

Reference for Shoreline Property Owners and/or Dock Owners

Excerpt from South Saskatchewan Watershed Stewards Newsletter (Sept 2020)

Frequently Asked Questions the Watershed Stewards receive from Shoreline Property Owners

Tanya Johnston, Supervisor, Aquatic Habitat Protection with the Water Security Agency (WSA) sat down with watershed stewardship group managers to answer some questions on **Aquatic Habitat Protection Permits (AHPPs)** and the permitting process.

Q. Why do we need an AHPP?

A. In Saskatchewan, water bodies and watercourses within the province are owned by the Crown and are managed as a public resource. Development in and adjacent to these waterbodies, even when some or all of the land affected may be privately-owned, can impact these public resources. The AHPP process balances the needs of development with protecting aquatic habitat and species.

Think of it as an environmental stamp of approval where the Crown ensures that, provided you carry out the project as outlined in the permit, your actions will have a minimal impact on the public resource.

Q. What types of work requires an AHPP?

A. Almost any project that will alter the bed or shoreline of a water body through excavation, the addition or removal of material, the construction of various infrastructure or the removal of aquatic or riparian vegetation will require a permit.

Some of the most common recreational works include shoreline stabilization, which takes the form of rock rip-rap or retaining walls, boathouses, lake access trails and aquatic vegetation removal. However, bridges, culverts, water intakes and agricultural drainage are other common types of work that requires a permit.

There are some exceptions however, and these are outlined on our website (<https://www.wsask.ca/Water-Programs/Aquatic-Habitat-Protection/>) and in our fact sheets. One such example is temporary or seasonal docks (e.g. floating or post docks) that are removed every year from the water. These do not require an AHPP.

Q. These recreational works seem minor compared to the other works you described. What risks do they pose to aquatic habitat at the lake?

A. Whether large or small, poorly designed, constructed or timed development projects and associated construction practices can result in aquatic habitat degradation including erosion and sedimentation, loss of aquatic and riparian vegetation and shoreline or substrate alteration. Shoreline alteration is altering the shape of the natural shoreline. When done incorrectly,

damage can occur from ice and wave erosion, and land erodes into the lake. Substrate alteration is removing the submerged rocks or adding sand to the lake bottom. These activities can remove cover and shelter for many small species of fish, insects and other invertebrates. Some projects and the associated building materials can reduce natural habitat diversity by replacing natural shorelines and substrates with less diverse man-made structures.

Similarly, development projects can affect water quality through the addition of chemicals, oil, gasoline or other hazardous substances. Some building materials used in project construction, such as certain types of chemically treated wood, may be directly harmful or toxic to aquatic organisms.

A lake benefits – or suffers- from the cumulative works and actions of all the users on the lake. The combined effect of many small harmful alterations can degrade or destroy large areas of aquatic habitat resulting in the gradual decline of aquatic ecosystem health and the populations of aquatic organisms. For example, not all the land along a lake has a naturally occurring sandy shoreline. If sand does not naturally occur on the nearshore area of your waterfront property, then adding sand near the water's edge causes problems, as the sand will be redeposited by ice and wave action to another part of the lake. This sand can smother and kill fish eggs, kill aquatic insects that are a food source for fish, cover the aquatic plants that act as nurseries for fish, which over time could reduce the fish population in the lake. Sand may even deposit in shallow areas creating sandbars, which could cause problems with navigation.

Q. So what's the process to get an AHPP?

A. Our application form is found on the WSA website: [https://www.wsask.ca/Water- Programs/Aquatic-Habitat-Protection/](https://www.wsask.ca/Water-Programs/Aquatic-Habitat-Protection/). Submit it with the necessary supporting information by email, fax, mail or in person to the specialist assigned to the area where the work is located. There is a map on the website with the areas and specific points of contact outlined.

When the applicant fills out the application form, they should make sure they have described the work with enough detail to allow the specialist, upon review of the application, to visualize what the work is, and how the work will be done. The specialist can then determine whether impacts on aquatic habitat are likely to occur and what types of permit conditions can minimize those impacts.

To help us understand the project, we request that the applicant submit a plan or sketch of the proposed work and a minimum of four pictures of the work site and the surrounding area preferably during ice/snow- free conditions.

