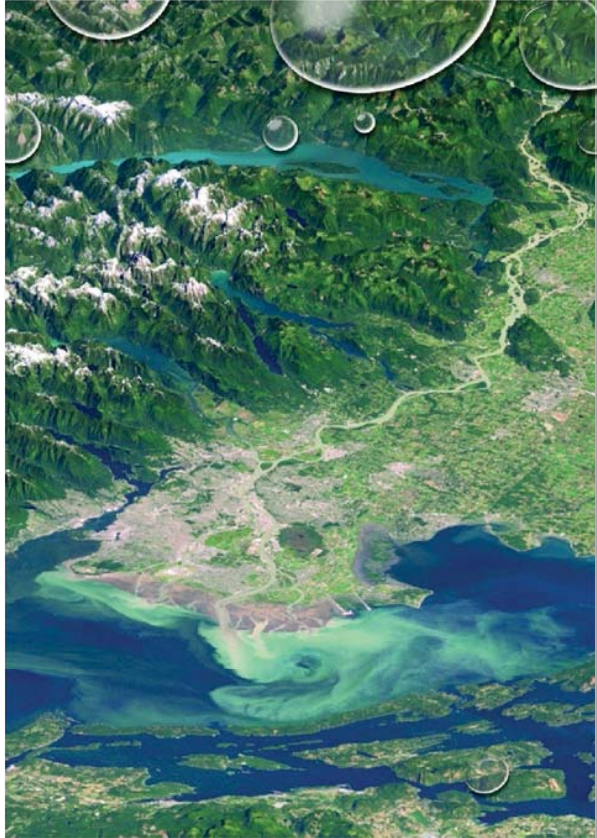


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Water Sustainability Act and Local Government

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For: Environmental Protection Committee, Port Moody

Date: September 20, 2021

Overview of the *Water Sustainability Act (WSA)*



Colony Farm, Western Painted Turtle Habitat Construction

Provincial Water Program

Managing BC's water resource, including:

- Authorizations
- Water rights management
- Groundwater protection
- Drought planning and response
- Dam safety
- Flood management
- Monitoring and forecasting

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Overview of the *Water Sustainability Act (WSA)*

Stream Team

Changes in and around a stream

- 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
- Any activity or construction within a stream channel that has or may have an impact on a stream or a stream channel
- Can include “activities” or “works”
- Applicants submit a Change Approval application (Section 11 of the WSA) or Notification of an Authorized Change (Part 3 of the Water Sustainability Regulation)



Stream Team – what we do Water Officers

- **Activities that require a Change Approval Application**
 - *Culvert Installation (other than those listed under Section 39 of the WSR)
 - Watercourse or Channel realignment
 - Bank Erosion Protection
 - Bridge (other than clear-span) – construction, maintenance, and removal
 - Channel or pond construction
 - Dredging/gravel removal
 - Other...



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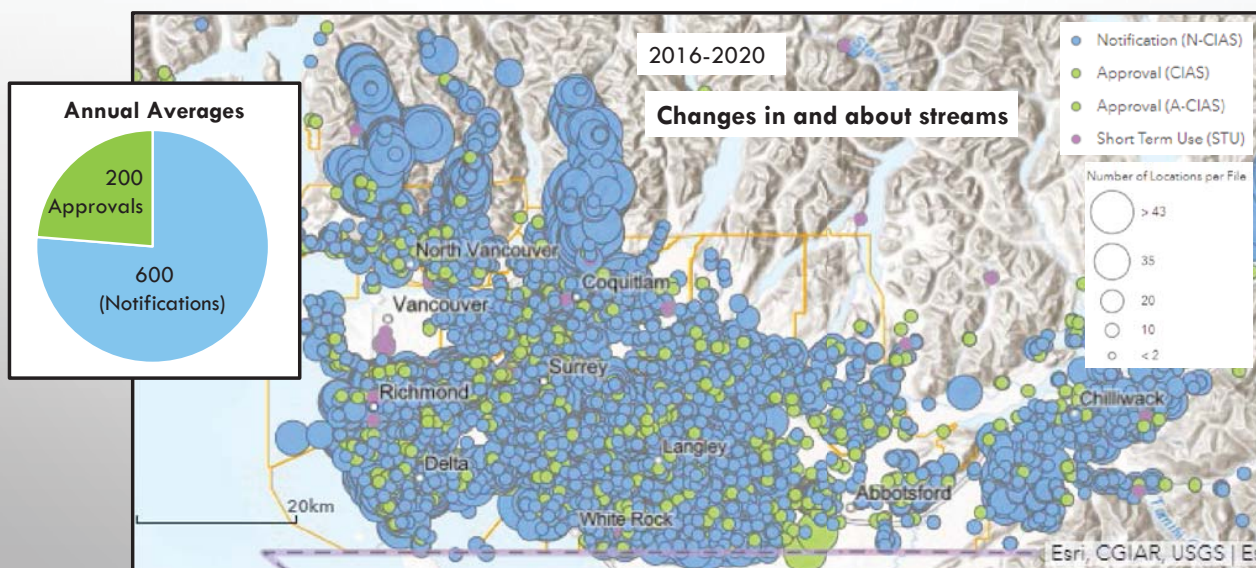
Stream Team – what we do Habitat Officers

