

**UPPER THAMES RIVER CONSERVATION AUTHORITY BOARD OF DIRECTORS' MEETING**

**AGENDA**

**TUESDAY, SEPTEMBER 29, 2020 at 9:30 A.M**

**Virtual Meeting Due to COVID-19 Pandemic**

**1. Approval of Agenda**

Mover: B.Petrie

Seconder: J.Reffle

THAT the Board of Directors approve the Agenda as posted.

**2. Declaration of Conflicts of Interest**

**3. Minutes of the Previous Meeting: Tuesday August 25, 2020**

Mover: J.Salter

Seconder: M.Schadenberg

THAT that the UTRCA Board of Directors approve the Board of Directors' minutes dated August 25, 2020, including any closed session minutes, as posted on the Members' web-site.

**4. Business Arising from the Minutes**

**5. Delegations**

**6. Business for Approval**

**6.1 UTRCA 2021 Draft Budget Concepts Memo – I.Wilcox/C.Saracino #123649**

Mover: A.Westman

Seconder: M.Blosh

THAT the Board of Directors approve the recommendations as presented in the report.

**6.2 Fanshawe & Pittock Dam Safety Review – C.Tasker/D.Charles/F.Brandon-Sutherland  
FC # 1742**

Mover: A.Dale

Seconder: D.Edmiston

THAT the Board of Directors approve the recommendations as presented in the report.

**6.3 Update to Hearing Guidelines for Conducting Hearings Pursuant to Section 28 of the  
Conservation Authorities Act – I.Wilcox/T.Annett ENVP #9482**

Mover: A.Hopkins

Seconder: T.Jackson

THAT the Board of Directors approve the recommendation as presented in the report.

**7. Business for Information**

7.1 Section 28 Status Report – T.Annett ENVP #9481

Mover: N.Manning

Seconder: H.McDermid

THAT the Board of Directors receives the report as presented.

7.2 Blue Green Algae – Wildwood Conservation Area Reservoir – J.Howley/C.Harrington  
CA #8073

Mover: P.Mitchell

Seconder: A.Murray

THAT the Board of Directors receives the report as presented.

7.3 Tender Award - West London Dyke Reconstruction Phase 7

C.Tasker/D.Charles/F.Brandon-Sutherland FC #1743

Mover: B.Petrie

Seconder: J.Reffle

THAT the Board of Directors receives the report as presented.

7.4 Wildwood Dam Motor Control Cabinet – C.Tasker/D.Charles/F.Brandon-Sutherland  
FC #1744

Mover: J.Salter

Seconder: M.Schadenberg

THAT the Board of Directors receives the report as presented.

**8. September 2020 For Your Information Report**

**9. Other Business (Including Chair and General Manager’s Concluding Remarks)**

**10. Closed Session – In Camera**

Mover: A.Westman

Seconder: M.Blosh

THAT the Board of Directors adjourn to Closed Session – In Camera

10.1 Plan to be Applied to Negotiations – Follow Up #2 – A.Shivas/B.Mackie/T.Annett

Mover: A.Dale

Seconder: D.Edmiston

THAT the Board of Directors approve the recommendation as presented in the report.

Moved by: A.Hopkins

Seconded by: T.Jackson

THAT the Board of Directors Rise and Report progress.

**11. Adjournment**

Mover: N.Manning



Ian Wilcox, General Manager

c.c. Members of the Board of Directors and Staff

MINUTES  
BOARD OF DIRECTORS' MEETING  
Virtual Meeting Due to COVID-19 Pandemic  
TUESDAY, SEPTEMBER 29, 2020

Members Present:	M.Blosh A.Dale A.Hopkins T.Jackson S.Levin – Chair N.Manning H.McDermid	P.Mitchell A.Murray B.Petrie J.Reffle J.Salter M.Schadenberg
Regrets:	D.Edmiston	A.Westman
Solicitor:	G.Inglis	
Staff:	T.Annett F.Brandon-Sutherland D.Charles M.Fletcher C.Harrington E.Heagy J.Howley B.Mackie	K.Maaskant C.Saracino J.Schnaithmann A.Shivas C.Tasker M.Viglianti – Recorder I.Wilcox K.Winfield

1. Approval of Agenda

The Chair confirmed the mover and seconder for approval of the agenda were willing to let their names stand.

Mover: B.Petrie

Secunder: J.Reffle

THAT the Board of Directors approve the Agenda as posted.

Carried.

2. Declaration of Conflicts of Interest

The Chair inquired whether the members had any conflicts of interest to declare relating to the agenda. There were none.

3. Minutes of the Previous Meeting

August 25, 2020

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: J.Salter

Secunder: M.Schadenberg

THAT that the UTRCA Board of Directors approve the Board of Directors' minutes dated August 25, 2020, including any closed session minutes, as posted on the Members' web-site.

Carried.

4. Business Arising from the Minutes

There was no business arising from the minutes.

5. Delegations

There were no delegations.

6. Business for Approval

6.1 UTRCA 2021 Draft Budget Concepts Memo

(Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Staff introduced the report. In response to questions staff clarified that while the 2020 Current Value Assessment (CVA) values are being phased in for property owners in terms of municipal taxation, adjustments provided by the Ministry of Natural Resources and Forestry (MNRF) for 2021 will be based on the 2019 CVA and that no phase-in is applied to the provincial formula for Conservation Authority levy allocations to municipalities.

Minister Yurek spoke at the recent Conservation Ontario Council meeting and confirmed that legislative and regulatory changes to the Conservation Authorities Act are expected by the end of the fall legislative

session. Staff are moving forward in creating the 2021 Draft budget under the assumption that the changes to levying powers set forth by Bill 108 will not come into effect until the 2022 budget year.

The staff recommended 0.6% inflationary increase was discussed and some members questioned the number, what it was based on, and expressed concerns it was too low. It was confirmed the UTRCA has a policy stating staff are to use the April to April prior year Consumer Price Index (CPI) as a guide to help the Board determine the yearly inflationary increase. Concerns were raised around the impact of underfunding on the existing hazard management efforts as outlined in number 9 of the report. Staff clarified underfunding is not a new issue, and while the Authority has managed to deliver the service effectively due to aggressively pursuing other sources of revenue, it is not sustainable over the long term and could result in levy increases in the future if Provincial funding support for Flood Control continues to decrease. Board members raised additional concerns regarding the inflationary cost of construction materials for planned capital projects.

Board members questioned the drivers behind the increased insurance costs. Staff explained that property and liability insurance is provided through Conservation Ontario group buying to minimize costs, and the UTRCA will be going to market in 2021 for the group benefits plan with the expectation that costs will be reduced. Members felt the additional value of group benefits should be considered when discussing the 0.6% levy increase.

Questions were also raised around the impact of deferring the final levy increase for the Environmental Targets Strategic Plan another year including our ability to meet Targets within the time specified. Staff agreed that deferring the final increase for Targets funding and the impacts of Bill 108 may require the Targets or their timelines to be revised. The Board also cautioned against self-inflicted budget cuts.

Mover: J.Reffle

Secunder: M.Blosh

THAT the Board of Directors approve the recommendations as presented in the report.  
Carried.

6.2 Fanshawe & Pittock Dam Safety Review  
(Report attached)

The Chair confirmed the mover and secunder were willing to let their names stand.

Mover: A.Dale

Secunder: H.McDermid

THAT the Board of Directors approve the recommendation as presented in the report.  
Carried.

6.3 Update to Hearing Guidelines for Conducting Hearings Pursuant to Section 28 of the Conservation Authorities Act  
(Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Staff confirmed the attached changes to the Hearing Guidelines were approved at the Conservation Ontario Council meeting yesterday with no further amendments needed. Staff will require additional training before Hearings can resume.

Due to Hearings being considered adjourned if a Committee member is disconnected for more than fifteen minutes, the importance of Committee members connecting to a Hearing from a location with a strong internet connection was expressed.

Staff confirmed the UTRCA has Standard Operating Procedures in place for site visits, and would be provided to Committee members should a site visit during a Hearing be requested.

Mover: A.Hopkins

Secunder: T.Jackson

THAT the Board of Directors approve the recommendation as presented in the report.

Carried.

## 7. Business for Information

### 7.1 Section 28 Status Report (Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Mover: N.Manning

Secunder: H.McDermid

THAT the Board of Directors receives the report as presented.

Carried.

### 7.2 Blue Green Algae – Wildwood Conservation Area Reservoir (Report attached)

The Chair confirmed the mover and seconder were willing to let their names stand.

Staff confirmed the beach at Wildwood was closed for the season and that algae blooms are a reoccurring issue. There were no reports of the algae bloom having a negative impact on reservoir fisheries this summer.

Mover: P.Mitchell

Secunder: A.Murray

THAT the Board of Directors receives the report as presented.  
Carried.

7.3 Tender Award – West London Dyke Reconstruction Phase 7  
(Report attached)

The Chair confirmed the mover and seunder were willing to let their names stand.

Staff confirmed that Robuck has a long history of bidding on these types of jobs with the UTRCA, and while interest was expressed by other companies, no other bids were received. Staff confirmed the bid was slightly higher than budget, but within the acceptable range.

Mover: B.Petrie

Secunder: J.Reffle

THAT the Board of Directors receives the report as presented.  
Carried.

7.4 Wildwood Dam Motor Control Cabinet  
(Report attached)

The Chair confirmed the mover and seunder were willing to let their names stand.

Mover: J.Salter

Secunder: M.Schadenberg

THAT the Board of Directors receives the report as presented.  
Carried.

8. September 2020 For Your Information Report

The September FYI was presented for the Member's information.

9. Other Business (Including Chair and General Manager's Concluding Remarks)

The Board was informed a limited number of staff have returned to the Watershed Conservation Centre (WCC), with the majority of staff continuing to work from home. Conservation Area staff have continued to work from UTRCA work places throughout the pandemic. The WCC continues to be closed to the public. The UTRCA COVID team continues to meet weekly to monitor public health recommendations and to adapt policies accordingly.



The remainder of the 2020 Board meetings will be held electronically and it is very likely the Annual General Meeting will be in this format. The Board was asked to pass-on any ideas or advice for improving the electronic meeting format to staff.

10. Closed Session – In Camera

The Chair confirmed the mover and seconder were willing to let their names stand.

There being matters to follow up on the August discussion regarding the plan to be applied to negotiations,

Mover: H.McDermid

Secunder: M.Blosh

THAT the Board of Directors adjourn to Closed Session – In Camera  
Carried.

10.1 Plan to be Applied to Negotiations – Follow Up #2

Progress Reported

The second follow up report regarding the plan to be applied to negotiations regarding UTRCA owned buildings in Motherwell, requested at the August meeting in closed session, was reviewed and discussed.

The Board rescinded a motion from June 23<sup>rd</sup> that provided staff direction regarding a plan to be applied to negotiations with a prospective renter.

The Board discussed and voted on the following deferred motion from the September 29, 2020 meeting.

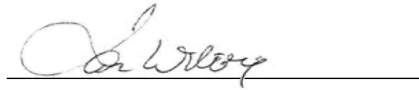
Mover: T.Jackson

Secunder: N.Manning

THAT the Board of Directors approve the recommendations as presented in the closed session report.  
Carried.

11. Adjournment

The Chair confirmed the mover was willing to let their name stand. There being no further business, the meeting was adjourned at 11:25 am on a motion by N.Manning.

A handwritten signature in cursive script, appearing to read "Ian Wilcox", is written above a horizontal line.

Ian Wilcox  
General Manager  
Att.

To: UTRCA Board of Directors  
From: Ian Wilcox, General Manager

Date: July 24, 2020

Agenda #: 6.1

Subject: UTRCA 2021 Draft Budget  
Concepts Memo

Filename: D:\Users\vigliament\Documents\GroupWise\123649-1.doc

## Recommendations:

That the Board of Directors approves the following recommendations as guidance for staff development of the 2021 Draft Budget:

1. That the 2021 Draft Budget reflects a “status quo” budget in terms of service delivery.
2. That an inflationary increase of 0.6% be included.
3. That the final \$230,000 municipal levy request in support of the Environmental Targets Strategic Plan be deferred until 2022.

## Discussion

Staff are seeking high level budget direction from the Board as guidance for the 2021 draft budget’s development. This guidance is not binding; the Board will review the full draft budget during the fall, again in January, and consider final adjustments and approval at the Annual General Meeting in February. Changes are possible and expected at each stage of the budget’s development.

The 2021 budget will be affected by several issues and Board direction is needed. These issues are reviewed in detail below with recommendations highlighted in bold font.

