



South Nation
Conservation
de la Nation Sud

Regulated Activities Policies

Part VI of the
Conservation Authorities Act, R.S.O. 1990, c. C.27
&
Ontario Regulation 41/24:
Prohibited Activities, Exemptions and Permits

August 2026

Revisions

Revision No.	Approval Date	Resolution
1	September 27, 2006	Resolution BD-136/06
2	August 15, 2019	Resolution BD-125/19
3	February 17, 2022	Resolution BD-028/22
4	September 29, 2022	Resolution BD-152/22
5	October 20, 2022	Resolution BD-169/22
6	April 20, 2023	Resolution BD-076/23
7	August 13, 2026	Resolution BD-110/26

Table of Contents

REGULATED ACTIVITIES POLICIES	1
1. GENERAL.....	1
2. JURISDICTION	2
3. REGULATED AREAS	2
4. PROVINCIAL PLANNING STATEMENT	4
5. PROHIBITED ACTIVITIES UNDER THE ACT	4
6. EXCEPTIONS.....	5
6.1. AGGREGATE RESOURCES ACT EXCEPTION	5
6.2. PLANNING ACT EXCEPTION.....	5
6.3. PRESCRIBED EXCEPTIONS.....	5
6.4. SNC EXCEPTIONS	7
7. PRE-SUBMISSION CONSULTATION	8
8. PERMIT APPLICATIONS	9
8.1. PERMIT APPLICATION PROCESS	9
8.2. REQUEST FOR APPLICATION REVIEW.....	11
8.3. PERMIT APPLICATION DECISION	12
8.4. APPEAL, NO DECISION.....	13
9. PERMITS	13
9.1. GENERAL	13
9.2. PERMIT CONDITIONS.....	13
9.3. PERIOD OF VALIDITY.....	14
9.4. PERIOD OF VALIDITY EXTENSIONS	14
9.5. CANCELLATION OF PERMITS.....	15
9.6. PERMITS NON-TRANSFERRABLE.....	16
9.7. REISSUANCE OF EXPIRED PERMIT.....	16
9.8. PERMIT AMENDMENTS.....	16
9.9. RETROACTIVE PERMITS	17
9.10. HEARINGS	17
10. GENERAL POLICIES FOR ACTIVITIES.....	18
11. RESTRICTED DEVELOPMENT ACTIVITY	19
12. FLOODING HAZARD	19
12.1. OVERVIEW	19
12.2. SAFE ACCESS	20
12.3. BALANCED CUT AND FILL.....	20
12.4. RESIDENTIAL.....	21
12.5. COMMERCIAL/INDUSTRIAL	24
12.6. INTERNAL RENOVATIONS.....	25
12.7. SEPTIC SYSTEMS	26
12.8. WELLS.....	26
12.9. PUBLIC INFRASTRUCTURE	26
12.10. RECREATIONAL USES	27

12.11. DUG-OUT/ISOLATED PONDS	27
12.12. AGRICULTURAL BUILDINGS AND STRUCTURES	28
13. EROSION HAZARD	30
14. UNSTABLE SOILS	32
15. UNSTABLE BEDROCK	32
16. RETROGRESSIVE LANDSLIDE AREAS	33
16.1. CASSELMAN TO LEMIEUX POTENTIAL RETROGRESSIVE LANDSLIDE AREA	33
16.2. OTTAWA RIVER POTENTIAL RETROGRESSIVE LANDSLIDE STUDY AREA	33
17. WETLANDS.....	33
17.1. PROVINCIALLY SIGNIFICANT WETLANDS	33
17.2. LOCALLY SIGNIFICANT WETLANDS.....	34
18. WATERCOURSES	36
18.1. CROSSINGS.....	36
18.2. WATER CONTROL STRUCTURES	37
18.3. DAMS	37
18.4. CONSERVATION PROJECTS	38
18.5. EROSION AND SEDIMENT CONTROL STRUCTURES.....	39
18.6. MAINTENANCE OF DAMS OR EROSION AND SEDIMENT CONTROL STRUCTURES.....	39
18.7. PONDS	39
18.8. DREDGING	40
18.9. REALIGNMENT, CHANNELIZATION, OR STRAIGHTENING	41
18.10. ENCLOSURES.....	41
18.11. SHORELINE PROTECTION	41
19. DEVELOPMENT PROJECTS SUBJECT TO ZONING ORDERS	42
19.1. OVERVIEW	42
19.2. COSTS	42
19.3. PERMIT.....	43
19.4. CONDITIONS	43
19.5. AGREEMENT	43
19.6. ECOLOGICAL COMPENSATION	44
19.7. ECOLOGICAL COMPENSATION PRINCIPLES.....	44
19.8. ECOLOGICAL COMPENSATION EFFECTIVENESS MONITORING AND REPORTING	45
20. DEFINITIONS	47

1. General

- 1.1 This policy document has been prepared to provide clarity and transparency in the administration of SNC's *Conservation Authorities Act* permit application and permit review processes as well as to satisfy prescribed requirements under section 12 of O. Reg.41/24.
- 1.2 Where there is a conflict between the policies and the text of the CAA or its regulations, the text of the CAA and regulations shall prevail.
- 1.3 Where more than one policy applies to an activity, the more stringent policy shall prevail.
- 1.4 Where a section of these policies is found invalid, the invalid portion shall be voided, and the remainder of these policies shall remain valid and effective.
- 1.5 *Permits* issued by SNC to undertake activities do not preclude compliance with other applicable legislation, regulations, and by-laws. It is the responsibility of the applicant or *permit* holder to ensure all necessary approvals are obtained prior to undertaking any activities that require a *permit* under Part VI of the CAA.
- 1.6 Approval under other legislation does not prejudice or supersede required approvals under the CAA, except where explicitly stated within legislation, or noted within.
- 1.7 The words of the policy are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the policies, the object of the policies, and the intention of the CAA and its regulations.
- 1.8 All terminology shall be considered to have their ordinary meaning as defined by common usage except as defined specifically by this document. Defined terms are listed alphabetically in the "Definitions" section of this document and are shown in italics for ease of reference.
- 1.9 Timelines are in calendar days unless otherwise specified.
- 1.10 These policies shall be reviewed every 5 years to ensure compliance with the CAA, its regulations, and any applicable legislation.
- 1.11 Stakeholders, municipalities, and the public shall be provided with a 30-day comment period prior to the implementation of significant amendments to this policy document. Significant amendments include adding new policies, removing policies, and changing the intent or effect of a policy.

- 1.12 These policies shall be made available to the public on SNC's website and shall be provided in alternative formats by request in accordance with the *Ontarians with Disabilities Act, 2001*, S.O. 2001, c. 32.

2. Jurisdiction

- 2.1 SNC's area of jurisdiction includes all lands within the watershed of the South Nation River (Order in Council 835/47) and areas of the following participating municipalities where SNC's jurisdiction has been enlarged at the request of the participating municipality in accordance with section 10 of the CAA:
- i. the entirety of the Township of Alfred and Plantagenet (BD-002/15),
 - ii. the areas of the Township of Augusta that are not within the jurisdiction of the Rideau Valley Conservation Authority (BD-002/04),
 - iii. the areas of the City of Clarence-Rockland that are not within the jurisdiction of the Rideau Valley Conservation Authority (BD-020/20),
 - iv. the areas of the Township of Edwardsburgh-Cardinal that are not within the jurisdiction of the Rideau Valley Conservation Authority (BD-107/04),
 - v. the entirety of The Nation Municipality (BD-123/12), and
 - vi. the entirety of the Municipality of South Dundas (BD-109/04).

3. Regulated Areas

- 3.1 *Regulated areas* where certain activities, including *development activity*, are prohibited by section 28 of the CAA without a *permit* include:
- a) *hazardous lands*,
 - b) *wetlands* and areas within 30 metres of *wetlands* (O. Reg. 41/24, s. 2(3)),
 - c) existing channels of *watercourses*,
 - d) river or stream valleys, and
 - e) areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards.

3.2 Subsection 2 (1) of O. Reg. 41/24 states that river or stream valleys include 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 as follows:

- 1) Where the river or stream valley is apparent and has stable slopes, the valley extends from the stable top of the bank, plus 15 metres, to a similar point on the opposite side.
- 2) 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.
- 3) Where the river or stream valley is not apparent, the valley extends,
 - i) to the furthest of the following distances:
 - A. the distance from a point outside the edge of the maximum extent of the flood plain under the *applicable flood event standard* 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* to a similar point on the opposite side, and
 - ii) an additional 15-metre allowance on each side.

3.3 Subsection 2 (2) of O. Reg. 41/24 states that areas adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to inland lakes that may be affected by flooding, erosion or dynamic beach hazards include:

- a) the area starting from the furthest offshore extent of SNC's boundary to the furthest of the following distances:
 - i) the 100-year flood level, plus the appropriate allowance for *wave uprush*, and, if necessary, for other water-related hazards, including ship-generated waves, ice piling and ice jamming,
 - ii) the predicted long-term stable slope projected from the existing stable toe of the slope or from the predicted location of the toe of the slope as that location may have shifted as a result of shoreline erosion over a 100-year period, and

- iii) where a dynamic beach is associated with the waterfront lands, an allowance of 30 metres inland to accommodate dynamic beach movement, and
 - b) the area that is an additional 15 metres allowance inland from the area described in clause (a).
- 3.4 *Regulated areas* are not development setbacks, land use designations, zoning by-laws, or specific development limits.
- 3.5 Regulated areas are mapped according to the criteria and standards outlined in the Guidelines for Developing Schedules of Regulated Areas (October 2005) as approved by the Ministry of Natural Resources and Conservation Ontario.
- 3.6 Modifications to the extent of the *regulated area* may be made where more detailed studies determine a more precise boundary.
- 3.7 Maps of *regulated areas* may not delineate the full extent of *regulated areas* under CAA and O. Reg. 41/24. In case of a conflict regarding the boundaries of the areas where certain activities are prohibited under the CAA, the description of those areas in the CAA and O. Reg. 41/24 prevail over the depiction of the areas in the maps (O. Reg. 41/24, s. 4(5)).

