



# NOTTAWASAGA

## Ponds Policy

### INTRODUCTION

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#### 1.1 Environmental Significance of Ponds

Ponds, whether natural or artificial, have many functions. Natural ponds can provide important habitat for aquatic life and wildlife such as fish while artificial ponds can provide water for agriculture-related uses including livestock and irrigation. Ponds are also created to manage storm water as a result of urbanization and development. Despite their type and function, ponds can have both a positive and negative impact on our environment and ecosystem.

Ponds play an important role in the hydrologic cycle, providing a location for the storage and control of water. Wildlife, both terrestrial and aquatic, require water for their existence. Ponds provide a safe and plentiful supply of water for local species.

It has also been determined that ponds may have detrimental impacts on environmental features. Studies have revealed that the development of ponds can affect the water levels of groundwater, erosion, and the transport and deposition of sediment within a stream system. The later changes can affect the watercourse's ability to convey flows during times of flooding. When an existing watercourse is blocked by an artificial dam or natural structure (i.e. beaver dam, log jam), there are associated negative impacts on the ecosystem which include flooding, impediment to fish migration, thermal impacts, decreased water quality, and modifications to aquatic species which are influenced by changing velocities, water levels and habitats.



#### 1.2 Cultural Significance of Ponds

In certain locations, artificial or on-line ponds have existed for many years. In some cases, communities or settlement areas have been created around or near ponds. To some degree, the pond was identified as the focal point of the community. Historically, ponds were used as a source of power for mills and as power sources for small operations. Ponds have also been created for recreational purposes. These ponds are valued by the community and are of historic significance to the local people. There are a number of examples of culturally significant ponds within the NVCA watershed, including the Lake of the Clouds in the Town of the Blue Mountains, the New Lowell pond in the Township of Clearview, the Utopia pond in the Township of Essa, the Tottenham pond in the Town of New Tecumseth and the mill ponds in the community of Hornings Mills, Township of Melancthon. In many cases, removal of the pond would have some form of negative impact on the area from a cultural, social or environmental perspective. The NVCA has regard for the cultural significance of ponds throughout the watershed region.

### 1.3 Economic Significance of Ponds

Ponds are also of economic benefit to the community and the individual property owner. Economic benefits to a community could include the provision of water for livestock watering and irrigation purposes, fire protection, generated power, flood attenuation, recreational and social opportunities. It is also recognized that the value and associated marketability of a property may be greater with the existence of a pond. This value is based on the aesthetic, recreational, and associated social factors of the pond.



## PURPOSE

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Increasing development pressures are being experienced throughout the jurisdiction of the Nottawasaga Valley Conservation Authority. These development pressures include an increase in the number of proposals for the construction of new ponds and the modification of existing ponds.

Recognizing that ponds have an impact on our watershed, it is imperative to manage and monitor their effects on a cumulative basis over time. In evaluating the impacts of ponds over time, we can determine and identify their negative impacts. Once determined, the negative impacts of ponds can be eliminated or reduced through the establishment of improved policy, regulations, and standards for pond development and re-development. The NVCA's Healthy Waters Program considers the impact of ponds on the health of area watercourses. This is an on-going monitoring project of the NVCA.

The purpose of this policy is to establish a framework that will:

- Protect water resources;
- Direct pond development away from environmentally significant areas;
- Prevent flooding hazards through proper pond design and re-design;
- Promote the proper design, operation and maintenance of ponds;
- Monitor the effects of ponds in the watershed on a cumulative basis;
- Promote the consistent review of applications for pond development;
- Communicate and educate the general public on proper pond development;
- Clarify the landowner's responsibility regarding pond maintenance and restoration in order to ensure human safety and protect properties located downstream of a pond; and,
- Establish a policy framework for the re-establishment of on-line ponds.

## PROPERTY OWNER'S RESPONSIBILITIES

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Property owners considering the construction of a pond on their property should be aware of their legal responsibilities:

- To obtain all necessary approvals for the construction of the pond and for any subsequent modifications to the structure; and,

- A dam constructed in association with a pond must be managed from the time that it is built until it is decommissioned. Dam owners are liable for the water stored behind a dam and any damages caused by it. Therefore, the proper operation, maintenance, repair and rehabilitation of a dam are essential in preventing the failure of the structure.