## 2021 Budget Considerations:

1. **Municipal Funding**- Typically staff recommend a municipal levy increase that balances program needs with public support. For 2021 staff are suggesting that municipal levy needs will be based on maintaining service levels as status quo (no service growth), but that an inflationary increase be included (discussed below). The following must also be considered as context for any municipal levy increase:
  - o Municipal Budgets:
    - St. Marys tax levy target of 1%

- Stratford tax levy target of <2%
  - Middlesex Centre tax levy target of <1%
  - Oxford County- Unknown tax levy target but staff expect it will be low.
  - West Perth- No direction to staff yet but anticipate a maintenance budget (no service growth) with minimal tax increase.
  - City of London- Approved 5.6% levy increase as part of multi-year budget approval however it is unclear if that approved value will be revisited as part of the pandemic's impact on budgets.
  - Consistent messages from municipal staff have emphasized status quo budgets (no service growth) with minimal levy increase as political interest will be minimizing increases for rate payers. The same approach will be expected from outside Boards and Commissions.
- Bill 108
- It is likely 2021 will be the final year for Conservation Authorities to levy for the full range of current services. Bill 108 (passed but not yet implemented), separates our programs into mandatory and non-mandatory programs. Negotiated agreements will be required for non-mandatory services with municipalities deciding if they want or are willing to pay for those services.
  - It is expected negotiations for non-mandatory services will take place during 2021 for the 2022 budget year. These agreements are expected to be negotiated with multi-year terms.
  - Municipal cooperation and support will be needed for non-mandatory programs to continue. This support and long term agreements may be jeopardized by an aggressive UTRCA 2021 budget that conflicts with current municipal interests and financial priorities.
- Given the above, staff recommend a status quo 2021 budget in terms of service delivery.** Overall budget costs are expected to increase (inflation, pandemic response costs, etc.) however no service growth will be planned.
2. **Inflation-** The UTRCA's current practice is to use the April- April consumer price index for Ontario as a guide for an annual inflationary increase. This value for 2020 is 0%. However, actual operating cost increases due to inflation are greater than 0% (for example, the Authority's health benefit program increased 10.1% in June) and January and February annual inflationary increases were 2.0% and above. The average annual inflationary increase during the first seven months of 2020 for Ontario was 0.6%. Canada's year to date CPI is 0.59%. As such **staff recommends an inflationary increase of 0.6% for the 2021 draft budget.**
3. **Impact of COVID-19 in 2021-** Based on experience from 2020, user fee revenue forecasts will be set conservatively for conservation areas, education programs, stewardship programs and some property leases. While difficult to predict, fewer contract opportunities will also be expected for 2021, nevertheless we will be attempting to create a balanced budget.

4. **2021 COVID-19 Expenses**- These expenses relate to new costs as part of the UTRCA's Pandemic response. e.g., cleaning, PPE, extra vehicle use, engineered controls, extra IT, etc. While investment has been made during 2020, additional costs are anticipated in 2021 specifically in terms of policy refinement, PPE and staff training. Effort will be made to manage these costs within existing budgets.
5. **Environmental Targets Strategic Plan**- There is an outstanding \$230,000 of new municipal levy that was deferred from 2020 and was to be included in the 2021 budget. This was to be the final installment of municipal funding to support the organization's Environmental Targets. Given the recommendation above supporting a status quo budget for 2021, **staff are recommending deferral of the final \$230,000 in Environmental Targets funding until 2022**. This recommendation is also made with the understanding future funding for some elements of Environmental Targets may be through negotiated municipal agreements as required through Bill 108, rather than general levy funding. It is further understood that this deferral will jeopardize achievement of the Environmental Targets by 2037, as planned.
6. **Asset Management Planning**- Preparations will begin in 2021 with formal plan development to be funded and implemented in 2022.
7. **Capital Projects**- Work will proceed in 2021 for capital projects related to health and safety and those needed to maintain current service levels. All other projects will be deferred until 2022.
8. **Section 39 Hazard Management Provincial Transfer Payment** - Funding is assumed to be status quo for 2021.
9. **Mission Centre Investment**- As disclosure, additional funding is required to support existing hazard management efforts, specifically flood forecasting and warning (\$200,000). Continued reliance on reserves is unsustainable. Other potentially "core" programs are similarly under-funded (e.g., education, monitoring) however, despite this need, a request for additional funding will be deferred until 2022 in recognition of current financial challenges resulting from the Pandemic.
10. **Restore Training and Professional Development Budgets**- Staff training and professional development budgets were frozen as part of 2020 cost saving measures. These amounts will be restored for 2021 although expenses are expected to be lower than budgeted as most sessions are being hosted virtually in 2021 as a safety measure resulting in lower travel and accommodation costs.
11. **Restore 2020 cost of living to wages as of Jan. 1**- The 1.9% cost of living wage increase approved for 2020 was eliminated in June as part of cost saving measures. This is to be restored January 1<sup>st</sup>, 2021 but is not a budget increase for the 2021 budget.

12. **Note:** The provincial funding formula that apportions levy across member municipalities will change again in 2021. The formula uses MPAC's Current Value Assessment of municipal properties within each CAs jurisdiction to calculate proportional costs. 2021 again sees the funding burden shift to rural municipalities as the value of farmland has increased faster than other land use types. This shift in funding is beyond the UTRCA's ability to control but does create frustration among our rural municipalities as their levy increases are inflated.

**2021 Budget Development Schedule**

**September 2020:** Board Direction regarding Budget Concepts

**November 2020:** Draft Budget Board Approval

**November- February 2020:** Draft Budget circulation to member municipalities for comment

**January 2021:** Board review of municipal comments and budget reconsideration

**February 2021:** Budget review and approval

Prepared and Recommended by:

Ian Wilcox, General Manager

**To:** UTRCA Board of Directors

**From:** Chris Tasker, Manager - Water and Information Management

**Date:** September 3, 2020 **Agenda #:** 6.2

**Subject:** Fanshawe and Pittock Dam Safety Reviews **Filename:** D:\Users\vigliantim\Documents\GroupWise\1742-1.doc

**Recommendations:**

The budget for the Fanshawe Dam Safety Review be increased to \$128,400 from \$100,000.  
 The budget for Pittock Dam Safety Review be increased to \$123,400 from \$100,000.  
 The budget increases include the identified provisional items to be undertaken and two vibrating wire piezometers to be installed at each of the two dams as outlined in the subsequent sections.

**Purpose**

This memo is to provide an update on project progress and document the rationale for including specific provisional items, additional instrumentation and the associated budget increases.

**Background**

Project and Procurement

Dam Safety Reviews are undertaken to assess the different components of the dam, make a statement on the safety of the dam, identify deficiencies and develop emergency preparedness plans. Requests for proposals were issued to three qualified consultants to submit proposals for the i) Fanshawe Dam Safety Review and ii) Pittock Dam Safety Review.

Three proposals were received for the Fanshawe Dam Safety Review and three proposals were received for the Pittock Dam Safety Review. In accordance with the Purchasing Policy, the proposals were first evaluated and scored based on technical details (Envelope A) and then subsequently evaluated and scored based on cost (Envelope B). KGS Group Inc. received the best score on both Envelope A and Envelope B therefore representing best value.

There were differences in the services proposed, but the tables below provide a cost summary of the costs of the base proposal and provisional items.

Fanshawe Dam Safety Review Proposals Received (not including HST)

Consultants	Base Cost	All Provisional Items	Total
KGS Group Inc.	70,913	35,928	106,841
Geosyntec Consultants	110,786	36,750	147,536
Sanchez Engineering Ltd.	164,495	-	164,495

Pittock Dam Safety Review Proposals Received (not including HST)

Consultants	Base Cost	All Provisional Items	Total
KGS Group Inc.	73,899	35,098	108,997
Geosyntec Consultants	109,946	29,581	139,527
Sanchez Engineering Ltd.	164,495	-	164,495

The UTRCA entered into a separate engineering agreement with KGS Group Inc. at each of the two dams and they have since begun the work associated with their base proposals. Work began with background data review and inspections at each dam. This initial work has allowed the review and consideration of the provisional items and which are likely to proceed.

Provisional Items

While all of the provisional items have merit, it was determined that three of the proposed provisional items could be done at a later date if necessary, while the others should be completed now in order to properly complete the Dam Safety Review. As a result these provisional items are included in the total project budgets requested.

Selected Provisional Items Fanshawe Total = 30,722

- Additional Meeting – 1,454
- Design Review of Retaining Walls – 6,426
- Geotechnical Investigation and Interpretation – 22,842

Selected Provisional Items Pittock Total = 24,220

- Additional Meeting – 1,454
- Design Review of Retaining Walls – 6,426
- Geotechnical Investigation and Interpretation – 16,340

Instrumentation

Although the consultant’s proposal included stand-pipe piezometers, vibrating wire piezometers have been strongly recommended. Vibrating wire piezometers are superior to stand-pipe piezometers as they can provide continuous and current information on the pore water pressure in the embankments. Stand-pipe piezometers depend on the actual water level in the dam; water level changes occur at a much slower rate (hours or even days) when compared to how quickly the porewater pressure changes could be detected with the vibrating wire piezometers.

Given the size of the dams, the risks related to failure, how quickly resulting flood waves progress downstream and how valuable advance warning would be (potentially allowing for emergency repairs, drawing down the reservoir, evacuations) the additional cost is well worth the investment if it is done in conjunction with boreholes which are needed to determine embankment properties for stability analysis. If the instrumentation was to be added at a later date, additional boreholes would need to be made increasing the cost significantly

Additional cost of instrumentation for Fanshawe Dam Safety Review = 9,800

Additional cost of instrumentation for Pittock Dam Safety Review = 8,400

While the instrumentation may be considered a separate capital or operating expenditure it has been included as part of this project as they are being purchased and installed as part of this project.



Total Costs (not including HST)

Dam Safety Review	Base Proposal Cost	Selected Provisional Items	Additional Instrumentation	Forecast Staff Wages (unchanged)	Total Project Cost
Fanshawe	70,913	30,722	9,800	15,000	126,435
Pittock	73,899	24,220	8,400	15,000	121,519

The total project cost for the Fanshawe Dam Safety Review including the 1.76% HST that we pay for consulting costs is \$128,400.

The total project cost for the Pittock Dam Safety Review including the 1.76% that we pay for consulting costs is \$123,400.

Recommended by:  
Chris Tasker, Manager  
Water and Information Management

Prepared by:  
Fraser Brandon-Sutherland, Project Engineer  
David Charles, Supervisor Water and Erosion Control Structures

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**To:** UTRCA Board of Directors

**From:** Tracy Annett, Manager – Environmental Planning and Regulations

**Date:** September 18, 2020 **Agenda #:** 6.3

**Subject:** *Update to Hearing Guidelines for Conducting Hearings Pursuant to Section 28 of the Conservation Authorities Act* **Filename:** ::ODMA\GRPWISE\UT\_MAIN.UTRCA\_PO.ENVP:9482.1

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**Recommendation:**

That the Board approves the recommended changes to the *Hearing Guidelines for Conducting Hearings Pursuant to Section 28 of the Conservation Authorities Act* for the Upper Thames River Conservation Authority.

**Discussion:**

The *Section 28 Conservation Authorities Act Hearing Guidelines* “Hearing Guidelines” were jointly released by the Ministry of Natural Resources and Forestry and Conservation Ontario (CO) in 2005 to reflect the changes to the 1998 Conservation Authorities Act and to support the implementation of the new (2006) Section 28 regulation. The Act requires that the applicant be party to a hearing by the local Conservation Authority Board, or Executive Committee (sitting as a Hearing Board) for an application to be refused or approved with contentious conditions. Each Conservation Authority develops their own Hearing Guidelines consistent with the CO Guidelines to provide a step-by-step process to conducting hearings. The purpose of this update to the UTRCA’s Section 28 Hearing Guidelines is to incorporate the use of electronic hearings, consistent with our Administrative By-Law.

The proposed amendments to the Hearings Guidelines are based on discussion between Conservation Ontario Staff with the Registrar at the Mining and Lands Tribunal. The amendments recognize the need for continued social distancing; allowing conservation authorities an alternate means to provide hearings under Section 28 of the *Conservation Authorities Act* (CAA) while also meeting the requirements under the *Statutory Powers Procedures Act*. The draft update was the subject of the August 20th CO Section 28 Regulations Committee meeting, with an opportunity for members to follow-up with detailed written comments.

On September 28<sup>th</sup>, Conservation Ontario will consider amendments to the “Section 28(3) Conservation Authorities Act Hearing Guidelines” dated September 15, 2020 (CO and MNRF, 2005 and amended 2018) to facilitate electronic hearings where appropriate. The UTRCA *Hearing Guideline for Conducting Hearings Pursuant to Section 28 of the Conservation Authorities Act* has been updated to reflect the proposed amendments to be consistent with CO. Any changes to the proposed considered at CO Council will be provided at the September 29, 2020 Board of Directors Meeting.

A copy of the *Hearing Guideline for Conducting Hearings Pursuant to Section 28 of the Conservation Authorities Act* for the UTRCA is attached with suggested revisions highlighted in yellow.