4. Provincial Planning Statement

- 4.1 SNC is required to act in a manner consistent with the *Provincial Planning Statement* when exercising any authority that affects a planning matter (*Laforme v. The Corporation of the Town of Bruce Peninsula*, 2021 ONSC 5287 and *Gilmor v. Nottawasaga Valley Conservation Authority*, 2017 ONCA 414).
- 4.2 SNC *permits* issued under section 28.1 of the CAA must be consistent with the *Provincial Planning Statement*, as amended.

5. Prohibited Activities Under the Act

- 5.1 Subsection 28(1) of the CAA prohibits the following activities in SNC's area of jurisdiction:
 - 1. Activities to straighten, change, divert or interfere in any way with the existing channel of a river, creek, stream or *watercourse* or to change or interfere in any way with a *wetland*.

2. *Development activity* in areas that are within SNC's area of jurisdiction and are,
- i. *hazardous lands*,
 - ii. *wetlands*,
 - iii. areas within 30 metres of *wetlands*,
 - iv. river or stream valleys, and
 - v. areas that are adjacent or close to the shoreline of the Great Lakes-St. Lawrence River System or to an inland lake and that may be affected by flooding, erosion or dynamic beach hazards.

6. Exceptions

6.1. Aggregate Resources Act Exception

- 6.1.1 The prohibitions on activities in subsection 28(1) of the *CAA* do not apply to an activity approved under the *Aggregate Resources Act* after December 18, 1998 (*CAA*, 28(2)).

6.2. Planning Act Exception

- 6.2.1 Subject to subsection 28(4.2) of the *CAA*, the prohibitions in subsection 28(1) of the *CAA* do not apply to an activity within a municipality prescribed by the regulations under the *CAA* if,
- a) the activity is part of development authorized under the *Planning Act*, and
 - b) such conditions and restrictions as may be prescribed for obtaining the exception and on carrying out the activity are satisfied (*CAA*, 28(4.1)).
- 6.2.2 If a regulation prescribes activities, areas of municipalities or types of authorizations under the *Planning Act* or prescribes any other conditions or restrictions relating to an exception, the exception applies only in respect of such activities, areas and authorizations and subject to such conditions and restrictions (*CAA*, 28(4.2)).

6.3. Prescribed Exceptions

- 6.3.1 The prohibition on *development activity* in areas that are within SNC's area of jurisdiction does not apply to the following development activities (O. Reg. 41/24, s. 5):

- a) the construction, *reconstruction*, erection, or placement of;
 - i) a seasonal or floating dock that,
 - A. is 10 square metres or less,
 - B. does not require permanent support *structures*, and
 - C. can be removed in the event of flooding,
 - ii) a rail, chain-link or panelled fence with a minimum of 75 millimetres of width between panels, that is not within a wetland or *watercourse*,
 - iii) agricultural in-field erosion control *structures* that are not within and that do not have any outlet of water directed or connected to a *watercourse*, wetland or river or stream valley,
 - iv) a non-habitable *accessory building or structure* that,
 - A. is incidental or subordinate to the principal *building or structure*,
 - B. is 15 square metres or less, and
 - C. is not within a wetland or *watercourse*, or
 - v) an unenclosed detached deck or patio that is 15 square metres or less, is not placed within a *watercourse* or wetland and does not utilize any method of cantilevering;
- b) the installation of new tile drains that are not within a wetland or *watercourse*, within 30 metres of a wetland or within 15 metres of a *watercourse*, and that have an outlet of water that is not directed or connected to a *watercourse*, wetland or river or stream valley, or the maintenance or repair of existing tile drains;
- c) the installation, maintenance or repair of a pond for watering livestock that is not connected to or within a *watercourse* or wetland, within 15 metres of a wetland or a *watercourse*, and where no excavated material is deposited within an area where subsection 28(1) of the CAA applies;
- d) the maintenance or repair of a driveway or private lane that is outside of a wetland or the maintenance or repair of a public road, provided that the driveway or road is not extended or widened and the elevation, bedding materials and existing culverts are not altered;
- e) the maintenance or repair of municipal drains as described in, and conducted in accordance with the mitigation requirements set out in the Drainage Act and the Conservation Authorities Act Protocol, approved by the Minister and available on a government of Ontario website, as it may be amended from time to time; and

- f) the *reconstruction* of a non-habitable garage with no basement, if the *reconstruction* does not exceed the existing footprint of the garage and does not allow for a change in the potential use of the garage to create a *habitable space*.

6.4. SNC Exceptions

6.4.1 SNC may not require *permits* for the following activities that may otherwise be prohibited under subsection 28(1) of the CAA:

- a) Selective tree harvesting for private use or hazardous tree removal within *wetlands*.
- b) Minor *development activity* associated with passive recreation within *wetlands*.
- c) Maintenance of stormwater management facilities that are not likely to affect the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock.
- d) Installation of municipal water monitoring wells that are not likely to affect the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock.
- e) Non-structural development activities associated with gardens, nurseries, open arboretums, and forestry/wildlife management.
- f) Maintenance of a *building* or *structure* where there is:
 - i) no increase in the number of *dwelling units*;
 - ii) no change to the gross floor area or *habitable space*;
 - iii) no change to the existing footprint; and
 - iv) no change to foundation walls.
- g) Demolition of a *building* or *structure* where backfilling does not raise the average grade or slope of the subject property.
- h) *Reconstruction* of an existing above-ground utility service connection located outside of a *watercourse* or *wetland*.
- i) Maintenance on the existing channel of a roadside ditch where the roadside ditch does not form part of a *watercourse*, is not within a wetland, within 30 metres of a wetland, and there is no change to an outlet to a *watercourse*.

- j) Removal of debris, beaver dams, natural blockages, or obstructions impacting existing drainage where there is no interference with the existing channel of a *watercourse*.
- k) Placement of a habitable vehicle or trailer in a *regulated area* where:
 - i) the vehicle or trailer is capable of being removed in the event of a natural hazard;
 - ii) there are no structural modifications that would require disassembly prior to being removed from the *regulated area*;
 - iii) there are no permanent connections to electrical, water, or sewage disposal services; and
 - iv) the vehicle or trailer is a registered vehicle under the *Highway Traffic Act* and has a license plate.
- l) Installation of fencing where supports and foundations result in no changes to existing grades.

7. Pre-Submission Consultation

7.1 SNC encourages *applicants* to engage in pre-submission consultation prior to submitting an *application*.

7.2 The purpose of pre-submission consultation is to:

- a) confirm the presence of *regulated areas* or features,
- b) determine complete *application* requirements for the proposed activity,
- c) clarify timelines and general processes, and
- d) provide a preliminary determination of whether the proposed activity complies with the *CAA* and these policies.

7.3 SNC may request information from the *applicant* during pre-submission consultation including:

- a) initial information on the proposed activity such as a description of the project and any associated plans, and
- b) details about the property upon which the activities are proposed to be carried out, including copies of plans, maps, or surveys.

- 7.4 SNC may request permission to undertake a site visit to the subject property where the activities in question are proposed to be carried out.
- 7.5 After reviewing information provided by an *applicant* during a pre-submission consultation, SNC may request additional technical information, studies, or plans.
- 7.6 Additional meetings may take place between SNC and the *applicant* prior to the submission of an *application*, including any potential site visits to the subject property where the activities in question are proposed to be carried out, as needed.
- 7.7 Joint pre-submission consultation meetings with the local municipality will be encouraged where proposals also require approval under the *Planning Act*.

8. Permit Applications

8.1. Permit Application Process

- 8.1.1 An *application* for a *permit* shall be in accordance with subsection 28.1(3) of the CAA and section 7 of O. Reg. 41/24 and shall include:
 - a) a completed and signed *application* form,
 - b) a plan of the area showing the type and location of the proposed *development activity* or a plan of the area showing plan view and cross-section details of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or *watercourse*, or change or interfere with a wetland,
 - c) the proposed use of any *buildings* and *structures* following completion of the *development activity* or a statement of the purpose of an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or *watercourse* or to change or interfere with a wetland,
 - d) the start and completion dates of the *development activity* or other activity,
 - e) a description of the methods to be used in carrying out an activity to straighten, change, divert or interfere with the existing channel of a river, creek, stream or *watercourse*, or change or interfere with a wetland,
 - f) the elevations of existing *buildings*, if any, and grades and the proposed elevations of any *buildings* and grades after the *development activity* or other activity,
 - g) drainage details before and after the *development activity* or other activity,

- h) a complete description of any type of *fill* proposed to be placed or dumped,
- i) if the *applicant* is the owner, proof of ownership of the subject property,
- j) if the *applicant* is not the owner, a confirmation of authorization for the proposed *development activity* or other activity given by the owner of the subject property, and
- k) any other technical information, studies or plans SNC requests including information requested during pre-submission consultations between SNC and the *applicant*.

8.1.2 Technical information, studies, or plans that may be requested include, but are not limited to:

- a) surveys by an Ontario Land Surveyor,
- b) existing topographic and metric geodetic elevations,
- c) proposed topographic and/or metric geodetic elevations,
- d) flood line delineation studies,
- e) structural elevations,
- f) erosion and sediment control plans,
- g) grading plans,
- h) geotechnical studies,
- i) geomorphology studies,
- j) hydrogeological assessments,
- k) landscaping or site rehabilitation plans,
- l) watercourse erosion analysis,
- m) stormwater management studies,
- n) water balance analysis,
- o) construction access and staging plans,
- p) coastal engineering studies, or
- q) soil quality reports.

- 8.1.3 Upon receipt of the information required and payment by the *applicant* of applicable fees, SNC shall notify the *applicant* in writing, within 21 days, whether the *application* is deemed to be a complete *application* (O. Reg. 41/24, s. 7(1)).
- 8.1.4 If an *application* is deemed complete, SNC shall not require new studies, technical information or plans from the *applicant* to make a determination on the *application*, unless agreed to by SNC and the *applicant* (O. Reg. 41/24, s. 7(2)).
- 8.1.5 SNC may ask the *applicant* for clarification or further details regarding any matter related to the *application* (O. Reg. 41/24, s. 7(2)).

