



Nova Scotia Wetland Conservation Policy

September 2011



The Nova Scotia Wetland Conservation Policy: Supporting Wetland Restoration in NS

for the Atlantic Reclamation Conference

November 2016

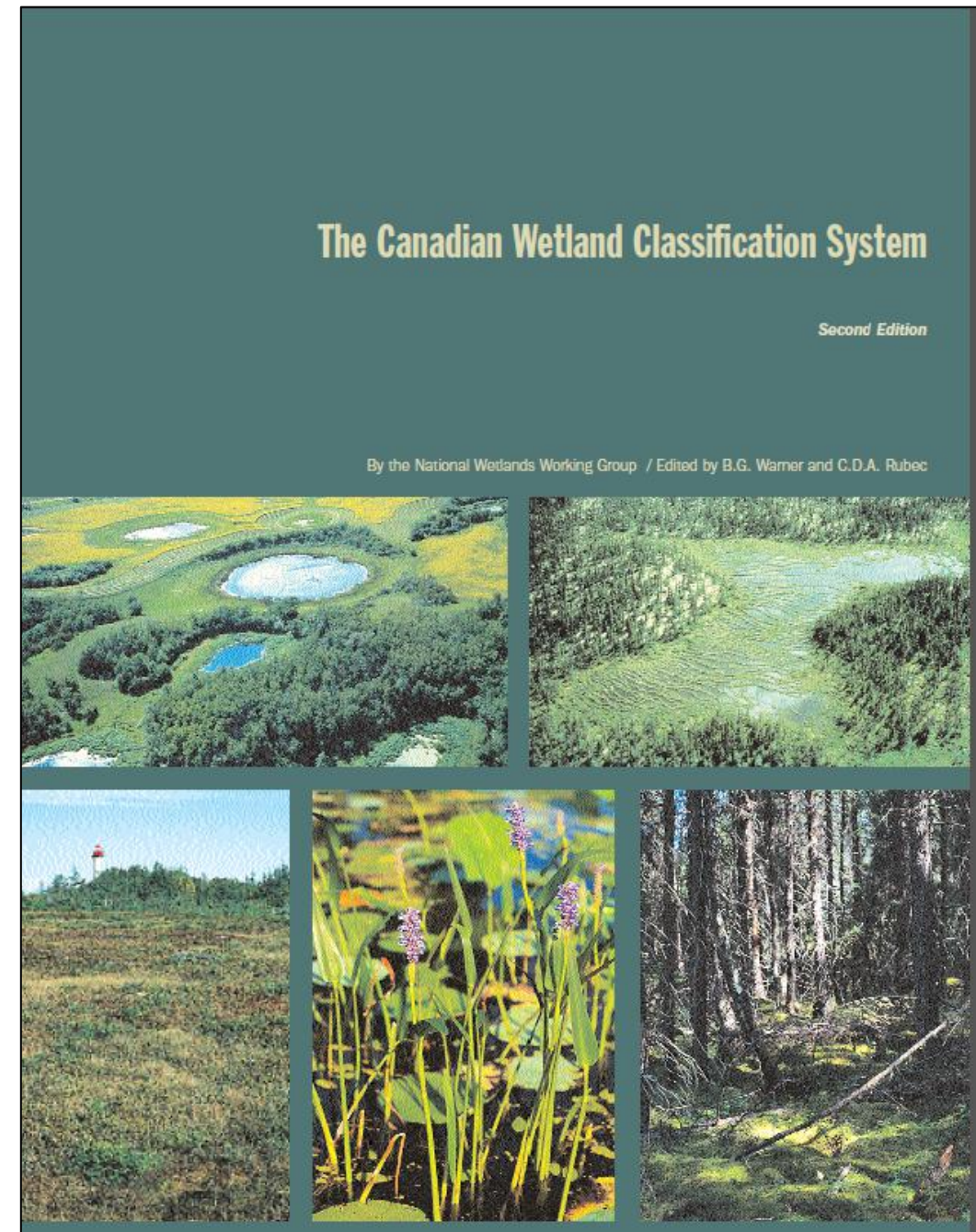
By

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What does NSE mean by wetland?

