

**Synopsis:** Lorne Street Stormwater Mitigation Phase III – Retention Pond and Culvert Crossings – Wetland Compensation

**Date:** August 3, 2023

**Department:** Engineering and Public Works

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## DESCRIPTION

Construction of Retention Pond 3 and the associated drainage channels will disturb existing lands defined as wetlands. While the retention pond will be reinstated as wetland, there is a reduction in wetland and a requirement for there to be compensation for 6.34 ha of wetlands.

DUC is willing to undertake the ownership and responsibility for wetland compensation. The cost is \$206,050 (\$32,500/hectare). DUC would be responsible to implement the wetland compensation, identify land(s) and implement project(s), ensuring it's success, five years of monitoring/reporting to NBDELG and 30+ years of management and maintenance.

Upon execution of a professional services agreement, DUC would issue a letter of intent to NBDELG, which would allow NBDELG to issue the WAWA permit. The WAWA permit is required to allow the work in the retention pond 3 area to proceed in September 2023.

The wetland compensation has not been budgeted for. DUC is willing to have Tantramar include the \$206,050 in the 2024 budget and make payment in 2024. Staff will continue to investigate funding options prior to reviewing the 2024 budget item.

## PROPOSED MOTION

That Council approves entering into a professional services agreement with Ducks Unlimited Canada at a cost of \$206,050.

**To:** Mayor and Council  
**Submitted by:** Jon Eppell, Director of Engineering and Public Works  
**Date:** August 3, 2023  
**Subject:** Lorne Street Stormwater Mitigation Phase III – Retention Pond and Culvert Crossings – Wetland Compensation

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## PROPOSAL

Present requirements for wetland compensation due to disturbance and loss of wetlands.

## BACKGROUND

A multi-phase cost shared project was launched to address flooding of Lorne Street. Projects to date have included reconstruction of Lorne Street, construction of the retention pond to the east of Lorne Street, Pickard Quarry dyke/control structure, and retention pond east of Charles Street (ongoing).

Improvement of AB-01 remains to be done by NB Department of Transportation and Infrastructure to lower the outlet and improve the aboiteau, just north of the Crescent Street lagoons.

## DISCUSSION

Construction of Retention Pond 3 and the associated drainage channels will disturb existing lands defined as wetlands. While the retention pond will be reinstated as wetland, there is a reduction in wetland and a requirement for there to be compensation for 6.34 ha of wetlands.

Phase II included establishment of Retention Pond 2 as wetland and enhancing some existing wetland north of St. James Street. 2.765 ha of wetland compensation was required for Phase II. It is estimated that 3 ha of wetlands have been established (final determination to be made in 2024, five years after construction). The net result, after factoring in the 2018 wetland compensation ratio of 2:1, is expected to be an unused credit of about 0.1 ha.

Since Phase II was completed, NB Department of Environment and Local Government (NBDELG) has changed the wetland compensation ratios resulting in higher compensation requirements for Phase III.

Phase III is expected to alter 4.47 ha of existing wetland with 2.6 ha converted into naturalized stormwater retention pond/wetland complex. 6.34 ha of wetland compensation is required.

Many options were considered to mitigate the level of compensation. Two primary options under consideration are, see below. Each has a cost and advantages/disadvantages. Options for mitigation were reviewed with Ducks Unlimited Canada (DUC). It has been concluded that engaging DUC would be less costly than Tantramar creating wetland habitat and keep the Retention Pond 3 project on schedule.

1. Engage DUC to take ownership and responsibility for wetland compensation
2. Creation, enhancement or expansion of wetland habitat by Tantramar.

DUC is willing to undertake the ownership and responsibility for wetland compensation. The cost is \$32,500/hectare (net HST), which is a standard rate. It includes provision of the lands, development of the project, construction, monitoring and reporting to NBDELG.

The watercourse and wetland alteration (WAWA) permit for Retention Pond 3 will be issued once a wetland compensation plan has been approved by NBDELG. The compensation plan requires Tantramar

to identify how the disturbed wetland will be compensated. Should Tantramar engage DUC then a professional service agreement would have to be executed with them. DUC would write a letter of intent to NBDELG confirming that DUC will assume responsibility to implement the wetland compensation, identify land(s) and implement project(s), ensuring it's success, five years of monitoring/reporting to NBDELG and 30+ years of management and maintenance.

**LEGISLATION/POLICY**

N/A

**FINANCIAL CONSIDERATIONS**

The project is funded by IBA. A request was made for additional funding, but a response has not been received yet. It is understood that IBA funding has been allocated and funding levels will not be increased.

The cost to have DUC assume responsibility for the wetland compensation is \$206,050. This is an unbudgeted item and as such DUC is willing to allow Tantramar to budget and pay for this in the next fiscal period.

**CLIMATE CHANGE IMPLICATIONS**

N/A

**COMMUNICATIONS/PUBLIC ENGAGEMENT**

N/A

**COMMUNITY IMPACT**

N/A

**CLIMATE LENS**

Climate Lens	Towards	Away	No change
Emissions reduction			x
Stormwater management	x		
Thriving natural assets		x	
Sustainable processes			x
Climate change adaptation	x		
Climate leadership			x

**OPTIONS**

N/A

**RECOMMENDATION**

It is recommended that Tantramar enter a professional services agreement with Ducks Unlimited Canada at a cost of \$206,050 for DUC to assume responsibility for wetland compensation for Phase III.

**ATTACHMENTS**

Englobe July 27, 2023 memo re: Lorne St. Stormwater Mitigation Ph III – Wetland Compensation Options. Ducks Unlimited Canada professional services agreement (draft).