

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*.

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 re-certification may be required before the 10-year expiry.

A public list of certified individuals will be maintained so that clients that wish to consult with a certified individual for WAWA permits may do so. Only certified individuals that opt 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 other clients.

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](#), a confirmation email will be sent showing that the application was successfully submitted. This email, which also contains a reference number of the application, should be retained by the applicant until a permit has been issued.

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, the New Brunswick Department of Natural Resources and Energy Development, the New Brunswick Department of Justice and Public Safety, or staff with Fisheries and Oceans Canada 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 while the work is in progress.

2.3 REVIEW PROCESS

WAWA permit applications submitted under the Watercourse Alteration Certification Program will be reviewed using a tiered approach based on risk. Each tier has been developed to ensure that, in addition to the requirements of the New Brunswick [Watercourse and Wetland Alteration Regulation](#), the requirements under the federal [Fisheries Act](#) are also met. This review process will allow the federal Department of Fisheries and Oceans (DFO) to evaluate the projects being submitted for approval. See Table 2-1 for a list of alterations covered under the Watercourse Alteration Certification Program, along with their respective approval requirements.

Tier 1 review (low risk): These projects can be submitted through the Watercourse Alteration Certification Program. Permit issuance is aimed at 5-day turnaround time (provided all information required has been submitted and is in good order). These applications will be reviewed by DELG without consultation with DFO.

Tier 2 review (medium risk): These projects can be submitted through the Watercourse Alteration Certification Program. Permit issuance aimed at 15-day turnaround time (provided all information required has been submitted and is in good order). These applications will be reviewed by DELG and DFO. If fish passage is not properly provided on the submitted plans, the applicant will be advised within 15 days of submission that the application is incomplete for review. The approval of the project will then be dependent on when the proper information is received.

Tier 3 review (high risk): These projects do not qualify under the Watercourse Alteration Certification Program and require a standard WAWA permit.

| Table 2-1 Alterations permitted under the Watercourse Alteration Certification Program and corresponding tier review level | | | |
|--|------------------------------------|---------------------------------------|--|
| <u>Alteration</u> | <u>Tier 1</u> (low risk) | <u>Tier 2</u> (medium risk) | <u>Tier 3</u> (high risk) Requires standard WAWA Permit |
| Constructing or replacing single span bridge | X | | |
| New open-bottom culvert (max length 25 m, max drainage area 20 km ²) | X | | |
| Replacing open-bottom culvert (max length 30 m, max drainage area 20 km ²) | X | | |
| Replacing closed-bottom culverts (0-0.5% slope, max length 30 m, max drainage area 20 km ²) | X | | |
| Replacing closed-bottom culverts with twin pipes (0-0.5% slope, max length 30 m, max drainage area 20 km ²) | X | | |
| Replacing a closed-bottom culvert with an open-bottom culvert or bridge (max length for culvert 30 m, max drainage area 20 km ²) | X | | |
| Removal (decommissioning) of watercourse crossings | X | | |
| Temporary bridge over a watercourse or wetland (between June 1 - March 19) | X | | |
| Temporary wetland crossing (footprint less than 100 m ²) | X | | |
| New closed-bottom culvert (0-0.5% slope, max length 25 m, max drainage area 20 km ²) | | X | |
| Closed bottom culverts with baffles (0.51-5% slope, max length 25 m (30 m for replacements), max drainage area 20 km ²) | | X | |
| Stream simulation culvert (0-6% | | X | |

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| slope, max drainage area 20 km ²) | | | |
| Replacing an open-bottom culvert or a bridge with a closed-bottom culvert (0-5% slope, max length 30 m, max drainage area 20 km ²) | | X | |
| Any watercourse crossing not sized to meet the 1 in 100-year flood event | | | X |
| Closed-bottom culvert that does not provide fish passage | | | X |
| Multiple (more than two pipe) closed-bottom culverts | | | X |
| Closed-bottom culvert installation or replacement where there is a listed aquatic SAR or SAR-habitat | | | X |
| Open-bottom culvert replacement with reduces end-area or extended footprint where there is a listed aquatic SAR or SAR-habitat | | | X |
| Constructing a bridge with instream support(s) | | | X |
| Beaver dam management and removal | X | | |
| Bank protection projects (biotechnical/vegetation or rip-rap/armor stone) | X | | |
| Placing bank protection products on watercourses where there is a listed SAR or SAR-habitat | | | X |
| Water withdrawal (temporary or maintaining permanent intake structure) | X | | |
| Timber harvesting | X | | |
| Any alterations resulting in a permanent wetland impact greater than 100 m ² | | | X |
| Any alterations in and within 30 m of a provincially significant wetland (PSW) | | | X |
| Any alterations within a designated watershed or wellfield used as a source for public water supply | | | X |

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 for review. These applications will be reviewed by DELG and may also be reviewed by DFO and other advisory agencies.