To ensure the proper operation and maintenance of a dam, it is recommended that periodic inspections of all dams be undertaken. Since most landowners do not possess the expertise to undertake these works, it is recommended that a dam owner hire a qualified engineer to prepare detailed construction designs for new structures, undertake inspections and to evaluate and supervise any necessary corrective measures which may be required.

It is not the intent of this policy to oversee the safe operation and maintenance of dams, which are associated with a pond. This is the sole responsibility of the property owner. In this regard, it is recommended that property owners consult the Canadian Dam Association:

The Canadian Dam Association  
P.O. Box 4490  
South Edmonton Postal Station  
Edmonton, Alberta  
T6E 4X7  
(780) 432-7236

## LEGISLATIVE, REGULATORY, AND POLICY BASIS

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### 4.1 Legislative Basis

The mandate and objective of the NVCA is legislated under Section 20 of the Conservation Authorities Act. Section 20 of the Act states that the objective of a conservation authority is to establish and undertake a program designed to further the conservation, restoration, development, and management of natural resources.

The powers of the conservation authority, under Section 21 of the Act, further allow a conservation authority to study the watershed in order to conserve, restore, develop, and manage natural resources. The NVCA in exercising this power approved its visionary and guiding document in 1996, the *Nottawasaga Valley Watershed Management Plan*. The goal of this *Plan* is to conserve natural resources within our watershed in a cooperative, integrated manner in which the human needs are met in balance with the need to sustain the natural environment.

## 4.2 Regulatory Basis

### 4.2.1 Nottawasaga Valley Conservation Authority Fill, Construction, and Alteration to Waterways Regulation (Ontario Regulation 164 R.R.O. 1990)

Section 28 of the Conservation Authorities Act allows for the establishment of regulations. This Section of the Act provides a framework in which the NVCA can regulate various works within scheduled and regulated areas, through a permitting process.

Pursuant to Section 28 of the Conservation Authorities Act, the NVCA, through an Order in Council, has established a Fill, Construction and Alteration to Waterways Regulation (Ontario Regulation 164 R.R.O. 1990).

In accordance with Ontario Regulation 164 R.R.O. 1990, permission is required from the NVCA for:

- Undertaking any construction activity in or on a pond or swamp or in any area susceptible to flooding during a regional storm;
- Placing or dumping of fill or the alteration of existing grades either permanently or temporarily; and,
- Straightening, changing, diverting or interfering with the existing channel of a river creek, stream, watercourse or wetland.

A permit is also required from the NVCA to undertake work on an existing pond.

### 4.2.2 Areas Not Subject to the Nottawasaga Valley Conservation Authority Fill, Construction and Alteration to Waterways Regulation (Ontario Regulation 164 R.R.O. 1990)

For areas of the NVCA watershed, which are not subject to the Authority's Fill, Construction and Alteration to Waterways Regulation, a Letter of Authorization will be issued for the construction of new off-line or dug-out ponds or modifications to existing off-line or dug-out ponds.

### 4.2.3 Procedure to Obtain Permission to Construct a New Pond or Undertake Work on an Existing Pond

Prior to the commencement of any work, an **Application for Permission** must be submitted to the Nottawasaga Valley Conservation Authority, and the landowner must be in receipt of a permit from the NVCA.

The **Application for Permission** to undertake work must be accompanied by details of the proposed work. Applications are available from NVCA administrative or they can be downloaded from the NVCA website ([www.nvca.on.ca](http://www.nvca.on.ca)).

### 4.2.4 Pending Changes in the Nottawasaga Valley Conservation Authority's Fill, Construction and Alteration to Waterways

Recent provincial initiatives to streamline the regulatory framework will result in changes to Section 28 Regulations, made pursuant to the Conservation Authorities Act. Traditionally, Section 28 Regulations described regulated activities in terms of fill, construction and alteration to waterways. These regulated activities will be phrased in terms of development and interference with wetlands and watercourses. The new regulation to be adopted by all Conservation Authorities will be generic in nature.

**289 Line #**  
Uxbridge, Ontario  
L9R 1T5  
PHONE: (705) 424-1479  
FAX: (705) 424-2118  
www.nvca.on.ca

Standard Application Review Fee: \$500.00  
Application Review Fee (Minor Works): \$200.00  
(NSF Charge: \$25.00)

**APPLICATION FOR PERMISSION (3 pages)**  
Pursuant to Regulation 164 (R.R.O. 1990), as amended, made under the Conservation Authorities Act (R.S.O. 1990), as amended, or Pursuant to Conservation Authorities Act, R.S.O. 1990, C.P. & D.V., as amended.  
The Nottawasaga Valley Conservation Authority will consider your application based on the information you provide below. Any false or misleading statements made on this application will render null and void any permission granted. Complete all relevant sections, date, sign and return the application along with appropriate fees to the NVCA.

