

**BONNECHERE RIVER WATER MANAGEMENT PLAN
STANDING ADVISORY COMMITTEE (SAC)
FINAL Minutes of Meeting #12 – May 30, 2007
Eagles Nest, Eganville**

Attendees:

SAC: Don Pouliot, Steve Munger, Ross Campbell, Kevin O'Connor, Murray Borer, Niall McArdle

Algonquins of Pikwàkanagàn: Jan Leroux

MNR: Michael Radford, Joanna Samson

Waterpower Producers: Peter Boldt (RPG), Janusz Rydel (Multistream Power Corp.), Frank Scheer (Eganville Generation Corporation)

Regrets:

Aurel Boucher, Lucy King, Murray Bimm, Andreas Vornweg (Vornweg Waterpower)

1. Housekeeping Items

1.1 Website – posting of meeting minutes

With input from various SAC members, Peter will post PDF's of FINAL minutes to the RPG website. All minutes will be available in a simple format.

It was noted that Eganville did not have a page on RPG's website, however, Peter has made it available. Joanna noted that a commitment was made in the plan for all power producers to have water level information available on a website.

1.2 Review of Agenda

No items were added to the agenda.

2. Review & Approval of Minutes of Meeting #11 – April 18, 2007,

Don Pouliot submitted several minor changes/additions to the draft minutes which were adopted by the group:

ACTION: Joanna to make changes and send minutes out as FINAL.

3. Amendments: Summary & Categorization

RPG walked through a presentation summarizing the amendments and a handout of MNR's Amendment Summary was provided.

MNR walked through a previous handout regarding the types of amendments explaining the varying degree/level of public consultation for an Administrative, Minor & Major Amendment.

Amendment #1 – Reporting System

A table with a high and low water level value for every day of the year will be produced. This is to be added as an appendix to the plan. This amendment was discussed at the January 17th SAC meeting. The reporting will be daily and the values will be a twenty four hour average at each RPG site.

Categorization:

Ross: Administrative

Kevin: Administrative

Murray: Administrative

Niall: Administrative

Steve: Administrative

Don: Administrative

Jan: Administrative

Summary of Categorization:

Administrative: **7**

Minor: **0**

Major: **0**

Amendment #2 – Concerning the definition around the declaration of a flood

RPG explained that this amendment will help improve the process as it will help make it clearer for the operator as every year he is put into a position to make a decision as to how to handle the high water event that occurs most every spring that adversely affects Round Lake. RPG also explained that this tighter wording around normal high water events will help him as he can't rely on the municipalities to declare an event a flood.

MNR reminded the group that in the original amendment proposed by RPG, the amendment wanted the plan to not be in effect during high water events that are not preventable as they occur every year. However, Appendix J (which was not finalized until after the plan was approved) describes the difference between an incident VS a non-compliance which will be adopted in the plan through this amendment. Also, Appendix J outlines High/Low Water Indicators that encompasses for the most part the issue around high water and will also be adopted in the plan (i.e. if high water indicators are triggered, the operator can operate outside the approved operating range without it being considered non-compliance). Although the intent is captured in Appendix J, Peter is looking for specific wording in terms of the actual High Water Indicators. The wording will not change anything that happens on the system; it will just spell it out better. It won't even change how RPG has been operating; it will add text to the plan to define high/low water indicators.

RPG explained that the wording is required as it needs to be recognized that this happens every year. Peter suggested that reps from the RLPOA and the GLPOA could help him in formulating the wording for specific parameters for this system.

MNR summarized that the text for this amendment would outline certain circumstances where low and high water indicators are triggered and define an incident which would not be considered preventable (non-compliance).

Categorization & Rationale:

Murray Borer: May not be constructive if both groups were involved in developing the wording. I also don't think it would be constructive if this were to go to the public; therefore it should be administrative.

Niall: Administrative

Kevin: Would see this as a minor as it could be very volatile, possibly impacting 200+ property owners.

Jan: Minor – there needs to be an opportunity to respond.

Steve: Minor if necessary, but if a group is involved in developing the wording then Administrative would be OK as well.

Don: Clarification is necessary. I am leaning towards administrative if a few get together and this is worded satisfactorily and submitted to the association. I think it's Administrative at this point given the input from groups in developing the wording.