- Alterations 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 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 resulting in a permanent wetland impact greater than 100 square metres (1076 ft²)
- Alterations 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 the installation of erosion and bank protection products, the installation of new closed-bottom culverts, and the replacement of a watercourse crossing structure where there is a reduction of end-area or extension in footprint.

2.5 WETLANDS

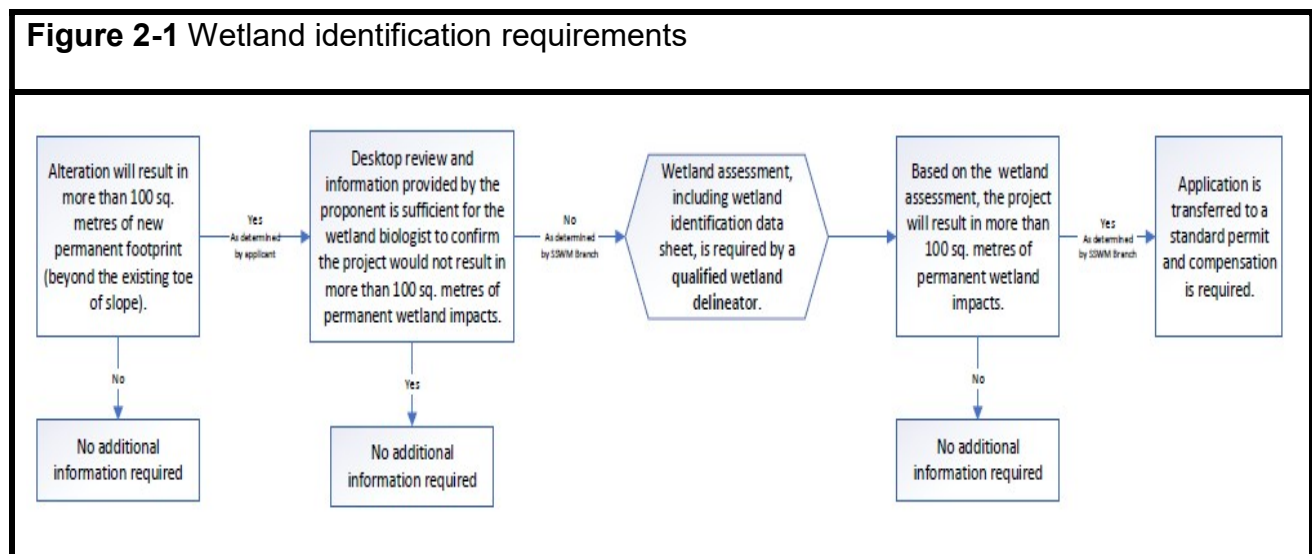
The [Watercourse and Wetland Alteration Regulation](#) states that any alteration within 30 metres (100 ft) of a wetland that is greater or equal to 1 hectare in size, or contiguous to a watercourse, is regulated and requires a WAWA permit.

On January 1, 2020, DELG created a [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.

If the project results in the permanent impact of a wetland, a *Wetland Identification Data Sheet* may be required to confirm that the project will not result in more than 100 square metres (1076 ft²) of permanent wetland impacts (a sample of this form is included in the *Appendices* at the end of this manual). This data sheet must be filled out by someone qualified, meaning a person having a combination of training in wetland identification and delineation based on the North-Central and Northeast Regional Supplement of the U.S. Army Corps of Engineers Wetlands Delineation Manual (1987) or an equivalent pending review from the Source and Surface Water Management Branch and; education and/or demonstrated experience in wetland hydrology, soils, botany and/or related sciences. See Figure 2-1 for additional information on when the Wetland Identification Data Sheet may be required.



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 where wetlands are present provided:

- The alteration meets the criteria in Section 1.4.1 *Activities Permitted Under Certification*
- 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

Alterations allowed under the Watercourse Alteration Certification Program where wetlands are present include:

- 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
- Temporary wetland crossings with footprint less than 100 m² (1076 ft²)
- Beaver dam management
- Water withdrawal from watercourses where wetlands may also be present (not permitted directly from wetlands)
- Replacements, maintenance, and upgrades to existing infrastructure (roads, culverts, single-span bridges, and erosion protection works) provided the alteration results in a maximum of 100 m² (1076 ft²) of permanent wetland impact.