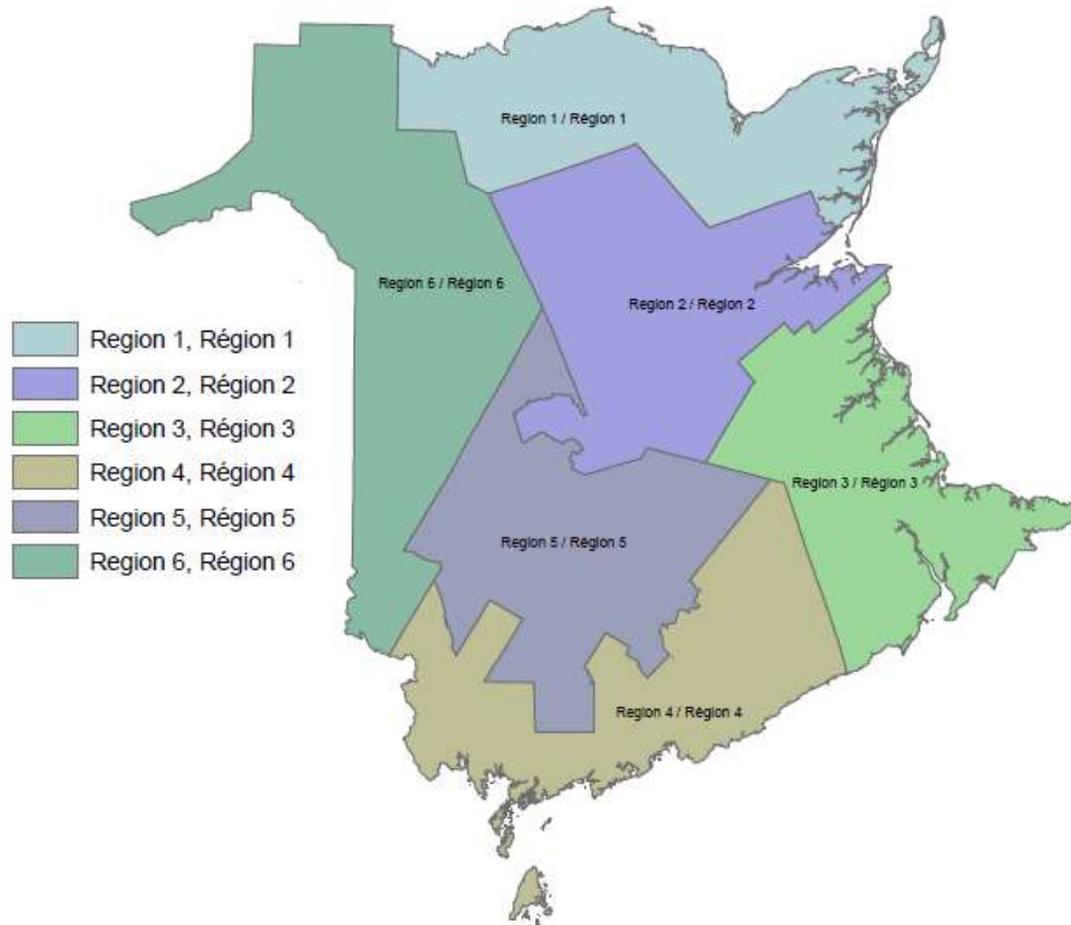


# **Department of Environment and Local Government**

## **New Brunswick Watercourse and Wetland Alteration Regulatory Update**

**Christina LaFlamme – NBDELG Wetland Biologist**

# Environment and Local Government Environnement et Gouvernements locaux



# Watercourse and Wetland Alteration (WAWA)



- Preserve watercourses and wetlands
- Protect aquatic habitats
- Prevent sedimentation and property damage
- Reduce threats to personal safety from flooding
- Simplify coordination with other jurisdictions (eg. DFO and NBDNRED)

# Applicable Legislation and Policies

- Federal
  - Federal Policy on Wetland Conservation (1991)
- Provincial
  - *Clean Water Act* (1989)
  - *Clean Water Act – WAWA Regulation* (90-80)
  - *Clean Environment Act – EIA Regulation* (87-83)
  - *Community Planning Act – Development and Building Permit Prerequisites* (2020-20)
  - Wetlands Conservation Policy (2002)
  - Coastal Areas Protection Policy (2002, updated in 2019)

# Wetland Policy



Since January 1st, 2020

WAWA permits are required for alterations in or within 30 metres of all wetlands that meet the definition in the *Clean Water Act*

Also released the Watercourse and Wetland Alteration (WAWA) Reference Map which replaced the “Regulated Wetland Layer” available on GeoNB

# What is a wetland?

Transitional areas between land and water.

