LAKE ERIE REGION SOURCE PROTECTION COMMITTEE
MEETING MINUTES

Thursday, November 6, 2008

The following are the minutes of the Lake Erie Region Source Protection Committee meeting held on Thursday, November 6, 2008 at the Grand River Conservation Authority Administration Office, 400 Clyde Road, Cambridge, Ontario.


Members Regrets: K. Hunsberger, I. Macdonald, C. Martin, D. Woolcott

Proxy Representatives: D. Goudreau (D. Woolcott), A. Henry (I. Macdonald)

Liaisons: A. Dale, Source Protection Authority Liaison; D. Molnar, Provincial Liaison, Linda Dimock, Public Health Liaison

Region Management Committee: P. Emerson, GRCA; C. Evanitski, LPRCA; B. Hall, KCCA, T. Marks, KCCA, R. Sackrider, LPRCA, K. Smale, CCCA


Also Present: B. Fields, County of Norfolk; E. Hodgins, Region of Waterloo; S. Kurli, Halton Region; J. Pickering; S. Smith, University of Guelph; T. Spiers, City of Brantford; C. Tyler; P. Wilson, Haldimand County

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:
C. Ashbaugh thanked individuals who assisted with chairing public consultation and source protection committee meetings during his absence.


A focus group session was held on October 28, 2008 at the Six Nations Eco Centre in Ohsweken.

4. Review of Agenda

Moved by: B. Ungar
Seconded by: M. Wales carried unanimously

THAT the agenda for the Lake Erie Region Source Protection Committee Meeting of November 6, 2008 be approved.

5. Declarations of Pecuniary Interest

M. Goldberg advised that, although not a pecuniary interest, he is taking a precautionary approach to advising members that the Risk Communication portion of the Ministry training being held in November and December will be presented by his firm.

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


Moved by: W. Wright Cascaden
Seconded by: L. Perrin carried unanimously

THAT the minutes of the previous meeting of October 16, 2008 be approved as circulated.

7. Hearing of Delegations

None

8. Presentations

None

9. Correspondence

a) Copied

i) Correspondence from Allen Forrester, Clerk-Treasurer Administrator, The Corporation of the Township of South-West Oxford to Craig
Ashbaugh, Chair, Lake Erie Region Source Protection Committee Re: Compensation for Land Use Restrictions due to Source Protection Initiatives


iii) Correspondence from Chief William K. Montour, Six Nations of the Grand River to Simon Glauser, Grand River Conservation Authority Re: Band Council Resolution to include the Six Nations Grand River Supply System at Ohsweken (Grand River Intake)

J. Harrison asked what the next steps are for inclusion of the Ohsweken intake. L. Minshall responded that the Lieutenant Governor will pass a regulation acknowledging inclusion of the Six Nations intake in the Source Protection Planning process. There have been other requests for inclusion of First Nations systems in Southwestern Ontario, so it may take some time to develop the regulation taking all requests into account. J. Harrison asked if staff intend to proceed with the inclusion of the intake before the regulation is written. L. Minshall responded that the Ohsweken intake will require a Terms of Reference for its inclusion. The technical studies for the Ohsweken intake will not be eligible for funding until the regulation is passed.

b) Not Copied

None

Res. No. 40-08 Moved by: M. Ceschi-Smith Seconded by: J. Harrison carried unanimously

THAT the correspondence be received as information.

* P. General joined the meeting at 1:15.

10. Reports

a) SPC-11-08-01 Summary of Committee Discussions on the Topic of Compensation

D. Parker asked if development fees for approved stewardship projects are eligible under the Stewardship Program. L. Minshall advised she would refer this subject to T. Ryan for clarification. Eligible items and program design for the Stewardship Program are evolving, and comments and feedback regarding the program can be brought forward to the Ministry.
J. Oliver asked if the presentation summarizing the committee’s discussions could be shared with municipal councils for their information. L. Perrin concurred and suggested it would be beneficial for the committee to forward Report SPC-11-08-01 to municipalities. S. Glauser suggested that the resolution be expanded to direct staff to circulate Report SPC-11-08-01 to all Lake Erie Region municipalities.

