



# **A Users' Guide for Changes In and About A Stream in British Columbia**

Understanding your obligations under  
the *Water Sustainability Act* and Water  
Sustainability Regulation



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## Notes

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**Disclaimer:** Some of the information provided in this document summarizes sections of legislation. If a discrepancy arises between this document and legislation, the legislation takes precedence. While this guidance document relates primarily to the *Water Sustainability Act*, some works, such as instream works, are also regulated by other federal, provincial and municipal enactments, and regulations and bylaws. Some of these are referenced within this document. It is an individual's responsibility to ensure they are compliant with all applicable legislation.

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# 1. Purpose and Scope

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## 1.1. Purpose

This guide is a general introduction for making changes in and about a stream (CIAS) in British Columbia (B.C.). It is designed to help readers understand typical *Water Sustainability Act* (WSA) requirements and best practices for undertaking CIAS in B.C. and it is meant for individuals planning CIAS activities or persons who want to learn more about conducting CIAS under the WSA in general.

The purpose of this guide is to:

- describe WSA CIAS activities, key regulatory terms and typical mandatory requirements;
- describe the types of WSA permissions that are required to make CIAS and their application processes, information requirements and timelines; and
- provide helpful links, contacts and regional information to assist in your WSA submission.

**Note:** Works that will, or may, impact a stream or stream channel require permission under the [Water Sustainability Act](#) (WSA) or must be authorized by its regulations, such as [Part 3 of the Water Sustainability Regulation](#) (WSR). You **must obtain all required permissions** to conduct CIAS before beginning work to avoid contravening the law. It is recommended that you read this document in its entirety as a first step.

### **IMPORTANT: Companion Document**

The companion to this document is the [Requirements and Best Management Practices for Making Changes in and About A Stream in British Columbia](#) (Requirements document). Refer to the Requirements and BMPs document for technical information, statutory requirements, and best management practices for undertaking CIAS work in B.C. It is intended for individuals, contractors, and qualified professionals who plan, design, oversee and/or implement CIAS projects in B.C.

## 1.2. Terms and Definitions

### Defined under legislation

The Province's water legislation defines many terms including:

#### Water Sustainability Act:

alter, applicant, aquatic ecosystem, aquifer, authorization, change approval, changes in and about a stream, comptroller, construct, Crown land, deactivate, decision maker, decommission, divert, engineer, groundwater, licence, natural boundary, officer, order, owner, permit, public officer, stream, stream channel, take action, undertaking, use approval, water manager, water use purpose, well, wetland, works.

#### Water Sustainability Regulation:

application, authorized changes, clear span bridge, culvert, dry hydrant, embankment, erosion, fish-bearing, fish habitat, habitat officer, licensee, point of diversion, public utility, worksite.

A list of commonly used terms in this document is provided below for reference.

**"aquifer"** as defined under the WSA is:

- (a) a geological formation,
  - (b) a group of geological formations, or
  - (c) a part of one or more geological formations
- that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

**"changes in and about a stream"** as defined under the WSA is:

- a) any modification to the nature of a stream, including any modification to the land, vegetation and natural environment of a stream or the flow of water in a stream; or
- b) any activity or construction within a stream channel that has or may have an impact on a stream or a stream channel.

**"decision maker"** in relation to a decision under the WSA, means:

- a) the person authorized to make the decision, and
  - b) if more than one person is authorized to make that decision, the person who is making or has made that decision,
- whether on application or on the person's own initiative.

**"natural boundary"** under the WSA has the same meaning as in [Section 1 of the Land Act](#):

the visible high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

**"stream"** as defined under the WSA is:

- a) 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
- b) 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.

### **Streams and fish**

The WSA definition of a "stream" does not consider fish presence. A natural watercourse or other natural body of water without fish can still be considered a stream under the WSA.

**"stream channel"** as defined under the WSA is:

in relation to a stream, means the bed of the stream and the banks of the stream, both above and below the natural boundary and whether or not the channel has been modified, and includes side channels of the stream.

### **Water features that are not WSA streams**

Water features that are not considered as "streams" under the WSA may be regulated by other legislation, such as local government drains or fish habitat in ditches. Consult relevant pieces of legislation before undertaking your work (see [Section 6 of this guide](#) for a summary).

**"wetland"** as defined under the WSA is a swamp, marsh, fen or prescribed feature

## Definitions for the Purpose of this Document

The following general definitions are not defined in legislation, but rather, are intended to provide clarity in this document as well as guidance. These terms are not defined in the WSA or WSR and the definitions below do not carry legal authority. They should not be interpreted as the definitive description of the concepts below.

**“ditch”**: A long narrow excavated channel for carrying water, often for drainage.

**“fish”**: All fish, shellfish, crustaceans and marine animals, and the eggs, spawn, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.

**“notification”**: A colloquial term for a notice of authorized change under [WSR Part 3](#).

**“riparian area”**: Referred to in the *Riparian Areas Protection Act* and the Riparian Areas Protection Regulation. Typically, riparian areas are usually vegetated, directly adjacent to streams (and stream channels), including lakes, and wetlands, connecting upland habitats<sup>1</sup> to aquatic ecosystems.

**“species at risk”**: A species designated as a species at risk by provincial or federal legislation or policy due to its status as a threatened, endangered or extirpated species or as a species of special concern.

**“top of bank”**: Referred to in the [Riparian Areas Protection Regulation](#). The first significant break in a ravine slope where the grade beyond the break is less than 3:1 for a minimum distance of 15 m measured perpendicularly from the break, and the break does not include a bench within the ravine that could be developed.

**“high water mark”**: Referred to in the [Riparian Areas Protection Regulation](#). The visible high water mark of a stream where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the stream a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself.

**“qualified professionals” (QP)**: This usually refers to a qualified environmental professional such as an engineer, technologist, technician or scientist, registered in a professional association regulated by the [Professional Governance Act](#). For CIAS, the QP required is often an engineer or geoscientist. Sometimes the appropriate QP may be a professional geomorphologist, hydrologist, biologist, agrologist or forester. QPs may also be qualified in other disciplines or persons with other qualifications. The decision maker may specify a QP with different or additional qualifications (e.g., expertise in floodplain geomorphology).

### ***Professional Governance Act (PGA) and CIAS Guidance under the WSA***

The PGA describes the requirements for regulatory oversight of qualified professionals (registrants) by professional associations (regulatory bodies) to ensure public protection. See [Appendix A](#) for more information on the PGA.

<sup>1</sup> Upland habitats, in relation to a stream, generally refer to organisms that inhabit an area directly outside of a stream or stream channel.

## 1.3. Contact Us and More Information

More information on working around water in B.C. is available on the Province's [water webpage](#) or by contacting the FrontCounter BC office or regional offices. Regional offices may have additional region-specific guidance on making CIAS.

### FrontCounter BC Contact Centre

**Tel.:** 1-877-855-3222 (Toll-Free)

**Email.:** [frontcounterbc@gov.bc.ca](mailto:frontcounterbc@gov.bc.ca)

**Web:** [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca)

### FrontCounter BC Offices

Please call to make an appointment at one of our many locations listed below. More information, including phone numbers for each office, is [available online](#).

- |                    |                   |                   |
|--------------------|-------------------|-------------------|
| 1. 100 Mile House  | 11. Fort St. John | 21. Prince George |
| 2. Burns Lake      | 12. Haida Gwaii   | 22. Quesnel       |
| 3. Campbell River  | 13. Kamloops      | 23. Revelstoke    |
| 4. Castlegar       | 14. Mackenzie     | 24. Smithers      |
| 5. Chilliwack      | 15. Merritt       | 25. Squamish      |
| 6. Clearwater      | 16. Nanaimo       | 26. Surrey        |
| 7. Cranbrook       | 17. Nelson        | 27. Terrace       |
| 8. Dawson Creek    | 18. Port Alberni  | 28. Vanderhoof    |
| 9. Fort Nelson     | 19. Port McNeill  | 29. Vernon        |
| 10. Fort St. James | 20. Powell River  | 30. Williams Lake |

## 2. Water Sustainability Act and Regulation

### 2.1. The *Water Sustainability Act*

In B.C., streams and aquifers are under the stewardship of the Province to ensure they are properly managed and protected for future generations. Usually, the fact that a person owns property next to or surrounding a stream does not confer ownership or stewardship of the stream to that person.

The principle law regulating streams, aquifers and associated water resources in B.C. is the [Water Sustainability Act](#) (WSA). This legislation outlines, among other things, requirements for using stream water or groundwater, drilling wells or other works for diversion and use of water. The WSA also regulates the requirements for making changes to streams and stream channels.

[WSA s.11](#) states that CIAS can only be made in accordance with the following legal instruments:

- the terms and conditions of a change approval;
- the regulations;
- the terms and conditions of an authorization; or
- an order.

[Section 4 of this guide](#) provides more information on these legal instruments and guidance in determining which is most appropriate to authorize works involving CIAS.

**Using or diverting water in B.C.**

If you are contemplating any diversion of water from a stream or aquifer for a water-use purpose, you will generally be required to obtain a [Use Approval or a Water Licence](#) (i.e., authorization) under the WSA. Certain minor uses are exempted from this requirement under [WSA s.6](#).

## 2.2. The Water Sustainability Regulation

In support of the WSA, the [Water Sustainability Regulation](#) (WSR) authorizes certain (more minor) CIAS, provided particular procedures and mandatory requirements are met. For example, [WSR Part 3](#) allows certain activities (called “**authorized changes**”) to be undertaken by providing notice rather than applying for a change approval or authorization (this is generally a simpler process).

Authorized changes are subject to protections for water quality, aquatic habitat, and other users. Any proposed CIAS that does not meet the criteria for an authorized change under WSR Part 3 will require a **change approval, authorization or order** before work commences. Authorized changes are described further in [Section 4 of this guide](#).

