

Policies for the Administration of
Ontario Regulation 177/06



Development, Interference with Wetlands and Alterations
to Shorelines and Watercourses

Appendix G

North Bay-Mattawa Conservation Authority Wetlands Policy

**NORTH BAY-MATTAWA
CONSERVATION AUTHORITY
WETLANDS POLICY
*FINAL REPORT***

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**NORTH BAY MATTAWA CONSERVATION AUTHORITY
WETLAND POLICY**

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1.0 Intent of this Policy

This Policy provides guidance to clarify, improve and strengthen the delivery and effectiveness of North Bay-Mattawa Conservation Authority (NBMCA) programs relating to wetlands management for both member municipalities and individual clients. The intent is to create a system and context where making decisions about wetlands will be done on the basis of a comprehensive policy, in collaboration with member municipalities, rather than in a piecemeal, case-by-case approach. A comprehensive policy provides for appropriate management approaches to fit the situation. Where necessary, the appropriate studies will be undertaken to identify wetlands' form and functions and determine potential impacts of development, based on guidance provided in this Policy and subsequent supporting Guidelines. Decisions can be made that minimize negative environmental impacts on wetlands and result in efficient and cost-effective development design and land-use patterns.

This Policy blends Conservation Authority (CA) responsibilities for regulating development with the responsibilities in the current Provincial Policy Statement, 2005, regarding Provincially Significant Wetlands (PSWs), encourages member municipalities to implement complementary policies in their respective Official Plans, and, provides a framework for implementation.

This Policy will result in:

- i) A management strategy based on the significance of a wetland;
- ii) A consistent approach to providing advice at a planning stage and to deliver on that advice at a Permitting stage pursuant to CA Regulations within or near wetlands;
- iii) More predictability and certainty in the advice and approvals given by the NBMCA to member municipalities, development proponents and other individuals requesting to undertake projects in regard to land use planning policies, development applications, and public undertakings; and,
- iv) A strategy for communicating and strengthening public awareness and support for wetland management.

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2.0 Importance of Wetlands

Wetlands are an essential natural resource. In Northern Ontario, wetlands are a pervasive and integral component of the ecology. They are amongst the most biologically diverse ecosystems on Earth.

“Wetlands provide functions that have both ecosystem and human values. From an ecosystem perspective these include primary production, sustaining biodiversity, wildlife habitat, habitat for species at risk, maintenance of natural cycles (carbon, water) and food chains. From a human perspective, wetlands provide social and economic values such as flood attenuation, recreation opportunities, production of valuable products, improvement of water quality and educational benefits.” (source: Draft: Guidelines to Support Conservation Authority Administration of the “Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation” MNR/Conservation Ontario Section 28 Peer Review and Implementation Committee, April 21, 2008)

Wetlands can have a wide range of functions, including moderation of water flow by absorbing significant amounts of surface runoff and then:

- i) Either slowly releasing it, even significantly later during drier periods; and,
- ii) Transferring water into the groundwater system.

Wetlands contribute to the maintenance of water quality by filtering and capturing pollutants, sediments, soil-bound nutrients, etc. Wetlands, particularly in the Northern Ontario context, are a significant support for flora and fauna (plants, trees, fish and wildlife).

Wetlands are vital to the health of the environment and crucial for maintaining the diversity of animal and vegetation species. Wetlands contribute to economic, cultural and social well-being by ensuring a healthy environment and providing people the opportunity to enjoy and appreciate its qualities.

The appropriate maintenance and management of wetlands will contribute to community sustainability into the future. Sound wetland management leads to a healthy environment—evidence illustrates that healthy and prosperous communities are premised on social, economic, cultural and environmental health (sustainability model). Wetlands can only be appropriately managed through awareness, political resolve and the collective, cooperative efforts of public agencies, private sector interests and residents. The effective management of wetlands requires a shared responsibility among all of the communities and constituents within the North Bay Mattawa Conservation Authority area.

3.0 North Bay-Mattawa Conservation Authority (NBMCA) Context

Conservation Authorities (CA's) are corporate bodies created by the Province at the request of two or more municipalities in accordance with the Ontario *Conservation Authorities Act* (OCA Act). Each CA is governed by a Board of Directors whose members are appointed by the member municipalities within the CA jurisdiction.

The NBMCA was formed under the OCA Act of Ontario in 1972 at the request of its then original 9-member municipalities (today there are 10 member municipalities). The work of NBMCA is funded in part by its 10-member municipalities and the Province of Ontario.

