



NVCA Emergency Shoreline or Watercourse Alteration Permit Protocol

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A. Purpose / Objectives of this Protocol

- Ensure timely and consistent response to situations that meet the criteria for requiring immediate action to prevent or alleviate emergency situations within the regulatory jurisdiction of the NVCA.
- It is the responsibility of the property owner or authorized representative to contact all other required regulatory agencies as soon as reasonably possible. This allows the regulatory agencies to proceed with the necessary reviews and legislative approvals, and to take all necessary precautions to protect the environment (See Page 5, Section E for list of other potential approvals/consents/permissions). Regulatory agencies include, but are not limited to, Ontario Ministry of Natural Resources and Forestry (MNRF), Ontario Parks/Ontario Ministry of Environment, Conservation and Parks (MECP), Fisheries and Oceans Canada (DFO), local municipality.
- This protocol does not apply to routine or other non-emergency situations, and cannot be used to circumvent the permitting process under Ontario Regulation 172/06, nor any other applicable regulatory approval or review process.

B. Definitions

As soon as reasonably possible: Means where emergencies occur outside of regular work hours, due diligence must be taken in order to contact the appropriate agencies in a timely fashion (9 a.m. next business day or through email or voicemail).

Emergency: Means an unexpected situation where there is deemed an *imminent (immediate) threat* of injury to persons, loss of life, damage to structures, infrastructure and developments, or damage to the environment.

Emergency work(s): Means reparative works required to prevent or alleviate an *emergency* situation. In order to facilitate review by all agencies, it is recommended that temporary remediation works be proposed for immediate implementation while agencies are reviewing the ultimate design.

Imminent threat: Means where injury to persons, loss of life, loss of property, or damage to the environment will occur if actions are not undertaken immediately (e.g. within 24 – 48 hours).

The user of this protocol is directed to consult the most recent versions of the NVCA [Planning and Regulation Guidelines](#) and [NVCA Development Review Guides](#) for additional definitions, including the Regulatory limits of shoreline flooding, erosion, and dynamic beach hazards.

C. Reason for Protocol

The NVCA regulates development on shorelines and lands adjacent to shorelines to:

- Ensure development does not aggravate existing erosion, flooding or dynamic beach hazards;
- Ensure new hazards are not created and that new development is not at risk;
- Ensure development has due consideration for natural heritage features (e.g. wetlands, watercourses, shoreline, dynamic beach features) and follows NVCA guidelines with regards to impact to dynamic beach, pollution and conservation of land.

High water in the Great Lakes

Water levels in the Great Lakes – St. Lawrence River System experience long term and short term fluctuations because of natural influences such as rainfall, evaporation, wind, and storms. Human intervention, such as diversions or water control structures, also contribute to this fluctuation. Natural phenomena cause much greater magnitudes of changes compared to human intervention.

With Lake Huron water levels predicted to rise through the spring and summer of 2020¹, the NVCA anticipates increased shoreline flooding and erosion for certain properties along shorelines and watercourses within the Nottawasaga Valley watershed. Shoreline erosion and accumulation is a natural, healthy process. As such, shorelines and watercourses should be allowed to change without obstruction. However, rising lake levels may pose a risk to existing developments (structures, infrastructure, etc.) within hazardous lands.

For non-emergency situations where there is no imminent threat or need for emergency works, applications for alteration and interference of shorelines, watercourses, wetlands and dynamic beaches will be processed through the

¹See <https://www.waterlevels.gc.ca/C&A/glfkst-eng.html> (DFO) for current forecast lake levels.

standard NVCA Permit Application protocol, under Ontario Regulation 172/06 of the *Conservation Authorities Act*.

For emergency situations where implementing emergency works may mitigate or reduce imminent threat to life or property, the NVCA has developed this Emergency Shoreline and Watercourse Alteration Protocol.

D. Protocol Overview

The purpose of this protocol is to ensure necessary emergency works can be implemented to protect life, and existing developments (e.g. structures and infrastructure) that are in immediate danger from flooding, erosion, and dynamic beach hazards. This protocol is also intended help residents properly apply for an NVCA permit prior to implementing the emergency works, without circumventing the process.

Under Ontario Regulation 172/06, works to alter and interfere with shorelines, watercourses, wetlands and dynamic beaches must not proceed until a permit has been issued by the NVCA and all other applicable regulatory authorities.