- **Activities that may be allowed by a Notification**

- Road crossing culvert – installation/maintenance/removal (with conditions)
- Clear span bridge construction
- Cutting of annual vegetation
- Dike or erosion protection – repair/maintenance of existing works
- Erosion/flood protection works during an emergency (declared under the Emergency Program Act) that involves flooding (if undertaken by specific government agencies)
- Removal of beaver dams
- Other...

Note: Even when an activity is listed under Section 39 of the WSR as an authorized Change, the Statutory Decision Maker may determine that the proposed change has the potential for significant adverse impact on the nature of the stream and may require the works to be submitted under a Change Approval.

Workload Composition | Change Approvals vs Notifications



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First Step: Define a Stream



DEFINITION OF A STREAM:

A stream under the Water Sustainability Act (WSA) is defined as:

- (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.

Channelized Streams and Constructed Ditches

Determining a stream under the WSA:

- History of the site (Aerial photos) to demonstrate historic features (streams or wetlands) that may have been modified or replaced by another feature (i.e., ditch)
- Where does the stream originate and where does it flow into? What is the surrounding hydrology?
- When is this feature wet? What is the vegetation? What are the soil conditions?
- Is there risk to flooding if the feature is filled in?
- What species are present?
- How will modification or infilling contribute to cumulative impacts of the watershed?

Even if a stream doesn't meet the definition under the WSA, it may still be considered a stream under other pieces of legislation, such as the riparian Areas Protection Regulation; will be required to submit a request for review to DFO

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Steps to Submit Authorization Application

- Front Counter BC receives the application
- Applicant provides specific site information, name of the stream, description of the project including footprint impacted, proposed timing, land ownership, photos, drawings
- Referral to other agencies (including local government)
- First Nations Consultation initiated
- Assignment to a Water Officer



Information Reviewed by Water Officer

Information required for our review:

Environmental Assessment (existing conditions, site hydrology, vegetation, habitat for wildlife, Species at Risk)

Detailed description of proposed works – equipment, construction steps and timelines, engineering drawings 75% complete, issued for tender

Detailed description of impacts – including four levels of the Environmental Mitigation Policy (avoid, minimize, restore on-site, off-set)

Mitigation measures and monitoring plan

Compensation for lost habitat (instream and riparian) – Habitat Balance table, detailed compensation drawings



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Information Reviewed by Water Officer

Additional Reports that may be requested:

- Archaeological Overview Assessment (AOA) or Archaeological Impact Assessment (AIA)
- Hydrology Impact Assessment
- Stormwater Management Plan
- Off-setting Plan (including riparian planting plan)
- Construction Environmental Management Plan (erosion and sediment control, wildlife salvages, invasive species management, spills, noise, etc.)



After project completion:

- Post-Construction Monitoring Report
- Effectiveness Monitoring Reports (five-ten year terms)

Other considerations:



- First Nations concerns
- Uncertainty in the hydrological impact
- Headwater Streams (especially those with intact riparian habitat)
- Sensitive Streams (as listed in the WSR)
- Species at Risk
- Cumulative impacts to a watershed

Addressed through:

- Terms and Conditions in the Approval;
- Request additional compensation (2:1 ratio)
- Request the applicant withdraw their application / refuse their application

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Other Legislation / Regulations ***Stream Definitions***

- Local Government Bylaws - streams classified as fish-bearing, food & nutrient, or conveyance
- Riparian Areas Protection Regulation specifically names ditches in stream definition – only triggered during development permit review process – no rules under RAPR to consider the “elimination, piping, or diverting” of a stream (including a ditch) – guides Local Governments to establish appropriate setbacks
- Fisheries Act – no definition per se however HADD is back – if applicant proposes enclosure/diversion/significant modification of the watercourse we require a response from DFO – if not deemed a reviewable project, proceed with WSA Authorization



Compliance and Enforcement

- Our team conducted an audit of completed compensation projects last year
- This year, one of our team members is doing site visits during construction
- There is a RAPP line (Report All Poachers and Polluters) or people may call the Province to report neighbours
- Natural Resource Officers follow up on Natural Resource Violations



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Thank-you!

