

Constraints placed on projects through legislation are those relating to the design or construction or the carrying out of a watercourse or wetland alteration by specific clauses in various Acts and Regulations of the Legislature of Prince Edward Island and the Parliament of Canada. **Note: Permits for Watercourse and Wetland Alterations may be refused for non-compliance with the following Acts, and any other applicable Acts of the Legislature of Prince Edward Island of the Parliament of Canada.**

A. Provincial Legislation

The following are a list of provincial Acts and Regulations that may apply to the design, construction or carrying out of a watercourse or wetland alteration. Electronic copies of these Acts and Regulations may be downloaded from the provincial government website (www.gov.pe.ca/law/regulations/alldepts.php3).

Engineering Profession Act

The Engineering Profession Act, administered by *The Association of Professional Engineers of Prince Edward Island*, is intended to regulate and govern the profession of engineering to protect and serve the public interest. The Act places restrictions on who can design engineering works and systems. Copies of the Engineering Profession Act may be attained from your local *Access PEI* office or downloaded from the provincial government website listed above.

Environmental Protection Act

Watercourse alterations are, in part, controlled by Section 10 of the Prince Edward Island Environmental Protection Act, R.S.P.E.I. 1988, Cap. E-9. It is administered by the *Prince Edward Island Department of Environment, Energy and Forestry*. A copy of the Environmental Protection Act can be found in Appendix G of this document, may be attained from your local *Access PEI* office or downloaded from the provincial government website listed above. The legal requirements for various project activities can be found in the following sections of Environmental Protection Act:

- Sections 9, 10 and 11 - requirement that a permit be obtained before commencing a project;
- Section 11 - requirements for buffer zones, livestock operations and forested riparian zones;
- Section 27 - outlines who may enforce the Act.

Planning Act

Planning Act Regulations are controlled by the Planning Act R.S.P.E.I. 1988, Cap. P-8 and are administered by the *Prince Edward Island Department of Community and Cultural Affairs*. Assistance in sustainable development is available for public and private individuals and organizations. For most areas in the Province, decisions on the approval or denial of subdivision applications or building permits are made by the Provincial Government, specifically the *Department of Community and Cultural Affairs*. Copies of the Planning Act may be attained from your local *Access PEI* office or downloaded from the provincial government website listed above.

Trespass to Property Act

The Trespass to Property Act outlines prohibitions of entry or certain activity on premises and is administered by the *Office of the Attorney General*. Copies of the Trespass to Property Act may be attained from your local *Access PEI* office or downloaded from the provincial government website listed above.

Wildlife Conservation Act

The Wildlife Conservation Act replaces the Fish and Game Protection Act which has been repealed. The Act is administered by the *Prince Edward Island Department of Environment, Energy and Forestry* and provides for the protection, management and conservation of wildlife

and wildlife habitat in the province. Copies of the Wildlife Conservation Act may be attained from your local *Access PEI* office or downloaded from the provincial government website listed above.

B. Federal Legislation

Fisheries Act

The Fisheries Act enables *Fisheries and Oceans Canada* to protect fish and the natural environment systems that support fish. The Fisheries Act defines Fish to include all phases of life as,

- (a) parts of fish
- (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and
- (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.

It is a requirement to provide fish passage facilities at obstructions where the need is determined by the Minister of Fisheries under the authority of the Canadian Fisheries Act. *Fisheries and Oceans Canada* is prepared to provide engineering advice and assistance in the design and construction of fishways. In planning a watercourse or wetland alteration, applicants should acquaint themselves with the requirements under the Fisheries Act. A copy of the Fisheries Act can be found in Appendix C of this document and is available on request from any office of *Fisheries and Oceans Canada*.

The legal requirements for various project activities can be found in the following sections of the Fisheries Act:

- Section 20 and 21 relates to fish passage.
- Section 21 and 22 covers the minimum flow requirement.
- Section 30 of the covers fish guards and screens.
- Section 35 of the covers the protection of fish habitat.
- Section 36 of the covers the deposit of deleterious substances.

Navigable Waters Protection Act

Transport Canada administers the Navigable Waters Protection Act. This act was developed to protect navigable waters for the purposes of navigation. The Minister of Transport must approve of any project involving the construction or placement of any structure, in, upon, over, under, through, or across any navigable water. A copy of this Act may be attained upon request from any *Transport Canada* office.