They are wet for 2 consecutive weeks during the growing season.

Have hydric soils.

Support plant species adapted to wet conditions.

Wetland plant communities can be non-forested, forested or shrub.



# Non-Forested Wetlands in New Brunswick



**Bog**



**Fen**



**Freshwater Marsh**



**Coastal Marsh**



**Aquatic Bed**

# Forested and Shrub Wetlands in New Brunswick

A photograph of a forested wetland floodplain. The ground is covered with lush green vegetation, including large-leafed plants and ferns. Tall, slender trees stand in the background, their trunks partially obscured by the dense undergrowth.

Forested Wetland  
Floodplain

A photograph of a forested bog. The ground is covered with a thick layer of yellowish-green moss and small green plants. Tall, slender trees stand in the background, their trunks partially obscured by the dense undergrowth.

Forested Bog

A photograph of a shrub swamp. The foreground is dominated by tall, dense green shrubs and grasses. In the background, several tall, slender evergreen trees stand against a clear blue sky. A small wooden post is visible in the middle ground.

Shrub Swamp

A photograph of an alder thicket. The foreground is dominated by dense, green alder shrubs with large, rounded leaves. The background shows more trees and a clear blue sky.

Alder Thicket

# Watercourse and Wetland Identification

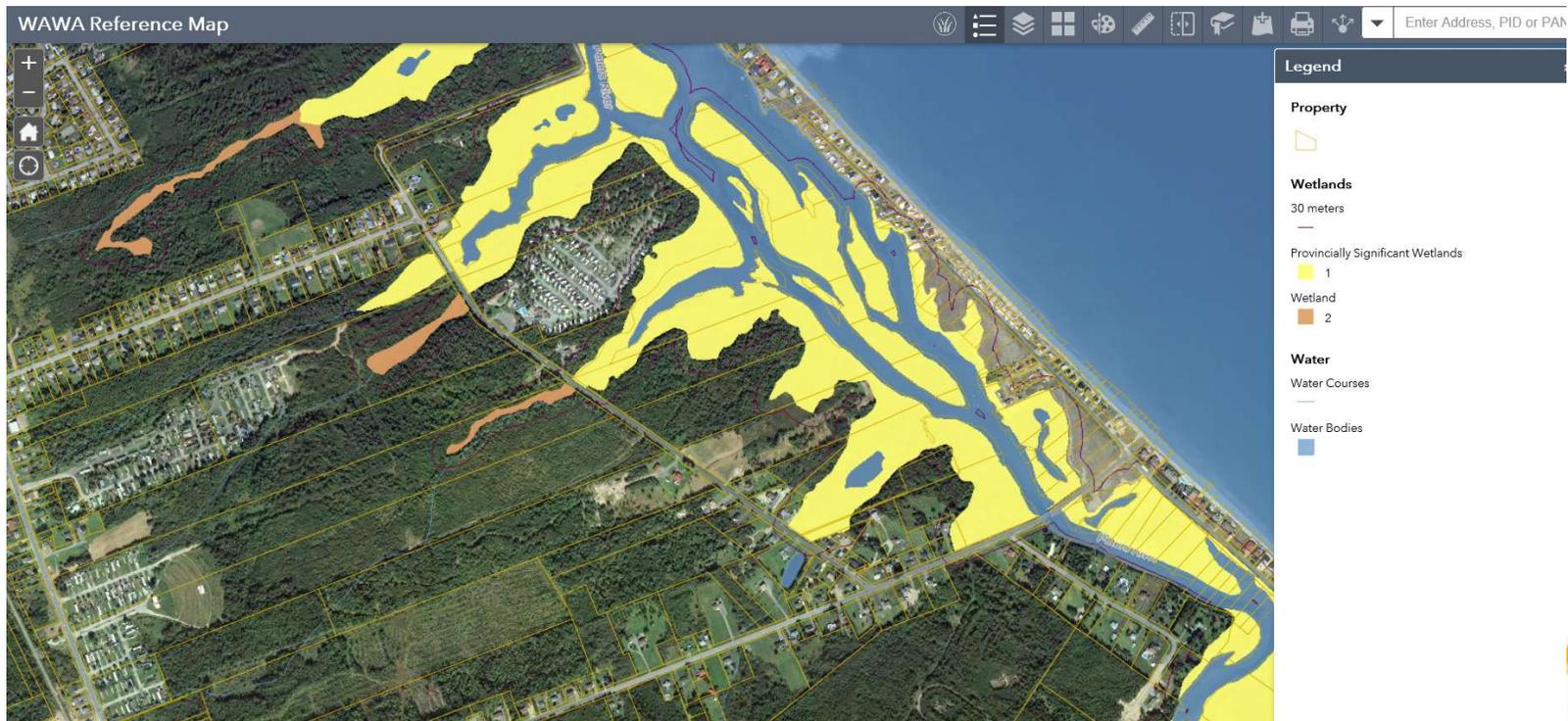
## 1. Check the WAWA Reference Map

Search your address or PID number on WAWA Reference Map (<http://www.snb.ca/geonb1/e/apps/wetlands-E.asp>) to see if any mapped watercourses or wetlands appear on your property.



# WAWA Reference Map

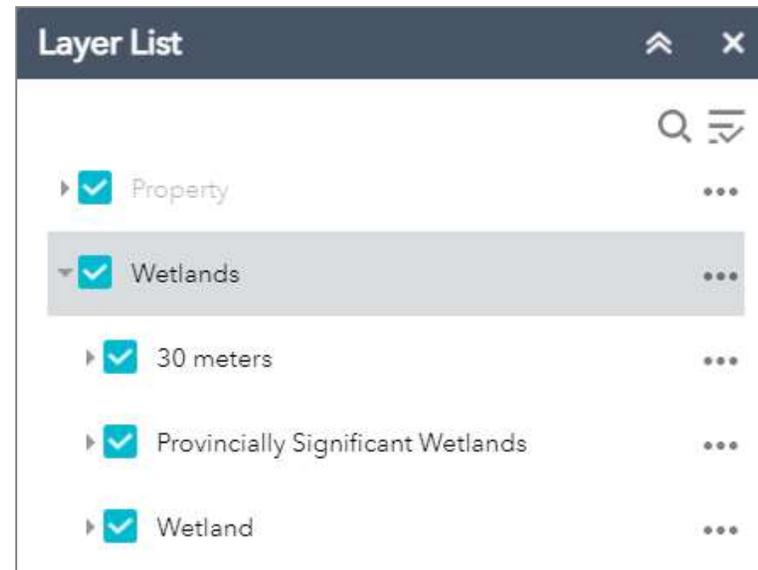
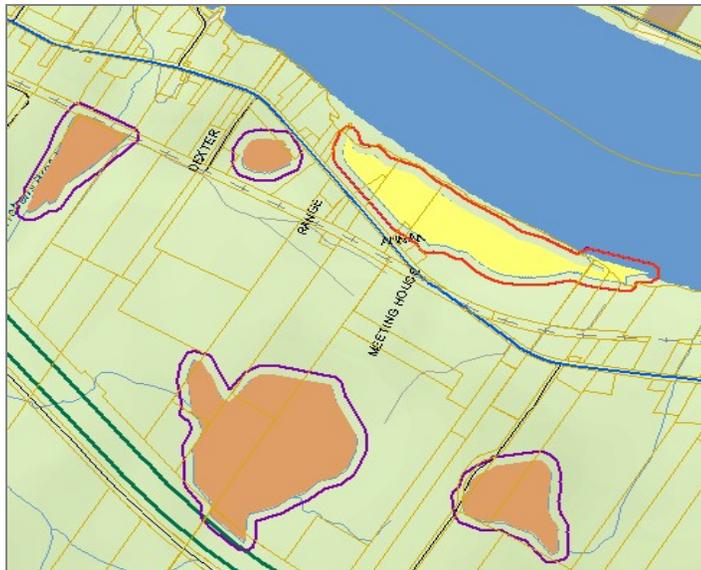
The map will be updated on an annual basis and be comprised of the most recent GIS information available. The new map is to be used as a **reference tool only**.

