



Lake Simcoe
Region
Conservation
Authority

BOARD OF DIRECTORS' MEETING NO. BOD-06-10

Friday, June 25th, 2010

120 Bayview Parkway
(Boardroom)
NEWMARKET, ON

MINUTES

Board Members Present

Councillor V. Hackson, Chair
Councillor S. Agnew
Mr. E. Bull
Councillor G. Campbell
Councillor B. Drew, Vice-Chair
Councillor K. Ferdinands
Mayor R. Grossi
Regional Councillor H. Herrema
Councillor A. Nuttall
Regional Councillor J. Taylor
Councillor J. McCallum
Councillor J. O'Donnell
Councillor J. Rupke
Deputy Mayor G. Wauchope
Mayor J. Young

Regrets:

Councillor B. Huson
Regional Councillor J. Grant
Councillor E. MacEachern
Mayor R. Stevens

Staff Present

D. G. Wood, Chief Administrative Officer
R. Jarrett, General Manager, Communications & Education
B. Kemp, General Manager, Conservation Lands
J. Lee, General Manager, Corporate & Financial Services
M. Walters, General Manager, Watershed Management
R. Baldwin, Director, Planning & Development Services
B. Booth, Manager, Planning, Regulations & Enforcement
B. Thompson, Conservation Lands Planner
S. Brockman, Enviro. Planning/Customer Services Rep.
D. Williams, Manager, Educational Services
K. Kennedy, Land Securement Officer
G. Casey, Coordinator, BOD/CAO, Projects & Services
D. Campbell, GIS Coordinator (Presentation only)
J. Milner, LSCF (Presentation only)

Guests:

G. Hunter, Hill Hunter Losell Law Firm
J. Mesquita, Gowlings Lafleur Henderson
B. Blacktopp, Zephyr Peat Land Harvesting
T. Pickering(re: Zephyr Peat Land Harvesting)
K. Dickob(re: Zephyr Peat Land Harvesting)

I. DECLARATION OF PECUNIARY INTEREST

None noted for the record of this meeting.

II. APPROVAL OF THE AGENDA

Moved by: J. Rupke

Seconded by: E. Bull

BOD-086-10 **RESOLVED THAT the content of the Agenda for the June 25th, 2010, meeting of the Board of Directors be approved as amended to include the Tabled Item Confidential Staff Report No. 40-10-BOD.**

CARRIED

III. **ADOPTION OF THE MINUTES**

(a) Board of Directors

Councillor Sandy Agnew identified the incorrect spelling of his name on page 4 of the minutes.

Moved by: S. Agnew

Seconded by: J. O'Donnell

BOD-087-10 RESOLVED THAT the minutes of the Board of Directors Meeting No. BOD-05-10 held on May 28th, 2010, be adopted as amended to reflect the correct spelling of Councillor Agnew's name on page 4.

CARRIED

(b) Administrative Committee

The Board dealt with the minutes of the Administrative Committee meeting held on June 17th, 2010, regarding the Authority's Budget Assumptions and Timing for 2010.

The CAO advised that staff are currently engaged in 2010 budget discussions with both the Regions of Durham and York and further advised staff will be contacted the lower tier municipalities in August to begin such discussions.

A further report will be brought to the Board in September which will reflect the results/feedback related to the preliminary discussions.

Moved by: B. Drew

Seconded by: H. Herrema

BOD-088-10 RESOLVED THAT the minutes of the Administrative Committee meeting No. AC-04-10 held on June 17th, 2010, be received; and FURTHER THAT recommendations contained within the minutes be approved as presented.

CARRIED

IV. **ANNOUNCEMENTS**

Annual Conservation Awards

Chair Hackson reminded the Board Members that nominations for the LSRCA's Annual Conservation Awards are due on July 16th, 2010. Following are the categories:

- Water Conservation
- Soil Conservation
- Education

- Media Recognition
- Conservation Award of Merit
- **NEW – Ernie Crossland Young Conservationist Award**
- George R. Richardson Award of Honour

Chair Hackson directed the Board to contact staff should they have any questions related to projects completed within their municipalities in terms of meeting the established criteria for each category.