## 3. Changes In and About a Stream

### 3.1. What is a CIAS?

Generally, any work or activity that is likely to change the nature of a stream or stream channel is a CIAS and must be properly authorized under the WSA. CIAS are often associated with work or activities that:

- occur within the stream channel, meaning the bed of the stream and the banks, both above and below the natural boundary;
- regardless of location, are likely to modify the stream or stream channel over time; or
- occur at, or are planned under, the bed of the stream and are likely to influence the bed of the stream over time.

When in doubt if a proposed activity meets the definition of CIAS, it is recommended you contact your local WSA provincial specialists for further clarity. See [Section 1 of this guide](#) for a list of regional offices and contacts.

### 3.2. CIAS and Wetlands

**Wetlands as streams**

Wetlands are considered streams [under the WSA](#) and are defined as swamps, marshes, and fens, but not bogs. Refer to the [Wetlands of British Columbia: A Guide to Identification](#) for information on how to identify wetlands, swamps, marshes, fens and bogs.

Wetlands provide critical habitat for fish, birds and other wildlife. In B.C., species and ecosystems are assigned based on their [conservation status rank](#) to the red, blue or yellow lists to help set conservation priorities and provide a simplified view of their status. Red-listed species and ecosystems are those considered to be at risk of being lost (extirpated, endangered, or threatened); blue-listed species and ecosystems are those of special concern; and yellow-listed

species or ecosystems have the least risk of being lost. Many [red and blue listed species](#) are wetland dependent.

Wetlands can minimize and remediate certain environmental problems. As part of nature's filtration system, wetlands absorb and filter sediments, pollutants, and excess nutrients; recharge groundwater; maintain stream flows; control runoff; store and release flood waters; reduce erosion; stabilize shorelines; and help regulate atmospheric gases and climate cycles.

As wetlands are included in the definition of “stream” under the WSA, **proposed alterations to wetlands are considered CIAS and permissions are required**. Wetland alteration work may require consideration of mitigation and conservation measures to reduce wetland losses and ensure the protection and management of wetlands. Refer to the [Wetlands in B.C.](#) webpage for more information, resources, and guides on wetlands.

### 3.3. CIAS and Ditches

WSA requirements related to CIAS apply to modified streams and stream channels, which sometimes include drainage ditches. Typically, for CIAS requirements to apply, this means that the water feature (in this case a ditch) was or still is a “natural watercourse” or source of water supply, even though modified.

**Generally, ditches are not considered streams under the WSA if they fit into one of three categories:**

#### 1. Ditches that only carry ‘overland flow’ or surface runoff

Overland flow (surface runoff) refers to water, typically from a recent precipitation event, that has not yet entered a stream or aquifer. As overland flow is generally time limited, it often does not create a discernible bed or banks on the ground when flowing. Water that is captured before it touches the ground and enters a stream or aquifer (e.g., rainwater storage with impermeable lining) also fits into this category. Overland flow (surface runoff) that has not entered a stream or aquifer is not regulated under the WSA.

#### 2. Ditches constructed as a ‘work’ under a WSA authorization

Typically, ditches listed as ‘works’ under a WSA authorization are not considered to be streams and instead are managed subject to the terms and conditions of the associated legal instrument such as a licence or use approval. An amendment to the authorization (Change of Works under [WSA s.26](#)) may be required if significant changes to the ditch are being proposed.

#### 3. Ditches operated in a manner consistent with a drainage exemption under the WSR

Typically, ditches that fall under the WSR’s drainage exemptions ([WSR s.31 – s.34](#)) (Table 1) would not require WSA permission to alter, unless the drainage altered a stream. If you are planning to alter a ditch which you believe falls under one of the exemptions listed in Table 1, refer to the corresponding section(s) of the WSR before initiating works to ensure the activity is consistent with, and not in contravention of, the law. Figure 1 also provides guidance to determine whether altering a ditch may be a CIAS.

Table 1. Summary of drainage exemptions under the WSA listed in [WSR s.31 - s.34](#).

Topic	Exemption Description*	WSR Section
<b>Corridor Drainage</b>	A person may divert surface water runoff or water from an aquifer without an authorization using a corridor ditch. <sup>a</sup>	31
<b>Local Government Drainage Works</b>	A local government may divert surface water runoff or water from an aquifer without an authorization using drainage works. <sup>b</sup>	32
<b>Agricultural Drainage</b>	A person may divert surface water runoff or water from an aquifer without an authorization using agricultural drainage works. <sup>c</sup>	33
<b>Building Perimeter Drainage</b>	A person may divert surface water runoff or water from an aquifer without an authorization using perimeter drainage works. <sup>d</sup>	34
<b>Mine Drainage Works</b>	A person may divert water from an aquifer without an authorization using mine drainage works. <sup>e</sup> See s.34.2 -34.3 for exemptions related to mineral exploration and placer mining.	34.1
<p><b>*Diversion for these exemptions is subject to the conditions that:</b></p> <p>(a) there is no use of the water for a water use purpose between the time the water enters the drainage works and the time the water is discharged from the drainage works, and</p> <p>(b) that water is discharged without causing a significant risk of harm to public safety, the environment, land or other property.</p> <p><b>Note:</b> These provisions are intended to allow drainage of surface runoff or lowering the water table to prevent a nuisance or to protect infrastructure, provided the drainage water can be safely discharged through drainage works, such as to the environment (possibly into a stream) without harm. However, if installation and operation of drainage works would also involve alteration of a stream channel or diversion of a stream or other impactful changes to a stream or stream channel (including a wetland), then a CIAS permission may be needed before commencing work.</p>		

The following are defined in [WSR s.31 - s.34](#):

- <sup>a</sup> **"corridor ditch"**: a ditch constructed alongside a road or a railway line, for the purpose of draining surface runoff from the road surface or railway bed or to divert water from an aquifer to lower the water table, to protect the road or railway line.
- <sup>b</sup> **"drainage works"**: works belonging to or used by a local government to drain surface runoff, or to divert water from an aquifer to lower the water table, to prevent a nuisance.
- <sup>c</sup> **"agricultural drainage works"**: ditches or subsurface drain pipes or other conduits used to drain surface runoff or to divert water from an aquifer to lower the water table to improve the productivity of agricultural land.
- <sup>d</sup> **"perimeter drainage works"**: works, including, without limitation, curtain or French drains and sumps, that are constructed around the perimeter of a building to convey surface runoff and groundwater away from the foundation of the building.
- <sup>e</sup> **"mine drainage works"**: works, including a drainage well as defined in [WSR s.35](#), located in or at a mine and used or intended to be used for diverting groundwater by discharging the groundwater from the mine to prevent interference with the operation of the mine and protect the mine.

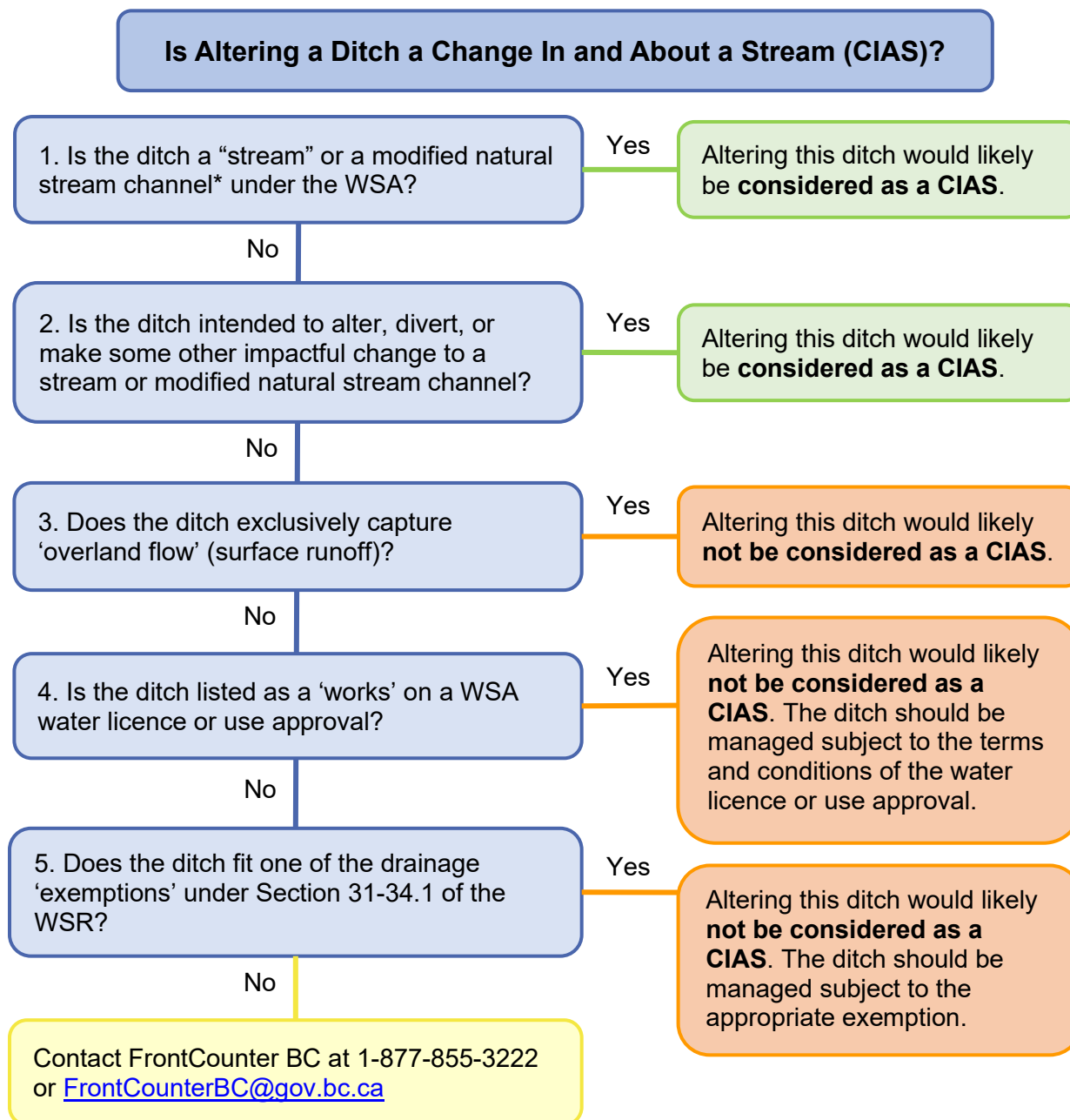


Figure 1: Questions to consider when determining whether alteration may involve a CIAS.

