

ENVIRONMENT

WATERCOURSE AND WETLAND ALTERATION PACKAGE

Enclosed you will find the following:

- 1. A section entitled, "Before You Alter or Perform Work Within 30 metres of a Watercourse or Wetland",
- 2. A list of required documents,
- 3. A fee schedule, and
- 4. An application form for a watercourse and wetland alteration permit.

(**REVISED April 12, 2006**)

Before You Alter or Perform Work Within 30 metres of a Watercourse or Wetland

Things you should know:

In advance of planning or performing:

- a) a change or alteration to a watercourse or a wetland, or,
- b) a disturbance of the ground within 30 metres of a watercourse or a wetland,

there are important facts that you should be aware of. The purpose of the Watercourse and Wetland Alteration Regulation is to protect the streams, rivers, wetlands and lakes of New Brunswick from work or ground disturbance in or near watercourses or wetlands.

The Clean Water Act defines an "alteration" a "watercourse" and a "wetland" as follows:

"alteration" when it refers to a watercourse or a wetland, means a temporary or permanent change made at, near, or to a watercourse or a wetland, or to water flow in a watercourse or wetland, and includes:

any changes made to existing structures in the watercourse or wetland including repairs, modifications or removal, whether the water flow in the watercourse or wetland is altered or not;

the operation of machinery on the bed of a watercourse other than at a recognized fording place;

the operation of machinery in or on a wetland;

any deposit or removal of sand, gravel, rock, topsoil or other material into or from a watercourse or wetland or within thirty metres of a wetland or the bank of a watercourse;

any disturbance of the ground within thirty metres of the bank of a watercourse, except grazing by animals, the tilling, plowing, seeding and harrowing of land, the harvesting of vegetables, flowers, grains and ornamental shrubs and any other agricultural activity prescribed by regulation for the purposes of this paragraph, that occur more than five metres from a wetland or the bank of a watercourse;

any removal of vegetation from the bed or bank of a watercourse;

any removal of trees within thirty metres of the bank of a watercourse, and

any removal of vegetation from a wetland or from within thirty metres of a wetland except the harvesting of vegetables, flowers, grains and ornamental shrubs and any other agricultural activity prescribed by regulation for the purposes of this paragraph, that occur more than five metres from a wetland.

"watercourse" means the full width and length, including the beds, banks, sides and shoreline, or any part of a river, creek, stream, spring, brook, lake, pond, reservoir, canal, ditch or other natural or artificial channel open to the atmosphere, the primary function of which is the conveyance or containment of water whether the flow be continuous or not.

"wetland" means land that:

either periodically or permanently, has a water table at, near or above the land's surface or that is saturated with water, and

sustains aquatic processes as indicated by the presence of hydric soils, hydrophytic vegetation and biological activities adapted to wet conditions.

It is **illegal** to make or perform any watercourse or wetland alteration, or cause any watercourse or wetland alteration to be commenced, made or performed, unless authorized to do so by a permit issued by the Minister of Environment.

How to Make an Application for a Permit

The completed application form, including the required documents and the application fee, should be submitted to the Stewardship Branch – Watercourse and Wetland Alteration Program, at the address below, at least 2 MONTHS IN ADVANCE of the anticipated project starting date, to ensure sufficient time for review of the application.

Department of Environment Watercourse and Wetland Alteration Program 565 Priestman Street, Suite 301 (E3B 5X8) P.O. Box 6000, Fredericton, NB E3B 5H1

Telephone: (506) 457-4850 Fax: (506) 453-6862

If You Do Not Receive a Permit

If your proposed works are considered to have a negative impact on the best interest of the public water resource, or the aquatic habitat, you will receive a letter from the Watercourse and Wetland Alteration Program of the Department of Environment explaining why your proposal was not approved.

If you are not satisfied with the explanation you receive from the Department, you may appeal to the Minister of Environment.

What If You Do Not Comply with the Clean Water Act?

When carrying out a watercourse or wetland alteration, you must have in your possession a valid permit, perform only the work included in the "Description of Watercourse/Wetland Alteration(s)", and comply with all the "Conditions of Approval" included on the permit. Failure to fulfill any of the above requirements could result in a prosecution under the Clean Water Act. In the case of a conviction under the Act, the following fines can be levied:

- 1. In the case of an individual, a fine of not less than five hundred dollars (\$500) and not more than fifty thousand dollars (\$50,000) and, in default of payment, liability to imprisonment in accordance with Subsection 31(3) of the Summary Convictions Act, and
- 2. In the case of a person other than an individual, a fine of not less than one thousand dollars (\$1000) and not more than one million dollars (\$1M).