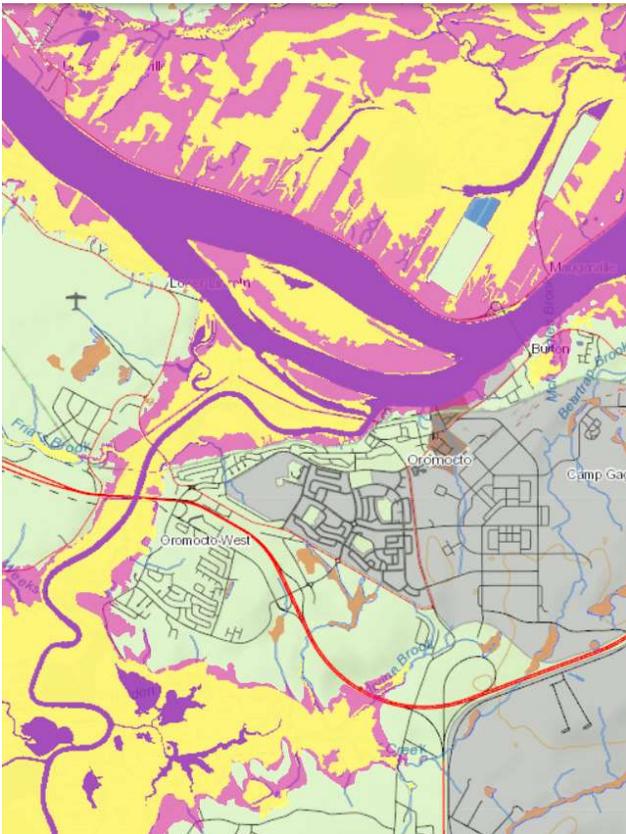


# WAWA Reference Map

## Two types of wetlands:

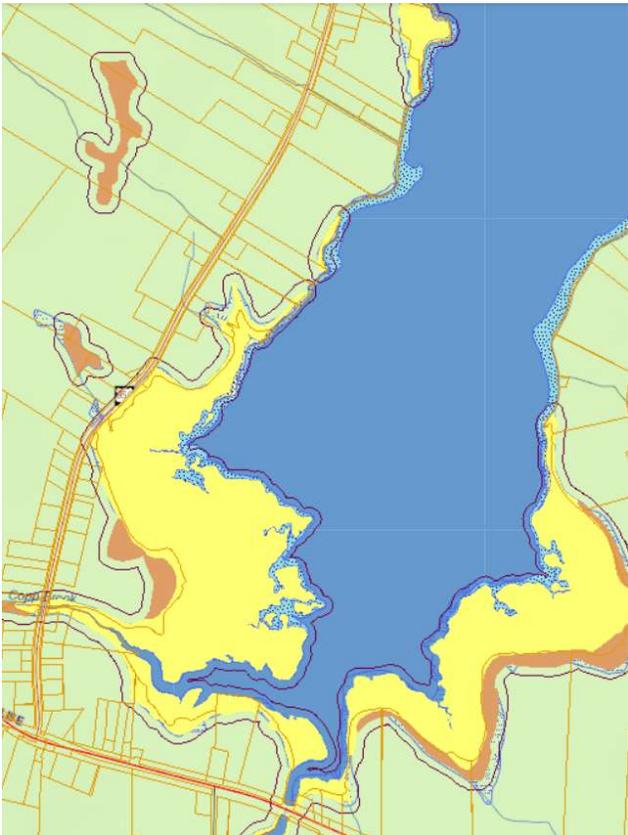
- Provincially Significant Wetlands (yellow)
- Wetlands (orange)





## PSW – LSJ Floodplain Wetland

- Wetlands located within the Lower Saint John River Watershed and the 2018 flood line are considered provincially significant
- Any wetland area located above the 2018 flood line are not considered provincially significant



## PSW – Coastal Wetland

- Wetlands dominated by non-woody vegetation along the coast or tidal watercourses
- Coastal wetlands include halophyte and freshwater rooted herbaceous vegetation

# Watercourse and Wetland Identification

## 2. Check the Definitions

### Watercourse

Bed, banks and sides of any incised channel greater than **0.5 metres** in width that displays a **rock or soil bed**; water/flow does **not** have to be continuous and may be absent during any time of year; or a **natural or man-made basin**.

