



LOWER TRENT
CONSERVATION

APPENDIX E

MOU on CA DELEGATED RESPONSIBILITY

May 12, 2016

Lakes and Rivers Improvement Act
Loi sur l'aménagement des lacs et des rivières

ONTARIO REGULATION 454/96

CONSTRUCTION

Consolidation Period: From April 20, 2007 to the [e-Laws currency date](#).

Last amendment: O. Reg. 160/07

This Regulation is made in English only.

1. In this Regulation,

“channelize” means to alter the alignment, width, depth, sinuosity, conveyance or bed or bank material of a river or stream channel;

“water crossing” means a bridge, culvert or causeway that is constructed to provide access between two places separated by water but that also holds back, forwards or diverts water. O. Reg. 454/96, s. 1; O. Reg. 160/07, s. 1.

2. (1) For the purpose of subsection 14 (1) and section 16 of the Act, approval is required,

(a) to construct or decommission a dam that holds back water in a river, lake, pond or stream to raise the water level, create a reservoir to control flooding or divert the flow of water;

(b) to make alterations, improvements or repairs to a dam that holds back water in a river, lake, pond or stream to raise the water level, create a reservoir to control flooding or divert the flow of water, if the alterations, improvements or repairs may affect the dam’s safety or structural integrity, the waters or natural resources; or

(c) to do any of the following things outside the area of jurisdiction of a conservation authority, or within the area of jurisdiction of a conservation authority that has in effect a regulation governing development, interference with wetlands and alteration to shorelines and watercourses if the area in which the work will be done does not form part of the area covered by the regulation:

(i) Constructing a water crossing draining an area greater than five square kilometres, unless construction is undertaken by a Ministry or municipality on lands owned by the Crown or the municipality undertaking the construction.

(ii) Channelizing a river or stream that may harmfully alter fish habitat or impede the movement of fish in a river, stream or lake, except for the installation or maintenance of a drain, subject to the *Drainage Act*;

(iii) Enclosing or covering a length of river or stream for greater than 20 metres in length.

(iv) Installing, if the installation may result in damming, forwarding or diverting water, a cable or pipeline into the bed of a river, stream or lake except for the installation of heat loops, water intakes and service cables for private residences.

(v) Installing a temporary dam for the purpose of removing water or water flow from an area during construction of any of the works described in subclauses (i) to (iv). O. Reg. 160/07, s. 2 (1).

(2) For the purpose of section 16 of the Act, approval is required before a person operates a dam in a manner different from that contemplated by plans and specifications approved by the Minister under section 14 or 16 of the Act. O. Reg. 160/07, s. 2 (2).

3. No approval is required under section 14 or 16 of the Act for a water crossing to which the *Public Lands Act* applies or that has been constructed as part of a forest operation to which the Forest Operation and Silvicultural Manual under *Crown Forest Sustainability Act* applies. O. Reg. 454/96, s. 3.

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