The NBMCA has jurisdiction over 2,800 km² of land in northeastern Ontario, based on identified watersheds within the Lake Nipissing and the Ottawa River Basins. The NBMCA has literally thousands of wetlands within its jurisdiction. Only a few dozen have been evaluated (those at most risk, typically in or near developing urban areas). Of the wetlands that have been evaluated to date within the NBMCA area, eight have been determined to be Provincially Significant Wetlands (PSW's); 23 have been determined not to be Provincially Significant Wetlands.. Other than these 31 wetlands that have been evaluated, all other wetlands within the NBMCA area remain unevaluated and unclassified.

In this context, the NBMCA is aware of the effects of new, layered regulation as it relates to economic development of the region. In the consideration and development of this policy and related guidelines, the NBMCA has attempted to strike a viable balance between managing wetlands for the benefit and health of its constituents with reasonable flexibility to foster continued economic opportunity.

Understanding how evaluated and unevaluated wetlands are to be managed, and what the management response should be, is communicated within this Wetlands Policy and supporting guidelines.

4.0 Mandate of the NBMCA Relative to Wetlands

4.1 LEGAL BASIS FOR RESPONSIBILITIES

The mandate of the NBMCA relative to wetlands emerges from the following legal sources:

- i) The Authority's legislated responsibilities under the Ontario Conservation Authorities (OCA) Act, R.S.O. and Regulations thereto;
- ii) The Authority's responsibilities to represent Provincial interests regarding Natural Hazards as outlined in the Provincial Policy Statement, 2005, and further, as a responsibility delegated to the CA by the Ministry of Natural Resources (MNR);
- iii) Being a "public body" under the Ontario *Planning Act*, the NBMCA is to be notified of specified planning and development applications and proposals, and the Authority may comment on these relative to its mandate: and,
- iv) The Authority has entered into service agreements with several of its constituent member municipalities to provide a technical advisory role to assess and comment on the environmental impacts of proposals and activities on wetlands.

The above-referenced legal sources are described in more detail in the following sub-sections.

4.2 ROLES AND RESPONSIBILITIES UNDER THE ONTARIO CONSERVATION AUTHORITIES (OCA) ACT

Section 20 of the OCA Act sets out the objects for a CA to "establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources" (other than gas, oil, coal and minerals). Section 21 of the OCA Act outlines the CA's powers which include the power to "study and investigate its jurisdictional watersheds and to determine programs whereby the natural resources of watersheds may be conserved, restored, developed or managed".

Under Section 28 of the OCA Act, CAs may make regulations, policies, guidelines, etc. applicable to the area under its jurisdiction to prohibit, restrict, regulate or give permission for certain activities in and adjacent to watercourses generally, and wetlands specifically.

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Section 2. (1) of Ontario Regulation 177/06, being the North Bay-Mattawa Conservation Authority: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, prohibits development in a number of areas including wetlands and in other areas where the development could affect the hydrologic function of an adjacent wetland. Section 3. (1) of Ontario Regulation 177/06 allows the NBMCA to grant permission for development in a wetland if in its opinion the control of flooding, erosion, dynamic beaches, pollution or the conservation of land will not be affected by the development. "Development" for this Regulation is defined in the Ontario Conservation Authorities Act, R.S.O. (Section 28. (25)) and generally includes construction or reconstruction of buildings or structures, a change of use or alteration to a building or structure, site grading or the placement or removal of any material onto or from the site. The CA's primary tool for delivering this responsibility is the consideration and issuance of a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit. The NBMCA administers Ontario Regulation 177/06 relative to all development or land alteration activities to ensure that proposals properly address the control of flooding and effects related to or on erosion, dynamic beaches, pollution and the conservation of land.

4.3 ROLES AND RESPONSIBILITIES TO REPRESENT "PROVINCIAL INTEREST" RELATIVE TO THE PROVINCIAL POLICY STATEMENT, 2005

Under the strength of the Ontario Planning Act (Section 3), the Province in 2005 put in place the Provincial Policy Statement, 2005 (PPS). Policies, plans and actions which municipalities and local boards (e.g. a CA) consider and proceed with, must be consistent with the interests of the Province as set forth in the PPS.

In January 2001 (final version May 2010), Conservation Ontario, the Ministry of Municipal Affairs and Housing (MMA) and the MNR entered into a Memorandum of Understanding which delegated to CAs the responsibility to represent "Provincial Interest" with regard to Section 3.1 "Natural Hazards" of the PPS. The primary way for the CA to fulfill this responsibility is to provide input and comment to municipal plan formulation and on development proposals requiring approvals under the Planning Act.

