smith), D. Goudreau (H. Cornwell), B. Ungar (R. Krueger), L. Perrin (A. Henry), N. Kodousek (T. Schmidt)
- Liaisons:** J. Mitchell, SPA Liaison; L. Ross, Provincial Liaison; D. Young, Public Health Liaison
- Region Management Committee:** C. Evanitski, LPRCA; J. Farwell, GRCA; R. Geysens, LPRCA; S. Martyn, CCCA; C. Murray, KCCA; K. Smale, CCCA; E. VanHooren, KCCA
- Staff:** N. Davy, GRCA; J. Deter, GRCA; B. Fields, Norfolk County; J. Godby, Norfolk County; L. Heyming, GRCA; C. Jacques, LPRCA; M. Keller, GRCA; L. Minshall, GRCA; J. Sault, New Credit First Nations; D. Schultz, GRCA; M. Silverio, City of Hamilton; K. Smith, GRCA; L. Stafford, City of St. Thomas; S. Stone, County of Brant; E. Stahl, WESA; G. Zwiers, GRCA
- Also Present:** P. Hania, Toronto

1. Call to Order

C. Ashbaugh called the meeting to order at 1:00 p.m.

2. Roll Call and Certification of Quorum – 17 Members Constitute a Quorum (2/3 of members)

The Recording Secretary called the roll and certified quorum.

3. Chairman's Remarks

C. Ashbaugh welcomed members, staff and guests and noted the following:

- On May 24, 2012, a teleconference with the Ministry of the Environment (MOE) was held for MOE staff and various Source Protection Region (SPR) Chairs and Program Managers. MOE Director Mary Anne Covelli and Assistant Deputy Minister John Stager did an excellent job of chairing the meeting and the discussion was very constructive.
- The Lake Erie Region Management Committee met for their quarterly meeting on May 28, 2012. Members were pleased to hear that on May 10, 2012 Jim Bradley, Minister of the Environment, granted an extension for the submission date of all four Source Protection Plans (SPP) within the Lake Erie Region (LER). The deadline submission for all four plans is now December 31, 2012. Extensions were also granted to the CTC and South Georgian Bay Lake Simcoe (SGBLS) SPRs until October 22, 2012. Now that an extension has been granted, more time is available for municipal leads to complete their policy development and to focus on ensuring that the final product is of the highest quality.
- Staff from the Catfish Creek, Long Point Region, Kettle Creek and Grand River conservation authorities were recognized for their outstanding contributions to the source protection program. M. Keller (GRCA), E. Stahl (WESA) and K. Smith (GRCA) were commended for carrying a heavy workload while currently understaffed, and W. Wright-Cascaden was acknowledged for her efforts in continually supporting the municipal lead Project Team.
- The proposed Great Lakes Protection Act was introduced in the Legislature on June 6, 2012, and conservation authorities were very pleased to hear the announcement. The Great Lakes are vital resources for Ontarians, as they provide drinking water, various ecological functions, and are invaluable economic assets. M. Keller will be continuing his involvement in various Great Lakes related issues, further enhancing his positive contribution to the source protection program.
- J. Harrison submitted his letter of resignation on June 5, 2012, wishing the committee all the best in the continuation of its work. J. Harrison will be sincerely missed, as his contributions were always significant and his comments valued immensely. The process for filling the vacancy will commence as soon as possible.

J. Oliver asked what the process will be for finding a new member to fill the vacancy. M. Keller responded that GRCA staff will follow the same process used for filling M. Goldberg's seat last year. Advertisements will be placed in newspapers and other media forms, and candidates will be required to complete an open application. Received applications will be reviewed by the Lake Erie Region Management Committee, who will make a recommendation to the Source Protection Authority on who they feel should be appointed. J. Oliver asked if GRCA staff could notify Source Protection Committee (SPC) members on when advertisements and application forms are posted. D. Schultz replied that he will distribute the media release to all SPC members.

4. Review of Agenda

Moved by: L. Perrin
Seconded by: I. MacDonald **carried unanimously**

THAT the agenda for the Lake Erie Region Source Protection Committee meeting of June 7, 2012 be approved as amended.

5. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest made in relation to the matters to be dealt with.

