

SO YOU NEED TO ALTER A WETLAND...

Natural wetlands are important to the health and prosperity of our province. So, in 2011, government created a new policy to help conserve wetlands. The *Environment Act* requires an approval for certain activities that impact wetlands. These activities are referred to as “alterations.”

Section 1: Before You Submit an Application

The first step is to meet with your local Nova Scotia Environment (NSE) Inspector. You should come prepared with photographs of the site, a location description (and maps if available), and a basic description of your proposed project.

The Inspector will work with you to answer a few key questions:

- Is there a wetland here that might be impacted?
- Would the activity be an **alteration**, such as filling, draining, flooding, or excavating a wetland?
- Do you own the land or have the rights to do work in this location?
- Is this a type of wetland or activity that does not require an approval?
- Is this a “Wetland of Special Significance” that requires protection?

Once these questions are answered, you need to estimate how big an impact your project might have. This may require a site visit by the Inspector.

For smaller projects (those likely to impact less than 0.5 hectare of a single wetland), NSE staff may be able to assist with confirmation of wetland presence, function assessment, or boundary identification, but you may always hire a wetland specialist to provide this information (see list of “Wetland Consultants for Hire” on the NSE Wetland webpages).

For larger, more complex projects, including those impacting an area greater than 0.5 hectares or more than one wetland, you need to hire a wetland specialist to determine the size of the alteration and assess the significance of the alteration.

If the expected impact is larger than 2 hectares, your project will be referred to the Environmental Assessment Process.

Section 2: Wetland Approval Application

Based on the size of your project impact, the Inspector will direct you to complete a **Simplified** or **Standard Application**.

Simplified Application (*alterations smaller than 0.5 hectares to a single wetland*)

You need to provide:

- Your name and contact information (including company information if applicable).
- Wetland type, location, and approximate size.
- Property information (address, community, county, property number).
- Maps and photos showing the location of your project, the wetland, and other natural features.
- Brief description of your project and the proposed alteration.
- Description of how you will minimize impacts and manage water flow impacts such as stormwater run-off, sedimentation, water quality degradation, etc.
- Wetland boundary information and functional assessment (provided by NSE when feasible, but you may always hire a specialist to do this work).
- A letter or contract confirming that you have retained the services of a Nova Scotia Environment recognized wetland restoration specialist to provide compensation (see list of wetland restoration specialists on NSE website),
OR a detailed plan describing how you will provide compensation for the alteration. Both approaches should be finalized in consultation with the NSE Inspector.
- A summary of qualifications that demonstrate proficiency of the assessor (if a wetland assessor was hired for the project)

Note: To help meet provincial conservation goals, compensation is required for all alterations. Compensation will primarily be in the form of wetland restoration projects at a 2:1 ratio (2 hectares restored for each hectare altered). Other activities may also contribute towards compensation, such as the development of research or education programs needed to support the NSE wetland policy, or protection of exceptional wetlands. As part of your approval, you will be required to provide evidence of the required compensation within 2 years.

Alterations of Wetlands That Do Not Need an NSE Approval

An approval is not required for altering:

- wetlands on federal lands (these are managed under the Federal Policy on Wetland Conservation);
- wetlands less than 100 square metres in total area;
- wetlands constructed specifically for wastewater or stormwater treatment;
- wetlands created by humans on upland habitats not for the purpose of fulfilling compensation requirements under Wetland Alteration Approvals (e.g., excavated ponds);
- wetlands designated as "Marshlands" under the Agricultural Marshland Conservation Act as agricultural land;
- wetlands within agricultural drainage ditches;
- wetlands that develop as the unintended result of urban, commercial, industrial or agricultural construction projects completed less than 20 years before the current calendar year.

An approval is not required for:

- linear developments that are less than 10m wide and less than 600 square metres in total area (such as forest access roads, secondary roads, and driveways) through shrub or wooded swamps that are not classified as "Wetlands of Special Significance". Proponents are expected to maintain flow under the road by employing best management practices;
- maintenance for public safety or protection of adjacent properties and infrastructure in wetlands that develop within the medians or drainage ditches of transportation corridors or within the footprint of existing utility corridors or electrical generation, transmission and distribution infrastructure;
- harvesting trees or mowing agricultural fields in a wetland (best management practices should always be used to minimize damage).

Other Considerations

Special rules apply to cranberry and other agricultural operations; ask an NSE Inspector for details.

Standard Application (alterations between 0.5 and 2.0 hectares and any alteration that affects more than one wetland)

You need to provide:

- All information in the **Simplified Application, PLUS**
- Additional details about your project plans
 - A site plan showing the location of project components relative to wetland boundaries.
 - The main reason for the alteration, including the benefits to be derived from the project.
- Additional details on minimizing and mitigating impacts
 - A description of engineering approaches incorporated into the project design to mitigate anticipated water management issues that may arise from the wetland alteration.
 - For projects where the entire wetland is not altered, a description of how the proposed design and methods minimize the size of the alteration required, and wetland impacts.
 - Management practices that will be used to minimize the impacts of specific activities associated with the project (e.g. sedimentation and erosion control).
 - A monitoring plan to demonstrate the effectiveness of the minimization and mitigation efforts based on site-specific needs.
- Wetland boundary information

- GPS coordinates for, or GIS-ready shape-files of, wetland boundaries.
- A description of the methodologies used
- Fine-scale maps, aerial photos (at least 1:5000 scale) that accurately show the project area and wetland boundaries.
- Credentials of the wetland specialist

It is expected that delineation will be conducted during the growing season (approximately June 1 to September 30). Delineations outside of the growing season may be acceptable in frost-free conditions, but should be confirmed with the Inspector prior to undertaking the assessment.

- Functional assessment
 - A summary of the credentials of the wetland assessor(s) performing the functional assessment.
 - A listing of any additional resources or methodologies used to provide the assessment.
 - Any necessary maps, photographs, diagrams, descriptions, or other materials needed to demonstrate the results of the functional assessment.

Note: Applicants are expected to use the Nova Scotia Wetland Evaluation Technique (NovaWET — www.gov.ns.ca/nse/wetland). Comparable approaches may be acceptable, but should be agreed upon in consultation with the Inspector prior to beginning the assessment.

It is expected that the functional assessment will be conducted during the growing season (approximately June 1 to September 30). Functional assessments conducted outside this period may be acceptable, but should be confirmed with the Inspector prior to undertaking the assessment.