As defined by the Environment Act, a wetland in Nova Scotia is land commonly referred to as a marsh, swamp, fen or bog 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 poorly drained soils; and
- hydrophytic vegetation, and biological activities adapted to wet conditions.



Is the activity an alteration?

An alteration requires a wetland alteration approval from NSE.

“Actions that have the potential to affect wetland function, services and habitat. Alterations may include filling, draining, flooding, excavating...”



Provincial regulatory tools

Environmental Goals and Sustainable Prosperity Act (2007)



Environment Act (1995)

The Province’s environmental and economic goals are to ensure: n) a policy of preventing net loss of wetlands will be established by the year 2009

Gives Nova Scotia Environment (NSE) ministerial authority over wetlands



Activities Designation regulations-
Section 5 (amended 2007)

Environmental Assessment regulations (1995)

Nova Scotia Wetland Conservation Policy (2011)

Altering any of the following, or the flow of water in any of the following, is designated as an activity that requires an approval, unless it requires a notification under Section 5B or is exempt under Section 5D: a) a watercourse; b) a water resource; c) a wetland.

Class I Undertaking: An undertaking that disrupts a total of 2 ha or more of any wetland.

Nova Scotia Environment, Sustainability and Applied Science Division, Protected Areas and Ecosystems Branch, Wetland Specialist

Nova Scotia Environment, Compliance Division, Inspector Specialist

Nova Scotia Environment, Policy Division, Environmental Assessment Officer





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- *Objective 1:* To manage human activity in or near wetlands, with the goal of a) no loss in Wetlands of Special Significance and b) the goal of preventing net loss in area and function for other wetlands
- *Objective 2:* To promote wetland protection and stewardship and to increase awareness of the importance of wetlands in the landscape
- *Objective 3:* To promote a long-term net gain in wetland types that have experienced high historic losses, in order to restore beneficial ecosystem services and functions across the province
- *Objective 4:* To encourage the use of buffers to better ensure the integrity of wetlands adjacent to development (i.e. residential, commercial, industrial) and agricultural, mining and forestry operations.

Objective 1a) No loss of wetlands of special significance (WSS)



Government will consider the following to be WSS:

- all salt marshes
- wetlands that are within or partially within protected areas
- wetlands known to support at-risk species
- wetlands in designated protected water areas



Necessary public function: “A service, utility, role or capacity deemed essential to Nova Scotians. Such functions involve projects that provide **public service on a provincial scale**. They include public transportation projects, public infrastructure, linear pipeline or transportation corridors or electrical supply infrastructure, projects necessary for **public safety** and the protection of adjacent properties and infrastructure and land transactions authorized through an Order of Executive Council.”

So how do we achieve “no-net-loss”?