### Wetland

Water table at, near, or above the land's surface, or which is saturated, for a long enough period to promote wetland or aquatic processes as indicated, **by hydric soils, hydrophytic vegetation**

# Watercourse and Wetland Identification

## 3. Walk the Property to Check for Unmapped Wetland Features

- Areas where water is likely to collect: low spots or depressions, near a stream or river that floods, in heavy/clay soils, highly organic soils, smells like rotten eggs.
- Signs of flooding near the surface: the water table is close to the surface water seeps when a hole is dug, no shrubs or trees are present.
- Common wetland plants: peat moss, sedges, cattails, ferns, black spruce, cedar, or alders.



# Watercourse and Wetland Identification

## 4. Ask for Advice

If you are still unsure whether a wetland or watercourse is present, please contact the Department of Environment and Local Government and one of our wetland biologists will assist you. ([wawa@gnb.ca](mailto:wawa@gnb.ca) or 506-457-4850)

# Wetland Delineator List

MCFT is hosting a list of of Wetland Consultants who offer services in New Brunswick and who are qualified to conduct wetland identification and delineation work as well as wetland functional assessments:

<https://www.mcft.ca/continued-education/wetland-professionals-and-consultants-public-list/>

# Permitting

- All WAWA permit applications are processed through an online application program.
- Permitting is done through a “single window” approach. Applications are submitted to the NB DELG.
- Projects considered **high risk** (*i.e.* have the potential of resulting in death of fish/ HADD) are also **reviewed by our advisory agents** (DFO and DNRED).
- For projects likely to result in the **death of fish** or the **harmful alteration, disruption or destruction (HADD) of fish habitat**, an Authorization under Subsection 35(1) of the *Fisheries Act* will also be required from DFO.
- As per *WAWA Regulation*, permits are **not transferable**.

# Permit Application Requirements

- Be prepared to provide a full, **comprehensive description of the proposed project**, with dimensions and distances in relation to the project and the regulated feature(s).
- **Drawings/ plans** may be required depending on the type of project.
- If you are not the legal **owner of the property**, a consent letter is required.
- **Photographs** are a must!
- Application fee:
  - \$25 (single alteration)
  - \$20 per alteration to a maximum of \$200 (multiple permit)
- Turnaround time is typically between 4-6 weeks. May be longer for projects requiring advisory input.

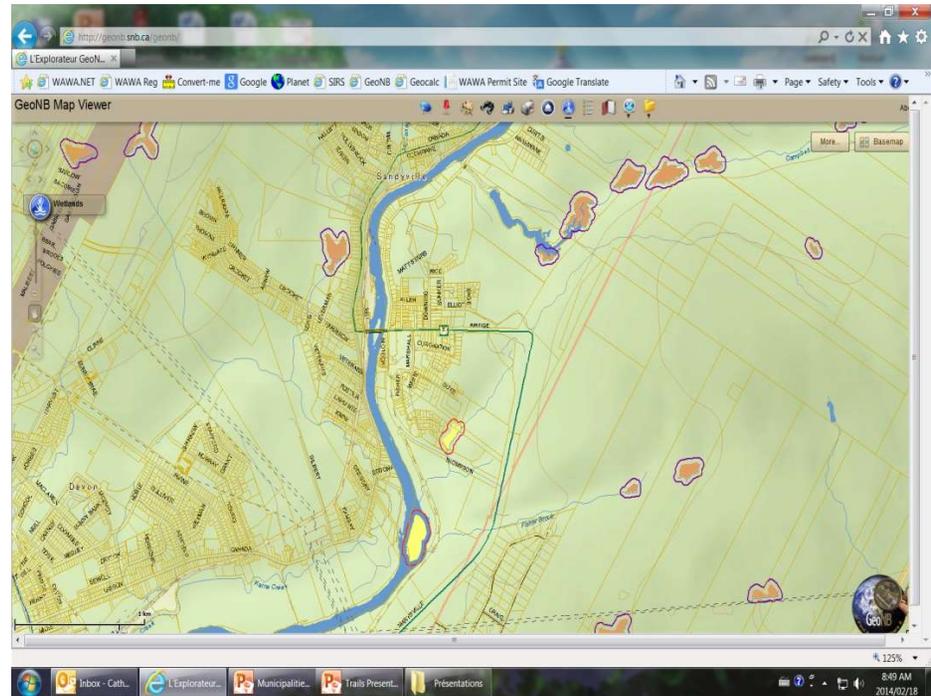
# WAWA Alteration Definition



- Removal of vegetation from a wetland or from within 30 metres of a watercourse/wetland
- Soil disturbance in or within 30 metres of a watercourse/wetland
- Change in water flows (i.e. watercourse crossing, dams, causeways, water intake structure, etc)
- Operating machinery in a watercourse or on a wetland

