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To: The Ausable Bayfield Conservation Authority (ABCA)\

From: The BSRA Board of Directors

Re: Shoreline Management Plan 2016: Consultant Recommendation Report

Date: October 2016

The Bluewater Shoreline Residents' Association (BSRA) is an umbrella organization that represents the interests and concerns of approximately forty cottagers' associations in Bluewater. We are aware that many shoreline residents, as well as cottage associations in Bluewater have already expressed their concerns about the *Shoreline Management Plan 2016 Consultant Recommendation Report*. The BSRA Board of Directors appreciates the opportunity to provide our comments as well.

We understand that ABCA asked its consultants to prepare a document that would make recommendations about the development of an updated ABCA Shoreline Management Plan. The recommended actions contained in the Consultant Recommendation Report differ significantly from current ABCA practice and it should be no surprise to the ABCA staff and ABCA Board of Directors that its shoreline community is concerned.

The BSRA Board of Directors have major concerns about many aspects of the Consultant's Report but we will comment, for now, on the following:

1. Mapping

We understand that an important aspect in the mapping of the shoreline is the determination of the location of the toe of the bluff and the top of the bluff. While the use of aerial photographs will establish the general location of the toe and top of the bluff, it will not pinpoint their absolute locations. Some "on the ground" measurement may have been done to set the toe and top of bluff points but, for most of the shoreline, the position of the toe and top of the bluff was based on the less accurate aerial photographs. This use of aerial photographs introduces uncertainty into the location of these lines on the maps.

2. Determination of the Rate of Recession and the 100 year Erosion Setback

We understand that the methodology used to determine this recession rate involved the positioning of transects at 50 m intervals as overlays on 1973 and 2007 aerial photographs. Here again the use of aerial photographs has introduced uncertainty into the measurements used for the calculation and the "smoothing" of raw data further compounds the problem. What is troubling about this is that this calculation – with its embedded uncertainties – has been used to establish the 100 year erosion setback line.

3 Mapping Disclaimer

On all thirty-one Hazard Maps ABCA states: *The map is provided "as is" without any guarantee, representation, condition or warranty of any kind, either expressed, implied or statutory, including but not limited to the implied warranties and representation of merchantability (is this even a word?) and fitness for a particular purpose. The ABCA, its directors, employees and agents are not liable to the user of the map for any direct indirect, special, consequential or exemplary damages, or*

damages of any nature. In other words – use these maps at your peril and do not expect ABCA to back them up.!

However, it is apparently acceptable for ABCA to use these maps to set up regulatory zones that affect the property and significant investments of shoreline residents. There is a serious disconnect here. To be used in the way ABCA wishes to use the maps, the maps must be accurate and valid.

4 Designation of Lakeshore Area 1 and Lakeshore Area 2

We understand the value in outlining two hazard zones along Bluewater's shoreline. The boundaries of Lakeshore Area 1 – from the water to the top of the bluff and the stable 3:1 slope line - seem reasonable – provided that the top of the bluff is accurately positioned.

The boundaries of Lakeshore Area 2, however, are more problematic. The consultants have used the 100 year erosion setback plus an additional 15 m setback to establish the eastern boundary of Area 2. The need for this new 15 m access allowance is not clearly explained at all in the report. Access to what? For what purpose?

We know that some sections of the shoreline have experienced erosion. According to the consultants, 6.1 % of the cohesive shoreline has had substantial erosion, 22.2 % has had moderate erosions and 71.7 % has had low erosion. (p. 54) Even though more than two-thirds of the shoreline has had low erosion, the consultants have moved the eastern boundary of Area 2 a significant distance landward *for all shoreline properties*. Why was that necessary?

In ABCA's current Shoreline Management Plan, gullies and ravines are included in the regulatory zones and we agree that they should be. Why have the consultants omitted these in their report?

5. Consultant Recommended Shoreline Development Guidelines p. 113-117

- a) The consultants have recommended that additions, alterations, repairs and/or maintenance to existing dwellings not be permitted in Area 1 and that a similar denial take place in Area 2, once a "sunset period" has passed. This is reaching far beyond the authority of ABCA. These dwellings have been built according to the zoning bylaws and building codes of the municipality, they have obtained the required permits from ABCA, they are legal, and to suggest that an owner may not maintain his/her dwelling is confounding, to say the least.
- b) The consultants also have recommended that a building destroyed by fire, wind, or tornado (or by any other factor) may not be rebuilt. This steps way beyond the regulatory authority of ABCA.
- c) The consultants have recommended that repairs and/or maintenance to existing septic systems not be permitted once the sunset period has passed. This recommendation is simply not acceptable.
- d) The consultants have stepped even further beyond the conservation authority's role by including limits on intensification matters. This is a municipal matter – period.

6 The Values of Shoreline Properties.

These development guidelines collectively devalue shoreline properties and we are disappointed that the consultants would take such a cavalier approach toward the significant property investments made by shoreline residents.

If these recommendations were ever adopted, the result would be a linear settlement of crumbling and decaying dwellings with malfunctioning septic systems - all creating health and safety hazards for residents and the lake. We do not think this is the result that ABCA should be working toward.

We also feel that the consultants' suggestions that there be "managed retreat" (p. 9) along the shoreline and the development of a "voluntary resettlement" program (p. 124) are unworkable.

7 Shoreline protection

We are well aware of examples along the Bluewater shoreline where "hard" shoreline protection measures undertaken many years ago are continuing to work successfully. Although the consultants indicated that 71.7 % of the shoreline exhibits low erosion (p. 54) (and we suggest that much of that has shown *no* erosion), the consultants have not acknowledged these effective

installations and have not offered any insights into effective measures that have mitigated bluff erosion. Instead, they have focused on areas where unsatisfactory results have occurred. Whether deliberate or not, this is a serious oversight in the consultants work and report.

For the consultants to recommend that there should be no "hard" shoreline protection measures permitted is unrealistic and out of proportion to the extent to which there are problem areas. Currently, ABCA considers requests by property owners for installation of shoreline protection on a case-by-case basis and we believe this is a reasonable approach.

What now? We consider the consultants' report a disappointment. The consultants paid no heed to the significant stewardship role played by shoreline residents nor to the significant investments they have in their shoreline properties.

Going forward, we encourage the ABCA staff to:

- set aside the consultants' report
- take the time (2 to 3 years if necessary) to develop accurate shoreline maps based on absolute measurements
- research the effectiveness of the various shoreline protection measures along *all* of the ABCA shoreline
- redraw the lines delineating Lakeshore Areas 1 and 2 based on accurate mapping
- develop an ABCA *draft* set of policies and regulatory positions
- communicate this *draft* to the shoreline community as well as other interested stakeholders and collect and integrate their input
- prepare a final draft of policies and regulations based on successful past practices, common sense and community support,
- and finally, take this document to the ABCA Board of Directors

Respectfully submitted

The BSRA Board of Directors

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