

**MAYORS-REEVES-CHIEFS MEETING
LOW WATER LEVEL OF GEORGIAN BAY
February 6, 2013, Parry Sound, Ontario
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DATE: February 6, 2013
TIME: 11:00 – 2:00 p.m.
LOCATION: Parry Sound Municipal Office – 52 Seguin Street, Parry Sound, Ontario

Central Discussion Table Attendees:

Claude Bouffard, Mayor, Municipality of French River
Larry Braid, Mayor, Township of Georgian Bay
David Conn, Mayor, Township of Seguin
Gord Harrison, Mayor, Township of Carling
Peter Ketchum, Reeve, The Township of The Archipelago
Gerry Marshall, Mayor, Town of Penetanguishene
Jamie McGarvey, Mayor, Town of Parry Sound
Wayne McQuabbie, Chief, Henvey Inlet First Nation
Chet Patterson, Councillor, Municipality of Killarney
Dale Robinson, Mayor, Municipality of McDougall
Gerry Strong, Reeve, Municipality of Central Manitoulin

Audience Attendees (Contributing):

Jennifer Ashawasegai, CAO, Henvey Inlet First Nation
Harold Duff, CAO, Municipality of French River
Bob Duncanson, Executive Director, Georgian Bay Association
Tim Hunt, Director of Public Works, Municipality of McDougall
Rhonda Gagnon, Anishinabek Nation – Union of Ontario Indians
Steve Kaegi, CAO, The Township of The Archipelago and the Township of Carling
Krista Holmes, Assistant to Tony Clement, M.P. Parry Sound-Muskoka
Sarah Louis, Anishinabek Nation – Union of Ontario Indians
Rob Mens, CAO, Town of Parry Sound
Lynn Middaugh, Director, Development and Leisure Services, Town of Parry Sound
Norm Miller, M.P.P., Parry Sound-Muskoka
Glenn Robinson, Sec./Treas. Parry Sound Area Planning Board
Estelle Montpellier Themer, Britt Local Services Board
Susan Murphy, Councillor, Township of Carling
Jerry Smith, Manager, Magnetewan First Nation
Carolyn Tripp, CAO, Township of Georgian Bay
Ernie Williams, Councillor, Moose Deer Point First Nation
John Wilson, Chair, Fisheries Committee, Georgian Bay Association

Facilitation Staff

Jackie Boggs, Deputy Clerk, Town of Parry Sound
Ray Hachigian, CBO, Manager, Building and Planning, The Township of the Archipelago

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Media

Samantha Johnson, COGECO Cable
Roland Cilliers, Parry Sound North Star Newspaper
James King, MOOSE-FM Radio

OPENING REMARKS

Mayor McGarvey introduced himself as the Mayor of Parry Sound. As a member of the Board for Ontario Small Urban Municipalities (OSUM), he reported that there were two resolutions passed at the last board meeting to support this group's concerns about the low water level in Georgian Bay:

i) That the Ontario Small Urban Municipalities Executive Committee supports the efforts of the Georgian Bay Coastal Communities to find ways of dealing with the low water levels in Georgian Bay and the impact that the low water levels will have on water quality, business, tourism and shoreline residents, whether seasonal or year round; and

ii) Given that the low water levels in the Great Lakes are affecting water quality, recreational facilities, businesses and shoreline residents, that the Ontario Small Urban Municipalities Executive Committee recommend that the Provincial Government take into consideration the low water levels in the Great Lakes when developing water strategy and initiatives and that this resolution be forwarded to all Municipalities in the Province of Ontario, The Ad Hoc Council of Great Lakes Governor's Advisory Council, The Great Lakes Governor's Commission, the Provincial Government, the Federal Government and to the Local Member of Provincial Parliament.

