

CHANGES IN AND ABOUT A STREAM

This Factsheet looks at legislation regulating work done at or near a stream. The *Water Act* uses the term “*Changes in and about a Stream*” for these activities. The federal *Fisheries Act* also has requirements. Contact requirements with regulatory agencies are discussed. Reference is made to other information.

What is a “Stream”?

The *Water Act* states a stream “includes a natural watercourse or source of water supply, whether usually containing water or not, and a lake, river, creek, spring, ravine, swamp and gulch”.

It defines a stream channel as “the bed of a stream and the banks of a stream, whether above or below the natural boundary and whether usually containing water or not, including all side channels”.

What are “Changes”?



The *Water Act* defines “changes in and about a stream” as:

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

Changes “in and about” include work in the riparian area along a stream where the work impacts the riparian area (and by inference, impacts the stream).

Note that repair, removal or construction of fences (provided materials are not in the stream, do not block debris and do not interfere with navigation) do not require either notification or an approval.

Why Have Regulations?

Impacts to a watercourse may be typically categorized as causing fish habitat damage, water quality reduction, or fish passage obstruction. These may occur as a result of work or changes in and about a stream, from many types of activities including some farm activities. To minimize such impacts provincial and federal legislation have regulatory powers in this area.

The *Water Act*

The *Water Act* requires changes in and around a stream only be done under a regulation, licence or order; an approval under Section 9 of the *Act*; or in accordance with Part 7 of the *Water Regulation*. This Regulation allows certain specified work to proceed without an approval or licence by a notification (see next page).

Water Act: http://www.qp.gov.bc.ca/statreg/stat/W/96483_01.htm

Water Regulation: http://www.qp.gov.bc.ca/statreg/reg/W/Water/204_88.htm

The Fisheries Act

The federal *Fisheries Act* protects fish and fish habitat including riparian vegetation. The Act also prohibits the deposit of deleterious substances into watercourses, such as sediment and manure.

Fisheries Act: <http://laws.justice.gc.ca/en/f-14/text.html>

Agency Contacts

The following two agencies regulate work in and around streams to meet requirements of habitat, fish, or other water users of the stream.

Ministry of Environment (MoE). In general, works that do not involve any diversion of water, that may be completed within a short period of time and that have little impact on the environment may be conducted in compliance with the *Water Regulation* under the *Water Act* through the [notification process](#).

Activities requiring a formal [approval](#) or [licence](#) under the *Water Act* are usually significant works that permanently alter the direction, pattern or flow of a stream.

Fisheries and Oceans Canada (DFO). Any time a proposed activity has the potential to cause a harmful alteration, disruption or destruction of fish habitat an [authorization](#) under the federal *Fisheries Act* is required from DFO.

More Information

Federal Fish Publication. This publication, *Complying with the Fisheries Act*, covers fish habitat and pollution prevention:

<http://www-heb.pac.dfo-mpo.gc.ca/publications/pdf/fishhablaw.pdf>

Provincial Web Site. This web site (titled *Water Act, Section 9 "Changes In and About a Stream"*) has helpful information on approvals for work in and around water: <http://lwbc.bc.ca/03water/licencing/section9/index.html>

Users Guide. A detailed information publication "*A Users Guide to Working In and Around Water*" is listed on the above site, available at:

http://lwbc.bc.ca/03water/licencing/docs/working_around_water.pdf

This Guide was updated in 2005 and explains in detail the process and includes the complete wording and explanation of the *Water Regulation*. It also describes when [notification](#) is made to MoE for intended works, and when to apply for an [approval](#) or [licence](#).

Practices Guide. MoE has developed *Standards and Best Practices for Instream Works*, a guide that can be referred to for more detailed information:

<http://wlapwww.gov.bc.ca/sry/iswstdsbpsmarch2004.pdf>

Drainage Management Guide. This Environmental Farm Plan publication outlines drainage operation and maintenance with specific agency requirements and practices. A link to this Guide is listed on the Environmental Farm Planning website of the province of BC:

<http://www.agf.gov.bc.ca/resmgmt/EnviroFarmPlanning/index.htm>

FOR FURTHER INFORMATION CONTACT

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