

Water Act, Section 9

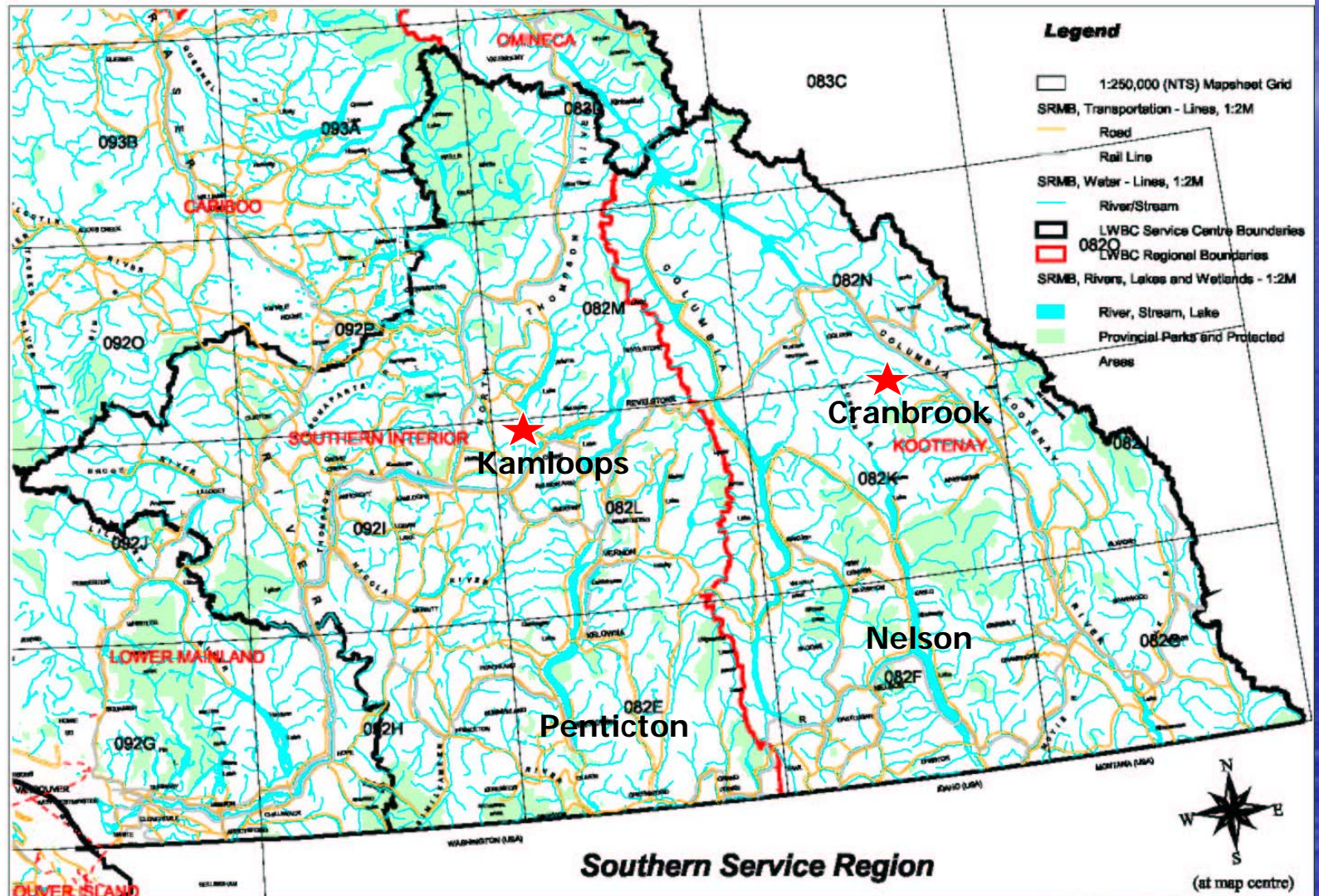
Changes in and about a Stream

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The Structure of Water Management