4.4 ROLES AND RESPONSIBILITIES TO COMMENT REGARDING PLANNING AND DEVELOPMENT MATTERS UNDER THE PLANNING ACT

As the CA develops its business plans, watershed and natural resource management plans and policies, these plans and policies will suggest specific approaches that relate to municipal land use planning, development applications and activities, and, related documents. Being a "public body" under the Ontario *Planning Act*, the Authority is to be notified of specified planning processes and development applications and proposals, and, the Authority is able to comment on these matters relative to its mandate. CAs are able to be involved in the review and commenting on municipal planning documents (e.g. Official Plans, secondary plans, comprehensive zoning by-laws, etc.) and

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development applications under the *Planning Act* to ensure that consideration and watershed interests are addressed in the planning and land use decisions made by the municipal planning authority. In this role, the CA is responsible to represent its program and policy interests as a watershed-based resource management agency.

4.5 ROLES AND RESPONSIBILITIES TO DELIVER ON SERVICE AGREEMENTS WITH MUNICIPALITIES

The CA has entered into Service Agreements with 4 local municipalities and one Planning Board representing 3 additional municipalities in the NBMCA area. These Service Agreements provide for the NBMCA to undertake various plan review and commenting functions under Sections 1.2.1 (e), 2.0 and 3.0 of the Provincial Policy Statement, 2005, on behalf of the Municipalities.

5.0 WETLAND CLASSIFICATIONS

5.1 For purposes of this Policy, wetlands will be designated within one of the following classifications:

i) **Evaluated-Provincially Significant Wetland (PSW)**

Wetlands which have been evaluated, using evaluation procedures established by the MNR, and identified by the MNR as a PSW will be classified under this Policy as PSW and will be subject to the relevant Regulations, Policies and Guidelines under Ontario Regulation 177/06, policies as established by the Province under the Provincial Policy Statement (PPS2005) and the Policies and Guidelines under this Policy.

ii) **Evaluated–Not Provincially Significant Wetland (NPSW)**

Wetlands which have been evaluated, using evaluation procedures established by the MNR, and determined by the MNR as not meeting the criteria of a PSW will be classified under this Policy as an NPSW and will be subject to the relevant Regulations, Policies and Guidelines under Ontario Regulation 177/06 and the Policies and Guidelines under this Policy.

iii) **Unevaluated Wetland**

Unevaluated Wetlands (i.e., those that have not been evaluated using evaluation procedures established by the MNR) will be subject to the Policies and Guidelines under this Policy related to such unevaluated wetlands until such time as they have been evaluated, using evaluation procedures established by the MNR, at which time they will be managed in accordance to the policies and requirements relevant to their designated classification if applicable.

5.2 **Other Areas (Areas of Interference / Adjacent Lands)**

Activities on lands adjacent to wetlands which are classified within the Classification System in Policy 5.1 above will typically have an effect on these wetlands. Therefore, as per subsection 2(2) of Ontario Regulation 177/06, a further description of land related to wetlands, called “Other Areas” will be established for purposes of this Policy. “Other Areas” are lands situated adjacent to wetlands where development could interfere with the hydrologic function of the wetland and will include areas within 120 metres of an Evaluated-Provincially Significant Wetland and within 30 metres of an Evaluated-Not Provincially Significant Wetland (NPSW) and an Unevaluated Wetland.

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6.0 Guiding Principles

The Guiding Principles which form the basis of this Policy are:

- i) The NBMCA is committed to the safety of people first and foremost;
- ii) The NBMCA will make decisions and interact with the communities it serves in an open, transparent, organized, consistent, fair and balanced manner;
- iii) Wetlands are hazard lands and therefore the NBMCA is required by law to address them as such;
- iv) Where possible, the NBMCA will endeavour to balance human needs with protection of the environment;
- v) Wetlands are critical to sustaining surface and ground water quality and quantity and therefore, essential to the well-being of humans and all other forms of life in the NBMCA jurisdictional area;
- vi) Wetlands are core components of the ecology of the NBMCA area; and,
- vii) Wetlands will be managed in a manner so as to minimize the effect of human activities on the functions of wetlands.

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7.0 Goals

Through its programs and regulations, the NBMCA will pursue the following management goals for wetlands in its jurisdictional area:

- i) To maintain the safety of people first and foremost;
- ii) To improve wetland health by improving, and where feasible, restoring wetland functions;
- iii) To maintain the area of healthy, self-sustaining wetlands;
- iv) Where feasible, improve wetland habitat and native biodiversity;
- v) To link wetlands to other natural heritage features and habitats; and,
- vi) To increase public awareness and appreciation of the value and sensitivity of wetlands.