8.2. Request for Application Review

- 8.2.1 An *applicant* may request the *Chief Administrative Officer* review their *application* if:
- a) the *applicant* has not received notice from SNC within 21 days in accordance with subsection 7(2) of O. Reg. 41/24,
 - b) the *applicant* disagrees with SNC's determination that the *application* is incomplete, or
 - c) the *applicant* believes SNC's request for other information, studies or plans under clause 7(1)(i) of O. Reg. 41/24 is not reasonable (O. Reg. 41/24, s. 8(1)).
- 8.2.2 Requests for an *application review* shall be made in writing to the *Chief Administrative Officer* or their designate.
- 8.2.3 *Applicants* must request an *application review* no later than 60 days following submission of the *application* and payment of the applicable fees.
- 8.2.4 The *application review* process is not available for works that have commenced or been completed without a *permit* in contravention of the CAA.
- 8.2.5 *Applicants* cannot request an *application review* during the Pre-Submission Consultation process.
- 8.2.6 *Applicants* may request only one *application review* per *application*.
- 8.2.7 *Applicants* shall pay applicable *application* fees prior to requesting a review. For greater certainty, *applications* with unpaid applicable fees are ineligible for *application review*.
- 8.2.8 The *Chief Administrative Officer* or their designate shall provide written notice of the decision and any reasons no later than 30 days after an *application review* is requested.

- 8.2.9 Upon completion of the *application review*, the *Chief Administrative Officer* or their designate shall, as the case may be,
- a) confirm that the *application* meets the requirements of the Regulation and is complete,
 - b) provide reasons why the *application* is incomplete,
 - c) provide reasons why a request for other information, studies or plans is reasonable, or
 - d) withdraw the request for all or some of the information, studies, or plans.
- 8.2.10 The written notice of decision and any reasons shall be delivered via electronic mail, registered mail, or personal service.
- 8.2.11 The decision of the *Chief Administrative Officer* or their designate is final.
- 8.2.12 The *Chief Administrative Officer* or their designate shall consider the following when undertaking the *application review*:
- a) whether the request for *application review* meets the eligibility criteria established in this policy document,
 - b) whether the *applicant* has submitted the information required by the CAA, O. Reg. 41/24, and this policy document, and
 - c) whether SNC's requests for information, studies and plans are consistent with the requirements of the CAA, regulations made under the CAA, SNC policies, and prior *applications* for similar projects within SNC's jurisdiction.

8.3. Permit Application Decision

- 8.3.1 Each complete *application* shall be decided on its own merits, on a case-by-case basis, consistent with statutory requirements as prescribed by the CAA, the regulations, and this policy document.
- 8.3.2 Within 30 days of receipt of a *minor application* being deemed complete, the *applicant* shall be notified in writing whether:
- a) the *permit* is issued with or without conditions, or
 - b) the *application* is refused.
- 8.3.3 Within 90 days of a *major application* being deemed complete, the *applicant* shall be notified in writing whether:
- a) the *permit* is issued with or without conditions, or

b) the *application* is refused.

8.3.4 A notice of refusal of an *application* shall contain written reasons for the refusal.

8.4. Appeal, No Decision

8.4.1 If an *application* is made in accordance with the CAA and the regulations, and if SNC fails to give the *applicant* notice of a decision with respect to the *application* within 90 days after the *application* is made, the *applicant* may appeal the *application* directly to the Ontario Land Tribunal (CAA, 28.1(22)).

9. Permits

9.1. General

9.1.1 SNC may issue a *permit* to a person to engage in an activity specified in the *permit* that would otherwise be prohibited under subsection 28(1) of the CAA, if, in the opinion of SNC,

- a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches or unstable soil or bedrock,
- b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property,
- c) any other requirements that may be prescribed by the regulations are met (CAA, s. 28.1(1)).

9.1.2 SNC *permits* to undertake activities do not preclude compliance with other applicable legislation, regulations, and municipal by-laws. Conversely, approval of work under other applicable legislation, regulations, and municipal by-laws do not preclude compliance with the CAA.

9.1.3 It is the responsibility of the *permit holder* to ensure all necessary approvals are obtained prior to undertaking any activities authorized by an SNC *permit*.

9.2. Permit Conditions

9.2.1 SNC may attach conditions to a *permit* issued under the CAA only if, in the opinion of SNC, the conditions,

- a) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock,

- b) assist in preventing or mitigating any effects on human health or safety or any damage or destruction of property in the event of a natural hazard, or
- c) support the administration or implementation of the *permit*, including conditions related to reporting, notification, monitoring, and compliance with the *permit* (O. Reg. 41/24, s. 9(1)).

9.3. Period of Validity

- 9.3.1 A *permit* is valid from the date of issuance until the expiration date stated on the *permit*.
- 9.3.2 The maximum period of validity of a *permit*, including any extension, is 60 months (O. Reg. 41/24, s. 11(1)).
- 9.3.3 *Permits* shall generally be issued with a period of validity of not less than one year or not more than two years.
- 9.3.4 A *permit* may be issued for a period of validity greater than two years if the activity:
 - a) cannot be reasonably completed within two years from the date of issuance, or
 - b) requires approvals or *permits* from other regulatory bodies that cannot reasonably be obtained within two years of the date of issuance.
- 9.3.5 *Permits* with a period of validity greater than two years shall not be issued without written authorization from the Managing Director Planning and Approvals.

9.4. Period of Validity Extensions

- 9.4.1 If a *permit* is issued for less than the maximum period of validity, the *permit holder* may, at least 60 days before the expiry of the *permit*, submit an *application* for an extension of the *permit* (O. Reg. 41/24, s. 11(2)).
- 9.4.2 SNC may approve an extension of the period of validity of a *permit* where:
 - a) the *permit holder* submitted an *application* for an extension at least 60 days before the expiry of the *permit*,
 - b) the *permit's* period of validity, including any prior extensions, is less than the maximum period of validity of 60 months,
 - c) the extension does not exceed the maximum period of validity of 60 months,

- d) site conditions at the subject property are the same as the date the *permit* was issued,
 - e) there have been no updates to SNC's maps of *regulated areas* of the subject property since the issuance of the *permit*, and
 - f) there is no new information available to establish reasonable belief that the activity is likely to pose a greater risk to people or property than when the *permit* was issued.
- 9.4.3 No *permit* period of validity shall be extended greater than a two-year period of validity without the written authorization of the Managing Director Approvals.
- 9.4.4 If SNC intends to refuse a request for an extension, SNC shall give notice of intent to refuse to the *permit holder*, indicating that the extension will be refused unless the holder requests a hearing before the SNC Board of Director (O. Reg. 41/24, s. 11(4)).
- 9.4.5 The *permit holder* may submit a written request for a hearing to SNC within 15 days of receiving a notice of intent to refuse a request for an extension (O. Reg. 41/24, s.11(5)).
- 9.4.6 If a written request for hearing is submitted, SNC shall hold the hearing within a reasonable time, and shall give the *permit holder* at least 5 days' notice of the date of the hearing (O. Reg. 41/24, s. 11(6)).
- 9.4.7 After holding a hearing, the SNC Board of Directors may,
- a) confirm the refusal of the extension, or
 - b) grant an extension for such period of time as it deems appropriate, as long as the total period of validity of the *permit* does not exceed the applicable maximum period of validity of 60 months (O. Reg. 41/24, s. 11(7)).

9.5. Cancellation of Permits

- 9.5.1 SNC may cancel a *permit* if it is of the opinion that the conditions of the *permit* have not been met (CAA, 28.3 (1)).
- 9.5.2 Before cancelling a *permit*, SNC shall give a notice of intent to cancel to the *permit holder* indicating that the *permit* will be cancelled on a date specified in the notice unless the *permit holder* requests a hearing (CAA, 28.3 (2)).
- 9.5.3 Within 15 days of receiving a notice of intent to cancel a *permit* from SNC, the *permit holder* may submit a written request for a hearing to SNC (CAA, 28.3 (3)).
- 9.5.4 SNC shall set a date for the hearing and hold the hearing within a reasonable time after receiving a request for a hearing.

- 9.5.5 After holding a hearing, the SNC Board of Directors may confirm, rescind or vary the decision to cancel a *permit* (CAA, 28.3 (5)).
- 9.5.6 If SNC confirms the cancellation of a *permit* or makes another order to which the *permit holder* objects, the *permit holder* may, within 90 days of receiving notice of SNC's decision, appeal the decision to the Ontario Land Tribunal (CAA, 28.3 (6)).

9.6. Permits Non-Transferrable

- 9.6.1 No *permit* may be transferred from a *permit holder* to another person who is not named as *permit holder* on said *permit*.

9.7. Reissuance of Expired Permit

- 9.7.1 A former *permit holder* may request re-issuance of an expired *permit* no more than 6 months from the date the *permit* expired.
- 9.7.2 SNC may re-issue an expired *permit* where:
- a) the request was made no more than 6 months from the date the *permit* expired,
 - b) site conditions at the subject property are the same as the date the expired *permit* was issued,
 - c) there have been no updates to SNC's maps of *regulated areas* of the subject property since the expired *permit* was issued, and
 - d) there is no new information available to establish reasonable belief that the activity is likely to pose a greater risk to people or property than when the *permit* was issued.
- 9.7.3 Where SNC refuses re-issuance of an expired *permit*, the former *permit holder* may submit an *application* to carry out the proposed activity. There is no avenue of appeal from an SNC decision regarding re-issuance of an expired *permit*.

9.8. Permit Amendments

- 9.8.1 A *permit holder* who has not completed the approved activity may make a request in writing for their *permit* to be amended to accommodate modifications to the approved activity.
- 9.8.2 SNC shall review the request and provide a decision either approving or denying the request within 30 days.
- 9.8.3 SNC may amend a *permit* where the *permit holder's* proposed modifications to the approved activity are:

- a) consistent with this policy document,
 - b) related to the approved activity, and
 - c) are minor in nature or can otherwise be reviewed and approved without the need to initiate a separate *permit application* process.
- 9.8.4 Where SNC refuses an amendment request, the *permit holder* may submit an *application* to carry out the activity. There is no avenue of appeal from an SNC decision regarding a *permit* amendment request.

