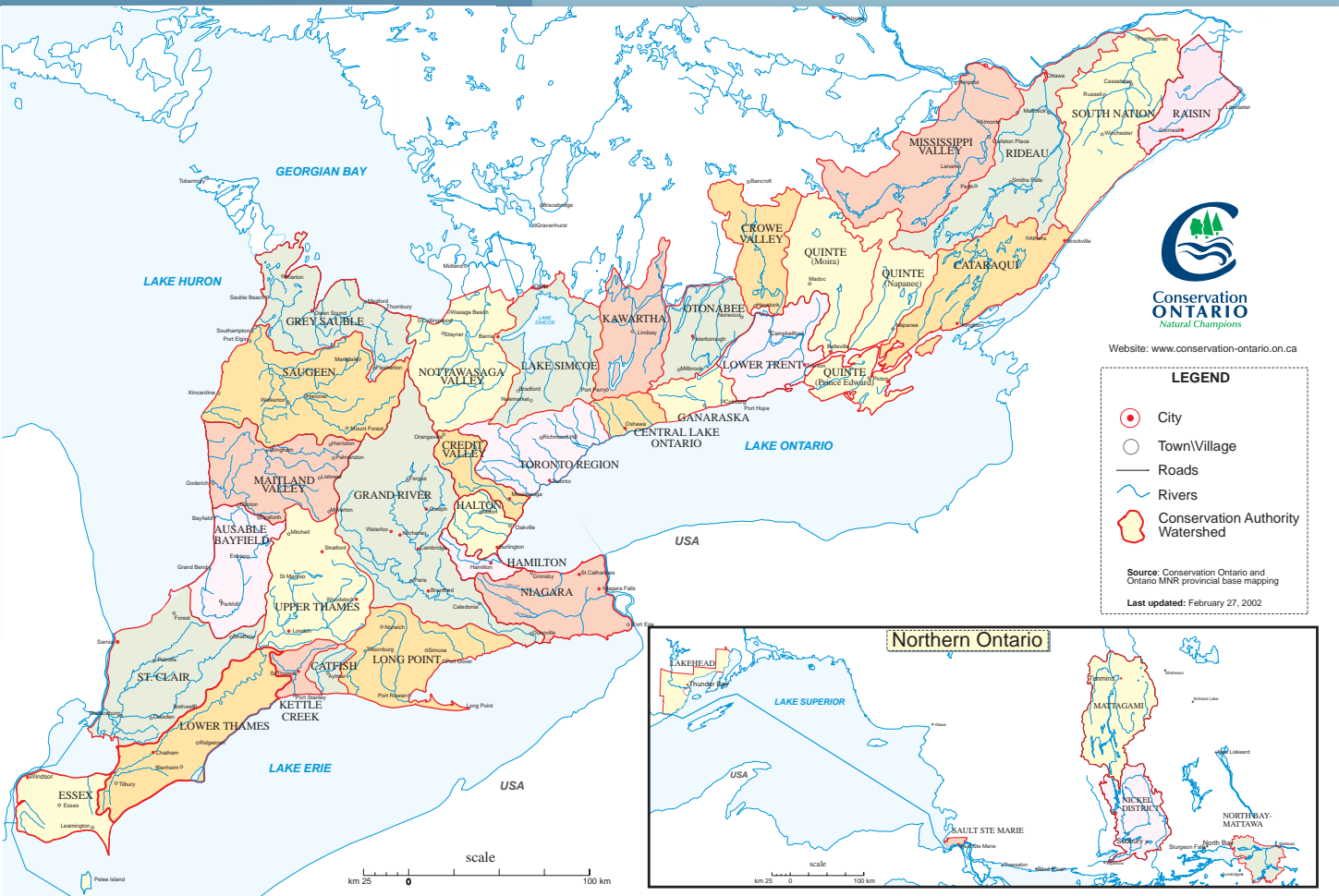


THE CONSERVATION AUTHORITIES OF ONTARIO



# DEVELOPMENT, INTERFERENCE & ALTERATION REGULATIONS

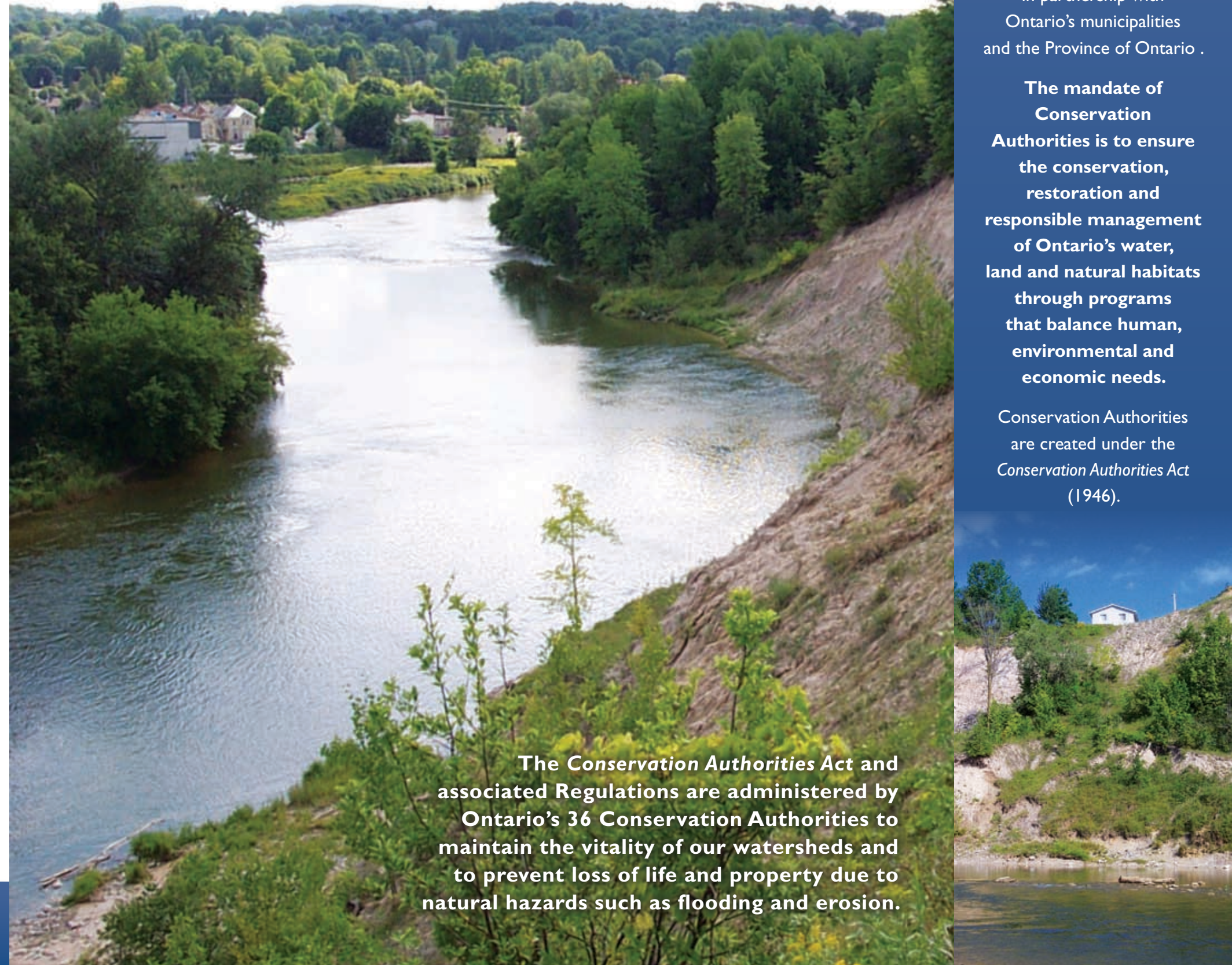
FOR ALL CONSERVATION AUTHORITIES

Ontario Regulations 42/06 and 146/06 to 182/06

As watershed management agencies, **CONSERVATION AUTHORITIES** are responsible for water and related land management in partnership with Ontario's municipalities and the Province of Ontario.

The mandate of **Conservation Authorities** is to ensure the conservation, restoration and responsible management of Ontario's water, land and natural habitats through programs that balance human, environmental and economic needs.