**Recommended by:**  
Ian Wilcox,  
General Manager

**Prepared by:**  
Tracy Annett, MCIP, RPP, Manager  
Environmental Planning and Regulations

Michelle Viglianti  
Administrative Assistant

**HEARING GUIDELINES FOR CONDUCTING HEARINGS  
PURSUANT TO SECTION 28 OF THE  
CONSERVATION AUTHORITIES ACT  
for the  
Upper Thames River Conservation Authority**

**October 2009 – Revised September 2020**

## REVISIONS

Date	Revision
	Amendments to clarify procedures to be utilized for Hearings to support electronic Section 28 hearings Section 28
August,2018	Updated terminology 1) Replaced MNRF with Mining and Lands Tribunal 2) Replaced Hearing Board with Hearing Committee
August,2013	Changed the name of Personnel Committee' the Committee from 'Hearings to 'Hearing Committee'and
October, 2009	UTRCA Hearing Guidelines Approved

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## **1.0 PURPOSE OF GUIDELINES FOR CONDUCTING HEARINGS**

The Conservation Authorities Act requires that the applicant be party to a hearing before the local Conservation Authority Board, Executive Committee or Subcommittee of the Board (sitting and described hereinafter as a "Hearing Committee") as the case may be, for an application which has been refused or approved with contentious conditions. A permit may be refused if in the opinion of the Authority the proposal adversely affects the control of flooding, pollution or conservation of land, and additional erosion and dynamic beaches. The Hearing Committee is empowered by law to make a decision, governed by the Statutory Powers Procedures Act. It is the purpose of the Hearing Committee to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved with or without conditions or refused.

These guidelines outline the processes which form the basis by which the Upper Thames River Conservation Authority (UTRCA) conducts a hearing pursuant to Section 28 of the Conservation Authorities Act.

These guidelines are intended to assist the members of the Hearing Committee, Authority staff, applicants and other hearing participants. In summarizing the guidelines, the following key points should be noted:

1. It is essential to have all relevant information available at or prior to the hearing to allow the Hearing Committee an opportunity to be informed of the issues at hand.
2. Sufficient time must be provided to both the applicant and Conservation Authority staff to offer pertinent information and clarification through responses to questions posed by the Hearing Committee, which in turn will allow the Hearing Committee to make an informed decision.
3. The rights and responsibilities of the applicant must be properly communicated and explained prior to proceeding with a hearing.
4. Hearing procedures will be followed as described in these guidelines to help ensure consistent, fair treatment of all matters brought before the Hearing Committee. The Chair of the Hearing Committee conducts the hearing. The Conservation Authority's solicitor may be present for hearings, to provide the Hearing Committee with assistance regarding issues which may arise.
5. The appeal mechanism will be explained to the applicant in the event that the Hearing Committee resolves to deny an application.

## **2.0 PREHEARING PROCEDURES**

### **2.1 Apprehension of Bias**

In considering the application, the Hearing Committee is acting as a decision-making tribunal. The tribunal is to act fairly. Under general principles of administrative law relating to the duty of fairness, the tribunal is obliged not only to avoid bias but also to avoid the appearance or apprehension of bias. The following are three examples of steps to be taken to avoid apprehension of bias where it is likely to arise.

- a) No member of the UTRCA taking part in the hearing should be involved, either through participation in committee or intervention on behalf of the applicant or other interested parties with the matter at or prior to the hearing. Otherwise, there is a danger of an apprehension of bias which could jeopardize the hearing.
- b) If material relating to the merits of an application that is the subject of a hearing is distributed to Hearing Committee members, the material shall be distributed to the applicant at the same time. The applicant may be afforded an opportunity to distribute similar pre-hearing material. **These materials can be distributed electronically.**
- c) In instances where the Hearing Committee is required to hold a hearing to help it reach a determination as to whether to give permission with or without conditions or refuse a permit application, a final decision shall not be made until such time as a hearing is held. The applicant will be given an opportunity to attend the hearing before a decision is made; however, the applicant does not have to be present for a decision to be made.

## **2.2 Application**

The right to a hearing is required where staff is recommending refusal of an application or where there is some indication that the Board of Directors of the UTRCA (exclusive of the members of the Hearing Committee) may not follow staff's recommendation to approve a permit or where the applicant, having received a conditional approval, objects to the conditions of approval. The applicant is entitled to reasonable notice of the hearing pursuant to the Statutory Powers Procedures Act.

## **2.3 Notice of Hearing**

The Notice of Hearing shall be sent to the applicant within sufficient time to allow the applicant to prepare for the hearing. To ensure that reasonable notice is given, it is recommended that prior to sending the Notice of Hearing, the applicant be consulted to determine an agreeable date and time based on the Hearing Committee's regular meeting schedule.

The Notice of Hearing must contain the following:

- a) Reference to the applicable legislation under which the hearing is to be held (i.e., the Conservation Authorities Act).
- b) **The time, place and the purpose of the hearing. OR for Electronic Hearings: The time, purpose of the hearing, and details about the manner in which the hearing will be held.**
- c) Particulars to identify the applicant, property and the nature of the application which are the subject of the hearing. Note: If the applicant is not the landowner, the applicant must have and provide written authorization from the registered landowner.
- d) The reasons for the proposed refusal or conditions of approval shall be specifically stated. The reasons should contain sufficient detail to enable the applicant to understand the issues so he or she can be adequately prepared for the hearing. It is sufficient to reference in the Notice of Hearing that the recommendation for refusal or conditions of approval is based on the reasons outlined in previous correspondence or a hearing report that will follow.
- e) A statement notifying the applicant that the hearing may proceed in the applicant's absence



and that the applicant will not be entitled to any further notice of the proceedings. Except in extreme circumstances, it is recommended that the hearing not proceed in the absence of the applicant.

- f) Reminder that the applicant is entitled to be represented at the hearing by counsel, if desired.
- g) Along with the Notice of Hearing (**Appendix B**), the applicant is sent the following documents: Instructions for the Applicant (**Appendix A**); Hearing Procedure (**Appendix C**); and Rights of a Witness with Regard to Evidence (**Appendix D**)

## **2.4 Presubmission of Reports**

It is the general practice of the UTRCA to submit reports to the Hearing Committee in advance of the hearing. The applicant also has this same opportunity. The applicant is allowed reasonable time to prepare a report once the reasons for the staff recommendations have been received. Subsequently, this may affect the timing and scheduling of the hearing.

## **2.5 Hearing Information**

Prior to the hearing, the applicant shall be advised of the Hearing Committee's procedures upon request.

A copy of the UTRCA's Hearing Guidelines is available upon request.

## **3.0 HEARING**

### **3.1 Public Hearing**

Pursuant to Section 9 of the Statutory Powers Procedure Act, hearings, including electronic hearings, are required to be held in public. For electronic hearings, public attendance should be synchronous with the hearing. The exception is in very rare cases where public interest in public hearings is outweighed by the fact that intimate financial, personal or other matters would be disclosed at hearings.

### **3.2 Hearing Participants**

The Conservation Authorities Act does not provide for third party status at the local hearing. While others may be advised of the local hearing, any information that they provide should be incorporated within the presentation of information by, or on behalf of, the applicant or Authority staff.

### **3.3 Attendance of Hearing Committee Members**

In accordance with the case law relating to the conduct of hearings, those members of the Hearing Committee who will decide whether to grant or refuse the application must be present during the full course of the hearing. If it is necessary for a member of the Hearing Committee to leave, the hearing must be adjourned and resumed when either the member of the Hearing Committee returns or if the hearing proceeds even in the event of an adjournment, only those members of the Hearing Committee who were present after the Hearing Committee member left can sit to the conclusion of the hearing.

### **3.4 Adjournments**

The Board may adjourn a hearing on its own motion or that of the applicant or UTRCA staff where it

is satisfied that an adjournment is necessary for an adequate hearing to be held.

Any adjournments form part of the hearing record. For Electronic meetings, the Board is not considered adjourned unless any member departs due to technical issues for more than 15 minutes.

### **3.5 Orders and Directions**

The Hearing Committee is entitled to make orders or directions to maintain order and prevent the abuse of its hearing processes. The UTRCA's hearing guidelines has been included as **Appendix C**.

### **3.6 Information Presented at Hearings**

- a) The Statutory Power Procedure Act requires that a witness be informed of his or her right to object pursuant to the Canada Evidence Act. The Canada Evidence Act indicates that a witness shall be excused from answering questions on the basis that the answer may be incriminating. Further, answers provided during the hearing are not admissible against the witness in any criminal trial or proceeding. This information should be provided to the applicant as part of the Notice of Hearing.
- b) It is the decision of the Hearing Committee as to whether information is presented under oath or affirmation. It is not a legal requirement. The applicant must be informed of the above, prior to or at the start of the hearing.
- c) The Hearing Committee may authorize receiving a copy rather than the original document. However, the Hearing Committee can request certified copies of the document if required.
- d) Privileged information, such as solicitor/client correspondence, cannot be heard. Information that is not directly within the knowledge of the speaker (hearsay), if relevant to the issues of the hearing, can be heard.
- e) The Hearing Committee may take into account matters of common knowledge such as geographic or historic facts, times measures, weights, etc or generally recognized scientific or technical facts, information or opinions within its specialized knowledge without hearing specific information to establish their truth.

A copy of the UTRCA's Rights of a Witness with Regard to Evidence is included in **Appendix D**.

### **3.7 Hearing Procedures**

#### **3.7.1 Record of Attending Hearing Committee Members**

A record will be made of the members of the Hearing Committee.

#### **3.7.2 Opening Remarks**

The Chair should convene the hearing with opening remarks which; identify the applicant, the nature of the application, and the property location; outline the hearing procedures; and advise on requirements of the Canada Evidence Act. Please reference Appendix C for the Opening Remarks model. In an electronic hearing, all parties and the members of the Hearing Committee must be able to clearly hear one another and any witnesses throughout the hearing.

### **3.7.3 Presentation of Authority Staff Information**

Staff of the UTRCA present the reasons supporting the recommendation for the refusal or conditions of approval of the application. Any reports, documents or plans that form part of the presentation should be properly indexed and received.

Consideration should be given to the designation of one staff member or legal counsel who coordinates the presentation of information on behalf of UTRCA staff and who asks questions on behalf of UTRCA staff.

### **3.7.4 Presentation of Applicant Information**

The applicant has the opportunity to present information at the conclusion of the UTRCA staff presentation. Any reports, documents or plans which form part of the submission should be properly indexed and received. It is noted that all information about the application should have been provided to the Conservation Authority to assist staff with making a recommendation on the application. If new information is brought before the Hearing Committee which was not part of the application that was processed by staff, the Hearing Committee may need to adjourn the hearing to allow UTRCA staff sufficient time to review the new information.

The applicant shall present information as it applies to the permit application in question. For instance, does the requested activity affect the control of flooding, erosion, dynamic beach or conservation of land or pollution? The hearing does not address the merits of the activity or appropriateness of such a use in terms of planning.

- The applicant may be represented by legal counsel or agent, if desired
- The applicant may present information to the Hearing Committee and/or have invited advisors to present information to the Hearing Committee
- The applicant(s) presentation may include technical witnesses, such as an engineer, ecologist, hydrogeologist etc.

### **3.7.5 Questions**

Members of the Hearing Committee may direct questions to each speaker as the information is being heard. The applicant and /or agent can make any comments or questions on the staff report.

Pursuant to the Statutory Powers Procedure Act, the Board can limit questioning where it is satisfied that there has been full and fair disclosure of the facts presented. Please note that the courts have been particularly sensitive to the issue of limiting questions and there is a tendency to allow limiting of questions only where it has clearly gone beyond reasonable or proper bounds.

### **3.7.6 Deliberation**

After all the information is presented, the Hearing Committee may adjourn the hearing and retire in private to confer. The Hearing Committee may reconvene on the same date or at some later date to advise of the Hearing Committee's decision. The Hearing Committee members should not discuss the hearing with others prior to the decision of the Hearing Committee being finalized.

## **4.0. DECISION**

The applicant must receive written notice of the decision and, if the application has been refused, should be informed of the right to appeal the decision, within 30 days upon receipt of the written decision, to Mining and Lands Tribunal (Section 13, Statutory Powers Procedure Act; Section 28(14) and Section 28(15), Conservation Authorities Act).

It is important that the hearing participants have a clear understanding of why the application was refused or approved. The Hearing Committee should itemize and record information of particular significance which led to their decision.

#### **4.1 Notice of Decision**

The written Notice of Decision must outline the particulars of the Decision as follows:

- (a) The names of the Hearing Committee members who participated in the decision;
- (b) The name(s) of persons who presented the UTRCA staff information;
- (c) The name(s) of persons who presented the applicant's information;
- (d) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (e) The decision to refuse or approve the application. A copy of the Hearing Committee resolution should be attached.

It is recommended that the written Notice of Decision be forwarded to the applicant by registered mail. A Notice of Decision template is included as **Appendix E**.

#### **4.2 Adoption**

A resolution advising of the Hearing Committee's decision and particulars of the decision should be adopted.

#### **5.0 RECORD**

The UTRCA shall compile a record of the hearing. In the event of an appeal, a copy of the record should be forwarded to the Mining and Lands Tribunal. The record must include the following (Section 20, Statutory Powers Procedure Act):

- a) The application for the permit.
- b) The Notice of Hearing.
- c) Any orders made by the Hearing Committee (e.g., for adjournments).
- d) All information received by the Hearing Committee.
- e) The minutes of the oral presentations made at the hearing.
- f) The decision and reasons for decision of the Hearing Committee.

g) The Notice of Decision sent to the applicant.