However, in situations where immediate work is required to protect existing developments prior to receiving an NVCA permit, it is the responsibility of the proponent to notify the NVCA of the work as soon as reasonably possible. Notification to the NVCA must include photographs of the emergency situation demonstrating the risk to existing developments prior to implementing emergency works. The proponent must also retain a qualified coastal engineer to review the completed work, and provide certification stating that the work is a suitable temporary measure.

Emergency works must be minimized to the amount required to achieve a suitable level of protection while not impacting adjacent properties. The works must be immediately removed once the shoreline hazard has subsided, unless a qualified coastal engineer has certified the work as a long-term solution, to the satisfaction of the NVCA.

Shoreline Works

- a) Stabilization works must be limited to work completed on land as much as possible;
- b) The NVCA will not support reclamation of eroded shorelines, river and stream banks, and the interference or removal of wetlands and dynamic beach dunes. However, the NVCA will work with property owners to protect existing developments or repair existing shorelines or watercourse erosion control structures;

- c) If existing shoreline or watercourse erosion control structures are in part or fully underwater, and the NVCA is of the opinion that temporary protection measures above the land-water interface are viable, the NVCA will not permit in-water works.
- d) The NVCA does not consider erosion or flooding of undeveloped land (land that does not have established risk to existing developments) as an emergency.
- e) Any emergency works implemented without NVCA authorization must meet the definition of an emergency situation, with confirmation from a qualified coastal engineer. This confirmation is to be provided to the NVCA as soon as reasonably possible;
- f) Any non-emergency development works occurring without NVCA permission will be in contravention of Ontario Regulation 172/06 and may result in legal action under Section 28, Subsection 16 of the *Conservation Authorities Act*, R.S.O. 1990, C.27, as amended.

The NVCA is supportive of natural shore protection techniques that involve soil bioengineering which incorporates native materials and plantings. These shoreline protection methods mimic natural systems, can reduce erosion and runoff, and improve fish habitat and biodiversity. It also provides better adaptation to changing conditions than engineered or 'hardened' approaches to shoreline protection.

Hardened shorelines such as retaining walls are a temporary fix. Unlike natural shorelines that dissipate wave energy, hardened shorelines deflect wave energy towards surrounding properties and often erodes under or on the landward side of the shorewall structure. Cumulative shoreline hardening has a cascading impact resulting in continual requirements to reinforce or harden existing shorelines.

Wetlands and Dynamic Beaches

The NVCA does not support new development on lands designated as dynamic beach or wetlands (natural heritage features). These new developments include fill placement, grading, and flood and erosion control structures.

Where emergency works are required, new developments must be directed to the location with the least (and acceptable) risk and impact to natural heritage features on or close to the property. This requirement includes temporary disturbances such as property access, staging and stockpiling of materials.

Repair or modification to existing developments (such as shorewalls, revetments and breakwalls) within or close to natural heritage features may be permitted under two conditions:

- a) if there are no viable alternative locations;

- b) if the proposal satisfies the NVCA with regards to the five tests per subsection 3(1) of Ontario Regulation 172/06: flooding, erosion, pollution, dynamic beach, and conservation of land.

For emergency situations that meet the criteria for an imminent threat that could be mitigated through emergency works, the NVCA will work with the property owner or municipality to determine appropriate temporary protection measures that also satisfy the NVCA. In this scenario, the NVCA will prioritize emergency files, conduct a site visit to review the property and confirm emergency status as soon as possible.

E. Applying for an Emergency Permit

The information below details the minimum requirements and the process of submitting a proposal for shoreline or watercourse alteration under an emergency scenario.

1. Emergency Permit Application Submission Requirements

- Complete [Permit Application form](#);
- Pay applicable permit application review fee;
- If applicable, list and describe of all emergency works implemented prior to contacting the NVCA and prior to NVCA authorization. This information must be submitted concurrently with the Permit Application form;
- Photographs that clearly identify the existing shoreline conditions and any structure, infrastructure or development that meet the definition of an imminent threat requiring emergency response;
- Proof of Ownership (see section [i] for details);
- Description and drawings of proposed works to be implemented (see section [ii] for details).

i. Establishing Shoreline Land Ownership

Generally, most properties that are adjacent to shoreline are deeded to the naturally-occurring water's edge. Land under the water is Provincial Crown Land managed by the MNR. The Georgian Bay shoreline within much of the Town of Wasaga Beach is part of the Wasaga Beach Provincial Park, under the administration of Ontario Parks.

The NVCA does not have the authority to provide permission for works without consent from the property owner. Applications for shoreline work must include a property survey and/or deed to establish limits of the property.

