

Crowe Valley Conservation
70 Hughes Lane P.O. Box 416
Marmora, Ontario K0K 2M0

Attn: Ms. Kelsey Davidson, Regulations Officer

April 3, 2025.

Dear Ms. Davidson:

RE: Watershed Advisory Board Hearing for Wetland Development Application 085/24

Subsection 28.1(4) of the Conservation Authorities Act states that the Conservation Authority may issue a permit with or without conditions. To receive permission for development, it must be demonstrated in an application to the satisfaction of the Conservation Authority that the control of flooding, erosion, dynamic beaches or unstable soil or bedrock will not be affected. These terms for receiving permission for development are referred to as the "Four Tests of the Act."

In our submission before the Board, I will be recommending that the Environmental Impact Study (EIS) prepared for the replacement ATV wetland crossing meets all the "Tests of the Act."

At the Hearing, we will challenge staff assertions that the ATV trail wetland crossing poses increased likelihood of flooding and is not permitted by the Act, Regulation or Policy (Email, February 5, 2025, your letter dated March 19, 2025, and the Notice of Hearing).

The CVCA do not employ a professional licensed to practise Engineering in the Province of Ontario nor is there a Senior Water Resources expert on staff. This gap in technical capabilities at CVCA is recognized in the current Watershed Policy Manual where it is stated:

As the expertise for reviewing technical studies varies among CAs, the CVCA may request a peer review be completed by a qualified professional. Peer Reviews are completed at the expense of the applicant.

For the record, we fully support the use of peer review. It is fundamental principle for good science and engineering. It is our understanding that CVCA did not request a peer review of the January 13, 2025, Environmental Impact Study (EIS).

Decision to not accept the expert opinions of a Professional Engineer in your February 5, 2025, email could be considered an oversight. Concerns are expressed with the CVCA technical justifications for not supporting the proposed development application 085/24.

In denying **Policy 3.8.1** in your recommendation to the Board for denial of our permit you cite that there appears to be an alternative outside of the hazard/wetland and that this crossing is a new development. We have told you on numerous occasions that there is no alternative location for the replacement ATV crossing. In 2022, a legal survey showed the current ATV crossing, which has been used for 30 years was on our neighbour's property. Because the jog in the lot line between Lots 29 and 30 coincides with a wetland feature of our property, there are no alternative routes to access both the East and West parcels of the lot. We are relocating the existing trail alignment onto

our property (cf. location mapping in the EIS). It is therefore incorrect to call this replacement ATV trail a new development and that there is an alternative location.

The enclosed letter report addressed to Watershed Advisory Hearing Board outlines our submission to the Board. There is a Summary Presentation which provides a factual account of the impact of relocating the ATV crossing with in the wetland.

Accompany the letter report is a memorandum prepared by John Bowen, detailing the steps he had taken to design the wetland crossing. The power presentation also showcases the suitability and durability of the ATV crossing design by following provincial guidance for the crossing of wetlands by access roads.

Both attachments are included as part my technical submission to the Watershed Advisory Hearing along with the EIS.

Thank you for the assistance with this permit application.

A handwritten signature in black ink that reads "Gary S. Bowen". The signature is written in a cursive, flowing style with a large, stylized 'G' and 'B'.

Gary S. Bowen