



Grand River Conservation Authority Minutes - General Membership Meeting

Date: September 22, 2023
Time: 9:30 am
Location: Hybrid Meeting of the General Membership
GRCA Administration Centre
Zoom Virtual Meeting

Members Present Bruce Banbury, Christine Billings, John Challinor II, Ken Yee Chew, Brian Coleman, Kevin Davis, Mike Devine, Jim Erb, Susan Foxton, Guy Gardhouse, Gord Greavette, Colleen James, Daniel Lawrence, Dave Miller, Natasha Salonen, Rob Shirton, Jerry Smith, Shawn Watters, Chris White, Kari Williams, Pam Wolf

Regrets Gino Caputo, Doug Craig, Lisa Hern, Sandy Shantz, Alex Wilson
Staff Samantha Lawson, Karen Armstrong, Beth Brown, Ron Gasparetto, Brandon Heyer, Janet Ivey, Katelyn Lynch, Sonja Radoja, Lisa Stocco, Pam Walther-Mabee, Eowyn Spencer, Marijan Blazevic, Michael Penney, David Townsend, Kevin Tupman, Ron Wu-Winter, Shari Dahmer

Others Marty Cotter, Dr. Hugh Whitely, Laura Murr

1. **Call to Order**
The Meeting was called to order by the Chair at 9:34 a.m.
2. **Certification of Quorum**
The Secretary-Treasurer certified quorum with more than half of the Members present. A total of 21 Members attended the meeting.
3. **Chair's Remarks**
The Chair made the following remarks in the preceding Source Protection Authority meeting, and they are copied here for ease of reference:
 - The GRCA received site plan approval for the new Guelph Lake Nature Centre on September 20th, and staff are working with the municipality to obtain the building permit.
 - Conservation Ontario Council will meet on September 25th. Agenda highlights include the 2024 budget and coordinated submissions on ERO postings affecting conservation authorities.
4. **Review of Agenda**
23-132
Moved By Pam Wolf
Seconded By Rob Shirton
THAT the agenda for the General Membership Meeting be approved as circulated.

Carried

5. Declarations of Pecuniary Interest

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

6. Minutes of the Previous Meetings

23-133

Moved By Pam Wolf

Seconded By Susan Foxton

THAT the minutes of the General Membership Meeting of August 25, 2023 be approved as circulated.

Carried

7. Business Arising from Previous Minutes

There was no business arising from the minutes of the previous meeting.

8. Hearing of Delegations

8.a Dr. Hugh Whitely - Niska Land Holdings 2023 Draft Management Plan

- Dr. Hugh Whitely attended the meeting virtually to address concerns regarding the draft Niska Lands Management Plan. Dr. Whitely addressed the Board to provide a history of the property and relay his understanding of the historical purchases and intended use of the lands.
- Dr. Whitely wished to ensure that the Board was aware of the information provided so that the management plan may be properly assessed, and to suggest that the Board consider changes to the Plan to reflect his understanding of the history and statement of purchase.
- The Chair thanked the delegation for sharing his concerns, and Dr. Whitely exited the meeting.

8.b Laura Murr - Niska Land Holdings 2023 Draft Management Plan

- Laura Murr attended the meeting virtually to address concerns related to the draft Niska Lands Management Plan.
- Ms. Murr said that the plan does not include the interest of the public in restoring nature and protecting the lands, and does not consider re-naturalization of the lands, wildlife and fish habitats, and groundwater recharge areas.
- Ms. Murr asked that the Board consider returning the lands to their historical uses as more environmental lands are needed to accommodate population growth and noting that none of the lands should be declared as surplus.
- The Chair thanked the delegation for attending, and Ms. Murr exited the meeting.

9. Presentations

9.a GRCA Permitting and Hearing Process - Beth Brown, Manager of Planning and Engineering Services

Beth Brown provided a presentation on the GRCA's permitting and hearing process, which included information on regulated areas, the permit application process, and the appeal process. The following highlights were noted:

- The Conservation Authorities Act authorizes Conservation Authorities to create a natural hazard-based regulation, and Section 28 of the Act further defines regulatory requirements. Permits are required for development or activities in regulated areas, alterations to watercourses, and changing or interfering with a watercourse.

