

2.0 WATERCOURSE AND WETLAND ALTERATION PERMITS FOR CERTIFIED INDIVIDUALS

2.1 WATERCOURSE ALTERATION CERTIFICATION PROGRAM

The Watercourse Alteration Certification Program was developed to allow individuals to apply through a one-window approach for watercourse and wetland alteration (WAWA) permits that qualify under the program. For a list of alterations that can be carried out under the Watercourse Alteration Certification Program, see Section *1.4.1 Activities Permitted Under Certification*.

A public list of certified individuals will be maintained so that members of the public that wish to consult with a certified individual for WAWA permits may do so. Only certified individuals that want to be on a public registry will appear on it. These individuals will be able to apply for WAWA permits through the Watercourse Alteration Certification Program on behalf of the public.

2.2 PERMIT APPLICATION PROCESS

Certified individuals must apply for each alteration site using the [online application program](#). The information required during the application includes:

- The individual's certification number and contact information
- The location of the alteration
- *A Watercourse Alteration Certification Data Sheet* (a sample of this form is included in the *Appendices* at the end of this manual)
- Photos and drawings (plans) as required
- Payment
- Landowner consent (if the applicant is not listed as the current landowner with Service New Brunswick records)

When using the online application program, an email will be sent to the application confirming that the application was successfully submitted. This email should be retained as it also contains a reference number of the application.

A single permit will be issued for each alteration site. The permit will be site-specific and will contain conditions for that specific alteration type.

Information regarding any work in progress or completed under a WAWA permit must be made readily available, upon request, to any inspector of the New Brunswick Department of Environment and Local Government (DELG), the New Brunswick Department of Natural Resources and Energy Development (DNRED), the New

Brunswick Department of Justice and Public Safety, or any Fisheries and Oceans Canada's (DFO) Fisheries Officer for auditing or inspection purposes.

PLEASE BE ADVISED

A copy (paper or electronic) of the Watercourse and Wetland Alteration Permit must be kept at the work site at all times.

2.3 APPROVAL PROCESS

WAWA permit applications submitted under the Watercourse Alteration Certification Program will be reviewed by DELG staff. The list of low-risk permitted alterations within the Watercourse Alteration Certification Program has been developed by DELG, DNRED, and DFO. The review process and permitting under the Watercourse Alteration Certification Program is a single-window approach, which is consistent with all other types of WAWA permits.

It should be noted that there has been updates to the federal **Fisheries Act** which may result in the list of permitted alterations within certification being updated in the future. DELG is also working with DFO to continue to expand the scope of alterations permitted in the Watercourse Alteration Certification Program. Once updates are made, there may be a requirement for recertification.

Another update that is being considered with the next recertification is to implement an expiry to the certification. An individual's certification will remain valid for a period of 10 years (unless revoked). At the end of this period, a certified individual must take the full Watercourse Alteration Certification Course to renew his/her certification status. If major changes are made to the program (*i.e.* regulatory, technical guidelines, etc.), a recertification may be required before the 10-year expiry.

2.4 PERMIT EXCLUSIONS

The Watercourse Alteration Certification Program **does not** allow for the following alterations. In any of these situations, an application for a standard WAWA permit must be submitted to DELG for review. These applications will be reviewed by DELG and may also be reviewed by DFO and other advisory agencies.

- Alterations proposed within a protected area water supply watershed that is being used as a source of water for a public water supply system, as defined in the **Watershed Protected Area Designation Order – Clean Water Act**
- Alterations proposed within a designated wellfield that is being used as a source of water for a public water supply system, as defined in the **Wellfield Protected Area Designation Order – Clean Water Act**

- Alterations proposed in or within 30 metres of a provincially significant wetland (PSW)
- Alterations that require an Environmental Impact Assessment registration under the ***Environmental Impact Assessment Regulation - Clean Environmental Act***
- Alterations where there is an aquatic species at risk under the ***Species at Risk Act*** that is subject to the DFO Critical Habitat Order may require a standard WAWA permit. These areas include the habitat for the Inner Bay of Fundy Salmon and Lake Utopia Rainbow Smelt. Alterations that will require a standard WAWA permit include 1) the installation/replacement of closed-bottom culverts and the replacement of a watercourse crossing structure where there is a reduction of end-area or extension in footprint, and; 2) erosion protection projects on banks along Lake Utopia and its tributaries.

2.5 WETLANDS

The ***Watercourse and Wetland Alteration Regulation*** states that any alteration within 30 metres (100 ft) of a wetland that is greater or equal to 1 hectare in size, or contiguous to a watercourse, is regulated and requires a WAWA permit.

On January 1, 2020, DELG created an online [Watercourse and Wetland Alteration \(WAWA\) Reference Map](#). The map is based on a composite of the most recent, publicly available information on watercourse and wetland locations and is to be used as a reference tool. All wetlands are now regulated by their presence on the ground as per the definition in the ***Clean Water Act***.

Under the ***Clean Water Act***, a wetland is 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.

In assessing potential developments in or near wetlands, the first step should be to avoid and minimize the impact to the wetland to the extent possible. A desktop review and a site visit should be carried out to determine the presence of a wetland.

In conformity with the [Wetland Guidelines](#), maintenance and upgrades to existing infrastructure that result in no more than 100 m² (1076 ft²) of permanent wetland impacts are exempt from the compensation requirement.

The Watercourse Alteration Certification Program allows for certain alterations related to wetlands:

- Timber harvesting (not permitted within non-forested wetlands)
- Removal of non-merchantable vegetation (for brush maintenance within right-of-ways and clearing activities associated with watercourse crossing installation/replacement)

- Temporary bridges
- Beaver dam management
- Water withdrawal (not permitted within wetlands)
- Replacements, maintenance, and upgrades to existing infrastructure (roads, culverts, single-span bridges, and erosion protection works) provided:
 - The alteration meets the criteria in Section 1.4.1 *Activities Permitted Under Certification*
 - The alteration results in a maximum of 100 m² (1076 ft²) of permanent wetland impact
 - The wetland is not a provincially significant wetland (PSW)
 - The temporary impact within a wetland is restored to the original grade following completion of the project

In certain cases, when there is the potential for the project to result in more than 100 m² (1076 ft²) of wetland impacts and the project could no longer meet the certification permissible activities, additional information may be required, including an on the ground wetland assessment by a wetland consultant along with the Wetland Identification Data Sheet. See *Appendix E*.