Mayor McGarvey asked for introductions around the central table:

Peter Ketchum, Reeve, The Township of the Archipelago
Chet Patterson, Councillor, Municipality of Killarney
Dale Robinson, Mayor, Township of McDougal
Gord Harrison, Mayor, Township of Carling
Gerry Strong, Reeve, Municipality of Central Manitoulin
David Conn, Township of Seguin
Claude Bouffard, Mayor, Municipality of French River
Larry Braid, Mayor, Township of Georgian Bay
Gerry Marshall, Mayor, Town of Penetanguishene (11:15 a.m.)
Chief Wayne McQuabbie – Henvey Inlet First Nation

Reeve Ketchum also provided opening remarks. Clearly Georgian Bay is in crisis. He

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referenced letters from Environment Canada and the International Joint Commission (IJC) – their comments about the low water level were that they had some concerns about flooding in some areas. They all say there is no low water level problem. Water has been going down for the last 20 years. The Province has been silent on low water levels. The federal department of Fisheries and Oceans (DFO) says the water is going up and down. Reeve Ketchum doesn't feel our voices are being heard. No one is listening.

A draft preamble to develop a group resolution was provided to everyone prior to the meeting. The intention of this meeting is to agree on 9 or 10 action points that all levels of government should focus on. Mayor McGarvey will act as Facilitator to bring each point to a conclusion.

The Mayor introduced Krista Holmes, Assistant to the Honourable Tony Clement, M.P. and Mr. Norm Miller, M.P.P. for Parry Sound Muskoka.

**GEORGIAN BAY ASSOCIATION
BOB DUNCANSON, EXECUTIVE DIRECTOR**

Mr. Duncanson stated that he was asked to attend this meeting to bring a perspective from Georgian Bay ratepayers. He is accompanied by John Wilson, Chair, Fisheries Committee.

Mr. Duncanson provided a power presentation, the highlights are as follows:

The Georgian Bay Association was founded in 1916. The association covers from Honey Harbour to the north channel. Seventy-five percent of the ratepayer properties they represent are water access only.

The Impact: Wide Spread

Access to marinas
Passage through communal channels
Access to individual properties
Ecological degradation

Access to individual properties - Ways to provide assistance

- property owners own the problem
- coordinate and speed up MNR, DFO, and municipal approval process for dock repositioning, dredging/blasting.

Passage through communal channels – Ways to provide assistance

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- Municipalities own the problem
- Work with each community to provide priorities and solutions
- Lobby Provincial and Federal governments for financial Assistance
- Coordinate and speed up MNR, DFO, municipal approval processes for dredging/blasting

Access to Marinas

- Marina owners own the problem
- Municipal and public support to lobby Provincial and Federal governments for financial assistance
- Coordinate and speed up MNR, DFO, municipal approval process for dock repositioning, dredging/blasting.

Other Impacts

Low water level means more stagnant bays, which means more accumulation of phosphates, which means an increase of blue green algae, increased weed growth, such as eurasian [water]milfoil and loss of wetlands

Economic Impact

There are approximately 10,000 cottage properties in Georgian Bay, if each contributed \$10,000 to the local economy annually, that is \$100 million in annual contributions at risk.

The GBA can only do so much. They hope to partner with municipal, provincial and federal groups and other stakeholders. There is a lot of work going on now and before the ice goes out this spring.

Gerry Marshall, Mayor of Penetanguishene spoke on the issue. Penetanguishene was waiting for the Great Lakes study/strategy and they are upset at the do nothing report. How do all of us work together as a group as one common voice? A Steering Committee has been suggested made up of 2-3 members of north, middle and south Georgian Bay and feedback information to Coastal Councils. There is currently a meeting being held in Midland to-day (Feb. 6/13) and there was a meeting held in Owen Sound on February 4/13 to discuss low water levels.

The solution should be to treat the systems of the cancer. It is a federal issue but it's two conversations. How do we offset that negative economic impact?

Mayor McGarvey thanked Mayor Marshall for attending and providing his comments. The Mayor then introduced Ray Hachigian, Chief Building Official and Manager, Building and Planning, The Township of The Archipelago.

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GEORGIAN BAY IN CRISIS

RAY HACHIGIAN, The Township of The Archipelago

Mr. Hachigian stated that The Archipelago is taking an innovative and proactive approach to this issue.