The celebration will be held in October, date to be confirmed.

General Manager, Communications and Education

The CAO introduced Reneé Jarrett as the newest member of the LSRCA Executive Management Team having accepted the position of General Manager, Communications and Education effective June 14th, 2010.

Reneé joins the Authority from the Ontario Ministry of the Environment where she was the Project Management Coordinator for the *Lake Simcoe Protection Plan* implementation project. Her prior experience includes more than 25 years with the Toronto Region Conservation Authority leading projects and programs in water resources engineering, planning and regulation, and education and communications.

Clean Air Commute Challenge

The CAO announced the LSRCA's participation in the Clean Air Commute Challenge the week of June 14th, 2010; a workplace initiative offered by Smart Commute in an effort to save 1.53 tonnes of pollution.

To encourage participation, Pollution Probe donated a Raleigh bicycle as a draw price for those who participated.

Judy Milner, Project Assistant, Lake Simcoe Conservation Foundation, was the lucky winner of the bicycle.

The CAO extended a special thanks to Rob Wilson, LSRCA for leading this event for staff, and also extended thanks to Smart Commute of York Region and Pollution Probe, and of course to all staff who participated in this event.

Staff recognized as contributing the most to the pollution reduction included:

- Warren Yerex (219.4 kg)
- Jo-Anne Rządki (163.85 kg)
- Darren Campbell (129.12 kg)

V. **PRESENTATIONS**

(a) Beaver River Wetland Conservation Area Management Plan

The Board dealt with and approved Staff Report No. 33-10-BOD regarding the Beaver River Wetland Conservation Area Management Plan and received a presentation from the Authority's Conservation Lands Planner related to the Management Plan.

The completion of the Beaver River Wetland Conservation Area Management Plan is one in a series of Management Plans to be completed for the Authority's Conservation Areas as identified in the LSRCA's Business Plan.

Moved by: G. Wauchope

Seconded by: J. McCallum

BOD-089-10 **RESOLVED THAT Staff Report 33-10-BOD regarding the Beaver River Wetland Conservation Area Management Plan be received; and THAT the Management Plan and associated Business Plan be approved; and THAT Conservation Authority staff continue to pursue funding and in-kind support to implement the recommendations of the Management Plan; and FURTHER THAT staff be directed to use the Beaver River Wetland Conservation Area reserve, as and if required, to a maximum of \$25,000.**

CARRIED

Chair Hackson, on behalf of the Board, extended thanks and recognition to the General Manager, Conservation Lands and his Team for the great work they are doing with the Authority's properties.

VI. **HEARINGS**

(a) Zephyr Peat Land Harvesting (Bruce Blacktopp)
Township of Uxbridge, Part Lot 31, Concession 3

Chair Hackson read the Opening Remarks related to the process and purpose of this Hearing.

The Authority's Manager, Planning, Regulations and Enforcement provided a presentation related to Staff Report No. 34-10-BOD and the application submitted by Zephyr Peat Land Harvesting (Bruce Blacktopp) to excavate twenty (20) finger lakes each measuring up to 60.9 metres (200 feet) in length, 12.2 metres (40 feet) in width and 5.5

metres (18 feet) in depth for the rearing of fish at the East Half Lot 31, Concession 3, 14060 Fourth Concession, Township of Uxbridge, Regional Municipality of Durham.

- It was confirmed that while a small portion of the property is outside the wetland, the remainder of the site is within the wetland and the entire area is regulated.
- Staff expressed concern that by approving this application a precedent will then be set and the Board will find themselves dealing with more applications involving works within wetlands/peat lands.
- The applicant is looking for a way to transition his peat farming business into an aquaculture operation.
- The Board approved a permit in 2008/2009 for Mr. Blacktopp to continue harvesting on site indicating that no further disturbances could take place on the property. Mr. Blacktopp had both hydrology and hydraulics studies done for his property.
- It is not possible to apply a cut and fill condition to this application as it is not possible to return a wetland to its original state once it has been disturbed or to create a wetland to compensate for the cut.
- The responsibility of the LSRCA is to enforce Ontario Regulation 179/06. The issue related to the aquaculture operation rests solely with MNR and the permit must be issued only by MNR.