If you live within an incorporated municipality, or within the boundaries of a Local Service District, you should make certain that your proposed watercourse or wetland alteration does not violate any local municipal or planning by-laws. It is the applicant's responsibility to obtain any necessary approvals that may be required in addition to a Watercourse and Wetland Alteration Permit.

Required Documentation

The document, which must be submitted with a Watercourse and Wetland Alteration Application, varies with the type of alteration proposed. Table 1 on Page vi indicates which documents are required for each type of alteration. A description of the documents is given below:

Engineering Scale Drawings

Fully dimensioned scale drawings prepared with the use of drafting instruments and showing all dimensions necessary to describe the size, shape and location of the proposed alteration, relative to the watercourse or wetland. These drawings must be prepared by or under the direct supervision of a person licensed to practice as a Professional Engineer in New Brunswick, pursuant to the Engineering Profession Act. The Drawings must bear the seal of the Professional Engineer.

Drawings to Scale

Fully dimensional scaled drawings prepared with the use of drawing instruments and showing all dimensions necessary to describe the size, shape location of the proposed alteration, relative to the watercourse or wetland.

Dimensioned Sketches

Freehand drawings with all the dimensions necessary to describe the size, shape and location of the proposed alteration, relative to the watercourse or wetland.

Map

Is not meant to be a hand drawn sketch. Road maps, topographical maps, etc., or copies thereof are acceptable. If LRIS maps, legal surveys or air photos are used, it is the applicant's responsibility to be sure that they clearly show the position of the project area relative to well known landmarks such as watercourses, railways, roads and/or transmission lines, etc. Also, whenever possible, please include the PID# for the property where the alteration is to take place.

REQUIRED DOCUMENTS

TABLE 1

Type of Alteration	Required Documents	No. of copies
Bridges	Drawings to scale (plan, profile, x-section)	4
Culverts and Pipe Arches	Dimensioned sketches showing size, alignment and slope	4
Miscellaneous Drainage Changes such as landscaping	Dimensioned sketches	4
Erosion Control - including rip-rap, gabions and crib work	Dimensioned sketches	4
Tree and Brush Removal		
Debris Removal		
Breakwaters	Drawings to scale (plan, profile, x-section)	4
Fords, Beaches	Dimensioned sketches	4
Land Extensions - the extension of land by infilling a watercourse or a wetland	Drawings to scale (plan, profile, x-section)	4
By-pass Ponds		
Settling Ponds, Channel Cleaning	Dimensioned sketches	4
Causeways	Drawings to scale (plan, profile, x-section)	4
Channelization, Diversions Cut-offs Dredging	Bed material analysis Drawings to scale (plan, profile, x-section)	4
Dams, Fishways, Weirs	Engineered scale drawings (plan, profile, x-section)	4
Draining of ponds, lakes and wetlands	Dimensioned sketches	4
Subdivisions and Alignments	Drawings to scale (plan, profile, x-section)	4
Pipe Line Crossings Water Intakes	Drawings to scale (plan, profile, x-section)	4

IMPORTANT NOTE:

FAILURE TO SUBMIT THE REQUIRED DOCUMENTS COULD RESULT IN THE RETURN OF YOUR APPLICATION BEFORE PROCESSING.

Fee Schedule

The following fees are required for processing applications pursuant to the Watercourse and Wetland Alteration Regulation, Section 15(1) and (2).

1.	A single permit respecting one alteration.	\$ 25.00
2.	A multiple permit respecting more than one alteration having some appropriate factor in common.	\$ 20.00 for each alteration (maximum \$200)
3.	A permit renewal, extension and/or revision.	\$10.00

NOTE: Fees must accompany each application and be in the form of a cheque or money order payable to the **Minister of Finance** for New Brunswick.

The required fee is for processing/review of the permit application and in cases where a permit is denied, the fee **will not** be returned.

Municipalities, Provincial, and Federal agencies, and Crown Corporations are **EXEMPT** from the processing fee.

Provisional Permits

Under certain conditions, **outside designated water supply watersheds**, the following applications could qualify for a **Provisional Permit**. A provisional permit application can be obtained from your local office of the Department of Environment (DENV).