Murray Borer: If RPG and the two associations want to get together and wordsmith then great.

Peter: Commitment from Kevin and Don to get people together to meet with me. Once again, this amendment won't change how I operate; it will set out the parameters in the plan so that everyone can understand how I operate. Two to three people from each executive would work to come up with the wording prior to submitting it to the MNR.

Summary of Categorization:

Administrative: **3**

Administrative (if groups involved in wording): **2**

Minor: **2**

Major: **0**

Amendment #3 – “Hat” on Round Lake

RPG explained that this amendment would raise the upper limit on Round Lake at week 12 from 171.06 to 171.23. The reason for this amendment is that the “hat” is in the wrong place and historically the water will be there. This will clean up the plan, as an incident report would not have to be filed. By moving the line, it will recognize the water in the spring, without the extension, it remains an incident under the plan. Historic data doesn't show that RPG keeps the water level high. This is not the intent of this amendment.

Don, as the rep for the RLPOA, submitted a rebuttal to this amendment from the RLPOA essentially disagreeing with the amendment and categorizing it as a Major amendment. The RLPOA feel that this amendment would allow RPG the opportunity to keep the water level higher for longer, resulting in more erosion.

Murray Borer, as a former PAC member, explained that with respect to point #2, most of the PAC discussions concerned setting limits and that yes they still had dissenting opinions, however, the Association can't disregard all the work that the PAC originally did. This amendment is not going to change how the water flows through the system.

MNR explained that based on historic records, the water will be there anyway in some years without moving the hat back. It will be over the limit and an incident will be reported, however, it would not be considered a non-compliance, as high water indicators would be triggered. MNR puts the emphasis on property owner's to protect their property from erosion.

Categorization & Rationale:

Niall: Comes back to optics. If it's not perceived to be fully transparent to the public, then greater consultation should occur. Considering the rebuttal form the RLPOA, this should be classified as a minor amendment and not a major one. Especially given the feeling from MNR that this should have been done in the first place.

Don: Major

Kevin: Minor Amendment as the public should have an opportunity to see this.

Murray Borer: RPG could go below the box and still rise above the upper limit at this time of the year. Minor amendment for this one as the public should be notified.

Ross: This was a compromise to start off with, minor amendment.

Jan: Minor

Steve: Minor

Summary of Categorization:

Administrative: 0

Minor: 6

Major: 1

Amendment #4 (Withdrawn) – Changes to the Upper Limits to Renfrew, Eganville, and Douglas

RPG explained that this amendment is withdrawn and the change to the upper limit of Renfrew is rolled into amendment #6. RPG acknowledged that amendments to Eganville and Douglas operations would need to be proposed by the respective power producers.

Amendment #5 (Withdrawn) – Changes to the Lower Limit on Round Lake

This amendment was withdrawn at the last SAC meeting.

RPG explained that this amendment was proposed as it was the biggest issue in the water management planning process and continues to be a contentious situation. RPG explained that Rob Steele from Natural Resources Solutions was been retained by them to work with MNR in determining the status of the Lake Trout population. A meeting between MNR and Rob is scheduled to plot out a process to come up with solutions on how to move forward in terms of data collection. This is very important as the information required to make an informed decision, in terms of what is best for the system, is not available. MNR is moving forward with data collection and RPG would like to stay involved in determining what studies will be more useful.

Amendment #6 – Changes to the Upper Limit at Renfrew

RPG explained that the operating regime for Renfrew that was chosen during planning wasn't satisfactory and that it doesn't allow any room for an event. The proposed changes follow the historic operations of the Renfrew site. There are both cattail and erosion problems associated with the current regime.

Categorization & Rationale:

Murray B: Administrative as it is a Win/Win situation as there are current impacts that can be alleviated with this amendment.

Niall: Minor because you are proposing to change the limit. I want to be consistent with my categorization for amendment #3.

Ross: Administrative

Kevin: Administrative

Jan: Administrative

Don: Administrative

Steve: Administrative

Summary of Categorization:

Administrative: **6**

Minor: **1**

Major: **0**

Amendment #7 – Changes to the Lower Limit of Golden Lake

RPG explained the rationale for the amendment and how it has changed from the initial proposal. Removing the lower limit for the spring, fall, and winter was not acceptable to the group and MNR. The amendment was modified to having the bottom set at 168.7 masl until further information is collected with respect to Whitefish and the constriction.

