



Municipality of French River

MINUTES OF THE SPECIAL MEETING OF COUNCIL

held in the Council Chambers
French River Municipal Complex
March 30, 2016 at 6:00 p.m.

Members Present:

Mayor Claude Bouffard(Chair), Councillors Michel Bigras, Ronald Garbutt, Malcolm Lamothe, Gisèle Pageau, Denny Sharp,

Members Excused:

Councillor Dean Wenborne

Officials Present:

John Regan, Chief Administrative Officer (Deputy Clerk)
Carlie Zwiers, Executive Assistant, Recording Secretary

Guests:

10 Guests

1. Call to order, roll call and adoption of the agenda

The Chair called the meeting to order at 6:00 p.m.

Moved By: Ronald Garbutt and Seconded: By Gisèle Pageau

Resol. 2016- 98

BE IT RESOLVED THAT the agenda be accepted as distributed.

Carried

2. Moment of Reflection

3. Disclosure of Pecuniary Interest

None declared.

4. Delegations

4.1 Flood Comparison Presentation

Harold Lutte presented a history (attached to Minutes) of the flooding and water management in the French River area that has not only impacted the cottagers and business owners along the River, but also the fish population and their ability to spawn.

The association requested Council's support to help raise the issue to the local MP's and MPP's.

The CAO asked the delegate what form of recommendations were made to Public works. The delegate responded identifying that there was minutes taken and documentation sent with solutions to Public Works.

The CAO and the Executive Assistant offered to make themselves available to assist the French River Cottage Association to present their issues, recommendations, and requests in writing for the Minister over the weekend.

The group requested that a member of Council sit on the committee to be able to voice their concerns; a resolution will be considered at the next Council Meeting.

Moved By: Mike Bigras and Seconded: By Ronald Garbutt

Resol. 2016- 99

BE IT RESOLVED THAT Council receives the report package presented by the French River Cottage Association relating to the history of the Lake Nipissing and French River Watershed.

Carried

5.0 Management, Committee, and Board Reports

5.1 CAO

5.1.1 Resolution to change date of next Council Meeting

Moved By: Malcolm Lamothe and Seconded: By Denny Sharp

Resol. 2016- 100

WHEREAS the Regular Council Meeting scheduled for April 13, 2016 be moved to Thursday April 14, 2016.

THEREFORE BE IT RESOLVED THAT Council of the Municipality of French River approve the rescheduled meeting date for the Regular Meeting of Council to be held on April 14, 2016.

Carried

6. Adjournment

Moved By Gisèle Pageau and Seconded By Malcolm Lamothe

Resol. 2016- 101

BE IT RESOLVED THAT the special meeting be adjourned at 7:54 p.m.

Carried

MAYOR

CLERK

HISTORY

French River Flood Limits

During the flood of 1979 PWGSC opened the French River Dams to simulate what was considered the natural overflows from the lake prior to the dams to minimize the liability of PWGSC for flood damages. The resulting high water level on the French River exceeded the established Old Flood Limit by approximately 30 cm and was then declared by the Minister of PWGSC in 1985 to be the new flood limit without acquiring the flood rights. During the 1980's the French River stakeholders raised the concerns about PWGSC frequently and unfairly flooding the river, especially above the old flood limit, as means to maintain much more comfortable and less damaging water levels on Lake Nipissing. Also, the operator tended to give more priority to the managing the comfort level of the lake rather than maintaining adequate spring spawning water levels on the river. As a result:

- river stakeholders did not know when to prepare for high water levels,
- river stakeholders did not know how high the water level would rise,
- often the timing and rise in water level appeared unwarranted in comparison to the level of the lake or weather conditions,
- river stakeholders were incurring substantial property damages, business losses and loss of fish spawn and detrimental fishery impacts, especially when the river rose above the Old Flood Limit,
- stakeholders continually reminded PWGSC that they did not have the legal right to raise river levels above the Old Flood Limit
- the river fishery was in a state of serious decline resulting in a decline in the local sport fishery industry with no options to rebuild the fishery,
- river stakeholders had little or no input into the water management of the river.

SNF Report of 1992

A provincial water management study, the Sturgeon/Nipissing/French Water Management Report of 1992 recommended an integrated approach of water management by stakeholder representatives, lead by the Ministry of Natural Resources, to provide better communications, a way to naturally rebuilding the fishery and to maintain more equitable water level conditions on Lake Nipissing, French River and throughout the watersheds.

Lake Nipissing/French River Operating Guidelines of 1995

In response PWGSC prepared the Lake Nipissing/French River Operating Guidelines of 1995 to address the various issues. The Department of Justice recommended this more equitable water level throughout the watershed approach in the absence of flood easements as a means to reduce the liability of PWGSC of claims from river stakeholders when the river level had to be raised above the Old Flood Limit. The priority given to operate to optimize spawning on the lake and river has been beneficial. Overfishing on the lake has caused a serious decline in the fish population. A fishery study recommended a reduction on the limit of the fish catch and natural regeneration. As in the past, the attempt to follow the guidelines with spawning as a priority could assist in the natural regeneration.