Conservation Authorities are created under the *Conservation Authorities Act* (1946).



## FOR MORE INFORMATION

Visit Conservation Ontario's Website:  
[WWW.CONSERVATIONONTARIO.CA](http://WWW.CONSERVATIONONTARIO.CA)



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### A HEALTHY ENVIRONMENT IS KEY TO HEALTHY AND VIBRANT COMMUNITIES

Sustainable water resources, clean air, a rich mix of plants, animals and habitats and a variety of natural areas for people to appreciate nature and keep active are important features of healthy communities in Ontario.

The *Conservation Authorities Act* and associated Regulations are administered by Ontario's 36 Conservation Authorities to maintain the vitality of our watersheds and to prevent loss of life and property due to natural hazards such as flooding and erosion.

More than 10 million people - approximately 90% of Ontario's population - live in watersheds managed by Conservation Authorities



## WHAT IS DEVELOPMENT?

*Development means :*

- a. the construction, reconstruction, erection or placing of a building or structure of any kind;
- b. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- c. site grading; or
- d. the temporary placing, dumping or removal of any material, originating elsewhere or on the site.

*Section 28(25) of the Conservation Authorities Act*

The *Conservation Authorities Act* and associated Regulations can be found at : [www.e-laws.gov.on.ca](http://www.e-laws.gov.on.ca)

## WHAT IS REGULATED?

*Typical activities that may be regulated include, but are not limited to:*

- o Construction of all buildings and additions including modification or reconstruction of foundations which support existing buildings;
- o Breakwalls, revetments, rubble groynes, jetties, etc;
- o Headland beach system and artificial nourishment (beach, berm or dune);
- o Docks;
- o Stairs, decks, gazebos;
- o Boat ramps, boat storage structures;
- o Dredging;
- o In-ground and above-ground pools;
- o Temporary or permanent placement of fill, grading, removal of fill, or site alteration;
- o Retaining walls;
- o Trailers and mobile homes;
- o Bridges, crossings, roads and pipelines; and
- o Municipal drains.

## HOW TO APPLY FOR A PERMIT?

***If property is located in a regulated area (river or stream valley, Great Lakes and large inland lake shorelines, hazardous lands, watercourses, and wetlands), contact the local Conservation Authority for information on the permit and approval process. For questions on whether the property is located in a regulated area or if the activity is regulated, contact the local Conservation Authority for advice.***

**I**N 2006, the Minister of Natural Resources approved the Development, Interference and Alteration Regulations for all Conservation Authorities (Ontario Regulations 42/06 and 146/06 to 182/06) consistent with Ontario Regulation 97/04 of the *Conservation Authorities Act*. Through these regulations, Conservation Authorities are empowered to regulate development and activities in or adjacent to river or stream valleys, Great Lakes and large inland lakes shorelines, watercourses, hazardous lands and wetlands. This “second generation” of regulations replace the previous “Fill, Construction and Alteration to Waterways Regulations” administered by all Conservation Authorities, in some cases since the mid-1950s. They ensure conformity of wording across all Conservation Authorities and compliment municipal implementation of provincial policies under the *Planning Act* such as hazardous lands and wetlands.

Development taking place on these lands may require permission from the Conservation Authority to confirm that the control of flooding, erosion, dynamic beaches, pollution or the conservation of land are not affected. They also regulate the straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream, watercourse or for changing or interfering in any way with a wetland. (See ‘How to Apply for a Permit’)



## AREAS THAT ARE REGULATED

### RIVER OR STREAM VALLEYS

River or stream valleys are important natural features because they can temporarily store floodwaters, help to moderate high water levels, protect water quality, provide groundwater recharge, and prevent erosion. River or stream valleys also provide essential habitat for wildlife and aquatic species. Given that the natural functions are based on the dynamic nature of these systems, it is essential that they be maintained in as natural a state as possible.

Historically, development occurred in river or stream valleys because of the availability of water for power, transportation, energy, waste assimilation, and domestic and industrial consumption. However development within river or stream valleys is susceptible to flooding and erosion that may pose a significant risk to life and property.

Conservation Authorities regulate river or stream valleys to ensure that development does not worsen existing erosion and flooding hazards, that new hazards are not created, and that new development is not at risk.