8.0 Wetland Policies- Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation

- 8.1 As it is a legal responsibility of the NBMCA, it will consider, and where it deems appropriate, permit or not permit development or site alteration in or adjacent to a wetland.
- 8.2 Where the NBMCA has jurisdiction under the Ontario Conservation Authorities (OCA) Act and Ontario Regulation 177/06, the following will apply:
- i) Within any Provincially Significant Wetland (PSW), new development, site alteration and/or interference in any way will be prohibited. Notwithstanding this, certain exceptions and minor development, as follows, may be permitted subject to the policies of this Wetlands Policy and the NBMCA EIS Guidelines and Procedural Guidelines as issued by the CA from time to time:
 - a) There may be instances where the CA has given approval in principle, for the intent to develop within a PSW. This may be as a result of planning comments prior to March 1, 2005. Development within the PSW in this instance, may be permitted if it has been demonstrated to the satisfaction of the CA that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be accepted by the CA;
 - b) Municipal infrastructure (e.g. roads, sewers, flood and erosion control works) and various utilities (e.g. public pipelines) may be permitted within a PSW subject to the activity being approved through a satisfactory Environmental Assessment process and/or if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by the Conservation Authority;
 - c) Development associated with public parks (e.g. passive or low intensity outdoor recreation and education, trail system, etc.) may be permitted within a PSW if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, pollution or the conservation of land will not be affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by the Conservation Authority;
 - d) Certain “minor development” (e.g. a dock) as defined within the NBMCA Environmental Impact Study Guidelines and which occur within the established development envelope only; and
 - e) Conservation or restoration projects may be permitted within a PSW if it has been demonstrated to the satisfaction of the Conservation Authority that the control of flooding, erosion, pollution or the conservation of land will not be

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affected and the interference on the natural features and hydrologic and ecological functions of the wetland has been deemed to be acceptable by the Conservation Authority.

- ii) The requirements of this Wetland Policy will not apply to the following:
 - a) A natural-occurring wetland which is less than 0.5 ha in area and is not:
 1. Part of a Provincially Significant Wetland; or;
 2. Located within a floodplain or riparian community; or;
 3. Part of a provincially or municipally designated natural heritage feature, a significant woodland, or hazard land; or;
 4. A bog, fen; or;
 5. Fish habitat; or;
 6. Confirmed habitat for a provincially or regionally significant species as determined by the MNR or as determined by the municipality; or;
 7. Part of an ecologically functional corridor or linkage between larger wetlands; or;
 8. Part of a significant groundwater recharge area; or;
 9. Part of a significant groundwater discharge area associated with any of the above.
 - b) Wetlands which have been created as a result of the creation of a SWM facility.

8.3 Where development is proposed within a NPSW or an Unevaluated Wetland, the NBMCA, will review and consider whether or not to approve the development and issue a Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Permit on the basis of the following:

- i) Whether or not and how the development affects the control of flooding;
- ii) Implications relative to erosion;
- iii) Effects relative to pollution;
- iv) Interference on the hydrologic functions of the wetland.

8.4 Where development is proposed within 120 metres of a PSW and 30 metres of a NPSW or an Unevaluated Wetland, the NBMCA will review and consider whether or not to approve the development and issue a Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Permit on the basis of the interference on the hydrologic functions of the adjacent wetland as defined in the NBMCA EIS Guidelines.

8.5 The NBMCA will classify types of development, site alteration and/or interference proposals into a “major” and “minor” classification consistent with the NBMCA EIS Guidelines and will generally permit minor development, site alteration and/or interference proposals by issuing a Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Permit.

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- 8.6 Where a development proposal, site alteration and/or interference meets the criteria as a “major” development as per the NBMCA EIS Guidelines, the NBMCA will determine whether or not the proponent will be required to undertake an Environment Impact Study in accordance with the NBMCA EIS Guidelines. The undertaking of an EIS, if and as required by the NBMCA, does not necessarily mean that a development proposal site alteration and/or interference will be permitted.
- 8.7 Notwithstanding anything to the contrary in Policies 8.1 to 8.6 above, where an Application for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permit is for a matter that is deemed to be a “minor work” in the opinion of the CA, the requirements of Policies 8.1 through to 8.7 will not apply and the CA may issue a Permit for the work, provided all other conditions associated with the Permit are complied with.
- 8.8 Applications to the NBMCA for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permits will only be considered complete once all information necessary for NBMCA staff to evaluate the application has been submitted, and, all application fees have been paid. Any applications that are not complete by the time that this Policy comes into effect will be evaluated on the basis of this Policy, once the application has been completed.
- 8.9 The NBMCA will make efforts, to the extent it is capable and has the resources, to monitor and enforce compliance with the Terms and Conditions of any approvals given under the O.Reg. 177/06: Development, Interference with Wetlands and Alterations to Shorelines and Watercourses.
- 8.10 The NBMCA will communicate with member municipalities to detect and pursue violations to O.Reg. 177/06: Development, Interference with Wetlands and Alterations to Shorelines.
- 8.10 Where lands previously used for agriculture are no longer used for agricultural purposes and revert back to wetlands, the lands upon which a change in land use is proposed which is not associated with agriculture will be considered to be wetlands subject to this Policy.