9.9. Retroactive Permits

- 9.9.1 Subject to such rehabilitation orders as issued by the court under section 30.7 of the CAA, SNC is not obligated to accept retroactive *permit applications*, issue retroactive *permits*, or otherwise legalise activities carried out in contravention of the CAA.
- 9.9.2 SNC may accept and review complete retroactive *permit applications* for activities carried out in contravention of the CAA where:
- a) SNC is exercising its discretion to not proceed via prosecution in the matter or is otherwise willing to engage in the voluntary compliance process while preserving its right to prosecute the alleged offence,
 - b) the alleged offender has communicated their willingness to engage in a voluntary compliance process,
 - c) there is a reasonable prospect of the alleged offender adhering to the voluntary compliance process,
 - d) the unlawful work complies with or can be reasonably modified to comply with the policies and procedures of this document, and
 - e) an *officer* has solicited the submission of a retroactive *permit application* from the alleged offender.
- 9.9.3 SNC shall accept and review complete retroactive *permit application* for unlawful activities that contravene the CAA where the alleged offender is subject to a rehabilitation order issued by the court as per subsection 37(1) of the CAA.
- 9.9.4 Retroactive *permit application* fees are subject to a 100% surcharge in accordance with SNC's Fee Schedule, as amended.

9.10. Hearings

- 9.10.1 A *permit holder* who disagrees with the conditions attached to their *permit* may request a hearing before the SNC Board of Directors within 30 days of the date

of issuance of their *permit* and prior to the commencement of work (CAA, 28.1 (5)).

9.10.2 An *applicant* whose *permit* has been refused may request a hearing before the SNC Board of Directors within 30 days of the date the notice of the refusal was issued (CAA, 28.1 (5)).

9.10.3 Hearing requests shall be in writing and addressed to the *Secretary-Treasurer*.

10. General Policies for Activities

10.1 *Permits* to undertake activities that would otherwise be prohibited under subsection 28(1) of the CAA shall not be issued except in accordance with this policy document.

10.2 *Permits* to undertake activities that would otherwise be prohibited under section 28 of the CAA may be issued where the *applicant* demonstrates the following along with any additional activity specific policies:

- a) the activity is not likely to affect the control of flooding, erosion, dynamic beaches, or unstable soil or bedrock,
- b) the activity is not likely to create conditions or circumstances that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property,
- c) the activity is consistent with the Provincial Planning Statement issued under section 3 of the *Planning Act*, as amended,
- d) there is *safe access* appropriate for the nature of the *development activity* and the natural hazard,
- e) there is no feasible alternative location for the activity to take place at the subject property that is outside the *regulated area*,
- f) access is available for emergency services, and maintenance, stabilization, or protective works to reduce natural hazard risk,
- g) there are no adverse hydraulic or fluvial impacts to *watercourses*,
- h) the activity is carried out according to *accepted engineering principles* and approved engineering standards or to the satisfaction of SNC, whichever is applicable, based on the scale and scope of the activity,

- i) the activity does not preclude future development on the subject property or neighbouring properties from avoiding the risks of natural hazards, and
- j) the activity does not create a risk to natural surficial and groundwater recharge and discharge areas that contribute to or influence natural process response related to *flooding hazards*, erosion, unstable soils, unstable bedrock, and low water and drought conditions.

11. Restricted Development Activity

- 11.1 Activities that are prohibited under subsection 28(1) of the CAA shall not be permitted where the activity is associated with:
- a) an institutional use including hospitals, long-term care homes, retirement homes, pre-schools, school nurseries, day cares, and schools,
 - b) an essential emergency service such as that provided by fire, police, and ambulance stations, and electrical substations,
 - c) the disposal, manufacture, treatment, or storage of hazardous substances, or
 - d) the outdoor storage of materials, either temporary or permanent.

12. Flooding Hazard

12.1. Overview

- 12.1.1 The *applicable flood event standard* for all areas in SNC's jurisdiction is the 100 Year Flood Event Standard and the 100-year flood level plus *wave uprush* (O. Reg. 41/24, Schedule 1, s. 2).
- 12.1.2 The 100 Year Flood Event Standard means rainfall, snowmelt, or a combination of rainfall and snowmelt, producing at any location in a river, creek, stream or *watercourse* a peak flow that has a probability of occurrence of one per cent during any given year (O. Reg. 41/24, Schedule 2, s. 3).
- 12.1.3 The 100-year flood level means the peak instantaneous still water level plus an allowance for *wave uprush* and other water-related hazards for inland lakes and the Great Lakes-St. Lawrence River System that has a probability of occurrence of one per cent during any given year (O. Reg. 41/24, Schedule 2, s. 4).

12.2. Safe Access

12.2.1 *Safe access* exists where along the full length of the travelled surface of an access roadway or right-of-way during the *applicable flood event standard*:

- a) the maximum flood depth does not exceed 0.8 metres,
- b) the maximum flow velocity does not exceed 1.7 metres per second, and
- c) the product of flood depth and flow velocity does not exceed 0.4 metres per second squared.

12.2.2 Where flow velocity information is not available, *safe access* exists where the flood depth along the full length of the travelled surface of an access roadway or right-of-way during a flood does not exceed 0.3 metres.

12.2.3 An emergency response plan approved by the local municipality shall be required where flood depths exceed 0.3 metres along any part of the travelled surface of an access roadway or right-of-way.

12.2.4 The following table is provided for ease of use and reference only:

Flow Velocity	Acceptable Depth
0.5 m/s	0.8 m
0.5 m/s	0.7 m
0.6 m/s	0.6 m
0.8 m/s	0.5 m
1.0 m/s	0.4 m
1.3 m/s	0.3 m
1.7 m/s	0.2 m
1.7 m/s	0.1 m
N/A	0.3 m

12.3. Balanced Cut and Fill

12.3.1 *Development activity* associated with the placement of material that is offset by a corresponding cut (removal of material) may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the loss of *flood plain* storage volume within the *flood plain* as a result of any placement of *material* shall be compensated by a balanced cut (excavation) to be carried out in proximity to and concurrently with the placement of the material on the subject property or adjacent properties,
- b) the volume of available *flood plain* storage capacity within the affected river or stream reach is not reduced,
- c) the energy grade associated with the *flooding hazard* is not increased,

- d) all excavated material forming part of a cut that is not suitable for the corresponding *fill* is removed from the *regulated area*,
- e) the proposed site grading (cut and *fill*) is designed to result in no increase in upstream and downstream water surface elevations and no increase in flow velocities in the affected river cross-sections, under a full range of potential flood discharge conditions (1:2 year to 1:100 year return periods), compliance with this requirement shall be demonstrated by means of hydraulic computations completed to the satisfaction of SNC, and
- f) there is no adverse impacts on *erosion hazards*, *wetlands*, valley lands, *hydrologic functions*, or unstable soils or bedrock.

12.4. Residential

12.4.1 New *dwelling units* shall not be permitted within the *flooding hazard*. For greater certainty, the prohibition on new *dwelling units* within the *flooding hazard* applies to all lots, including *vacant lots of record*.

12.4.2 Ground floor additions to an existing principal residential *building* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *safe access* exists or can be established,
- b) the footprint of the addition does not exceed 50 square metres (538 square feet) or, in the case of multiple additions, all additions combined will have a footprint not exceeding 50 square metres (538 square feet),
- c) there is no increase in the number of *dwelling units*,
- d) all *habitable space* is at or above the existing ground floor elevation,
- e) any proposed basement or crawl space is designed to facilitate services only and is not *habitable space*,
- f) *floodproofing* sets the lowest opening to be 0.3 metres above the *flooding hazard* elevation or the *wave uprush* elevation, whichever is greater,
- g) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- h) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- i) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding.

12.4.3 A second storey to an existing principal residential *building* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *safe access* exists or can be established,
- b) there is no increase in the number of *dwelling units*,
- c) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- d) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- e) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding.

12.4.4 *Reconstruction* of an existing residential *building* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) no more than 5 years have passed from the date the *building* was damaged or destroyed,
- b) the reconstructed *building* is relocated outside the *flooding hazard* or, where this is not feasible, relocated to an area within the subject property where the risk of flooding and property damage is reduced to the greatest extent possible,
- c) the reconstructed *building* is less than or equal to the footprint of the original *building* or *structure*,
- d) there is no increase in the number of *dwelling units*,
- e) the reconstructed *building* contains cumulative *habitable space* no greater than the cumulative *habitable space* of the original *building*,
- f) the reconstructed *building* is *floodproofed* to standards set by applicable provincial technical guidelines,
- g) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- h) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional,

- i) the reconstructed *building* is securely anchored such that it does not break free and aggravate flooding, and
- j) any proposed basement or crawl space is designed to facilitate services only and is not *habitable space*.

12.4.5 Relocation of an existing residential *building* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the existing residential *building* or *structure* is relocated outside the *flooding hazard* or, where this is not feasible, relocated to an area within the subject property where the risk of flooding and property damage is reduced to the greatest extent possible,
- b) the relocated *building* is *floodproofed* to standards set by applicable provincial technical guidelines,
- c) there is no increase in the number of *dwelling units*,
- d) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- e) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- f) the *building* is securely anchored such that it does not break free and aggravate flooding.

12.4.6 Non-habitable accessory *buildings* or *structures* associated with an existing residential use – including detached garages, tool sheds, and other similar *structures* – may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *floodproofing* is undertaken to the extent practical, where *floodproofing* to the elevation of the *flooding hazard* is not feasible,
- b) there is no opportunity for conversion to *habitable space*,
- c) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- d) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- e) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding.

12.4.7 Above or below ground swimming pools may be subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates all excavated material is removed from the *flooding hazard* other than that approved for landscaping.