If your proposed project appears to be one of the following types, please contact your local DENV office regarding your application and advice on whether the provisional permit process applies to your project.

- a) Beaver dam management and removal
- b) Centreline Clearing
- c) Constructions of by-pass ponds
- d) Construction of dugout ponds
- e) Culvert maintenance/replacement (NB Department of Transportation)
- f) Cutting of non-marketable woody vegetation
- g) Existing boat launching ramps, ferry landings, and recognized fords
- h) Geotechnical investigations
- i) Instream data collection devices
- j) Pipeline and cable crossings and outfall pipes
- k) Removal of man-made obstructions and alterations
- 1) Retaining walls
- m) Rip-rap/Armor stone
- n) Selective harvesting
- o) Surface runoff & drainage changes
- p) Water intake structures

APPLICATION FOR A WATERCOURSE and WETLAND ALTERATION PERMIT

(In accordance with the Watercourse and Wetland Alteration Regulation under the Clean Water Act, Chapter C-6.1, Acts of New Brunswick, 1989.)

I have submitted this application on behalf of: (PLEASE PRINT)

NAME OF APPLICAN (Dept/Company/Group/Person)	T		
Mailing Address			
		Postal Code	
		Home:	Fax:
If different from above:			
	liability for any damage done alteration(s) described herei	•	ng out or completing
Name of Watercourse/W	etland	(County
Tributary to		Parish	
PID # of property where	alteration is to be performed: _		
	For Off	ice Use Only	
Accepted for	or processing.	Required fee of	\$enclosed.
Not accepte	ed for processing.	Cheque or Mone	ey Order #
Resubmitte	d for processing.	FILE #	
Category	Type	1:50,000	Map
Easting	Northing	Zone	NAD
DNR Region	DENV Regio	on DF0	O Region
EIA Screen	Water Supply	Water Quality 0	Certificate
Wetland	Coas	stal	
Copies sent to:			
•		Reviewed by	
Day	Month Year		

A. Description of Alteration

Please include a detailed description of the project: type of activity, description of construction method, including materials used, disturbed surface area within 30 metres of the watercourse or wetland and the purpose of the project. This project description should focus attention on the following:

- (1) is soil being disturbed, added to, or removed from the watercourse or wetland, or within 30 metres, of a wetland or the shoulder(s) of the watercourse?
- (2) is vegetation being added to, or removed from, the watercourse or wetland, or within 30 metres, of a wetland or the shoulder(s) of the watercourse?
- (3) are any structures to be installed, constructed, modified or removed from the watercourse or wetland or within 30 metres, of a wetland or the shoulder(s) of the watercourse?
- (4) what is the size (length, width and/or height/depth) of the area in or within 30 metres of the watercourse or wetland to be altered in any of the ways exemplified in question (1)?
- (5) precisely where will the proposed alteration(s) take place or be situated (located) relative to the watercourse or wetland or the shoulder(s) of the watercourse?
- (6) what stabilization and erosion control techniques are to be employed during and upon completion of the proposed project including final slopes and material to be used to blanket all exposed erodible soil in order to minimize the runoff of suspended sediment from the area being altered?
- (7) does project access already exist or what alteration(s) exemplified in question (1) are necessary within 30 metres of the wetland or of the shoulder(s) of the watercourse to facilitate the proposed undertaking?

NOTE:	If your project involves a culvert installation, you must include culvert shape, type, length and diameter or span and rise. If your alteration involves a bridge, you must include the rise (distance from stream bed to the underside of the stringers), span (the distance between abutments) and type and average size of bed material.