## 4. What WSA Permission do I Need?

### 4.1. Types of CIAS Permissions

**A person must have permission in the form of a legal instrument to make a CIAS under the WSA.** There are five different types of CIAS permissions under the WSA (as seen in Table 2), including:

- authorized change;
- change approval;
- order;
- authorization: water licence; and
- authorization: use approval.

#### **IMPORTANT: Mandatory Requirements**

The WSA and WSR have mandatory requirements that you must comply with when working in and around water or diverting and using water. **It is your responsibility to ensure that your work complies with all other appropriate statutes and regulations** (Federal, Provincial, Municipal). More information on WSA and WSR mandatory requirements is available in the companion [Requirements document](#).

Table 2: Summary table of types of WSA permissions for CIAS.

Instrument	Description	User's Guide Section
<b>Authorized Change</b>	Generally lower-risk CIAS that can be completed without applying for a change approval or authorization. These are described in <a href="#">WSR s.39</a> . <b>Note:</b> Some authorized changes require notice to a habitat officer prior to starting work.	4.2
<b>Change Approval</b>	Allows an individual to make CIAS as described in the change approval under <a href="#">WSA s.11</a> . Suitable when only a CIAS is being considered.	4.3 – 4.5
<b>Order</b>	A WSA engineer can order someone to make CIAS under <a href="#">WSA s.93</a> . Usually only issued during emergency or enforcement situations.	4.3 – 4.5
<b>Authorization: Water Licence</b>	In addition to allowing a person to make CIAS, a water licence provides rights to divert, use or store water, subject to <a href="#">WSA s.6 and s.7</a> .	4.3 – 4.5
<b>Authorization: Use Approval</b>	Can grant most of the rights of a water licence, but only for a period of 24 months or less ( <a href="#">WSA s.10</a> ).	4.3 – 4.5

## 4.2. Authorized Changes

[WSR Part 3](#) lists the CIAS that are **authorized changes**. These are changes that can generally be made without a change approval, authorization or order unless a designated WSA engineer determines that one of these instruments is required. Authorized changes are subject to restrictions under [WSR s.40 - s.45](#) unless specifically exempted from those requirements.

There are two types of authorized changes:

1. those that are regulated **solely under the WSR** ([WSR s.39\(1\)](#)); and,
2. those that are regulated in **combination with other legislation** ([WSR s.39\(2\)-\(6\)](#)).

### Exceptions to Authorized Changes

If a WSA engineer considers that an authorized change under [WSR s.39](#) has the potential for **significant adverse impact on the nature of the stream**, including the flow of water in the stream or the stream channel, then the engineer has authority under [WSR s.37\(2\)](#) to require that an individual **apply for and obtain a change approval or authorization**.

### Authorized Changes: Solely Under WSR

Table 3 summarizes the authorized changes detailed in [WSR s.39\(1\)](#) that are regulated solely under the WSR. These typically require **notice to a habitat officer** 45 days before work begins (exceptions as noted in Table 3). If notice is required, any list of terms and conditions received from a habitat officer must be followed.

Review [WSR Part 3](#) and the applicable criteria for each authorized change under [WSR s.39](#) before planning your work.

*Table 3: Authorized changes under the WSR (i.e., a notification).*

WSR Section	Authorized Change	Who can undertake Authorized Change	Notice requirements
<b>39(1)(a)</b>	Construction, maintenance or removal of a culvert crossing a road, trail or path	Anyone	Min. 45 days before
<b>39(1)(b)</b>	Construction, maintenance or removal of a clear span bridge	Anyone	Min. 45 days before
<b>39(1)(c)</b>	Construction or maintenance of pipeline crossing a stream	Anyone	Min. 45 days before
<b>39(1)(d)</b>	Construction, maintenance or removal of a pier or wharf <sup>2</sup>	Anyone	Min. 45 days before
<b>39(1)(e)</b>	Construction, maintenance or removal of a flow or water level measuring device	Federal or Provincial Government	Min. 45 days before
<b>39(1)(f)</b>	Construction or removal of a fish fence, fish screen, fish or game guard	Federal or Provincial Government	Min. 45 days before
<b>39(1)(g)(h)</b>	Restoration or maintenance of a stream channel	The Province, a municipality, or regional district	Min. 45 days before

<sup>2</sup> Piers and wharves generally include docks.

WSR Section	Authorized Change	Who can undertake Authorized Change	Notice requirements
39(1)(i)	Cutting of annual vegetation in a stream channel	Anyone	Min. 45 days before
39(1)(j)	Restoration or maintenance of fish habitat	Federal or Provincial Government	Min. 45 days before
39(1)(k)	Repair or maintenance of existing dike or erosion protection works	Anyone	Min. 45 days before
39(1)(l)	Construction or maintenance of storm sewer outfalls	Anyone	Min. 45 days before
39(1)(m)	Mechanical or manual control of Eurasian Watermilfoil or other invasive aquatic vegetation	See s. 39(1) (m) <sup>3</sup>	Min. 45 days before
39(1)(n)	Construction or maintenance of an ice bridge, winter ford or snowfill	Anyone	Min. 45 days before
39(1)(o)	Construction or placement of erosion protection works or flood protection works during a declared emergency under the <a href="#">Emergency Program Act</a> (see <a href="#">Emergency Works Within a Stream</a> below)	The Province, a municipality, or a regional district or their agents	Within 72 hours of making the change
39(1)(p)	Clearing of an obstruction from bridge or culvert during a flood, if the obstruction is causing or has the potential to cause a significant risk of harm to public safety, the environment, land or other property (see <a href="#">Emergency Works Within a Stream</a> below)	The Province, a municipality, or a regional district	Within 72 hours of making the change
39(1)(q)	Installation, cleaning of drainage outlets	Anyone	Not required
39(1)(r)	Repair or maintenance of the superstructure of a bridge (excluding foundation)	Anyone	Not required
39(1)(s)	Installation, repair, maintenance or removal of a fence	Anyone	Not required
39(1)(t)	Maintenance of minor and routine nature by a public utility	Public utility	Min. 45 days before
39(1)(u)	Removal of a beaver dam ( <i>Wildlife Act</i> )	Persons to which <a href="#">s.9 of the Wildlife Act</a> applies	Min. 45 days before
39(1)(v)	Construction of a temporary ford	Anyone	Min. 45 days before
39(1)(w)	Construction of a temporary diversion around or through a worksite	Anyone	Min. 45 days before
39(1)(x)	Dry hydrant construction or maintenance	Anyone	Min. 45 days before

<sup>3</sup> by a land owner, a municipality, a regional district or the Greater Vancouver Water District, or an improvement district or other body, established or continued under an enactment, that has jurisdiction in relation to the control of invasive aquatic vegetation

## Authorized Changes: WSR and Other Legislation

The authorized changes listed under [WSR s.39\(2\) - s.39\(6\)](#) are CIAS that already **undergo a review under a separate piece of legislation** and are therefore **exempted from certain requirements** as described below.

### **REMINDER: Compliance with Applicable Legislation**

While this guidance document relates primarily to the WSA, instream works are also regulated by a number of other federal, provincial and municipal acts, regulations and bylaws. Some of these are referenced within this document. **It is an individual's responsibility to ensure they are compliant with all applicable legislation.**

### **Forestry Activities: WSR s.39(2)**

CIAS activities for which a standard or regulation under [Forest and Range Practices Act](#) (FRPA) applies are considered authorized changes under [WSR Part 3](#). These do not require a notice to a habitat officer if the changes are made in accordance with an agreement or permit under the *Forest Act*, *Range Act*, *Forest Practices Code of BC Act*; or where authorized to construct or modify a road under the *Coal Act*, *Geothermal Resources Act*, *Mining Right of Way Act* or *Petroleum and Natural Gas Act* and those changes are made in accordance with FRPA and associated regulations and standards.

These activities are typically limited to stream crossings and are also subject to, among other things, [sections 8](#) and [55-57 of the Forest Planning and Practices Regulation](#) and [WSR s.40-s.45](#). Please refer to the [FRPA webpage](#) for more information about forestry.

### **Mining Activities: WSR s.39(3) and (4)**

CIAS activities approved under a [Mines Act](#) permit ([Mines Act s.10](#)) are authorized changes as long as the activities adhere to Part 9 of the [Health, Safety and Reclamation Code for Mines in B.C.](#) and the terms and conditions of the *Mines Act* permit.

These authorized changes by a permit holder still require notice to a habitat officer unless the activity is for mineral exploration. In this case, an application for a permit to carry out exploration activities under [Mines Act s.10](#) serves as notice and no additional notice to a habitat officer is required.

For more information, refer to [WSR Part 3](#), Part 9 of the Health, Safety and Reclamation Code for Mines in B.C. and the *Mines Act*.

### **Oil and Gas Activities: WSR s.39(5)**

The [Oil and Gas Activities Act](#) (OGAA) regulates activities related to the search, exploration, production, gathering, processing and storage of petroleum and natural gas in B.C. As defined in [OGAA s.1](#), oil and gas activities include geophysical lines, wells, pipelines, facilities, refineries, manufacturing plants, and all associated access roads.

The [B.C. Oil and Gas Commission](#) is the single window regulator for all oil and gas activities in B.C. As such, **all oil and gas related CIAS must be processed by the Commission**. Generally, CIAS for these activities are authorized in one of two ways:

1. CIAS permitted under OGAA fall under [WSR s.39\(5\)](#) and do not require a notification to a

provincial habitat officer. These changes are regulated through the BC Oil and Gas Commission processes which may include provisions of the permit under OGAA, and its regulations, including the [Environmental Protection and Management Regulation](#), or a [WSA s.11](#) approval, where warranted.

