

Frequently Asked Questions

Changes In and About a Stream Guidance Package

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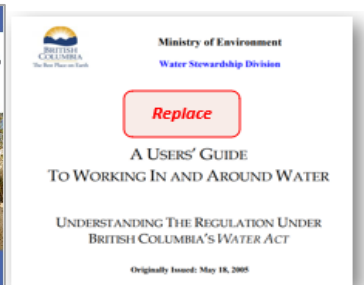
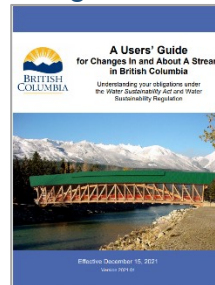
Important Links

- [Apply for a Change Approval or Submit Notification of Instream Work - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/water/working-around-water/instream-work)
- [Working Around Water - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/water/working-around-water)
- [Water Licensing & Rights - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/water/water-licensing)
- [A User's Guide to Changes In and About a Stream in B.C.](#) (replaces the [User's Guide for Working in and Around Water \(2005\)](#) on January 10, 2022)
- [Requirements and Best Management Practices for Making Changes In and About a Stream in B.C.](#) (replaces the [Standards and Best Management Practices for Instream Works \(2004\)](#) on January 10, 2022)

Questions

1. What are these documents and what are they replacing?

[A User's Guide to Changes In and About a Stream in B.C.](#) replaces the [User's Guide for Working in and Around Water \(2005\)](#). It provides general advice for clients and staff on how to consider the *Water Sustainability Act* (WSA) when planning for changes in and about a stream (CIAS), a review of relevant legislation, and types of permissions, and advice on preparing WSA submissions.



[Requirements and Best Management Practices for Making Changes In and About a Stream in B.C.](#) replaces the [Standards and Best Management Practices for Instream Works \(2004\)](#). It is to be used with the User's Guide. It offers technical information and guidance, best management practices (BMPs) for CIAS planning, and an [Appendix](#) with additional information.



2. When will the new guidance package become active?

The updated documents were released on December 9, 2021 and will take effect on **January 10, 2022**. The [2004](#) and [2005](#) guidance on instream works can continue to be used until that time.

3. What was updated?

The [User's Guide \(2005\)](#) and [Standards and BMPs for Instream Works \(2004\)](#) were updated to align with current laws (e.g., WSA, RAPR), science, and best practices; reduce repetition; improve access; and better support environmental protection.

The User's Guide was revised for a general audience and includes answers for common questions related to CIAS. The Requirements and BMPs Document was revised for a technical audience and includes mandatory requirements under the WSA and BMPs for specific CIAS-related activities.

4. How do I use this guidance package?

Proponents can use the User's Guide as voluntary guidance for planning, conducting, and monitoring CIAS work. Voluntary use can help mitigate and avoid impacts to streams, stream channels, aquatic ecosystems, and private property.

Statutory decision makers can use BMPs in the Requirements Document as terms and conditions in a legal instrument (change approval, water licence, use approval or order). **When BMPs are used as terms and conditions, proponent compliance is mandatory.**

5. What core principles should I keep in mind?

- i. *Associated Legislation and Requirements:* The guidance relates primarily to the WSA and associated regulations. Instream works are also regulated by other federal, provincial and municipal acts, regulations and bylaws. It is an individual's responsibility to ensure they are compliant with all applicable legislation and requirements.
- ii. *Mandatory vs. Non-Mandatory:* BMPs are non-mandatory guidance if they are not made mandatory by a legal instrument. They become mandatory if they are used as a term or condition in a legal instrument (change approval, water licence, use approval or order).
- iii. *Professional Judgement:* This guidance is not intended to take the place of professional judgment or experience and cannot be relied upon exclusively to satisfy investigations into environmental requirements of a specific site. Depending on the specific project proposal, clients may choose not to adopt these BMPs or may choose to modify them to suit site-specific needs (if they are not made mandatory in a legal instrument).
- iv. *Statutory Decision Maker (SDM) Discretion:* The SDM has the discretion to include terms and conditions in a legal instrument such as a change approval, water licence, use approval or order. This guidance does not mandate how that discretion is to be exercised.
- v. *Adherence to General and Applicable Scope-Specific BMPs:* Proponents are expected to follow the General BMPs for all CIAS projects in addition to relevant Scope-specific BMPs.
- vi. *Minimizing BMP Content Overlap:* BMPs avoid repetition. It is recommended that each BMP is carefully considered and read before determining which apply to a project.
- vii. *Discrepancy:* If there is a difference between what is described in this guidance and what is described in the legislation, the legislation takes precedence.