

**North Bay-Mattawa Conservation Authority
Members Meeting for September 11, 2024
at 4:00 pm
HYBRID - IN PERSON & ELECTRONIC
NBMCA's Marc Charron Boardroom
15 Janey Avenue, North Bay, Ontario
AGENDA**

Procedural Matters

1. Acknowledgement of Indigenous Traditional and Treaty Lands
2. Approval of the Agenda
3. Declaration of Pecuniary Interest
4. Delegations
5. Adoption of Previous Minutes from August 14, 2024
6. Correspondence
 - Water Well Testing

Business Reports

7. Section 28 Permits (**Report #1**)
8. Section 28 Designation (**Report #2**)
9. OSS Quarterly Report (**Report #3**)
10. Approval of Approximate Regulated Area (ARA) Amendments (**Report #4**)

Other Business

11. Closed session of Committee of the Whole
12. New Business
13. Adjournment

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 294 535 258 921

Passcode: eBRRwv

Contact: Rebecca Morrow, Human Resources Coordinator/Executive Assistant/Deputy CAO
North Bay-Mattawa Conservation Authority
Email: rebecca.morrow@nbmca.ca

NORTH BAY-MATTAWA CONSERVATION AUTHORITY
MINUTES
of the

EIGHTH meeting of the North Bay-Mattawa Conservation Authority held at 4:00 p.m. on September 11, 2024 in the NBMCA's Marc Charron Boardroom, 15 Janey Avenue, North Bay Ontario.

MEMBERS PRESENT:

Bonfield, Township of	-	Steve Featherstone
East Ferris, Municipality of	-	Steve Trahan
Mattawa, Town of	-	Loren Mick
Mattawan, Municipality of	-	Michelle Lahaye
North Bay, City of	-	Lana Mitchell
Papineau-Cameron, Township of	-	Shelley Belanger
Powassan, Municipality of	-	Dave Britton

MEMBER(S) ABSENT:

Callander, Municipality of	-	Grant McMartin
Calvin, Township of	-	Bill Moreton
Chisholm, Township of	-	Nunzio Scarfone
North Bay, City of	-	Chris Mayne
North Bay, City of	-	Peter Chirico

ALSO PRESENT:

Robin Allen, Interim CAO - Secretary Treasurer
Rebecca Morrow, Human Resources Coordinator/Executive Assistant/Deputy CAO
Kevin Taylor, Senior Manager, Planning & Water Resources
Githan Kattera, Water Resources Coordinator/Regulations Officer
Hannah Wolfram, Regulations Officer
Ella Bird, Deputy Chief Building Official, Acting Manager, On-Site Sewage Systems
Shawn Kozmick, GIS Staff

1. Acknowledgement of Indigenous Traditional and Treaty Lands

Michelle Lahaye read a statement acknowledging Indigenous and Treaty Lands.

2. Approval of the Agenda

After discussion the following resolution was presented:

Resolution No.102-24, Mick-Britton

THAT the amended agenda be approved as presented.

Carried Unanimously

3. Declaration of Pecuniary Interest

None declared.

4. Delegations

None

5. Adoption of Previous Minutes of August 14, 2024

After discussion the following resolution was presented:

Resolution No. 104-24, Trahan-Featherstone

THAT the minutes of the meeting held August 14, 2024 be adopted as amended.

Carried Unanimously

6. Correspondence

Members discussed a letter from Kettle Creek Conservation Authority dated May 16, 2024 and titled "Recommended phase-out of free well-water testing in the 2023 Auditor Generals Report". After discussion, the following resolution was presented:

Resolution No. 103-24, Mitchell-Britton

THAT a letter of request be sent to all municipalities as a follow up to send letters of support to Minister of Health and Public Health Units to support the Kettle Creek Conservation Authority and also all Conservation Authorities of Ontario.

Carried Unanimously

7. Section 28 Permits

Githan Kattera presented the report to the Members. After discussion, the Members thanked Githan and the following resolution was presented:

Resolution No. 105-24, Featherstone-Belanger

THAT the Prohibited Activities, Exemptions and Permits report is received and appended to the minutes of this meeting.

8. Section 28 Designation

Kevin Taylor presented the report to the Members. After discussion, the Members thanked Kevin and the following resolution was presented:

Resolution No. 106-24, Trahan-Mitchell

THAT the Regulations Officer position be designated as a Section 28-Regulations Officer;

AND THAT the Board endorses the steps taken to ensure effective management in the NBMCA’s regulatory functions through the appointment of a Regulations Officer;

AND THAT this report be received and appended to the minutes of this meeting.