He provided an historical, recorded and projected Water Levels chart that indicates that the water level is tied with the historic lows of 1964.

This is the second time that the Township of The Archipelago (TOA) has had to react to low water levels and come up with solutions to help our residents and commercial operators deal with it. In January 2013, the Reeve sent out a letter to ratepayers outlining a program for dredging and docks. Everything ratepayers need to know is on TOA's website. [www.thearchipelago.on.ca/] We are working with the Ministry of Natural Resources (MNR) for a quick turnaround time for applications. Local MNR staff have been very helpful and have developed a protocol to speed up the permit process to 5-7 days. This is a good start however with the unknown workload TOA is concerned with staff levels and Endangered Species Act (ESA) will delay applications. Some marinas are dredging in the winter to get a jump on it. MNR oversees the lake bed and work permits are required. Approval is also required by the Department of Fisheries and Oceans (DFO) regarding the protection of fish and their habitat.

DFO are reviewing operational statements in light of the low water. However existing operational statements do not help residents/commercial operators at present. Timing windows [**ONTARIO IN-WATER CONSTRUCTION TIMING WINDOW GUIDELINES FOR THE PROTECTION OF FISH AND FISH HABITAT - Restricted activity timing windows are just one of many measures used to protect fish and fish habitat when carrying out a work or undertaking in or around water. Be sure to follow all of the measures outlined in the Operational Statements to avoid negative impacts to fish habitat.- Fisheries and Oceans Canada – Ontario Operational Statement**] TOA does not want the Federal and Provincial governments to waive the requirements under EAS or other legislation, rather supply sufficient staff to review applications or amend their legislation to allow certain works to take place while protecting known habitat.

Most docks on Georgian Bay have shifted from crib style to floating docks which alleviate some of the problems associated with fluctuating water levels.

Zoning by-laws usually restrict the distance docks can project into the navigable water, side line setbacks and total number of docks, just to name a few requirements.

TOA's approach is to create temporary uses for a certain period of time and suspend

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existing zoning regulations for the next 3 years. A Temporary Use By-law, as allowed under Section 39 of the Planning Act, was passed in January of 2013 to allow for docks in areas that may not have been allowed before, for a period of three years. Mr. Hachigian provided a sample of a dock agreement and also a sample of a neighbours dock agreement to allow for a dock that may infringe/interfere with ones' enjoyment of the Bay. We're asking people to work with their neighbours however, if neighbours can't agree there would be no dock relocation.

How to police these agreements? The agreement would be tagged on GIS, after 3 year period have them remove the dock. This allows staff to enforce the existing by-law once the temporary period of three years is up.

Other considerations are that other outside agencies would need to be contacted, Hydro One, Bell Canada-call before you dredge/blast.

What if the water stays low? TOA would extend the Temporary Use By-law for a further three years.

Mr. Hachigian then outlined this afternoon's work. Attendees were provided with a draft preamble for a group resolution and this will be the jumping off point to form 10-12 bullet points/action points for the resolution.

The agreed upon resolution will be circulated to First Nations and municipalities for their approval so we're all on the same page. This will also be sent to the various bodies involved with this issue.

A Steering Committee will be made up of community members of Georgian Bay – 1st nations reps and municipal reps that will take this further if needed. This will allow for an effective voice.

Local MNR and DFO staff have been very helpful and are meeting to work together. They are developing a protocol to expedite the process. Endangered Species – Low, medium, high, risk. If it's low impact they might expedite.

It was pointed out that there are only so many operators on Georgian Bay to handle a potential influx of requests for dredge/blasting/dock relocation. DFO has suggested communal docks but that wouldn't work with water access properties.

The group broke for lunch at Noon and resumed the meeting at 12:30.

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AFTERNOON DISCUSSION:

Draft Resolution bullet points:

General discussion of the development of the resolution and the agreement of the preamble. It was suggested that the tax impact numbers be included in the preamble.

