

TIME/DATE: December 13 2011 at 7:00 pm

PLACE: Township of Whitewater Region Council Chambers

ATTENDEES:

Chairperson -- Jim Labow
Committee Members -- Izett McBride
Don Rathwell
Joe Trimm
Daryl McLaughlin
Cathy Regier
Joe Kowalski
Jim Munro

MP Representative Malcom Montgomery

MPP John Yakabuski
Mary Anne Taman

County of Renfrew Charles Cheesman
Paul Moreau

Consultants Brian Whitehead
Michael Fadock

Staff Dean Sauriol
Annette Mantifel

Attendance by public: The Council Chambers were standing room only, all seats were taken.

DISCUSSION:

1.0 Izett McBride Calls the Meeting to Order

Deputy Mayor Izett McBride called the meeting to order at 7:00 pm and welcomed all new and returning Committee members, staff, consultants, staff of MP Cheryl Gallant, MPP John Yakabuski and staff, delegation members, and the public.

2.0 Izett McBride Adoption of the Previous Minutes

The meeting minutes of the Steering Committee Meeting #13 Dated March 16, 2011 at 7:00 pm were adopted by a resolution of Council.

Moved by: Daryl McLaughlin
Seconded by: Cathy Regier

“Be it resolved that the Township of Whitewater Region Official Plan Steering Committee adopt the Minutes of the previous meeting dated March 16, 2011 as circulated.”

The motion carried.

3.0 Presentation by the Delegation representing the Cobden Conservation Club

Mr. Donald Broome presented a prepared speech to the Committee. A copy of this presentation is attached. Mr. Broome identified the following key points:

The Cobden Conservation Club (CCC) has raised funds, obtained signatures on a petition from citizens and the business community and prepared research into the issue of Lake Trout in Muskrat Lake.

- Mr. Broome identified a possible joint legal action with an adjacent township and a possible lobby effort and fundraiser to gain awareness of the situation in Muskrat Lake.
- The “Smeltgate Series” has been sent to federal offices of MNR, MOE, and Inland Fisheries
- The Conservation Club requests that Council revisit their support for the heritage river designation for the Ottawa River
- Various non-specific issues related to land use, property development, regulations and restrictions would be addressed in the coming year
- Specific goals included:
 - Restoring Muskrat Lake
 - Saving endangered smelt
 - Use of private property and other lands.
 - Getting rid of sensitive and non-essential regulations
 - Protection from bureaucratic and political agendas in Toronto
 - More local control

A history of Lake Trout and Muskrat Lake was presented including:

- Arbitrary decisions by MNR with no follow up action.
- CCC concerns not addressed by MNR.
- Lack of dialogue and justification for the 1000 ft. septic setback distance given.

- Worried about the 1000 ft. septic setback being extended further.
- Worried about what is required when septic systems need repairs or replacement.
- Lake Trout are not Native to Muskrat Lake.
- MNR refuses to stop stocking despite request from the CCC, local fishermen, and Council.

The CCC proposes to hire Michael Michalski

- The CCC has an 8 mo. history with Michael Michalski
- Wants to see something done rather than nothing.
- Estimated a cost of \$6,000.00

QUESTIONS FROM COMMITTEE:

Donny Rathwell

Thanked Mr. Broome for his work, research, and input.

Mr. Broome

Indicated that this has been an ongoing process for the last 9 months, considers it to be a difficult process, and that the last month was the hardest.

Mayor Jim Labow

Identified water quality as a separate but related issue to the concerns of the Cobden Conservation Club. The water quality issues with the lake place it as the 13th worst lake, in term of phosphorous levels, in the Province of Ontario.

Mr. Broome

MNR put lake trout in the lake causing this problem and mother nature will rebalance the lake if MNR are stopped. MNR has been acting illegally by putting a foreign species into the lake which are eating the rare and unique smelt. Until 2002 only fry had been put in, after 2002, 17 inch sub-adults were stocked, with approximately 42,000 having been stocked since 2002.

Brian Whitehead

Clarified the request of Mr. Broome and the delegation, by asking if they are requesting that this Committee make a recommendation to Council to retain the services of Michael Michalski?

Mr. Broome

Would like for the Steering Committee to recommend to Council to hire Michael Michalski. Mr. Broome has in his possession a Greer Galloway report that identifies proposed upstream drainage works as potentially having negative effects on water quality in Muskrat Lake. Mr. Broome further noted that 60% of the problems come down Snake River.

