

Interim Policy Guidelines for the Administration and Implementation of Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits)

Effective Date: April 1, 2024

Summary

On April 1, 2024, Ontario Regulation 41/24 (Prohibited Activities, Exemptions and Permits) and Part VI of the *Conservation Authorities Act* came into effect. This regulation replaces the Grand River Conservation Authority's (GRCA) previous "Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses" regulation (Ontario Regulation 150/06). The proclamation of the new legislative and regulatory framework necessitates updates to existing Conservation Authority policies and procedures, including the "GRCA Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation - Ontario Regulation 150/06" and the "GRCA Policies and Procedures for Compliance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation - Ontario Regulation 150/06" and will require the development of a procedural document.

Interim Policy Guidance

As of April 1, 2024, the GRCA will review and make decisions on applications for permits in accordance with Part VI of the *Conservation Authorities Act* and Ontario Regulation 41/24. Amendments to the "GRCA Policies for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation - Ontario Regulation 150/06" and the "GRCA Policies and Procedures for Compliance with the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation - Ontario Regulation 150/06" will be forthcoming to reflect this new framework. Where discrepancies exist between the text of the legislation or regulation and the information provided within the above noted policy and compliance documents and these Interim Policy Guidelines, the text of the legislation and regulation will prevail.

Key amendments required to the existing GRCA's policy and compliance documents include, but are not limited to:

- 1) Assessing permit applications made under Section 28.1 of the *Conservation Authorities Act* to determine if the proposed works will affect the control of flooding, erosion, dynamic beaches, and **unstable soil or bedrock**.
- 2) Assessing applications to determine whether the proposed activity would 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**.
- 3) Attaching conditions to a permit only if the conditions (1) assist in preventing or mitigating any effects on the control of flooding, erosion, dynamic beaches or unstable soil or bedrock or (2) 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 (3) support the administration or implementation of the permit, including conditions related to reporting, notification, monitoring and compliance with the permit.
- 4) Reducing the regulated area surrounding provincially significant wetlands or wetlands greater than or equal to 2 hectares in size from 120 metres to 30 metres. Increasing the regulated area around engineered floodplains with the addition of a 15 metres regulated allowance rather than 5 metres. (Note: The allowance to estimated and approximate floodplains remain at 15 metres).
- 5) Updated regulated area associated with Lake Erie flooding hazard and dynamic beach (Note: No impact on existing mapped Regulation Limit for shoreline hazards).
- 6) Exemptions from CA permits for specific activities outlined in section 5 of O. Reg. 41/24 when carried out in accordance with the regulation. (Note: Additional general exemptions as per existing GRCA policy will remain).

- 7) Revised the term “Development” to “Development Activity” (Note: No change in definition).
- 8) Updated definition of *watercourse* to a “defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs”.
- 9) Enforcement tools, procedures, appeals and hearing processes described in Parts VI and VII of the *Conservation Authorities Act*.