Ms. Jennifer Mesquita, Gowlings, Lafleur, Henderson presented to the Board of Directors on behalf of the applicant.

- The overall site is estimated to be 250 acres with 2-5 acres being used for the purpose of aquaculture.
- The applicant received a permit from the Board to develop phase 2 of the operation – the finishing tanks – the current application is for phase 1 of the operation - the rearing tanks.
- All sizing and sorting of the fish will be done on site.
- Mr. Blacktopp has continuously adhered to the rules and consideration must be given that there has been a lot of movement in the “rules”.

- Mr. Blacktopp had an EIS done at his own expense which identified that there is enough of a buffer zone between the proposed site and the creek – this would remove the concern around setting precedent.
- This is a transitional process – without the requested permit, there will be no opportunity to use the other ponds.
- It was confirmed that this application will not expand any further lands for the purpose of peat extraction. LSRCA Board proposed that the applicant register on title the land delineation relative to this application in order that no further applications be brought forward.
- Extracted peat takes approximately 8 months to dry. Extracted peat will be stored on the existing property to dry.
- Current ponds cannot be used for the rearing ponds as they are too shallow and not large enough to be sub-divided as many times as needed. The rearing ponds are segregated by species.

The Board requested a 5 minute recess in order to consult with legal counsel regarding the wording for the resolution.

Moved by: J. Rupke

Seconded by: G. Wauchope

RESOLVED THAT the Board of Directors move to a five minute recess for the purpose of consulting with legal counsel on the wording to be used for this resolution.

CARRIED

Moved by: H. Herrema

Seconded by: J. Rupke

BOD-090-10 **RESOLVED THAT STAFF REPORT NO. 34-10-BOD regarding the application of Zephyr Peat Land Harvesting to create finger ponds to allow for completion of fish farming operations in the Township of Uxbridge, Part 31, Concession 3, be received; and FURTHER THAT the application be conditionally approved subject to:**
(1) The lands subject to the application be defined to the satisfaction of staff by way of reference plan; and

- (2) **The applicant and LSRCA enter into an agreement that the balance of the applicants lands will be subject to a registered restriction prohibiting the lands from further development, as that term as defined in Section 28 of the *Conservation Authorities Act*, in a form acceptable to LSRCA’s solicitor; and**
- (3) **THAT the restrictions referred to above be registered on title under the *Conservation Lands Act* and that the applicant provide an easement to the LSRCA, in a form acceptable to the LSRCA’s solicitor, permitting the LSRCA to enter onto the lands for the purposes of enforcing the restrictions; and**
- (4) **THAT the applicant shall provide three(3) copies of the necessary reference plan of survey to the LSRCA at the applicant’s expense; and**
- (5) **THAT the applicant, along with LSRCA staff, develop a monitoring plan for the site acceptable to the LSRCA staff.**

CARRIED

VII. DEPUTATIONS

There were no Deputations scheduled for this meeting.

VIII. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

Items 1, 2 and 5 were identified for separate discussion.

IX. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

Moved by: G. Campbell

Seconded by: R. Grossi

BOD-091-10 **RESOLVED THAT the following recommendations respecting the matters listed as “Items Not Requiring Separate Discussion” be adopted as submitted to the Board and staff be authorized to take all necessary action required to give effect to same.**

CARRIED

3. Monthly Communications Update

BOD-092-10 **RESOLVED THAT the Monthly Communications Update – Summary, for the period May 1 to 31, 2010, be received for information.**

4. **Budget Status Report**

BOD-093-10 **RESOLVED THAT Staff Report No. 35-10-BOD regarding the Authority's Budget Status for the five month period ending May 31st, 2010, be received.**

6. **Fees Schedule – Education Services Program**

BOD-094-10 **RESOLVED THAT Staff Report 37-10-BOD regarding the 2010/2011 Fee Schedule for the Authority's Education Services programs be received for information and approved for implementation starting July 1st, 2010.**

X. **CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION**

1. **Development, Interference with Wetlands and
Alterations to Shorelines and Watercourses Regulation 179/06**

Councillor O'Donnell requested that the permit summary include the information related to the location of the property. Staff will review this request and advise if this is possible.