Carried Unanimously

9. On-Site Sewage Systems Quarterly Report

Ella Bird presented the Mid OSS quarterly report. After discussion the members thanked Ella and the following resolution was presented:

Resolution No. 107-24, Britton-Belanger

THAT the Third Quarter Review 2024, On-Site Sewage System Report is received and appended to the minutes of this meeting.

Carried Unanimously

10. Approval of Approximate Regulated Area (ARA) Amendments

Shawn Kozmick presented the Approval of Approximate Regulated Area (ARA) Amendments report. After discussion the members thanked Shawn and the following resolution was presented:

Resolution No. 108-24, Mick-Mitchell

THAT the updated mapping be approved and distributed for use by our 10 Member municipalities. Section 28 permits are subject to property location and later verified in the field;

AND THAT this report be received and appended to the minutes of this meeting.

Carried Unanimously

11. Closed session of Committee of the Whole

After discussion, the following resolutions were presented:

Resolution No. 109-24, Belanger-Trahan

THAT the meeting move into a closed session of “Committee of the Whole” to discuss personnel,

property and legal matters at 4:45 pm.

Carried Unanimously

Resolution No. 110-24, Trahan-Belanger

THAT the meeting move out of a closed session of “Committee of the Whole” and back into an open meeting at 5:54 pm.

Carried Unanimously

12. New Business

Michelle Lahaye updated members on the Executive meeting that was held on August 28, 2024. After discussion, the following resolution was presented:

Resolution No. 111-24, Britton-Mitchell

THAT the following resolution and recommendations from the Executive Committee be received and approved by the full Board of Directors:

Resolution EXE03-24 Mitchell-Mick

That Members per diem and mileage continue to be covered by NBMCA, and that is to all members

Resolution EXE04-24 Britton-Moreton

THAT NBMCA Executive Committee recommend to the Full NBMCA Boar of Directors that electronic/in-person meetings be permitted with exception to meetings where elections are required, or the budget is being presented (except for a declared state of emergency) and

THAT electronic meetings be held in NBMCA’s Marc Charron Boardroom,

AND FURTHER THAT this report be received and appended to the minutes of this meeting.

Carried Unanimously

13. Adjournment (6:01 p.m.)

As there was no new business, the following resolution was presented:

Resolution No. 112-24, Mitchell-Mick

THAT the meeting be adjourned, and the next meeting be held at 4:00pm on October 9, 2024 or the call of the Chair.

Carried Unanimously



Michelle Lahaye, Chair



Robin Allen, Interim Chief Administrative Officer,
Secretary Treasurer



TO: The Chairperson and Members of the Board of Directors,
North Bay-Mattawa Conservation Authority

ORIGIN: Githan Kattera, Regulations Officer / Water Resources, M.Eng.
Hannah Wolfram, Regulations Officer

DATE: September 4, 2024

SUBJECT: Report on O. Reg. 41/24: Prohibited Activities, Exemptions and Permits (Ontario
Regulation 41/24)

Background:

Section 28 of the *Conservation Authorities Act* empowers each Conservation Authority to prevent the loss of life and property due to flooding and erosion, and to conserve and enhance natural resources. On April 1, 2024, the *Conservation Authorities Act* was amended, and Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) was enacted. This regulation continues to be used as the tool by which the NBMCA manages issues related to development in natural hazard areas, including areas with floodplains, wetlands, and steep slopes. Within this regulation, an Authority may issue a permit to a person to engage in an activity specified in the permit that would otherwise be prohibited by Section 28 if, in the opinion of the authority

- (a) The activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock;
- (b) The activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property; and
- (c) Any other requirements that may be prescribed by the regulations are met. 2017, c. 23, Sched. 4, s. 25; 2022, c. 21. Sched.2, s. 9 (1)

On March 28, 2024, the Chief Administrative Officer, Secretary-Treasurer received delegation from the Board of Directors to issue permits under the amended Ontario Regulation 41/24.

As such, this Board Report is being presented to the NBMCA Board of Directors for information purposes.

Analysis:

Since the approval of the previous minutes, the Conservation Authority has issued **eleven** new permits and responded to **four** legal inquiries. Additionally, some properties have been classified as exemptions under Ontario Regulation 41/24. A formal email has been sent to the respective applicants, indicating that a permit is not required and that an email confirmation from our office will suffice. Table 1., below, summarizes the details of the issued permits and a corresponding map (Figure 1) depicts the locations of the eleven new permits.

