

PART 1—OVERVIEW OF APPEAL

As an aggrieved person I am initiating an appeal pursuant to section 137 of the *Environment Act* S.N.S. 1994-95, c.1 for the decision made by Administrator Kevin G. Garroway to issue the approval no: 2021-2886385-00 to A.J. LEGROW HOLDINGS LIMITED on June 30, 2022, for wetland alteration on site PIDs 41280546 and 41362161, pursuant to Part V of the *Environment Act*.

It is my belief any alteration to Eisner Cove Wetland will cause irreparable damage to its unique, highly ecologically valuable, and biodiverse ecosystem. It is one of the last surviving wild areas of Dartmouth and serves as an important carbon sink for the area.

I am appealing this decision because it was unreasonable on the following grounds:

- (1) It was unreasonable for the Administrator to approve the wetland alteration when the Administrator was aware that further monitoring will be required to identify indirect alterations that may occur to the wetland.
- (2) It was unreasonable for the Administrator to issue the Approval when it is likely that the area of disruption to the wetland will be equal to or greater than 2 ha.
- (3) It was unreasonable for the Administrator to approve the application as it likely failed to accurately disclose the risk that the proposed undertaking poses to threatened Wood turtles (*Glyptemys insculpta*) which are known to occur in the area.
- (4) It was unreasonable for the Administrator to approve the application when the applicant and their agents failed to accurately identify the Eisner Cove Wetland as a Wetland of Special Significance.
- (5) It was unreasonable for the Administrator to approve the application on the grounds that the application was incomplete.

The reasons and grounds for this appeal are described in detail below.

PART 2--BACKGROUND

The Southdale Future Growth Node is an approximately 45-hectare plot of land located in Dartmouth, HRM, immediately north-west of Highway 111 Exit 8, at the terminus of Neptune Crescent and Lynn Drive, north of Woodside Industrial Park.¹ The site is almost entirely undeveloped woodland and wetland. While the site is split into four lots, the three largest lots are held by A.J. Legrow Holdings Limited (the Applicant). A.J. Legrow Holdings Limited applied for a wetland alteration approval (the Application) on December 3, 2021, and provided supplemental information on May 13, 2022, and June 21, 2022, for two of the lots: PID 41362161 and 41280546.² The Administrator granted Approval No: 2021-2886385-00 (the Approval) effective June 30, 2022, for the alteration of 8064 m² of wetland on these lots.³

The Eisner Cove Wetland (the Wetland) is a large wetland situated within the Southdale Future Growth Node. A Wetland Ecosystem Services Protocol for Atlantic Canada analysis (WESP-AC) found that it supports a “higher” diversity of songbirds, raptors, and mammals, that it has a “higher” benefit of sediment retention and stabilization, that it is recognized as an Important Bird Area or is known to support rare breeding waterbird species and may be one of the few herbaceous wetlands, woody vegetation, or ponds in the local area, and that it may contain a rare plant species.⁴ An Atlantic Canada Conservation Data Centre (ACCDC) report commissioned by a member of the Protect Our Southdale Wetland Society, states that multiple location sensitive endangered bats species and location sensitive Wood Turtles (listed, respectively, as endangered and threatened under the provincial *Endangered Species Act*)⁵ are known to occur within the study site.⁶

¹ Jacques Dube, “Case 23820: Southdale Future Growth Node Master Planning Initiation”, regional council report, Halifax, (January 11, 2022), at p 2.

² Nova Scotia Department of Environment and Climate Change, *Approval*, by Kevin G Garroway (Water Approval - Wetland Alteration) Approval No: 2021-2886385-00, (Bedford, NS, June 30, 2022) at p 2 [ECC *Approval*].

³ *Ibid* at p 7.

⁴ Emma Bocking, Lee Millett “WESP Summary Report, HRM_26” Ducks Unlimited Canada, (June 8, 2021) at p 1.

