

**PROVINCE OF BRITISH COLUMBIA**  
**ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL**

Order in Council No. 55

, Approved and Ordered February 27, 2026

  
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*Lieutenant Governor*

**Executive Council Chambers, Victoria**

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that

- (a) the Water Sustainability Regulation, B.C. Reg. 36/2016, is amended as set out in the attached Appendix 1, and
- (b) effective January 1, 2027, the Riparian Areas Protection Regulation, B.C. Reg. 178/2019, is amended as set out in the attached Appendix 2.



\_\_\_\_\_  
*Minister of Water, Land and Resource Stewardship*



\_\_\_\_\_  
*Presiding Member of the Executive Council*

*(This part is for administrative purposes only and is not part of the Order.)*

**Authority under which Order is made:**

Act and section: *Water Sustainability Act*, S.B.C. 2014, c. 15, ss. 116, 124, 127;  
*Riparian Areas Protection Act*, S.B.C. 1997, c. 21, ss. 13 and 13.1

Other: *OIC 110/2016; OIC 446/2019*

R10934603

## APPENDIX 1

### 1 *The Water Sustainability Regulation, B.C. Reg. 36/2016, is amended by adding the following sections:*

#### Exemption – low-volume construction dewatering

- 32.1** (1) In this section and sections 32.2 and 32.3:
- “**construction dewatering**” means removing or controlling excess groundwater from a single aquifer for the purpose of facilitating construction activities, including preventing floods and maintaining safety;
- “**diversion period**” means the period that begins on the first day, and ends on the last day, that groundwater is diverted from an aquifer for the purposes of construction dewatering.
- (2) A person is exempt from the requirement under section 6 (1) [*use of water*] of the Act to hold an authorization for the diversion of groundwater for construction dewatering if all of the following conditions are met:
- (a) on any day within the diversion period, no more than 300 m<sup>3</sup> of groundwater are diverted from the aquifer, whether from a single diversion point or multiple diversion points;
  - (b) the diversion period does not exceed 24 months;
  - (c) the water supply and works of persons who are lawfully diverting or using water under the Act will not be adversely affected by the diversion;
  - (d) there is no use of the groundwater for a water use purpose between the time the groundwater is diverted and the time the groundwater is discharged;
  - (e) groundwater is diverted and discharged without causing a significant risk of harm to public safety, the environment, land or other property.

#### Exemption – mid-volume construction dewatering

- 32.2** (1) A person is exempt from the requirement under section 6 (1) [*use of water*] of the Act to hold an authorization for the diversion of groundwater for construction dewatering if all of the following conditions are met:
- (a) construction dewatering activities are designed and performed, or directly supervised, by a registrant within the meaning of the *Professional Governance Act* who has competence in the field of hydrogeology or geotechnical engineering;
  - (b) on any day within the diversion period, no more than 1 000 m<sup>3</sup> of groundwater are diverted from the aquifer, whether from a single diversion point or multiple diversion points;
  - (c) the conditions set out in section 32.1 (2) (b) to (e) of this regulation;
  - (d) the registrant referred to in paragraph (a) of this subsection prepares a record of all of the following:
    - (i) the dates on which the diversion period begins and ends;
    - (ii) the location description in relation to the aquifer from which groundwater is diverted and each point of diversion and discharge;

- (iii) the volume of groundwater diverted each day;
  - (iv) details of the professional’s assessment with respect to the conditions described in section 32.1 (2) (c) and (e).
- (2) If the professional referred to in subsection (1) (a) is not competent to assess the risk of harm to the environment for the purposes of the condition described in section 32.1 (2) (e),
- (a) the risk of harm to the environment must be assessed by a registrant within the meaning of the *Professional Governance Act* who has competence in the field of applied biology, and
  - (b) details of the assessment must be included in the record prepared under subsection (1) (d) of this section.
- (3) A person who is exempt under this section must keep the record prepared under subsection (1) (d) for at least 3 years after the end of the diversion period.