9.0 Wetland Policies – Municipal Planning Process and Planning Applications

- 9.1 The NBMCA will encourage member municipalities to adopt language within their Official Plans, in other comprehensive municipal plans and policy documents and in other regulatory and guidelines documents in support of this Policy's intent to proactively manage the approach to development and wetlands.
- 9.2 The NBMCA will encourage member municipalities to revise their Official Plans in support of this Policy, when they undertake their scheduled five-year review and/or a comprehensive update.
- 9.3 It is the policy of the NBMCA to actively participate in its member municipalities' planning processes in a constructive, helpful and cooperative manner.
- 9.4 The NBMCA encourages its member municipalities to include as an early step in their planning processes, a Pre-application Consultation Phase, and, to invite the participation of the NBMCA in this phase so that NBMCA interests generally, and NBMCA interests in wetlands specifically, can be addressed as early as possible in the planning process.
- 9.5 The NBMCA will review all planning development applications in the context of this Policy and will:
- i) Advise municipalities when a wetland may be impacted by development;
 - ii) Advise when a Permit may be required by the NBMCA at the time of development for proposed development and alteration activities; and,
 - iii) Indicate the range of supporting information that is required by the NBMCA, including the provision of an Environmental Impact Study (EIS) as per this Policy and the Authority's EIS and Procedural Guidelines, as issued from time to time in order for the Authority to provide further and detailed comment and opinion as per the application or proposal being considered.
- 9.6 The NBMCA will promote and encourage comprehensive watershed and sub-watershed planning which assesses and manages the effects on wetlands, where applicable and appropriate.
- 9.7 Where a planning application is proposed within a NPSW or an Unevaluated Wetland, the NBMCA may request a Scoped EIS at the time of the Pre-consultation phase on the basis of the following:
- i) Whether or not and how the development affects the control of flooding;
 - ii) Implications relative to erosion;
 - iii) Effects relative to pollution;

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iv) Interference on the hydrologic functions of the wetland.

9.8 Where a planning application is proposed within 120 metres of a PSW and 30 metres of a NPSW or an Unevaluated Wetland, the NBMCA may request a Scoped EIS at the time of the Pre-consultation phase on the basis of the interference on the hydrologic functions of the adjacent wetland as defined in the NBMCA EIS Guidelines.

9.9 Nothing in this Policy is intended to limit the ability of existing agricultural uses to continue.

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**10.0 Advice Provided to Municipalities, Other Public Agencies and
the Private Sector Regarding Wetlands**

- 10.1 The NBMCA will provide advice to municipalities, Provincial agencies and landowners regarding the management, enhancement or restoration of wetlands in support of this Policy.
- 10.2 The NBMCA will encourage member municipalities and the private sector to avoid wetlands in developing golf courses, community trails and other recreational facilities.
- 10.3 The NBMCA will encourage member municipalities, other public agencies and the private sector to avoid wetlands, to the greatest extent possible, in designing and building transportation and utilities infrastructure.

11.0 Input to Federal, Provincial and Other Agencies

- 11.1 The NBMCA will discourage the construction of works proposed under Federal and Provincial legislation when such works may destroy or degrade a PSW. Such legislation includes but is not limited to the *Canadian Environmental Assessment Act*, *Ontario Environmental Assessment Act*, *Ontario Drainage Act*, and the *Ontario Aggregate Resources Act*.
- 11.2 The NBMCA will use this Policy in the review of all future works and undertakings proposed under Federal and Provincial legislation.
- 11.3 Where works proceed under Federal or Provincial legislation, the NBMCA will request that they be located and designed to minimize negative impacts on existing wetlands and that opportunities to enlarge or enhance remaining wetlands or linkages among natural features be pursued, where reasonable, appropriate and possible.
- 11.4 The NBMCA will work with member Municipalities and Provincial Ministries and agencies to ensure that this Policy is implemented in a manner that complements Provincial and Municipal initiatives relating to the identification and management of wetlands and respects private landowners' rights.