Among the newly issued permits, there are **three** large projects, **two** standard projects, such as shoreline protection and garages, and **six** small projects. The average time from when a complete application was received to the permit issue date was 6.6 days.

Recommendation:

THAT the members receive and approve the Prohibited Activities, Exemptions and Permits report as presented.

Recommended Resolution:

THAT the Prohibited Activities, Exemptions and Permits report is received and appended to the minutes of this meeting.



Hannah Wolfram, Regulations Officer

Table 1: Details of eleven new issued permits

File No.	Name of Applicant	Municipality	Legal Description/ Address	Name of Regulated Features	Nature of Work	Date Complete Application Received	Prohibited Activities, Exemptions and Permits: Permit #/Date Issued
REF-24-12	Lise Haule	East Ferris	1033 Hwy 94	Wetland	Residential home construction	July 22, 2024	#54-24 August 9, 2024
RNB-24-40	Jeff Bannister	City of North Bay	31 Superior Crescent	Floodplain	Deck reconstruction	August 4, 2024	#55-24 August 9, 2024
RNB-24-42	Jamie Kirstein	City of North Bay	303 Airport Road	Chippewa Creek Flood Plain	Garage/workshop construction	August 8, 2024	#57-24 August 21, 2024
REF-24-17	NBMCA	East Ferris	N/A (in the river)	La Vase River	Staff gauge installation	August 15, 2024	#60-24 August 16, 2024
REF-24-16	Degagne Carpentry	East Ferris	55 One Mile Road	Unnamed Watercourse Floodplain	Residential home construction	August 21, 2024	#61-24 August 22, 2024
RNB-24-46	Michael Kirk	City of North Bay	1005 Premier Road	Lake Nipissing Shoreline	Home upgrades (attic converted to new bedroom)	August 20, 2024	#62-24 August 21, 2024
RCHI-24-03	Geoff Raffan	Chisholm	120B Greenpoint Road	Wasi Lake Shoreline	Rip-rap wall to stabilize shoreline	August 19, 2024	#63-24 August 21, 2024
RCHI-24-04	NBMCA	Chisholm	N/A (in the river)	Wasi River	Staff gauge installation	August 21, 2024	#64-24 August 26, 2024
RNB-24-48	City of North Bay	City of North Bay	1494 Chapais Street	Wetland and watercourse	Remove sediment from watercourse and stabilize banks	August 23, 2024	#65-24 August 26, 2024
RNB-24-44	Jack Phillips	City of North Bay	1901 Northshore Road	Trout Lake Shoreline	Replacement of footpath	August 27, 2024	#66-24 August 30, 2024
RNB-24-47	Lloyd Turbitt	City of North Bay	1070 Premier Road	Lake Nipissing Shoreline	Construction of new garage	August 16, 2024	#67-24 August 30, 2024