⁵ Categorized List of Species at Risk made under Section 12 of the *Endangered Species Act*, S.N.S. 1998, c. 11 N.S. Reg. 146/2017 (April 12, 2017)

⁶ J. Pender, “DATA REPORT 7164: Eisners Cove Wetland, NS” Atlantic Canada Conservation Data Centre, 10 February 2022, at p 2

In addition to its high ecological value, the Wetland has a high social importance to the community around it and to HRM residents more broadly. The Penhorn/Woodlawn Vision and Action Strategy adopted by HRM determined that the Eisner Cove Wetland was a “valuable ecological asset to the community that should be protected.”⁷ Residents of the community have sought to protect the wetland from being destroyed many times due to its high social importance, including in 2017 when the former owner InnovaCorp applied to have a portion of the land rezoned as industrial.⁸

⁷ VisionHRM “Penhorn/Woodlawn Vision & Action Strategy” VisioHRM Penhorn/Woodlawn, (December 8 2009) retrieved online from: <https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/PenhornFinalVision.pdf> at p 1.

⁸ Harbour East-Marine Drive Community Council, “Item No. 10.1.2” Case 20235 Rezoning for 101 Research Drive, Dartmouth, (February 2,2017/March 2, 2017) (both dates provided.). Retrieved online from: <https://cdn.halifax.ca/sites/default/files/documents/city-hall/community-councils/170302hemdcc1012.pdf>

PART 3—GROUNDS FOR APPEAL

Before I enter the rationale for my appeal, I request that all the Wetland's watercourse be considered in the Conditions mentioned in the Approval. The watercourses of the Wetland are not limited to PIDs 41280546 and 41362161, it extends through PID 40003600. This additional PID is also part of the Southdale Future Growth Node and, therefore, should be included in all Conditions mentioned by the Department of Environment and Climate Change.

I also wish to point out this Approval was signed on 30 June 2022, and I only found out about it on 26 July 2022, not giving me sufficient time to ensure experts have had a chance to conduct their reviews, nor, as the originating application for Wetland Alteration is only available through a FOIPOP request,⁹ I do not believe the entirety of my appeal will be available at the close of the appeal period. A FOIPOP request had been submitted on 27 July 2022, and, as per Freedom and Information and Protection of Privacy Act, Subsection 7(2), the Department of Environment and Climate Change has until 29 August 2022 to respond; with the ability to extend response an addition 30 days.¹⁰ Confirmation of FOIPOP request was received 28 July 2022.¹¹ I request an extension on the appeal date to at least 30 September 2022, so I can have experts respond to concerns listed below under Rationale for Appeal.

⁹ Email received from Derrick Peverill

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<https://nslegislature.ca/sites/default/files/legc/statutes/freedom%20of%20information%20and%20protection%20of%20privacy.pdf>

¹¹ Letter received from Arianne Wentzell, IAP Administrator, Service Nova Scotia and Internal Services Information Access and Privacy (IAP) Services; 28 July 2022.

The Administrator's decision to approve A.J. Legrow Holdings Limited's Wetland Alteration Application was unreasonable on the following grounds:

3.1 It was unreasonable for the Administrator to approve the wetland alteration when the Administrator was aware that further monitoring will be required to identify indirect alterations that may occur to the wetland.

The Nova Scotia *Environment Act*,¹² regulates activities and undertakings that could potential to alter or disrupt wetlands in Nova Scotia.¹³ Any person who seeks to alter a wetland, or alter the flow of water in a wetland, must apply for an approval in accordance with the *Environment Act*,¹⁴ the *Activities Designation Regulations*,¹⁵ and the *Approval and Notification Procedures Regulations*.¹⁶ Any person who seeks to engage in an undertaking that disrupts 2 ha or more of any wetland must register the undertaking in accordance with the *Environment Act*¹⁷ and the *Environmental Assessment Regulations*.¹⁸

It is the responsibility of the applicant to hire a professional wetland evaluator to complete reliable wetland delineations and functional assessments.¹⁹ Applications must state the total size of alteration and the total size of the compensation area, including the compensation type and type of wetland that will benefit from the compensation.²⁰ The total wetland alteration area used to determine the area of wetland that may be disturbed is calculated based on the sum of the area of wetland that “will be converted to non wetland area due to direct infill or excavation” and “the

¹² S.N.S. 1994-95, c.1.