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12.0 Land Securement/Wetland Protection

- 12.1 The NBMCA may accept land donations, bequests and conservation easements to protect wetlands in the areas determined by the NBMCA that holding and/or protecting wetlands in such manner is beneficial.
- 12.2 The NBMCA may wherever feasible, partner with or cooperate with member municipalities, First Nations and other conservation agencies such as the MNR, Nature Conservancy of Canada, Conservation Ontario, Ducks Unlimited Canada, etc. to protect and enhance wetlands.
- 12.3 The NBMCA will consult with the member municipality prior to acquiring wetlands in order to identify and resolve any municipal concerns.

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13.0 Stewardship

- 13.1 The NBMCA will partner with, or cooperate with, member Municipalities, Provincial/Federal agencies, First Nations, the development industry, and other conservation organizations to undertake and demonstrate Best Management Practices (BMP) for wetland protection, enhancement, restoration and creation in the NBMCA area.
- 13.2 The NBMCA will encourage private landowners to adopt BMP for wetland protection enhancement, restoration and creation in the NBMCA area.
- 13.3 The NBMCA will partner with or cooperate with member Municipalities, Provincial / Federal agencies, First Nations, the development industry, associations, community groups and landowners to implement the wetland management recommendations contained in approved EISs prepared **for the implementation of proposed developments.**
- 13.4 The NBMCA will partner with member Municipalities, Provincial / Federal agencies, First Nations, associations, community groups and landowners to implement wetland enhancement and management measures on NBMCA-owned lands.
- 13.5 The NBMCA will encourage agricultural practices that do not impact on wetland areas. This may include BMP for soil and water management, wildlife management, forestry, buffer establishment, fragile land retirement, nutrient management planning and linking fragmented wetland areas.
- 13.6 The NBMCA will celebrate the actions and accomplishments of member Municipalities, Provincial / Federal agencies, First Nations, the development industry, associations, community groups and landowners in implementing BMP for wetlands within the NBMCA area.
- 13.7 Member municipalities, agencies, the development industry and private landowners will be encouraged to undertake appropriate actions in keeping with the intent of this policy.
- 13.8 The NBMCA will work with community groups and others to undertake and/or encourage BMP in critical areas identified for wetlands stewardship action.

14.0 Information, Education and Communication

- 14.1 The NBMCA will encourage and facilitate research and educational uses of NBMCA-owned wetlands through programs, Memoranda of Agreement with universities, colleges and other appropriate agencies, associations and organizations and other means.
- 14.2 The NBMCA will consider assisting other parties proposing to undertake scientific studies of wetlands in the NBMCA area dependent on the availability of resources to do so. Such activities may be formalized through Memoranda of Agreement with universities, colleges and other appropriate agencies, associations and organizations.
- 14.3 As resources are available, the NBMCA will provide information and environmental education programs to school children and the general public about the benefits and values of wetlands and the need for managing and enhancing them.
- 14.4 The NBMCA will provide in a timely manner, the best available wetland information to municipalities, consultants, educational institutions, landowners and the general public to encourage management, enhancement and appreciation of wetlands.
- 14.5 The NBMCA will, as appropriate and as contacted, make information available to landowners regarding wetlands on their property and the implication of the Policy and related guidelines on their land use activities.
- 14.6 Relevant and/or related NBMCA programs will incorporate, where possible, elements which encourage and develop an understanding of management and stewardship of wetlands.
- 14.7 Information materials will be developed by the NBMCA to educate watershed landowners and residents about the benefits of wetlands and possible stewardship actions for the protection, enhancement and restoration of wetlands.
- 14.8 The benefits of wetlands and this Policy will be promoted to consultants, developers, and landowners.

15.0 Monitoring and Reporting

- 15.1 The NBMCA will work with member Municipalities, Provincial / Federal agencies, community groups and the development industry to monitor the effects of municipal planning changes, private sector developments and other municipal and private sector activities on wetlands.
- 15.2 As appropriate, the NBMCA will report to the Board of Directors on the state of wetlands in the NBMCA area.
- 15.3 The NBMCA will review this Policy at five-year intervals except where changes in Provincial legislation, regulation, or guidelines require otherwise.