2. For CIAS activities not regulated under OGAA or an OGAA permit (including Canadian Energy Regulator approvals), related CIAS activities must be authorized in accordance with [WSA s.11](#) and [WSR Part 3](#).

Further information and guidance for oil and gas operators respecting CIAS is available in the resources below, and through contacting the [B.C. Oil and Gas Commission](#):

- [Oil and Gas Activity Operations Manual](#)
- [Oil and Gas Activity Application Manual](#)
- [Environmental Protection and Management Guideline](#)
- [Completing Changes in and About a Stream Activity Details](#)

## Emergency Works within a Stream

Certain emergency works may be completed by certain governmental authorities without providing advance notice to a habitat officer. These include erosion or flood protection works required during a flood emergency declared under B.C.'s [Emergency Program Act](#), and works required to clear an obstruction from a bridge or culvert during a flood event when there exists a potential danger to life or property, subject to [WSR s.39\(1\)\(o\) and \(p\)](#). However, for the work to be considered an authorized change it must be performed by the Province, a municipality, a regional district, or in the case of [WSR s.39\(1\)\(o\)](#), by their agents, and must be reported to a habitat officer within 72 hours after making the change in accordance with [WSR s.38\(5\)](#).

**Note:** B.C. Oil and Gas Commission incident and spill reporting guidelines and instructions require the oil and gas permit holder to report incidents to the Commission within 24 hours. More information is available in [B.C. Oil and Gas Commission Incident Reporting Instructions and Guidelines](#).

**For more information, refer to:**

- [Requirements document](#) for information on **spills and spill management**
- [Spill Reporting Fact Sheet \(gov.bc.ca\)](#)
- [Report a spill - Province of British Columbia \(gov.bc.ca\)](#)
- [B.C. Oil and Gas Commission Incident Reporting Instructions and Guidelines](#)
- [Environmental emergency regulations: reporting a spill or release - Canada.ca](#)

### **Urgent or Exceptional Circumstances**

You are still required to obtain permission from the Province before making a CIAS for non-emergency activities. If your circumstance is of an urgent nature, such as where there are significant risks to public health or the environment, contact your [local water manager](#) immediately. In exceptional circumstances they may be able to expedite a change approval application or issue an order to complete the work. Inadequate planning does not constitute an exceptional circumstance.

### 4.3. Change Approval, Water Licence, Use Approval or Order

If you are planning a CIAS that is not exempted ([WSR s.31 - s.35](#)) or an authorized change (e.g., it is not listed under [WSR s.39\(1\)](#)), then before beginning work, you will require a:

- **change approval:** allows an individual to make CIAS under [WSA s.11](#) (suitable when only a CIAS is being considered);
- **water licence:** allows a person to make CIAS and provides rights to divert, use or store water, subject to [WSA s.6 and s.7](#);
- **use approval:** can grant most of the rights of a water licence, but only for a period of 24 months or less ([WSA s.10](#)); or an
- **order:** a WSA engineer can order someone to make CIAS under [WSA s.93](#) (usually only issued during emergency or enforcement situations).

Works within a stream or stream channel that typically require a change approval, water licence, use approval or order include, but are not limited to, the following:

- Bank erosion protection
- Retaining wall for bank erosion protection
- Bridge / pipeline (other than clear span under [WSR s.39 \(1\)\(b\) and \(c\)\(ii\)](#) - construction / maintenance / removal (oil and gas approvals follow BC Oil and Gas Commission processes)
- Culvert installation that is not classified as an authorized change (i.e., does not comply with [WSR s.39\(1\)\(a\)](#))
- Watercourse or channel realignment
- Channel or in-stream pond construction
- Debris removal by machine that is not stream channel maintenance or restoration
- Dredging or gravel removal that is not stream channel maintenance or restoration
- Construction of a sediment sump
- Dike or erosion protection works – Construction
- Dam or weir-construction / maintenance / removal (includes small rock or log structures that create natural habitat pool areas)
- Piers or wharves that are not classified as authorized changes - construction / maintenance / removal
- Other (any other works not listed above or in the WSR)

#### Activities that Do Not Require a CIAS Submission

Activities do not require a CIAS submission under the WSA if:

- they are **outside of, and will not impact**, the stream or stream channel; or,
- the CIAS is **already authorized** under an authorization, change approval, order or another appropriate legal instrument.

### 4.4. Diverting, Using or Storing Water

If the proposed activities or works involve **diversion, use or storage of water** from a stream or aquifer, then a **water licence or use approval** is likely required. This applies even if the diversion, use or storage of water is non-consumptive, such as proposed activities or works that store or retain water for conservation purposes or works that will require regular maintenance (e.g., sediment traps or weirs).

A **use approval** (a permission for less than 2 years) may be granted for any short-term diversion or use of water. A use approval may authorize temporary water storage for a dam but only if it is an existing dam (i.e., authorized by a licence).

#### Change Approval vs Water Licence/Use Approval

It may be appropriate to seek a water licence or use approval rather than a change approval to make CIAS where **diversion, use or storage of water for a water use purpose** is being contemplated, or where **ongoing maintenance** of proposed works is expected. For example, construction of a side channel to be flooded for conservation purposes.

## 4.5. CIAS under an Existing Water Licence or Use Approval

[WSA s.7](#) states that a water licence or use approval entitles its holder to do the following (in a manner provided in the licence):

- divert and beneficially use the quantity of water specified in the licence or use approval;
- construct, maintain and operate the works authorized by the licence or use approval and related works necessarily required for the proper diversion or use of the water or the power produced from the water;
- make CIAS necessary for the construction, maintenance or operation of the works referred to in point (b) (above) or to otherwise facilitate the authorized diversion; and
- construct fences, screens and fish or game guards across streams for the purpose of conserving fish or wildlife.

Accordingly, maintenance of authorized works specified in a water licence generally does not count as a CIAS. However, an amendment to an existing water authorization would be required if a licensee proposes **new works or is moving the works to a new location**. This includes moving an intake to a new site or significantly augmenting existing works, such as replacing a pumphouse with a much larger pumphouse or installing riprap to protect the pumphouse.

## 5. Associated Legislation

CIAS activities can fall under the jurisdiction of several pieces of legislation. **It is your responsibility to ensure that work complies with all appropriate statutes and regulations** (Federal, Provincial, Municipal). Below is a general, non-inclusive list of legislation (other than the WSA) that may be triggered by CIAS work. Clients are encouraged to check the legislation online or to contact the appropriate regulator. Refer to [Appendix A](#) for more information.

### Provincial Legislation

- [Dike Maintenance Act](#)
- [Drinking Water Protection Act](#)
- [Environmental Assessment Act](#)
- [Environmental Management Act](#)
- [Forest and Range Practices Act](#)
- [Heritage Conservation Act](#)
- [Land Act](#)
- [Mines Act](#)
- [Oil and Gas Activities Act](#)
- [Park Act](#)
- [Professional Governance Act](#)
- [Riparian Areas Protection Act](#)
- [Wildlife Act](#)
- [WorkSafeBC: Workers Compensation Act](#)

**Federal Legislation**

- [Canadian Navigable Waters Act](#)
- [Fisheries Act](#)
- [Species at Risk Act](#)

**Municipal or Regional Legislation**

- Bylaws ([Local Government Act](#))

**EXAMPLE: Fisheries and Oceans Canada Fish and Fish Habitat Protection and Pollution Prevention Provisions**

The *Fisheries Act* requires that projects avoid causing the death of fish and/or the harmful alteration, disruption or destruction of fish habitat unless authorized by Fisheries and Oceans Canada (DFO). DFO's [Projects Near Water](#) website provides more information on how to protect fish and fish habitat, request a project review or federal authorization, and get information about federal contaminated sites. If you think your project may impact fish or fish habitat, visit DFO's [website](#) to see whether your project may require DFO review and authorization.

## 6. Obtaining Permission to Make CIAS

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### 6.1. Persons/Organizations Involved in the Review of CIAS

During the process to authorize your CIAS under the WSA you may encounter several provincial government officials and interested parties:

#### Provincial Government

**FrontCounter BC**

FrontCounter BC is the 'front desk' for natural resource authorization inquiries in the Province, other than in relation to oil and gas activities which are handled by the BC Oil and Gas Commission. Whether you're applying for a change approval, water licence, mining permit or land tenure, you will **start with FrontCounter BC**. Their role is to answer your questions about natural resource management (NRM) permitting, review your application for completeness and help determine which authorizations you might need to submit. FrontCounter BC staff may also request additional information if your submitted applications do not meet application requirements.

**Technical Staff**

A change approval, water licence or use approval application will be **reviewed** by different Provincial staff depending upon the nature of your proposed activities or works. Reviews for CIAS are typically completed by a water technician, technologist, water officer, hydrologist, lands officer, assistant water manager or water manager. Technical staff will review the technical aspects of your submission, assist with consultation with Indigenous Nations, and may engage with potentially impacted parties. They may also request additional information if the submitted information is deemed insufficient to properly assess project impacts.

## Decision Makers

Decision makers are **authorized under the law to make a particular decision**. For change approval, water licence and use approval applications; they are typically the comptroller, a water manager or an assistant water manager. The decision maker reviews the application and any recommendations from the technical staff and decides whether to grant or not grant the application. For example, they may require you to engage with (give notice to) potentially impacted parties. Following the decision, the applicant and potentially impacted persons are informed of the decision maker's decision.

## Habitat Officers

Habitat officers review **notices of proposed authorized changes** and respond with **terms and conditions** that the client must follow (see [WSR s.41](#)). Some authorized changes do not require notice to a habitat officer (see [Section 4 of this guide](#)).

## WSA Engineer

A WSA engineer is someone [designated as an engineer](#) under the WSA. Often, the person fulfilling the role of an engineer will also have another designation, such as an assistant water manager or water manager. The engineer can require that a person, among other things, install, remove or alter works in accordance with [WSA s.93](#). An engineer can also require that a person proposing to make an authorized change obtain a change approval or authorization in accordance with [WSR s.37\(2\)](#).

