**Regulatory proposals (Phase 1) under the Conservation Authorities Act**

**Comments by a member of The Wellers Bay Shoreline Protection Group**

**The story of a Wellers Bay family’s struggle with Quinte Conservation to repair eroding shoreline and protect their property and local environment**

Thank you for giving the public this opportunity to submit proposed changes to the Conservation Authority Act and to the way Conservation Authorities should conduct themselves. My family and I would like to bring to your attention how at least part of the Quinte Conservation Authority (QCA) has behaved by sharing our experience with them. Our experience stretches over the last four and half years and provides insight into what happens when an agency lacks consistency and professionalism, and does not adhere to their mandate of “protecting people and properties from flooding and other natural hazards”.

Although our experience has been very upsetting, our account herein is truthful and without prejudice, and we have solid evidence to support it. My family and I are hopeful that things can be corrected and improved through this democratic proposal process for everyone’s benefit.

We are located on Wellers Bay which is in the northwest part of Prince Edward County. The bay is connected to Lake Ontario through an open boat channel.

**Recommendations**

For the regulatory proposals (Phase 1) under the Conservation Authorities Act, we propose the following:

1. **Remove the jurisdiction of Conservation Authorities from residential waterfront properties on inlet bays of very large waterbodies such as Lake Ontario and place them under the jurisdiction of pertinent municipal civil works departments**. Inspections, as required, can be performed by municipal staff with proper qualifications relating to shoreline engineering. O. Reg. 319/09 needs to be amended so that these property owners can have a right to raise their properties and shorelines to protect them from floods like we had in 2017 and 2019. On such very large waterbodies this has immeasurable effect on water levels and flows, and instead provides protection not only for the property, trees and homes but prevents the washing out of soils and septic tanks into the water.
2. **Create and maintain a set of Technical Standards for shoreline protection measures** for bays such as Wellers Bay, whether updated or new. These standards should be designed and approved by professional Coastal or Civil Engineers. They should address issues of materials, slope gradients and other items specific to the long-term integrity of the residential shorelines, while maintaining environmentally sound practices promoting the environment’s stability.

In support of our recommendations, we are providing a link to Chapter I of our story about our ordeal with QCA regarding a shoreline repair permit and property protection project. This story has been published in the Ontario Landowner Voice Magazine, on pages 26-32, and is titled “A Wellers Bay Resident Tells His Story”.

The magazine and our story can be downloaded at:

<https://ontariolandowners.ca/january-february-2021/>

Go to page 26 to read Chapter I of our story.

**The following assumes that you have read Chapter I in the Ontario Landowner Voice Magazine, as this submission is a continuation of the article**. The following describes events after the publication of the article and contains references to events described in the article.

Chapter I of our story extents from mid-2016 through 2020 and ends with having no resolution to our shoreline project and a court order still in effect. After inviting staff at MNRF-Peterborough and QCA multiple times throughout 2020 to our property so they can understand the real circumstances of our shoreline in our attempt to resolve the court order, the MNRF finally met with us on January 26 and again on February 25, 2021. QCA avoided participating in these meetings, and although this was disappointing to us, we were clearly informed by the MNRF that QCA would speak to all issues through the MNRF (logically, as this is a MNRF case).

Only after the second meeting, and several follow-on communications, did the MNRF finally issue their permit – on March 4, 2021, only 4 days before the ice cover was predicted to become too unsafe to work on.

The ice did become unsafe as predicted but we managed to do the work, meet all the requirements of the MNRF permit and provide requested documentation. We understood that the MNRF permit addressed QCA’s concerns since the QCA was speaking through the MNRF and since the work was to be performed solely to the MNRF’s satisfaction per the court order.

Logically, we expected QCA to issue a permit concurrent with the MNRF permit. However, when we received their permit # REG260-2021 and a subsequent letter in early June 2021, we realized QCA was not interpreting objectively our permit request and the pertinent legal requirements. QCA issued an entirely unexpected permit containing work requirements outside the scope of the agreement with MNRF and the Shoreline Restoration Plan (SRP) mandated under the court order, and not at all according to the permit application. In fact, the entire permit reads more like an order, complete with their own narrative based on false premises and many untrue details. For example:

QCA issued their permit demanding that the original shoreline structure of our property be lowered to below the 1:100 years floodplain level (75.8 m GSC on Wellers Bay), and that this be documented by an Ontario Land Surveyor. Their demand is completely outside the SRP, not based on any reason, and would clearly lead to greater property damage during the next flood. It completely contradicts their mandate and to our understanding is without precedence.

