



Essex Region Conservation Authority

Board of Directors

Meeting Minutes

Meeting Date: Thursday, September 9, 2021

Time: 6:00 pm

Location and Details: via Zoom Web Conferencing

Attendance

Members Present:

| | |
|------------------------------|---------------|
| Tania Jobin (Chair) | Mark Carrick |
| Kieran McKenzie (Vice-Chair) | Trevor Jones |
| Marolyn Morrison | Larry Verbeke |
| Peter Courtney | Dayne Malloch |
| Chris Vander Doelen | Joe Bachetti |
| Morley Bowman | Jeewen Gill |
| Laura Lucier | Jim Morrison |
| Larry Patterson | Ed Sleiman |
| Tracey Bailey | |
| Len Janisse | |

Absent:

Regrets:

Sue Desjarlais

Staff Present

Tim Byrne, CAO/Secretary-Treasurer
Nicole Kupnicki, Corporate Services, Human Resources Manager/EA
Shelley McMullen, Interim CFO/Director Corporate Services
Kevin Money, Director Conservation Services
Danielle Stuebing, Director Community and Outreach Services
James Bryant, Director Watershed Management Services
Ryan Rossman, Director Information Technology Services
Dan Jenner, Regulations Coordinator
Sydney Clackett, Regulations Analyst

Others

Cindy Hollister
Walter Branko, Noah Homes
George Dube

1. Call to Order

Good evening and welcome to the September 9, 2021 meeting of the ERCA Board of Directors.

I will call the meeting to order and confirm that all members attending from the in-camera meeting of the ERCA Board preceding this meeting are still with us this evening. Thank you all.

2. Land Acknowledgement

I'd like to begin by acknowledging that this land is the traditional territory of the Three Fires Confederacy of First Nations, comprised of the Ojibway, the Odawa, and the Potawatomie Peoples.

We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island - North America who have been living and working on the land from time immemorial.

3. Declarations of Pecuniary Interest

There were no declarations of pecuniary interest.

4. Approval of Agenda

Resolution 67/21 Moved by Larry Verbeke

Seconded by Morley Bowman

THAT the Agenda for the September 9, 2021 meeting of the Board of Directors be approved. **Carried**

5. Hearings

A. Convene the Hearing Board

Resolution 68/21 Moved by Chris Vander Doelen

Seconded by Jeewen Gill

THAT the Board of Directors sit as the Hearing Board in respect of an application(s) under Section 28 of the Conservation Authorities Act. **Carried**

We are now going to conduct hearings under Section 28 of the *Conservation Authorities Act* in respect of two (2) applications.

- Cindy Hollister is requesting relief from access (ingress and egress) policy requirements to construct a dwelling on a vacant lot at Lot 268, Plan 736, Lake Erie Drive, Town of Amherstburg
- Walter Branco, Noah Homes to request relief from access (ingress and egress) policy requirements to construct a dwelling at 1105 Heritage Road, Town of Kingsville

We, as the Hearing Board, are unaware of the matters being brought forward and we are only now receiving and reviewing the information provided by staff this afternoon.

The Authority has adopted regulations under section 28 of the *Conservation Authorities Act* which requires the permission of the Authority for development within an area regulated by the Authority in order to ensure no adverse affect on (the control of flooding, erosion, dynamic beaches or pollution or conservation of land) or to permit alteration to a shoreline or watercourse or interference with a wetland.

The Staff has reviewed this proposed work and a copy of the staff report has been given to the applicant.

The *Conservation Authorities Act* (Section 28 [12]) provides that:

"Permission required under a regulation made under clause (1) (b) or 8) shall not be refused or granted subject to conditions unless the person requesting permission has been given the opportunity to require a hearing before the authority or, if the authority so directs, before the authority's executive committee."

In holding these hearings, the Authority Board is to determine whether or not a permit is to be issued. In doing so, we can only consider the application in the form that is before us, the staff report, such evidence as may be given and the submissions to be made on behalf of each applicant.

The proceedings will be conducted according to the *Statutory Powers Procedure Act*. Under Section 5 of the *Canada Evidence Act*, a witness may refuse to answer any question on the ground that the answer may tend to criminate the person, or may tend to establish his/her liability to a civil proceeding at the instance of the Crown or of any person.