➤ **DFO to take the lead and restore the vitality of Georgian Bay and Lake Huron**

- moving an office to Burlington from Georgian Bay. **Office should stay on Georgian Bay**

-Amend the great lakes protection act to include the impact of low water
(Drinkable, Swimmable, Fishable)

- have regard for Cultural & Environmental impacts

- Robinson/Huron Treaty territory- First Nation's need access to Key River, some dredging in the past, bad river access is dangerous

-Problem is water quantity, is DFO in charge?

- Environment Canada has taken over. Reason for DFO to be in charge.

- Actions should be divided into short term and long term actions.

- Need them to admit that Georgian Bay is in crisis.

- blue green algae is a problem. We need to look farther than low water levels, fish, mammals, clean drinking water. First Nation's perspective is they are tied to the land and the water. We must look at the river systems attached to Georgian Bay. Effects continue to leak out.

➤ **Recognition that development must be sustainable to the Great Lakes including such things as interlake transfers by caps on water levels with eventual reduction.**

- there is significant diversion to London, Newmarket (York Region)

- diversions should be capped and eventually reduced.

- Ontario has not signed the Great Lakes Intrabasin Agreement regarding intrabasin transfers of water. This should be finalized. This was being handled by the Ministry of Environment (MOE) but MNR and Ministry of Municipal Affairs & Housing are now involved.

➤ **Moratorium on dredging the St. Clair River including installation of sills**

➤ **MNR to develop procedures to facilitate access: (urgent)**

- for dredging

-endangered species act

-species at risk.

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- **DFO to develop procedures to facilitate access: (urgent)**
 - for dredging
 - endangered species act
 - species at risk

- **Financial assistance from Province & Feds for businesses and municipalities to assist with low water levels remediation (adaptive management) – urgent (Provide some cost control for those trying to save businesses).**

-have everyone declare a state of emergency. Not as dramatic as a hurricane but it's the same thing. Residences and businesses- that can't be used. Declaring a State of Emergency probably needs to be a loss of life, risk to property. Consider: declare a state of emergency to receive attention from the province/federal governments—and tourism will cease. Consider all options to obtain economic support so we will be heard. It was suggested that everyone join the First Nation's Idle No More movement.

Question regarding a timeline if there is not response? Steering Committee will make a more dramatic push toward government bodies.

Deal with the timeline after the resolution. – April 1st – short term goals – likely that dredging will take place with or without permits.

Georgian Bay in crisis up to and including a state of emergency?

Manitoulin Island is losing their spawning beds, commercial and recreational fishing. This is also happening throughout the river system that feeds into Georgian Bay

- **Ask the provincial and federal governments to recognize that Georgian Bay is in crisis now, in 2013.**

-St. Lawrence Seaway –Should the longer term viability of the seaway be taken under consideration?

- **Investigate the long term future viability of the Great Lakes & St. Lawrence seaway**
 - invasive species (over 180 different species).
 - Example of the Russian Aral Sea almost completely dried up
 - took out 17-18 inches of water with previous dredging

-The issue of mining and fracking and its effects on Georgian Bay came up – research

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into deep fracking is required. Need disclosure as to the long term effects. need to ensure that all our points are pertinent.

-back to basics, why are we here? Short term – here is what we decide what to do. Have another meeting in a week, go to Ontario Good Roads Association (OGRA) convention and meet with the Provincial Ministers in attendance. Chief McQuabbie offered to work from treaty perspective to assist the Key River issues. Water protection is key (contaminants and invasive species).

-need to prioritize the key issues and contributing factors - St. Clair River, the shoreline has no protection.

-timeline is critical. Who do we talk to? Power ministries. We should go to the Premier level. The MOE minister is not well, the legislature is not sitting. - federal side, someone talk to Tony Clement to see who to talk to. -need face to face meetings.

-need Mr. Clement to talk to the Prime Minister talk to the U.S. President Barack Obama. We need high level talks. Need some time with Norm Miller and ask Tony Clement if he could he help with a meeting with Premier.