## 6.0 APPENDICES

### 6.1 Appendix A: INSTRUCTIONS FOR THE APPLICANT

Conservation Authorities, including the Upper Thames River Conservation Authority (UTRCA), have enacted regulations pursuant to Section 28 of the Conservation Authorities Act. Section 28(12) of the Act requires that an applicant be party to a hearing by the local Conservation Authority Board, Executive Committee or Subcommittee of the Board. In the case of the UTRCA, a Subcommittee of the Board, serves as the Hearing Committee. The Hearing Committee is an Administrative Tribunal within the definitions of the Statutory Powers Procedure Act. It is the purpose of this Hearing Committee to evaluate the information presented at the hearing by both the Conservation Authority staff and the applicant and to decide whether the application will be approved or refused.

The applicant has several responsibilities to bear in mind in proceeding to a hearing. To assist with this process, the UTRCA has provided you with the following documents:

- a) Notice of Hearing
- b) Hearing Procedure
- c) Rights of a Witness with Regard to Evidence

Well in advance of the scheduled hearing, please read this information. The **Notice of Hearing** refers to the jurisdiction and regulation(s) involved in the matter, the name of the applicant, when the hearing is scheduled to take place and where it will occur. It also asks the applicant to confirm that he/she or an agent will be able to attend on the scheduled date. Please respond by the time indicated on this Notice, which will have been either hand-delivered as part of this package or forwarded via Registered Mail.

The enclosed **Hearing Procedure** outlines the actual hearing process and the sequence of steps that the Chair will be obligated to follow. If you have any questions regarding this process, please contact the Conservation Authority at your earliest convenience. Note that upon conclusion of the hearing, the Hearing Committee will then adjourn the hearing to confer in private and will then reconvene shortly to either render its decision or announce the time and date when the Hearing Committee will reconvene to announce its decision or will forward its written decision.

On the single page entitled, **Conservation Authority Hearings - Rights of a Witness with Regard to Evidence**, an explanation is given for those who will be in a position to present information during the hearing. This page also cites the relevant statutes which apply in these matters, noting in particular that hearings such as this are governed by the Statutory Powers Procedure Act.

It is noted that all information about an application should have been provided to the Conservation Authority to assist staff with making a recommendation on the application. If new information is brought before the Hearing Committee which was not part of the application that was processed by staff, the Hearing Committee may need to adjourn the hearing to allow UTRCA staff sufficient time to review the new information. Similarly, staff should make all information that it intends to utilize in the hearing available to the applicant prior to the hearing.

Following the hearing, you will be formally advised of the Hearing Committee's decision with a **Notice of Decision**. This Notice will include the following information:

- (a) The names of the Hearing Committee members who participated in the decision;
- (b) The name(s) of persons who presented the UTRCA staff information;
- (c) The name(s) of persons who presented the applicant's information;
- (d) The identification of the applicant, property and the nature of the application that was the subject of the hearing.
- (e) The decision to refuse or approve the application. A copy of the Hearing Committee resolution should be attached.

If the decision is to **deny** the application, the Notice also explains that you have the right to appeal the decision to the Mining and Lands Tribunal **within 30 days of receipt of the Notice**. The Conservation Authority will be prepared to provide you with information on how to make proper notification with the Mining and Lands Tribunal if necessary.

If, upon reviewing all of the information provided in the enclosed package you have any questions, you are encouraged to contact the Upper Thames River Conservation Authority at your earliest convenience.

**UPPER THAMES RIVER CONSERVATION AUTHORITY**

6.2 Appendix B

**NOTICE OF HEARING**

**IN THE MATTER OF**

The Conservation Authorities Act, R.S.O. 1990, Chapter C. 27 As Amended;

**AND IN THE MATTER OF**

An Application By: (***applicant***)

For the permission of the Upper Thames River Conservation Authority pursuant to Regulations made under Section 28, **subsection 12** of said Act.

**TAKE NOTICE** that a hearing before Hearing Committee of the Upper Thames River Conservation Authority will be held under Section 28 of the Conservation Authorities Act at the offices of said Authority at the UTRCA Administration Office, 1424 Clarke Road, London, Ontario N5V 5B9 at the hour of (***time***) on (***date***) [**for electronic hearings, include details about the manner in which the hearing will be held**] with respect to the application by (***applicant***) to permit development within an area regulated by the Upper Thames River Conservation Authority under Ontario Regulation 157/06 - *Development, Interference with Wetlands and Alterations to Shorelines and* made pursuant to Section 28 of the Conservation Authorities Act on (***location of property***)

**TAKE NOTICE THAT** you are invited to make a delegation and submit supporting written material to the Hearing Committee for the meeting of (***meeting number***). If you intend to appear, [**For electronic hearings, or if you believe that holding the hearing electronically is likely to cause significant prejudice**], please contact (name).] Written material will be required by (date), to enable the Committee members to review the material prior to the meeting.

**AND FURTHER TAKE NOTICE** that if you do not attend at this Hearing, the Hearing Committee may proceed in your absence, and you will not be entitled to any further notice in the proceedings.

**PLEASE NOTIFY THIS OFFICE** by (***notification date***) as to whether you and/or your agent will be attending. A copy of Ontario Regulation 157/06 and Section 28 of the Conservation Authorities Act will be made available to you upon request.

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Registered

The Hearings Committee of  
The Upper Thames River Conservation Authority

\_\_\_\_\_  
Mr. Ian Wilcox, General Manager/Secretary-Treasurer



## 6.3 Appendix C

### HEARING PROCEDURES

- a) Motion to sit as Hearing Committee.
- b) The Chair asks if any of the Hearing Committee members have any conflicts to declare related to the hearing.
- c) Roll Call followed by the Chair's opening remarks. For electronic hearings, the Chair shall ensure that all parties and the Hearing Committee are able to clearly hear one another and any witnesses throughout the hearing.
- d) Staff will introduce to the Hearing Committee the applicant/owner, their agent and others wishing to speak.
- e) Staff will indicate the nature and location of the subject application and the conclusions.
- f) Staff will present the staff report included in the agenda.
- g) The applicant and/or their agent will present their material.
- h) Staff and the conservation authority's agent may question the applicant and/or their agent if reasonably required for a full and fair disclosure of matters presented at the hearing.<sup>1</sup>
- i) The applicant and/or their agent may question the conservation authority staff and/or their agent if reasonably required for full and fair disclosure of matters presented at the Hearings.<sup>2</sup>
- j) The Hearing Committee will question, if necessary, both the staff and the applicant/agent.

The Hearing Committee will move into closed session. For Electronic meetings, the Hearing Board will separate from other participants for deliberation.

- i. In the event that the Hearing Committee is able to make a decision within a reasonable length of time, the Hearing Committee will reconvene the hearing and announce its decision.
  - ii. In the event that the Hearing Committee wishes more time within which to consider its decision, the hearing will be adjourned and the applicant and staff will be advised that a decision will be made by the Hearing Committee, which decision will be communicated to both the applicant and staff.
- k) Members of the Hearing Committee will move and second a motion.
- l) A motion will be carried which will culminate in a decision.

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<sup>1</sup> As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

<sup>2</sup> As per the Statutory Powers Procedure Act a tribunal may reasonably limit further examination or cross-examination of a witness where it is satisfied that the examination or cross-examination has been sufficient to disclose fully and fairly all matters relevant to the issues in the proceeding.

- m) In all events, the Chair or Acting Chair of the Hearing Committee will advise the staff and the applicant/owner of the Hearing Committee's decision in writing.
- n) If decision is "to refuse", the Chair or Acting Chair shall notify the owner/applicant of his/her right to appeal the decision to the Mining and Lands Tribunal within 30 days of receipt of the reasons for the decision.

## **CHAIR'S REMARKS WHEN DEALING WITH HEARINGS WITH RESPECT TO ONTARIO REGULATION 157/06**

We are now going to conduct a hearing under section 28 of the Conservation Authorities Act in respect of an application by \_\_\_\_\_; for permission to: \_\_\_\_\_

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 watercourse or interference with a wetland.

The Authority staff have reviewed the application and supporting information and provided the applicant with a response and made arrangements for this hearing to be scheduled. A staff report has been prepared and provided to the Hearing Committee members and the applicant as part of this hearing. **The applicant was invited to file material in response to the staff report, a copy has which has also been provided to the Hearing Committee.**

Under Conservation Authorities Act (12 the person requesting permission has the right a hearing before the Hearing Committee.

In holding this hearing, the Hearing Committee is to determine whether or not a permit is to be issued, **with or without conditions**. In doing so, the Hearing Committee 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 the applicant. **Only information disclosed prior to the hearing is to be presented at the hearing.**

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.

The procedure in general shall be informal without the evidence before it being given under oath or affirmation.

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

## 6.4 Appendix D

### **Rights of a Witness with Regard to Evidence**

For your benefit and for the benefit of any other witnesses that may be called at this hearing, the Authority points out that this type of hearing is governed by the provisions of a statute called the Statutory Powers Procedure Act. Under that Act, a witness is automatically afforded a protection that is similar to the protection of the Ontario Evidence Act. This means that the evidence that a witness gives may not be used in subsequent civil proceedings or in prosecutions against the witness under a Provincial Statute. It does not relieve the witness of the obligation of his oath since matters of perjury are not affected by the automatic affording of the protection. The significance is that the legislation is Provincial and can not affect Federal matters. If a witness requires the protection of the Canada Evidence Act that protection must be obtained in the usual manner. The Ontario Statute requires the tribunal to draw this matter to the attention of the witness as this tribunal has no knowledge of the effect of any evidence that a witness may give.

**September 2009**

**UTRCA**

## 6.5 Appendix E

### **NOTICE OF DECISION** **IN THE MATTER OF**

The Conservation Authorities Act, R.S.O. 1990, Chapter C. 27 as amended;  
**AND IN THE MATTER OF**

An Application by: **(applicant name)**

For the permission of the Upper Thames River Conservation Authority pursuant to Regulations made under Section 28 of this said Act to:

**(purpose and nature of the initial application, plus location of property)**

**TAKE NOTICE THAT** In accordance with the requirements of the Conservation Authorities Act the Upper Thames River Conservation Authority provides the following Notice of Decision: On, on (date of Initial hearing. The Hearing Committee refused/approved your application/ approved your application with conditions.

#### **Members of the Hearing Committee Present:**

#### **Hearing Participants:**

#### **DECISION**

**MINUTES, HEARING COMMITTEE MEETING # (meeting #) HELD**

“Resolved

A copy the Hearing Committee’s resolution # has been attached for your records. Please note that this decision is based on the following reasons: **(the proposed development/alteration to a watercourse adversely affects the control of flooding, erosion, dynamic beaches or pollution or interference with a wetland or conservation of land).**

**AND FURTHER TAKE NOTICE THAT** In accordance with Section 28 (15) of the Conservation Authorities 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 under subsection (14), appeal to the Minister who may refuse the permission; or grant permission, with or without conditions. For your information, should you wish to exercise your right to appeal the decision, a letter by you or your agent/counsel setting out your appeal must be sent within 30 days of receiving this decision addressed to:

Environment & Land Tribunals Ontario  
Mining and Lands Tribunal  
655 Bay Street Suite 1500  
Toronto, Ontario M5G 1E5  
Attention: Daniel Pascoe, Registrar/Mediator

**A carbon copy of this letter should also be sent to this conservation authority. Should you require any further information, please do not hesitate to contact (staff contact) or the undersigned.**

**DATED** the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Registered

**The Hearing Committee of  
The Upper Thames River Conservation Authority**

\_\_\_\_\_  
Mr. Ian Wilcox, General Manager/Secretary-Treasurer

Enclosure

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**To:** UTRCA Board of Directors  
**From:** Tracy Annett, Manager – Environmental Planning and Regulations  
**Date:** September 18, 2020 **Agenda #:** 7.1  
**Subject:** Administration and Enforcement - Section 28 **Filename:** ::ODMA\GRPWISE\UT\_M  
Status Report – *Development, Interference with* AIN.UTRCA\_PO.ENVP:948  
*Wetlands and Alterations to Shorelines and* 1.1  
*Watercourses Regulation (O.Reg157/06)*

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**Section 28 Report:**

The attached table is provided to the Board as a summary of staff activity related to the Conservation Authority's *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation* (Ontario Regulation 157/06 made pursuant to Section 28 of the Conservation Authorities Act). The summary covers the period from August 1, 2020 to September 1, 2020.