# Watercourse: when is a permit required?

- All mapped watercourses depicted on Service New Brunswick's WAWA Reference Map require a permit.
- All unmapped watercourses that meet the working definition of a watercourse requires a permit (defined channel; >0.5 metres; rock or soil bed).



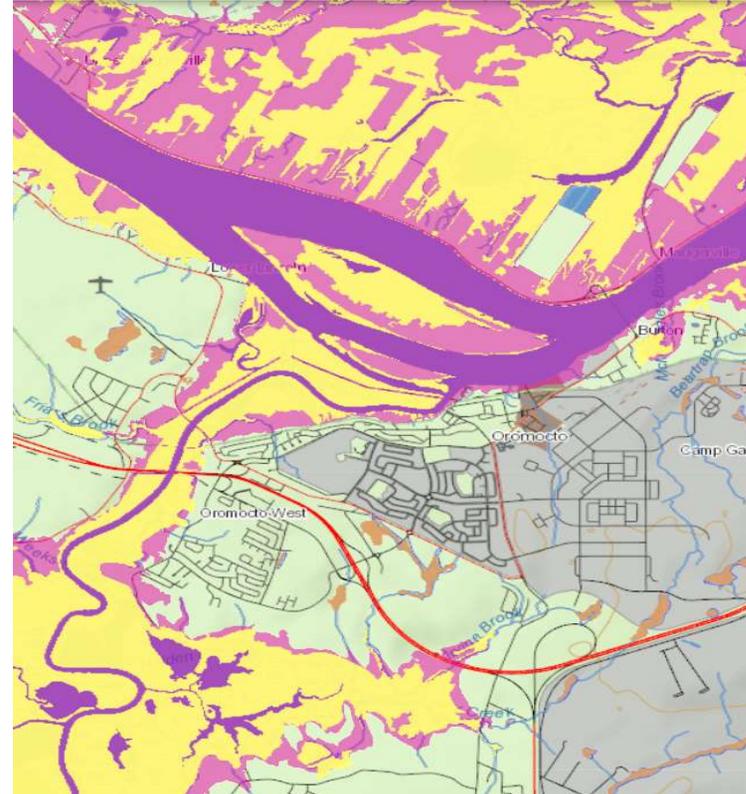
# WAWA Permit Review Process

## Watercourse

- Determine if project is located in or within 30 m of an ecologically sensitive watercourse (prone to flooding, tidal influence or is a lake)
- Review permissible activities of an ecologically sensitive watercourse (Refer to [Development within 30 metres of a watercourse factsheet](#))
  - Property cannot be raised only dwelling
  - Developed properties – rebuilding of dwellings and dwelling expansions no closer than current/previous footprint.
  - Undeveloped properties – if room allows have all dwellings and annexes outside 30 m buffer; landscaping no closer than 15 m; sheds no closer than 15 m unless on blocks (6 m); limited clearing for view ways
- Determine if avoidance and minimization considered

# Wetlands: when is a permit required?

- All wetlands  $\geq 1$  ha in size are regulated and any watercourse (as per definition) requires a WAWA permit for alterations in or within 30 metres of them.
- Any wetland  $< 1$  ha in size and **not connected** to a watercourse is not a regulated feature and does not require a WAWA permit.
- Alterations in or within 30 metres of wetlands  $\geq 2$  ha in size or having the potential to affect these wetlands **may** trigger an EIA.



Any alteration resulting in **permanent loss** of wetland habitat requires **compensation at a 2:1 ratio**.