Equipm	ent to be operated in the	e wetted p	ortion o	f the channel			
	Instream work should September 30 th , in o permits outside this rejected, or subjected	be comp rder to le time fra	leted du essen po me will	ring the low otential dama	water period, water period, water period, water period and a second water water water water water water water water water period water water water water water period water water water water period, water period water period, water period water	nich is bonnent.	etween June 1 st All requests
NOTE:	Instream work should September 30 th , in o permits outside this	be comp rder to le time frand to inten	leted du essen po me will sive fish	ring the low otential dam require inp habitat pro	water period, water period, water period, water to the envirout from our adotection measure	hich is bonment. visory a	etween June 1 st All requests agents and ma
NOTE:	Instream work should September 30 th , in o permits outside this rejected, or subjected	be comp rder to le time frand to inten	leted du essen po me will sive fish	ring the low otential dam require inp habitat pro	water period, water period, water period, water to the envirout from our adotection measure	nich is bronment. visory a	etween June 1 st All requests agents and ma
NOTE: Desired	Instream work should September 30 th , in o permits outside this rejected, or subjected	be comprder to let time franch to intended Month	leted du essen po me will sive fish Day	ring the low otential dam require inp habitat pro	water period, water period, water period, water period, water period, water period period to the control of the	hich is becoment. visory a es. Day	etween June 1 st All requests agents and ma
NOTE: Desired Desired	Instream work should September 30 th , in o permits outside this rejected, or subjected period of construction:	be comporder to let time frankl to intended Month	leted du essen po me will sive fish Day	ring the low otential dam require inp habitat pro Year	water period, what age to the environment from our adotection measured to to Month to Month	Day	etween June 1 st All requests agents and ma
NOTE: Desired Desired	Instream work should September 30 th , in o permits outside this rejected, or subjected period of construction:	be comporder to let time frankl to intended Month	leted du essen po me will sive fish Day	ring the low otential dam require inp habitat pro Year	water period, what age to the environment from our adotection measured to to Month to Month	Day	etween June 1 st All requests agents and ma

B. Sketch of the Project

Please enclose the required documents for the proposed project, including all dimensions and distances relative to the watercourse or wetland (see pages v and vi). These documents are not intended to be a location sketch (see section C.)

C. Location

Please submit a **map** (not a hand drawn sketch), which clearly shows the location of your proposed project relative to well known and labeled landmarks such as watercourses, railways, roads and/or transmission lines, etc. Whenever possible, please include the PID# for the property where the alteration is to take place.

Copies of relevant maps may be obtained from any office of:

New Brunswick Department of Environment

New Brunswick Department of Natural Resources

New Brunswick Department of Agriculture, Fisheries and Aquaculture

New Brunswick Department of Transportation

The Federal Department of Fisheries and Oceans

D.	Description	of Watercourse	or We	tland ((nlease	submit :	nhotographs	(:
ν.	DUSCHIBUIT	or mancredurse	VI 11	Juana 1	Dicase	Sublint	DIIOtoziabile	,,

Are the banks of the watercourse or wetland eroding in the vicinity of the proposed project?
If this structure replaces an existing structure, give details on the existing structure (see section A).
What is the width of the watercourse from edge of bank to edge of bank (for flowing watercourses only)?
What is the height of the right bank (looking downstream for flowing watercourses)?

What is the height of the left bank (looking downstream for flowing watercourses)?

E.	Property Ownership
	Are you the legal owner of the property on which the project will take place? Yes No
	If "No", attach a letter of consent signed by the property owner, indicating that the property owner approves of the proposed project.
F.	Application Fee
	I have enclosed the required fee of \$ in the form of a money order, cheque made payable to the Minister of Finance.
F.	Declaration of Applicant
	I hereby request a permit to commence, make or perform the watercourse or wetland alteration as described on this application form. It is understood that the submission of this application does not allow me to commence, make or perform the alteration as described in this application.
	It is understood that the issuance of a permit does not exempt me from the provisions of any Act of the Legislature of New Brunswick or the Parliament of Canada or any due process of law, including any municipal by-laws. It is acknowledged that the issuance of the permit does not serve to deprive any person of his rights either under statute or common law to claim damages for loss or injury caused to him or his property by reason of the watercourse or wetland alteration. It is understood that the issuance of a permit places no liability upon the Minister or the Department of Environment.
	If I am issued a permit, I agree that only such work as approved on the permit shall be carried out, and all such work shall be done so as to cause a minimum of disturbance to the watercourse or wetland.
	It is also understood that it is my responsibility to obtain the approval of the landowner(s) where the alteration is to take place, and that I may be requested by the Minister to obtain the approval of the adjacent landowner(s) who might be affected by the alteration. If the land is owned by the crown in the right of the Province of New Brunswick, I will obtain the approval of the New Brunswick Department of Natural Resources, Crown Lands Branch and submit proof of such before a permit is issued. If the alteration is to take place within an incorporated municipality or within the boundaries of a Planning District, I will obtain the necessary approvals and ensure that the municipal and planning by-laws are not violated.
	I certify to the best of my knowledge that the information stated in this form is correct.
	Date: Signature of Applicant

NOTE: Please enclose the required documents. Failure to submit adequate information in each section of this application will result in the application either being returned or rejected.