The procedure in general shall be informal. However, this is a quasi-judicial process, and provides for evidence to be given in response to members' question. Therefore, staff and applicants will be asked to swear an oath or provide an affirmation to speak the truth.

In accordance with section 28 of the *Act*, an applicant who has been refused permission or who objects to conditions imposed on a permission may, within 30 days of receiving the reasons, appeal in writing, to the Minister who may refuse the permission, or grant permission with or without conditions. Through Order in Council, the responsibility for hearing the appeal has been transferred to the Mining and Lands Tribunal.

If the applicant has any questions to ask of the Hearing Board or of the Authority representative, they must be directed to the Chair of the board.

Staff will first introduce the applicant, his/her owner, and others wishing to speak, and then present the staff position. The applicant and/or their agent may then speak and make any comments on the staff position if they so desire. I would also remind everyone that the Hearing Board is open to the public, and therefore we will allow others to speak and, if necessary, the applicant in rebuttal. We, as the Hearing Board, will question, if necessary, both the staff and the applicant/agent.

Before I ask Dan Jenner, Regulations Coordinator to introduce the applications, I would ask that he swear an oath or provide an affirmation to speak the truth.

Dan Jenner, Regulations Coordinator Watershed Management Services took an affirmation.

Dan Jenner introduced the applications and context for the application. The Chair asked applicant (or agents for applicant) to swear oath or provide affirmation to speak the truth (as above).

i. [Cindy Hollister](#)

Resolution 69/21 Moved by Larry Patterson
Seconded by Mark Carrick
THAT the application from Cindy Hollister to request relief from access (ingress and egress) policy requirements to construct a dwelling on a vacant lot at Lot 268, Plan 736, Lake Erie Drive, Town of Amherstburg be approved. **Carried**

ii. [Walter Branco, Noah Homes](#)

Resolution 70/21 Moved by Larry Verbeke
Seconded by Morley Bowman
THAT the application from Walter Branco, Noah Homes to request relief from access (ingress and egress) policy requirements to construct a dwelling at 1105 Heritage Road, Town of Kingsville be approved.
Carried

B. Reconvene as Essex Region Conservation Authority Board of Directors

Resolution 71/21 Moved by Trevor Jones
Seconded by Marolyn Morrison
THAT the Hearing Board reconvene as the Board of Directors.
Carried

6. Adoption of Minutes

A. ERCA Board of Directors

Resolution 72/21 Moved by Ed Sleiman
Seconded by Laura Lucier
THAT the Minutes of the Thursday, June 17, 2021 meeting of the Board of Directors and the recommendations therein be approved as distributed.
Carried

B. ERCA Executive Committee

Resolution 73/21 Moved by Peter Courtney
Seconded by Chris Vander Doelen
That the minutes for the August 24, 2021 meeting of the Executive Committee and the recommendations therein be approved as distributed.
Carried

7. Business Arising from the Previous Minutes

None

8. Announcements

Good evening, and welcome to everyone tuning in from home tonight.

Summer visitation at conservation areas and trails has continued to exceed expectations. Since re-opening in July, more than 2,000 guests have visited the John R. Park Homestead Conservation Area. As staff collect visitation data, it is interesting to note that visitors from the City of Windsor and from outside of the region are the two largest user groups, with a fairly even distribution of guests from across County municipalities, reinforcing why the Homestead was voted 'Best in Windsor-Essex' for the past three years.

Visitation to Holiday Beach over the summer has doubled when compared to the last two years; and the number of annual passes sold has been the highest in the last 5

years. As well, we opened our virtual hunting platform in August with tremendous success and significant uptake.

Applications for permits continue to be received at the record pace established in 2020. In 2020, over 1400 permits were issued and our Regulations Department is on target to match and/or exceed this number in 2021. The 1400 permits were the highest of any Conservation Authority in the province.

This fall, Conservation Services staff will be implementing the control of invasive Phragmites in a Provincially Significant Wetland in Amherstburg to improve the biological health of this wetland located near the mouth of the Canard River. Phragmites control is a significant concern shared by all regional municipalities and this undertaking will provide valuable information for future Phragmites control projects.

In partnership with the City of Windsor, erosion protection and fish habitat construction will continue on Peche Island. To date, the Authority has facilitated over \$500,000 to assist the City in completing Phase 1 of this shoreline protection and habitat enhancement project.

We are also continuing our work with farmers to implement new practices to reduce the amount of phosphorus entering into Lake Erie.