¹³ Nova Scotia Department of Environment, *Nova Scotia Wetlands Conservation Policy*, by Gordon Wilson, (Nova Scotia, October 25, 2019) [ECC, *Conservation Policy*] at p 4.

¹⁴ S.N.S. 1994-95, c.1, s.50.

¹⁵ O.I.C. 95-286 (effective April 11, 1995), N.S. Reg. 47/1995 amended to O.I.C. 2022-115 (effective May 10, 2022), N.S. Reg. 92/2022, s.5A(2)(c).

¹⁶ O.I.C. 2013-18 (January 22, 2013), N.S. Reg. 17/2013 as amended to O.I.C. 2017-11 (January 17, 2017), N.S. Reg. 8/2017

¹⁷ S.N.S. 1994-95, c.1, s.33.

¹⁸ O.I.C. 95-220 (effective March 17, 1995), N.S. Reg. 26/1995 amended to O.I.C. 2018-329 (effective December 10, 2018), N.S. Reg. 221/2018, Schedule A, F.2.

¹⁹ Nova Scotia Environment and Climate Change, *Wetland Alteration Application Approval Process* (no date provided) retrieved online from:

novascotia.ca/nse/wetland/docs/Short_Guide_Wetland_Alteration_Application_Approval_Process_1.0.pdf

²⁰ Nova Scotia Environment and Climate Change, *Application, Wetland Alteration Approval* (Revised 12 August 2021) retrieve online from: https://novascotia.ca/nse/water/docs/Wetland_Alteration_Application_Approval.pdf

area expected to change due to indirect effects of the project that are unlikely to be successfully mitigated.”²¹ As such, the applicant must determine the total area of the wetland that is expected to be indirectly altered prior to submitting the application package in order to accurately determine the total size of the alteration and compensation area.²²

As there had been various sizes attributed to the Wetland (9 ha from the developer to 12ha from the province, to 23ha from the Halifax Water Commission) the total size of competition area is not clear. There is also the question whether the alteration is calculated based on the two PIDs in this Approval, or if it includes the portion of the Wetland in the additional PID. It is, therefore, my contention, the overall alteration area cannot be accurately determined until the exact size of the wetland is determined.

As I stated in Part 3, I was unaware of this Approval for Wetland Alteration. I have acquired the aid of wetland delineation and WESP specialist, Dr. Nick Hill, however, he will not be available to run his tests until the week of 01 August 2022, therefore, I request an extension in the appeal process so Mr. Hill can conduct his tests and provide me with a report, which I will provide you a copy of.

Before the Administrator can decide on a wetland alteration approval application, they must be confident that the proposed activity will not disrupt a total of 2ha or more of the wetland. It would not be reasonable for an Administrator to approve a wetland alteration application that does not include sufficient information for the Administrator to make that determination.

The Wetland Alteration Approval granted to A.J. LeGrow Holdings Limited authorizes “the alteration of 8064 m² of wetland,” which is 0.8064ha, less than 2ha.²³ However, section 10(r) of the Wetland Alteration Approval granted to A.J. LeGrow Holdings Limited states that:

²¹ Nova Scotia Environment and Climate Change, *Wetland Alteration Application Guided Template*, (Nova Scotia, no date given) [ECC, *Application Guide*] at p 6.

²² Nova Scotia Environment and Climate Change, *Wetland Alteration Application Approval Process* (Nova Scotia, no date provided) retrieved online from: https://novascotia.ca/nse/wetland/docs/Short_Guide_Wetland_Alteration_Application_Approval_Process_1.0.pdf at p 2 [ECC, *Approval Process*].

²³ ECC, *Approval*, *supra* note 2 at p 7.