## Compliance and Enforcement Staff

Enforcement of the WSA typically involves **Natural Resources Officers (NRO)** in collaboration with WSA engineers, habitat officers and technical staff. NROs may conduct inspections to verify compliance with the legislation, investigate potential contraventions under the WSA and its regulations and, where appropriate, take enforcement actions including issuing violation tickets, executing stop work orders or pursuing prosecution through the courts, whereas engineers may order corrective actions, such as under [WSA s.93](#). Oil and gas activities are typically monitored by compliance and enforcement staff from the BC Oil and Gas Commission.

## Indigenous Nations

Reconciliation with Indigenous Peoples is a guiding principle in the Province's decision-making. Accordingly, the Province consults Indigenous Nations on decisions that may have **adverse impacts on Indigenous interests** (claimed or proven Aboriginal rights (including title) or treaty rights). Applications for change approvals, water licences and use approvals under the WSA are referred to Indigenous Nations with Indigenous interests over the project area. The Province may request additional information from the client if questions or concerns are raised by Indigenous Nations further to their sharing of Indigenous knowledge. More information is available on the Province's [Consulting with First Nations](#) webpage.

## Potentially Impacted Persons or Agencies

A decision maker must direct that a **client give notice of an application** to persons or agencies whose rights as authorization holders, applicants, riparian owners or owners of potentially impacted lands are **likely to be detrimentally affected if the application is granted**, subject to [WSA s.13](#). Alternatively, a decision maker may give that notice. These persons or agencies who may be impacted have the right to submit an objection and have the objection heard by the decision maker. You may be required to submit additional information in response to an objection

from a potentially impacted person or agencies. These persons will also be given notice of the decision made on the application.

A change approval or authorization application may also be referred to potentially interested or impacted agencies, such as municipalities or regional districts, such as if there appears to be a potential adverse impact in their jurisdiction.

## Appropriately Qualified Professionals

In certain situations, decision makers can require that tasks, such as design and construction of works, assessment of potential impacts, and design and implementation of mitigation measures, must be undertaken by a person with qualifications **specified by the decision maker**, such as during the review of an application, as a term or condition of an authorization or change approval or when an order is issued as part of an enforcement action. Typically, the requirement is that the person undertaking the task is a qualified professional (QP) from one of the professional associations regulated under the *Professional Governance Act*; however, the decision maker can require a QP with other or additional qualifications (e.g., expertise in floodplain geomorphology).

A QP possesses the specified knowledge, skills, training, experience, and other requirements to perform a specified type of work. acting within the scope of their competencies and qualifications in B.C. Depending on the proposed CIAS activities or works and their potential impacts, a QP could be an engineering professional (professional engineer), professional biologist, professional agrologist, professional forester, professional geoscientist, or other qualified person acting within the area of their specialization, or persons with other qualifications specified by a decision maker.

## 6.2. Preparing to Submit a Notice or Application

The following outlines some overarching steps to help guide you through the process of preparing a submission for a proposal to conduct a CIAS, such as submitting a change approval application or notice of authorized change. Note that these steps **do not cover every aspect** of the submission process.

### 1. Develop Project Concept and Proposal

- Scope project
- Determine works that will be in and about the stream
- Avoid or mitigate impacts to stream, stream channel and aquatic ecosystem (e.g., see the [Environmental Mitigation Policy](#) for more information)

### 2. Review Legislation and BMPs

- Review this document and the companion [Requirements document](#)
- Determine which legislation, legislative requirements, and permits apply
- Seek assistance from a QP, as necessary, depending on scope of project and type of activities proposed

### 3. Develop Submission Package (e.g., notice of authorized change or application)

- Prepare submission package
- Incorporate best management practices ([Requirements document](#)) into project planning. For more complex projects or where risks are higher, clients are often asked to summarize their environmental mitigation approaches in an environmental management plan.

#### 4. Submit Package

- Submit application or notice through FrontCounter BC

### 6.3. Submitting a Notice or Application

You can submit an application for a change approval or a notice of an authorized change through the [FrontCounter BC webpage](#). Otherwise, you can type “change approval application BC” or “notification of authorized changes BC” into your favourite search engine, which should bring you to the same website location.

Once you've started your application or notification, your submission will follow a process similar those outlined in Figures 2 and 3 (following pages). Additional information on preparing a CIAS submission is provided in [Appendix C](#).

**Note:** If you submit a water licence or use approval application including to authorize your CIAS, the application will follow a process similar to the one outlined in Figure 3 (following pages).

### 6.4. After Your Submission

For **change approval, water licence and use approval applications**, you will receive notice of a decision on your application. If your application is granted, you may proceed with your activity subject to the terms and conditions included in the legal instrument.

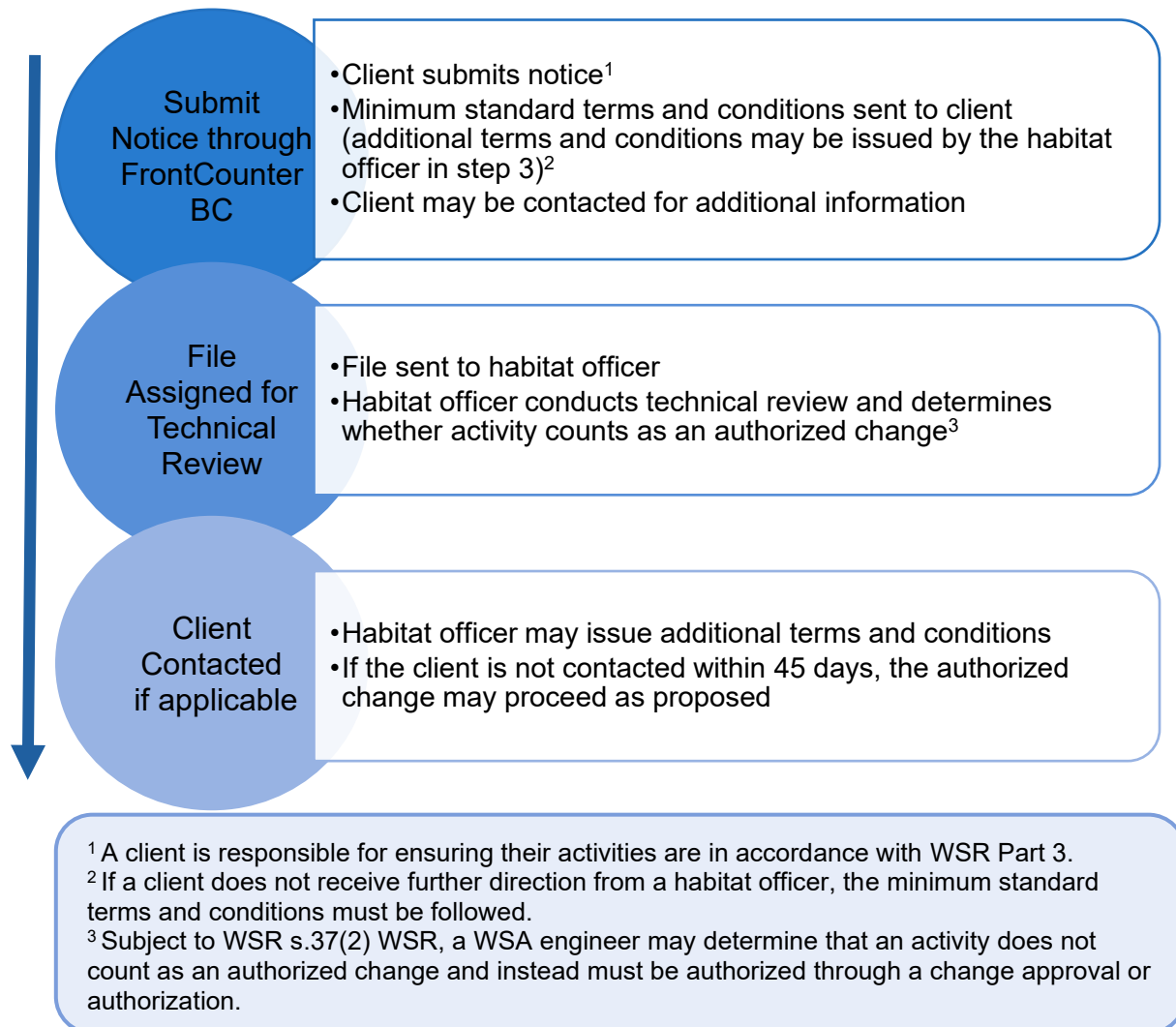
If you submitted a **notice of an authorized change**, you may proceed with the proposed activity **45 days after the notice is received by a habitat officer**, subject to the terms and conditions outlined in [WSR Part 3](#) and any terms and conditions specified by a habitat officer, unless directed otherwise by a habitat officer or WSA engineer.

#### **What if the work isn't complete within the time designated?**

If you were not able to undertake your work within the **work window** specified in your change approval, water licence or use approval, you can apply to amend the work window through FrontCounter BC.