**PLEASE CLEARLY PRINT ALL INFORMATION**

**CONTACT INFORMATION**

Property Owner's Name: \_\_\_\_\_  
Mailing Address (Street, P.O. Box, City, Postal Code): \_\_\_\_\_  
Telephone #s: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
E-mail address: \_\_\_\_\_

Applicant / Agent's Name: \_\_\_\_\_  
Mailing Address (Street, P.O. Box, City, Postal Code): \_\_\_\_\_  
Telephone #s: Home ( ) \_\_\_\_\_ Work ( ) \_\_\_\_\_ Fax ( ) \_\_\_\_\_  
Property Owner's Authorization (if applicant is not the owner): \_\_\_\_\_ Please sign

**LOCATION OF PROPOSED WORKS**

Lot \_\_\_\_\_ Concession \_\_\_\_\_ Registered Plan Number \_\_\_\_\_ (Lots) (Within Registered Plan \_\_\_\_\_)  
Municipality \_\_\_\_\_ Watercourse Name: \_\_\_\_\_  
Municipal Street Address: \_\_\_\_\_  
Property Assessment Roll Number (From Property Tax Notice): \_\_\_\_\_

**TERMS AND CONDITIONS**

- Consent is given to the Nottawasaga Valley Conservation Authority, its employees and authorized representatives to access the property for the purposes of obtaining information and monitoring any approved works.
- Permits or Approvals granted by the Nottawasaga Valley Conservation Authority are non-transferable.
- Permits, approvals, etc. may be required from other agencies prior to undertaking the proposed work. Authority permission, if granted for the proposed work, does not exempt the contractor from complying with any of all other laws, codes, ordinances, directives, regulations, approvals, etc. that may affect the property or the use of same.
- If the information provided on or with this application is determined to be untrue or incorrect, or becomes untrue or incorrect, the Nottawasaga Valley Conservation Authority reserves the right to withdraw any permission granted.
- Permits contain important conditions. Contractors must have a copy of the permit on the work site at all times.

### 4.3 Other Applicable Legislation

Approval of an application to construct a pond or make repairs to an existing structure by the Nottawasaga Valley Conservation Authority does not exempt an applicant from any other approvals required by legislation administered by other agencies.

Agencies that may have parallel jurisdiction include:

Level of Regulatory Approval	Agency	Legislation	Type of Work
Federal	Department of Fisheries and Oceans Canada	<u>Fisheries Act</u>	Work within a watercourse that would have an impact on the movement of fish, or Work in or adjacent to a watercourse which would result in the alteration of fish habitat
Federal	Canada Coast Guard/Transport Canada	<u>Navigable Waters Protection Act</u>	Decommissioning of on-line ponds and dams on navigable waterways
Provincial	Ministry of Natural Resources	<u>Lakes and Rivers Improvement Act</u>	Work Permit — Dams (includes the construction, reconstruction, repair, decommissioning or removal) Construct or repair of ponds (by-pass ponds, instream ponds)
Provincial	Ministry of Natural Resources	<u>Aggregate Resources Act</u>	Rehabilitation Plan
Provincial	Ministry of the Environment	<u>Ontario Water Resources Act</u>	Permit to Take Water — Regulates water taking operations (>50,000 litres per day) from watercourses and groundwater sources. Ponds taking 50,000 litres of water or more per day must obtain a Permit to Take Water.
Provincial	Ministry of the Environment	<u>Environmental Protection Act</u>	Certificate of Approval — Prohibits the discharge of contaminants (including sediment) into the environment in excess of regulatory established limits.
Provincial	Ministry of the Environment	<u>Ontario Water Resources Act</u>	Certificate of Approval — for the application of chemicals to a pond
Provincial	Niagara Escarpment Commission	<u>Niagara Escarpment Planning and Development Act</u>	Development Permit
Provincial	Ministry of Municipal Affairs and Housing	<u>Oak Ridges Moraine Conservation Act</u>	Legislation developed at provincial level
Local	Municipality	<u>Oak Ridges Moraine Conservation Plan (ORMCP)</u>	Municipalities must ensure planning applications conform to the ORMCP  The NVCA administers all applications for lands on the Oak Ridges Moraine in conformity with the ORMCP
Local	Municipality	<u>Municipal Act</u>	Grading and Site Alteration By-law, etc.