- The permitting process requires a submission from applicants and staff review, and pre-consultation is encouraged. Upon review, staff may recommend approval of the application with or without conditions if the application meets GRCA policies, recommend consideration of approval if it does not meet policies, or recommend refusal. The CAO has delegated authority to approve permits when the application meets policies; applications that do not meet policies are brought to the Board for consideration.
- The Conservation Authorities Act requires a hearing if the application is being considered for refusal, and GRCA staff have developed a Hearing Guideline based on a template provided by MNR and Conservation Ontario with legal advice. In accordance with the GRCA Administrative By-law, the General Membership will form a Tribunal for the purposes of a hearing, which is guided by the Statutory Powers and Procedures Act.
- The tribunal will vote on the permit in open session following presentations by staff and the applicant, and a letter of decision will be sent out. The applicant then has 30 days to appeal the decision to the Ontario Land Tribunal, which may refuse the permit, or grant the permit with or without conditions.

The Chair thanked staff for the presentation, and there were no comments or concerns from the Board.

10. Correspondence

None.

10.a Hamilton Conservation Authority re: Reverse Changes to the Conservation Authorities Act and Ontario Wetland Evaluation System

23-134

Moved By Brian Coleman

Seconded By Gord Greavette

THAT correspondence from the Hamilton Conservation Authority regarding a motion to Reverse Changes to the Conservation Authorities Act and Ontario Wetland Evaluation System be received as information.

Carried

11. 1st and 2nd Reading of By-Laws

None.

12. Reports:

12.a GM-09-23-68 - Progress Report #6 - Ontario Regulation 687/21

- The Chair noted that extension requests for the January 1, 2024 transition date for completion of Municipal Memoranda of Understanding for Category 2 Programs and Services is not permitted, and so the last paragraph will be struck from the report as written in the agenda package for this meeting.
- The report was updated to include the carried motion before it was circulated per the recommendation.

23-135

Moved By John Challinor II

Seconded By Shawn Watters

THAT Progress Report #6 be approved, circulated to all participating Grand River watershed municipalities, posted on the Grand River Conservation Authority website, and submitted to the Ministry of Natural Resources and Forestry in accordance with Ontario Regulation 687/21;

AND THAT the Municipal Memorandum of Understanding and Letter Agreement for Category 2 Programs and Services be approved and circulated to participating municipalities.

Carried

12.b GM-09-23-66 - Update on Regulatory Deliverables - Ontario Regulation 686/21

- D.Miller inquired about the overall cost to implement the required deliverables and if provincial funding is available to support the projects, and S.Lawson responded in the negative. The Board previously set up a transition reserve to provide support for the implementation of changes to the CA Act.
- K.Davis inquired about groundwater health and the resource management strategy, and if the health of the Grand River will be built in to a plan. J.Ivey responded, noting that it is a fairly high-level strategy about the delivery of programs and services which in turn support the health of the water systems, but it will not be broken down to the level of providing specific recommendations. J.Ivey added that the GRCA does have plans and strategies in place to protect groundwater areas.

23-136

Moved By Christine Billings

Seconded By Susan Foxton

THAT Report Number GM-09-23-66 – Update on Regulatory Deliverables – Ontario Regulation 686/21 be received as information.

Carried

12.c GM-09-23-67 - Banking and Investment Policy

There were no comments or questions regarding this report.

23-137

Moved By Pam Wolf

Seconded By Colleen James

THAT the Grand River Conservation Authority approve the Banking and Investment Policy dated September 22, 2023.

Carried

12.d GM-09-23-69 - Cash and Investment Status

There were no comments or questions regarding this report.

23-138

Moved By Jerry Smith

Seconded By Jim Erb

THAT Report Number GM-09-23-69 Cash and Investment Status – August 2023 be received as information.

Carried

12.e GM-09-23-70 - Financial Summary

There were no comments or questions regarding this report.

23-139

Moved By John Challinor II

Seconded By Brian Coleman

THAT the Financial Summary for the period ending August 31, 2023 be approved.