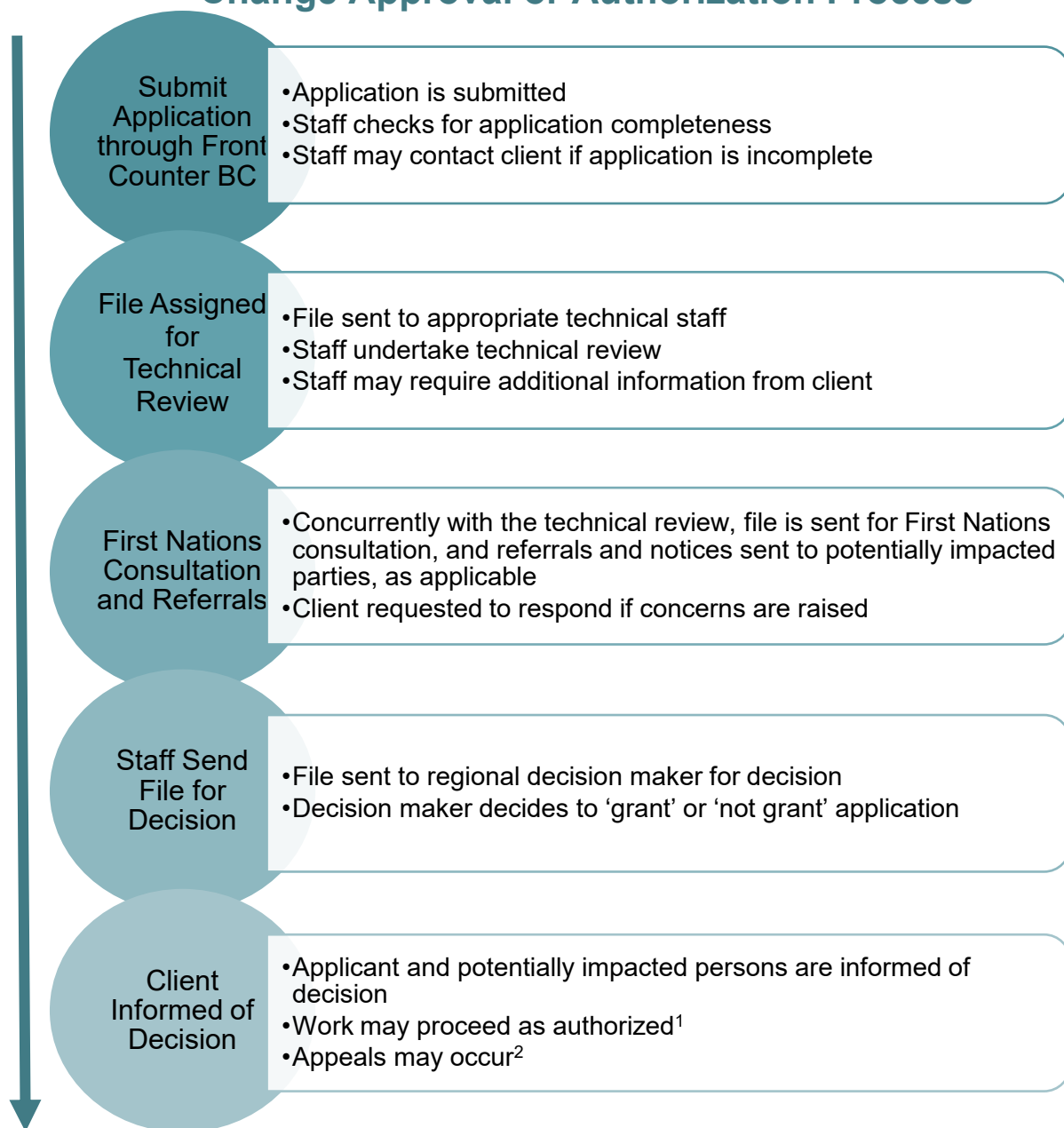
If you did not complete an authorized change within the **timing window** (time period) specified in your notice or affirmed in the terms and conditions provided by a habitat officer, then you are not in compliance with the WSR. You must report the non-compliance to the ministry's regional office within 72 hours, take any measures specified by a water engineer, and comply with any terms and conditions specified by a habitat officer.

## Notice of Authorized Change Process



*Figure 2: Process summary of a notice of authorized change.*

## Change Approval or Authorization Process



<sup>1</sup>Subject to the terms and conditions of the instrument. Often additional requirements are included, such as mitigation measures or environmental monitoring.

<sup>2</sup>An applicant and potentially impacted persons may appeal the decision of a decision maker subject to WSA s.105.

Figure 3: Process summary for a change approval or authorization.

## 7. Additional Links and Resources

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### Provincial Resources

- [B.C. Water Policies](#)
- [B.C. Water Webpage](#)
- [Change Approval Activity Guide](#)
- [Change Approval Guide](#)
- [Environmental Mitigation Policy for B.C.](#)
- [Notification Activity Guide](#)
- [Notification Guide](#)
- [Provincial Danger Tree methodologies](#)
- [Provincial tree replacement criteria](#)
- [Scientific Fish Collection Permit Guidelines \(salvage activities\)](#)
- [Water Rights Database](#)
- [Watershed Restoration Project and Management Reports](#)
- [Wetlands of British Columbia: A Guide to Identification](#)
- [Wetlands in B.C. Website](#)

### Federal Resources

- [Fisheries and Oceans Canada, Projects Near Water](#)
- [Fisheries and Oceans Canada, Standards and Codes of Practice](#)
- [Navigation Protection Program under Canadian Navigable Waters Act](#)

## Appendix A: Examples of Legislation Associated with CIAS

**Note:** Legislation and the hosting websites are subject to change therefore this Appendix is for reference only and does not provide a detailed description of the permitting processes for each of the pieces of legislation.

*Table A.1: Example legislation that may apply when seeking to make a CIAS.*

Legislation	Description/When it May Apply
<b>Provincial Legislation</b>	
<a href="#"><u>Dike Maintenance Act</u></a>	<ul style="list-style-type: none"> <li>Altering or causing the alteration of the foreshore or stream channel adjacent to a dike (as defined by the Act).</li> <li>Construction of a new dike.</li> <li>Any alteration to an existing dike or bank erosion protection that is regulated under the <i>Dike Maintenance Act</i>.</li> <li>Construction or installation of any works through, on or over a dike or dike right of way.</li> </ul>
<a href="#"><u>Drinking Water Protection Act</u></a>	<ul style="list-style-type: none"> <li>The construction, installation, alteration, or extension of a water supply system, or works, facilities or equipment that are intended to be a water supply system or part of a water supply system.</li> <li>The introduction of anything into a domestic water system, a drinking water source, a well recharge zone or an area adjacent to a drinking water source, or doing or causing any other thing to be done or to occur, if it will result in or is likely to result in a drinking water health hazard in relation to a domestic water system.</li> </ul>
<a href="#"><u>Environmental Assessment Act - Reviewable Projects Regulation</u></a>	<ul style="list-style-type: none"> <li>The Act provides a mechanism for reviewing major projects to assess their potential adverse impacts (environmental, economic, social, heritage and health), and ensures that the issues and concerns of the public, First Nations, communities and government agencies are considered.</li> <li>The Reviewable Projects Regulation (RPR) sets out the criteria for determining which projects should be required to undergo an environmental assessment (EA). More information can be found <a href="#"><u>online</u></a>.</li> <li>May apply if the CIAS meets the criteria found in <a href="#"><u>Part 5 - Water Management Projects</u></a> (RPR).</li> </ul>
<a href="#"><u>Environmental Management Act</u></a>	<ul style="list-style-type: none"> <li>EMA governs management of waste in the province, including permitting or other authority (permits, regulations and codes of practice) for discharges to the environment, as well as related enforcement, such as administrative penalties, orders and fines to encourage compliance.</li> <li>EMA prohibits the unauthorized introduction of waste into the environment from industries listed in the Waste Discharge Regulation; and from any activity in a manner or quantity that causes pollution.</li> <li>CIAS involving hazardous waste must also comply with siting and operational requirements and performance standards for facilities set out in the Hazardous Waste Regulation.</li> <li>CIAS involving a substance listed in the Spill Reporting Regulation should take into consideration that any spill</li> </ul>

Legislation	Description/When it May Apply
	<p>into a body of water requires a spill report regardless of the quantity spilled.</p> <ul style="list-style-type: none"> <li>If the CIAS relates to part of a contaminated site, provisions of EMA will also apply.</li> </ul>
<a href="#"><u>Forest and Range Practices Act</u></a>	<ul style="list-style-type: none"> <li>CIAS related to an activity authorized under <i>Forest and Range Practices Act</i> legislation.</li> <li>See exemptions for CIAS permitted under the <i>Forest and Range Practices Act</i> in Section 4.2 of this document.</li> </ul>
<a href="#"><u>Heritage Conservation Act</u></a>	<ul style="list-style-type: none"> <li>Work that encounters a heritage site or object, such as an archaeological site.</li> <li>Heritage sites or objects in B.C. are protected under the <i>Heritage Conservation Act</i>.</li> <li>This applies whether sites are located on public or private land, and whether the site is known or unknown.</li> <li>Protected sites or objects may not be altered or changed in any manner without a permit.</li> </ul>
<a href="#"><u>Land Act</u></a>	<ul style="list-style-type: none"> <li>Clients must have legal authority to occupy and use Crown land.</li> <li>The <i>Land Act</i> regulates the disposition of Crown land by lease, licence of occupation, right-of-way, easement or other form of tenure issued under the <i>Act</i>.</li> </ul>
<a href="#"><u>Mines Act</u></a>	<ul style="list-style-type: none"> <li>When CIAS are planned for an activity authorized under the <i>Mines Act</i>.</li> <li>See exemptions for CIAS permitted under the <i>Mines Act</i> in Section 4.2 of this document.</li> </ul>
<a href="#"><u>Oil and Gas Activities Act</u></a>	<ul style="list-style-type: none"> <li>The OGAA regulates oil and natural gas, as well as all related activities in B.C.</li> <li>Under OGAA and the WSA, the B.C. Oil and Gas commission has sole authority to issue change approvals (WSA s.11), water use approvals (WSA s.10), and permits over Crown land (WSA s.24) needed to facilitate oil and gas activities.</li> <li>All proponents with proposed CIAS or water use needed for oil or natural gas projects in B.C. must go to the Commission for their approvals and authorizations.</li> </ul>
<a href="#"><u>Park Act – Park, Conservancy and Recreation Area Regulation</u></a>	<ul style="list-style-type: none"> <li>The <i>Park Act</i> provides for the establishment, classification and management of parks, conservancies and recreation areas.</li> <li>The Park, Conservancy and Recreation Area Regulation provides regulations around the requirement for permits; public conduct and enforcement; the use of motor vehicles, vessels and aircraft; the use of firearms for hunting and fishing; waste management; camping and picnicking; fees; and the authority of park rangers.</li> <li>This Act may apply if the CIAS project location (land) falls under the domain of the Park Act.</li> </ul>
<a href="#"><u>Professional Governance Act</u></a>	<ul style="list-style-type: none"> <li>Provides a consistent governance framework for self-regulating professions that incorporates best practices of professional governance. Currently governs the five regulatory bodies overseeing agrologists, applied biologists, applied science technologists and technicians, engineers and geoscientists, and forest professionals.</li> <li>Lays out a consistent set of <a href="#"><u>ethical principles</u></a> and expectations regarding the conduct of professionals and is considered a best practice in professional governance.</li> </ul>