Proponent alters wetland with NSE Approval

+

\$ and LOU

=

Wetland restoration specialist compensates for loss of wetland

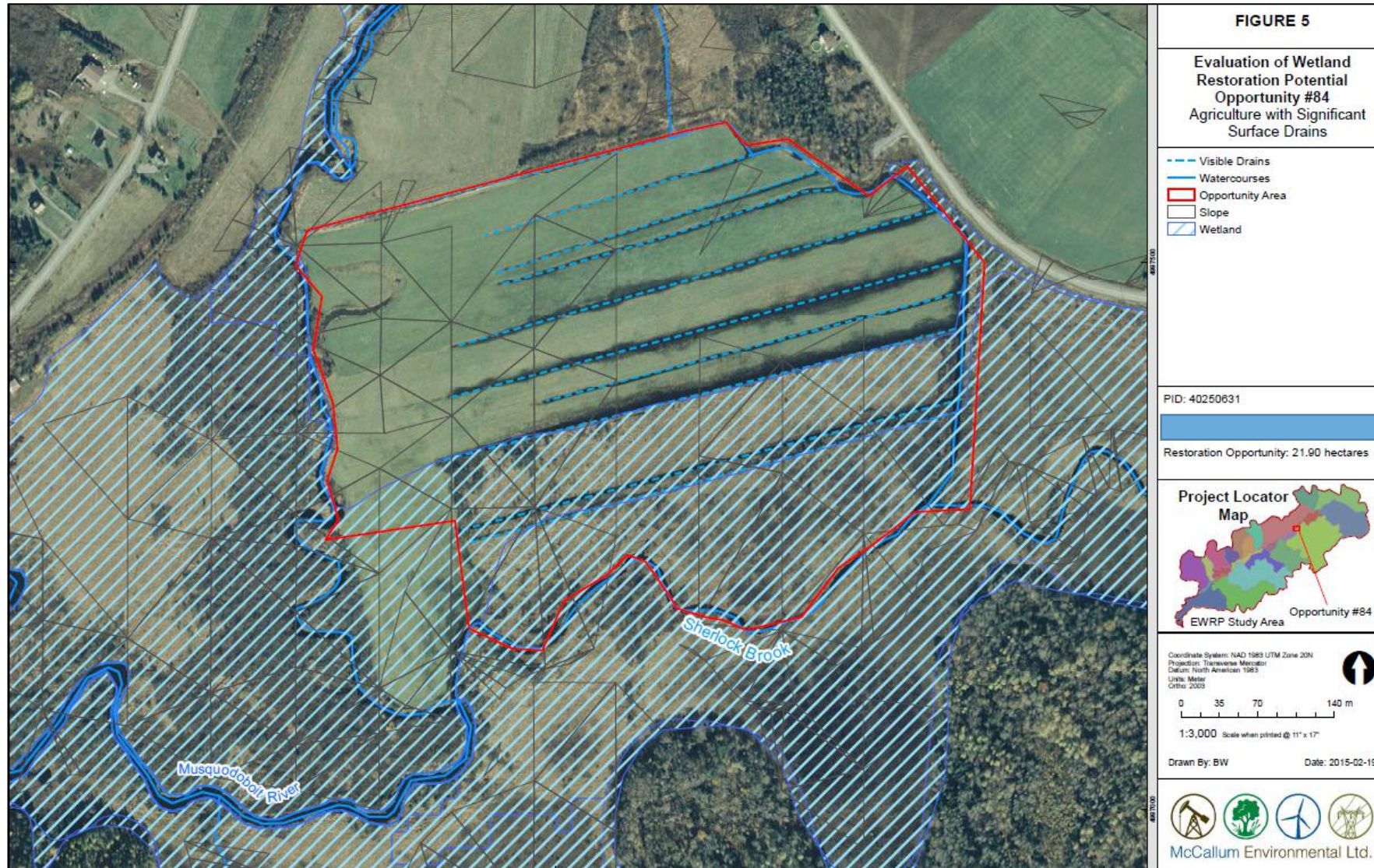
Restoration= restoring wetland *where it previously occurred*