# WAWA Permit Review Process

## Wetland

- Determine if project is in or only within 30 metres of the Provincially Significant Wetland (PSW)
- Determine if the PSW is greater than 2 hectares
- Review permissible activities (Refer to [Wetland Guidelines](#))
  - Activities that rehabilitate, restore, or enhance a PSW
  - Activities related to necessary public function
  - Boardwalks
- Determine if avoidance and minimization considered

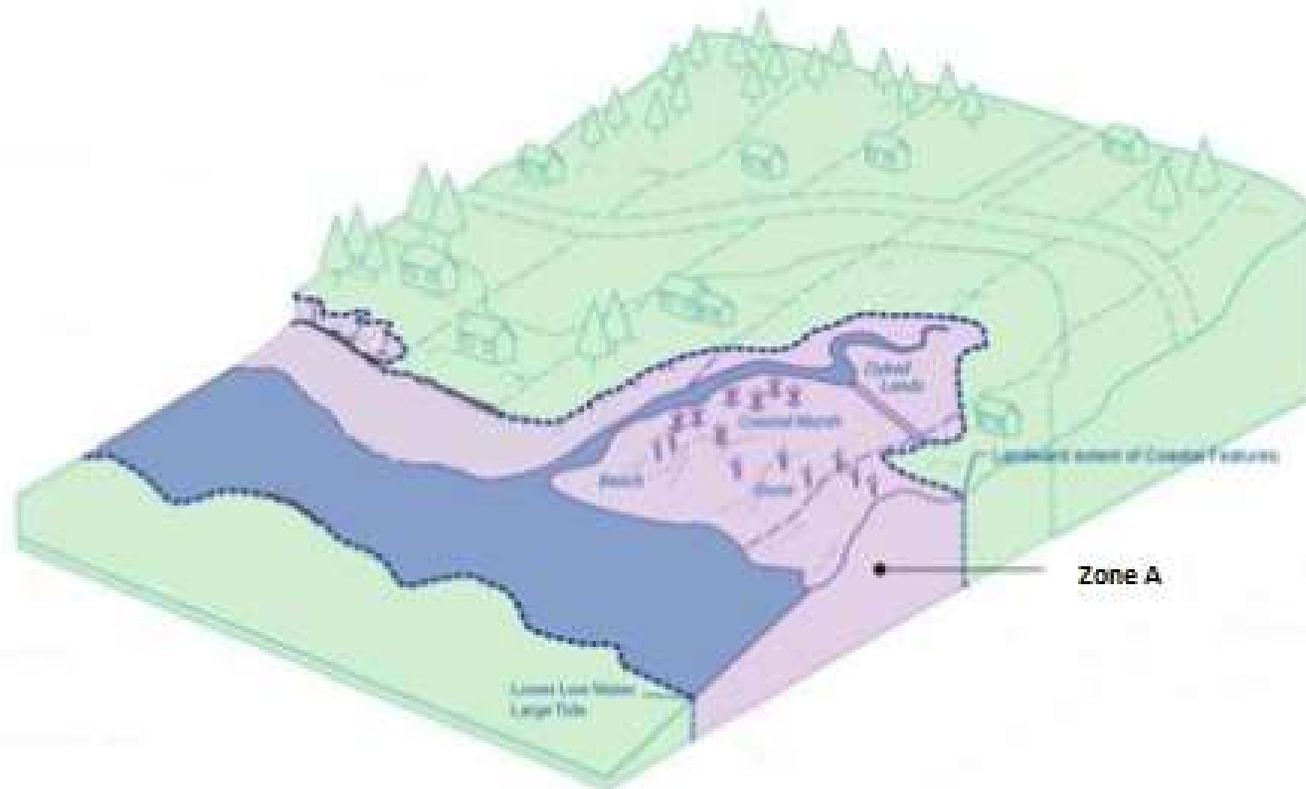
# Coastal Areas Protection Policy (CAPP)



- Protect coastal and inland areas
- Maintain flora and fauna
- Minimize contamination
- Reduce threats to personal safety by storm surges
- Minimize expenditures (eg. storm damage repair and control of coastal erosion)