Res. No. 41-08 Moving by: B. Ungar
Seconded by: D. Murray carried unanimously

THAT the Lake Erie Region Source Protection Committee adopt the recommended committee position on the topic of compensation, as described in Report SPC-11-08-01,

AND THAT staff distribute Report SPC-11-08-01 to all Lake Erie Region municipalities.

b) SPC-11-08-02 Assessment Report Regulations and Rules Update
(Verbal Update)

The regulations are still pending. The committee will have an opportunity to review the regulations and rules at the ministry training on December 15, 2008.

c) SPC-11-08-03 Assessment Report Timelines

A. Henry asked if the proposed Assessment Report timelines assume that the Director’s Rules are received at the beginning of November and the membership approves the Terms of Reference on November 6. L. Minshall replied affirmatively, stating that the timeline assumes that the Director’s Rules are assimilated in November. A. Henry asked if the timeline proposes a practical recommendation of the work to be completed. L. Minshall responded that the initial draft Assessment Reports are expected to contain only the minimum Ministry requirements.

J. Laird asked if it is anticipated that the ministry will accept the two different Assessment Reports. L. Minshall replied that she has discussed this with the ministry, and they are accepting this approach and anticipating this type of adjustment in the more complex regions.

J. Laird proposed an amendment to the resolution that for every month the rules and regulations are delayed, the recommended timeline be adjusted accordingly.

J. Harrison expressed concern regarding making a public statement to the ministry about the delayed rules and regulations.
J. Oliver concurred that an amendment be included in the resolution, stating that all dates would be subject to change depending when the rules and regulations are released. He suggested that this is simply notifying the ministry that, practically speaking, deadlines will need to be adjusted to align with the rules.

D. Molnar advised that while she understands the committee’s reasoning and approach, she cautioned members that, if they approve the Terms of Reference with the revised timelines, it is important that they understand that just because they are approving these dates, it does not mean their timeline will be approved. The minister’s approval for extensions is a different mechanism.

J. Laird stated that if the Minister approves the Terms of Reference he is inherently approving the dates written in the Terms of Reference.

H. Cornwell differentiated between deadline and timeline. He stated that for a timeline, when one shifts, all others obviously shift as well. L. Minshall clarified that the date for ministry submission is a regulated date which is called a due date in the regulation.

J. Harrison asked what the consequences are the committee doesn’t meet the time limit in the regulation. L. Minshall responded that they are deemed out of compliance. If the Minister feels that this committee is not making progress, the ministry can take over the process. As long as the committee is diligently working forward, there are no repercussions for being out of compliance.

J. Harrison asked that the amendment be held as a separate vote.

**Res. No. 42-08**

*Moved by: M. Goldberg*

*Seconded by: J. Laird*  
*carried unanimously*

THAT the Lake Erie Region Source Protection Committee proceed with an Assessment Report timeline that provides a practical reflection of the work to be completed, and

THAT the recommended timeline be incorporated into the SPC Terms of Reference, and

THAT the municipal and CA partners be requested to arrange study contracts such that the final draft reports containing the minimum Assessment Report requirements can, for the most part, be delivered by the end of September 2009 and peer reviewed and assembled by the end of December 2009, and

THAT the source protection authorities be requested to attach to the submission of the Terms of Reference to the Minister an explanation for the estimated schedule dates shown in the Terms of Reference and a
request for an extension of the Assessment Report submission time limit to at least August 20, 2010.