-ask Federal government to step past the International Joint Commission (IJC) – the U.S. Army Corps of Engineers and the Sierra Club are in agreement, the low water levels is caused by the dredging of the St. Clair River.

➤ **Seek the highest level of authority (including premier and prime mister) to bring the issue of low water level to the U.S. government directly.**

RESOLUTION:

The main points were captured in priority and the resolution was developed and agreed upon as follows:

WHEREAS the Great Lakes have experienced declining water levels over the past 20 years, and

WHEREAS nowhere has it been so obvious as in Georgian Bay, currently the largest fresh water archipelago in the world, and

WHEREAS in 2013 water levels in Georgian Bay dropped over 67 cm, and

WHEREAS this significant drop of water level is now below any documented historic level, and

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WHEREAS, the “Ribbon of Life”—wetlands, shorelines, fish and animal habitat—is at risk, and

WHEREAS access to residences, viability of business operations, First Nations’ and Municipal infrastructure, are all at risk because of this major change in water level, and

WHEREAS the economic prospects for the Georgian Bay watershed communities are in jeopardy given that significant revenues and jobs come from water related activities such as tourism, boating, recreational fishing and cottaging, the latter contributing well over \$100 million annual economic benefit in goods and services purchased and property taxes, and

WHEREAS the Chiefs, Mayors, and Reeves whose jurisdictions front on Georgian Bay now declare that Georgian Bay is in crisis, and

WHEREAS it seems entirely probable that, under current circumstances, the water levels in the Great Lakes will continue to decline for the foreseeable future, and

WHEREAS Federal and Provincial Governments have responsibilities to preserve and protect the Great Lakes, and

WHEREAS Federal and Provincial Governments must quickly develop action plans to alleviate the 2012 low water impact on Georgian Bay communities, and

WHEREAS Federal and Provincial Governments need not only to accept that Georgian Bay is in crisis but also to consider how to protect the long term viability of the Great Lakes, and

WHEREAS Federal and Provincial Governments need to proclaim that they are committed to the preservation of the Great Lakes and need to give the highest priority to taking strong actions to remedy this crisis,

BE IT NOW RESOLVED THAT the Georgian Bay Chiefs, Mayors, and Reeves recommend the following actions be included as part of the Federal and Provincial plans to remediate water levels in the Great Lakes and to ensure clean water, with high quality fish and animal habit, alongside healthy and vibrant communities:

- Request the Ministry of Natural Resources develop procedures to facilitate access for Georgian Bay,
- Request the Department of Fisheries and Oceans to develop procedures to facilitate access for Georgian Bay,

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- Request financial assistance be provided by the Provincial and Federal governments including adaptive management practices for municipalities and businesses on Georgian Bay,
- Seek the highest level of authority in Canada to bring the issue of low water levels to the U.S. Government directly,
- Request the Provincial and Federal governments to recognize that Georgian Bay is in crisis, now, in 2013,
- Declare a moratorium on dredging in the St. Clair River and implement the inclusion of sills in the St. Clair River,
- Amend the Great Lakes Protection Act to include actions to respond to low water levels,
- Create sustainable development throughout the Great Lakes and stop any intra-transfer of water between all Great Lakes basins,
- Investigate future viability of Great Lakes/St. Lawrence Seaway and the intrusion of over 180 invasive species and low water created as a result of dredging.

A meeting of the Steering Committee will be set up for next week.

Mayor Gord Harrison and Reeve Peter Ketchum agreed to attend the Steering Committee meeting. Rhonda Gagnon, Union of Ontario Indians, will take this issue to the Regional Chiefs so they can appoint a representative to the Steering Committee.

Mayor McGarvey has agreed to speak with Tony Clement regarding this issue. He has also offered to ask Norm Miller to set up a meeting with the Ministers in attendance at the OGRA.

Mayor Marshall will co-ordinate the Steering Committee meeting for next week.

The resolution will be circulated to all invitees to this meeting and the minutes will be distributed early next week.

The meeting adjourned at 2:00 p.m.