The federal government of Canada, through the Department of Fisheries and Oceans (DFO), has the constitutional responsibility for seacoast and inland fisheries and the habitats supporting them. Several provisions of the federal Fisheries Act provide for the conservation and protection of fish habitat. In particular, Section 35(1) of the Act prohibits the harmful disruption or destruction of fish habitat (referred to as a HADD) in Canadian Fisheries Waters, unless authorized by the Minister of Fisheries and Oceans. This authorization usually occurs with appropriate terms and conditions.

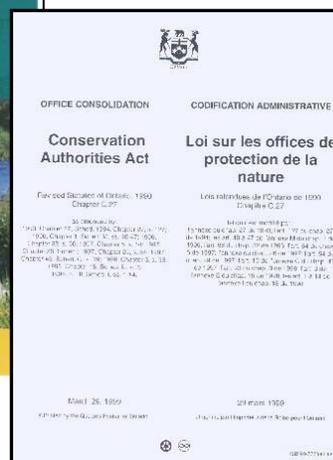
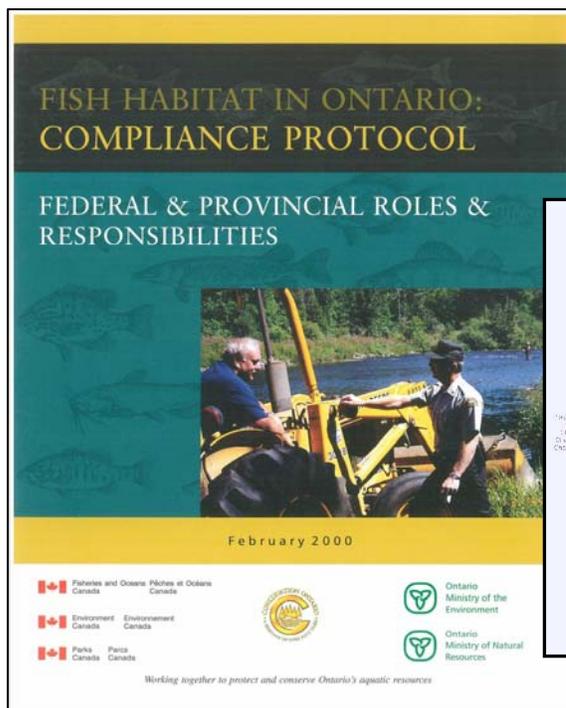
The Nottawasaga Valley Conservation has a Level II Agreement with the Department of Fisheries and Oceans Canada, to review applications and determine if the proposed work will have an impact on fish or fisheries habitat. Applications for the construction of a new pond or work on an existing pond which would result in the harmful alteration, disruption or destruction of fisheries habitat (HADD) will be forwarded to the Department of Fisheries and Oceans for their review under Section 35 of the federal Fisheries Act.

### 4.3.1 Circulation and Consultation with Other Agencies

The Nottawasaga Valley Conservation Authority will consult with other agencies as needed to ensure integration with the mandates of the other agencies.

### 4.4 Policy Basis

By resolution dated March 10, 2000, the Full Membership of the NVCA directed staff of the Land Use Planning program to implement the Natural Hazard land policies (3.1) of the *Provincial Policy Statement* (PPS), which was issued in 1997 under the Planning Act. The resolution also identified that the Natural Hazards Training Manual (January 1997) should also be used when processing planning, development, or site alteration applications. While it is recognized that the PPS typically applies to land use planning applications under the Planning Act, the NVCA believes that provincial policy should be applied or considered for all proposals, regardless of application type or origin. This approach, we believe, is in keeping with the provincial interest and the broader public interest. Other applicable policies under the *Provincial Policy Statement* include the Natural Heritage policies (2.3) and the Water Quality and Quantity policies (2.4).



## POLICY

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### 5.1 New Ponds

#### 5.1.1 General Development Policies

When reviewing applications for new ponds, the following policies shall apply:

- The proposed benefits of the pond must outweigh the detrimental effects;
- Other municipal, provincial, and federal interests must be considered;
- Aspects of common law drainage and riparian rights must be considered;
- The need for the pond must be fully justified and rationalized;
- Large unlined ponds to be used solely for aesthetic purposes shall be discouraged;
- Safety measures should meet current engineering standards for ponds and dams in Ontario;
- Ponds for the sole purpose of fill requirements will be strongly discouraged; and,
- The source of water for ponds shall not be fed through dug or drilled wells.

