



# Ministry of Environment

## Approval Application or Notification for Changes In and About a Stream

### Under Section 9 of the *Water Act* and Part 7 of the *Water Act Regulations*

*Incomplete or inaccurate forms do not constitute **Notification** & will not be accepted.*

*Proceeding with works after submission of an incomplete or inaccurate form would be a violation of the Water Regulation*

**APPROVAL APPLICATION**

**NOTIFICATION<sup>1</sup> (see USERS' GUIDE)**

#### 1. Applicant Information (also complete sections 6 and 7)

Name:		
Address:		
City:	Province:	Postal code:
Phone:	e-mail:	

#### 2. Location of Works

Street Address of Works (or nearest town):		
Stream Name:	Flows Into:	
Location on Stream:		
Reference Landmarks:	Amount of disturbance in m <sup>2</sup> :	
Multiple Sites: YES / NO:	Number of sites:	
Latitude:	Longitude:	Elevation:
Legal description of property where work is proposed:		

#### 3. Drawing, Plan and Site Map

1. Attach drawing showing lot boundaries, location of buildings and of proposed works, stream direction and flow.
2. Attach a key map at an appropriate scale showing the location of the site.
3. Attach engineering drawings (may be required for works identified with <sup>E</sup> under **Requires Approval** section below).

#### 4. Proposed Timing for Work

Start (day/month/year):	Finish (day/month/year):
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#### FOR OFFICE USE ONLY

Date Received:	Water File Number:
	Client Number:
	Application Number:
	Amount Received:
	Receipt Number:

**5. Type of Works**

<p><b>Requires Approval:</b></p> <p><input type="checkbox"/> Bank Erosion Protection <sup>E</sup></p> <p><input type="checkbox"/> Bridge Installation/maintenance/removal (other than clear span) <sup>E</sup></p> <p><input type="checkbox"/> Stream Diversion <sup>QP</sup> Diversion berm structure plan required</p> <p><input type="checkbox"/> Large Debris Removal – by machine <sup>QP</sup> plan required</p> <p><input type="checkbox"/> Gravel Removal <sup>QP</sup></p> <p><input type="checkbox"/> Other: Provide details in space below</p> <p>*Provide culvert dimensions:</p> <p>Length: _____</p> <p>Width: _____</p> <p>Diameter: _____</p> <p><sup>E</sup> Professional Engineer may be required</p> <p><sup>QP</sup> Qualified Professional may be required</p>	<p><b>Requires Notification:</b></p> <p><input type="checkbox"/> Installation*/maintenance/removal of road crossing <b>culvert</b> (*follow Forest Practices Code Stream Crossing Guidebook)</p> <p><input type="checkbox"/> Construction/maintenance/removal of a <b>clear span bridge</b></p> <p><input type="checkbox"/> Construction/maintenance of a <b>pipeline crossing</b></p> <p><input type="checkbox"/> Construction/maintenance/removal of a <b>pier or wharf</b></p> <p><input type="checkbox"/> Cutting of <b>annual vegetation</b> in a stream channel</p> <p><input type="checkbox"/> Repair/maintenance of existing <b>dike</b> or <b>erosion protection works</b></p> <p><input type="checkbox"/> Construction/maintenance of <b>storm water outfalls</b></p> <p><input type="checkbox"/> Control of <b>Eurasian Watermilfoil</b> or other <b>aquatic vegetation</b></p> <p><input type="checkbox"/> Construction/maintenance of <b>ice bridge, winter ford or snowfall</b></p> <p><input type="checkbox"/> Maintenance of minor and routine nature by a public utility</p> <p><input type="checkbox"/> Removal of a <b>beaver dam</b> (As authorized under the Wildlife Act)</p> <p><input type="checkbox"/> Small debris removal – by hand</p> <p><input type="checkbox"/> Construction of a <b>temporary ford</b></p> <p><input type="checkbox"/> Construction of a <b>temporary diversion</b> around a worksite</p>
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**The following require Notification and may only be undertaken by the Crown in right of either Canada or British Columbia, or their Agents:**

**Federal/Provincial**

Construction/maintenance/removal of a flow or water level **measuring device**

Construction/removal of a **fish fence** or **screen, fish or game guard**

Restoration/maintenance of **fish habitat**

**The following require Notification and may only be undertaken by the Crown in right of either British Columbia, or a Municipality, or their Agents:**

**Provincial/Municipal**

Restoration/maintenance of a **stream channel**

Clearing of an obstruction from a bridge or culvert during a flood emergency<sup>1</sup>

Construction or placement of **erosion protection works** or **flood protection** works during a flood emergency<sup>2</sup>

<sup>1</sup> Some activities fitting the description for Notification may be reviewed by Ministry/Agency staff, who may decide that an Approval is required.