Putting aside for a moment this rouge-like action by QCA, a very relevant question must be raised: what is the rationale for exposing private residential property on very large waterbodies like Lake Ontario and its inlet bays to flooding by maintaining a 1:100-year floodplain, when such flooding has an immeasurable effect on the water level? Wellers Bay is connected to Lake Ontario and shares its water level, and Lake Ontario water levels are partly controlled by the Moses-Saunders Power Dam. Floodplains do nothing but submerge the properties during floods and expose them to strong wave action erosion (especially windward shorelines like ours), and this in turn pollutes the bay with soil runoff and septic contaminants.

Although we would much rather have no quarrel with QCA, such property-damaging demands are unacceptable. We are left with no choice but to appeal under the QC, Watershed Regulations (O.Reg. 319/09) Policy Manual, Section 3.4.3 Hearing Process. The reason for our appeal is the refusal of QCA to issue a permit in compliance with the Court Order, file No. 3560-999-17-0034-00 and the MNRF Permit No. PB2021-PLA-00001, dated March 5, 2021. All of this results in continued needless spending of my retirement savings and QCA needlessly wasting Ontario taxpayers’ money.

It raises the question, who is benefiting from such conduct? Are landowners benefitting by having their properties damaged during floods when the flooding has absolutely no effect on the water level? Are the lake environments benefiting when soils and septic waste wash into them from flooded properties? Are Ontario taxpayers benefiting when an agency turns a molehill into a mountain and spends hundreds of thousands of dollars on lawyers? Or are the agencies and their staff benefiting from their control of these needless floodplains? Are their lawyers benefitting from the worked-up opportunities?

As the saying goes, “follow the money”, so in our case we ask you to “follow the benefit”. Our experience raises the need for a thorough and independent investigation into the conduct of QCA and how to prevent such an ordeal to ever happen again.

On a more general note, several landowners on the Bay have observed that under the current 319/09 regulations, QCA handles permits in ways that too often makes no sense to them. For example, after both the 2017 and 2019 floods – floods that reached levels exceeding those of the 1:100 flood level – QCA denied permits for several waterfront property owners on Wellers Bay who wanted to rebuild their shorelines and properties to a level that would adequately protection them from future flooding (amplified often by high winds and up to 1 m high waves). QCA only allowed rebuilding to the pre-existing flood levels, which does little to protect properties from the new flood levels we have dealt with.

The question again that must be addressed is; **Who is truly benefiting from maintaining 1:100-years floodplains on very large waterbodies?** Lake Ontario has a surface area of nearly 19,000 square kilometers; Floodplains have immeasurable affect on the water level.

1. **Property owner? Benefit: NO**

The flooding causes shoreline erosion, loss of property, destruction of existing property landscape (dying of trees and vegetation), creation of property health and safety hazards, and enormous financial burden on many.

1. **Local environment? Benefit: NO**

Washing of soil, debris and septic waste into the bay does not benefit the local environment. Destruction of animal habitat (we have snakes, turtles, and other creatures living among the rocks along the top of our shore bank – the very same rocks QCA wants removed!).

1. **QCA? Benefit: YES**

If floodplain areas on residential properties on bays connected to very large waterbodies are raised, then QCA’s jurisdiction is diminished over these areas. By insisting on maintaining these floodplains, QCA is serving its own interests and not those of the floodplain residents. They are not respecting the affected individuals and families, their private properties rights, and the need to protect the local water environments.

The vast majority of landowners on our bay love the environment and their land. Many of us take part in organized activities addressing the health of the bay and educating ‘weekend warriors’ about natural hazards and preventing water pollution. While we volunteer our time for good causes, we are baffled at how QCA treat many of us and our land. If maintaining these floodplains was really a big deal, then how have dozens of infilling projects been permitted around Lake Ontario, such as the Leslie Spit which comprises 7 cubic kilometers of man-made fill?!

We implore you to take seriously our recommendations written above, as the issues they pertain to are serious for many individuals and families, and for Ontario taxpayers.

June 23, 2021.