Current Water Stewardship Boundaries – Southern Interior Region Office Locations



Southern Service Region

September 10, 2002

Water Ownership

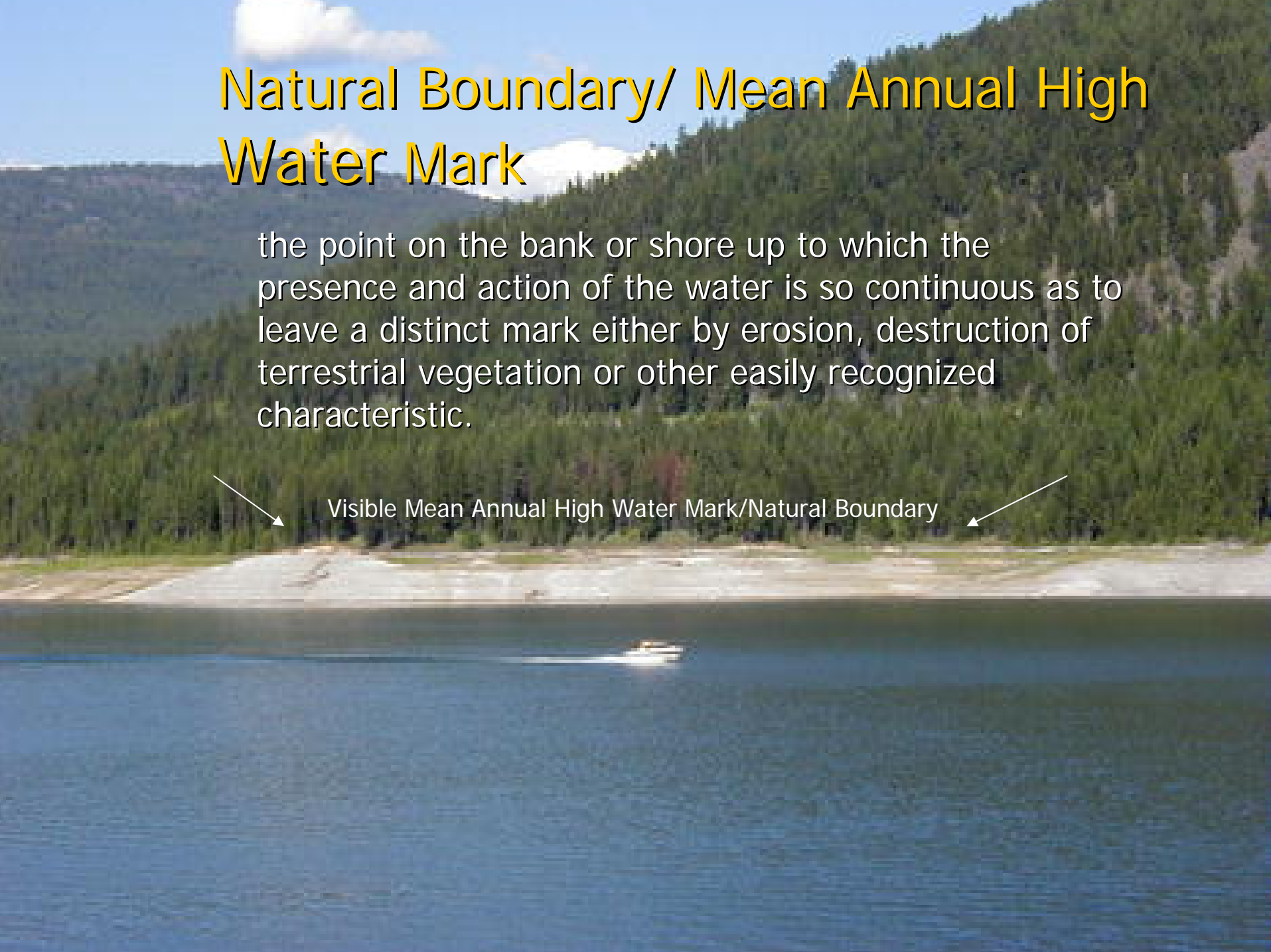
- The provincial government retains ownership of all waterways and water bodies. This includes all streams, rivers, lakes, ponds, sloughs and groundwater resources.



Natural Boundary/ Mean Annual High Water Mark

the point on the bank or shore up to which the presence and action of the water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognized characteristic.

Visible Mean Annual High Water Mark/Natural Boundary



Riparian Rights

- Access to and from the water
- Protection of the property from erosion*
(still require Water Act Approval)
- Ownership of naturally accreted material

What is Section 9?

