



Terms and Conditions
for *Water Sustainability Act* Changes In and About a Stream
as specified by Ministry of Water, Land and Resource Stewardship (WLRS)
Habitat Officers, Cariboo Region

Section 38 (1) of the *Water Sustainability Regulation* requires a person making an authorized change to provide notice to a Habitat Officer at least 45 days before beginning the authorized change and to comply with the terms and conditions described in Section 44 (2).

Section 44 (2) of the *Water Sustainability Regulation* gives authority to a Habitat Officer to add specific conditions to ensure the protection of the aquatic habitat in addition to the conditions of the general application. Under this authority, Habitat Officers require the following mandatory terms and conditions:

(a) the timing window during which the change may be made

Note: The *Water Sustainability Act* definition of a “**stream**” includes a natural watercourse, including a natural glacier course, or a natural body of water, whether or not the stream channel of the stream has been modified, or a natural source of water supply, including, without limitation, a lake, pond, river, creek, spring, ravine, gulch, wetland or glacier, whether or not usually containing water, including ice, but does not include an aquifer.

The timing window of least risk to fish and fish habitat must be applied to all activities in fish streams and tributaries that have a risk of depositing sediment into fish streams. Timing windows are designed to protect all fish species known to occur in a stream. One way fish presence can be confirmed is through the map-based tool Habitat Wizard¹. Please note if using this tool that the lack of fish records for a particular area is not necessarily equivalent to fish absence. All streams are assumed to have both spring and fall spawners until proven otherwise. Proponents must ensure that instream works minimize the threat of negative impacts to all aquatic organisms including fish, wildlife, aquatic invertebrates and species at risk.

See **Appendix A** for the timing windows of least risk for the Cariboo Region.

(b) The minimum instream flow or the minimum flow of water that must remain in the stream while the change is being made,

- The natural rate of water flow must be maintained at the worksite during all phases of instream activity. Instream activities must be conducted in the dry and the worksite must be isolated from water flowing in the stream channel.

(c) The removal of material from the stream or stream channel in connection with the change,

- In fish streams, the permanent removal of stable, naturally occurring material from the

¹ [HabitatWizard - Province of British Columbia \(gov.bc.ca\)](http://HabitatWizard - Province of British Columbia (gov.bc.ca))

stream or stream channel is not permitted.

- In non-fish streams, the permanent or temporary removal of stable, naturally occurring material must be minimized and completed only as necessary to make the change in accordance with Part 3 of the *Water Sustainability Regulation*.
- The removal of material must not lead to stream channel instability or increase the risk of sedimentation into the watercourse.
- Any spoil materials must be placed to ensure that sediment or debris does not enter the watercourse.
- For works conducted in lakes, to maintain water quality and to ensure sediment does not affect possible spawning fish populations, the in-lake work site must be isolated from the remainder of the lake. The isolated work area must ensure that sediment is contained within the work site. The isolated area must remain in place until sediments within the work site have settled. If conditions prevent the containment of sediments within the work site, then the work must cease. Only the bucket of the machine is permitted to enter the lake during the works and the machine must work from above the wetted perimeter. Any equipment needed on site for construction work must be used in a manner that will prevent deleterious substances, such as oil, grease and other chemicals from entering the lake. This may necessitate cleaning such products from equipment prior to use.

(d) The addition of substance, sediment, debris or material to the stream or stream channel in connection with the change,

- Measures must be taken to ensure that no harmful material (e.g. fuel and other hydrocarbons, soil, road fill, or sediment), which could adversely impact water quality, fish and other aquatic life, and/or fish habitat, can enter the wetted perimeter as a result of the project activities.
- All equipment must be located and operated in the dry.
- Equipment used in close proximity to the wetted perimeter must be free of deleterious material (e.g. hydrocarbons)
- Erosion and sediment control structures are to be available onsite and utilized as necessary.

(e) The salvage or protection of fish or wildlife while the change is being made or after the change has been made,

- When work requires de-watering or isolation of the worksite in the stream, a permit for the salvage of fish and/or wildlife must be obtained from Front Counter BC^{2,3} prior to commencing work.
- Measures must be taken to ensure that equipment (e.g. water pumps must have intake screens) does not harm aquatic life.
- Do not disturb wildlife and/or their residences (e.g. beaver lodges⁴) within the project area.

