



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 Tree and Brush Removal Debris Removal	Dimensioned sketches	4
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 By-pass Ponds	Drawings to scale (plan, profile, x-section)	4
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 <i>for each alteration</i> <i>(maximum \$200)</i>
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
- l) 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 APPLICANT

(Dept/Company/Group/Person) _____

Mailing Address _____

_____ Postal Code _____

Telephone Bus.: _____ Home: _____ Fax: _____

E-mail: _____

If different from above:

Contact Person: _____ Telephone: _____

E-mail: _____ Fax: _____

The applicant accepts the liability for any damage done while commencing, carrying out or completing the watercourse or wetland alteration(s) described herein.

Name of Watercourse/Wetland _____ County _____

Tributary to _____ Parish _____

PID # of property where alteration is to be performed: _____

For Office Use Only

_____ Accepted for processing. Required fee of \$ _____ enclosed.

_____ Not accepted for processing. Cheque or Money Order # _____

_____ Resubmitted for processing. **FILE #** _____

Category _____ Type _____ 1:50,000 Map _____

Easting _____ Northing _____ Zone _____ NAD _____

DNR Region _____ DENV Region _____ DFO Region _____

EIA Screen _____ Water Supply _____ Water Quality Certificate _____

Wetland _____ Coastal _____

Copies sent to: _____

Date _____ Reviewed by _____
Day Month Year

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
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D. Description of Watercourse or Wetland (please submit photographs)

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.