Lack of Extra Capacity

The inclusion of the new Hydromega/Dokis hydro Dam into the French River Dams system was promised to provide extra capacity. The amount of the hydro flow and the actual operation is not reliable because of the risk of a shutdown due to various mechanical and operational reasons. Such a shutdown requires the French River Dams to always have sufficient capacity to offset a hydro shutdown flow to maintain the flow into the French River. Therefore, the hydro flow must be considered a diversion of water from the French River Dams and not an extra to the French River Dams. In fact, the inclusion of the hydro dam reduces the capacity of the French River Dams when required to operate independently while the hydro dam is shutdown, because one of the three French River Dams, the Little Chaudiere Dam, is to remain closed year-round to ensure adequate diversion of flow for the hydro dam.

CONSTRUCTION OF THE BIG CHAUDIERE DAM

The new operators are ignoring the guidelines and recommendations from experts in an attempt to demonstrate that they have better methods to operate the French River Dams and that they do not require extra capacity. They ignored the promise and recommendation of others to open the Little Chaudiere Dam in the fall of 2015 to ensure a reasonable drawdown due to a portion of the Big Chaudiere Dam being closed for construction. As a result, they had to open the Little Chaudiere Dam during March at considerable expense, the lake remains higher than normal which creates the increasing the risk of spring flooding. In the meantime like last winter, in an attempt to prevent spring flooding, the river is being flooded causing unnecessary winter ice and flood damage on the river.

PWGSC FALSE PROMISES OF SUBSTITUTES FOR EXTRA CAPACITY

PWGSC project leaders promised that the hydro dam would provide extra capacity and not completely shutdown. The past nearly two years of operations have proven that both promises are false and that the flow from the hydro dam is not extra capacity but instead only a diversion.

PWGSC project leaders promised that the Portage Dam could operate simultaneously with the hydro dam to provide extra capacity. In March 2016 it was determined that in order to allow the operation of the hydro dam, the adjacent Portage Dam must remain closed at lower lake levels for most of the drawdown and be used to divert a portion of the water during a hydro shutdown in accordance with the Operating agreement with Hydromega/Dokis.

Other false promises by PWGSC project leaders include:

- to operate in accordance with the Lake Nipissing/French river Guidelines of 1995 mean while their imposed alternate operations were contrary to the guidelines and consisted of previously abandoned, unwanted and detrimental operations such as drawing the lake down earlier than usual, and drawing it down lower than usual and resulted in tens of thousands of dollars of property damage and long term detrimental fishery impacts;
- providing a new type of longer term weather/flood forecasting program which as they admit, has proven no better than the existing process;
- that 'climate change would not increase the risk of flooding' has proven false over the past few years;
- the promise of timely winter operations which rather than take a few hours have taken days, have been costly and damaged the dam equipment;
- to open the Little Chaudiere Dam in the fall of 2015 but did not, causing the lake to be higher than normal , at risk of flooding and causing unnecessary winter flood damage on the river;
- PWGSC no longer has the mandate to own and operate water control structures, which has never been announced or acted upon;
- To submit justifications for extra capacity for consideration which were not allowed to be reviewed by objective third parties or consultants;
- To consider damage claims but submit them to Hydromega.

FLOODING

Since the 1990's, the increasing frequency and severity of weather events combined with inadequate capacity of the French River Dams at lower lake levels during the winter drawdown, have resulted in more high water events on the river and lake. The Table 3.3 of the Operating Guidelines provides a guide for more equitable water levels between the lake and river by raising the river a few days in advance of a forecasted snow melt or storm event to a level comparable to the forecasted rise of the lake. A few years of experience and knowledge of the extent of the impact of a storm on the watershed is required to provide a more accurate forecast and to provide more equitable water level conditions. As the past few years have confirmed, the tendency of an inexperienced operator/forecaster is to overreact so much in favour of the lake that they are not able to follow the guidelines. Also, the forecast may be less severe than what occurs. Consequently, the river is flooded more often and more severely in comparison to the actual rise of the lake.

Operations during February and March with extra capacity would provide more constant lower flows therefore reducing flooding on the lake and river

SOLUTIONS

- Attempt to follow the guidelines to provide more equitable water level conditions for all stakeholders,
- Take advice from SNF-group stakeholders and don't ignore it
- anticipate average conditions unless reliable information suggests differently
- try to stay below the 50year average lake level after Thanksgiving weekend
- open LCD every winter until all new dams and deiceing equipment are commissioned and tested
- let the more experienced staff make the decisions, i.e. PWGSC Toronto office was in charge until 2014
- add extra capacity of 80 m³/s at lake elevation 194.75 m to the Big Chaudiere Dam to be able to operate in accordance with the agreement with Hydromega and the Operating Guidelines of 1995 and provide less flooding and more frequent better spawning levels.

Support from COUNCIL

- MFR need to attend SNF-Group meetings and Con-Call to represent and protect the interest of the French River waterfront properties, environment, fishing and infrastructure.
- Vote on a resolution to request PWGSC for extra capacity at Lake levels below 194.75 (winter). As been done by Township of Nipissing Municipality of Callander
- Request a meeting with MNR and PWGSC Ministers: A) to present our concerns about financial damages due to flooding within the French River corridor for the last 2 decades especially since 2001 and lately during the construction time of the dams and handling by MNR and PWGSC. B) Impact on fishing habitat and shoreline
- Support for our letter to MNR & PWGSC: Request to Immediately Implement the Rejected Design Requirements of the New Big Chaudiere Dam at the French River Dams