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16.0 Implementation

16.1 General:

- i) This Wetlands Policy will come into effect upon approval by the NBMCA.
 - ii) The NBMCA, in consultation with member Municipalities, community groups, the development industry and other stakeholders, will develop specific guidelines for implementing this Policy including guidelines for undertaking Environmental Impact Studies.
- 16.2 A notice of the new NBMCA Wetlands Policy and supporting guidelines will be sent to the Clerk of all member municipalities, distributed throughout the NBMCA jurisdiction area to identified, relevant agencies, and organizations and posted on the NBMCA Website within 30 days of the approval of this Policy.
- 16.3 The NBMCA will revise its other applicable related Policies, Guidelines, and Procedures for the Administration of the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation to reflect this Policy.
- 16.4 NBMCA will work with the Province, member Municipalities, qualified individuals and groups to jointly identify priorities and to develop work plans for the identification, evaluation, and mapping of unevaluated and suspected Provincially Significant Wetlands in the NBMCA area that appear imminently affected by the preparation of comprehensive municipal plans or development proposals.
- 16.5 Information on wetlands will be updated by the NBMCA as it becomes available through wetland assessments, inventory updates and other sources.
- 16.6 Applications to the NBMCA for a Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Permits for proposals already approved by a Municipality with NBMCA support will be evaluated by NBMCA staff on the basis of the NBMCA policy, procedures and practice that were in effect at the time of the granted Municipal approval.
- 16.7 Renewals for lapsed or expired Permits previously approved by the NBMCA under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation will be evaluated on the basis of this Policy, whether or not the application for the Permit is modified from the original approval.

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- 16.8 The NBMCA staff will use this Policy, in addition to Memoranda of Agreement, and may use other mutually agreed upon policies with member municipalities, in the review of all complete applications for proposals and Permits that are submitted after this Policy comes into effect. Applications must be complete in accordance with all requirements of the Planning Act and the member municipality's requirements.
- 16.9 The NBMCA will encourage its member municipalities to consider application of this Policy, even though an original proposal or development application predates the adoption of this Policy, in the following situations:
- a) The extension of municipal infrastructure in a wetland and particularly a Provincially Significant Wetland even if approved through a Class EA;
 - b) Where an applicant, in the opinion of the Municipality, has caused considerable delay in assisting in the completion of an application or in clearing conditions of approval;
 - c) Where an applicant is seeking a modification to an approval that predates this Policy and the modification would be contrary to this Policy; and,
 - d) Where an applicant is seeking to have a condition of approval amended and the amended condition would be contrary to this Policy.

With regard to the types of situations as identified in a) to d) above, the NBMCA will seek support from its member municipalities to facilitate negotiation of the best possible outcome seeking the optimum balance between the principles of this Policy and respect for proposals previously approved (see also Exceptions in Section 8.2 i) of this policy).

- 16.10 The NBMCA will work with its member municipalities to develop technical guidelines and standards for the completion of Environmental Impact Statements and site-specific studies.

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Glossary / Definitions

Adjacent Lands means those lands, contiguous to a specific natural heritage feature or area, where it is likely that development or site alteration would have a negative impact on the feature or area (Provincial Policy Statement, 1997, page 13).

Artificial Wetlands means wetlands which have developed or have been created as a result of human influence on the landscape. Man-made ponds, lakes, lagoons, drainage courses, excavated pits, and other structures made to store or convey water on the landscape often become wetlands when they are left to naturalize. Similarly, artificial surface and subsurface drainage systems which are not well managed will cause wetland formation on some sites.

Buffers are planned and managed strips of land and vegetation located between wetlands and development sites, which are intended to protect the wetland and sustain its identified ecological functions. In some developing areas the buffers may be the same as a setback. In others, as a result of detailed investigations, planning studies and site-specific environmental impact studies the buffer can be a combination of topography, vegetation and soil in a relatively narrow area of land, designed to filter surface runoff, noise, and light while functioning as a windbreak to protect sensitive habitat. Buffers are studied and prescribed at a more detailed site specific level than setbacks. The type and scope of development are considered in prescribing buffers.

Comprehensive Municipal Plan means a plan prepared at a municipal or landscape scale such as an Official Plan, a Secondary Plan, a comprehensive Zoning By-Law update, a Watershed/Subwatershed Plan, a Master Plan, etc.

Development (Ontario Conservation Act definition) means:

- i) The construction, reconstruction, erection or placing of a building or structure of any kind;
- ii) The 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;
- iii) Site grading; and,
- iv) Temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere.

An **Endangered Species** means a species that is listed or categorized as an Endangered Species on the Ontario Ministry of Natural Resources' official species at risk list as updated and amended from time to time. (Provincial Policy Statement (PPS), 2005)

Environmental Impact Study (EIS) is a report prepared to address the potential impacts of development on wetlands and other parts of the natural heritage framework. There are two types: full and scoped.

- A Full EIS is an area or site-specific study prepared to assess the environmental impacts of large-scale projects, such as plans of subdivision or quarry/pit applications.
- A Scoped EIS is an area or site-specific study prepared to assess the environmental impacts of smaller projects, such as single-lot severances. This type of study may also be appropriate where more detailed and recent impact studies or comprehensive municipal plans already exist for the area.

