

November 9, 2009

Wetland Policy Comments  
Department of Environment  
5151 Terminal Rd., P.O. Box 442  
Halifax, NS B3J 2P8

Dear Mr Brazner:

**Re: Wetland Conservation Policy and Proponent's Guide to Wetland Conservation**

Thank you for the opportunity to provide comments on the above noted documents. HRM staff from various departments reviewed these documents in order to provide feedback that reflects all of HRM's mandates. These departments included Planning Services, Sustainable Environmental Management Office, Real Property Planning and Development Engineering

HRM agrees that sustainable development is critical to the growth of our region and must be carried out in a way that provides protection to our environment. In order to best achieve this, HRM undertook a significant policy review culminating in approval of our 25 year Regional Plan. We feel that this plan will help guide HRM into more sustainable growth through such initiatives as reduced sprawl, compact urban development, watercourse buffers and increased transit.

While we agree with the environmental principles of the policy changes, we do have concerns about the effectiveness of applying the changes consistently across urban and rural areas. The application of the policy as outlined across urban areas may significantly hamper HRM's ability to encourage compact, higher density development within the service boundary. Compact, transit-friendly urban development is a cornerstone to HRM's Regional Plan and is necessary to address unsustainable sprawl. Through the Regional Plan Process, HRM created specific growth areas through a public consultation process to achieve this goal.

HRM's response to your specific questions are as follows:

**Discussion Paper Questions – HRM responses**

**Question 1 - Do you think the policy will help prevent the net loss of wetlands in Nova Scotia? Why or why not?**

The proposed policy will help to prevent the net loss of wetlands in Nova Scotia. Wetlands, while significant in their own right, form only a part of larger watershed ecosystems, and therefore the status of wetlands must be evaluated within the context of the full watershed.

The impact of the change to 100 sq m is significant. While it will certainly have a significant impact on the prevention of the net loss of wetlands, it does raise concerns related to its possible impact to other initiatives related to increased sustainability such as compact urban development. Therefore, we suggest that further review of the this policy change in context of other sustainable initiatives should be undertaken to determine if the proposed size is the most effective.

**Question 2 - Is the proposed Scope and Application of the policy adequate and fair? If not, please provide suggestions for improvement.**

At this time, we are unable to provide a meaningful response to this question. HRM needs more information to understand the effectiveness of the change to 100 sq. m. Without a clear understanding of the scientific value of this change, it is difficult to assess the environmental value of this policy relative to the sustainable improvements associated with compact urban development as outlined in HRM's Regional Plan. In addition, HRM modeling through LIDAR mapping implies that a significant percentage of watercourses in some watersheds may in fact be smaller than 100 sq. m. With these uncertainties, further discussion between HRM and NSE would be required to fully assess the adequacy and fairness.

**Question 3 - Do you support an increased level of protection for the most significant wetlands (See Objective 1, page 9, *Ecologically Significant Wetlands*)? Why or why not?**

HRM supports an increased level of protection for the most significant wetlands, as these provide a variety of highly valuable ecological services. HRM specifically supports the definition of all salt marshes as Ecologically Sensitive Wetlands (ESW). In addition, HRM sees value in considering any wetlands with known significant hydrologic value as ESWs at the adoption of the policy rather than awaiting the development of a process by which they might be classified as such in the future.

**Question 4 - What do you think are the most effective strategies (e.g., acquisition, enhancement, restoration, stewardship agreements, awareness and education) that Government can use to conserve wetlands in Nova Scotia? Are there any strategies you support more strongly than others?**

HRM supports all of the strategies proposed above with an understanding that depending on the situation anyone strategy could be the most effective. However, where possible, protection against wetland alteration is the most important. Consideration should also be given to performance measures. Performance measures can provide valuable feedback on the effectiveness of compensation projects to ensure they meet expected performance.

**Question 5 - Do you think it is reasonable to promote a long-term net gain in wetland types that have suffered high historic losses? Why or why not?**

HRM agrees that it is reasonable to promote long-term net gain in wetland types that have suffered high historic losses. Ideally, HRM feels that compensation resulting in wetland gains should be made in the watersheds from which they were lost, where possible.

**Question 6 - Forestry regulations require forestry operations to provide buffers (limited use zones) adjacent to watercourses and open water wetland types. In your opinion, should government encourage the use of buffers around wetlands for all types of development (e.g., urban, commercial, agriculture)? Why or why not?**

HRM agrees that the use of buffers between watercourses and open water wetlands and development can be an effective tool in environmental protection. HRM has implemented requirements for buffers in these situations through the Regional Plan and encourage the use of this tool.

**Question 7 - Do you think aligning Nova Scotia's tools and practices for conserving wetlands with those of Prince Edward Island and New Brunswick will help create a level playing field for industry between Maritime provinces?**

HRM feels that the alignment of Nova Scotia's tools and practices with those of neighbouring Maritime provinces is critical to ensure consistency and predictability for commerce within the Maritime region.

**Proponent's Guide Comments:**

Generally, the guide provides clear guidelines to the process for proponents. We do note that the guide does identify some requirements for information that may be difficult to fulfill. As knowledge of existing data is critical for all parties involved, any opportunity for NSE to partner with municipalities and industry representatives to obtain current information should be a top priority. To further provide clarity within the steps of the process, the use of flow charts for each step may be useful.

**Additional General Comments:**

- The list of definitions given on pages 15-17 should include the four major wetland types: bog, fen, marsh and swamp.
- HRM recognizes that the responsibility for administration of this policy falls to Nova Scotia Environment and with the changes outlined in this policy, the volume of applications will increase dramatically. Therefore, HRM highlights the need to ensure that there are sufficient resources to ensure administration of the policy can be done in an efficient and effective manner.
- The stated Policy goal of 'no net loss' is instrumental in nature, and should explicitly reflect the intrinsic values of wetlands in Nova Scotia. The requirement of both quantity and quality of compensation raises a question of whether there is a focus on one over the other as the quality of the wetland towards its functionality can at times be more important than its area of coverage.
- HRM generally supports the use of the Standard Compensation Matrix as presented, but would like to see an explanation of the methodology used to assign dollar values per square metre in order to better understand the principles upon which the amounts were determined.
- Clarification is required on the meaning of Necessary Public Function - would municipal infrastructure meet this criteria where limitations in placement exist due specific engineering design

If you have any specific questions related to HRM's comments, please do not hesitate to contact me. I will direct you to the most appropriate HRM staff person depending on your questions.

Sincerely,

Denise Schofield, P.Eng

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Manager - Development Engineering