BOD-095-10 **RESOLVED THAT applications under Section 28 of the *Conservation Authorities Act* and Ontario Regulation 179/06 be received for information.**

CARRIED

2. **Correspondence**

Councillor O'Donnell requested an update on the letter submitted to Minister Gerretsen in relation to the funding request for the implementation of the Lake Simcoe Protection Plan.

Chair Hackson responded that the Ministry of the Environment continues to review the funding request and the Board will be advised once communication is received from the Ministry.

Moved by: B. Drew

Seconded by: J. Taylor

BOD-096-10 **RESOLVED THAT the Correspondence listed in the agenda as Item 2 (a) through (b) be received as information.**

CARRIED

4. **Proposed Water Opportunities – EBR Comments**

The Board dealt with and approved Staff Report No. 36-10-BOD which included the comments of staff in response to the proposed water opportunities as posted on the EBR. Comments will be submitted on behalf of the LSRCA by July 17 2010.

Moved by: J. Young

Seconded by: R. Grossi

BOD-097-10 **RESOLVED THAT Staff Report No. 36-10-BOD regarding comments on Bill 72, the *Water Opportunities and Water Conservation Act, 2010* be approved; and
FURTHER THAT staff respond to the Environmental Registry, Environmental Bill of Rights (EBR) posting number 010-9940 by providing the comments contained within this Staff Report prior to the deadline of July 17, 2010.**

CARRIED

XI. ***CLOSED SESSION***

Moved by: J. Rupke

Seconded by: S. Agnew

BOD-098-10 **RESOLVED THAT the Authority's Board of Directors move to Closed Session to deal with confidential land matters; and
FURTHER THAT the LSRCA's Executive Management Team, Manager, Planning, Regulations and Enforcement, Lands Securement Officer and Coordinator, Board/CAO remain in the meeting during the Closed Session Discussion.**

Moved by: G. Wauchope

Seconded by: J. McCallum

BOD-099-10 **RESOLVED THAT the Authority's Board of Directors rise from Closed Session.**

(a) **Land Securement Initiatives**

Moved by: R. Grossi

Seconded by: G. Wauchope

BOD-100-10 **RESOLVED THAT Confidential Staff Report No. 32-10-BOD regarding a confidential land securement matter be received; and
FURTHER THAT the recommendations contained within this Confidential Staff Report be approved.**

CARRIED

(b) Land Securement Initiatives

Moved by: R. Grossi

Seconded by: S. Agnew

BOD-101-10 **RESOLVED THAT Confidential Staff Report No. 38-10-BOD be received; and
FURTHER THAT the recommendations contained within this Confidential Staff Report be approved.**

CARRIED

(c) Legal Report

Moved by: J. Young

Seconded by: J. Rupke

BOD-102-10 **RESOLVED THAT Confidential Staff Report No. 39-10-BOD regarding a confidential legal matter be received; and
FURTHER THAT the recommendations contained within this Staff Report be approved.**

(d) Land Securement Initiatives (Tabled Report)

Moved by: J. Rupke

Seconded by: J. McCallum

BOD-103-10 **RESOLVED THAT Confidential Staff Report No. 40-10-BOD be received; and
FURTHER THAT the recommendations contained within this Confidential Staff Report be approved.**

CARRIED

XII. **OTHER BUSINESS**

(a) Cancellation: August Board Meeting

The Board Meeting scheduled for August 27th 2010 is cancelled.

XIII. **ADJOURN**

Meeting adjourned at 12:30 p.m. on a motion by R. Grossi.

Original signed by:

Original signed by:

Councillor V. Hackson
Chair

D. Gayle Wood, CMM III
Chief Administrative Officer