“[a]dditional wetland monitoring to the area south/downgradient of the Block 6 or 7S catchment must be installed to identify any indirect alterations that may occur to the wetland. This monitoring must include a piezometer with a water level logger and at least two (2) monitoring plots of wetland vegetation. These plots and piezometer data and location must be provided as part of the baseline monitoring for the wetland alteration. The location of the piezometer and plots must be provided to ECC. This information must be provided to ECC within (90) days of issuance of this approval.”²⁴

This statement implies that further indirect wetland alteration is anticipated adding to the total area of disturbed wetland. There is further evidence that the applicant did not properly assess the indirect area of disturbed wetland. The applicant failed to complete site-specific sediment and erosion control plans prior to assessing the projected area of indirect wetland alteration.²⁵ Applicants are required to “present the potential causes of wetland alteration beyond the direct project footprint, and how they will be mitigated” as part of the process of calculating the total area of wetland alteration.²⁶ Sedimentation and erosion of exposed soils are causes of additional wetland alterations which are likely to occur due to construction. It would not be possible to accurately assess how adverse impacts would be mitigated without completing a sediment and erosion plan, nor would it then be possible to accurately assess the total area of wetland alteration. Had the applicant completed a sediment and erosion plan, they would have included it in their application. Therefore, the applicant failed to properly assess the potential causes of additional wetland alteration, which requires the consideration of mitigation techniques such as sediment barriers and silt fencing.²⁷

As the application failed to incorporate indirect wetland alteration in the total wetland alteration area and failed to properly present the potential causes and ways of mitigating of wetland alteration, the application does not comply with the Approval and Notification Procedures Regulations, and it was unreasonable for the Administrator to approve the alteration as proposed.

²⁴ *Ibid* at p 10.

²⁵ *Ibid* at p 8

²⁶ ECC, *Application Guide*, *supra* note 18 at p 6.

²⁷ ECC, *Application Guide*, *supra* note 18 at p 6.

3.2 It was unreasonable for the Administrator to issue the Approval when it is likely that the area of disruption to the wetland will be equal to or greater than 2 ha.

Section 2(b)(ii) of the *Environment Act* states that “the precautionary principle will be used in decision making so that where there are threats of serious or irreversible damage, the lack of full scientific certainty shall not be used as a reason for postponing measures to prevent environmental degradation.” Schedule A, subsection F2 of the *Environmental Assessment Regulations* states that “an undertaking that disrupts a total of 2ha or more of any wetland” is a Class 1 Undertaking that requires an environmental impact assessment to be completed and approved before work may commence. If it was impossible to accurately determine the projected area of the wetland that would be indirectly altered prior to work commencing, the application of the precautionary principle should favour triggering an environmental impact assessment.

While the approved disruption area was less than 2ha, the figure provided was based on information provided by the Applicant.²⁸ For the reasons stated above, it is my opinion that the Applicant did not properly assess the total area expected to change due to indirect effects of the project that are unlikely to be successfully mitigated. As such, the figure provided by the Applicant is much smaller than the actual area of the Wetland that would be disrupted by the project.

Given this uncertainty, it was unreasonable for the Administrator to approve the wetland alteration when the total area of wetland likely to be disrupted is unknown and may be equal to or greater than 2 ha.

²⁸ ECC, *Approval*, supra note 2 at p 7; ECC, *Application Guide*, supra note 18 at p 6.

3.3 It was unreasonable for the Administrator to approve the application as it likely failed to accurately disclose the risk that the proposed undertaking poses to threatened Wood turtles (*Glyptemys insculpta*) and endangered bats known to occur in the area.