² Scientific Fish Collection Permit - Authorization Guidance - Natural Resource Online Services (gov.bc.ca)

³ General Wildlife Permit - Authorization Guidance - Natural Resource Online Services (gov.bc.ca)

⁴ Beavers may only be removed by a registered trapline holder or contract nuisance beaver trappers (contact BC Trappers Association [BC Trappers Association](http://BCTrappersAssociation.com)). A permit issued by the Wildlife Section Head is required to remove beaver outside of trapping season.

(f) *The protection of natural materials and vegetation that contribute to habitat or stream channel stability,*

- Minimize disturbance to natural materials and vegetation that contribute to habitat or stream channel stability.

(g) *The restoration of the work site after the change has been made, and*

- Complete restoration activities (including erosion control), as required, that will lead to natural pre-disturbance conditions.
- Any disturbed areas must be restored to function as they did in their pre-disturbance condition.

This document does not supersede the requirements of the ***Water Sustainability Act*** and ***Regulations***, Federal ***Fisheries Act***, BC ***Wildlife Act***, ***Wildlife Amendment Act***, ***Species at Risk Act***, ***Local Government Act***, ***Land Title Act***, ***Community Charter*** or any other related legislation. The proponent is obligated to comply with all applicable federal, provincial or municipal enactments.

- Proponents are responsible for complying with the federal *Fisheries Act*. No harmful alteration, disruption or destruction (HADD) of fish habitat is authorized by this document.
- Fisheries and Oceans Canada (DFO) Habitat technologists may authorize a net loss of fish habitat, or HADD, where a mitigation/compensation package can be negotiated between DFO and the proponent.
- Proponents can refer to Fisheries and Oceans Canada (DFO) standards and codes of practice which specify conditions and measures for managing risks to fish and fish habitat for specific activities⁵. Proponents can submit a Request for Review⁶ of their project to Fisheries and Oceans Canada (DFO) to determine if the change will be compliant with the federal *Fisheries Act*.
- Proponents are responsible for determining whether the federal Department of Fisheries and Oceans (DFO) must be consulted with and whether an authorization from DFO is required prior to making the change (Williams Lake office; (250) 305- 4002, Bella Coola office; (250) 799- 5345).

⁵ [Standards and codes of practice \(dfo-mpo.gc.ca\)](https://dfo-mpo.gc.ca/standards-codes-practice)

⁶ [Projects near water \(dfo-mpo.gc.ca\)](https://dfo-mpo.gc.ca/projects-near-water)

Appendix A Timing Windows of Least Risk for the Cariboo Region

CONTACT THE APPROPRIATE DEPARTMENT OF FISHERIES AND OCEANS OFFICE FOR THE IN-STREAM WINDOWS FOR SALMON SPECIES.

100 Mile House District (DMH)

Location	Reduced Risk Work Window	
	Start Date	End Date
Fifty-Nine Creek Fifty-One Creek Fifty-Seven Creek Jim Creek (Upstream of falls at coordinates 10U 658170 5736291) Scottie Creek	July 22	October 31
Bonaparte River (Upstream of outlet of Young Lake) Bradley Creek (Downstream of coordinates 10U 628115 5751188) Bridge Creek (Upstream of Buffalo Creek) Canimred Creek Deka Creek Eagle Creek (Downstream of Lang Lake) Jim Creek (Downstream of falls at coordinates 10U 658170 5736291) McKinley Creek 111 Mile Creek	July 22	Aug 31
Bonaparte River (Downstream of outlet of Young Lake)	July 22	August 15
Fraser River Tributaries	July 22	August 01
Boss Creek Brown Creek Deception Creek Hendrix Creek Hihium Creek Jim Creek (Upstream of outlet to Bowers Lake) Phinetta Creek Ruth Redfern Creek Scot Creek Spanish Creek Tributaries to Birch Lake Tributaries to Lac des Roches Windy Creek	August 07	October 31
All other streams DMH	July 22	October 31

Cariboo-Chilcotin District (DCC)