#### 5.1.2 Prohibitive Policies

New ponds will be prohibited in the following areas:

- Within the existing channel of a water-course (in-stream pond or on-line pond);
- Within significant fish habitat;
- Within provincially significant and all classified (Class 4-7) wetlands;
- Within the erosion hazard limit;
- Within the floodway of a river or stream system;
- Within the meander belt of river and stream systems; and,
- Within key natural heritage areas or hydrologically sensitive areas as identified in the Oak Ridges Moraine Conservation Plan or other applicable technical studies i.e. South Simcoe Groundwater Study.



### 5.1.3 Restrictive Policies

In general, new ponds will be directed away from the following:

- All other wetlands;
- Significant valley lands;
- Significant habitat of threatened and endangered species;
- Significant woodlands;
- Significant wildlife areas;
- Significant areas of natural and scientific interest (ANSI);
- Significant riparian areas (the area within 30 metres from a watercourse);
- Significant recharge/discharge, and head-water areas;
- Environmentally significant areas (ESA);
- Other natural heritage features identified through subwatershed plans, etc.;
- Natural hazard lands such as steep slopes and flood prone lands; and,
- Existing structures, sewage disposal systems, and point sources of pollution.

Ponds may be permitted in the areas identified under Section 5.1.3, provided that it can be demonstrated that **there will be no negative impact on:**

- Natural heritage features;
- The function of the natural heritage feature;
- The function of the flood prone area;
- The quality and quantity of groundwater;
- The quality and quantity of surface water; and,
- Riparian rights of other landowners.

It is the responsibility of an applicant to demonstrate that “no negative impact” would result from the proposed work. Following a preliminary review of an application by staff of the Nottawasaga Valley Conservation Authority, the applicant will be advised which of the following studies and reports would be required to demonstrate their proposal will have no negative impact:

- An Environmental Impact Study;
- A Flood Plain Analysis;
- A Soils Report or Slope Stability Analysis;
- A Hydrogeologic Report;
- A fluvial geomorphology study;
- A professional engineered design; and,
- Other reports deemed necessary by staff of the NVCA.

The costs associated with the preparation of the necessary studies and reports shall be the responsibility of the applicant.

All studies and reports must be prepared and certified by a qualified professional to the satisfaction of the NVCA.

In general, by-pass ponds shall be discouraged. However, by-pass ponds may be permitted if it can be demonstrated that there will be no negative impact and that there will be an overall environmental benefit resulting from the work.

## 5.2 Existing Ponds

### 5.2.1 General Redevelopment Policies

The issuance of a permit under the Conservation Authorities Act for the expansion or maintenance of an existing pond will be subject to the following general policies:

- The proposed benefits of the works must outweigh the detrimental effects;
- Other municipal, provincial, and federal interests must be considered;
- Aspects of common law drainage and riparian rights must be considered; and,
- Structurally unsafe ponds will be redesigned to current safe standards.

The Nottawasaga Valley Conservation Authority shall strongly discourage landowners who wish to expand an existing on-line pond.

### 5.2.2 On-Line Ponds that Fail

Existing ponds that fail may be permitted to be re-instated provided a permit is obtained from the NVCA as well as all other appropriate agencies previously noted in this policy.

Technical engineering and environmental studies may be required to demonstrate that the proposed works on the pond are in accordance with the NVCA's General Redevelopment Policies listed in Section 5.2.1 of this policy, prior to the issuance of a permit under the Conservation Authorities Act.

### 5.2.3 Provision for Emergency Repairs

There is a consideration for a landowner to undertake temporary emergency repairs to a pond that fails in order to prevent further damage. The property owner is responsible for contacting the Nottawasaga Valley Conservation Authority as well as all other appropriate approval agencies as soon as the failure of a pond is observed. If the landowner is unable to contact the agencies listed above due to the time of day or because this agency is closed, the landowner

shall contact these agencies on the next business day to report the failure.

### 5.2.4 Environmental Restoration

Where possible, the following restoration techniques will be implemented through the permit approval process and through the land use planning process as a condition of approval or as a prerequisite to development:

- The planting of trees on the subject property or in the same catchment area;
- The stabilization of the existing stream bank through bioengineering and engineering methods;
- The removal of fish barriers to create fish passage;
- The redesign of the existing pond to improve the aquatic ecosystem;
- The installation of bottom draw outlet structures to reduce thermal impacts; and,
- The conversion of existing on-line ponds into off-line ponds.