Res. No. 43-08 Moved by: J. Laird carried
Seconded by: M. Goldberg 1 opposed, 21 in favour

THAT the Assessment Report Timelines be adjusted accordingly if the Director’s Rules are not released in November 2008.

d) SPC-11-08-04 Terms of Reference Update

L. Minshall advised members that, given the vagueness of the tasks listed in the Terms of Reference, there is nothing that would need to be changed in the task descriptions to re-scope the work to reflect available funding. The Terms of Reference is not committing Conservation Authorities or municipalities to spend money they don't have. The question of available funding can be separated from these Terms of Reference. Any resolution to the funding challenges, as they become apparent through the business planning process, will not be answered within the next two to three months. She emphasized that delaying the Terms of Reference in anticipation of resolving financial questions will not expedite a resolution.

A. Henry requested clarification regarding Section 2.6 in the Terms of Reference. The last sentence indicates that the province will pay for future costs to August 2012. He asked if this implies that the province will make up the difference for Lake Erie Region’s shortfall. L. Minshall responded that the province would most likely make up the difference if they were able to do it. There is a process in place for the ministry to reallocate funds from regions that do not require all of their allocated funding. This will solve some funding shortfalls. For larger funding shortfalls, there is an advisory committee. There is the possibility that if the ministry has to go to the Cabinet to get extra money, it may not be available. A. Henry asked for confirmation that this statement implies that the province will provide more money, as necessary, to 2012. L. Minshall replied that if they are able to, yes.

R. Haggart requested confirmation that the subject of quality, depth, and scope of work will again be addressed by this committee. L. Minshall responded that the question of the scope of the technical work belongs to this committee and if there are any concerns with respect to the funding available, detailed work plans will be provided to the committee.

R. Haggart expressed concern that if the Lake Erie Region is required to provide less quality, depth and documentation, they are not fulfilling their requirements. He suggested that this be discussed at the Chairs' meetings. L. Minshall responded that there is enough money to meet minimum basic requirements as laid out by the Ministry. The difficulty is that the technical professionals need to put together a product that they feel will be publicly defendable which may go beyond the Ministry's minimum requirements. The
Lake Erie Region is unique and this situation will need to be discussed with the Ministry separately from the other regions.

J. Oliver asked if the Six Nations intake has been included in the costs, and if there are other financial implications that may be forthcoming. L. Minshall responded that the Ohsweken intake has been included, but is tentative pending the regulation.

Res. No. 44-08  Moved by: A. Henry
               Seconded by: B. Ungar  1 opposed, 21 in favour

THAT the Lake Erie Region Source Protection Committee agrees with the recommended responses to comments received during the Terms of Reference Public Comment Period, as summarized in Report No. SPC-11-08-04, and reflected in the proposed Catfish Creek, Grand River, Kettle Creek and Long Point Region Source Protection Area Terms of Reference;

AND that the draft Catfish Creek Source Protection Area Terms of Reference, Grand River Source Protection Area Terms of Reference, Kettle Creek Source Protection Area Terms of Reference, Long Point Region Source Protection Area Terms of Reference be approved for the second consultation period;

AND that the proposed Catfish Creek Source Protection Area Terms of Reference be submitted to the Catfish Creek Source Protection Authority; the proposed Grand River Source Protection Area Terms of Reference be submitted to the Grand River Source Protection Authority; the proposed Kettle Creek Source Protection Area Terms of Reference be submitted to the Kettle Creek Source Protection Authority; and, the proposed Long Point Region Source Protection Area Terms of Reference be submitted to the Long Point Region Source Protection Authority, as required under Section 9 of the Clean Water Act, 2006.

11. Business Arising from Previous Meetings

None

12. Other Business

a) Question and Answer Period

13. Closed Meeting

Not applicable.

14. Next Meeting – Thursday, Feb. 5, 2009, 1:00 pm, Grand River Conservation Authority, 400 Clyde Road, Cambridge, ON
15. Adjourn

Moved by: R. Krueger
Seconded by: J. Harrison carried unanimously

THAT the Lake Erie Region Source Protection Committee meeting of November 6, 2008 be adjourned. The meeting adjourned at 2:15 p.m.

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Chair      Recording Secretary