Location	Reduced Risk Work Window	
	Start Date	End Date
Beaver Creek watershed and tributaries (Downstream of falls at coordinates 10U 560169 5837151)	July 15	July 31
Horsefly River and tributaries below 1325 m (Upstream of falls at coordinates 10U 634699 5795891) MacKay River and tributaries below 1325m McKusky Creek and tributaries below 1325m	July 22	October 31
Beaver Creek watershed and tributaries (Upstream of falls at coordinates 10U 560169 5837151) Beedy Creek watershed Big Lake Creek Moffat Creek below 1325m (Upstream of falls at coordinates 10U 604895 5793360) Puntzi Creek watershed below 1325m San Jose River (Downstream of falls at coordinates 10U 578137 5761664)	July 22	August 31
Big Creek and tributaries below 1325m Blue Lead Creek below 1325m Chilcotin River and tributaries (Downstream of confluence with Chilko River) Churn Creek and tributaries below 1325m Homathko River watershed below 1325m Horsefly River and tributaries below 1325m (Downstream of falls at coordinates 10U 634699 5795891) Klinaklini watershed below 1325m Lynx Creek below 1325m McKinley Creek and tributaries below 1325 Mitchell River below 1325m Moffat Creek (Downstream of falls at coordinates 10U 604895 5793360) Mosley Creek below 1325m Nazko River watershed in DCC Penfold Creek below 1325m Quesnel River and tributaries not listed (Downstream of Quesnel Lake to boundary of DQU) Upper Dean River below 1325m Woodjam Creek below 1325m	July 22	August 15
Cariboo River watershed below 1325m Fraser River and tributaries	July 22	August 01
Chilcotin River below 1325m (Downstream of confluence with Chilko River) Chilcotin River and tributaries below 1325m (Upstream of the confluence with Chilko River) Chilko River below 1325m (Downstream of Chilko Lake) Taseko River and tributaries below 1325m	July 31	August 15

Location	Reduced Risk Work Window	
	Start Date	End Date
Horsefly River and tributaries above 1325m (Upstream of falls at coordinates 10U 634699 5795891) MacKay River and tributaries above 1325m McKusky Creek and tributaries above 1325m Moffat Creek above 1325m (Upstream of falls at coordinates 10U 604895 5793360) Puntzi Creek Watershed above 1325m	August 7	October 31
Big Creek and tributaries above 1325m Blue Lead Creek above 1325m Cariboo River watershed above 1325m Chilcotin River above 1325m (Downstream of confluence with Chilko River) Chilcotin River and tributaries above 1325m (Upstream of the confluence with Chilko River) Chilko River above 1325m (Downstream of Chilko Lake) Churn Creek and tributaries above 1325m Homathko River watershed above 1325m Horsefly River and tributaries above 1325m (Downstream of falls at coordinates 10U 634699 5795891) Klinaklini watershed above 1325m Lynx Creek above 1325m McKinley Creek and tributaries above 1325m Mitchell River above 1325m Mosley Creek above 1325m Penfold Creek above 1325m Taseko River and tributaries above 1325m Tributaries to Quesnel Lake not otherwise listed Upper Dean River above 1325m Woodjam Creek above 1325m	August 7	August 15
All other streams DCC below 1325m	July 22	August 15
All other streams DCC above 1325m	August 7	August 15

Quesnel District (DQU)

Location	Reduced Risk Work Window	
	Start Date	End Date
Lightning Creek	No reduced risk work window	
Baker Creek watershed (Upstream of confluence with Puntataenkut (Tibbles) Lake) Merston sub-basin (Upstream of coordinates 10U 500810 5862054)	July 15	October 31

Location	Reduced Risk Work Window	
	Start Date	End Date
Baker Creek watershed (Downstream of Puntataenkut (Tibbles) Lake) Blackwater River (Downstream of Nazko River) Cottonwood River and tributaries Euchiniko River and tributaries Merston sub-basin (Downstream of coordinates 10U 500810 5862054) Narcosli Creek watershed Nazko River watershed Quesnel River and tributaries not listed in DQU Swift River and tributaries	July 15	July 31
Willow River watershed	July 15	July 25
Blackwater River headwaters (Upstream of Tsacha Lake, including Tsacha Lk tributaries)	July 22	August 15
Cariboo River watershed in DQU	July 22	August 7
Fraser River and tributaries	July 22	August 1
Baezaeko River and Coglistiko River and tributaries Blackwater River and tributaries (Downstream of Tsacha Lake and upstream of Nazko River)	July 22	July 31
Bowron River watershed	July 22	July 25
All other streams DQU	August 7	August 15