Carried

12.f GM-09-23-62 - Elora Quarry and Grand River Conservation Area Membership Pass Update

- Pam Walther-Mabee provided a presentation regarding a pilot program to allow some use annual membership passes at the Elora Quarry Conservation Area.
- Following up on a request from the Board, staff reviewed options and determined solutions which would permit annual membership pass holders to access the Elora Quarry with their membership cards. Staff considered the community and environmental impacts, the technological requirements need to ensure capacity management requirements can be maintained, and that user enjoyment is not diminished.
- It was determined that a pilot program will be implemented for the 2024 season. A modified online booking system to permit passholders to obtain tickets for morning or afternoon access as available has been developed. Ticket sales for membership holders will be limited to week days only and capped at ten percent of daily sales, and parking will remain an additional cost for all users as spaces are limited.
- Members of the public will be informed of this change in 2024, via the GRCA memberships and Elora Quarry webpages, and social media channels.
- The evaluation of the pilot program will focus on the environmental impact, financial considerations, staff resourcing requirements, and overall programming. Feedback from the community and passholders will be accepted.

Board Members thanked staff for the presentation, and for the work to find a positive solution to implement the program.

23-140

Moved By Shawn Watters

Seconded By Pam Wolf

THAT Report Number GM-09-23-62 - Elora Quarry and Grand River Conservation Area Membership Pass Update be received as information.

Carried

12.g GM-09-23-63 - ERO No. 019-4706: Technical Bulletin – Flooding Hazards: Data Survey and Mapping Specifications

There were no comments or questions regarding this report.

23-141

Moved By Daniel Lawrence

Seconded By Susan Foxton

THAT Report Number GM-08-23-63 – ERO No. 019-4706: Technical Bulletin – Flooding Hazards: Data Survey and Mapping Specifications be received as information.

Carried

12.h GM-09-23-65 - Water Control Structures Asset Management Plan Consulting Contract

- B.Coleman noted that he is not supportive of the recommendation as the second bidder provided a lower cost estimate.
- K.Lynch responded, noting that the evaluation criteria does consider cost. However, for this bid in particular a high importance was placed on knowledge and experience in working with and assessing major dam infrastructure. The recommended bid demonstrated the best understanding of the project and the ability and time commitment to place an appropriate level of duty and care into the assessment.

- K.Davis noted agreement with the consideration of financial efficiency but added that he is satisfied with the reasoning provided by staff.

23-142

Moved By Mike Devine

Seconded By Bruce Banbury

THAT the Grand River Conservation Authority accept the proposal from Hatch Ltd. to carry out engineering consulting services to complete the Water Control Structures Asset Management Plan up to the amount of \$197,240 excluding HST;

AND THAT an overall project budget of \$216,964 be approved for this project.

Carried

12.i GM-09-23-71 - Current Watershed Conditions

- D.Miller inquired about groundwater conditions being at an all-time low and if that has an impact on the Grand River watershed. M.Penney responded, noting that modern wells going back twenty years are used as the basis for 'normal' ranges, and that as more wells returned to within that range in comparison to May and June levels staff were comfortable removing the low-water status.

23-143

Moved By Susan Foxton

Seconded By John Challinor II

THAT Report Number GM-09-23-71 – Current Watershed Conditions as of September 11, 2023 be received as information.

Carried

12.j GM-09-23-64 - Niska Land Holdings 2023 Draft Management Plan

- Ron Gasparetto provided a presentation on the draft Niska Land Holdings Management Plan, and extended thanks to Ron Wu-Winter and Kevin Tupman for their work on this project to date.
- The presentation included an overview of the history of the project, the location and description of the property, and the process GRCA took to develop the management plan. The Niska land holdings contain four parcels of land and comprise 79 acres of provincially significant wetlands, 108 acres of City of Guelph Significant Natural Area, and 122 acres of Regulated Area under the Conservation Authorities Act.
- The properties were acquired in 1971 and 1977 for the formerly proposed Hespeler Reservoir project. The lands operated as a waterfowl park from 1965 to 2005 as part of a commercial lease with the Niska Wildlife Foundation from 1977 to 2014. In 2005 the Niska Wildlife Foundation closed the waterfowl park, and in 2014 the GRCA terminated the commercial lease and initiated clean-up of the property.
- In 2013 as part of the City of Guelph Official Plan update, a parcel of land known as Agricultural Field B was re-zoned to Low and Medium Density Residential, which was appealed to the Ontario Municipal Board (OMB) by members of the public. In 2018, through the OMB, the City of Guelph, the GRCA, and the appellants signed a Minutes of Settlements, which resulted in an enhanced public notification process regarding Agricultural Field B and the Niska Land Holdings.
- Following the detailed overview, R.Gasparetto outlined three recommendations related to the management of the property, and noted that if the Plan is approved, a joint working group will be struck and will include public stakeholders.

