

May 15, 2024

RE: Permitting requirements associated with work in and near waterbodies.

Dear Municipalities and Local Service Districts,

The Water Rights, Investigations and Modelling (WRIM) Section of the Water Resources Management Division (WRMD) would like to thank you for your previous and continued support in ensuring water resources protection and regulatory compliance for works in and near waterbodies and wetlands.

As the weather has been improving and the construction season upon us, this email is to remind you of the permitting requirements for work in or within fifteen (15) metres of a waterbody (including wetlands) under the Section 48 of the Water Resources Act, 2002
<https://assembly.nl.ca/Legislation/sr/statutes/w04-01.htm>.

When the Town/LSD wishes to complete work in or within fifteen (15) metres of a waterbody (including wetlands), the application and approval of a Permit to Alter a Body of Water is required through the WRMD.

We would also like to ask that you ensure all local residents are aware of and in compliance with this requirement before the start of any work within the fifteen (15) metre reservation.

The Main Application and associated Schedule forms are available here <https://www.gov.nl.ca/ecc/waterres/permits-licenses/appforms/>

A Section 48 permit is required for the following:

1. any work (Including fording) in any body of water (including wetlands) prior to the start of construction.
2. any work within a floodplain or designated flood risk area prior to the start of construction.
3. any work in Shore Water Zones prior to the start of construction. Shore Water Zone means the land that is intermittently occupied by water as a result of the naturally fluctuating surface water level in a body of water which can be either a fresh or salt

water body and, in either case, the low water mark and high water mark of the water body defining the edges of the shore water zone.

4. any work within fifteen (15) metres of the high water (Flood zone area) mark of a body of water prior to the start of work.
5. any work associated with Wharf/Boathouse/Slipway/Breakwater or other works in any body of water prior to the start of construction.
6. any storm drainage works involving discharge into a body of water prior to the start of construction.
7. any work (Including fording) within wetlands and any infilling within fifteen (15) metres from wetlands.
8. Any work associated with the construction of a dam.

The following information *must* accompany the application:

- **Application for Permit to Alter a Body of Water**
- **Schedules 'A' to 'J'** (as appropriate to work type).
- **Location map (1:50,000 scale), Google Earth Image, and/or UTM or Decimal Degree coordinates** indicating location of the proposed work.
- **Proof of Land Ownership** (e.g. legal survey, Crown Lands Approval, other)
- **Municipal Approval:** for proposed work that is within a municipal boundary, written confirmation is required indicating that the proposed work conforms with municipal zoning and that the work has been approved, approved conditionally, or that there are no objections to the proposed work before WRMD will issue a permit.
- **Photos of the Site** prior to work being undertaken.
- **Groundwater Requirements:** for persons/companies/consultants developing un-serviced residential developments of more than 4 lots, written confirmation is required indicating that the undertaking has met all groundwater requirements before WRMD will issue a permit.

Water Resources Management Division would also like to remind those communities without municipal water that a Section 58 permit is required (Non-Domestic Well Permit) for any well installation that is for non-domestic purposes (i.e. anything other than a single family dwelling). Application are located here https://www.gov.nl.ca/ecc/files/Permit_Non-Domestic_Well_2021.pdf.

Under Section 62 of the Water Resources Act, 2002, WRMD requires a Level I Groundwater Assessment for un-serviced subdivisions or developments greater than 4

lots. For proposed subdivisions or developments between 5 to 14 lots, if a Level I Groundwater Assessment's findings recommend a Level II Groundwater Assessment this Department may request a Level II Groundwater Assessment be undertaken. A proposed subdivision of greater than 14 lots requires both a Level I and a Level II Groundwater Assessment. Groundwater Supply Assessment and Reporting Guidelines for Subdivisions Served by Individual Private Wells is located here: <https://www.gov.nl.ca/ecc/files/waterres-regulations-appforms-unserved-subdivision-gw-assessment-guidelines-dwh-revisions.pdf>.

A completed report must be submitted, reviewed and approved by this Department prior to any permitting by Service NL for waste disposal or septic systems within the proposed subdivision.

For more information, please contact the Groundwater Section at (709) 729-1671 or groundwatersection@gov.nl.ca.

Upon review of your submitted documentation, an application fee payment will be requested based on the type of work to be completed and associated fee schedule found at https://www.gov.nl.ca/ecc/files/sec48-Fee_Schedule-1.pdf

Please note that the standard permit processing time is 4-6 weeks and is dependent upon the receipt of all required documentation and approvals.

The Department will issue a notification in writing if a permit application is declined.

Any work done without a permit may be subject to enforcement action. Enforcement-related action will be assessed on a case-by-case basis with appropriate stakeholders.

For more information, please see the WRMD video on Section 48 – Permit to Alter a Body of Water requirements at <https://www.youtube.com/watch?v=Mo9BpizFZHM>

Additionally, the Department would also like to remind Towns/LSDs of the requirement to obtain a **Water Use Licence** for the **withdrawal and use of water** for municipal, agricultural, institutional, commercial or industrial purposes, or for the **diversion, impoundment, or use in its natural state**, of water for water management, flood control, erosion control, flow regulation, conservation, recreation, or the propagation of plant, fish or other animal life.

Water Use Licence applications can be found at <https://www.gov.nl.ca/ecc/waterres/permits-licenses/appforms/>.

Towns/LSDs are encouraged to apply for a Water Use Licence for their Public Water Supplies to ensure water rights are enshrined in legislation and to ensure priority of use during periods of water scarcity and/or development competition. **Note that there is no application fee for Towns/LSDs applying for a Water Use Licence for Municipal purposes.**

If you have any questions or require clarification, please do not hesitate to contact the Division for assistance at (709) 729-1646 or waterinvestigations@gov.nl.ca