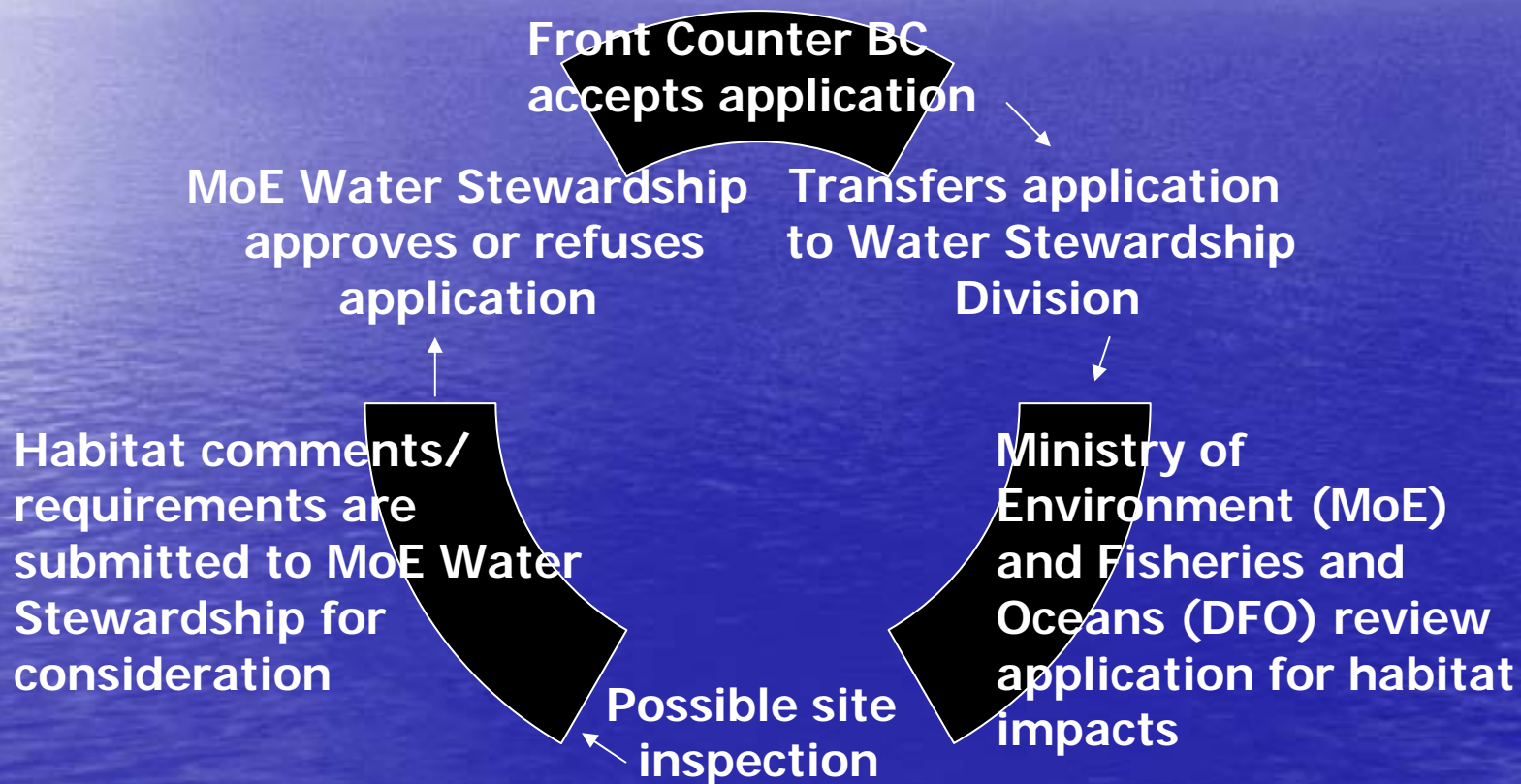
- Any changes to crown land on or adjacent to a water source

Includes:

- Rip rap & bank stabilization
- Channel engineering and/or relocation
- sediment removal and channel dredging
- Retaining walls
- Boat ramps & breakwaters
- Foreshore fill



The Application Process



How are Applications Assessed?

- How will the proposed change affect the hydrologic function of the water source?
- How will it affect the public and adjacent landowners?
- How will it affect fish and wildlife habitat?
- How can habitat impacts be mitigated?

Notifications

- Section 44(1)
- The application for an approval or a notification is the same
- Activities that are considered lower risk
 - short time period
 - little impact on the environment when in compliance with the regulations
 - ex. Stream crossings, beaver dam removal, culvert maintenance, winter fords
- All notifications applications must abide by the Regional Terms and Conditions specified by an Ecosystem Biologist

Emergency Works

- Flooding
- Mudslides
- Debris torrents
- Ice jams

Must contact Environment Agency within 72 hours



Violations



Section 88 (1)

(d) Order the alteration, installation, replacement, repair, maintenance, improvement, sealing, closure or removal of, or the addition to, any works

Websites

- **Front Counter BC**
www.frontcounterbc.gov.bc.ca
 - Applications Forms Library
 - Water Approvals and Notifications
- **BC Government Home**
www.gov.bc.ca
 - Ministries
 - Environment
 - Water Stewardship Division
 - Changes In and About a Stream
 - Complete Application Package

Additional For Notifications

- http://wlapwww.gov.bc.ca/esd/esd_reg_ops.htm
 - Kootenay Region
 - Water Act Section 9, "Notifications"
 - Terms and Conditions
 - Kootenay Region
 - Timing Windows

Questions