12.5. Commercial/Industrial

12.5.1 Additions to existing commercial/industrial *buildings* or *structures* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *safe access* exists or can be established,
- b) the footprint of the addition does not exceed 100 square metres (1,076 square feet) or, in the case of multiple additions, all additions combined will have a footprint not exceeding 100 square metres (1,076 square feet),
- c) *floodproofing* is undertaken to the extent practical where *floodproofing* to the elevation of the *flooding hazard* is not feasible,
- d) risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- e) the *building* is securely anchored such that it does not break free and aggravate flooding.

12.5.2 Accessory *buildings* or *structures* associated with existing commercial/industrial uses may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *safe access* exists or can be established
- b) *floodproofing* sets the lowest opening to be 0.3 metres above the *flooding hazard* elevation or the *wave uprush* elevation, whichever is greater,
- c) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- d) risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
- e) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding.

12.5.3 *Reconstruction* of existing commercial/industrial *buildings* or *structures* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) no more than 5 years have passed from the date the *building* or *structure* was damaged or destroyed,
- b) the reconstructed *building* or *structure* is relocated outside the *flooding hazard* or, where this is not feasible, relocated to an area within the subject property where the risk of flooding and property damage is reduced to the greatest extent possible,
- c) the reconstructed *building* or *structure* is less than or equal to the original footprint,
- d) *floodproofing* is undertaken to the extent practical where *floodproofing* to the elevation of the *flooding hazard* is not feasible,
- e) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater, and
- f) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional.

12.5.4 Surface parking lots located in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) *safe access* exists or can be established,
- b) the risk of property damage is minimized through site design and flood emergency plans.

12.6. Internal Renovations

12.6.1 Internal renovations to a *building* or *structure* in the *flooding hazard* that change the use or potential use of the *building* or *structure* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) there is no increase in the number of *dwelling units*,
- b) there is no increase in *habitable space* unless *safe access* exists or can be established,
- c) the internal renovations do not result in a new use where associated development activity is prohibited under section 11, and
- d) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a *qualified professional*.

12.7. Septic Systems

12.7.1 *Reconstruction* of existing septic systems may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the septic system design establishes the distribution pipes at or above the *flooding hazard* elevation and the *wave uprush* elevation,
- b) the septic system is floodproofed using a watertight cap to prevent ingress of flood waters to the main tank as well as appropriate valves to prevent back flow, and
- c) the septic system is designed to withstand lateral and buoyant pressures associated with floodwaters.

12.7.2 New septic systems may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the septic system design establishes the stone layer at or above the *flooding hazard* elevation or the *wave uprush* elevation, whichever is greater,
- b) the septic system is floodproofed using a watertight cap to prevent ingress of flood waters to the main tank as well as appropriate valves to prevent back flow, and
- c) the septic system is designed to withstand lateral and buoyant pressures associated with floodwaters.

12.8. Wells

12.8.1 A drilled well may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates the well casing is designed to an elevation of 0.3 metres above the *flooding hazard* elevation or the *wave uprush* elevation, whichever is greater.

12.9. Public Infrastructure

12.9.1 Public infrastructure including roads, sanitary sewers, utilities, water and sewage treatment plants, water supply wells, well houses, and pipelines may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10).

12.9.2 The maintenance and repair of public infrastructure may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10).

12.10. Recreational Uses

- 12.10.1 Recreational uses including passive parks, trails, and river access points but not including campgrounds, golf courses, marinas and permanent docks may be permitted in the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates the risk of property damage is minimized through site and facility design and flood emergency plans.
- 12.10.2 Marinas, permanent docks, and boathouses may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) there is no opportunity for conversion to *habitable space*,
 - b) facilities are designed to take advantage of existing impacted or open areas on the channel bank or shoreline, wherever possible,
 - c) mechanical, heating, and electrical systems are installed 0.3 metres above the *regulatory flood plain* elevation or the *wave uprush* elevation, whichever is greater, and
 - d) the risk of property damage is minimized through site and facility design and flood emergency plans.
- 12.10.3 Golf courses and golf course expansions may be permitted in the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) all associated permanent, closed *structures* including clubhouses, washrooms with septic systems and maintenance *buildings* are located outside of the *flooding hazard*, and
 - b) the risk of property damage is minimized through site and facility design and flood emergency plans.

12.11. Dug-Out/Isolated Ponds

- 12.11.1 A *dug-out* or *isolated pond* may be permitted in the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) the pond is not within an *erosion hazard*,
 - b) excavated material is removed from the *flooding hazard*, and
 - c) the finished side slopes are stable.

12.11.2 Dredging of a *dug-out* or *isolated pond* within the *flooding hazard* may be permitted where the *applicant* further demonstrates:

- a) all dredged material is removed from the *flooding hazard*,
- b) the finished side slopes are stable, and
- c) the risk of erosion and sedimentation during dredging operations is managed.

12.12. Agricultural Buildings and Structures

12.12.1 Additions to agricultural *buildings* or *structures* may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the footprint of the addition does not exceed 100 square metres (1,076 square feet) or, in the case of multiple additions, all additions combined will have a footprint not exceeding 100 square metres (1,076 square feet),
- b) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- c) *floodproofing* is undertaken to the extent practical where *floodproofing* to the *flooding hazard* elevation is not feasible, and
- d) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional.

12.12.2 Additions to agricultural *buildings* or *structures* greater than 100 square metres (1,076 square feet) may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
- b) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional,
- c) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding,
- d) *floodproofing* is undertaken to the extent practical where *floodproofing* to the elevation of the *regulatory flood plain* is not feasible.

- 12.12.3 Accessory *buildings* or *structures* associated with agricultural uses may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,
 - b) the *building* or *structure* is securely anchored such that it does not break free and aggravate flooding,
 - c) *floodproofing* is undertaken to the extent practical where *floodproofing* to the elevation of the *regulatory flood plain* is not feasible.
- 12.12.4 *Reconstruction* of agricultural *buildings* or *structures* in the *flooding hazard* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) no more than 5 years have passed since the *building* or *structure* was damaged or destroyed,
 - b) the reconstructed *building* or *structure* is relocated outside the *flooding hazard* or, where this is not feasible, relocated to an area within the subject property where the risk of flooding and property damage is reduced to the greatest extent possible,
 - c) the reconstructed *building* or *structure* is less than or equal to the original footprint,
 - d) the reconstructed *building* is *floodproofed* to standards set by applicable provincial technical guidelines, and
 - e) any proposed basement or crawl space is designed to facilitate services only and is not *habitable space*.
- 12.12.5 Relocation of agricultural *buildings* and *structures* may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) the existing *building* or *structure* is relocated outside the *flooding hazard* or, where this is not feasible, relocated to an area within the subject property where the risk of flooding and property damage is reduced to the greatest extent possible,
 - b) the relocated *building* is floodproofed to standards set by applicable provincial technical guidelines,
 - c) mechanical, heating, and electrical systems are installed 0.3 metres above the flood plain elevation or the *wave uprush* elevation, whichever is greater,

- d) the risk of structural failure due to potential hydrostatic/dynamic pressures has been addressed through an appropriate study or review by a qualified professional, and
 - e) the *building* is securely anchored such that it does not break free and aggravate flooding.
- 12.12.6 Agricultural *structures* that reduce risks associated with erosion may be permitted within the *flooding hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) the risk of property damage is minimized through site design and flood emergency plans, and
 - b) *floodproofing* is undertaken to the extent practical, where *floodproofing* to the elevation of the *regulatory flood plain* is not feasible.

13. Erosion Hazard

- 13.1 New *dwelling units* and additional *habitable space* shall not be permitted within the *erosion hazard*. For greater certainty, the prohibition on new *dwelling units* within the *erosion hazard* applies to all lots, including *vacant lots of record*.
- 13.2 *Development activity* associated with slope stabilization works to protect existing development or conservation or restoration projects may be permitted within the *erosion hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) the precise location of the *erosion hazard* via a site-specific geotechnical or engineering assessment based on established provincial guidelines,
 - b) an appropriate *factor of safety* against slope failure or slipping,
 - c) the potential of increased loading forces on the top of the slope is addressed through appropriate structural and geotechnical engineering design,
 - d) the potential for surficial erosion is addressed by a drainage plan, and
 - e) access into and through the valley for preventative actions or maintenance during an emergency is maintained or created.
- 13.3 *Development activity* associated with driveways and access roads may be permitted within the *erosion hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the precise location of the *erosion hazard* via a site-specific geotechnical or engineering assessment based on established provincial guidelines,
- b) an appropriate *factor of safety* against slope failure or slipping,
- c) the potential of increased loading forces on the top of the slope is addressed through appropriate structural and geotechnical engineering design,
- d) the potential for surficial erosion is addressed by a drainage plan, and
- e) access into and through the valley for preventative actions or maintenance during an emergency is maintained or created.

13.4 *Development activity* associated with public infrastructure including roads, sanitary sewers, utilities, water supply wells, well houses, and pipelines may be permitted within the *erosion hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the precise location of the *erosion hazard* via a site-specific geotechnical or engineering assessment based on established provincial guidelines,
- b) an appropriate *factor of safety* against slope failure or slipping is established,
- c) the potential of increased loading forces on the top of the slope is addressed through appropriate structural and geotechnical engineering design,
- d) the potential for surficial erosion is addressed by a drainage plan, and
- e) access into and through the valley for preventative actions or maintenance during an emergency is maintained or created.

13.5 *Development activity* associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail systems) may be permitted within the *erosion hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the precise location of the *erosion hazard* via a site-specific geotechnical or engineering assessment based on established provincial guidelines,
- b) an appropriate *factor of safety* against slope failure or slipping is established,
- c) the potential of increased loading forces on the top of the slope is addressed through appropriate structural and geotechnical engineering design,

- d) the potential for surficial erosion is addressed by a drainage plan, and
- e) access into and through the valley for preventative actions or maintenance during an emergency is maintained or created.