<sup>2</sup> Must be completed under direction of the Crown. No notification is required prior to undertaking works, but a description of changes must be submitted to a habitat officer within 72 hours of the change.

<sup>QP</sup> QP means a professional who through suitable education, experience, accreditation and knowledge may be reasonably relied on to provide advice within their area of expertise.

**Detailed Description of Work to be Performed (continue on next page):**

Total area disturbed by proposed works (all sites): \_\_\_\_\_ m<sup>2</sup>

Detailed Description of Work to be Performed, continued (attach a separate document if more space is required):

## 6. Land Ownership

Please check one of the following:

- The applicant is the owner of the property.
- The property is Crown land. Tenure/licence number:
- The property is owned by the following Landowner (i.e. Landowner is different from applicant):

Landowner's Name:		
Address:		
City:	Province:	Postal code:
Phone:	e-mail:	

Do you have the Landowner's written approval to enter the land(s) to complete the works?  Yes  No

Note: a) Ownership of all parcels of land on which the proposed works will occur must be identified, b) do not attach the written approval with the application, but keep it for your files as you may be asked to produce it during an inspection or audit.

## 7. Who is doing the Work?

**Contact information for company designing and supervising construction of the work (if different from applicant):**

Company Name:		
Contact Name:	Professional Affiliation:	
Address:		
City:	Province:	Postal Code:
Phone:	e-mail:	

**Contact information for company undertaking the construction (if different from applicant):**

Company Name:		
Contact Name:		
Address:		
City:	Province:	Postal Code:
Phone:	e-mail:	

## 8. Statement of Intent

By submitting this application form, I declare that the information contained on this form is complete and accurate information. I have read, understood and will meet the requirements to construct works and changes in and about a stream in accordance with Section 9 of the *Water Act* and Part 7 Water Act Regulations including, for Notifications, Terms and Conditions as specified by a Habitat Officer of the Ministry of Environment.

With respect to a Notification, in accordance with Part 7 of the Water Regulation, Section 40(1), I declare that I have submitted my application 45 days prior to the commencement of any work by me, or anyone employed by me. I understand that I will be receiving a confirmation of receipt of the application by Ministry of Environment (including confirmation of the applicable dates for the 45 day period) and that, unless I receive a response from a Habitat Officer within this 45 day notification period, I understand that I should not commence any activities until the 45 day notification period has passed. I understand that it is an offence under the Water Act to make changes in and about a stream without authority.

Signed: \_\_\_\_\_

Application Date: \_\_\_\_\_  
day/month/year

## 9. Submission Instructions

Send the completed form along with the following attachments to the local office in which the proposed works are located. Addresses for local offices are listed on the instruction sheet.

**Please note that if you are providing a Notification, no fees are required. However, a fee of \$130.00 is required if you are submitting an application for an Approval. The \$130.00 Approval application fee is not refundable.** Payment for the Approval fee may be made at FrontCounter BC offices with a credit card.

If the proposed works require an Approval, prior to proceeding further with this application please ensure that this project will be able to proceed under the Federal *Fisheries Act*.

**Required Attachments** for both Notifications and Approvals:

- |   |   |
|---|---|
| <input type="checkbox"/> Sketch plan (mandatory)      | <input type="checkbox"/> Engineering drawing (mandatory for works requiring approval noted with <sup>E</sup> )  |
| <input type="checkbox"/> Key location map (mandatory) | <input type="checkbox"/> For works requiring an Approval <b>only</b> , a cheque, money order or deposit by credit card for \$130 payable to: Minister of Finance. The fee is non-refundable. No fee is required for a Notification. |

## 10. Responsibilities

You are required to comply with all applicable federal, provincial and municipal laws and regulations. If you anticipate that the planned work may result in harmful alteration, disruption or destruction of fish habitat you should send a copy of your completed Notification/Approval Application directly to the nearest office of Fisheries and Oceans Canada. Review and comment by DFO may necessitate changes to the proposed works.