Q. How long does the overall process take?

A. WSA strives for a turn-around time of 45 business days from a complete application being submitted to a decision on the proposed work; however, during the summer months, or where insufficient information is provided, the turn-around time can extend to 12 weeks.

Q. Wow! 12 weeks, that seems long!

A. We are a relatively small program that receives up to 1,400 applications a year. Unfortunately, the applications are not evenly-distributed throughout the year as the vast majority of projects are applied for during the ice-free season. Our top three applicants are: cottage owners, rural municipalities (RMs), and the Ministry of Highways who have the same or overlapping construction season. The majority of applications are received May through September. This can lead to a backlog during peak season.

Q. You have mentioned that the turnaround time is based on receipt of a completed application. What happens if an application is not complete or contains errors?

A. If the application does not provide enough accurate information the specialist will have to request additional information from the client, which can add to the overall turnaround time. This is a common cause of delays with projects and one that the client has control over.

The most common errors and omissions are:

1. Not submitting the drawing of the work and/or pictures of the proposed work area and surroundings.
2. Not getting the required landowner permission before submitting the application, or providing proof of this permission.

3. Not providing correct legal land description. For example, we may be given just the lot and block number or a street address, when the Lot, Block and Registered Plan number is required.

4. Not explaining the work in enough detail so the specialist can assess the risk. For example we've had applications that just say "place rock on shore" without specifying how much rock, what size of rock, when they are planning to place it (e.g. spring, winter?), how they will be placing it (e.g. hand or machine), and why they need to place the rock (e.g. is it for aesthetics or to prevent erosion?).

If clients prepared their applications by ensuring they answered the what, when, where, why and how questions for their proposed work, they are more likely to provide a complete application and avoid unnecessary delays.

Q. I've heard a complaint that the local municipality had to approve the work before a permit could be issued?

A. In many resort communities there is a strip of land between the cottage lots and the water's edge. This land is administered by the local rural municipality or resort village to maintain public access to the lake, to protect sensitive lands from development, or to separate development from hazards such as flooding. These lands may be designated as a Municipal Reserve, Public Reserve or Environmental Reserve and depending on how they are designated, there may be restrictions on the types of development allowed. Individual municipalities may also have additional zoning, bylaw and/or development permit requirements that restrict works such as retaining walls, docks, and boathouses.

Applicants are responsible for obtaining all other approvals that may be required, whether federal, provincial or municipal, prior to starting work. Where municipal requirements such as a bylaw against boathouses restrict certain activity, the work cannot proceed, whether or not the applicant gets the AHPP. When a specialist knows these bylaws exist, they may refer the client to the municipality to ensure those requirements are met so that AHPPs are not issued where works cannot otherwise proceed.

Q: Thanks for answering these questions. Is there anything else you'd like to mention?

A: Yes, a lot of times people consider permitting as the last step in the process and wait until they've confirmed their contractor before applying for the permit – sometimes calling us a day before the contractor arrives. While we strive to be responsive to clients' needs and schedules, we may not be able to accommodate such short timelines.

People should instead think about AHPP as part of the planning process and engage as early as possible once they have a fairly clear idea of:

1. what they are going to do;
2. how they are going to do the work;
3. the materials needed to do the work; and
4. why they need to do the work

By applying at this time, the specialist can help the client ensure their project incorporates the necessary design features and appropriate construction practices before purchasing materials that may not be suitable, and before committing to a schedule that may not be feasible (e.g. in- water excavation during the spring fish spawning season may be prohibited).

Secondly, fill out the application form accurately. Remember these are legal documents binding you to the description of the work and the conditions in the permit. Sometimes people may think that by proposing a certain type of work they can get their permit more easily or quickly and then later build what they want. In such cases the client may wind up in violation of their permit conditions and be subject to investigation and possible prosecution. They may also be required to remediate the site back to its pre-disturbed state.

Finally, read your permit conditions before you start the work. If you have any questions call the specialist for clarifications. At the end of the day, no one wants to harm the environment, and the specialists are here to make sure your work meets the environmental stamp of approval

Useful Information for Shoreline Property Owners

Watersheds Canada published a “**Lake Protection Workbook: A Self-Assessment Tool for Shoreline Property Owners**”! It helps diagnose any shoreline property problems, and shows how property owners can help their shoreline! Available for free, [open access download](#), or contact Watersheds Canada for a physical copy for \$1.50!