While the ACCDC report commissioned by A.J. LeGrow Holdings Limited's agents was not shared with the public, ACCDC "Data Report 7164: Eisners Cove Wetland, NS" was commissioned by a member of the Protect Our Southdale Wetland Society in 2022. The report states that multiple endangered bats species and also the location sensitive Wood Turtle (listed at threatened under *Endangered Species Act*) are known to occur within the study site.²⁹ Applicants are required to disclose ACCDC report findings and highlight if "any of the *Location Sensitive* species have been identified within a 5 km radius."³⁰ Despite the fact that location sensitive Wood Turtles are known to occur within a 5km radius of the Eisner Cove Wetland, no terms or conditions associated with the Wood turtle were included in the approval. Further, the fact that Wood Turtles are known to occur within a 5km radius of the Eisner Cove Wetland was not disclosed in the Land Suitability Analysis produced by Englobe on behalf of Clayton Developments, the developer partnered with A.J. LeGrow Holdings Limited.³¹ No evidence has been provided to show that the Applicant has taken any action to mitigate the risk their project poses to Wood turtles, despite their protected status.

It was thus unreasonable for the Administrator to approve the application on the grounds that the applicant failed to accurately disclose the risk that the proposed undertaking poses to threatened Wood turtles (*Glyptemys insculpta*) and on the grounds that the Administrator failed to include conditions designed to mitigate the risk the proposed undertaking poses to Wood turtles.

²⁹ Pender, *supra* note 6 at p 7.

³⁰ ECC, *Application Guide*, *supra* note 18 at p 5.

³¹ Alexandra Stevenson, Aven Cole, "Clayton Developments Limited Land Suitability Analysis, Mount Hope PID Nos. 41362161 and 412805546 Dartmouth, Nova Scotia Final Report", (October 2021) retrieved online from: <https://www.shapeyourcityhalifax.ca/27688/widgets/112594/documents/73303>

3.4 It was unreasonable for the Administrator to approve the application when the applicant and their agents failed to accurately identify the Eisner Cove Wetland as a Wetland of Special Significance.

It is critical for applicants to assess and disclose whether the wetland they seek to alter is a Wetland of Special Significance (WSS) as the Wetland Conservation Policy prohibits approving alterations to WSS except “alterations that are required to maintain, restore, or enhance a WSS; or alterations deemed to provide necessary public function, based on an Environmental Assessment (if required) with public review or other approvals (e.g., Wetland Alteration Approval) as appropriate.”³²

The Eisner Cove Wetland should have been classified as a Wetland of Special Significance because it supports at-risk species, it supports multiple significant and rare species, it supports high wildlife biodiversity, it has significant hydrologic value, and it has high social significance. The Wetland Conservation Policy states that government will consider “wetlands known to support at-risk species as designated under the federal Species At Risk Act or the Nova Scotia Endangered Species Act” as Wetlands of Special Significance. It also states that, “Government will develop a process for classifying additional wetlands or wetland types as WSS” and when doing so should consider “whether the area: supports a significant species or species assemblages (e.g., coastal plain flora); supports high wildlife biodiversity, has significant hydrologic value, or has high social or cultural importance.”³³

The Eisner Cove Wetland is known to support at-risk species as designated under the Nova Scotia *Endangered Species Act*. As described above, Wood Turtles are a location sensitive species known to occur in the area. The WESP summary completed for the Eisner Cove Wetland found that it has a higher-than-average benefits rating as an Amphibian & Turtle Habitat.³⁴ Further, The Eisner Cove Wetland supports a higher than average diversity of songbirds, raptors, and mammals, may be one of the few herbaceous wetlands, woody vegetation, or ponds in the

³² ECC, *Conservation Policy*, *supra* note 10 at p 12.

³³ *Ibid.*

³⁴ Bocking, Millett, *supra* note 4 at p 2

local area, it may contain a rare plant species, and it is recognized as an Important Bird Area or is known to support rare breeding waterbird species³⁵ For these reasons, it clearly supports significant species and high wildlife biodiversity. The WESP study also found that “[t]he wetland still has the capacity to support surrounding water quality and aquatic condition through sediment and nutrient retention and organic nutrient export and water cooling,” It also found that the Wetland had a higher-than-average Hydrologic benefit for the area.³⁶ For these reasons, it clearly has significant hydrologic value. Lastly, as detailed in the Penhorn/Woodlawn Vision and Action Strategy, the Eisner Cove Wetland has a high social importance to the community in the area.