Has a copy of this notification/approval application been sent to Fisheries and Oceans Canada (check one)?  
YES  NO

If YES, indicate the DFO office that the notification/approval application has been sent (for DFO offices, see Users' Guide):

\_\_\_\_\_

## **Instructions and Guidelines For Completing the Approval Application and Notification Form**

### **Please fill in all sections of the form.**

*Incomplete forms do not constitute notification and will not be accepted.*

*Applications must be submitted to the appropriate office prior to commencement of any work, and must accommodate local fish timing windows.*

**After reading “[A Users Guide to Working In and Around Water](#)” and the [Water Regulation Part 7, Section 36 to 44](#), by checking one of the boxes, indicate at the top of the form whether you are submitting an Approval Application or making Notification.**

#### **1. Applicant Information**

Enter your name, mailing address, telephone number, and e-mail address.

#### **2. Location of Works**

- Identify the street address of works and the name and location of the stream/lake on which you intend to carry out the proposed works. If works occur on more than one property all properties must be identified.
- Indicate what stream, river or lake the stream flows into.
- Specify where on the stream/lake the works are to take place. Be as specific as possible (e.g. provide the distance from road crossing or confluence with another stream) and reference landmarks were available.
- Indicate the latitude, longitude and elevation of the site.
- Indicate the location of works if different from your mailing address.
- Enter a complete legal description of the property on which the works are to be carried out (e.g. Lot 1 of Section 31, Township 20, Range 2, Coast District, Plan 18411). This information is listed on your annual assessment or land tax notice, or you may obtain it by requesting a copy of your Certificate of Title from the appropriate Land Title Office.

#### **3. Drawing, Plan and Site Map**

Attach a drawing or map, which clearly shows:

- The total amount of disturbance (m<sup>2</sup>), including multiple sites if applicable
- A key map showing the general location of the proposed work site
- The lot boundaries of where the works are to take place
- The exact location of proposed works
- The stream and direction of flow
- The location of house/buildings/other works
- The approximate scale (e.g. 1 cm = 10 m)

A copy of part of a cadastral or topographic map or legal plan, at a reasonable scale, may be used for the drawing, including photographs of the site is beneficial.

#### **4. Proposed Timing for Work**

Indicate proposed start and finish date of the works (day/month/year).

For instream work window times for your area, check the [Ministry of Environment regional websites](#).

## 5. Type of Works

Identify the nature of the works by checking one of the boxes. Also, note the dimensions of the works and list length, width and diameter where appropriate.

Provide a detailed description of the work to be performed and specify the maximum total area expected to be disturbed by the proposed works.

**Only the types of works described under Section 44(1) in Part 7 of the Water Regulation may proceed by notification and without an approval under the Water Act.**

Note that the following items do not require notification or approval, but must be carried out in accordance with the regulation:

- Installation or cleaning of drain tile outlets
- Repair/maintenance of superstructure of bridge
- Installation/repair/maintenance/removal of fences

## 6. Land Ownership

- If you own the land on which the works are to be carried out, check the first box and go to section 7 of the form.
- If you are not the owner of the land, indicate whether the land is privately owned or owned by the Crown.
- For all private lands, you must have the landowner's written approval. The application form must contain the landowners address, telephone number and postal code. Do not attach the landowner's written approval with the application, but keep it in your files as you may be asked to produce it during an inspection or audit.
- If you have Tenure or License on Crown Land, please include the Tenure or License number on your application.

## 7. Who is Doing the Work?

If you are not carrying out the work, indicate contractor/company's name, professional affiliation, mailing address, postal code and telephone numbers. If a different company is designing and supervising the work, please include this information as well.

**It is the applicants responsibility to ensure that any contractor working on your behalf reads and understands the Approval, "A Users' Guide to Working In and Around Water"; the Water Regulation Part 7, Sec. 36 - and/or terms and conditions specified by a Habitat Officer under Section 42 and/or recommended by your Qualified Professional as related to the protection of habitat.**

## 8. Statement of Intent

Make sure each section of the form is filled out and that the information is accurate and complete. After you have read and understood the conditions outlined in the Section 7 Water Act Regulation and ensured that your project meets all requirements and will comply with Section 9 of the Water Act or part 7 of the Water Act Regulations (including, for Notifications, Terms and Conditions specified by the Habitat Officer, Ministry of Environment), please sign and date the form.