## 5.3 Pond Maintenance

It is the responsibility of the landowner to maintain their ponds in accordance with all appropriate legislation and the soon to be approved Canadian Dam Safety Standards. A permit from the NVCA is required for any in-water works such as dredging or dam repairs.



## IMPLEMENTATION

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The *Ponds Policy* will be primarily implemented through the NVCA's land use planning program. As a result, this *Policy* will be applied to any land use planning proposal under the Planning Act, such as site plan and subdivision applications. The NVCA shall encourage its member municipalities to incorporate this *Policy* into municipal planning documents such as Official Plans and implementing Zoning By-Laws.

This *Policy* will also be implemented, as part of the planning program, through the provisions (Sections 20, 21) and regulations (Section 28) under the Conservation Authorities Act. The NVCA's permit approval process is integral to the success of implementing this *Policy*.

Through the implementation and administration of site alteration and fill by-laws under the Municipal Act, the NVCA assists its member municipalities such as the Townships of Melancthon and Clearview with the implementation of these by-laws and the construction of ponds as designated officers. Municipal fill by-laws complement the work of the NVCA's *Ponds Policy* in that the construction of a pond and the expansion of an existing pond involve the alteration of existing grades.

Other program areas within the NVCA, such as the Healthy Waters Program, will also have regard to this *Policy* when implementing their projects.

## INTERPRETATION

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#### **Dam**

*A structure constructed as a barrier across a river, lake, pond or stream or areas subject to flow which originate from either surface or subsurface flows, high water areas to hold back water in order to raise its level, create a reservoir or divert the flow of water.*

#### **Environmentally Significant Areas (ESA)**

*ESA will be defined by the Nottawasaga Valley Conservation Authority and other stakeholders through a public consultation process. Significant areas are ecologically important in terms of their features, function, representation or amount and contributing to the quality and diversity of an identifiable geographic area or natural heritage system. Criteria for determining significance may be recommended by the Province and the local municipality.*

#### **Erosion Hazard Limit**

*Erosion hazards mean the loss of land, due to human or natural processes, that pose a threat to life and property. The Erosion Hazard Limit is determined using the 100-year erosion rate (the average annual rate of recession extended over a hundred year time span) and includes toe erosion, slope stability and access during emergencies. The erosion hazard limit will depend on whether the watercourse flows through a well defined valley system and is confined within a valley corridor or whether it flows through landscapes that are relatively flat, and is not confined or bounded by valley walls.*

#### **Floodway**

*Floodway is defined as the channel of a watercourse and that inner portion of the floodplain where flood depths and velocities are generally higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flows and that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage.*

#### **High Water Mark**

*Defined as the mark made by the action of water under natural conditions on the shore or bank of a body of water, which action has been so common and usual and so long continued that it has created a difference between the character of the vegetation or soil on one side of the mark and the character of the vegetation or soil on the other side of the mark.*

**Negative Impact (natural heritage features)**

Negative Impact is defined as the loss of a natural heritage feature, its ecological function.

**Negative Impact (flood prone area)**

Negative Impact is defined as an unacceptable effect on the hydraulics of the flood plain and on the function of the flood plain.

**Negative Impact (fluvial geomorphology)**

Negative Impact is defined as an unacceptable effect on the fluvial geomorphology of a watercourse

**Negative Impact (surface water and groundwater)**

Negative Impact is defined as an unacceptable effect on the quality and quantity of surface and ground water, as determined by parameters and standards established by the NVCA and/or the Ministry of Environment.

**Other Municipal, Provincial, and Federal Interests**

These interests, among other matters, may refer to municipal Official Plans and Zoning By-Laws, under the Planning Act, provincial legislation such as the Lakes and Rivers Improvement Act, and the federal Fisheries Act.

**Pond, By-Pass**

Bypass ponds are located outside the channel of a watercourse and are created by diverting some of the flow of water from a watercourse into an adjacent pond. The outlet from these ponds usually returns water from the pond to the watercourse.

**Pond, Off-Line or Isolated Pond**

An off-line pond is located outside, or beyond, the channel of a watercourse, where the boundary of the watercourse is defined as the high water mark, as defined by the NVCA.