6. Minutes of Previous Meeting – April 26, 2012

Moved by: M. Wales
Seconded by: A. Dale **carried unanimously**

THAT the minutes of the previous meeting April 26, 2012 be approved as distributed.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copies for Members

i) Correspondence c.c. Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee to Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment from Jayne Carman, Clerk, County of Brant Re: Provincial Implementation Funding for Source Protection Plans

ii) Correspondence to Susan Self, Chair, CTC Source Protection Committee from Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Cross Boundary Policy Harmonization for Dufferin County Municipalities

M. Keller noted that a response to the letter has not yet been received; however, LER staff have been in communication with staff from the CTC, regarding potential options for policy harmonization discussions. The CTC finished their public consultation process on May 1, 2012 and since that time have held three Working Group meetings (one for water quantity policies and two for water quality policies). A two day SPC workshop will be held next week to review the recommendations made by the Working Groups, and any decisions made by the SPC will be ratified at their regular meeting on June 26, 2012. He added that the Townships of Amaranth and East Garafraxa have endorsed a water quantity policy that supports the establishment of a Joint Advisory Group. The group will act as a consultative authority, and make recommendations to the municipalities on water supply management. This wording was brought to the CTC's Water Quantity Working Group at their meeting on May 24, 2012; however, they decided not to adopt the policy. Instead, the Working Group's recommendation to the SPC will be to return to the original policy wording that requires the establishment of a Water Management Board to take over the water supply management authority of the municipalities. A teleconference will be scheduled within the next two weeks for LER, CTC and SGBLS staff to examine the potential options for moving forward with policy harmonization discussions. One option is to hold a facilitated meeting where SPC members from the three SPRs will assemble to discuss resolving these issues.

J. Oliver asked if the CTC SPC decides to proceed with the Water Management Board, what the implications for the conservation authorities will be, and wondered what feedback they are providing on this proposed policy. He also asked what level of authority the Water Management Board would have, and if it would need to be legislated. M. Keller replied that many of the details have yet to be worked out in respect to the exact authority model that

would be adopted. However, he felt that the Water Management Board's authority would be confined to what the municipalities currently have over water supply and distribution under the *Municipal Act*. Conservation authorities would not be affected in terms of their authority over watershed management.

D. Murray asked if a Water Management Board can realistically continue if it is initiated at a municipal level and they oppose the idea. M. Keller replied that he did not have the answer; however, such legal questions have been raised with the CTC regarding whether or not the *Clean Water Act* has the authority to require multiple municipalities to come together and establish a joint management system. M. Wales commented that Water Management Boards exist internationally, and are usually formed where there is no existing authority in place. Within Ontario, there are already overlapping jurisdictions and legislations for governing water supply and distribution; therefore, the concept of a Water Management Board is very complicated and potentially problematic.

iii) Correspondence to Source Protection Committee Chairs and Source Protection Authority Program Managers from Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment Re: Chairs Teleconference May 4, 2012- Challenges Raised by Implementing Bodies

iv) Correspondence to Joe Farwell, CAO, Grand River Conservation Authority and Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee from the Honorable Jim Bradley, M.P.P., Minister of the Environment Re: Formal Extension to the Due Date for the Submission of Source Protection Plans for the Lake Erie Region Source Protection Committee

v) Correspondence to Source Protection Committee Chairs and Source Protection Authority Program Managers from Mary Anne Covelli, Director, Source Protection Programs Branch, Ontario Ministry of the Environment Re: Guidance on the Submission of Proposed Source Protection Plans

vi) Correspondence to Elizabeth VanHooren, General Manager/Secretary Treasurer, Kettle Creek Conservation Authority from Diane Wilson, Deputy Clerk, Municipality of Central Elgin Re: Kettle Creek Source Protection Area Updated Assessment Report

vii) Correspondence to Source Protection Committees from Sharon Bailey, Director, Land and Water Policy Branch, Ontario Ministry of the Environment Re: Great Lakes Protection Act

b) Not Copied

None.

Res. No. 28-12

Moved by: D. Murray

Seconded by: B. Ungar

carried unanimously

THAT the correspondence be received for information.

10. Reports

a) **SPC-12-06-01 Revised Timelines for the Preparation of the Catfish Creek, Long Point Region and Grand River Source Protection Plans**

stakeholders and implementing bodies before finalizing policies. The intent of the extension was not to encourage the SPC to undertake additional technical work or delay the submission of the Kettle Creek SPP. Additionally, the technical work is only to capture potential future threats that do not currently exist on the landscape; therefore, the update to the AR can be postponed until after submission, as an amendment to the SPP. L. Ross could not determine how long the MOE would take to approve the updated AR; however, she noted that they are still waiting to review the updated consultant's report for further justification on the current policy applicability within IPZ-2. This additional documentation has been formally requested by the MOE, but has not been received yet from Stantec.