13.6 *Development activity* may be permitted within the allowances associated with the *erosion hazard* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the precise location of the *erosion hazard* via a site-specific geotechnical or engineering assessment based on established provincial guidelines,
- b) an appropriate *factor of safety* against slope failure or slipping is established,
- c) the potential of increased loading forces on the top of the slope is addressed through appropriate structural and geotechnical engineering design,
- d) the potential for surficial erosion is addressed by a drainage plan, and
- e) access into and through the valley for preventative actions or maintenance during an emergency is maintained or created.

14. Unstable Soils

14.1 *Development activity* may be permitted within areas of unstable soil – including organic soils and sensitive marine clays – subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the precise location of unstable soil formations via a technical site-specific study done by a qualified professional with expertise in unstable soil, and
- b) the risk of instability that would result in structural failure or property damage is eliminated or minimized.

15. Unstable Bedrock

15.1 *Development activity* may be permitted within areas of unstable bedrock subject to the General Policies for Activities (s. 10) and the *applicant* further demonstrates:

- a) the precise location of unstable bedrock formations via a technical site-specific study done by a qualified professional with expertise in unstable bedrock, and

- b) the risk of instability that would result in structural failure or property damage is eliminated or minimized.

16. Retrogressive Landslide Areas

16.1. Casselman to Lemieux Potential Retrogressive Landslide Area

- 16.1.1 No *development activity* shall be permitted within the Casselman to Lemieux Potential Retrogressive Landslide Area.
- 16.1.2 *Development activity* may be permitted within 30 metres of the Casselman to Lemieux Potential Retrogressive Landslide Area subject to the General Policies for Activities (s. 10) and where the *applicant* provides a geotechnical report by a qualified professional engineer having expertise in retrogressive landslides.
- 16.1.3 No *development activity* shall be permitted within 30 metres of the Casselman to Lemieux Potential Retrogressive Landslide Area if that *development activity* is associated with the uses described in section 11.

16.2. Ottawa River Potential Retrogressive Landslide Study Area

- 16.2.1 *Development activity* may be permitted within the Ottawa River Potential Retrogressive Landslide Study Area subject to the General Policies for Activities (s. 10) and where the *applicant* provides a geotechnical report by a qualified professional engineer having expertise in retrogressive landslides showing no risk to people or property, to the satisfaction of SNC.

17. Wetlands

17.1. Provincially Significant Wetlands

- 17.1.1 *Development activity* may be permitted within 30 metres of *provincially significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates the *development activity* will not change or interfere with the *provincially significant wetlands*.
- 17.1.2 *Development activity* associated with erosion control works, restoration projects, and *conservation projects* may be permitted within *provincially significant wetlands* subject to the General Policies for Activities (s. 10) where the *applicant* further demonstrates:
 - a) the construction methodology minimizes interference or changes to the *provincially significant wetlands*, and

- b) the design minimizes the area of disturbance.

17.1.3 *Development activity* associated with public infrastructure including roads, sanitary sewers, utilities, water supply wells, well houses, and pipelines may be permitted within a *provincially significant wetland* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) alternatives to avoid *provincially significant wetland* loss or interference have been considered, and
- b) the design minimizes *provincially significant wetland* loss or interference to the greatest extent possible.

17.1.4 *Development activity* associated with boardwalks (e.g., narrow, raised, planked trails) may be permitted in *provincially significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the construction methodology minimizes interference or changes to the *provincially significant wetlands*, and
- b) the *structure's* materials do not interfere with the *provincially significant wetland*, and
- c) the design minimizes the area of disturbance.

17.2. Locally Significant Wetlands

17.2.1 *Development activity* may be permitted within 30 metres of *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates the *development activity* will not change or interfere with the *locally significant wetlands*.

17.2.2 *Development activity* associated with a single-family dwelling and/or related auxiliary *structure* – along with associated grading activity – may be permitted within *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the lot is a *vacant lot of record* existing on or before the date the participating municipality passed its *locally significant wetlands* municipal zoning by-law,
- b) there is no feasible alternative site for the *development activity* on the subject property outside the *locally significant wetland*, and
- c) there is no risk of structural failure from organic soils.

17.2.3 *Development activity* associated with the *reconstruction* of residential *buildings* may be permitted within *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) there is no feasible alternative site for the reconstructed *building* on the subject property outside the *locally significant wetland*,
- b) the number of *dwelling units* is the same or less,
- c) the *replacement building* is less than or equal to the footprint of the original *building*,
- d) the reconstructed *building* contains cumulative *habitable space* no greater than the cumulative *habitable space* of the original *building* or *structure*,
- e) there is no risk of structural failure from organic soils, and
- f) no more than 5 years have passed from the date the *building* was damaged or destroyed.

17.2.4 *Development activity* associated with public infrastructure including roads, sanitary sewers, utilities, water supply wells, well houses, and pipelines may be permitted within *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) alternatives to avoid wetland loss or interference have been considered and that the proposed alignment minimizes wetland loss or interference to the greatest extent
- b) intrusions on *significant natural features* and impacts to hydrologic functions, and ecological functions are minimized, and it is demonstrated that *best management practices* including site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions.

17.2.5 *Development activity* associated with boardwalks (e.g., narrow, raised, planked trails) may be permitted in *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the construction methodology minimizes interference or changes to the *locally significant wetlands*, and
- b) the *structure's* materials do not interfere with the *locally significant wetland*, and
- c) the design minimizes the area of disturbance.

17.2.6 *Development activity* associated with erosion control works, restoration projects, and *conservation projects* may be permitted within *locally significant wetlands* subject to the General Policies for Activities (s. 10) where the *applicant* further demonstrates:

- a) the construction methodology minimizes interference or changes to the *locally significant wetlands*, and
- b) the design minimizes the area of disturbance.

17.2.7 *Development activity* associated with public parks (e.g., passive outdoor recreational trail system) may be permitted within *locally significant wetlands* subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the construction methodology minimizes interference or changes to the *locally significant wetlands*, and
- b) the design minimizes the area of disturbance.

18. Watercourses

18.1. Crossings

18.1.1 The construction, maintenance, or repair of *watercourse* crossings including bridges, culverts, pipelines, *enclosures* less than 20 metres (66 feet), and causeways may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the crossing avoids bends in the *watercourse* channel where possible,
- b) the crossing is located to take advantage of existing impacted or open areas on the channel bank or valley slope,
- c) the crossing avoids the *flooding hazard* to accommodate natural *watercourse* movement,
- d) the risk of flood damage to upstream or downstream properties is reduced through site and infrastructure design,
- e) intrusions on *hydrologic functions* are minimized,
- f) site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions,
- g) physical realignments or alterations to the *watercourse* channel associated with a new crossing are avoided where possible, and
- h) maintenance requirements are minimized.

18.2. Water Control Structures

- 18.2.1 The construction, maintenance, or repair of water control *structures* to protect existing development from the *flooding hazard* including dykes and berms, but excluding dams, may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) all feasible alignments have been considered through an *Environmental Assessment* or other site-specific technical studies, whichever is applicable based on the scale and scope of the project, and
 - b) intrusions on *significant natural features* or *hydrologic functions* are minimized, and it is demonstrated *best management practices* including site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions.

18.3. Dams

- 18.3.1 The construction of dams may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) all feasible alternative sites and alignments have been considered through an *Environmental Assessment* or through site-specific studies, whichever is applicable based on the scale and scope of the project,
 - b) there are water management benefits,
 - c) erosion and sedimentation during construction and post-construction are minimized using *best management practices* including site, landscape, infrastructure design, construction controls, and appropriate remedial measures,
 - d) intrusions on *significant natural features* or hydrologic functions are minimized, and *best management practices*, including site and infrastructure design and appropriate remedial measures, will adequately restore and enhance features and functions, and
 - e) works are constructed according to *accepted engineering principles* and approved engineering standards where applicable based on the scale and scope of the project.
- 18.3.2 Alterations to dams may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:
- a) there are no adverse impacts on the capacity of the *structure* to pass flows,
 - b) the integrity of the original *structure* is maintained or improved,

- c) erosion and sedimentation during construction and post-construction are minimized using *best management practices* including site, landscape, infrastructure design, construction controls, and appropriate remedial measures,
- d) intrusions on *significant natural features* or hydrologic functions are minimized, and *best management practices*, including site and infrastructure design and appropriate remedial measures, will adequately restore and enhance features and functions,
- e) works are constructed according to *accepted engineering principles* and approved engineering standards where applicable based on the scale and scope of the project.

18.3.3 The retirement or removal of dams that are structurally unsound or no longer serve their intended purpose may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) an *Environmental Assessment* or a detailed decommissioning plan details how all potential hydrologic and ecological impacts have been identified and considered,
- b) *significant natural features* and hydrologic functions within or adjacent to the *watercourse* are restored and enhanced through the retirement or removal of the *structure* and a site restoration plan,
- c) the risk of pollution and sedimentation during and after retirement or removal is addressed through a draw-down plan.

18.4. Conservation Projects

18.4.1 *Conservation projects* such as stream rehabilitation works, small impoundments and realignments that restore or enhance *watercourse* morphology or aquatic health and habitat may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the risk of pollution and sedimentation during and after retirement or removal is addressed through a draw-down plan,
- b) the hydrologic and ecological benefits of the project,
- c) stream bank stability is enhanced,
- d) *significant natural features* and hydrologic functions are restored and enhanced using *best management practices* including site and/or infrastructure design and appropriate remedial measures,
- e) natural channel design principles are followed to the extent possible, and

- f) and maintenance requirements are minimized.

18.5. Erosion and Sediment Control Structures

18.5.1 Erosion and sediment control *structures* to protect existing development and other uses may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) erosion risk on adjacent, upstream, and/or downstream properties is reduced or erosion and sedimentation processes are controlled to reduce existing or potential impacts from adjacent land uses, whichever is appropriate,
- b) natural channel design principles are followed to the extent possible,
- c) where unavoidable, intrusions on *significant natural features* or hydrologic functions are minimized, and it is demonstrated that *best management practices* including site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions, and
- d) maintenance requirements are minimized.