Expansion= of an existing wetland into adjacent areas

Enhancement= management activity to increase one or more wetland functions

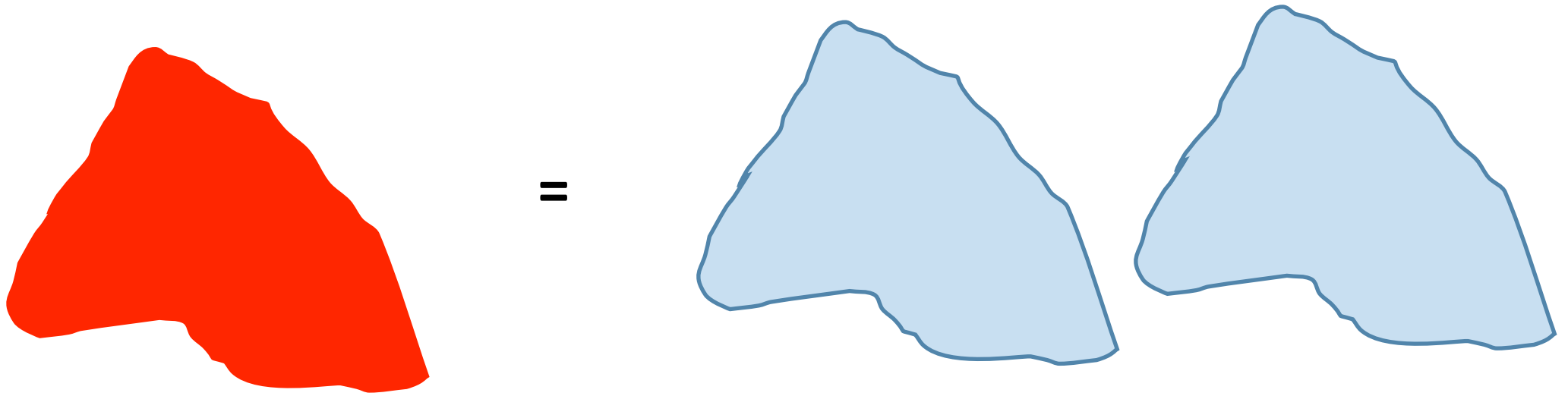
Creation= of a wetland where none existed previously

Prime Candidate for restoration!



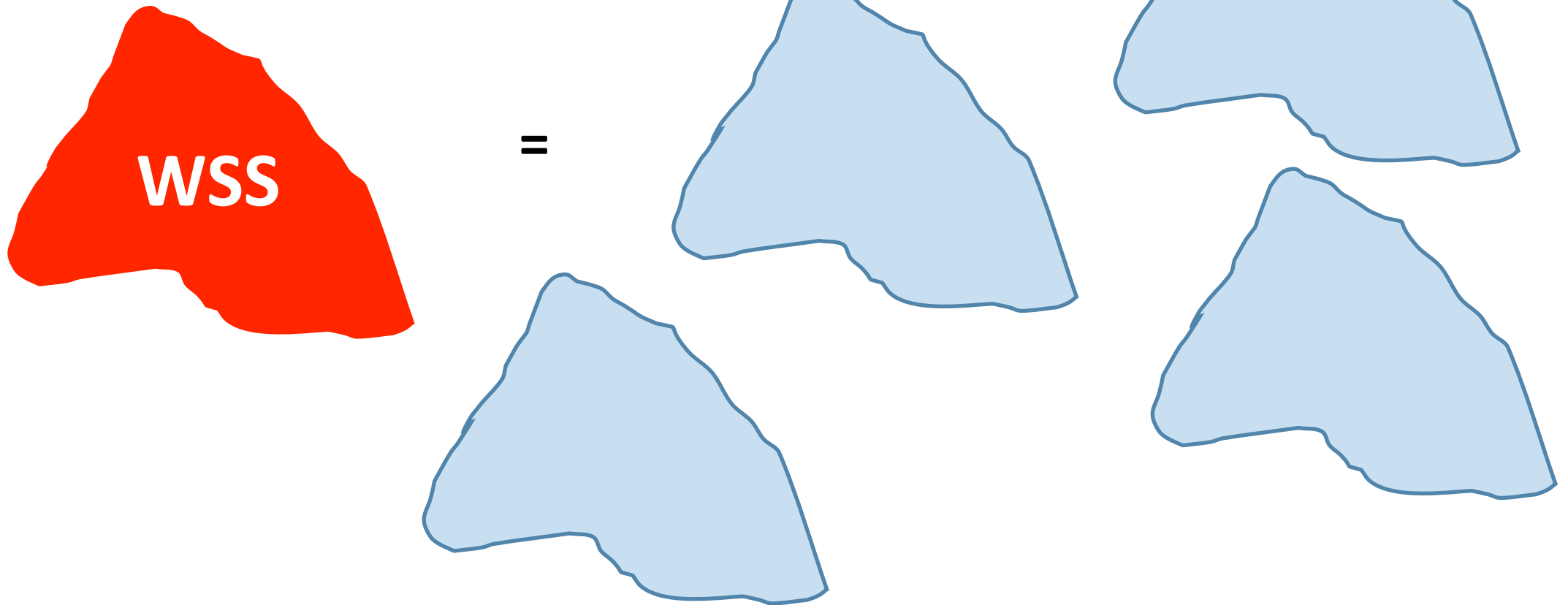
Compensation: Example 1: Restoration LOU