Legislation	Description/When it May Apply
	<ul style="list-style-type: none"> <li>The PGA is not specific to any profession or sector. Regulations and bylaws have been developed under the PGA to allow regulatory bodies to meet the specific needs of their professions.</li> <li>Note: Given the diversity of CIAS activities and works, the <a href="#">Requirements document</a> BMPs for CIAS under the WSA may not always be suitable. Alternatives to the BMPs may be explored if they meet the mandatory requirements within the legislation and do not contravene the terms and conditions of a change approval, water licence, use approval or order. If the professional disagrees with the terms and conditions of the authorization, they should raise that with the authorization SDM at the earliest opportunity.</li> </ul>
<a href="#">Riparian Areas Protection Act</a>	<ul style="list-style-type: none"> <li>Applies in areas listed in s.2(1) of the Riparian Areas Protection Regulation (RAPR) unless local governments provide a comparable level of protection in their planning and land use bylaws.</li> <li>RAPR requirements are typically implemented through local government zoning and land use bylaws and related approval-based or rules-based schemes for assessment and identification of protection measures required for proposed residential, commercial, or industrial development activities within riparian assessment area: 30m on each side of a stream with special rules for ravines.</li> <li>See Appendix B for a synopsis of the relationship between the WSA and RAPR.</li> </ul>
<a href="#">Wildlife Act</a>	<ul style="list-style-type: none"> <li>Permits for fish and wildlife salvage may be required for isolation, or other works where fish or wildlife are collected in inland freshwaters. See also federal <i>Fisheries Act</i>.</li> <li>Works involving beaver dam removal may require trapping by a licenced trapper during the trapping season, or a permit to trap or kill beaver under the <i>Wildlife Act</i> (Permit Regulation).</li> </ul>
<a href="#">Workers Compensation Act - Occupational Health and Safety Regulation</a>	<ul style="list-style-type: none"> <li>The Occupational Health and Safety Regulation (OHSR) contains legal requirements that must be met by all workplaces under the inspectional jurisdiction of <a href="#">WorkSafeBC</a>. Many sections of the OHSR have associated guidelines and policies. This includes most workplaces in B.C., except mines and federally chartered workplaces (e.g., banks, interprovincial and international transportation, telephone systems, radio, television, cable services).</li> <li>More information related to health and safety roles, rights and responsibilities (owner, employer, supervisor, worker, prime contractor) is available online at <a href="#">WorkSafeBC</a>.</li> </ul>
<b>Federal Legislation</b>	
<a href="#">Canadian Navigable Waters Act</a>	<ul style="list-style-type: none"> <li>Approval required for any major work constructed, placed, altered, rebuilt, removed or decommissioned in any navigable water if the work interferes with navigation. Minor works (as described in Minor Works Order) may proceed without an application for approval as long as they comply with legal requirements.</li> <li>Alteration, removal, or decommissioning of any existing work on, in, or over any navigable water.</li> <li>“work” refers to any structure, device, or thing that use is either temporary or permanent, including those used in the repair or maintenance of another work, as well as any dumping of fill in any navigable water, or any</li> </ul>

Legislation	Description/When it May Apply
	excavation or dredging of materials from the bed of any navigable water.
<a href="#"><u>Fisheries Act</u></a>	<ul style="list-style-type: none"> <li>• The Fish and Fish Habitat Protection and Pollution Provisions of the <i>Fisheries Act</i> applies to all fish habitat in Canada.</li> <li>• These include provisions preventing physical alteration of fish habitat (e.g., harmful alteration, disruption and destruction of fish habitat), the deposit of deleterious substances or pollution into water frequented by fish, death of fish, etc.</li> <li>• Proponents of existing or proposed works, undertakings or activities in fish-bearing waters and other areas on which fish depend directly or indirectly should visit the <a href="#"><u>Fisheries and Oceans Canada webpage</u></a> to determine whether a review is required.</li> </ul>
<a href="#"><u>Species at Risk Act</u></a>	<ul style="list-style-type: none"> <li>• Refer to the <i>Species at Risk Act</i> (SARA) to determine which species are protected under that Act.</li> <li>• You may need a special permit or authorization if a project may impact a species under SARA.</li> <li>• Protection of SARA species is generally regulated by Fisheries and Oceans Canada or Environment and Climate Change Canada.</li> <li>• Under Sections 32 and 33 of SARA, it is an offence to: kill, harm, harass, capture or take an individual of a species listed as extirpated, endangered or threatened under SARA; possess, collect, buy, sell or trade an individual (or any part or derivative of such an individual) of a species listed as extirpated, endangered or threatened under SARA; damage or destroy the residence of one or more individuals of a listed endangered, threatened or extirpated species if a recovery strategy has recommended its reintroduction into the wild in Canada.</li> </ul>
<b>Local Legislation</b>	
<i>Municipal or Regional District Bylaws</i> ( <a href="#"><u>Local Government Act</u></a> )	<ul style="list-style-type: none"> <li>• Be aware that there may be municipal or regional district bylaws that are applicable in your project area.</li> </ul>

## Appendix B: Riparian Areas Protection Regulation

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### Riparian Areas

Riparian areas are the vegetated bands around streams, lakes and wetlands connecting upland habitats to aquatic ecosystems. Healthy riparian habitats serve wildlife, birds, amphibians, plants, insects and fish. They provide ecosystem services as they buffer against changing climates, pollution, drought, fire and floods. Riparian areas are rare and experiencing increased development pressure and the preservation of this valuable feature on the landscape is vital to maintaining B.C.'s biodiversity.

### Riparian Areas Protection Regulation

The [Riparian Areas Protection Regulation](#) (RAPR) under the [Riparian Areas Protection Act](#) is a directive to specified local governments to protect riparian areas using zoning and land-use bylaws under Part 14 of the [Local Government Act](#). The Act also allows local governments to provide a level of protection that is comparable to, or exceeds, that in the directive through their zoning and land-use bylaws and permitting processes.

RAPR applies to proposed residential, commercial and industrial development through local government bylaws that are either an approval-based or rules-based scheme. Qualified Environmental Professionals (QEP) (as defined under RAPR) conduct a science-based assessment of proposed development within riparian assessment areas in accordance with RAPR and technical manuals to identify any potential impacts from the proposed development. For proposed development to proceed, restrictions on that development in the area adjacent to *Streamside Protection and Enhancement Areas* (SPEA) and requirements to implement protection measures are typical outcomes. For more information on the assessment process, please visit the [RAPR webpage](#).

### Working under RAPR and WSA

CIAS may require a review under both the WSA and local government bylaws including but not limited to those implementing RAPR. The WSA applies to works and activities in all streams and their stream channels within B.C., whereas RAPR is concerned with proposed development in riparian assessment areas adjacent to streams as defined in the regulation. These requirements are only triggered by local government bylaws in jurisdictions described in [RAPR s.2](#). See whether RAPR applies in your area on the [RAPR webpage](#).

A person undertaking a CIAS in an area where RAPR related bylaws can apply to obtain permission to make a CIAS under the WSA prior to submitting a RAPR assessment.

Definitions and terms associated with the WSA and RAPR do not always align and the correct terminology must be applied to each respective piece of legislation. Consideration for aquatic ecosystems by the WSA are focused on streams and their stream channels. On the other hand, RAPR was specifically designed for the protection of fish habitat within riparian assessment areas from impacts related to proposed development. The RAPR was also designed to provide a proactive complement to the fish habitat protection provisions of the federal *Fisheries Act*. Additional aquatic habitat protection provided by other legislation, such as the federal *Fisheries Act* and federal *Species at Risk Act*, may still be required.

Figure B.1 provides an overview of the RAPR review process with considerations to obtaining a permission to make a CIAS under the WSA.