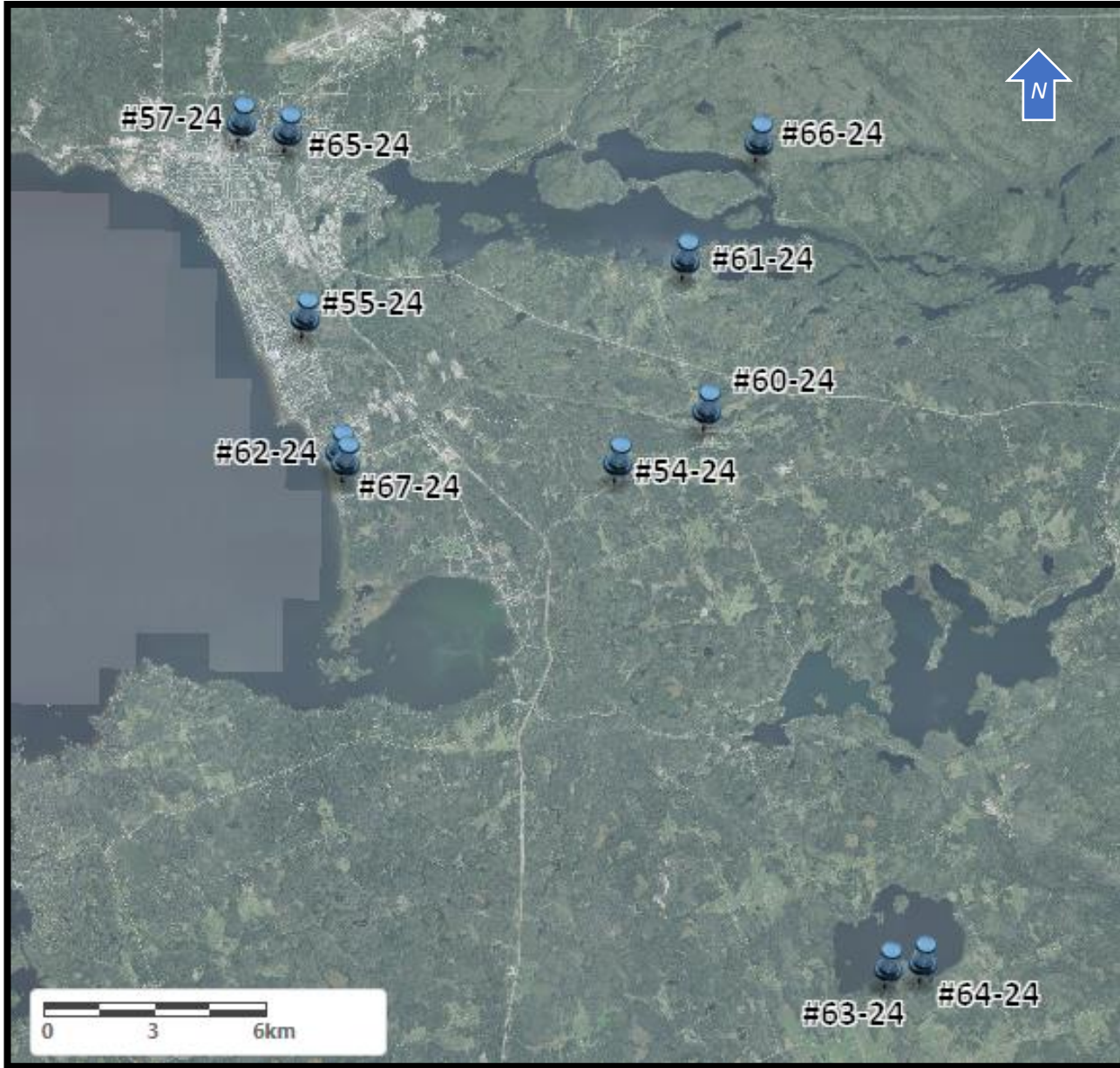


Figure 1: Location of permits detailed in Table 1



TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

ORIGIN: Robin Allen, Interim CAO-Secretary Treasurer/CBCO
Kevin Taylor, Senior Manager Planning & Water Resources

DATE: September 14, 2024

SUBJECT: Designation of *Hannah Wolfram* a S. 28 Regulations Officer.

Background:

Hannah Wolfram is currently working as a Section 28 Regulations Officer at the North Bay-Mattawa Conservation Authority (NBMCA). She holds a Bachelor of Science degree in Biology from Queens University, has a background in Environmental Impact Assessments and Studies, Ecological Land Classification, Wetlands Delineation, Fish & Wildlife Habitat Assessment and Erosion Sediment Control Plans. She has experience with permits and regulations under various legislation, has worked as a field Biologist and Environmental Consultant, as Director for the Greater Nipissing Stewardship Council, as Program Coordinator for a trail organization and has been an Expert Witness on Natural Heritage at the Ontario Land Tribunal. In her role at NBMCA she helps to administer the Section 28 regulations and associated O. Reg. 41/24: Prohibited Activities, Exemptions and Permits process of the Conservation Authorities Act.

Analysis:

Hannah Wolfram's background with permits and regulations make her ideal choice as a Section 28-Regulations Officer to administer NBMCA's regulatory processes and permitting. Hannah is scheduled to receive hands on training from the Nickel District Conservation Authority and will complete the Provincial Offences Officer Training, Level I. This will provide her with the necessary competencies to perform her duties efficiently and uphold regulatory standards.

Recommendation:

It is recommended that the Board of Directors formally recognize Hannah Wolfram's appointment as a Section 28-Regulations Officer to support effective regulatory management at NBMCA

Recommended Resolution:

Be it resolved that the Board of Directors of the North Bay-Mattawa Conservation Authority formally acknowledges the designation of Hannah Wolfram as a Section 28-Regulations Officer. The Board endorses the steps taken to ensure effective management in the NBMCA's regulatory functions through the appointment of a Regulations Officer. The Board also supports Hannah Wolfram's ongoing training and development in her new role, and requests that the report be received and appended to the minutes of the meeting.

