

**Ministry of
Natural Resources**
31 Riverside Drive
Pembroke, ON
K8A 8R6

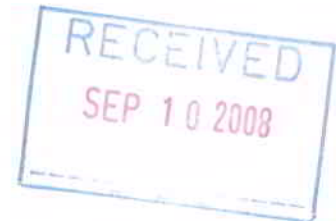
**Ministère des
Richesses naturelles**

Telephone: (613) 732-5522
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September 5, 2008

Lauree Armstrong
Township Planner / Economic Development Officer
Township of Laurentian Valley
460 Witt Rd, RR#4,
Pembroke, ON, K8A 6W5



Dear Ms. Armstrong:

In the absence of a Conservation Authority, the Minister of Natural Resources under the *Conservation Authority Act* has the authority of prohibiting or regulating or requiring permission of the MNR for the construction of any building or structure, or placing or dumping of fill of any kind in flood hazard land. The MNR will provide technical assistance to any government body or planning authority, in particular municipalities and planning boards, to incorporate the intent of the Provincial Policy Statement for the management of hazard lands susceptible to flood, erosion or other water related hazards into land use planning processes and appropriate planning documents.

Under the *Planning Act* and outlined in the Provincial Policy Statement, development and site alteration shall not be permitted within a floodway regardless of whether the area of inundation contains high points of land not subject to flooding. Where the two-zone concept for flood plain is applied, development and site alteration may be permitted in the flood fringe, subject to the appropriate flood proofing to the flooding hazard elevation or another flooding hazard standard approved by the Minister of Natural Resources. Fill is not considered an appropriate measure of flood proofing in the floodway. Fill in the flood fringe is allowed as long as conforms to accepted engineered flood proofing practices. Fill creates new hazards such as increases in upstream flood levels, increases in downstream flows, increases in downstream velocities and change in the timing of flows.

The *Public Lands Act* and the *Lakes and Rivers Improvement Act* are the vehicles by which a permit is required to be obtained to authorize work in the water or on shorelands. The definition of shorelands is any area below the normal high water mark or below the regulated high water level. In areas with no Conservation Authority a permit is required to be obtained from the MNR before any works may be conducted in these areas regardless of the ownership of the land above or below the water's edge. Additionally approval may be required from the Department of Fisheries and Ocean before any work may proceed. On shorelands, actions to prevent erosion are often undertaken in the protection of property. Typical methods include the placement of fill with vegetation or the placement of rocks underlain with a geotextile cloth. The area of work is to be limited to the shoreland areas only. A permit will be accompanied by conditions stating how the work is to be conducted and authorizing a time frame that work may be conducted in.

The MNR has reviewed and supported the Township of Laurentian Valley Official Plan and Zoning By-law. The Township has implemented good planning policy and adopted the two-zone flood plain policy. If the Township were to change its policy the MNR and MMAH would object to a change in policy that would permit development in the floodway or is contrary to the

Provincial Policy Statement. The MNR would like to reiterate that in-filling should not be permitted within the floodway due to concerns for public health and safety. The MNR will continue to provide input into local planning documents through the District Planner and support the municipality in defending these policies including any fill in flood hazard land including the Floodway.

If you require more information please feel free to contact me at (613) 732-5522.

Yours truly,



Justin Standeven
District Planner
Pembroke District MNR