## 9. Submission Instructions

**When your form is complete**, send it, along with the appropriate attachments to the offices located in section 11. In many locations, FrontCounter BC will accept your application and forward your proposal to the Ministry of Environment office. Approval applications will be adjudicated by a Water Stewardship Officer; Notifications will be reviewed by a Habitat Protection Officer.

### NOTIFICATIONS

You must submit a notification form **prior to** starting proposed changes in and about a stream. Regional requirements such as Terms and Conditions and guidance material such as best management practices and useful local information are located on [regional MoE web pages](#). Additional terms and/or conditions related to the protection of habitat may also be specified by a Habitat Officer.

It is the applicant's responsibility to ensure that all sections of the notification form are complete. Submission of an incomplete form **does not** constitute notification. Notifications received by regional offices of MoE will be used to plan and carry out on-site inspections and monitoring during and after the changes in and about a stream.

## 10. Responsibilities

**You are required to comply with all applicable federal, provincial and municipal laws and regulations.**

The federal *Fisheries Act* states “no person shall carry on any work or undertaking that results in harmful alteration, disruption or destruction of fish habitat” and “no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish”. Failure to show due diligence in the protection of fish and fish habitat could result in violations of the *Fisheries Act*.

If installing a culvert, you must use the [Forest Practices Code: Fish Stream Crossing Guidebook, 1998](#), prepared by MOF and MoE or you must contact Fisheries and Oceans Canada.

Many instream works also require approval under the federal [Navigable Waters Protection Act](#).

Also, it is strongly recommended that “[Standards and Best Practices for Instream Works](#)” be used, where applicable, when working in and around streams.

The [provincial Water Act and Water Regulation](#).

## 11. Where to Submit my Application, Office Locations

**Water Approvals and Notifications** must be submitted to the FrontCounter BC office nearest to the proposed works. FrontCounterBC will review your proposal and forward it to the Ministry of Environment (to Water Stewardship for Approvals or Environmental Stewardship for Notifications). For general information about FrontCounter BC, please visit the website: <http://www.frontcounterbc.gov.bc.ca/> or try the toll free number at 1-877-855-3222.

<p><b>Vancouver Island</b></p>  <p><b>Nanaimo Centre</b></p> <p>Suite 142, 2080 Labieux Road Nanaimo, BC V9T 6J9</p> <p>Phone: (250) 751-7220 Fax: (250) 751-7224</p>	<p><b>Lower Mainland</b></p>  <p><b>Surrey Centre</b></p> <p>Suite 200, 10428 153<sup>rd</sup> St. Surrey, BC V3R 1E1</p> <p>Phone: (604) 586-4400 Fax: (604) 586-4434</p>	<p><b>Southern Interior</b></p>  <p><b>Thompson Nicola and Okanagan</b></p>  <p><b>Kamloops Centre</b></p> <p>441 Columbia St. Kamloops BC V2C 2T3</p> <p>Phone (250) 828-4131 Fax: (250) 828-4442</p>
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<p><b>Cariboo</b></p>  <p><b>Williams Lake Centre</b></p> <p>#201 – 172 North 2<sup>nd</sup> Ave Williams Lake, BC V2G 1Z6</p> <p>Phone: (250) 398-4574 Fax: (250) 398-4836</p>	<p><b>Kootenays</b></p>  <p><b>Cranbrook</b></p> <p>1902 Theatre Road Cranbrook BC V1C 7G1</p> <p>Phone: (250) 426-1766 Fax: (250) 426-1767</p>
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<p><b>Peace</b></p>  <p><b>Peace River, Liard</b></p>  <p><b>Fort St. John Centre</b></p> <p>Suite 100-10003 110th Ave Fort St John BC V1J 6M7</p> <p>Phone: (250) 787-3415 Fax: (250) 787-3219</p>	<p><b>Omineca</b></p>  <p><b>Prince George Centre</b></p> <p>1044 5<sup>th</sup> Ave Prince George, BC V2L 5G4</p> <p>Phone: (250) 565-6779 Fax: (250) 565-6941</p>	<p><b>Skeena</b></p>  <p><b>Smithers Centre</b></p> <p>Box 5000 3726 Alfred Ave. Smithers, BC V0J 2N0</p> <p>Phone: (250) 847-7356 Fax: (250) 847-7556</p>
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