Submitted by:

Kevin Taylor, Senior Manager Planning & Water Resources

Reviewed by:

Robin Allen, Interim CAO-Secretary Treasurer/CBCO



TO: The Chairperson and Members
of the Board of Directors,
North Bay-Mattawa Conservation Authority

ORIGIN: Ella Bird, DCBO - SS, Acting Manager, On-site Sewage Systems

DATE: September 11, 2024

SUBJECT: Third Quarter Review 2024, On-site Sewage System (OSS)

On-site Sewage System (OSS) Analysis:

The numbers in the data spreadsheet are not representative of the full 3rd quarter, only from June 20, 2024 – September 3, 2024. All of the numbers for the 3rd quarter appear to be down significantly from last year’s third quarter in the data spreadsheet, but since the dates are skewed as we are not taking entire 3rd quarter into account this meeting and the last 3rd quarter meeting ran very late in year. Overall, the number of applications, inspections and file reviews do appear to be slightly less than last year but not significantly – see additional territory spreadsheet I added below to give a better idea. Substantial completion inspections are expected to increase with installations taking place now that school is back in / cottage season over.

Up to Sept. 3, 2024	WPS	EPS	NIP	TOTAL
1st INSPECTION	161	130	151	442
2nd INSPECTION	154	92	83	329
3rd INSPECTION	159	105	149	413
File Review	66	27	15	108

Up to Sept. 3, 2023	WPS	EPS	NIP	TOTAL
1st INSPECTION	179	175	176	530
2nd INSPECTION	123	115	117	355
3rd INSPECTION	156	119	82	357
File Review	67	31	33	131

West Parry Sound - WPS
East Parry Sound - EPS
Nipissing - NIP

The final contract OSS inspector was made into a full-time permanent position with the anticipation of adding some signing authorities in the North Bay office to allow for acting manager to have additional time for managerial duties and budget in coming months. The OSS DCBO for North Bay office returned

from leave but then left the CA, so the manager duties, DCBO duties and covering for front desk and inspection staff in Parry Sound are all being completed by myself at this time. There are now 3 full time inspectors in North Bay (East Parry Sound & Nipissing) and 1 full time inspector in Parry Sound (West Parry Sound). Areas were slightly adjusted at the beginning of the season to allow for the final contract inspector to have his own area, but with possible impending changes to duties and a visibly larger number of inspections in West Parry Sound they may need to be revised again. The 2 senior inspectors in the North Bay office have been overseeing documents in order to practice signing duties for the past couple of weeks.

All OSS inspectors, including Sara (MMI Inspector) are focusing on completing final inspections as the North Bay office has outstanding finals which are quite historic. This is concerning and a main focus moving forward as there have been multiple legal presidents set in recent months holding governing body / building departments liable for outstanding permits (there are over 190 final inspections that have yet to be completed or are not adequate for permits older than 2018).

Entertaining billing MMI inspections to municipalities to ease the administrative burden of billing and typing letters to each of the property owners every year – have had meetings with the Clerks and CAO's of every municipality included in the MMI program. Some have been fully on board, and some were not, this needs to be discussed further with all parties prior to making any final decisions.

None of the discretionary inspection properties (43 letters sent; 12 in East Ferris and 31 in North Bay) from the Trout Lake reinspection program were completed as no one requested inspection. The 43 properties identified have never had inspections since the program began. It may be beneficial to connect with the municipalities to eliminate the program and the need of sending these letters as it is an administrative burden to be sending these letters when the inspections have never been wanted by the property owners.

All of the MMI inspections have been completed except 2 – access is difficult to one property and the other property the owners do not answer the door. The MMI inspector is working on gaining access to these last 2 properties and will do this prior to her contract being done in December. She is also covering a corporate services assistant (currently off with an unknown return date) who normally completes the Legal Inquiries for the septic program.

The new front desk staff for the CA in North Bay office, continued to train in Parry Sound and North Bay since the last quarter. The MMI inspectors' contract is not completed until end of December, so we have entertained adding OSS front desk duties to her as a trial. It is recommended that at some point in time all the OSS duties fall within one single umbrella and not sharing duties with other programs any longer due to many factors including knowledge of the septic program as a whole and sewage systems in general, legal liabilities, overwhelming the CA receptionist and staff turnover.

The phones have not yet been moved to switchboard which will assist with the overwhelming situation at the front desk and ease burden of duties to reception.

