

Guide to Dealing with Environmentally Sensitive Areas for Realtors/Developers/Landowners

Environmentally sensitive areas (including watercourses, wetlands, buffer zones and sand dunes) are protected under the *Environmental Protection Act*, which prohibits most activities without a Permit. As well, there are development setbacks from sensitive areas under the *Planning Act*.

- Most watercourses, wetlands, buffer zones and sand dunes are shown on provincial maps and this information is available on the PEI Land Online website at <http://142.176.0.108/landonline/login.aspx>. Note that not all sensitive areas in the province are mapped but even unmapped areas are protected under provincial legislation.
- People buying, selling and/or developing property should be aware of sensitive features (i.e. wetlands) on the property which could restrict development.

Watercourses include streams, springs, creeks, brooks, lakes, ponds, bays, estuaries and coastal water bodies.

Wetlands include marshes, swamps, bogs and meadows, and any area included on the PEI Wetland Inventory.

Buffer zones are the 15 metre areas surrounding all watercourses and wetlands.

Sand dunes include any formation of wind and/or wave deposited sand. More precise information on these sensitive features can be found at [Permit to Alter a Sand Dune](#)

- Each year, the Department receives inquiries on the presence of sensitive features and the potential impact of these features on property development. A site visit by Department staff is required to determine the extent and boundary of these areas and, with limited staff, the Department is unable to process requests of this nature in less than 2-6 weeks. The situation is further complicated in that a view of the ground cover (free of snow/ice) is necessary and boundary determination in the growing season (June-September) is often required.
- In time sensitive situations, individuals should consider the option of hiring an environmental consultant to inspect a property for a fee.
- Submission of a Watercourse, Wetland and Buffer Zone (WWBZ) Activity Permit Application is required for an assessment of a proposed activity and a WWBZ Activity Permit is required prior to commencement of any work. The application is available at [Apply for a Watercourse, Wetland and Buffer Zone Activity Permit](#)
- A Development (Building) Permit is required prior to commencement of development. Development includes any alteration of the proposed site (including, but not limited to, altering the grade, removing vegetation, excavating, depositing or stockpiling soil or other material, and establishing a parking lot), the placement, construction, alteration, repairing, removing, relocating, replacing, adding to or demolishing of structures or buildings, placing temporary or permanent mobile uses or structures and changing the use or intensity of use of a structure or building; The application is available at www.princeedwardisland.ca/developmentpermit.

Frequently Asked Questions

- Can I build a road through a wetland to access a portion of a property isolated by the wetland?

No, however the Department would consider this option if there is no opportunity to avoid the wetland. A WWBZ Activity Permit is required as well as a wetland compensation payment for the area of wetland impacted, as per the [PEI Wetland Conservation Policy](#)

- Can I develop within a sand dune?

No.

- There is a wet area on my property that doesn't show up on PEI Land Online - how do I know if this area is a protected wetland?

All wetlands are protected, even those that do not appear on provincial mapping.

- Can I install a floating dock or construct a boat launch on my property?

Floating docks are generally permitted if there are no conflicts with existing uses (i.e. fishing leases); private boat launches are generally not permitted where a public boat launch is available close by.

- Can I cut a portion of the buffer zone of my property for a water view?

If your property fronts on tidal waters, the entire **width** of the buffer zone may be cut for 1/3 of the **shoreline length** of the property to a maximum of 15 m. A WWBZ Activity Permit is required and the area cut may not be converted to lawn - the area must be left rough for regeneration with the tree stumps in place.

- Can I construct/place a shed/pool/deck or other structure in the buffer zone?

No, buffer zones are non-development zones unless there are exceptional circumstances. For example, the owner of a small lot that was subdivided prior to the introduction of buffer zone legislation and has an approved building permit may be allowed some intrusion upon the buffer zone (under a WWBZ Activity Permit) due to the size restrictions of the lot.

- What can I do in a buffer zone without a permit?

Most activities require a permit. However, a permit is not required for the following activities carried out using hand-held tools and manual labour: cutting down dead trees, pruning live trees (removing branches from the side) and planting trees.

For Additional Information:

Kevin Arsenault (Watercourse and Wetland Alteration Supervisor)
Communities, Land and Environment

[Western Forest District Office](#)

Telephone: (902) 854-7260

Fax: (902) 854-7448

Email: kxarsenault@gov.pe.ca

Dale Thompson (Environmental Assessment Officer)

[Jones Building](#), 4th floor

11 Kent Street

Charlottetown, PEI

C1A 7N8

Telephone: (902) 368-5049

Fax: (902) 368-5830

Email: dethompson@gov.pe.ca