There was some discussion around the table that if the goal is to come in lower, you would have lower levels in early fall, and thus the possibility of more complaints in early fall.

Categorization & Rationale:

Niall: Administrative – as there was a full consensus on the modified amendment when discussed with the SAC at the Feb 28/07 meeting.

Don: Major – any changes to water levels should be major

Steve: Minor

Jan: Major – because of the fluctuations in water levels

Murray Borer: Minor – falls in place with the rest of the plan and RPG is going down that far already (8-9inches)

Kevin: Minor

Ross: Minor

Summary of Categorization:

Administrative: **1**

Minor: 4
Major: 2

Amendment #8 – Compliance & Enforcement

RPG explained the rationale for the amendment which included providing consistency to the enforcement process and having non-compliances dealt with in a common procedure. The amendment would have power producers, SAC, MNR, and a mediator review/investigate incidences of non-compliance and the decision to apply penalties.

MNR explained in order for an enforcement action to take place (i.e. a charge laid) a review/investigation would have taken place. MNR reviews through the dialogue with a producer and if it is felt that it was a preventable situation, then it would be handed over to a Conservation Officer for further investigation. In other words, if an incident occurs, it does not automatically get handed over to an officer to investigate. District Staff would talk to the producer, and review information prior to making a decision to involve an officer.

MNR further explained that this amendment goes against our legislation and policy. The investigation of a non-compliance and the decision to apply consequences is at the sole discretion of the MNR.

A SAC member asked about the incident that led to the charge against RPG and Peter. MNR explained that in this situation, the charges laid were eventually dropped. At the time of the incident, MNR staff did not hear satisfactory answers in their review of the non-compliance and as a result a Conservation Officer was sent to further investigate the non-compliance.

RPG expressed that they disagreed with MNR's opinion on the process and that there a difference of opinion between MNR and RPG. RPG does not agree that a procedure was followed leading to the charge. The need for an actual procedure for investigation is the reason for the amendment.

MNR pointed out that proposal was two-fold. It covered both the investigation and the decision to apply consequences. The SAC was not formed with the intent to investigate incidences resulting in non-compliances. In the future, amendments such as this one would likely not be brought to the SAC for a recommendation & categorization.

Several SAC members stated that they did not feel it was their role to investigate incidences and MNR agreed.

A further discussion with the SAC members took place. One member suggested that we should better define what the actual procedure/steps are if an incident occurs.

At this point, based on the discussion, it was decided to re-visit the SAC's recommendation for the amendment made in the Feb 28/07 SAC meeting. At this meeting 5 members agreed with the proposed amendment, 2 member dis-agreed and 1 member dis-agreed in terms of the group deciding if enforcement action is warranted.

Recommendation/Discussion (Does the SAC agree with the Amendment):

Steve: If this amendment is a non-starter from MNR then maybe it shouldn't be tabled at the SAC.

Murray Borer: I have a hard time putting this in any category as it's not an amendment. But there should be something that outlines a process so RPG knows when an incident is being reviewed. For example if a phone call is a part of the process, then it should be made clear at the time of the call that process is engaged. Once it is in the hands of enforcement, it was absolutely nothing to do with the SAC.

Kevin: this is an non-issue, but I agree with Murray. There should be steps of a process outlined for all parties.

Niall: when this is submitted to the Regional Director, will he have all information available to him to form his decision? MNR responded that yes he would, including the minutes to all the meetings.

Categorization & Rationale:

Niall: Major – given that there was a lot of dissent and it's a non-starter from MNR's perspective.

Murray Borer: Administrative - Not a major or minor because the public has no say in this. Only the RD. RPG could bring forward a different amendment that outlines the process/procedure that will be followed.

Don: Administrative

Kevin: Administrative

Steve: Administrative

Jan: Administrative

Ross: Administrative

Summary of Categorization:

Administrative: **6**

Minor: **0**

Major: **1**

4. **Operations Update – Power Producers**

Deferred

5. **Agenda & Date of Next Meeting**

Boat Tour of Golden Lake with BBQ Lunch at Steve's – **Saturday, July 28, 2007**

Details to follow.

6. **Adjournment**

The meeting was adjourned at 9:45 pm.