For the above reasons, the Applicant should have identified the Eisner Cove Wetland as a Wetland of Special Significance. As they did not, the Administrator did not assess whether the proposed alteration provided a necessary public function such that altering a WSS should be permitted. Further, the Wetland Compensation for the approval would not have accounted for the fact that the wetland being altered was a WSS and thus would have been detrimental to the Wetland Conservation Policy's goal of “no loss in Wetlands of Special Significance.”³⁷ As such, it was unreasonable for the Administrator to approve the Application as it failed to accurately identify the Eisner Cove Wetland as a Wetland of Special significance.

³⁵ Bocking, Millett, *supra* note 4 at p 1.

³⁶ *Ibid* at p 2

³⁷ ECC, *Conservation Policy*, *supra* note 10 at p 11.

3.5 It was unreasonable for the Administrator to approve the application on the grounds that the application was incomplete.

The application failed to include a detailed compensation plan or a letter of understanding or any other signed commitment to wetland compensation.³⁸ It also failed to include a site-specific sediment and erosion control plan.³⁹ The applicant also failed to complete section 6.2 of the application document.⁴⁰

Applicants must complete approval documents in full before Wetland Alteration Applications are approved. Section 6(1) of the *Approval and Notification Procedures Regulations* made under Section 66 of the *Environment Act* makes this requirement clear by stating that:

“an application must be accompanied by all of the following information: [...] (i) details of site suitability and sensitivity, including proximity to watercourses, residences and institutions, geology and hydrogeology; [...] (m) a description of any substance that will or might be released into the environment as a result of the activity, including all of the following: [...] (iii) the environmental impact of a release of the substance, (v) the measures to be taken to reduce the amount of the substance released or to mitigate its impacts; (r) a description of any adverse effect, including surface disturbance, that may or will result from the activity and how it will be controlled;

The only exception to Section 6(1) is described in subsection 6(2), which permits the Minister to waive these requirements only “if the Minister is satisfied that a requirement is not relevant to a particular application or that the application is an application for a renewal.” As the missing information is required to be submitted, evaluated, and approved before any work may commence, it is clearly relevant to the application. There were at least three identifiable pieces of relevant information missing from the Application.

³⁸ ECC, *Approval*, *supra* note 2 at p 7.

³⁹ *Ibid* at p 8.

⁴⁰ *Ibid* at p 10.

First, the applicant failed to include a detailed compensation plan or a letter of understanding, and there is no indication that the applicant included any other signed commitment to wetland compensation.⁴¹ If the applicant did include some alternative form of signed commitment, it was unreasonable for the Administrator to accept this signed compensation plan commitment as, as stated above, the Administrator would have been aware that the wetland compensation requirements were calculated without including the full area of the wetland that will be indirectly impacted.

Second, the applicant failed to include any site-specific sediment and erosion control plan in their application.⁴² The application fails to comply with section 6(1)(m)(iii) and (v) of the *Approval and Notification Procedures Regulations* as without including site-specific sediment and erosion plan, the applicant could not predict the environmental impact of a release of the substance or “the measures to be taken to reduce the amount of the substance released or to mitigate its impacts”. It also fails to comply with section 6(1)(r) as the applicant could not accurately state what adverse effects will result from the activity or how it would be controlled.

Third, the applicant failed to complete section 6.2 of the application, failing to complete and include “Baseline monitoring for piezometers water levels” and “Baseline conditions of the vegetation plots.”⁴³ The application thus fails to comply with section 6(1)(i) of the *Approval and Notification Procedures Regulations* as without a record of the baseline piezometers water levels and baseline conditions of the vegetation plots, the applicant could not accurately assess the site suitability and sensitivity. Further, the application fails to comply with section 6(1)(m)(iii) and (v) as the applicant could not predict the environmental impact of a release of the substance or “the measures to be taken to reduce the amount of the substance released or to mitigate its impacts”. Further, the application fails to comply with section 6(1)(r) as without these baseline levels, it could not describe what adverse effects could occur or how they could be determined to occur.