18.6. Maintenance of Dams or Erosion and Sediment Control Structures

18.6.1 The maintenance and repair of dams or erosion and sediment control *structures* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) erosion and sedimentation during construction and post-construction are minimized using *best management practices* including site, landscape, infrastructure design, construction controls, and appropriate remedial measures,
- b) where unavoidable, intrusions on *significant natural features* or *hydrologic functions* are minimized, and it is demonstrated that *best management practices* including site and infrastructure design and appropriate remedial measures will adequately restore and enhance features and functions,
- c) works are maintained or repaired according to *accepted engineering principles* and approved engineering standards where applicable based on the scale and scope of the project.

18.7. Ponds

18.7.1 Connected ponds that outflow to a *watercourse* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) maximum berm heights above existing grades do not exceed 0.3 metres (1 foot) within the *flooding hazard* or *erosion hazard*, and
- b) excavated materials are removed from any *regulated area*.

18.7.2 *Bypass ponds* connected to *watercourses* created as part of site restoration plan or a conservation project may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the water intake is set above the elevation that permits continuous flow,
- b) maximum berm heights above existing grades do not exceed 0.3 metres (1 foot) within the *flooding hazard* or *erosion hazard*, and
- c) excavated materials are removed from any *regulated area*.

18.7.3 *On-Line ponds* for wetland restoration and fish and wildlife habitat enhancement at the upstream end of *watercourses* may be permitted subject to the General Policies for Activities (s. 10).

18.7.4 Dredging of an existing connected, *bypass*, or *on-line pond* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the pond is not within an *erosion hazard*,
- b) excavated material is removed from the *flooding hazard*, and
- c) the finished side slopes are stable.

18.8. Dredging

18.8.1 Dredging of a *watercourse* to improve hydraulic characteristics, fluvial processes, aquatic habitat, or water quality may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) bank stability is maintained or improved,
- b) where unavoidable, intrusions on *significant natural features* or *hydrologic functions* are minimized and it is demonstrated that *best management practices* including site design and appropriate remedial measures will adequately restore and enhance features and functions, and
- c) dredged materials are removed from any *regulated area*.

18.9. Realignment, Channelization, or Straightening

18.9.1 Realignment, channelization, or straightening of a *watercourse* to improve hydraulic characteristics, fluvial processes, slope stability, or water quality may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) all feasible alternative alignments have been considered through an *Environmental Assessment* or through site-specific studies, whichever is applicable based on the scale and scope of the project,
- b) bank stability is maintained or improved,
- c) where unavoidable, intrusions on *significant natural features* or *hydrologic functions* are minimized and it is demonstrated that *best management practices* including site design and appropriate remedial measures will adequately restore and enhance features and functions, and
- d) natural channel design principles are followed to the extent possible.

18.10. Enclosures

18.10.1 The construction of an *enclosure* of a *watercourse* may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) the *enclosure* mitigates the risk of natural hazards for existing development,
- b) a site-specific study has identified an *enclosure* as the appropriate option to address the risk of natural hazards for existing development,
- c) erosion and sedimentation during construction and post-construction are minimized using *best management practices* including site, landscape, infrastructure design, construction controls, and appropriate remedial measures,
- d) intrusions on *significant natural features* or *hydrologic functions* are minimized, and *best management practices*, including site and infrastructure design and appropriate remedial measures, will adequately restore and enhance features and functions, and
- e) works are constructed according to *accepted engineering principles* and approved engineering standards, whichever is applicable based on the scale and scope of the project.

18.11. Shoreline Protection

18.11.1 Shoreline protection and improvement projects may be permitted subject to the General Policies for Activities (s. 10) and where the *applicant* further demonstrates:

- a) alignment results in no significant effects on *watercourse* hydraulics,
- b) transitions from proposed protection to adjacent shorelines is designed to mitigate local erosion, debris accumulation, or undesirable changes in local current,
- c) the design incorporates adequate drainage features, and
- d) the risks from marginally stable or unstable slopes are addressed.

19. Development Projects Subject to Zoning Orders

19.1. Overview

19.1.1 The following provisions apply to any application to undertake an activity within a *regulated area* where a zoning order has been made by the Minister of Municipal Affairs and Housing under section 47 of the *Planning Act* authorizing the activity under that Act and any *permit* issued under section 28.1 of the *CAA* where section 28.1.2 of the *CAA* applies.

19.2. Costs

19.2.1 All costs for a *permit* subject to 28.1.2 of the *CAA* and the accompanying agreement under Subsection 28.1.2(17) of the *CAA* shall be borne by the *applicant* or *permit* holder in accordance with the SNC Fee Schedule, as amended, including but not limited to:

- a) administrative costs,
- b) technical reviews,
- c) legal costs,
- d) land acquisition,
- e) ecological compensation works,
- f) ecological effectiveness monitoring and reporting, and
- g) adaptive management.

19.2.2 SNC may require sureties be held in a contingency fund for SNC use.

19.2.3 Failure by the *applicant* or *permit* holder to remit payment may result in suspension of the *application* or cancellation of the *permit*.

19.3. Permit

19.3.1 *Permits* for *development projects* subject to zoning orders are subject to section 28.1.2 of the CAA.

19.3.2 SNC shall issue a permit for an application for a *development project* in its area of jurisdiction if clauses 28.1.2(1)(a),(b), and (c) of the CAA are satisfied.

19.3.3 The *permit* holder is responsible for ensuring all necessary approvals are obtained from the Government of Canada, the province, the municipality, and their respective agencies prior to undertaking the *development project*.

19.4. Conditions

19.4.1 Conditions of a *permit* subject to section 28.1.2 of the CAA may be prescribed in accordance with this policy document and shall seek to mitigate:

- a) any effects the development project is likely to have on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock,
- b) any conditions or circumstances created by the *development project* that, in the event of a natural hazard, might jeopardize the health or safety of persons or result in the damage or destruction of property, or
- c) any other matters that may be prescribed by regulation (CAA, s.28.1.2(6)).

19.5. Agreement

19.5.1 A *permit holder* of a *permit* subject to section 28.1.2 of the CAA shall enter into an agreement with SNC in accordance with subsection 28.1.2(17) of the CAA.

19.5.2 SNC and the *permit holder* may agree to add a municipality or such other person or entity as they consider appropriate as parties to the agreement (CAA, s. 28.1.2(17)).

19.5.3 The agreement shall set out actions or requirements the *permit* holder must complete or satisfy in order to compensate for ecological impacts and any other impacts that may result from the *development project* (CAA, s. 28.1.2(18)).

19.5.4 The holder of a *permit* issued under section 28.1.2 of the CAA shall not begin a *development project* until an agreement has been entered into (CAA, s. 28.1.2(19)).

19.6. Ecological Compensation

- 19.6.1 SNC may seek ecological compensation for impacts to natural heritage features within a *regulated area*.
- 19.6.2 *Ecological compensation* shall be negotiated and implemented on the facts of the individual *development project* and with a view to context specific compensation solutions.
- 19.6.3 The following policies for *ecological compensation* are intended as a guide and do not limit SNC's ability to negotiate an agreement in accordance with subsection 28.1.2(17) of the CAA.

19.7. Ecological Compensation Principles

- 19.7.1 *Ecological compensation* may be guided by the following principles:
- a) consistency with the objectives of any approved watershed, sub-watershed, natural heritage system or equivalent strategic plans, documents, and policies where applicable,
 - b) achieving a no-net loss, and where possible, a net gain in ecological functions and land base of the natural heritage system,
 - c) replacing the impacted vegetation communities with the same community unless an alternative has been recommended by an approved strategic plan or document,
 - d) proposing outcomes that are achievable, long term, and protected in perpetuity, and
 - e) providing transparent, quantifiable metrics for the *replacement* of impacted natural features, their ecological functions, and the criteria for successful outcomes.
- 19.7.2 *Ecological compensation* should take place on the same property or site as the *development project*, whenever feasible.
- 19.7.3 Where *ecological compensation* cannot take place on the same property or site as the *development project*, the *ecological compensation* should take place on a property or site under the following hierarchy:
- a) within the same catchment or neighbourhood,
 - b) within the same sub-watershed, or
 - c) within SNC's jurisdiction.

19.7.4 Where *ecological compensation* cannot take place on the same property or site as the *development project*, the *ecological compensation* should take place on public lands or lands donated to a public agency and be zoned for environmental protection, wherever possible.

19.7.5 Appropriate landscape ecology metrics determined by a *qualified professional* may be used to demonstrate ecological benefits of the *ecological compensation*. These may include but are not limited to:

- a) feature size and shape,
- b) interior habitat,
- c) function and contribution to the local and regional natural heritage systems,
- d) relationship to hydrologic features,
- e) landscape matrix quality,
- f) habitat function, and
- g) species diversity.

19.7.6 *Ecological compensation* works should commence on, before, or as close to the date as possible of commencement of the *development project* to minimize loss of *ecological functions*.

19.8. Ecological Compensation Effectiveness Monitoring and Reporting

19.8.1 The proponent-led approach is preferred for all aspects of an *ecological compensation* project, including the preparation of the proposal, implementation, effectiveness monitoring, and site maintenance, until such time as the criteria for success have been demonstrated.

19.8.2 SNC may provide independent review and approval as part of issuing a *permit* and in accordance with the South Nation Conservation Fee Schedule, as amended.

19.8.3 An *ecological compensation* project proposal prepared by a qualified professional should include the following components:

- a) the agency responsibilities and qualifications for each component of the project,
- b) descriptions and detailed mapping of the vegetation communities to be impacted and the corresponding *replacement* areas set via recommended ratios,

- c) descriptions and detailed mapping of all surface water features and their connectivity,
- d) descriptions of wildlife use and *structures* that provide wildlife habitats, including detailed mapping of significant wildlife habitats and species at risk,
- e) characterizations of impacted ecological functions and description of how they will be replaced, using quantifiable metrics and objective criteria for success,
- f) timelines for implementation, project completion and full *replacement* of ecological functions,
- g) mechanisms for ensuring long term or perpetual protection,
- h) detailed budget for each phase of the *ecological compensation* project,
- i) ecological effectiveness monitoring and reporting schedules,
- j) quantifiable criteria for corrective action and subsequent contingency plans,
- k) professional opinion and rationale demonstrating that ecological functions have been compensated.