**Recommended by:**

Tracy Annett, MCIP, RPP, Manager  
Environmental Planning and Regulations

**Prepared by:**

Cari Ramsey  
Environmental Regulations Technician

Jessica Schnaithmann  
Land Use Regulations Officer

Brent Verscheure  
Land Use Regulations Officer

Karen Winfield  
Land Use Regulations Officer

SECTION 28 STATUS REPORT  
SUMMARY OF APPLICATIONS FOR 2020

DEVELOPMENT, INTERFERENCE WITH WETLANDS AND ALTERATIONS TO SHORELINE AND WATERCOURSES REGULATION  
ONTARIO REGULATION 157/06

Report Date: August 2020

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Standards	Staff
125-20	Zorra	31st Line south of Road 84	Minor	Municipal Project	Proposed replacement and extension of an existing culvert crossing Nissouri Creek.	31-Jul-2020	10-Aug-2020	31-Aug-2020	10-Aug-2020	YES	Winfield
126-20	Stratford	Romeo Street crossing Avon River	Routine	Municipal Project	Proposed cured-in-place pipe lining installation to existing 300mm watermain crossing under the Avon River	2-Jul-2020	22-Jul-2020	5-Aug-2020	11-Aug-2020	NO	Schnaithmann
96-20	London	245 Bonder Road and 2551 Boyd Court	Minor	Municipal Project	Proposed Removal of Sediment from Innovation Stormwater Management Facilities No. 3 and No. 4	5-Jun-2020	6-Aug-2020	27-Aug-2020	11-Aug-2020	YES	Schnaithmann
109-20	Stratford	339 Romeo Street North	Major	Development	Proposed Construction of a New Single Family Residence, Attached Garage and Driveway	July `19, 2020	12-Aug-2020	9-Sep-2020	12-Aug-2020	YES	Schnaithmann
124-20	London	7 Beaufort Street	Routine	Development	Proposed Temporary Tent Structures (3) for Outdoor Classroom	5-Aug-2020	7-Aug-2020	21-Aug-2020	12-Aug-2020	YES	Verscheure



Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Standards	Staff
119-20	London	2120 Huron Street	Major	Complex	Proposed Construction of New Hybrid Stormwater Management Facility for future Huron Industrial Lands and Veterans Memorial Parkway	30-Jul-2020	30-Jul-2020	27-Aug-2020	13-Aug-2020	YES	Verscheure
130-20	Ingersoll	Clarke Road	Major	Municipal Project	Proposed Ingersoll Clarke Road Industrial Subdivision Stormwater Management (SWM) Facility.	30-Jul-2020	12-Aug-2020	9-Sep-2020	13-Aug-2020	YES	Winfield
33-20	Stratford	Part Lot 3, Concession 2 (North side of McCarthy Street)	Major	Alterations to Wetlands & Watercourses	Proposed Construction of Stormwater Management Facility and Cutting and Shaping of Floodplain Corridor of the McNamara Drain	26-Feb-2020	6-Aug-2020	3-Sep-2020	13-Aug-2020	YES	Schnaithmann
46-20	Middlesex Centre	45 Blackburn Crescent	Minor	Development	Proposed garage addition.	13-Aug-2020	13-Aug-2020	3-Sep-2020	13-Aug-2020	YES	Winfield
91-20	London	4224, 4252, & 4288 Lismer Lane	Minor	Development	Proposed Construction of Medium Density Residential Subdivision	26-May-2020	13-Aug-2020	3-Sep-2020	13-Aug-2020	YES	Verscheure
98-20	London	3600 Isaac Court	Minor	Development	Proposed Inground Pool Installation	8-Aug-2020	8-Aug-2020	29-Aug-2020	14-Aug-2020	YES	Schnaithmann
127-20	Stratford	Part Lot 5 Concession 2	Major	Alterations to Wetlands & Watercourses	Proposed Filling of Existing Borrow Pit (Pond 5) to Subgrade	5-Aug-2020	11-Aug-2020	8-Sep-2020	17-Aug-2020	YES	Schnaithmann
110-20	London	328 Riverside Drive	Minor	Development	Retroactive Permit Issuance for Construction of a Three Car Garage	14-Jul-2020	20-Aug-2020	10-Sep-2020	20-Aug-2020	YES	Verscheure

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Standards	Staff
112-20	London	3493 Colonel Talbot Road - Block 175	Major	Complex	Proposed 30 Unit Cluster Single Family Development / Vacant Land Condominium	22-Apr-2020	24-Jul-2020	21-Aug-2020	20-Aug-2020	YES	Verscheure
131-20	London	3493 Colonel Talbot Road - Block 173	Minor	Development	Proposed Commercial development adjacent to Silverleaf Channel	30-Apr-2020	10-Aug-2020	31-Aug-2020	20-Aug-2020	YES	Verscheure
80-20	Woodstock	Donald Thompson Park to Lansdowne Avenue Condos	Major	Municipal Project	Proposed Roth Park (Northeast Woodstock) Trunk Sanitary Sewer Upgrades Phase II - Donald Thompson Park to Lansdowne Avenue Condos adjacent the Pittock Reservoir - involving lands owned by the UTRCA	11-Jun-2020	10-Aug-2020	7-Sep-2020	20-Aug-2020	YES	Winfield
132-20	EZ Tavistock	616041 13 <sup>th</sup> Line (Part Lot 17, Concession 12)	Major	Development	Proposed Replacement of Existing Dairy Barn, Milk House, Utility Room, Office Space, Vet Room and Manure Storage	24-Aug-2020	3-Sep-2020	1-Oct-2020	3-Sep-2020	YES	Winfield
140-20	Middlesex Centre	9581 Glendon Drive	Minor	Development	Proposed Demolition of (2) Existing (KYBOs) Camp Washroom/Shower Facilities and Construction of (2) New Accessible Washroom/Shower Facilities	3-Sep-2020	10-Sep-2020	1-Oct-2020	10-Sep-2020	YES	Winfield

Permit #	Municipality	Location/Address	Category	Application Type	Project Description	Application Received	Notification of Complete Application	Permit Required By	Permit Issued On	Comply with Standards	Staff
129-20	St Marys	St. Andrew Street North	Major	Development	Proposed Construction of a New Single Family Dwelling	9-Aug-2020	14-Aug-2020	11-Sep-2020	11-Sep-2020	YES	Schnaithmann
135-20	London	195 Rathnally Street	Minor	Development	Proposed Construction of Two Storey Addition to rear of existing residence	26-Aug-2020	8-Sep-2020	29-Sep-2020	14-Sep-2020	YES	Schnaithmann
139-20	Middlesex Centre	232 Edgewater E163Boulevard	Major	Development	Proposed Construction of New Single Family Residence and Attached Garage	9-Sep-2020	15-Sep-2020	13-Oct-2020	15-Sep-2020	YES	Winfield
144-20	Middlesex Centre	2475 Gideon Drive	Minor	Development	Proposed Pole Barn/Coverall for Hay Storage	11-Sep-2020	15-Sep-2020	6-Oct-2020	15-Sep-2020	YES	Winfield
<b>EXTENSIONS or AMENDED</b>											
EX-66-19	Woodstock	Beards Lane Stormwater Management Facility	Minor	Municipal Project	Proposed Removal of Sediment	15-May-2020	6-Aug-2020	27-Aug-2020	6-Aug-2020	YES	Schnaithmann
EX-33-19	Woodstock	Southside Park	Minor	Municipal Project	Proposed Rehabilitation to the Southside Park Bridge Over Cedar Creek.	6-Aug-2020	11-Aug-2020	1-Sep-2020	11-Aug-2020	YES	Winfield
AD-89-20	St Marys	Church Street Crossing Trout Creek	Minor	Municipal Project	Proposed Repairs to Church Street Bridge	18-Aug-2020	25-Aug-2020	15-Sep-2020	28-Aug-2020	YES	Schnaithmann

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**To:** UTRCA Board of Directors

**From:** Jennifer Howley, Manager Conservation Areas  
Chris Harrington, Manager Watershed Planning, Research and Monitoring

**Date:** August 31, 2020 **Agenda #:** 7.2

**Subject:** Blue Green Algae – Wildwood CA Reservoir **Filename:** C:\Users\howleyj\Documents\Group Wise\8073-1.doc

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UTRCA staff undertake reservoir water quality monitoring during the summer season. The issues of impaired water quality and high phosphorus loadings in freshwater are not new and are widespread in southwestern Ontario. While much of the sediment and nutrient load carried by rainfall runoff moves through the river system to Lake St. Clair and Lake Erie, some of it settles out in impounded water such as Wildwood Reservoir.

Staff identified conditions were right for algae growth in Fanshawe, Pittock and Wildwood reservoirs based on data collected on July 30, 2020. Algae and cyanobacteria blooms are triggered by warm temperatures and the availability of the nutrient phosphorus for growth. Algae blooms are a common occurrence, particularly in years with higher amounts of rain in the spring and extended hot weather in the summer or fall. Two past board reports attached below for context outline the bigger picture nutrient issue (2016) and a specific extreme instance from Wildwood (2017).

On Monday, August 17, staff at Wildwood Conservation Area noticed a large bloom that they suspected to be blue green algae, based on past experience. The bloom spanned from the launch ramp along the shore to the dam/highway. Staff emailed Provincial Officer Fernando Cicerelli, Ministry of the Environment, Conservation and Parks (MECP) Abatement and Technical Support Staff, to advise him of the suspected presence of blue green algae. Huron Perth Public Health was also notified. As per past protocol, staff posted the beach as closed and included signage warning of the suspected presence of blue green algae. Similar signs were posted at the cottage area. A [Fact Sheet](#) produced by the Province was posted on the park webpage and made available at the front gate.

MECP staff were at the reservoir on Tuesday, August 18, to collect samples, but the algal bloom had shifted in the water due to weather conditions and no samples were collected. The following day, conservation area staff collected a sample and delivered it to the MECP to have tested for algal toxins.

Analysis of the sample confirmed a bloom of blue-green algae (specifically: *Planktothrix*, *Woronichinia*). Many species of blue-green algae (also called cyanobacteria) have the potential to produce toxins that are harmful to the health of humans and animals. Further algal toxin analysis is required to determine if toxins are present in the sample taken from Wildwood reservoir. MECP staff have requested this analysis but results have not yet been provided.



At this time, the beach at Wildwood CA remains closed for swimming.

Prepared by:

Jennifer Howley  
Manager, Conservation Areas

Chris Harrington  
Manager, Watershed Planning, Monitoring and Research

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**To:** UTRCA Board of Directors

**From:** Michelle Fletcher, Aquatic Biologist  
Chris Harrington, Manager Watershed Planning, Research and Monitoring  
Karen Maaskant, Water Quality Specialist

**Date:** October 13, 2017 **Agenda #:** 6 (a)

**Subject:** Wildwood Reservoir Carp Die Off **Filename:** WP #1002

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**Background:**

Large dead carp started being noticed in the Wildwood Reservoir on Friday September 15<sup>th</sup> and a significant number of fish died over the September 16-17 weekend. By Tuesday September 19<sup>th</sup> staff estimated there were 1,000+ large dead carp. At the same time Wildwood staff reported that there was a large amount of algae in the reservoir.

Both MNRF and MOECC were contact on September 19<sup>th</sup> about the fish kill and algae conditions. On September 20<sup>th</sup> UTRCA staff took water chemistry readings throughout the reservoir, assessed some of the dying fish for signs of disease (e.g. patches of discolouration on skin, swollen, pale and rotting gills, sunken eyes, etc.) and collected a water sample for MOECC analyse. The water chemistry showed very low dissolved oxygen levels in much of the lake, and the examination of the fish did not show any outward signs of disease. When this information was relayed to MNRF they indicated there was not a disease tie-in to the die off and directed UTRCA staff to continue working with the MOECC.

The analysis on the algae indicated that the majority of the algae present were a toxic form of blue-green algae. The local Health unit was alerted to this information. This did not give a definitive answer as to why only large carp were being affected. Previous large die offs of carp in the province were tied back to Koi Herpes Virus, which is only tested for by the MNRF funded Wildlife Pathology lab at the University of Guelph. As carp continued to die throughout the week repeated requests were made to MNRF to approve pathology testing at their lab. Due to the fact that the fish did not display any outward signs of disease MNRF continued to state that the die off was likely due to environmental factors but were unable to provide UTRCA staff with any explanation as to why only one species was being affected.

Due to the numbers of fish that continued to die UTRCA staff began removing dead carp from the shoreline and the lake on September 21<sup>st</sup>. It is estimated that over the next week staff disposed of more than 2,000 carp from high use areas and another 3,000 were left to the scavengers.





Due to the die off being restricted to a single species staff continued to request pathology work be done, but clearance from MNRF was not received until after the die off finished, 11 days later. Environmental factors (see below) undoubtedly played a role in the carp die off. But what is unknown is if those factors were enough to result in the die off on their own or if they were the final push for fish that were already infected with an underlying disease. Without testing it is not possible to have a definitive answer as to whether that was the case.