NBMCA - OSS Program	Data								
					2024				
	2020	2021	2022	2023	Q1	Q2	Q3	Q4	TOTAL
Permits received	848	1119	910	770	50	232	182		
Complaints/ concerns addressed	19	24	12	19	0	4	5		
Legal inquiry responses	223	355	383	235	59	76	120		
Expansion/renovation files reviewed	146	175	158	177	36	37	37		
Inspections (firsts)	828	1087	880	775	40	213	180		
Inspections (seconds)	745	880	815	768	10	100	210		
Inspections (thirds)	586	819	854	996	49	108	238		
Inspections (Mandatory Maintenance)	0	202	110	96	0	0	102		
OSS Planning letters + Lands to be developed + OBC Clearance	32	82	80	86	49*	18**	23		

*This number includes all PC/P files for North Bay & Parry Sound for the first quarter, but not all of them received letters or site inspection (this is higher than normal because of that). Some of these did not have our application filled out and no payment but have been added to database any how – moving forward this has been dealt with. Typically, the planner would differentiate whether these had OSS for the North Bay files, but because this position is in transition a total was provided. Changes are being implemented in the North Bay office which will show a more accurate reflection for next reporting cycle.

**This number is more representative of an accurate quarter as only paid applications / applications for member municipalities with formally filled out applications have been input into the database.



Ella Bird,
DCBO – SS, Acting Manager, On-site Sewage Systems



TO: The Chairperson and Members of the Board of Directors,
North Bay-Mattawa Conservation Authority

ORIGIN: Shawn Kozmick, GIS Specialist

DATE: September 11, 2024

SUBJECT: Mandatory changes to the Conservation Act, Ontario Regulation 41/24:
Prohibited Activities, Exemptions and Permits. Effective April 1, 2024.

Background:

Section 28 of the *Conservation Authorities Act*, and subsequently Ontario Regulation 97/04 empowers each Conservation Authority to establish their own regulation to prevent the loss of life and property due to flooding and erosion, and to conserve and enhance natural resources. On May 4, 2006, the North Bay-Mattawa Conservation Authority (NBMCA) received its regulation entitled the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourse Regulation (Ontario Regulation 177/06).

This regulation has continued to be used as the tool by which the NBMCA manages issues related to development in natural hazard areas. This includes areas with floodplains, wetlands, and steep slopes. Within this regulation, a permit may be given by an Authority for development applications within the Authority's jurisdiction for:

28(1)(b) prohibiting, regulating or requiring permission of the authority for straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;

28(1)(c) prohibiting, regulating, or requiring the permission of the authority for development if, in the opinion of the authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development (Conservation Authorities Act, R.S.O. 1990, Chapter C.27).

On February 8, 2013, the amended Ontario Regulation 177/06 came into effect. These amendments were approved by the NBMCA Board of Directors on December 19, 2012. One of the amendments that was included, and which was approved by the NBMCA Board of Directors, included the delegation of approvals of permit applications to the following designated employees:

- Chief Administrative Officer, Secretary-Treasurer
- Human Resources Coordinator/Executive Assistant/Deputy CAO

As such, this Board Report is being presented to the NBMCA Board of Directors for approval of the updated Approximate Regulated Area (ARA) Mapping to be distributed to our 10 member municipalities.

Analysis:

Legislative changes came into effect on April 1, 2024 for all 36 Conservation Authorities to reduce the regulation area for Provincially Significant Wetlands (PSW). Previously, the approximate regulated area was 120 meters adjacent to these wetlands. The regulated area for PSW's has now been reduced to 30 meters, upon the recent passing the legislation under the Conservation Act, Ontario Regulation 41/24: Prohibited Activities, Exemptions and Permits.

The updates require Conservation Authorities to regulate and prohibit development within 30 meters of all wetlands, rather than the previous distance of 120 meters for PSW's. Going forward, all classifications of wetlands in Ontario are to be regulated equally, which includes PSW's, evaluated and non-evaluated wetlands.

Recommendation:

THAT the members are made aware of the completed mapping update and approve the distribution of the Approximate Regulated Area mapping in a GIS file format. These mandatory changes are in accordance with Regulation 41/24, Prohibited Activities, Exemptions and Permits.

Recommended Resolution:

THAT the updated mapping be approved and distributed for use by our 10 member municipalities. Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permits are subject to property location and later verified in the field.

Submitted by:

Shawn Kozmick, GIS Specialist

Reviewed by:

Kevin Taylor, Senior Manager Planning & Water Resources