Mr. Broome also identified the need for better septic treatment system technologies as a potential solution. He noted that the Lake supports all kinds of tourism and sporting activities.

Jim Munro

Identified that he has previously spoken to Mr. Michalski and believes he is a high ranking ex-public servant with good credentials.

Mr. Broome

Mr. Michalski indicated to the CCC that he only takes 5 clients per year.

Joe Trimm

Mr. Trimm supports lifting the Lake Trout designation from Muskrat Lake. If the designation were to be lifted resulting in property values increasing and new development on the lake with new technologies for septic systems, the polluted lake water remains. The Township pays to treat the water to create drinkable water, at great expense, and while Mr. Michalski might fix the Lake Designation development problem, he cannot fix the pollution problems. Mr. Trimm identified that the Cobden Septic Treatment Plant (STP) is a negligible contributor thanks to the hard work of Township employees. Mr. Trimm felt that it was embarrassing that notices in the paper related to the poor water quality in Muskrat Lake had to go out which may hurt tourism. He would prefer to have both improved tourism and to fix water quality in the lake.

Mr. Broome

Council isn't responsible for causing the problem and he doesn't know which measures are right to fix the problem. He recalled the previous setback was 30m (100 feet) and would personally be alright with that.

Mr. Keith McLaren asked to speak. (Chair of the Cobden Conservation Club)

Wants to simplify the issues, the Cobden STP is excellent but the problem comes down the Snake River with the Government and MNR allowing 60% of the phosphorous to come in by lowering the river. He expects Council to want the problem to be fixed, but that MNR should be responsible for fixing it because MNR caused the problem in the first place.

4.0 Delegation from MPP, John Yakabuski

Praised Mr. Broome on the research and work performed to date. He identified a previous meeting held with Council on this issue and how Muskrat Lake is holding up the Official Plan process. Whitewater cannot solve the problem on its own, the numbers are there for anyone to see. The upstream source of pollution is a significant problem which is located outside the municipality.

Mr. Yakabuski identified two aides in the audience, Mary Anne Tanan who works for Mr. Yakabuski (MPP) and Malcom Montgomery who works for Cheryl Gallant (MP).

Mr. Yakabuski explained that there is no instant fix to these problem. For the first issue, earlier this year, he requested that MNR perform an analysis of Mr. Broome's data including the "Smeltgate Package" and to return a response for each allegation. Jim said that he plans to follow up on the

matter to ensure that he receives a response. He knows the information is at least at the staff level and furthermore has a copy of the 1968 report which identifies Lake Trout as a native species and wants to have the MNR respond to this information and to provide a rational and justification for management of the Lake Trout in Muskrat Lake.

The second issue relates to the water quality issues arising from high phosphorous. As he understands the situation, Lake Trout are sensitive to low dissolved oxygen (representing a barometer species), but that you can't change the phosphorous levels by removing the fish. Pollution in the water would still remain. He personally feels that current septic setbacks for development are too restrictive, questioning if anyone owns a lot 300 metres deep.

Mr. Yakabuski also identified that while the local community wants development, MNR views the matter differently and justifies their position as protecting the lake from further environmental harm. The Township wants further development on the lake and needs to mitigate phosphorous deposition from sources outside the municipality. He anticipates that several ministries will have to be involved to come up with a working solution. Regardless of the Township's response, the nutrient issue needs to be taken forward.

DISCUSSION:

Mr. Broome

Trout introduction to the lake is an integral part of the problem.

John Yakabuski

Agrees, the Committee wants Smelt over Trout.

Keith McLaren

Keith believes that trout stocking brought on monitoring and sensitivity which then prevented development. The trout are decimating the local smelt population

John Yakabuski

The Trout were the magnet which attracted attention to this issue.

Keith McLaren

The Club was told that trout are natural to the lake, but the rainbow smelt are unique. Mr. McLaren said he has an issue with separating trout and development, the two are linked together.

John Yakabuski

If trout were removed by a magical wand, the environmental problem would remain which prevents development. Development and fish remain two separate problems.

Keith McLaren

Wants the lake fixed up and restored.

John Yakabuski

Repeated that this is a multi-ministry effort.

Mr. Broome

Everyone from all over supports smelt fishing. He has noticed a considerable “die off” in the smelt population over the past five years. Feels this is a significant issue. He is worried about the smelt going extinct and the trout subsequently dying off for lack of prey and then the hot summer water might kill the trout and the result is that the whole lake will be ruined.