The regulated area includes an allowance (i.e. an area adjacent to the river or stream valley) to protect access to and along river or stream valleys for emergency purposes, regular maintenance to existing structures or to repair failed structures. As well, the allowance maintains the natural features and ecological functions of the river or stream valley.

### GREAT LAKES AND LARGE INLAND LAKES SHORELINES

Water levels in the Great Lakes– St. Lawrence River System and large inland lakes fluctuate because of natural influences such as rainfall, evaporation, wind, storms and because of human intervention such as diversions or water control structures. The flooding hazard is dependant on the type, design, location and density of any development in or near shorelines and when coupled with storm events, the cumulative impact can pose a significant risk to life and property.

Soil type, surface and groundwater, bluff height, vegetation cover, shoreline orientation, shoreline processes, wind and waves, climate and lake level fluctuations determine the erosion rate of a shoreline. The rate of erosion may be heightened during severe storm events, resulting in large losses of land over a very short period of time.

A ‘dynamic beach’ is an unstable accumulation of shoreline sediments. Changes to these areas due to the accumulation or loss of beach materials through the effects of wind and wave action can occur seasonally or yearly and, at times, quite rapidly and dramatically.

Conservation Authorities regulate shorelines and lands adjacent to the shoreline to ensure that development does not aggravate existing erosion, flooding or dynamic beach hazards. They also make sure that new hazards are not created and that new development is not at risk.

The regulated area includes an allowance (i.e. an area adjacent to the shoreline) to protect access to and along shorelines for emergency purposes, regular maintenance to existing structures or to repair failed structures. The allowance also maintains the natural features and ecological functions of the shoreline.

### WATERCOURSES

Watercourses refer to rivers, streams, creeks or other depressions within the ground over which water flows.

Watercourses transport water, sediment, energy and organisms and provide habitat for fish and other species. From a human perspective, watercourses provide social and economic values such as water supply, food resources, recreational opportunities (canoeing and fishing), hydro generation, and land drainage.

The structure and function of a watercourse is influenced by its form, soil type, bedrock, and by the type of plant life along its shores. Changes in the volume, peaks and timing of flows can significantly impact a watercourse sometimes building up sediment or causing erosion. The absence of vegetation along the shoreline can result in more pollutants and run-off being transferred from the land to the water, impacting water quality and flooding downstream reaches. These changes, in turn, degrade the watercourse functions for both people and wildlife.

Conservation Authorities regulate activities that interfere with the natural features and hydrologic and ecological functions of a watercourse.

### HAZARDOUS LANDS

Hazardous land is an area that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches, or unstable soils (e.g. sensitive marine clay or organic soils); or unstable bedrock (i.e. karst formations).

The potential for severe flooding or for catastrophic failures in some areas of unstable soil and unstable bedrock warrant specific studies to determine the extent of these hazardous lands, and therefore the potential for development to be undertaken safely. Conservation Authorities regulate these hazardous lands based on the conclusions and recommendations of such studies.



### WETLANDS

A wetland is an area that is seasonally or permanently covered by shallow water or has a water table close to or at its surface. Wetlands help to control flooding, store excess water, improve water quality and recharge groundwater sources. In addition to providing educational and recreational benefits, they also provide habitat for a wide variety of wildlife and plants that are important for a healthy environment.

Removal, filling, dredging, or changing wetlands can result in reducing the capacity of wetlands to retain water. This can result in higher flows in watercourses with increased flooding and erosion. Development in wetlands has the potential to interfere with many of the natural features and ecological functions. Development may remove or impact wildlife species and their habitat, degrade or remove natural vegetation communities and impair water quality and quantity in both surface and groundwater. As well, development within wetlands could be at risk due to unstable conditions (e.g. organic soil or high water table).

There are three ways through which Conservation Authorities address wetlands within the regulations. They regulate:

- o activities within wetlands to ensure that they do not interfere with its natural features and hydrologic and ecological functions;
- o development within wetlands to ensure that it does not impact the control of flooding, erosion, dynamic beaches, pollution or the conservation of land; and
- o development adjacent to a wetland to ensure that the hydrologic function of the adjacent wetland is not affected.