Minimum 2:1 or equivalent (ha restoration: ha alteration)



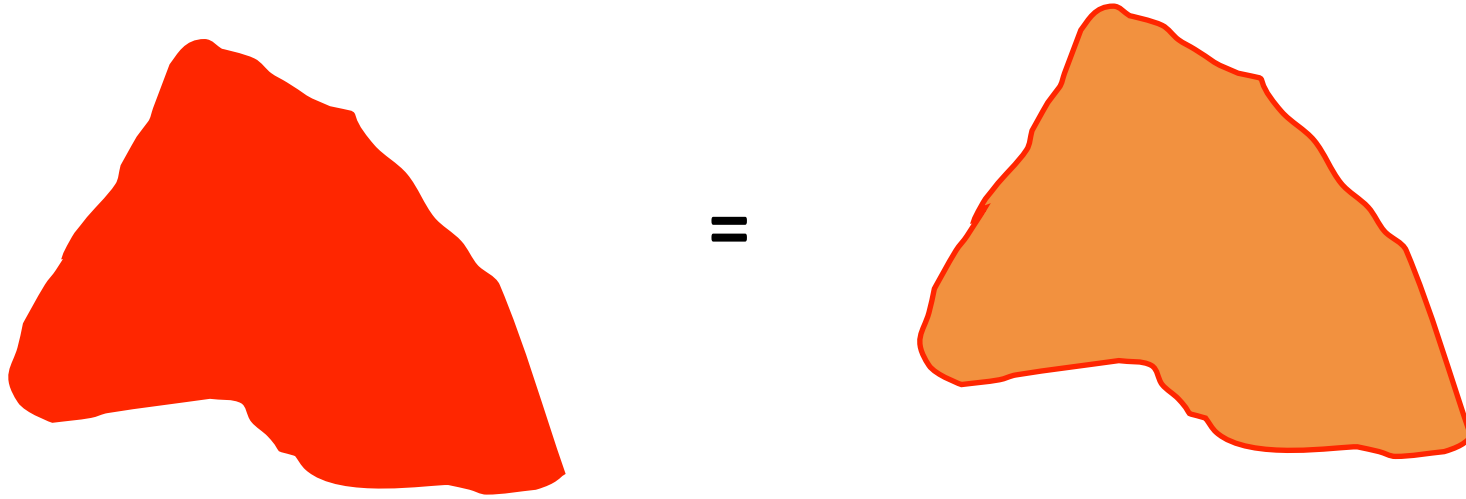
Compensation: Example 3: Alteration of Wetland of Special Significance

4:1 or equivalent (ha restoration: ha alteration)