Lakes

Species	Reduced Risk Work Window	
	Start Date	End Date
No Kokanee OR Lake Trout present	Ice Free	October 31
Kokanee OR Lake Trout present	Ice Free	August 15

List of Lakes with Kokanee and/or Lake Trout

Lake Name	Water Body ID	KO	LT
ANTOINE	02117QUES	x	
BATNUNI	00446EUCH	x	x
BEAVER	01965QUES	x	
BEN	01571QUES	x	
BIG	02219QUES	x	x
BIG	02388SAJR	x	x
BIG	00851TASR	x	
BLUE	00597TWAC	x	
BOAT	00599EUCH	x	
BOBBS	00001BRID	x	
BONAPARTE	00446BONP	x	

Lake Name	Water Body ID	KO	LT
BOOTJACK	01695QUES	x	
BOSCAR	01005HORS	x	
BOSK	01105HORS	x	x
BOWRON	00947BOWR	x	x
BRIDGE	00903BRID	x	x
BUCKINGHAM	01693QUES	x	
CANIM	01447MAHD	x	x
CARIBOO	00560CARR	x	x
CHAMBERS	01710QUES	x	
CHIMNEY	01071MFRA	x	
CHOELQUOIT	00503CHIR	x	
CHUTANLI	00539EUCH	x	
COMSTOCK	00424EUCH	x	
DEKA	00154BRID	x	x
DOR	01535MAHD	x	
EAGAN	00119BONP	x	
ELKIN	00603TASR	x	
ELLERSLIE	00308NASC	x	
EMERALD	01774MFRA	x	
EUCHINIKO	00150EUCL	x	x
EUCHINIKO	00223EUCL	x	x
EUCHINIKO	00298EUCL	x	x
FOUR	00383NECL	x	
GOTCHEN	01420HORS	x	
GREEN	01106GRNL	x	
HATHAWAY	00191BRID	x	x
HORSE	00378BRID	x	x
HORSEFLY	00018HORS	x	x
IKT	01006NASC	x	
ISAAC	00006CARR	x	x
KIBBEE	00937BOWR	x	
KLUNCHATISTLI	00333EUCH	x	
KLUSKOIL	00387BLAR	x	
KLUSKUS	00430EUCL	x	
KONNI	00881CHIR	x	
LAC LA HACHE	01415SAJR	x	x
LINK	00593NASC	x	
LITTLE HORSEFLY	00331HORS	x	
MACHETE	00090BONP	x	
MCKINLEY	00660HORS	x	x
MCLEESE	00295TWAC	x	

Lake Name	Water Body ID	KO	LT
MCNEIL	01702HORS	x	x
MINER	00938KLIN	x	
MOKST	00995NASC	x	
MOOTO	00132NASC	x	
PIPER	00907OWIK	x	
PUNTATAENKUT	00116NARC	x	
PUNTZI	01908UCHR	x	
QUESNEL	00431QUES	x	x
RAINBOW	00194NAZR	x	
RIMROCK	01682NARC	x	
ROBERT	02200QUES	x	
ROSE	01206TWAC	x	
RUTH	01610MAHD	x	
SKOI	00093CARR	x	
SPECTACLE	01187BOWR	x	
STUMP	00290NAZR	x	
SULPHUROUS	00252BRID	x	x
SWAN	01061BOWR	x	
TATLA	01496LCHR	x	
TEN MILE	00001QUES	x	
TILL	00476MFRA	x	
TIMOTHY	01451SAJR	x	
TITETOWN	00824EUCH	x	x
TUZCHA	01323TASR	x	
TYEE	02197QUES	x	
UNNA	00174CARR	x	
WESTERN	00201NASC	x	
YOUNG	00606BONP	x	
JACK OF CLUBS	01443WILL		x
LANEZI	00152CARR		x
LANG	01008MAHD		x
MAEFORD	00567CARR		x
MITCHELL	00118QUES		x
SANDY	00176CARR		x
SPANISH	00698CARR		x