Izett McBride

Affirmed that multiple ministries will have to be involved including OMAFRA, MOE, MNR, MMAH

John Yakabuski

Indicated that he is on the same track as the Committee.

Jim Labow

Stated that there is a need to be careful on how MNR is spoken of. If we want their cooperation, we shouldn't be hitting them over the head with these issues. Affirmed that water quality is an issue for the Township.

John Yakabuski

Indicated he was seeking a real reply from MNR and feels that there is room for improvement in the relationship between the community and MNR. Working on this relationship can help with the problem. Mr. Yakabuski really expects a response to his previous request from the MNR as our elected representative and would like to give MNR the chance to respond.

Mr. Broome

Said he will send all of his information to John Yakabuski.

Chairperson and Mayor Jim Labow

Asked if there are any other questions, and then turned it over to Brian Whitehead of Jp2g Consultants Inc.

Brian Whitehead

Mr. Whitehead clarified that the Official Plan policies are ready to go to the public consultation phase. He indicated that Muskrat Lake is presently designated as a “Sensitive Lake” by the County of Renfrew Official Plan. The Sensitive Lake designation is very restrictive, with no new lots creation being allowed except for those with greater than 300 m of depth and that buildings and structures only require a 30 metre setback. This 300m setback for septic systems does not apply to existing lots of record.

The Official Plan Review was initiated with a clear mandate to promote growth and development in the Township of Whitewater Region. An analysis of development constraints has identified that approximately 70% of the Township has constraints to development which are related to agricultural lands, aggregates, wetlands, sensitive lake policies and other constraints. The remaining 30% of land

remains open to growth once all other provincial and federal interests are addressed. This 30% is comprised primarily of Rural, Urban, and Waterfront areas.

Mr. Whitehead supports retaining Michael Michalski for his scientific expertise, experience, and credibility. Mr. Whitehead indicated that his role in this process is to provide advice on Planning Policy matters while Michael Michalski is suited to addressing the scientific issues necessary to change policy direction. New provincial guidelines such as Lakeshore Capacity Assessment Handbook have come into effect that define the requirements for determining the capacity of lakes for development. The environmental issues in Muskrat Lake will be a limiting factor for permitting new development, even if the Township is successful in having the Sensitive Lake designation lifted.

Mr. Whitehead identified the strength in the public's cooperation and support, which provides the justification for action by this Committee and Council.

Mr. Whitehead identified a key word for the frustration everyone is experiencing, "bureaucratic disconnect", it reflects the problems with the limited and sometimes conflicting mandates at all levels of government which makes it difficult to implement a solution.

The Official Plan process is ready for public feedback and the options for moving forward include hiring Michael Michalski concurrently with performing the public feedback on the draft Official Plan policies or deferring the public process until Michael Michalski has completed his Environmental Brief. The recommended next steps include the hiring of Michael Michalski and then instructing Jp2g Consultants Inc and Township and County Staff to make a recommendation to the Steering Committee on the next steps for moving forward with the public consultation for the Official Plan policies.

5.0 Izett McBride brings a resolution to recommend that Michael Michalski be retained

"The Official Plan Review Steering Committee recommends to Council that Mr. Michael Michalski of the firm Michalski Nielsen Associated limited be retained to prepare an "Environmental Brief" to address Sensitive Lake concerns and Official Plan policies for Muskrat Lake."

Moved by: Daryl McLaughlin

Seconded by: Cathy Regier

DISCUSSION:

Joe Kowalski

Is confident that Michael Michalski can help with the lake. Mr. Kowalski indicated that will know better after his OMB hearing regarding Limerick Lake.

Jim Munro

Has spoken with Michael Michalski and finds him highly credible. Spoke about the history of the 300 metre septic distance and how it came from a Toronto University graduate students work.

The motion carried unanimously.

6.0 Resolution to adjourn

A resolution to adjourn the Committee Meeting was moved by Joe Trimm and seconded by Don Rathwell at approximately 9:15 pm.

The motion carried unanimously.

THESE MINUTES WERE RECORDED AND DISTRIBUTED BY JP2G CONSULTANTS INC. ANY ERRORS OR OMISSIONS SHOULD BE BROUGHT TO THE ATTENTION OF MICHAEL FADOCK, JP2G CONSULTANTS INC. BY MAIL AT 12 INTERNATIONAL DRIVE, PEMBROKE, ONTARIO, CANADA, K8A 6W5 OR EMAIL MICHAELF@JP2G.COM.