

April 3, 2024

To: Planning Departments, Chief Building Officials – Watershed Municipalities

Copy: Chief Administrative Officers – Watershed Municipalities

Re: Legislative and Regulatory Changes Affecting Conservation Authority Development
Permitting (Effective April 1, 2024)

On February 16, 2024, a new Minister's regulation (Ontario Regulation - O. Reg. 41/24: Prohibited Activities, Exemptions and Permits) under the *Conservation Authorities Act* was approved by the province. Effective April 1st, 2024, this regulation replaces the existing individual Development, Interference with Wetland and Alterations to Shorelines and Watercourses regulation (O. Reg. 169/06) held by Saugeen Valley Conservation Authority (SVCA). Moving forward O. Reg. 41/24 will be used by all conservation authorities. The enactment of O. Reg. 41/24 also coincides with the proclamation of associated sections within the *Conservation Authorities Act*.

Most regulatory processes stay the same.

- Property owners are still required to apply for a permit from their local conservation authority to undertake development, interference, and alteration activities in Regulated Areas.

The following key changes take effect April 1, 2024.

- The definition of a watercourse has been amended from 'an identifiable depression in the ground in which a flow of water regularly or continuously occurs' to 'a defined channel, having a bed and banks or sides, in which a flow of water regularly or continuously occurs.'
- The regulated area around wetlands will be 30 m, including around provincially significant wetlands.
- Certainly low-risk activities will be exempted from requiring a permit (See Appendix A).

Transition Plan

The following approach has been developed to minimize disruptions to approval processes and development applications.

- Permit applications received prior to *April 1, 2024*, will continue to be processed under the current permitting processes.
- Permit applications received *on or after April 1, 2024*, will be processed under the new process.

- Where discrepancies exist between the text of the legislation or regulation and the local conservation authority's policies, the text of the legislation and regulation will prevail.

Next steps

- SVCA will be updating our Environmental Planning and Regulations Policies Manual and regulatory mapping to comply with and allow for consistent interpretation of the new regulations. This will take time and will involve field visits and public consultation.
- Municipalities are requested to:
 - continue to circulate applications based upon the 120 m setback from wetlands so that SVCA staff can conduct site visits to confirm the extent of regulated features and areas.
 - refer applicants to SVCA before assuming that their proposed activity is exempt from requiring a conservation authority permit. All development will be subject to the above noted regulatory policies of SVCA.

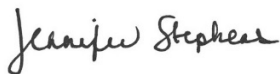
More Information and Legislative References

Below are links and legislative references for those looking for more information:

- O. Reg. 41/24¹ amends permitting powers and processes under Section 28 of the *Conservation Authorities Act* and takes effect April 1, 2024.
- O. Reg. 42/24² amends the scope of conservation authority mandatory programs and services, and came into effect the day it was filed, February 16, 2024.
- O. Reg. 688/21³ and changes to Sections 28 and 30 of the *Conservation Authorities Act* were proclaimed to take effect April 1, 2024. They had already been approved per Bill 229 (*Protect, Support and Recover from COVID-19 Act, 2020*) and Bill 23 (*More Homes Built Faster Act, 2022*).

Please feel free to contact me or Erik Downing, Manager of Environmental Planning and Regulations, with any questions or concerns.

Sincerely,



Jennifer Stephens
General Manager/Secretary- Treasurer

Attachment: Excerpt from O. Reg. 41/24 (activities exempt from requiring a permit)

¹ <https://www.ontario.ca/laws/regulation/r24041>

² <https://www.ontario.ca/laws/regulation/r24042>

³ <https://www.ontario.ca/laws/regulation/r210688>