Any work proposed must include property owner consent. Consent can be given through confirmation of private property ownership, consent or permission from the MNR (e.g. under the *Public Lands Act*) or Ontario Parks/MECP (e.g. under the *Provincial Parks and Conservation Reserves Act*). Without confirmation of property owner consent, the NVCA cannot issue permits under Ontario Regulation 172/06.

ii. Description and Drawing of Proposed Works

The proponent must demonstrate that they have made their best effort to contact a qualified coastal engineer (e.g. email correspondence) to prepare designs drawings of the proposed works acceptable to the NVCA. These designs must be included with the Permit Application form. See Appendix [A] for a list of qualified Coastal Engineers operating in this watershed²).

The NVCA will take design drawings from a qualified structural engineer into consideration, with the condition that they will be certified by a qualified coastal engineer as soon as reasonably possible. Submissions of alternative design drawings from a qualified coastal engineer that propose a long-term solution are also accepted.

In situations where emergency works are required due to imminent threats, the property owner or contractor must submit design details to the NVCA. These details must include (at a minimum):

- a) A site plan that confirms the works are contained to the subject property. This information must be prepared on a legal survey that states the location and description of proposed emergency works. The site plan must also include property boundaries, and access from a municipal road and staging details. Any proposed access that crosses privately-owned or public land must include written consent from the relevant property owner or administrative authority.
- b) A list of equipment and material to be used, and restoration details.
- c) Information regarding a qualified contractor or party responsible for implementing the proposed works and their qualifications/credentials.
- d) As soon as reasonably possible, the property owner must have a qualified coastal engineer certify and submit 'as-built' drawings of the emergency works, or submit alternative designs from a qualified Coastal Engineer for a long-term solution.

² The provided list of qualified Coastal Engineers is not comprehensive. It is the responsibility of the applicant to ensure their chosen consultant is qualified.

2. Conditions of Emergency Permission

Emergency Permits issued by the NVCA under the authority of Ontario Regulation 172/06 will include a number of conditions. It is the responsibility of the property owner and authorized agent (if applicable) to carefully review the conditions of any issued permit.

- a) Emergency permits will be valid for a period of 3 – 6 months. Within this validation period, the property owner must apply and receive a permit for permanent works, through consultation with a qualified coastal engineer to propose a permanent design acceptable to the NVCA.
- b) The property owner must provide the NVCA (and other applicable regulatory authorities) a minimum of 48 hours notice prior to construction. The NVCA must be notified once the temporary works are complete, as soon as reasonably possible.
- c) Appropriate erosion and sediment controls (ESC) and construction best management practices must be implemented to prevent release of sediment or other deleterious substances to any watercourse, waterbody, wetland or other sensitive environmental feature³. Photographs of any ESC or environmental protection measures installed are to be provided to the NVCA. A photographic record of completed works must be provided to the NVCA immediately upon completion of temporary works.
- d) All emergency works are to be supervised by the design engineer or a qualified representative. This must include regular monitoring of the temporary works during and post-construction until a permanent solution has been approved and implemented, to the satisfaction of the NVCA.

Failure to comply with conditions of an issued Permit will result in cancellation of the Permit and may result in legal action under Section 28, Subsection 16 of the *Conservation Authorities Act*, R.S.O. 1990, C.27, as amended.

F. Other Approvals/Consents/Permissions

It is the responsibility of the applicant to contact all applicable regulatory agencies and comply with all existing laws and regulatory requirements. Approval from one agency does not constitute or guarantee approvals from another agency. NVCA permits are explicitly conditional upon the applicant obtaining all necessary regulatory and legal approvals for proposed works. Therefore, failure to obtain required approvals may lead to cancellation of NVCA permission.

³ Any spill or release of sediment or other deleterious or hazardous substance as defined under the *Environmental Protection Act* must be reported to the Ontario Spills Action Centre (1-866-663-8477).

The following agencies may require work permit or registration applications, or alternative methods of approval, for proposed shoreline or watercourse alteration/development:

- Ontario Parks;
- Ontario Ministry of the Environment, Conservation and Parks;
- Ontario Ministry of Natural Resources and Forestry;
- Fisheries and Oceans Canada;
- Local Municipality;
- Transport Canada.

Appendix A

Coastal Engineer – Contact Information

Natural Hazard Study Requirement – Development on the Shoreline of the Great Lakes
(Georgian Bay, Nottawasaga Bay)

Please note that this is not comprehensive, you may wish to check your local yellow pages for other appropriate firms. We cannot specifically recommend any firm.

