



Nova Scotia  
Environmental Network

NSEN Water Caucus

**Response to Nova Scotia Wetland  
Conservation Policy (Draft for Consultation)**

November 6, 2009

## **Introduction**

The Nova Scotia Environmental Network (NSEN) Water Caucus is a group of individuals and organizations with a shared vision that water in Nova Scotia be protected now and in the future. Our membership includes NGOs, municipal, provincial and federal departments, academics, regional development authorities, plus others.

This response represents the collective opinion of the NSEN Water Caucus on the Nova Scotia Wetland Conservation Policy (Draft for Consultation) as released by Nova Scotia Environment (NSE) in July of 2009. Our members have also been encouraged to submit their own responses both as individuals and as part of their respective member groups. We welcome this opportunity to provide comments on behalf of the NSEN Water Caucus and thank the Province for their extensive work in the matter.

The following comments are in response to the Nova Scotia Wetland Conservation Policy only. We request the opportunity to comment on the Proponent's Guide to Wetland Conservation at a later date to give us more time to review this document. The length of the Proponent's Guide coupled with the implications of the material it contains warrants a longer consultation and response period.

## **Comments on the Policy**

### *Background*

The background information in the policy is strongly based in science. It is well written and contains excellent information on the values that wetlands provide as well as the current applicable regulatory tools. It is also appreciated that there is emphasis on the incomplete nature of the current Nova Scotia Department of Natural Resources wetland inventory.

### *Policy Goal*

The goal of preventing net loss of wetlands in Nova Scotia is a good one. However, it may not be enough considering we have already lost many wetlands to human activity in the Province. Historic losses have not been well documented and we continue to be unsure of the amount of wetlands already converted to other uses. This goal is also lacking definition considering we are currently without a comprehensive wetland inventory in Nova Scotia. It makes it hard to measure no-net-loss when we aren't entirely sure what we have to begin with. We need a clear starting point from which to measure our progress.

## *Policy Objectives*

The policy objectives, while each having potential, do not together form a complete picture of the problems the policy is attempting to address. They lack the cohesiveness required to protect Nova Scotia's wetlands. More linkages need to be made in the objectives so as to better identify the solutions to the problem of historic and continued wetland losses. For example, there exist gaps that may limit the ability to access funding to raise awareness (Objective2) for wetlands that are exempt under the Scope and Application of the policy such as small vernal pools.

## *Scope and Application*

The automatic exemption of wetlands that are less than 100 m<sup>2</sup> is a concern as many of these small wetlands play an important role in their watersheds. The loss of many of these smaller wetlands can have a large collective effect on the landscape. It is important to consider the individual functions of these wetlands before they are altered to determine any potential impacts from their degradation. The uncompensated, cumulative loss of a number of these small wetlands reduces the chances of meeting the no-net-loss of wetlands goal. The individual value of even these small wetlands should be assessed as they are sometimes of high ecological significance such as in the case of vernal pools. In watersheds where these > 100 m<sup>2</sup> wetlands represent a rare type or where wetland coverage is minimal, they should still be subject to the application process and the no-net-loss goal.

A similar situation applies to the linear development exception of wetland crossings less than 60 m long and 10 m wide. The loss of many of these wetland areas can quickly add up, especially when you have areas with many wetlands interspersed with small zones of upland habitat. A limit on these exemptions needs to be established perhaps by percentage total wetland area altered or by unit of area.

The exclusion of salt marshes designated under the Agricultural Marshland Conservation Act is also a concern as this is one of the wetlands types in which the Province has stated an objective of net gain. These wetlands provide many ecological services and are highly productive. Nova Scotia is already estimated to have lost approximately two-thirds of its salt marshes and the most effective form of compensation is accepted to be restoration. An automatic exclusion of these dyked wetlands from the policy may not be in the best interest of the net-gain goal when they may be a potential candidate for successful restoration.

## *Implementation and Management Actions*

*Objective 1 - Manage human activity in or near wetlands with the goal of no loss in Ecologically Significant Wetlands and preventing net loss in area or function for other wetlands.*

The classification and increased protection of Ecologically Significant Wetlands is an excellent step in the right direction. The next step is to further develop and clarify the criteria for the designation of additional wetlands as Ecologically Significant. Additional factors that could result in designation as Ecologically Significant should include flood protection, areas with high percentages of impervious cover, watersheds with low percentages of wetland cover and wetlands that form part of the coastal landscape such as tidal ponds and lagoons.

*Objective 2 - Promote wetland securement and stewardship and increase awareness of the importance of wetlands in the landscape.*

The resolution of continued effort in acquiring, enhancing and restoration of wetlands, especially Ecologically Significant ones, is a very positive advance. Environmental NGO's have long recognized the value in education and awareness and continue to support these initiatives.

*Objective 3 - Promote a long-term net gain in wetland types that have experienced high historic losses to restore beneficial ecosystem services and functions across the province*

This objective is very welcome. The Government's commitment to gains in these wetland types is greatly appreciated. We recognize the difficulty in realizing this objective while still balancing the demands for sustainable development.

*Objective 4 – Encourage the use of buffers to better ensure integrity of wetlands adjacent to development (i.e. residential, commercial, industrial) and agricultural and forestry operations*

It is not enough to simply *encourage* buffers around the perimeter of wetlands. A regulation or statement of provincial interest is needed to ensure that buffers are required. It is also important that a minimum buffer width be specified in the policy such as the 30 m required in the New Brunswick Wetland Conservation Policy.

*Objective 5 – Align wetland conservation tools and practices in Nova Scotia with those in New Brunswick and Prince Edward Island when feasible.*

While it would be convenient to have aligned wetland conservation tools and practices in Nova Scotia with those in the other Maritime Provinces, it should not limit the scope of the policy. We can learn from what has worked and what hasn't worked with other provinces but then we can go beyond that. Recognizing that harmonized policies between the Provinces tend to increase the level of compliance, it is still important that we are ambitious in our policies for wetland

conservation and don't simply move to the lowest common denominator. If we wish to have unified wetland conservation policies, Nova Scotia needs to work with the other Maritime Provinces to continue to strive for higher standards in our policies and regulations.

## **General**

It is agreed that overall the Draft Wetland Conservation Policy is a vital step in the right direction towards wetland protection in Nova Scotia. We welcome the focus on scientific information and appreciate the challenges associated with developing this policy. We do have concerns however, with the lack of resources required to implement the policy and with the ability of the policy to truly result in no net loss. We also have concerns regarding the term "necessary public function" and the implied benefits of wetland alteration. We would like to see a clear process of identifying the benefits of an alteration proposal and weighing them against the functions lost by wetland alteration. Low or no benefit developments should be a criterion for the rejection of applications. Alterations deemed necessary for public function should be open for public input.

Moving forward, a more complete wetland inventory is necessary as well as having more comprehensive regulatory framework to protect wetlands and having penalties for the alteration of wetlands. To improve the accountability regarding the goals and objectives set forth by the province we need more information as to the measurability of wetland loss and gain. Understanding that it is difficult to assign a value to wetland function, it is still important to develop a baseline with which to make comparisons in terms of net loss or gain.

We hope that these comments prove helpful as the Province moves forward with the Wetland Conservation Policy. We, the Water Caucus of NSEN greatly appreciate the work that has gone into this policy to date as well as the work that has gone into the consultation period. We look forward to continuing to work with Nova Scotia Environment on this policy and hope to soon be able to celebrate its approval and subsequent release.

## Contact

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