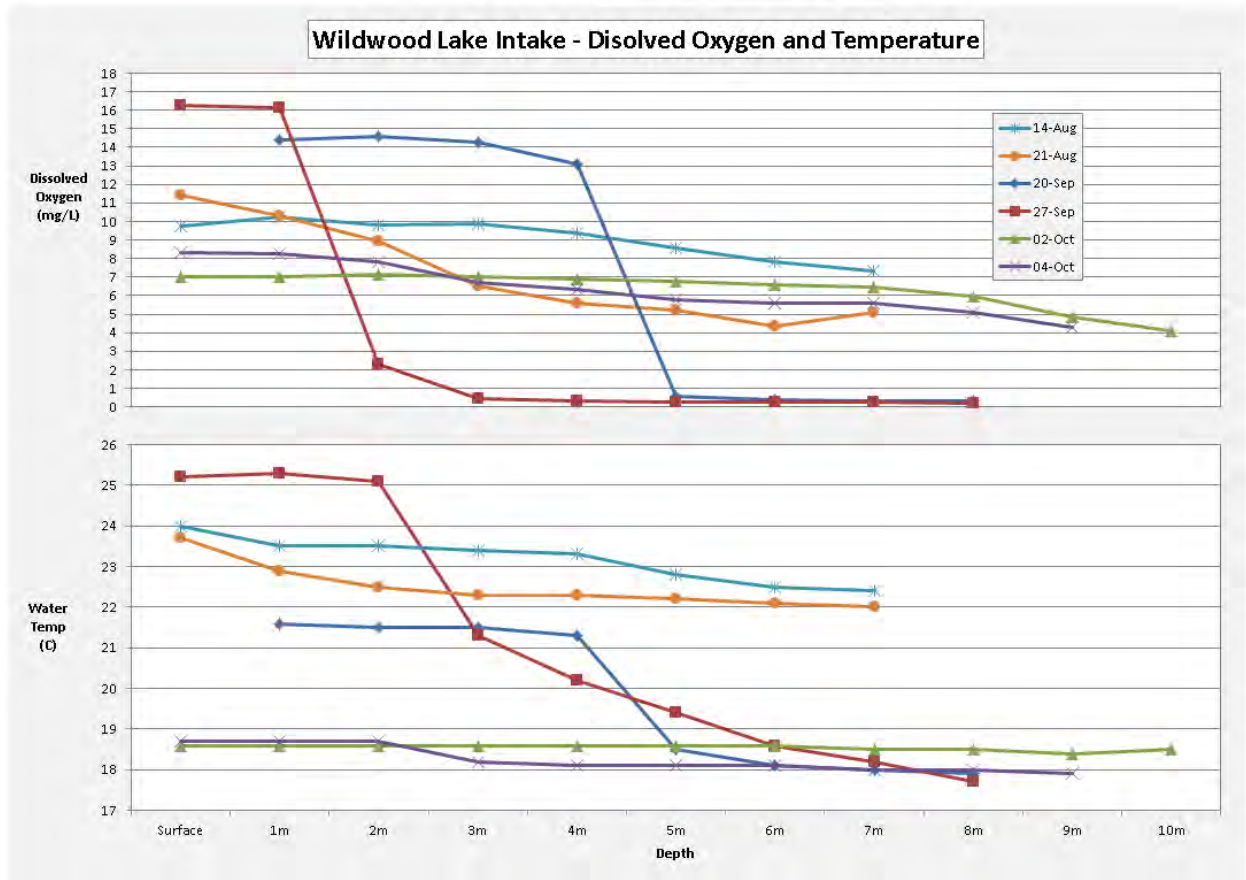
**Environmental Factors:**

During years with a high amount of rain in the spring, like 2017, there tends to be increased levels of sediment and nutrient runoff. Much of this runoff moves through the Thames River eventually reaching Lake St. Clair and Lake Erie. However some of the sediment and nutrient runoff settles out in impounded areas in the watershed, such as the Wildwood, Pittock and Fanshawe reservoirs. Algae and cyanobacteria blooms are triggered by availability of phosphorus for growth and the presence of warm temperatures. With the extended hot weather this September, conditions were right for a reservoir wide algae bloom to develop.



One of the impacts that an algae bloom of that size can have is to alter the dissolved oxygen levels of the waterbody. At the dam August water chemistry readings showed little variation in water temperature from lake surface to lake bottom, and a slow decline of DO levels from lake surface to lake bottom. During the September algae bloom water temperature showed up to a 7 degree celsius difference from lake surface to lake bottom, with a sharp temperature decline between 2-5m below the surface. And the DO levels showed super saturation at the lake surface and dropped almost to 0 by 3m below the surface through to the lake bottom.





MOECC conducted testing of the water and confirmed that Wildwood did experience a blue-green algae bloom, specifically *Planktothrix*. Algal toxin analysis was also conducted and indicated that Microcystins and Anatoxin-A were also present. As carp have been documented to eat algae staff researched the literature for support that the algae toxins could have had an impact on the carp. Several studies on the impacts of exposing Common Carp to Microcystins (one of the algal toxins recorded during this bloom) have demonstrated impacts to the liver, and reduced immune function.

**The Big Picture:**

During this same time satellite true-colour images of Lake Erie indicate a large algal bloom in the Canadian waters of western Lake Erie (<https://coastwatch.glerl.noaa.gov/modis/modis.php?region=e&page=1>). The LTVCA also reported a mild but large cyanobacteria bloom occurring in the lower Thames River during this same time period. These similar conditions in Lake Erie, the Thames River and Wildwood Reservoir again highlight the favorable conditions for Algal blooms created by the high runoff wet spring and hot and dry fall conditions.



NOAA True Colour Satellite Imagery - September 23, 2017

These similar responses to environmental conditions demonstrate the link between watershed and great lake water quality issues. Highlighting the importance of initiatives such as the development of a Draft Canada-Ontario Action Plan to achieve phosphorus reductions in Lake Erie from Canadian sources (<http://www.letstalklakeerie.ca/>), the Thames River Clear Water Revival and development of a Water Management Plan (<http://www.thamesrevival.ca/>) and the UTRCA Environmental Targets (<http://thamesriver.on.ca/wp-content/uploads//Targets/EnvironmentalTargets-June2016.pdf>). Each of these initiatives recognizes excess phosphorus as the root of the problem and aim to achieve phosphorus load reductions. As explained in a UTRCA Board of Directors report (September 2016) impaired water quality as a result of excess nutrients in the Thames River is not new and high phosphorous loading in freshwater is a widespread issue in southwestern Ontario. The report also highlights that efforts to reduce this have been ongoing for decades. Events like these in Wildwood Reservoir, the Thames River and Lake Erie all demonstrate what was identified in the UTRCA Environmental Targets that more effort is required to bring measurable environmental health improvements.

Prepared by:

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Michelle Fletcher  
Aquatic Biologist

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Karen Maaskant  
Water Quality Specialist

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Chris Harrington  
Manager, Watershed Planning,  
Research and Monitoring

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**To:** UTRCA Board of Directors

**From:** Teresa Hollingsworth, Manager Community and Corporate Services  
Brad Glasman, Manager Conservation Services  
Chris Harrington, Manager Watershed Planning, Research and Monitoring

**Date:** September 20, 2016 **Agenda #:**

**Subject:** UTRCA Phosphorus Reduction Efforts **Filename:** Watershed Planning # 751

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**Background:**

The Thames River is situated in a highly developed and highly productive part of southern Ontario. The water quality of the Thames River has undergone many changes over the past century as a result of human and land use activity in the watershed. Surface water quality has fluctuated, partly in response to changes in urban wastewater treatment, industrial waste management, agricultural practices, storm water management, and other land management practices. As the largest watershed in the Lake St. Clair basin, the Thames River has the potential to significantly impact conditions in Lake St. Clair and, by extension, in Lake Erie. Changes in the form of phosphorus entering Lake Erie, as well as altered nutrient cycling and food web dynamics, are believed to be key factors in the resurgence in recent years of algal blooms. This has resulted in the Thames River being identified as a priority watershed for the reduction of phosphorus loads to Lake Erie with a target of reducing phosphorus loads by 40% set by the federal government.

The issue of impaired water quality, including excess nutrients in the Thames River, is not new. Since the 1970's, studies have been conducted to understand sources and develop implementation programs. Some major studies include the Pollution from Land Use Activities Reference Group (PLUARG) studies in the 1970's, the Thames River Water Management Study (1970's), Stratford-Avon River Environmental Management Project (SAREMP) in the 1980's, Clean Up Rural Beaches (CURB) studies (mid 1980's to 1990's), City of London Subwatershed Studies (1990's), Kintore Creek watershed studies (1980 – 1990's), Thames Watershed and Region Watershed Characterization – Drinking Water Source Protection (2000's).

High phosphorous (P) loadings in freshwater is widespread in southwestern Ontario, not only in the Thames River. Phosphorus (P) is an essential plant growth nutrient and is therefore a key component in synthetic fertilizer, and in manure. It is also the primary nutrient that promotes excessive growth of aquatic plants and algae and can cause drastic degradation of freshwater habitats (Schindler 2012). Cyanobacteria, often called blue-green algae, produce toxic substances that can impair the health of animals and humans if ingested. Excessive algal blooms can result in eutrophication, which chokes the water body by depleting oxygen, resulting in periods of low level oxygen in the river, and conditions harmful to sensitive aquatic organisms including fish. Localized conditions of excess algae and low oxygen have persisted in areas of the Thames River watershed, especially where the river is impounded or slow moving. Although some improvement has been made, there continues to be an elevated concentration of phosphorus in streams across the watershed.

Sources of phosphorus include agricultural point sources (e.g. greenhouse irrigation and nutrient solutions, milking centre wash waters, and livestock yards) and non-point sources (e.g. nutrient application, soil erosion, cropland runoff, or tile drainage). Non-agricultural point sources include combined sewer overflows, construction sedimentation, sewage treatment plants, industrial effluents, and septic systems and non-point sources include atmospheric deposition of airborne dust, construction sites and urban storm water runoff. The phosphorous found in organic materials, including manure, compost or sewage sludge, is largely in the form of organic compounds which are stable and unavailable for plant uptake. The process of mineralization gradually converts the stable P to labile and soluble forms, which become available for crop uptake. Most commercial fertilizers are manufactured with a dissolving agent that with adequate moisture, produce a plant available Phosphorous molecule in the soil solution. It is for this reason that Phosphorous availability from commercial fertilizers is often greater than Phosphorous availability from organic sources (Rehm et. al, 2002). When applied to agricultural land, both organic and commercial fertilizers have the potential to act as nonpoint sources through soil erosion, cropland runoff, or tile drainage. Managing runoff from storm events within a rural agricultural setting is the practice of “rural storm water management”. This practice has been a focus of stewardship efforts in the Upper Thames Watershed to reduce the amount of phosphorus reaching the river. In an effort to address urban non-point sources of Phosphorus, low impact development, a storm water management approach that treats, infiltrates, filters and retains runoff at the source is being promoted through demonstrations and education and outreach.

### **Introduction:**

This report is set up with two sections below. The first highlight the research, monitoring and planning initiatives that are being undertaken to address water quality and phosphorus issues in the Thames River watershed. Efforts aimed to refine actions taken to improve water quality through monitoring and analysis and to foster collaboration with partners in are highlighted. Secondly the next section on stewardship highlights on the ground efforts currently being implemented to address the problems as many programs have been developed over the years to address the water quality issues highlighted above. In addition the stewardship section highlights opportunities to increase efforts given the amplified profile of the Thames River as a significant phosphorus source coupled with the 40% reduction in Phosphorus loading to Lake Erie set by senior levels of government. Ultimately this report aims to demonstrate both the efforts ongoing to plan and research how to best address the highlighted problems while simultaneously undertaking work on the ground to improve the situation.

### **Water Management Plan, Thames River Clear Water Revival Initiative (TRCWR) and UTRCA Environmental Targets:**

In 2013 the Upper Thames River Conservation Authority Board of Directors endorsed a Terms of Reference for the collaborative development of an updated Water Management Plan (May 2013 UTRCA Board report attached for reference). Highlight here is progress related to one of the five goals associated with development of the updated Water Management Plan. Specifically the goal identified to “Improve water quality of the Thames River watershed and downstream waterways by incorporating trends in sources, transport and accumulations of key parameters identified in the Great Lakes basin-wide initiatives and in important functions of the Thames River”.

As part of the Water Management Plan an assessment of best available water quality and water flow data for the Thames River was completed in 2015 to determine phosphorous and sediment source areas, loadings, and timing of delivery throughout the Thames watershed (Nurnberg and LaZerte 2015). The goal was to provide information, based on water quality data, to assist in understanding stream nutrient and sediment conditions and inform implementation strategies. The study was the first

to summarize long-term monitoring data for the entire Thames River system. The large temporal (24 years of data within 1986-2012) and spatial (83 stations) sampling of water quality, combined with the extensive coverage by daily flows from 26 gauges, made it possible to describe and assess the variation of nutrients and sediments throughout the Thames River watershed. The time period of 1986 - 2012 was analysed to investigate relatively recent conditions and still have enough data available to conduct a detailed analysis. Previous studies found that total phosphorus concentrations were significantly higher in the 1970's and that there were significant improvements from the 1970's to 1980's concentrations.