Compensation: Example 2: High value restoration

1:1 high value restoration



Compensation: Example 2: High value restoration

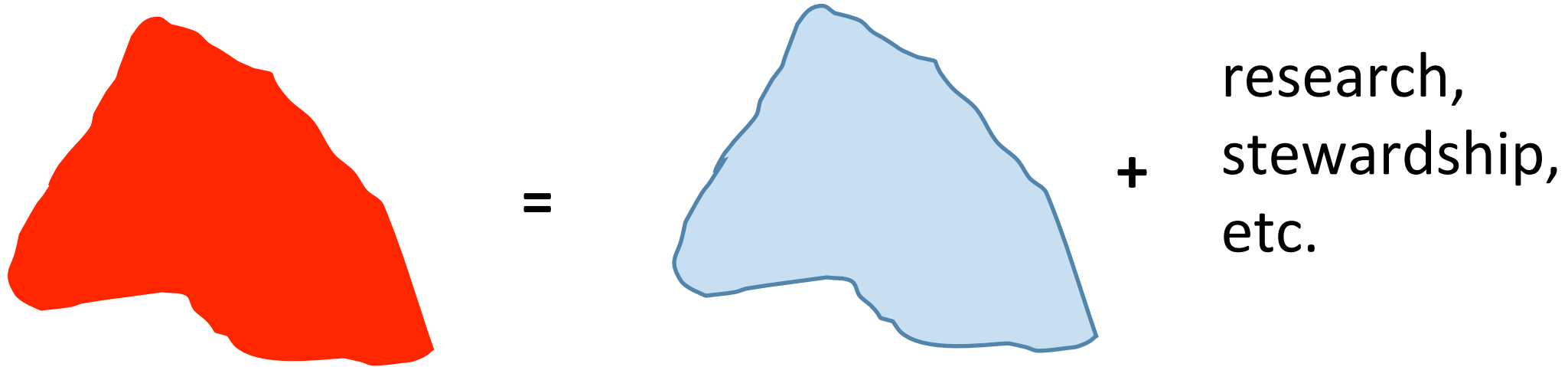
Walton River Salt Marsh Restoration Project



Photo: CBWES Inc.

Compensation: Example 3: Comprehensive compensation plan

Minimum 2:1 or equivalent (ha restoration: ha alteration)



The numbers (2011-2015)

- 113 ha approved to be altered
- 144 ha restored; or in progress to be completed by 2017
- Plus
- Outreach projects such as interpretive trails, and
- Research projects on:
 - Evaluation of wetland restoration potential
 - Wetland hydrology reference study
 - Wetland Ecosystem Services Protocol for Atlantic Canada (NS baseline assessments)

Where do we go from here?

- Compensation process clarification, possible changes
- WESP-AC
- Encourage restoration in watersheds with highest wetland losses

The National Wetland Conservation Fund 2017-2018

- Established in 2014, approaching 4th year of funding
 - \$ 2 million/year available for projects in Atlantic Canada
 - Max \$500,000/project; typically \$50-250,000
 - Minimum 1:1 matching contributions required
- Primary objectives: wetland restoration, enhancement, science
- Secondary objectives: stewardship and securement
- Eligibility: non-governmental organizations, Aboriginal organizations and communities, individuals, universities, conservation authorities, private corporations, as well as provincial, territorial, and municipal governments, and provincial Crown corporations.

Expressions of interest due November 18, Full proposals due December 9

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Questions?

However! Exceptions to the policy

An approval is **not** required to alter:

- wetlands on federal lands
- wetlands <100 m² in total area;
- wetlands constructed specifically for wastewater or stormwater treatment;
- wetlands created by humans on upland;
- wetlands designated as “Marshlands” under the Agricultural Marshland Conservation Act as agricultural land;
- wetlands within agricultural drainage ditches;
- wetlands that develop as the unintended result of human activities (within 20 years);
- wetlands that develop within the medians or drainage ditches of transportation corridors or within the footprint of existing utility corridors or electrical generation, transmission and distribution infrastructure

More exceptions to the policy

An approval is also **not** required when the alteration is for the purpose of:

- linear developments <10m wide and <600 square metres in total area (such as forest access roads, secondary roads, and driveways) through shrub or wooded swamps that are not classified as “Wetlands of Special Significance;
- harvesting trees or mowing agricultural fields in a wetland (best management practices should always be used to minimize damage)