Board Members discussed the draft plan, the process, and had questions regarding input from the two Delegations earlier in the meeting with respect to the intended use and prior plans for the property in question. There were also questions regarding the OMB Minutes of Settlement, GRCA's legislative requirements with respect to the disposal of land, and the public notification related to the use of the lands and the management plan.

Ron Gasparetto and Samantha Lawson responded to questions, noting the following key points:

- Of the land holdings, the area recommended for disposal meets all legislative requirements for declaring the lands surplus. As there are Minutes of Settlement (MOS) related to this parcel, the GRCA has legal obligations as well, and all requirements would be followed if the land were to be declared surplus. The MOS was the result of the appeal of the re-designation of the 8-hectare parcel (Agricultural lands B)
- As part of the MOS process, all parties agreed to and signed a statement of facts document, which notes the Hespeler Dam project as the original purpose of acquiring the property. Secondary uses may have existed at the time; however, to dispose of the property, it is required to demonstrate the land is no longer required for the original purpose.
- The draft plan is being presented at this meeting for information, and the three recommendations are part of the overall land management plan which are not being voted on separately today. The final draft plan will be for 30 days prior to being brought back to the Board for consideration of approval. The recommendations in the plan would be implemented independently and follow appropriate courses of action as required.

There were additional comments from C.Billings, and staff confirmed that the historical context provided by the delegate earlier in the meeting is not in alignment with the agreed upon statement of facts under the MOS, and from K.Chew, who encouraged continued involvement with the public and other stakeholders throughout the process. Other comments from the Board included noting the importance of protecting the cold-water streams and considering that the different areas of the subject lands provide opportunities for varied uses.

23-144

Moved By Brian Coleman

Seconded By John Challinor II

THAT Report Number GM-08-23-58 – Niska Land Holdings 2023 Draft Management Plan be received as information.

Carried

13. Committee of the Whole

Not required.

14. General Business

There was no General Business.

15. 3rd Reading of By-Laws

None.

16. Other Business

None.

B. Coleman and K.Davis exited the meeting prior to the closed session.

17. Closed Meeting

23-145

Moved By Gord Greavette

Seconded By Susan Foxton

THAT the General Membership enter a closed meeting in accordance with the *Municipal Act section 239(2)* for the following purpose(s): proposed or pending acquisition or disposition.

Carried

23-146

Moved By John Challinor II

Seconded By Mike Devine

THAT the General Membership reconvene in open session.

Carried

17.a Minutes of the previous closed session

23-147

Moved By John Challinor II

Seconded By Ken Yee Chew

THAT the minutes of the minutes of the previous closed session be approved as circulated.

Carried

17.b Proposed or pending acquisition or disposition of land - Township of Centre Wellington

23-148

Moved By Pam Wolf

Seconded By Bruce Banbury

IN ORDER TO FURTHER THE OBJECTS of the Grand River Conservation Authority by assisting a member municipality in providing municipal services;

THEREFORE BE IT RESOLVED THAT Grand River Conservation Authority grant the Township of Centre Wellington an easement over a portion of lands described as Pt RDAL BTN TWP of Pilkington & TWP of Nichol (Closed by ROS240130); PT LT Broken Front Con 1 East of Grand River Pilkington PTS 3, 4, 5, 6, 9 and 10, Plan 61R2180; Township of Centre Wellington, being all of PIN 714100162, to be more particularly described on a Reference Plan to be deposited, for the installation and maintenance of a multi-use trail, for the nominal consideration of \$2.00.

Carried

18. Next Meeting - October 27, 2023 at 9:30 a.m.

19. Adjourn

The meeting was adjourned at 11:07 a.m.

23-149

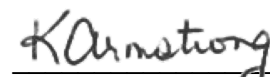
Moved By Bruce Banbury

Seconded By John Challinor II

THAT the meeting of the General Membership be adjourned.

Carried

Chair


Secretary Treasurer