⁴¹ ECC, *Approval*, *supra* note 2 at p 7.

⁴² ECC, *Approval*, *supra* note 2 at p 8

⁴³ *Ibid* at p 10.

William Zebedee's Appeal of
Wetland Alteration Approval No 2021-2886385-00

It was unreasonable for the Administrator to approve a wetland alteration application that did not comply with the *Approval and Notification Procedures Regulations*. It was also not reasonable for the Administrator to issue an approval when the Administrator was not satisfied that the applicant had provided enough information for work to commence.

Appendix A – List of Citations

- Jacques Dube, “Case 23820: Southdale Future Growth Node Master Planning Initiation”, regional council report, Halifax, (January 11, 2022).
- Nova Scotia Department of Environment and Climate Change, *Approval*, by Kevin G Garroway (Water Approval - Wetland Alteration) Approval No: 2021-2886385-00, (Bedford, NS, June 30, 2022)
- Emma Bocking, Lee Millett “WESP Summary Report, HRM_26” Ducks Unlimited Canada, (June 8, 2021).
- J. Pender, “DATA REPORT 7164: Eisners Cove Wetland, NS” Atlantic Canada Conservation Data Centre, (10 February 2022).
- VisionHRM “Penhorn/Woodlawn Vision & Action Strategy” VisioHRM Penhorn/Woodlawn, (December 8 2009) retrieved online from:
<https://www.halifax.ca/sites/default/files/documents/about-the-city/regional-community-planning/PenhornFinalVision.pdf>
- Harbour East-Marine Drive Community Council, “Item No. 10.1.2” Case 20235 Rezoning for 101 Research Drive, Dartmouth, (February 2,2017/March 2, 2017) (both dates provided.). Retrieved online from:
<https://cdn.halifax.ca/sites/default/files/documents/city-hall/community-councils/170302hemdcc1012.pdf>
- Nova Scotia Department of Environment, *Nova Scotia Wetlands Conservation Policy*, by Gordon Wilson, (Nova Scotia, October 25, 2019).
- Nova Scotia Environment and Climate Change, *Wetland Alteration Application Approval Process* (no date provided) retrieved online from:
https://novascotia.ca/nse/wetland/docs/Short_Guide_Wetland_Alteration_Application_Approval_Process_1.0.pdf
- Nova Scotia Environment and Climate Change, *Application, Wetland Alteration Approval* (Revised 12 August 2021) retrieve online from:
https://novascotia.ca/nse/water/docs/Wetland_Alteration_Application_Approval.pdf
- Nova Scotia Environment and Climate Change, *Wetland Alteration Application Guided Template*, (Nova Scotia, no date given).

- Alexandra Stevenson, Aven Cole, "Clayton Developments Limited Land Suitability Analysis, Mount Hope PID Nos. 41362161 and 412805546 Dartmouth, Nova Scotia Final Report", (October 2021) retrieved online from:
<https://www.shapeyourcityhalifax.ca/27688/widgets/112594/documents/73303>

Appendix B – Statutes and Regulations Considered

- *Environment Act* S.N.S. 1994-95, c 1.
- *Nova Scotia Endangered Species Act* S.N.S. 1998, c 11.
- *Activities Designation Regulations*: N.S. Reg. 47/1995, amended to O.I.C. 2022-115 (effective May 10, 2022), N.S. Reg. 92/2022.
- *Approval and Notification Procedures Regulations*: N.S. Reg. 17/2013 as amended to O.I.C. 2017-11 (January 17, 2017), N.S. Reg. 8/2017
- *Environmental Assessment Regulations*: N.S. Reg. 26/1995 amended to O.I.C. 2018-329 (effective December 10, 2018), N.S. Reg. 221/2018