I'd like to extend my appreciation to the Essex Region Conservation Foundation and all of the participants in its Fundraising Golf Tournament. It was an excellent event which raised over \$37,000. Once again, a big 'thank you'.

Also, a reminder that the Foundation will host the Essex Region Bike Tour on September 25, 2021 with modification to ensure participant and volunteer safety. Registration information can be found on the Essex Region Conservation website.

I would like to extend a thank you to the Staff, Administration and Board Members for seeing this year through in a professional, team fashion. We have navigated through a pandemic of many challenges. We have managed through administrative changes, as well as changes to the Conservation Authorities Act. You should all be proud and know that this has not gone unnoticed. There are always challenges and how you navigate through the challenges with integrity will carry this team forward successfully. Again, I extend my thanks to the entire team.

9. Delegations

None

10. Presentations

None

11. Reports for Approval

A. BD 21/21 Floodplain Prioritization Project

Resolution 74/21 Moved by Kieran McKenzie

Seconded by Peter Courtney

THAT the Board of Directors approve the Floodplain Prioritization Report for use in guiding Administration in prioritizing sub watersheds in need of new and/or updated flood hazard mapping; and further,

THAT ERCA staff continue to review and update the data used in the prioritization methods, as required, to support continued guidance on flood hazard-related priorities and future funding application; and further,

THAT Administration continue to collaborate with all municipalities to undertake regional studies that guide and inform sustainable planning and development matters with respect to natural hazards. **Carried**

12. Reports for Information

A. BD 22/21 Financial Activities for the 7 periods ending July, 31, 2021

Resolution 75/21 Moved by Mark Carrick

Seconded by Larry Patterson

THAT Report BD 22/20, Unaudited Statement of Operating Activities for Seven Months Ended July 31, 2021, be received as distributed, for Member's information. **Carried**

B. BD 23/21 Turkey Creek Hydrologic and Hydraulic Modelling – Project Update

Resolution 76/21 Moved by Dayne Malloch

Seconded by Tracey Bailey

THAT Report BD 23/21 be received for Member's information.

Carried

C. BD 24/21 Essex Region Conservation Foundation: Strategic Plan 2021

Resolution 77/21 Moved by Larry Patterson
Seconded by Kieran McKenzie
THAT Report BD 24/21 be received for Member's information.
Carried

D. BD 25/21 Watershed Management Services Activities Report for June, July and August 2021

Resolution 78/21 Moved by Laura Lucier
Seconded by Morley Bowman
THAT the review of Regulations and Planning Applications, as presented in Report BD25/21 be received for Members' information **Carried**

E. Environmental Registry Reports

- i. Conservation Ontario comments on the "Regulatory Proposals (Phase 1) under the Conservation Authorities Act" (ERO#19-2986)

Resolution 79/21 Moved by Jim Morrison
Seconded by Trevor Jones
THAT Conservation Ontario comments to the Environmental Registry of Ontario regarding the Regulatory Proposals (Phase 1) under the Conservation Authorities Act (ERO#19-2986) be received for information.
Carried

F. Correspondence

- i. Letter from Andy Mitchell, Chair Conservation Ontario to The Honourable Minister Piccini, MECP regarding the Regulatory Proposals for the Conservation Authorities Act, dated June 22, 2021
- ii. Letter from Essex County Field Naturalists' Club regarding Creation of a park at Candidate Natural Heritage Site (CNGS) #39 dated August 24, 2021

Resolution 80/21 Moved by Laura Lucier
Seconded by Larry Patterson
THAT correspondence be received for Member's information. **Carried**

13. Committee of the Whole

A. Endorse Actions of the Committee of the Whole

Resolution 81/21 Moved by Trevor Jones
Seconded by Morley Bowman
That the actions of the Committee of the Whole be endorsed.
Carried

14. New Business

None

15. Other Business

A. Next Meeting

The next meeting of the ERCA Board of Directors will be held At the Call of the Chair on Thursday, October 14, 2021 starting at 6:00 p.m. via Zoom web conferencing

16. Adjournment

Resolution 82/21 Moved by Larry Verbeke
Seconded by Joe Bachetti
That the September 9, 2021 Meeting of the Essex Region Conservation Authority Board of Directors be adjourned. **Carried**



Tania Jobin
Chair



Tim Byrne
CAO/Secretary-Treasurer