The study found:

- i. The estimated annual export of total phosphorous and dissolved reactive phosphorus loads from the Thames River into Lake St. Clair is 342 metric tonnes per year and 187 metric tonnes per year, respectively.
- ii. There are no trends over time in river flows since 1986, but extreme seasonal differences occur with the largest flows in late winter and spring.
- iii. There are trends over time, and across the watershed, for nutrient and sediment flow-weighted average concentrations.
- iv. Total phosphorus concentrations have decreased significantly over time at sites across the Thames River watershed since 1986, including: Thames River below the Forks to the outlet, the South Thames River branch, and the North Thames River branch.
- v. No consistent patterns since 1986 were found for dissolved phosphorus, suspended sediment, or forms of nitrogen.
- vi. Seasonally, all parameters increased in the spring, coinciding with flows. Summer concentrations could be elevated (phosphorus because of internal load/release from sediments) or decreased (nitrogen due to biological uptake).
- vii. Other than total phosphorous, higher concentrations of most nutrients occur in the headwaters of the Thames and improve towards the downstream. These trends include significantly decreasing concentrations of dissolved phosphorus, and nitrogen from the headwater stations of the South Thames River and the North Thames River to the Forks in London.
- viii. Total phosphorus decreases in the lower reaches of the Thames River, while dissolved phosphorus remains relatively constant. Tributary assessment by Environment Canada showed between 1/3 and 1/2 of total phosphorus concentration for the Thames (downstream at Thamesville) is soluble phosphorus, with highest portion of soluble phosphorus in winter.
- ix. Suspended sediments significantly decrease in the North Thames River from the headwaters to the forks, but increases in the Thames River from the forks in London towards the mouth. There is no trend in the South Thames River for suspended sediment.
- x. Phosphorus loadings are contributed from across the Thames River watershed with: 60% of the load contributed upstream of the forks in London in the Upper Thames River watershed (North Thames branch and South Thames branch), 40% of the average annual total phosphorus load added to the river from the Forks in London to the outlet at Lake St. Clair.
- xi. Sediment loads are contributed from across the Thames River watershed, with: 35% of the load contributed upstream of the forks in London in the Upper Thames River watershed (North Thames branch and South Thames branch), 65% of the average annual sediment load contributed from the Forks in London to the outlet at Lake St. Clair.
- xii. Point sources of phosphorus refer to discharge from wastewater treatment plants (WWTP) across the watershed. Loadings from measured discharge from the 30 WWTPs show a contribution of approximately 13% of the total phosphorus load in the Thames contributed in increments throughout the year.
- xiii. Non-point sources refer to all other sources of runoff (urban and rural) from areas across the watershed, made up of fertilizer, waste, detergents, etc. Non-point sources (rural and urban



areas) dominate total phosphorus loads, contributing approximately 85% of the load. Non-point sources are more flow related, and therefore contribute to higher loadings in runoff in winter/spring and extreme rain events.

The findings of the assessment report is being used as a key resource in the development of recommendations related to water quality improvements in the Thames River watershed. Draft recommendations are being developed in four key areas, one specifically focused on phosphorus load reductions. To date TRCWR partners have collaborated to provide draft recommendations based on their respective programs and area of expertise. These recommendations will form a significant section of the Water Management Plan to guide management actions and implementation. The Water Quality Assessment report also led to follow up work being undertaken to assess monitoring efforts in the Lower Thames Valley watershed. This assessment has initiated the improvement of water quality monitoring in the LTVCA with initial funding to do more monitoring and established support for extending the period of monitoring at the only continuous monitoring station on the Thames River (Thamesville).

In conjunction with development of the Water Management Plan ongoing efforts to assess the implementation options that will be most effective and efficient in achieving the goals of the plan are underway. Assessing implementation options will involve understanding the characteristics, attitudes and behaviors of the landowners that will be involved. This research serves to guide the refinement of existing programs and development of new programs. A survey in the spring of 2013 targeted rural landowners in the Upper Thames and Grand River Watersheds providing data that has been the focus of statistical analysis and research papers. The Thames River Clear Water Revival collaborative endorsed and provided funding to expand this analysis and present the findings to partners and ultimately through the submission and publication of manuscripts to peer reviewed environmental journals. Two manuscripts have been completed to date, one is still being reviewed and refined with a target of publishing by year end, the other was published earlier this year in the journal of Agriculture and Environmental Letters <https://dl.sciencesocieties.org/publications/ael/abstracts/1/1/160005> .

Development of a comprehensive water quality data management system has also been ongoing since early 2015 using industry standard WISKI (Water Information System Kisters) software systems. This system supports the ability to collect, analyze and report on surface and ground water quality and quantity and has been endorsed and supported by the TRCWR collaborative. Understanding nutrient enrichment in the Thames River watershed relies on accurately modelling critical relationships, which is dependent on the quality and completeness of water quality and quantity data records. Significant work to implement the software, develop database structures and import over 60 years of data was undertaken in 2015-16. Work continues to develop this environmental data management system in 2016 with financial support from the Ministry of Environment and Climate Change. Initiation of a larger working collaborative (WISKI Hub) has begun to support and share in the development of the system and provide economies of scale in the long run for partner Conservation Authorities. UTRCA is leading the development of a new WISKI Hub with emphasis on Conservation Authorities in the Lake Erie basin. This model is based on other Hubs that have been piloted amongst Conservation Authorities in other parts of the province.

The recent development of UTRCA Environmental Targets included a target aimed to address water quality issues in the Upper Thames Watershed specifically. The water quality target builds on nearly two decades of work and data highlighted in the UTRCA Watershed Report Cards along with decades of stewardship efforts. The targets were researched and developed by UTRCA technical staff to push for greater improvements in water quality than has traditionally occurred as highlighted by the Watershed Report Cards in five year cycles. These targets aim to make it possible to expand and evolve stewardship programs that improve water quality in each of the 28 Upper Thames

subwatersheds. Work plans will be developed to bring improvements to the local environment at a subwatershed scale that will in turn support efforts to reduce phosphorus load to Lake Erie.

### **Stewardship:**

#### Priority Subwatershed Project through GLASI funding

Last fall, the UTRCA submitted a successful proposal to the Ontario Soil and Crop Improvement Association to implement a small watershed scale project designed to determine the effectiveness of agricultural BMP's on reducing phosphorous in rural water quality. The location of the project is the upper Medway watershed. Farmers are provided with financial incentives to try different BMP activities all intended to keep phosphorous from entering the creek. An intense water quality monitoring component was started in the spring and will run until December 2017. The project is one of 5 projects funded in the western Lake Erie watershed.

#### Outreach and Education Project through GLASI funding

Early in 2016 the UTRCA completed a series of web-based case studies to illustrate the successful implementation of the types of BMPs that are eligible for the Farm Health Incentive Program (FHIP). Successful implementation accounts for both reduction in nutrient loading to Lake Erie and no loss of income. The case studies will assist Certified Crop Advisors and others in influencing farmers to implement the BMPS, and identify and promote champions who can provide local expertise.

The case studies focus on the following BMPs; cover crops, buffer strips, field windbreaks, erosion control structures and fragile land retirement. Each case study provides thorough project descriptions, photos, videos and landowner testimonials and they are available on the UTRCA website. All of the information is available as print-ready factsheets.

#### Great Lakes Water Quality and Ecosystem Health in the Thames watershed.

The UTRCA has partnered with OMFRA on large scale research and demonstration projects over the past few years (Watershed Environmental Evaluation Project). In recognition of the value of this work, OMAFRA has provided funds through the Canada-Ontario Agreement (COA) for the UTRCA to continue to build on the success of these past efforts. The main intent of the funding is to enable UTRCA to promote BMP's by engaging the broader agricultural community within our watershed and beyond. A specific component involved creating a team of local experts who produced a template to track the health of our soils over time. The funding has recently been extended to enable further research and demonstration projects to be implemented over the next 2 years.

#### Low Impact Development

Low impact development (LID) is a stormwater management method that detains, infiltrates, and filters stormwater runoff, typically in urban areas. By working in partnership with developers, municipalities, residents, and businesses, the UTRCA has been involved in the implementation of eight LID projects throughout the watershed, with nine more projects in various stages of development. UTRCA LID projects have included bioswales, rain gardens (bioretention), and a biofilter. By filtering water before it is discharged to the storm sewer, LID effectively reduces the concentration of different pollutants, including phosphorus, in stormwater runoff.

#### Clean Water Program

The CWP is a rural water quality initiative offering technical and financial assistance to landowners and community groups who carry out projects to improve and protect water quality. The CWP was initiated in 2001 as a partnership with the Counties of Middlesex, Oxford and Perth,

the Cities of London and Stratford and the Town of St. Marys and continues today with over 3500 projects completed. Project types include wetland restoration, tree planting, soil erosion control, unused well decommissioning, wellhead upgrades, milkhouse washwater disposal, livestock fencing and septic system upgrades among others.

Project types may vary year-to-year as this is a local program administered locally to meet partner needs. About half of the funding for CWP cost-sharing is provided by our local municipalities with private funders and other levels of government providing the remainder.

#### UTRCA Forestry Programs

Each year the UTRCA Private Land Forestry Program plants approximately 50,000 trees for rural landowners/farmers. The bulk of these trees are planted in field windbreaks, as buffers along watercourses and on sloping land prone to erosion. All of these plantings help to reduced soil erosion. Keeping soil on the land and out of our watercourses helps to reduce phosphorus loading. These types of planting are eligible for cost share funding of up to 70% through the Clean Water Program, Forests Ontario 50 Million Tree Program and Ontario Power Generation (OPG) Funding.

#### Rural Drainage Project: Best Management Practices (BMP) Performance Monitoring

The objective of this project is to determine the effectiveness of BMP's in removing phosphorous and sediment from municipal drainage systems. The UTRCA has partnered with the University of Guelph on this MOEE funded project. The project has 2 components. A 100m section of Medway Creek has been naturalized with features such as riffles and pools. The idea being that a healthy watercourse has the ability to bio-assimilate nutrients such as phosphorous as the water moves through the system. The second component has the U of G testing a new biofilter media for its ability to also remove phosphorous from the watercourse. As part of the monitoring program, water samples are collected routinely along with other indicators of stream health such as dissolved oxygen, temperature and benthic life. The University of Waterloo is set to run a tracer experiment this fall as an additional monitoring technique.

#### Erie P Market

This effort is part of a USDA Conservation Innovation Grant (CIG) being led by the Great Lakes Commission (GLC) to facilitate the development of a Water Quality Trading (WQT) program for this portion of the Lake Erie basin. This project is being referred to as the "Erie P Market".

The project is very much in its infancy. To-date, a tabular summary of existing trading program applications for Western Lake Erie Basin (WLEB) Water Quality Trading framework consideration has been drafted along with possible trading program characteristics. Programs from Ohio, Pennsylvania, Michigan and Ontario have been included. A draft cross-cut analysis of each program has also been completed.

For interest, the major potential trading partners within existing trading programs include sewage treatment plants, urban stormwater management and large feedlots. Also, regulations vary considerably within the WLEB which creates potentially huge challenges from area-to-area.

Nicole Zacharda is the Project Manager on behalf of the Great lakes Commission. There has been one webinar this summer to outline the project and a face-to-face meeting is planned for September 14th.

#### Other Programs within the UTRCA Watershed offered by the Ontario Soil & Crop Improvement Association

*Great lakes Agricultural Stewardship Program (GLASI) - Farmland Health Incentive Program (FHIP)* offers cost-sharing to farmers in the Lake Erie and Lake St. Clair watersheds who have completed Farmland Health Check-Ups and identified beneficial BMPs as a result.

*Species at Risk Farm Incentive Program (SARFIP)* - offers cost-sharing for farmers interested in habitat creation and protection best management practices that support species at risk. Several of



the approved projects may include those that also reduce phosphorous loss to watercourses including soil erosion control, wetland restoration, tree planting and livestock fencing.

Prepared by:

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Teresa Hollingsworth  
Manager, Community and  
Corporate Services.

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Brad Glasman  
Manager, Conservation  
Services

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Chris Harrington  
Manager, Watershed Planning,  
Research and Monitoring

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**To:** UTRCA Board of Directors  
**From:** Chris Tasker, Manager, Water and Information Management  
**Date:** September 4, 2020 **Agenda #:** 7.3  
**Subject:** Tender Award – West London Dyke Reconstruction Phase 7 **Filename:** D:\Users\vigliantim\Documents\GroupWise\1743-1.doc

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**Recommendation:**

The board receives the report on the Tender Award for West London Dyke Reconstruction Phase 7.

**Report Purpose:**

To update the Board of Directors on the tendering process and results of the West London Dyke Reconstruction Phase 7 procurement.

**Background:**

Stantec Consulting Ltd. was previously selected as the engineering consultant through a competitive RFP process to complete the design and perform the contract administration for the West London Dyke Reconstruction Phase 7. This phase of reconstruction is to continue from the terminus of the previous phase near St. Patrick Street progress upstream to Oxford Street, include an underpass at Oxford Street and terminate north of Oxford Street but south of the CP rail.

The submission deadline for tender bid was on June 10, 2020 at 12 PM noon. One tender bid was received from Robuck Contracting Ltd. for a total of \$6,075,415 + HST. This includes a \$400,000 contingency.

Robuck Contracting Ltd. has successfully performed previous phases of dyke reconstruction and has considerable experience with the work. Robuck Contracting Ltd. was awarded the work and a contract for the West London Dyke Reconstruction Phase 7 was executed and the work is currently underway.

Recommended by:  
Chris Tasker, Manager  
Water and Information Management

Prepared by:  
Fraser Brandon-Sutherland, Project Engineer  
David Charles, Supervisor Water and Erosion Control Structures

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**To:** UTRCA Board of Directors  
**From:** Chris Tasker, Manager, Water and Information Management  
**Date:** September 4, 2020 **Agenda #:** 7.4  
**Subject:** Wildwood Dam Motor Control Cabinet **Filename:** D:\Users\vigilantim\Documents\GroupWise\1744-1.doc

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**Recommendation:**

That the UTRCA Board of Directors receive the report on the Wildwood Dam MCC.