19.8.4 Ecological effectiveness monitoring and reporting appropriate for the *ecological compensation* project may be required on the first, third, fifth, and tenth year following implementation.

19.8.5 Monitoring reports should:

- a) verify planting survival rates and assess ecosystem criteria for success,
- b) outline any project deficiencies, recommend corrective actions, and agency responsibilities to address the deficiencies, and
- c) review the effectiveness of previous corrective actions.

20. Definitions

In this policy document:

“accepted engineering principles” means those current coastal, hydraulic, and geotechnical engineering principles, methods and procedures that would be judged by a peer group of qualified engineers as being reasonable for the scale and type of project being considered, the sensitivity of the locations, and the potential threats to life and property;

“accessory building or structure” means a use or a building or structure that is subordinate and exclusively devoted to a main use, building, or structure and located on the same lot;

“adverse hydraulic and fluvial impacts” means flood elevations are not increased, flood and ice flows are not impeded and the risk of flooding to and erosion on adjacent upstream and/or downstream properties is not increased;

“applicable flood event standard” means the standards with respect to an authority, for the purposes of paragraph 3 of subsection 2 (1) of O. Reg. 41/24 and to determine the maximum susceptibility to flooding of lands or areas in the area of jurisdiction of an authority are the standards specified in Schedule 1 of O. Reg. 41/24 as those standards are described in Schedule 2 of O. Reg. 41/24 (O. Reg. 41/24. S. 3);

“applicant” means a person who has applied for a permit to engage in an activity that would otherwise be prohibited under the CAA within SNC’s area of jurisdiction;

“application” means an applicant for a permit to engage in an activity that would otherwise be prohibited under the CAA within SNC’s area of jurisdiction;

“application review” means a review of an application conducted in accordance with section 8 of O. Reg. 41/24;

“building” means,

- a) structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- b) a structure occupying an area of ten square metres or less that contains plumbing, including plumbing appurtenant thereto;
- c) plumbing not located in a structure;
- d) a sewage system; or
- e) structures designated in the Ontario Building Code (*Building Code Act, 1992*, S.O. 1992, c. 23, s. 1);

“best management practices” means methods, facilities or structures that are designed to protect or improve the environment and natural features and functions from the effects of development activity;

“bypass pond” means a pond created by diverting the flow of water from a *watercourse*;

“CAA” means the *Conservation Authorities Act*, R.S.O. 1990, c. C.27;

“Chief Administrative Officer” means the Chief Administrative Officer of SNC;

“conservation projects” means projects or activities intended to maintain, preserve, protect, improve, enhance or restore components or functions of natural features;

“dam” means a structure or work holding back or diverting water and includes a dam, tailings dam, dike, diversion, channel, artificial channel, culvert, or causeway (*Lakes and Rivers Improvement Act*, R.S.O. 1990 c. L3, s. 1);

“development activity” 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 or permanent placing, dumping or removal of any material, originating on the site or elsewhere (O. Reg. 41/24, s. 1(1));

“development project” means development activity as defined in subsection 28(5) of the CAA or any other act or activity that, without a permit issued under section 28.1.2 or section 28.1 of the CAA, would be prohibited under section 28 of the CAA (CAA, s. 28.1.2(2)).

“dug-out pond” or “isolated ponds” means anthropogenic waterbodies that are created by excavating basins with no inlet or outlet channels and in which surface and ground water collect;

“dwelling unit” means one or more rooms in a building, designed as, intended as, or capable of being used or occupied as a single independent housekeeping unit for a single person or multiple people containing living, sleeping, sanitary, and food preparation facilities or facilities for the installation of kitchen equipment;

“ecological compensation” means the creation, restoration, or enhancement of natural features to compensation for the adverse impacts of land use change and to maintain

the ecological functions and services provided by the local and regional natural heritage systems for the long term;

“ecological functions” means the natural process, products, or services that living and non-living environments provide or perform within or between species, ecosystems, and landscapes, including hydrologic function and biological, physical, chemical, and socio-economic interactions;

“enclosure” means a pipe or other conduit for carrying or conveying the water from a *watercourse* underground;

“environmental assessment” means a process that is used to predict the environmental, social, and economic effects of proposed initiatives before they are carried out. It is used to identify measure to mitigate adverse effects on the environment and can predict whether there will be significant adverse environmental effects, even after the mitigation is implemented;

“erosion hazard” means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using the 100-year erosion rate (the average annual rate of recession extended over a hundred year time span), an allowance for slope stability, and an erosion allowance;

“factor of safety” means the ratio of average available strength of the soil along the critical slip surface to that required to maintain equilibrium. The design minimum factors of safety are provided by the Ministry of Natural Resources Technical Guide - River and Stream Systems: Flooding Hazard Limit (2002). The higher factor of safety is used in complex geotechnical conditions or where there are geologically metastable materials;

“fill” means any material that affects flood storage whether that material is placed on a permanent or temporary basis and whether that material originates on the site or elsewhere;

“flooding hazard” means those areas inundated during the *applicable flood event standard* – being the 100-Year Flood Event Standard and the 100-year flood level plus *wave uprush* in all areas of SNC’s jurisdiction – as prescribed in O. Reg. 41/24;

“floodproofing” means structural changes and/or adjustments incorporated into the basic design and/or construction or alteration of individual buildings, structures, or properties to protect them from flood damage under the standards set by the Ministry of Natural Resources Technical Guide - River and Stream Systems: Flooding Hazard Limit (2002);

“habitable space” means a portion of a building or structure containing rooms or spaces required and intended for overnight occupancy and associated living space and includes those portions which contain facilities for storage, heating, air-conditioning, electrical, hot water supplies, etc., which are necessary to maintain the habitable condition;

“hazardous land” means land that could be unsafe for development because of naturally occurring processes associated with flooding, erosion, dynamic beaches or unstable soil or bedrock (O. Reg. 41/24, s. 1(1));

“hydrologic function” means the functions of the hydrologic cycle that include the occurrence, circulation, distribution, and chemical and physical properties of water on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things;

“locally significant wetland” means a *wetland* identified by a participating municipality as being locally significant via a municipal zoning by-law;

“meander belt” means the area of land in which a *watercourse* channel moves or is likely to move over time;

“minor application” means an application to engage in activities that would otherwise be prohibited under section 28 of the CCA where the scale of the proposed activity is limited in scale or scope and the potential risks associated with natural hazards are minimal;

“major application” means an application to engage in activities that would otherwise be prohibited under section 28 of the CCA where the scale of the proposed activity is large in scale or scope and the potential risk associated with natural hazards are significant;

“natural heritage features” means woodland, wetland, or grassland vegetation communities as defined by the Ontario Ecological Land Classification System;

“officer” means an officer appointed under section 30.1 of the CAA;

“on-line pond” means a pond constructed by digging, dredging or damming a *watercourse*;

“permit” means a permit issued under section 28.1 or 28.1.2 of the CAA;

“permit holder” means a person who possesses a permit issued under section 28.1 or 28.1.2 of the CAA;

“Planning Act” means the *Planning Act*, R.S.O. 1990, c. P.13;

“Provincial Planning Statement” means the policy document issued by the Government of Ontario under section 3 of the *Planning Act*;

“provincially significant wetland” means a *wetland* identified by the province as being the most valuable under the Ontario Wetland Evaluation System or a wetland identified in SNC’s maps of *regulated areas* that is not a *locally significant wetland*;

“qualified professional” means a person with specific qualifications, training, and experience authorized to undertake work in accordance with *accepted engineering* or

scientific principles as well as provincial standards, criteria, and guidelines to the satisfaction of SNC;

“reconstruction” means the rebuilding of an existing building or structure that has been damaged, destroyed, or demolished;

“regulated area” means an area or feature described under section 28 of the CAA and O. Reg. 41/24 where certain activities are prohibited under the CAA without a permit;

“replacement” means the removal of an existing building or structure and the construction of a new building or structure. It does not include reconstruction of remnant foundations nor derelict or abandoned buildings or structures;

“safe access” means the access standards described in section 12.2;

“Secretary-Treasurer” means the secretary-treasurer of SNC;

“significant natural features” means features and areas including provincially *significant wetlands*, fish habitat, valley lands, habitat of endangered species, significant wildlife habitat, confirmed habitat for provincially or regionally significant species, part of an ecologically functional corridor or linkage between natural areas, or any other features or areas that are considered ecologically important in terms of contributing to the quality and diversity of an identifiable geographic area or natural heritage system;

“SNC” means the South Nation River Conservation Authority;

“structure” means anything constructed or erected, the use of which requires location on the ground, or on water, or attachment to something having a fixed location on the ground, or on water, including walls, floors, roofs, signs, billboards, private outdoor swimming pools, and objects designed to float.

“vacant lot of record” means a parcel or tract of land described in a deed or other legal document that is capable of being legally conveyed and contains no principal *buildings* or *structures*;

“valleyland” means land that has depressional features associated with a *watercourse*, regardless of whether it contains a *watercourse*;

“watercourse” means a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs (O. Reg. 41/24, s. 1(1));

“watershed” means an area drained by a river and its tributaries (CAA, s. 1);

“wave uprush” means an engineered allowance for wind set up and wave run up beyond the extent of the *flooding hazard*;

“wetland” means land that:

- a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface,
- b) directly contributes to the hydrological function of a watershed through connection with a surface *watercourse*,
- c) has hydric soils, the formation of which have been caused by the presence of abundant water, and
- d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which have been favoured by the presence of abundant water (O. Reg. 41/24, s. 1(1));

The definition of “wetland” does not include periodically soaked or wet land used for agricultural purposes which no longer exhibits a wetland characteristic referred to in (c) or (d) (O. Reg. 41/24, s. 1(2)).