Company	Staff
Tatham Engineering 41 King Street Barrie, Ontario L4N 6B5 https://www.tathameng.com/	Amanda Kellett, P.Eng. 705-733-9037 x228 akellett@tathameng.com
W.F. Baird & Associates 627 Lyons Lane, Suite 200 Oakville, Ontario L6J 5Z7 905-845-5385 http://www.baird.com/	Mark Kolberg, P. Eng. info@baird.com
Riggs Engineering 250-1240 Commissioners Rd. W. London, Ontario N6K 1C7 519-657-1040 http://www.riggsengineering.com/	Brian Riggs, P.Eng. briggs@riggsengineering.com Stu Seabrook, P.Eng. sseabrook@riggsengineering.com
Shoreplan Engineering Limited 20 Holly Street Suite 202 Toronto, Ontario M4S 3B1 416-487-4756 http://www.shoreplan.com/	Milos Sturm, P.Eng. msturm@shoreplan.com
Zuzek Inc. 125 Wimberly Avenue Waterdown, Ontario L8B 0S2 905-719-8980 https://zuzekinc.com/	Peter Zuzek pzuzek@zuzekinc.com
Aqua Solutions (Hazard Assessment Only) 15 Woodglen Way Markham, Ontario L3R 3A8 905-604-1295 https://www.mjsullivan.ca/	Judy Sullivan, P. Eng. aquasolutions5@rogers.com

Appendix B



MEDIA RELEASE

FOR IMMEDIATE RELEASE

NVCA reminds shoreline residents to apply for permits before repairing damages

Applying for a permit helps residents save money, follow laws and regulations, and prevents future headaches

UTOPIA, Ontario (February 20, 2020) – Many residents who live along Georgian Bay shorelines have experienced erosion from the record high water levels, and would like to repair the shorelines sooner rather than later. The Nottawasaga Valley Conservation Authority (NVCA) understands this urgency, but would like to remind residents that it is necessary to apply for a permit before doing any shoreline work.

“Our primary role at the NVCA is to ensure the safety of people’s lives and properties along watercourses and shorelines,” said Chris Hibberd, Director of Watershed Management Services. “The permitting process is intended to help property owners spend their money wisely. Once the permit application is received, our regulations staff and engineers determine if the project is appropriately designed so the shoreline repair work doesn’t fail, impact neighbouring shorelines or the environment. Most of all we want to prevent further repairs and investments.”

Residents are also encouraged to contact the NVCA for a free pre-consultation meeting before planning the shoreline repair work. Regulations staff will explain the permitting process and list the documents needed for a smooth application.

“We process permit applications in the order they are received,” continued Hibberd. “But when we meet with residents in person, we can help determine if their situation is an emergency so they can be put on priority.”

NVCA’s regulations technicians have set aside time on Tuesdays and Thursdays for walk-in pre-consultations with residents, but scheduling an appointment is the best way to guarantee an appointment. Residents are asked to bring a few photos of the shoreline erosion to the pre-consultation, along with the address of their property.

To schedule a pre-consultation meeting, please contact Morgen Wilson, NVCA’s Development Review Coordinator at 705-424-1479 x 222 or mwilson@nvca.on.ca.

Permits may also be required through your local municipality, the Ontario Ministry of Natural Resources (MNR), and the Department of Fisheries and Oceans Canada (DFO). Be sure to consult with these organizations before you start any shoreline repair work. Below is the contact information the MNR and DFO:

Ontario Ministry of Natural Resources and Forestry (MNR)

Midhurst District (Zones 10, 11, 14, 15, 16)

- Midhurst MNR Office: [705-725-7500](tel:705-725-7500)
- Owen Sound MNR Office: [519-376-3860](tel:519-376-3860)

Fisheries and Oceans Canada (DFO)

Fish and Fish Habitat Protection Program
Fisheries and Oceans Canada
867 Lakeshore Rd
Burlington ON L7S 1A1

Telephone: 1-855-852-8320

Email: FisheriesProtection@dfo-mpo.gc.ca

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About NVCA: The Nottawasaga Valley Conservation Authority is a public agency dedicated to the preservation of a healthy environment through specialized programs to protect, conserve and enhance our water, wetlands, forests and lands.

Media contact: Maria Leung, Communications Coordinator 705-424-1479 ext.254,
mleung@nvca.on.ca