



Ducks Unlimited Canada
Conserving Canada's Wetlands

January 30, 2018

Department of Municipal Affairs and Environment
Government of Newfoundland and Labrador
P.O. Box 8700, 1st Floor, West Block.
Confederation Building, St. John's, NL
A1B 4J6
ATTENTION: Working Group Reviewing Municipal Legislation

RE: Comprehensive Review of Municipal Legislation

Please accept this as the "written submission" of Ducks Unlimited Canada (DUC) to inform the captioned "Review". We believe our submission is consistent with the "Scope of Work" of the Review in the following areas:

- Modernizing legislation that supports increased and improved local and regional decision-making, service delivery, and accountability,
- Examining ways to empower municipalities to govern while enhancing municipal accountability and transparency,
- Examining and clarifying the roles and responsibilities of municipalities and the provincial government.

Ducks Unlimited Canada is the largest organization in the country dedicated to the conservation of wetlands. DUC has been active in Newfoundland and Labrador for more than twenty-five years providing leadership, technical advice, and financial support to governments at all levels, community groups, individuals, and the private sector in their efforts to conserve and protect wetlands.

During that period DUC has been actively engaged with many municipal governments in their efforts to manage developments that impact wetlands in their jurisdiction. The most formal of these is Ducks Unlimited's role in the Eastern Habitat Joint Venture (EHJV) which supports the Stewardship Association of Municipalities (SAM), a group of more than forty municipalities dedicated to being responsible stewards of the wetlands deemed important to their communities. DUC is often engaged with individual or groups of regional communities when issues around wetlands arise.

Ducks Unlimited believes that the development, implementation, and enforcement of a Comprehensive Provincial Wetland Policy is the best approach to appropriately protect and manage wetlands, whether they are located within a municipality or not. For the past several years, we have been working with the "Wildlife Division" toward the development of such a policy. Until recently, this division was part of the Department of Environment and Conservation; however, with government restructuring it is currently within the Department of Fisheries and Land Resources. We are confident that this realignment of responsibility will not impact the progress that has been made.



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In the absence of this Comprehensive Provincial Wetland Policy, municipalities have identified several challenges that they face when dealing with developments impacting wetlands.

- Developers will challenge the authority of municipalities to base decisions around land use on issues around wetland protection
- Developers, and dissenting members of municipal councils, will regularly cite Provincial guidelines or definitions to support their positions which may be contrary to the Council's.
- Due to the topography of Newfoundland and Labrador, many watersheds cross municipal boundaries, so a framework for "regional" decision making is necessary.
- The ability of municipalities to exercise authority over the developments impacting wetlands within their boundaries is unclear.
- DUC has worked with several municipalities in the development of wetland policies for their community; however, uncertainties around "authority" has thwarted this approach

Greater clarity within the municipal legislation with respect to the authority of municipal governments on environmental matters would assist them in dealing with these and other issues impacting the management of their physical environment.

Ducks Unlimited Canada would welcome the opportunity to be a resource to your Department and Working Group in the development of legislation that would address the concerns outlined herein. We have played similar roles in most other Provinces as they implemented legislation, policies and regulations to better manage this critical aspect of our natural environment.

Thank you for consideration of our views. For further information, we can be reached at our regional office at 28 Cochrane St, St John's, NL, A1C 3L3, by email at [REDACTED] or e bocking@ducks.ca, or by telephone at (709) 745-1277.

Yours truly,

Richard Comerford
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