**Report Purpose**

To update the Board of Directors on the tendering process and results of the Wildwood Dam Motor Control Cabinet (MCC) procurement.

**Background**

NA Engineering Associates Inc. was previously selected as the engineering consultant through a competitive RFP process to complete the design and contract administration for the replacement of the Wildwood Dam MCC.

The submission deadline was Tuesday, July 14, 2020 at 2:00 pm. Four tender bids were received and the results are summarized in the table below:

Contractor	Total Contract Price (+ HST)
JMR Electric Ltd.	\$158,300.00
Sutherland-Schultz Ltd.	\$174,327.41
Roberts Onsite Inc.	\$187,851.00
CDI Contracting Inc.	\$237,000.00

JMR Electric Ltd. performed admirably in their work on a similar project for the UTRCA on the Fanshawe Dam MCC Replacement Project. A contract was executed with JMR Electric Ltd. and they have begun work on the project. The project includes a \$40,000 contingency in case some of the original wiring needs to be replaced which will be determined once the existing MCC is removed.

Recommended by:  
Chris Tasker, Manager  
Water and Information Management

Prepared by:  
Fraser Brandon-Sutherland, Project Engineer  
David Charles, Supervisor Water and Erosion Control Structures

# fyi

September 2020



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(L to R) Mackenzie Chute, WCA Lake Patrol, with SPS Constable Aaron Mounfield and Constable Matt Peck in the WCA enforcement boat.

## Stratford Police Return to Wildwood CA to Assist with Reservoir Patrols

In November 2018, the jurisdiction of the Stratford Police Service (SPS) expanded to include the Township of Perth South, where the main day use area of [Wildwood Conservation Area](#) (WCA) is located. As part of the transition from OPP policing coverage, staff from SPS and WCA met during the following winter. A partnership was established to jointly offer proactive, safety-oriented patrols of Wildwood Reservoir. Two SPS officers accompanied Wildwood's seasonal Lake Patrol staff person, Mackenzie Chute, in the WCA enforcement boat on four weekends during the summer of

2019. They performed routine checks to ensure boats had all the required safety equipment on board and that no alcohol or drugs were being consumed, and monitored the lake for safe boating practices. Plans were underway for a similar arrangement in 2020, but they had to be put on hold due to the COVID-19 pandemic.

Every summer, Wildwood Reservoir experiences substantial boat traffic, particularly on weekends. Visitors participate in a wide variety of activities on the water, including fishing, sailing, paddling, wakeboarding, tubing, and general pleasure boating. When the WCA boat launch and reservoir reopened on June 1, 2020, all of those activities resumed but in even greater numbers than in any recent summer. As such, we were very fortunate that the SPS eventually were able to assist again with reservoir patrols.

Officers spent substantial time on the WCA enforcement boat, as well as some time becoming more familiar with the rest of the park on the three weekends that concluded our busy summer season. They issued multiple alcohol-related charges as well as warnings for safety equipment, helping to make the lake safer and more enjoyable for all users.

Special thanks go to SPS Constable Aaron Mounfield for spearheading this program and working out all the additional details to make it happen this year in a condensed time frame. *Contact: Dave Griffin, Assistant Superintendent, WCA*



## Online Teaching

Imtiaz Shah, UTRCA Senior Environmental Engineer, was invited to present online to Chinese professionals on September 1 on

The poster is for the 'Ecological Lake and River Forum' (生态河湖云论坛). It features a logo at the top with a stylized 'S' and 'R' in a circle. Below the logo, the title '生态河湖云论坛' is written in large green characters, with the subtitle '立足河湖综合治理及相关领域技术和观点探讨' (Focusing on technical and viewpoint discussions in the field of comprehensive river and lake management and related areas). The main topic is '流域可持续发展的生态化路径' (Ecological Pathways for Sustainable Watershed Development). The date and time are '2020.09.01(周二) 19:30-21:00'. The main speaker is Imtiaz Shah, with a portrait photo and his name in Chinese. Below him are three other speakers: 赵进勇 (Zhao Jinyong), 姚杰 (Yao Jie), and 吴昊 (Wu Hao), each with a small portrait photo. At the bottom, there is a QR code and the text '长按二维码进入直播间' (Scan the QR code to enter the live broadcast room). The organizers listed are the Zhejiang Ecological Economy Promotion Association, the Zhejiang Water Science and Engineering Society, and the Zhejiang Provincial Institute of Ecological Science and Technology.

the topic of Sustainable Development Stormwater Management Techniques for Ecological Protection of Natural Features using a Water Balance Approach. The online presentation was attended by hundreds of Chinese professionals. Dr. Shah highlighted the effects of

urbanization on natural heritage features and the importance of maintaining base flow using the water balance approach and SWM LIDs in the development process and improving quality of runoff.

Contact: Imtiaz Shah, Senior Environmental Engineer

## Furtney Memorial Forest Dedication Service Goes Virtual

The [Furtney Memorial Forest](#) dedication service usually draws approximately 200 visitors to Fanshawe CA on the last Sunday in September. The 2020 dedication service will obviously be different due to COVID-19 restrictions.

This year's 29<sup>th</sup> annual dedication service can be viewed on-line on the [Logan and Evans Funeral Homes website](#) on Sunday, September 27. Dave Pizzey, Owner and Funeral Director, the Reverend Brian McKay, and Karen Pugh from UTRCA conducted a memorial tree planting service on-site at Fanshawe. Families and friends who have had trees planted in memory of loved ones



through the Logan and Evans Funeral Homes in 2019-2020 will be able to attend the service virtually.

The meaningful video was created by Steve Sauder from the UTRCA. It is our hope that, even though people who are grieving a personal loss can't be on site for the service, they will find some comfort in watching the tree planting service on-line.

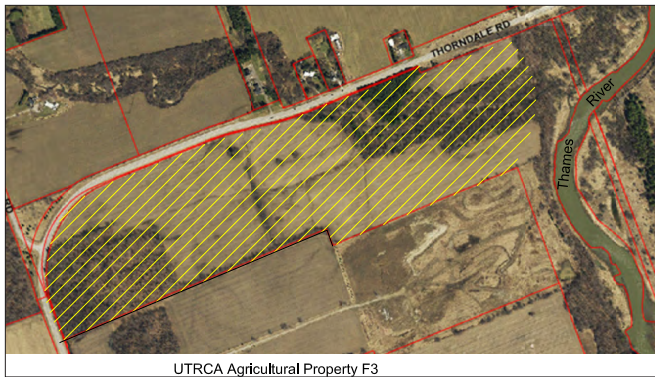
Contact: Karen Pugh, Resources Specialist

## Cover Crop & Demonstration Farm Projects - A New Initiative

Two new projects are underway through major funding from Environment and Climate Change Canada. The first project, delivered through the [Clean Water Program](#), is an opportunity for watershed landowners to receive funding to establish cover crops on their farms. Priority will be given to first-time adopters.

The second project is the creation of a Demonstration Farm focused around the use of controlled drainage installed on somewhat sloping land -- termed contour controlled drainage. This farm, with its gentle slopes, is quite representative of the farmland in the watershed. The site will provide an example to area farmers and the farm drainage industry.

Controlled drainage can hold water back in the drainage tile lines during much of the year, and then let the tiles drain freely during crop planting or harvesting periods. Ideally, the system will allow for optimal soil moisture growing conditions and the use of conservation tillage and cropping practices.



The farm is located on the Thorndale Road, just west of the Thames River.

It is anticipated that a number of other [agricultural best management practices \(BMPs\)](#) may also be showcased, including water and sediment control basins, cover crops, minimum and no-till planting, roadside and block tree planting, woody fence-row management, and woodlot management.

Although there has been considerable discussion about this project over the past few months, the planning is just getting underway. The partners who have shown interest in being involved to date include Bluewater Pipe, ADS/Ideal Drainage, McCutcheon Farm Drainage, Land Improvement Contractors of Ontario, and the Middlesex Soil and Crop Improvement Association. More information to come!  
*Contact: Brad Glasman, Manager, Conservation Services*

### **Stratford Library & UTRCA Partnership**

For the second year, the Stratford Public Library and UTRCA Conservation Areas Unit have teamed up to give library patrons the opportunity to visit our parks. The UTRCA provided two 2020 Season Vehicle Passes to the library, as was done in 2019. The passes provide day use access to Wildwood, Fanshawe, and Pittock Conservation Areas, and can be signed out similar to a library book.

This year's partnership didn't start until July 14 due to COVID-19 but, once in circulation, the passes have been quite popular! Patrons have signed out the passes 11 times this summer and there are currently nine holds on them. Each pass can be signed out for two days.



In light of the pandemic, the library is offering curbside pick up and allowing the passes to be put on hold. Once returned, the passes are “quarantined” for a short period before being “checked in” and triggering the next hold.

This initiative began in 2019 with the St. Marys Public Library and has evolved from there.  
*Contact: Jennifer Howley, Manager, Conservation Areas*

### **Why are the Leaves Falling Already?**

This question was very common this summer, when it was common to see homeowners raking leaves in August or even back in July. On closer inspection, the trees being affected are non-native Norway Maples.

The fungal leaf diseases anthracnose and tar spot are the cause. Both diseases are often present in the watershed, but they are definitely more noticeable this year due to the leaves falling earlier than ever. Many Norway Maples had 50% leaf drop by the end of August.

These leaf diseases spread quickly under humid conditions, and this was one of the hottest and most humid summers in recent years. The other factor is the Norway Maple's extremely dense crown. With minimal air flow through the crown, the leaves remain damp, which is ideal for fungal leaf disease spread.

Anthracnose turns the margins of the leaves brown, while tar spot appears as irregular black spots approximately 1 cm in diameter. In a severe case, the leaves will dry up completely and drop off prematurely. Both leaf diseases are





“See through” Norway Maple infected by fungal leaf disease, August 2020.

considered cosmetic and do not affect the overall health of the trees, which will leaf out normally next year.

As far as control, there is not a lot that can be done. One recommendation is to rake up and destroy the leaves as the spores on these fallen leaves have the ability to re-infect next year. Another option is to have a certified arborist thin



Tar spot on Norway Maple leaf.

the crown on Norway Maples to permit better air flow. Most importantly, choose a native Sugar Maple when selecting a new maple tree to plant. Sugar Maples are not impacted by these fungal leaf diseases and will provide you with much nicer fall colour.

Contact: John Enright, Forester



### Endangered Wood Poppy focus of new study

For many years, it was thought that the only surviving Canadian populations of the endangered Wood Poppy (*Stylophorum diphyllum*) were located in the upper Thames River watershed. This beautiful spring wildflower is now the focus of a new partnership study headed by Jenn (McPhee) Dyson and Corey Burt of WSP (consulting ecologists), and Dr. Jenny McCune of the University of Lethbridge. Financial support is provided by the Ministry of the Environment, Conservation and Parks 2020-2021 Species at Risk Stewardship Program and the partners. The UTRCA is providing some in-kind support as one of the species populations occurs within Fanshawe CA.

UTRCA staff have had a long involvement with this species. From 1992 to 2011, the late Dr. Jane Bowles worked with UTRCA staff and other volunteers on the Wood Poppy Committee. At that time, only two Ontario locations were known. Dr. Bowles took it upon herself to study the two small populations and later found a third. She planted their seeds at Western University’s Agricultural Research Station to



study the plant's reproductive strategies and made some very interesting discoveries about the role of ants in seed dispersal. Jane wrote the Wood Poppy Recovery Strategy for Environment Canada in 2007 and the Recovery Strategy for Ontario in 2011 for the Ministry of Natural Resources. A fourth population was found in the region in 2010.

After Jane passed away in 2013, there was little work done on the species for a time. In the last few years, Dr. Jenny McCune initiated some research into the genetics of the small isolated Ontario populations and their habitat needs. She also found another population near Bayfield, bringing the total to five.



WSP researchers Jennifer McPhee and Corey Burt by Wood Poppies in Fanshawe CA.

The current research by WSP and Dr. McCune will document the number and vigour of each plant by site, examine the genetic differences between the Ontario and US populations, and investigate reasons for the Wood Poppy's rarity. WSP have visited all the known sites and tagged each plant so they can be tracked over time. We look forward to the results in 2022.



Numbered metal tags are staked next to each plant clump.

**A final note:** Cultivars of the Wood Poppy are sold at garden centres but there is a risk these plants may contaminate the native gene pool. Cultivated plants may establish more aggressively than native ones, so there is some risk if they get into the wild.

Contact: *Cathy Quinlan, Terrestrial Biologist*

### On the Agenda

The next UTRCA Board of Directors meeting will be a virtual meeting on September 29, 2020.

- 2021 Budget Concepts
- Safety Reviews - Fanshawe and Pittock Dams
- Hearing Procedure Updates
- Section 28 Status Report
- Blue Green Algae in Wildwood Reservoir
- West London Dyke Rehabilitation Phase 7
- Wildwood Dam Motor Control Cabinet

Draft agendas, audio recordings, and approved minutes are posted at [www.thamesriver.on.ca](http://www.thamesriver.on.ca) on the "Board Agendas & Minutes" page.

Contact: [Michelle Viglianti](#), Administrative Assistant