

January 9, 2017

To: MVCA Member Municipality Clerks/CAO's

The Mississippi Valley Conservation Authority (MVCA) is in receipt of an e-mail and correspondence from Mr. Randy Hillier, M.P.P. MVCA feels that Mr. Hillier's comments require clarification in regards to MVCA's proposal to extend Ont. Regulation 153/06 to encompass non-Provincially Significant Wetlands across MVCA's jurisdiction. However, Mr. Hillier is correct in stating that the proposed policies are not a result of any new provincial legislation.

As MVCA has indicated in our public information, in 2006 the Province of Ontario required that all Conservation Authority Regulations made under Section 28 of the *Conservation Authorities Act* be amended to conform to a standard Regulation as defined in Ont. Regulation 97/04: *Content of Conservation Authority Regulations under Section 28(1) of the Act: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses*. Ont. Regulation 97/04 required all Conservation Authority Regulations made under Section 28 (1) of the *Conservation Authorities Act* to include:

2. (1) Subject to section 3, no person shall undertake development or permit another person to undertake development in or on the areas within the jurisdiction of the Authority that are,

(a) river or stream valleys that have depressional features associated with a river or stream, whether or not they contain a watercourse, the limits of which are determined in accordance with the following rules:

(i) where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of bank, plus 15 metres, to a similar point on the opposite side,

(ii) where the river or stream valley is apparent and has unstable slopes, the valley extends from the predicted long term stable slope projected from the existing stable slope or, if the toe of the slope is unstable, from the predicted location of the toe of the slope as a result of stream erosion over a projected 100 year period, plus 15 metres, to a similar point on the opposite side,

(iii) where the river or stream valley is not apparent, the valley extends the greater of,

(A) the distance from a point outside the edge of the maximum extent of the flood plain under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side, and

(B) the distance from the predicted meander belt of a watercourse, expanded as required to convey the flood flows under the applicable flood event standard, plus 15 metres, to a similar point on the opposite side;

(b) hazardous lands;

(c) wetlands; or

(d) other areas where development could interfere with the hydrologic function of a wetland, including areas within 120 metres of all provincially significant wetlands and areas within 30 metres of other wetlands. O. Reg. 153/06, s. 2 (1); O. Reg. 70/13, s. 1 (1).

Sections 2(1) (c) and (d) which are new additions to MVCA's previous regulation (Ont. Regulation 159/90) were adopted by the MVCA Board of Directors in 2005 and subsequently approved by the Minister of Natural Resources. As these were new provisions to MVCA's Regulation, the cost associated with its full implementation was uncertain and the Board of Directors approved an Implementation Policy to limit administration of Sections 2(1) (c) and (d) of the Regulation to those wetlands within the watershed which had been evaluated and classified by the Ministry of Natural Resources as being Provincially Significant. This was purely an administrative policy decision based on financial considerations and was noted to be an interim measure.

In 2012, the MVCA Board of Directors noted the continued loss of wetlands and directed staff to report on the feasibility of administering the Regulation across all wetlands in the watershed as intended. This led to the Board's approval of an Implementation Strategy in 2015 to amend MVCA's current Regulation Implementation Policies for consideration by the Board of Directors. As part of this process, staff has circulated the proposed Policies for review and comment by member municipalities.

While the proposed Policies are not a result of new provincial legislation, they are intended to more fully achieve the intent and expectation of the existing *Conservation Authorities Act* and provincial Regulations which were enacted in 2006. I would also note that the Ontario Ministry of Natural Resources and Forestry has recognized the importance of consistent administration of the Conservation Authority Regulations as a key component of their draft Wetland Conservation Strategy for Ontario 2016 – 2030.

The Mississippi Valley Conservation Authority Board of Directors which represents the eleven municipalities within MVCA's jurisdiction is seeking municipal comment on the draft policies. As these are administrative policies of the Conservation Authority they are subject to the approval of the Board of Directors in accordance with the *Conservation Authorities Act* of Ontario, and therefore there is no obligation on behalf of member municipalities to adopt these policies or to identify the regulated areas within municipal planning documents.

Municipal planning staff have been invited to attend a meeting on January 25, 2017 at the MVCA office in Carleton Place to discuss the proposed policies in more detail, however, if you have any further questions regarding this matter please do not hesitate to contact the undersigned or Matt Craig, Manager of Planning and Regulations at mcraig@mvc.on.ca 613-253-0006 ext. 226.

Yours truly,

A handwritten signature in black ink, appearing to read 'P. Lehman', written in a cursive style.

Paul Lehman, P.Eng.,
General Manager