A. Dale wondered if the SPC can expect to meet the deadline if it chooses to proceed with the AR updates. He felt that completing the technical work, having it peer reviewed, and then getting it approved by the MOE before the deadline could be difficult. L. Perrin replied that the modeling to support the current IPZ-2 has already been completed. The cost of completing the rest of the updates would only cost approximately \$ 4,000.00. SPPs for the LER have become a priority for the MOE; therefore, they may not take long to approve the AR. B. Ungar added that he is in support of moving forward with the technical updates; however, he still wondered how realistic it was to expect the MOE to approve it by October 25, as outlined in the timeline. I. MacDonald commented that if the MOE does not approve the updated AR, the SPC can revert back to the original AR for meeting the submission deadline, and make amendments later.

L. Ross reminded SPC members that the AR for the Kettle Creek watershed is already approved. The MOE's priority is reviewing the Grand River AR, as it has not yet received initial approval. She added that the MOE has repetitively requested a copy of Stantec's report for supporting the contents of the current Kettle Creek SPP, with no results to date. Therefore, she could not speak to when the MOE would be able to approve the updated AR, as it would also depend on how quickly the consultant's will complete the work and provide it to the MOE. She strongly suggested adopting a different approach, as the MOE is currently occupied with reviewing SPPs from across the province.

B. Ungar noted that the AR is a 'living document'; therefore, continual updates and improvements are expected. He asked if the SPP is considered a living document as well. M. Keller confirmed that the SPP too is a living document, and after the SPP is submitted the AR is no longer a separate document, but part of the plan itself.

R. Haggart suggested passing a motion to reflect the SPC's support for updating the Kettle Creek AR prior to SPP submission, and called for a recorded vote. A. Dale wanted to confirm that passing the motion would be done so with the understanding that if the MOE does not approve the updated AR by October, the SPC will submit the current SPP to move forward with the process. M. Keller confirmed that that was correct. L. Perrin felt that the SPC's understanding of that fact did not need to be communicated within the motion itself. J. Oliver agreed and added that due to the minor nature of the technical work, the SPC can be confident that the work will be completed within the timeframes outlined in SPC 12-06-02.

D. Woolcott asked for further clarification on where the SPP policies will apply, and if the current IPZ extends north to the King George Bridge in Port Stanley. E. VanHooren replied that there are two issues in respect to where policies will apply. The first is that policies were written to apply to a larger area within the current IPZ-2, beyond the point of modeling. It has been determined that significant threats could occur in that greater area; therefore, Stantec's updated technical report will be provided to the MOE as justification for applying policies beyond the point of modeling. The second issue is the need for delineating an IPZ-3 to capture additional areas where significant threats could occur outside of the current IPZ-2.

The delineation of an IPZ-3 will capture additional areas within Port Stanley harbour just south of the King George Bridge.

Res. No. 30-12 **Moved by: L. Perrin**
 Seconded by: B. Ungar

THAT the Lake Erie Region Source Protection Committee direct staff to amend the Updated Kettle Creek Assessment Report to reflect a larger vulnerable area, extending to the King George Bridge in Port Stanley.

C. Ashbaugh reminded members that a recorded vote had been called for. He asked all the members in favour of the recommendation to stand and be counted, and then asked the members opposed to the recommendations to stand and be counted.

RECORDED VOTE

MEMBER	IN FAVOUR	OPPOSED	ABSENT
Ceschi-Smith (<i>Hagan</i>)	X		
Cornwell (<i>Goudreau</i>)	X		
Dale	X		
General			X
Haggart	X		
Henry (<i>Perrin</i>)	X		
Hill	X		
Hunsberger	X		
King	X		
Krueger (<i>Ungar</i>)	X		
Laird			X
MacDonald	X		
Murray	X		
Oliver	X		
Parker	X		
Perrin	X		
Schmidt (<i>Kodousek</i>)	X		
Schneider	X		
Ungar	X		
Wales	X		
Wilson	X		
Woolcott	X		
Wright-Cascaden	X		
	21	0	2

I. MacDonald advised that staff provide MOE with Stantec's updated technical report as soon as possible. He felt that the LER is continually requesting cooperation from the MOE; therefore they should receive the same cooperation in return.

Res. No. 31-12 **Moved by: I. MacDonald**
 Seconded by: W. Wright-Cascaden **carried unanimously**

THAT Report No. SPC 12-06-02 –Kettle Creek Source Protection Plan Update - be received for information.

