

CHAPTER NINE

FLOOD PLAIN REGULATIONS

From its inception the Authority was plagued by encroachment on flood plain lands in the watershed by individuals, building contractors, land developers, and institutions. In an effort to control the situation, a bill was passed in 1964, under the Conservation Authorities Act, to regulate the dumping of fill of any kind on flood plain lands. Copies of the regulations were forwarded to all municipal councils in the watershed, coupled with a request for co-operation in seeing that the regulations were carried out.

The flood plain of a river is described as the lowland bordering its channel which is underwater in times of flood. Part of this water is flowing downstream, and part of it is standing in back waters. It would seem at first glance that if the flowing water is not obstructed, the standing water is a nuisance that could either be dyked off from the land or the land filled to above its level and made available for use. However, this standing water or "pondage" is an integral part of the river system and its flood regimen, and few people appreciate the amounts of water involved or the results that would follow if this natural storage were not available.

The regulations adopted by the Authority included:

- 1 (a) "Authority" means The Upper Thames River Conservation Authority;
- (b) "fill" means fill of any kind.
- 2 Subject to section 3, no person shall place or dump fill or permit fill to be placed or dumped in any area below the high water mark of any river, creek or stream in the area under the jurisdiction of the Authority.
- 3 Subject to The Ontario Water Resources Commission Act, 1957, or to any other private interest, the Authority may permit in writing the placing or dumping of fill in an area below the high water mark, if in the opinion of the Authority the placing or dumping does not interfere with the ability of the river, creek or stream to safely carry the maximum flood flows and will not result in pollution of the river, creek or stream.

- 4 No dumping or placing of fill below the high water mark of the river, creek or stream shall be commenced until the registered owner of the property has obtained the permission required by section 3.
- 5 Applications for permission to place or dump fill shall be filed with the Authority and shall include,
 - (a) two copies of a plan of the property on which the fill is to be placed, showing the proposed location of the filling, the depth to which it is proposed to fill and the proposed final grade of the land when filling is completed;
 - (b) a complete description of the type of fill proposed to be placed or dumped;
 - (c) a statement of the dates between which the placing or dumping will be carried out; and
 - (d) a statement of the proposed use of the land following completion of placing or dumping.
- 6 The Authority may, at any time, withdraw permission to place or dump fill if, in the opinion of the Authority, the representations contained in the application for permission to place or dump the fill are not carried out.

The schedule, applicable under the regulations, applies to each municipality as the necessity arises.