## Zone A coastal features

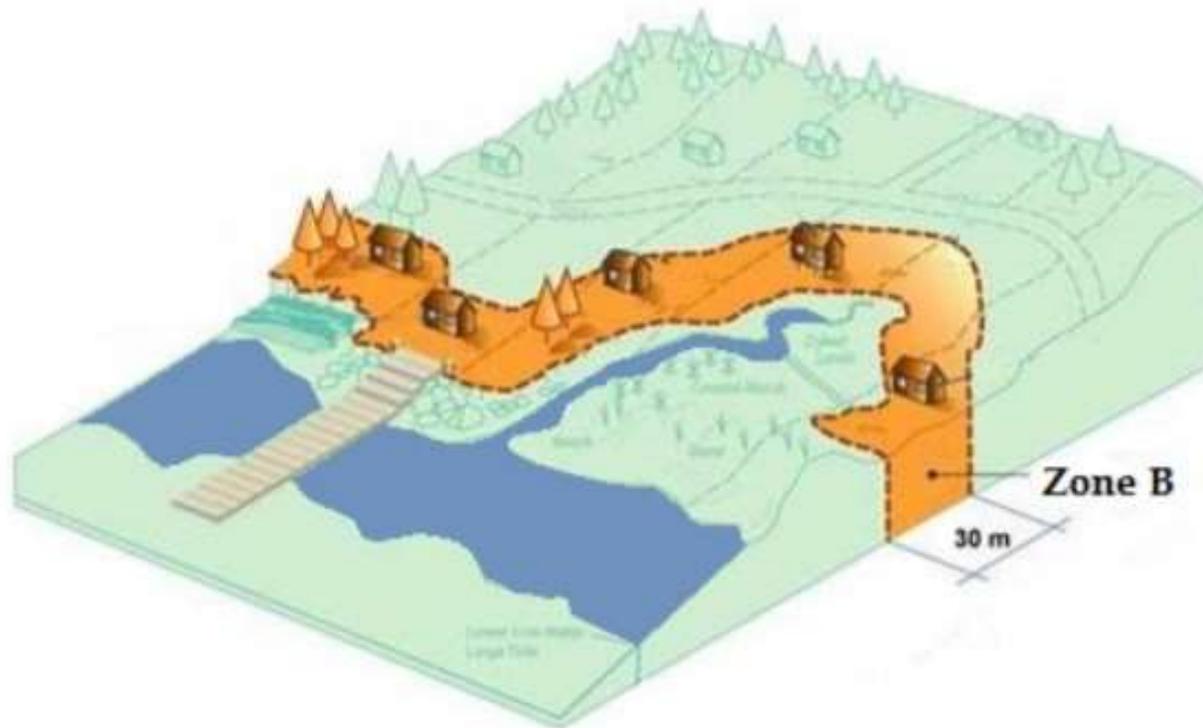
(beaches, dunes, coastal wetlands, dyked lands, rock cliffs and inter-tidal areas)



# Zone A – Permissible Activities

- Necessary public function projects
- Surveying
- Restoration and rehabilitation activities
- Education, research or habitat management
- Temporary access roads
- Boardwalks
- Erosion control measures if there is evidence of erosion and risk to infrastructure

**Zone B**  
30 metre limited activity and development buffer



# Zone B – Permissible Activities

- All activities permissible in Zone A
- New or rebuilt structure if:
  - avoidance and minimization considered
  - habitable portion is at least 2 metres above HHWLT
- Expansion of existing structure if no closer to Zone A than existing structure

# Available Resources



## NBDELG - Water

- [Watercourse and Wetland Alteration Permit](#)
- [Watercourse Alterations Technical Guidelines](#)
- [Development within 30 metres of a watercourse](#)
- [Bank Protection Projects](#)
- [Project Involving Dredging and In-Channel Excavation](#)
- [Coastal Areas Protection Policy](#)

# Available Resources



## NBDELG - Wetlands

- [WAWA Reference Map](#)
- [Watercourse and Wetland Identification](#)
- [List of Provincially Significant Wetlands](#)
- [Wetland Guidelines](#)
- [Watercourses and Wetlands and Agricultural Activities](#)
- [Forested Wetlands in New Brunswick](#)
- [Boardwalk Construction Guidelines](#)
- [Protocol for Wetland Delineation in New Brunswick](#)
- [Wetland Ecosystem Services Protocol – Atlantic Canada](#)
- [Wetland Compensation General Guidance](#)

# Source and Surface Water Management Branch

Telephone: (506) 457-4850

Email: [wawa@gnb.ca](mailto:wawa@gnb.ca)

[Online application](#)