**Pond, On-Line**

An on-line pond is created within the defined channel of a watercourse by way of a dam or other man-made means.

**Subsequent Legislation:**

Where an Act, its regulations, policies, or Plans have been referred to in this Policy, such references shall be interpreted to include any subsequent changes that may replace or revise the applicable legislation, regulation, policy, or plan.

**Significant Natural Heritage Features**

“Significant” natural heritage features, such as wetlands and woodlands, may be defined by the Ministry of Natural Resources, the Counties of Dufferin, Grey, Simcoe, any local municipality, and the NVCA.

**Significant Riparian Areas**

These areas are generally defined as the lands (wet or dry) within 30 metres of the high water mark of perennial watercourses. Significant riparian areas include intermittent streams, such as those originating on the Niagara Escarpment or those which are associated with wetlands.

**Watercourse**

A watercourse is flowing water, though not necessarily continuous, within a defined channel and with a bed or banks and usually discharges itself into some other watercourse or body of water.

**Wetland**

Land that:

- (a) is seasonally or permanently covered by shallow water or has a water table close to or at its surface;
  - (b) directly contributes to the hydrological function of a watershed through connection with a surface watercourse;
  - (c) has hydric soils, the formation of which has been caused by the presence of abundant water; **and**,
  - (d) has vegetation dominated by hydrophytic plants or water tolerant plants, the dominance of which has been favored by the presence of abundant water;
- but does not include periodically soaked or wet land that is used for agricultural purposes and no longer exhibits a wetland characteristic referred to in clause (c) and (d).



Typical Off-Line Pond



Typical On-Line Pond

## MONITORING

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### 8.1 Policy

The **Ponds Policy** will be reviewed on an on-going basis to evaluate its effectiveness. This *Policy* may be amended from time to time in order to reflect changing legislation, regulations, and policies at the federal, provincial, and municipal level. Amendments to this *Policy* may also occur as a result of changing programs and procedures at the NVCA. Significant changes to this *Policy* will only occur through the normal policy formulation process, which includes ultimate approval from the Planning Advisory Committee, the Executive Committee and the Full NVCA Membership.

Minor technical amendments (e.g. correcting ambiguous language) may be permitted at the NVCA staff level without the approval of the Committees and the Full NVCA Membership. Significant amendments to this *Policy* will provide for an opportunity for comments from the NVCA's member municipalities and the public.

### 8.2 Cumulative Impact Assessment of Pond Development

The impacts of pond development will be managed and monitored on a cumulative basis over time, on a watershed basis. The generation of baseline data over time may result in subsequent changes to this *Policy*.

## DISCLAIMER

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Ponds represent water hazards, which require on-going inspection and maintenance. Property owners are liable for the proper operation, maintenance, repair and rehabilitation of ponds/dams.

The Nottawasaga Valley Conservation Authority, its officers and employees disclaim any liability, which may result from structural failure, accidental drowning, and property damage or otherwise associated with the development of a pond within the NVCA watershed.

## APPROVAL

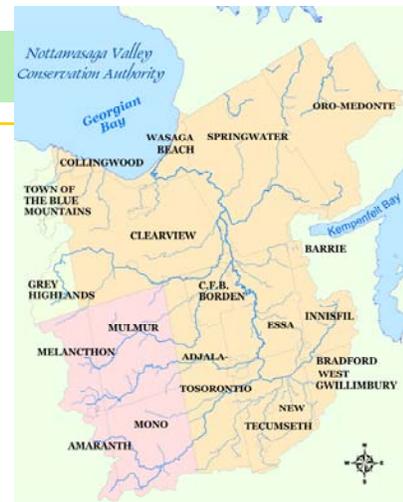
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This *Policy* came into effect by resolution on March 8, 2002. This *Policy* was amended by resolution on May 13, 2005.

Chief Administrative Officer  
*Wayne R. Wilson*

Planning Advisory Committee  
*Lynn Dollin, Chair*

Full Authority  
*Chris Carrier, Chair*



### NOTTAWASAGA VALLEY CONSERVATION AUTHORITY

John Hix Conservation Administration Centre, Tiffin Conservation Area  
8195 8th Line, Utopia, Ontario L0M 1T0

Phone: (705) 424-1479 Fax: (705) 424-2115 Website: [www.nvca.on.ca](http://www.nvca.on.ca) Email: [admin@nvca.on.ca](mailto:admin@nvca.on.ca)