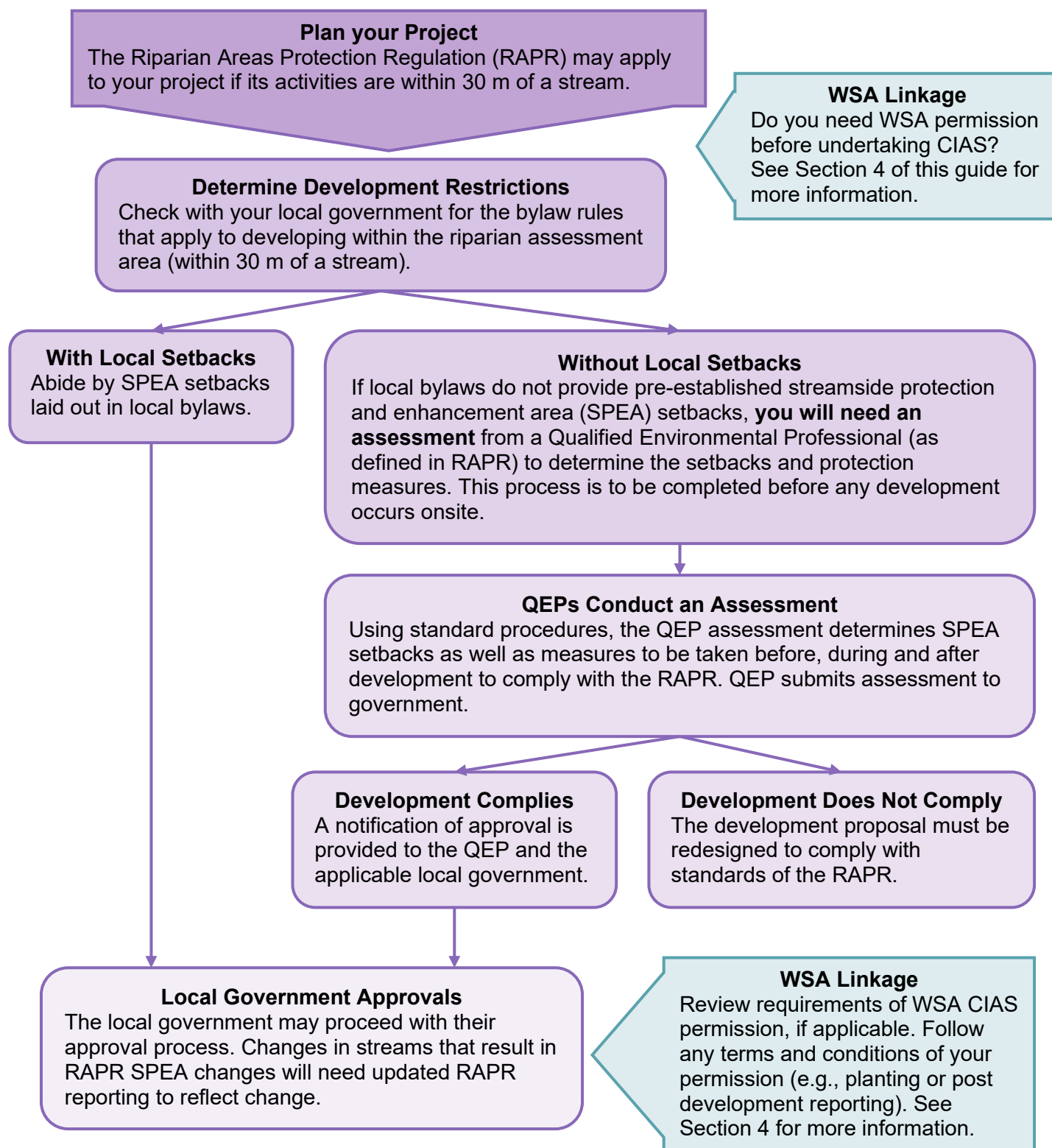


Figure B.1: Overview of the Riparian Areas Protection Regulation process.

## Appendix C: Preparing a CIAS submission

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### Requirements for your Submission

The requirements for a CIAS submission (change approval application or notice of approved change) are described in the WSR. [WSR s.4](#) lists the requirements for a change approval application. The submission requirements for a notice of an authorized change mirror those of a change approval application.

If you are seeking to authorize a CIAS through a WSA water licence or use approval, the application requirements are listed in [WSR s.3](#). A submission (application or notice) that does not include the required information listed in the WSR will be considered incomplete and returned to the client.

### Advice on Preparing your Submission (Application or Notice)

In addition to the specific information requirements for your submission, the quality of information matters in determining how effectively your submission is processed. Even if a submission is 'accepted' (i.e., it meets the basic information requirements under the WSR), a decision maker may ask for more information if they cannot determine the extent, characteristics, or potential impacts of the project. It is important that a submission contains the appropriate information for a decision maker to understand the impacts of a project from start to finish.

While the WSR lists the minimum requirements for CIAS submissions, Table C.1 details the types of information that public officials generally look for when checking for accordance with these requirements<sup>4</sup>. If a decision maker finds the information provided is inadequate, they may ask for more information, possibly leading to delays in processing your submission.

### Other Regularly Requested Information

The information in Table C.2 represents some of the types of information most commonly requested by decision makers after an application for a change approval has been submitted. Although these items are not required for your submission, they often assist decision makers in their review of a submission.

If a decision maker cannot determine the characteristics or potential impacts of a project, then additional information may be requested from a client. When reviewing the information below, it may be worth asking whether a decision maker could determine the impacts or specifications of your project without this information, and if the answer is no, then consider including additional information with your application.

If you are uncertain whether a piece of information may be required, contact your [local water manager](#) to discuss the potential information needs for your project.

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<sup>4</sup> Change approval applications requirements are listed in WSR s.4. Requirements for notices of an authorized change are similar but generally less stringent than change approvals. Requirements for WSA authorization applications are listed in WSR s.3 and includes many of the same requirements of a change approval application, although there are several key differences due to the diversion or use of water typically associated with authorizations.

Table C.1: Key components of a CIAS submission.

Information Needed	General Advice
<b>Contact</b>	<ul style="list-style-type: none"> <li>Full name, mailing address, telephone numbers and email addresses.</li> </ul>
<b>Are you fee exempt?</b>	<ul style="list-style-type: none"> <li>Certain groups are exempt from the requirement to pay an application fee for a water licence, such as the Provincial or Federal Government or a First Nation who wants to use water on their reserve land or treaty land.</li> <li>This exemption also applies to persons applying as agents on behalf of these groups.</li> </ul>
<b>Are you applying on behalf of someone?</b>	<ul style="list-style-type: none"> <li>Are you applying on behalf of someone else?</li> <li>If you are applying as an agent of another person or organization, a letter from the agency will be required.</li> <li>Certain types of works (authorized changes) (e.g., Emergency Works, Channel Restoration or Maintenance) can only be completed by the Crown, Municipality, Regional District, or in the case of emergency erosion protection or flood protection works that involves flooding, by their agents.</li> </ul>
<b>Referral Information</b>	<ul style="list-style-type: none"> <li>If proposed activities/works will be carried out or constructed by a person other than the applicant, or if an agent such as a qualified professional is acting on behalf of the applicant, it is beneficial to have the contact information for the person who is best suited to answer any questions that may be raised about the submission.</li> </ul>
<b>Site location</b>	<ul style="list-style-type: none"> <li>Stream name(s), tributaries and any sources it flows into (i.e., confluence streams).</li> <li>Rationale for, and detailed summary of, the proposed activities/works that clearly describes the proposed changes to the stream or stream channel.</li> <li>Predicted impacts of the proposed work on the stream, stream channel and aquatic ecosystems, and mitigation or compensation measures that are planned, if applicable.</li> <li>Whether the submission is linked to a bigger project or other applications (e.g., such as for <i>Land Act</i> tenure).</li> </ul>
<b>Footprint of project</b>	<ul style="list-style-type: none"> <li>Total maximum area that is expected to be disturbed by the project.</li> </ul>
<b>Proposed Timing for Works</b>	<ul style="list-style-type: none"> <li>Construction start and finish dates for the works (i.e., time required to complete the activities/works).</li> <li>Whether the proposed construction timing is within the reduced-risk timing window or <a href="#">regional instream work window</a>.</li> <li>If the activities/works are proposed outside the timing window or regional work window(s), an explanation of the rationale and any additional mitigation measures that will be employed.</li> <li>Duration that any permanent or semi-permanent works are expected to remain in the stream.</li> </ul>
<b>Location of Proposed Activities/Works and Access and Ownership of the Land</b>	<ul style="list-style-type: none"> <li>Legal description(s) and civic address(es) for land where the CIAS (activities/works) will be located and for land that must be occupied to access the works or to undertake activities, including for appurtenant (i.e., relevant) land, and latitude and longitude coordinates for the location of the proposed works.</li> </ul>
<b>Photos</b>	<ul style="list-style-type: none"> <li>Photos with captions and dates, if available. May include (not limited to): location of proposed works, potentially impacted</li> </ul>

	stream(s), any existing works, any area(s) of environmental concern and aerial photos.
<b>Land Ownership</b>	<ul style="list-style-type: none"> <li>Unless the bullets listed below apply, the applicant must be the owner of the land (i.e., have possession or significant legal interest in the land) or be an agent for the landowner. <ul style="list-style-type: none"> <li>If the land is owned by a person other than the applicant, written consent from the landowner or evidence of an appropriate legal interest over the land is required. This also applies to land required for site access.</li> <li>If Crown land access, proof of the authority to occupy the Crown land is required, such as a Permit over Crown Land (<a href="#">WSA s.24</a>), <i>Land Act</i> tenure, or another applicable authorization, or proof that an application for a permit, tenure or other authorization has been made is required.</li> </ul> </li> </ul>
<b>Drawings</b>	<ul style="list-style-type: none"> <li>A drawing to scale that meets <a href="#">WSR s.3(1)(p) or s.4(e)</a>. Following the <a href="#">Water Application Drawing Standards</a> should generally meet these requirements. Key components include: the location of the property and the property boundaries, legal descriptions of properties within the work area, location of proposed activities/works and access routes, and name and direction of flow of the stream and any tributary of that stream.</li> </ul>

Table C.2: Additional information for CIAS.

Information Item	General Advice
<b>Technical drawings</b>	<ul style="list-style-type: none"> <li>Decision makers often request technical or engineered drawings for permanent or semi-permanent instream works. These drawings should be submitted with your application, if available.</li> <li>Some authorized changes under WSR Part 3 have engineer design requirements. If you are providing notice of an authorized change, ensure you are in compliance with the requirements for the authorized change under WSR Part 3.</li> </ul>
<b>Environmental Assessment</b>	<ul style="list-style-type: none"> <li>Clients are expected to seek to avoid or mitigate environmental impacts.</li> <li>Public officials will be looking at how a client plans to avoid or mitigate impacts to the stream, stream channel, aquatic ecosystem and potentially affected landowners or authorized water users.</li> <li>Where avoidance or mitigation is not feasible, public officials will be looking at whether the client is planning on compensatory mitigation measures.</li> <li>For complex projects, it is not uncommon for decision makers to require that the client submit an Environmental Mitigation Plan, summarizing their mitigation or compensation approaches. If such a report has been prepared, it is recommended that the client submit the report with their submission.</li> <li>The B.C. <a href="#">Environmental Mitigation Policy</a> provides guidance on how clients can assess and mitigate environmental impacts when planning their project and provides an approach for decision makers to determine environmental mitigation requirements when reviewing submissions.</li> <li>Environmental mitigation approaches for CIAS should incorporate best practices, such as those described in the BC <a href="#">Requirements and Best Management Practices for Making Changes in and About a Stream</a>, as relevant.</li> </ul>
<b>Monitoring</b>	<ul style="list-style-type: none"> <li>Projects involving CIAS sometimes involve environmental monitoring before, during and after the project. If your project involves environmental monitoring, it is recommended that details of the monitoring plan be included in your application.</li> </ul>