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Fish Habitat means spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

A **Floodplain** (for rivers and stream systems) means the area, usually low lands adjoining a watercourse which has been or may be subject to flood hazards as described in the Provincial Policy Statement (Provincial Policy Statement, 1997, page 14).

Habitat of Endangered or Threatened Species means land that is an area where individuals of an endangered species or a threatened species live or have potential to live and find adequate amounts of food water shelter and space needed to sustain their population.

Interference In Any Way means any anthropogenic act or instance which hinders, disrupts, degrades or impedes in any way the natural features or hydrologic and ecologic functions of a wetland or watercourse.

Land Securement means long-term protection achieved through a variety of actions or measures, including acquisition, conservation easements, management agreements, stewardship agreements and other resource protection and management tools.

Minor Development means small undertakings such as a private dock.

Natural Hazards are physical environmental processes operating near or at the surface of the earth and sites of unstable soils that limit potential uses of some lands. Sometimes the environmental processes and the characteristics of soils produce unexpected events of unusual magnitude or severity. Floods, ice jams, soil erosion and slope failures have resulted in damage to property, injury to humans and loss of life. Other lands are considered natural hazards due to the presence of unstable and sensitive marine clay, organic soils or karst topography.

A **Natural Heritage Feature** is a feature or area, such as significant wetlands, fish habitat, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for the environmental and social values as a legacy of the natural landscapes of an area.

A **Non-Provincially Significant Wetland** is a wetland that has been identified as not provincially significant by qualified persons the using evaluation procedures established by the Province, as amended from time to time.

Planning Development Application means the creation of a new lot or lots or a condominium, a change in land use and a site plan for the construction of buildings and structures, requiring approval under the Planning Act; but does not include activities that create or maintain infrastructure authorized under an environmental assessment process. (Provincial Policy Statement, 1997, page 13).

Pollution refers to any deleterious physical substance or other contaminant that has the potential to be generated by development in an area to which Regulation 177/06 applies.

A **Provincially Significant Wetland** is a wetland that has been identified as provincially significant by the Ontario Ministry of Natural Resources using evaluation procedures established by the Province, as amended from time to time. (Provincial Policy Statement, 2005)

A **Qualified Person** is a professional usually recognized by a professional association(. For EIS purposes, Professionals such as P.Eng., P. Geo, and ecologists with relevant experience will be considered qualified persons. In some cases, a professional may require certification as a wetland evaluator under the Northern Ontario Wetland Evaluation System.

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Riparian refers to lands, habitat and vegetation in the valley or floodplain of a stream or associated with flowing water.

Setbacks are physical distance separation between the wetland and the proposed development site. Impacts generally expected of development can often be avoided or mitigated if a very broad area of land is maintained in an undeveloped state or as green space or setback. The width of the setback is determined in general terms in planning guidelines, subwatershed studies and comprehensive environmental impact statements.

A **Threatened Species** means a species that is listed or categorized as a Threatened Species on the Ontario Ministry of Natural Resources' official species at risk list as updated and amended from time to time. (Provincial Policy Statement (PPS), 2005)

Wetland:

For the purpose of this Policy, **Wetland** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at its surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs, and fens.

Periodically, soaked or wet lands being used for agricultural purposes which no longer exhibit a wetland characteristic are not considered to be wetlands for the purpose of this definition (Provincial Policy Statement, 1997, page 18).

For the purpose of Regulation under the Conservation Authorities Act, **Wetland** means land that is:

- i) Seasonally or permanently covered by shallow water or has a water table close to or at its surface
- ii) Directly contributes to the hydrological function of a watershed through connection with a surface watercourse
- iii) Has hydric soils, the formation of which has been caused by the presence of abundant water
- iv) Has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favoured by the presence of abundant water

But does not include periodically soaked or wetland that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in Clause c) or d) (Conservation Authorities Act, R.S.O. 1990, c. C. 27 section 28 (25)).

Wetland Complex means a group of wetlands which are usually within the same watershed, located within 0.75 kms of each other and functionally linked to one another. As a group they have similar or complimentary biological, social, and/or hydrological functions. (Ontario Wetland Evaluation System Manual, May 1994 revised).

Wetland Functions means the biological, physical, and socio-economic interactions that occur in the environment because of the properties of the wetlands that are present, including, but not limited to:

- Groundwater recharge and discharge
- Flood damage reduction
- Shoreline stabilization

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- Nutrient retention and removal
- Food chain support
- Habitat for fish and wildlife
- Attendant social and economic benefits

(Wetlands Policy Statement (1992), made under the Planning Act).