**Failure to comply**

- 32.3** (1) This section applies if a person who is exempt under section 32.1 or 32.2
- (a) diverts more groundwater than permitted under section 32.1 (2) (a) or 32.2 (1) (b), as applicable, or
  - (b) diverts groundwater for a diversion period that exceeds 24 months.
- (2) If this section applies, the person must do both of the following:
- (a) report the matter described in subsection (1) (a) or (b), as applicable, to the closest regional office of the minister’s ministry within 72 hours after the matter occurs;
  - (b) take the measures, if any, specified by a water officer to remedy the effects of the matter.
- (3) Compliance with subsection (2) does not relieve a person of any other consequences that may be imposed under the Act for failing to comply with the Act or a regulation made under it.

**Exemption – ice roads**

- 34.31** (1) In this section:
- “**ice road**” means a road that is created by diverting and freezing water;
  - “**Northeast regional economic zone**” means the area shown on the map in Schedule C, identified in the legend to that map as “Northeast Regional Economic Zone”;
  - “**specified work**” means work done in relation to or in preparation for the decommissioning, assessment or restoration, including remediation, of a site, whether or not the site is a dormant or former site within the meaning of the Dormancy and Shutdown Regulation, B.C. Reg. 112/2019.
- (2) Subject to section 34.4 [*rules for exemptions*], a person is exempt from the requirement under section 6 (1) [*use of water*] of the Act to hold an authorization for the diversion of unrecorded water if all of the following conditions are met:

- (a) water is diverted only to construct or maintain an ice road;
  - (b) the ice road is used only to access a site for the purpose of carrying out specified work within the Northeast regional economic zone;
  - (c) the ice road will melt or be disestablished before May 1;
  - (d) the person prepares a record of all of the following:
    - (i) the source of the water being diverted;
    - (ii) the location description in relation to the point from which water is being diverted;
    - (iii) the volume and rate of water diversion;
    - (iv) details of the matters being considered and the steps being taken for the purpose of meeting the requirements described in section 34.4 (5) (b) and (c).
- (3) Nothing in subsection (2) (c) prohibits a new ice road from being created after May 1 of the same year.

**2 Section 34.4 is amended**

- (a) in subsection (1) by adding “or 34.31 [exemption – ice roads]” before “must comply with this section”,**
- (b) in subsections (2) to (5) by adding “or 34.31” after “section 34.3”,**
- (c) by repealing subsection (3) (a), and**
- (d) by adding the following subsection:**
  - (3.1) A person must not, under section 34.3, divert or use unrecorded water from a stream or aquifer in respect of which there is a water reservation under section 40 [treaty first nation water reservations] or 41 [Nisga’a water reservation] of the Act.

**3 Section 34.5 is amended**

- (a) in subsection (2) by striking out “Despite section 34.3, an engineer may require that an application for an authorization be made for the diversion or use of water for mineral exploration activities or placer mining activities, or for a camp described in section 34.3 (1) (b),” and substituting “Despite sections 34.3 and 34.31, an engineer may require that an application for an authorization be made for the diversion or use of water for mineral exploration activities or placer mining activities, for a camp described in section 34.3 (1) (b) or for an ice road within the meaning of section 34.31,”**
- (b) in subsection (2) (b) by striking out “may have an adverse impact” and substituting “may, in the case of mineral exploration activities, placer mining activities or a camp, have an adverse impact”, and**
- (c) in subsection (3) by striking out “section 34.3 does not apply to the diversion or use of water from the stream or related aquifer for the mineral exploration activities, placer mining activities or camp,” and substituting “sections 34.3 and 34.31 do not**

apply to the diversion or use of water from the stream or related aquifer for the mineral exploration activities, placer mining activities, camp or ice road.”

**4 Section 39 (1) is amended**

**(a) by repealing paragraphs (g), (h) and (j) and substituting the following:**

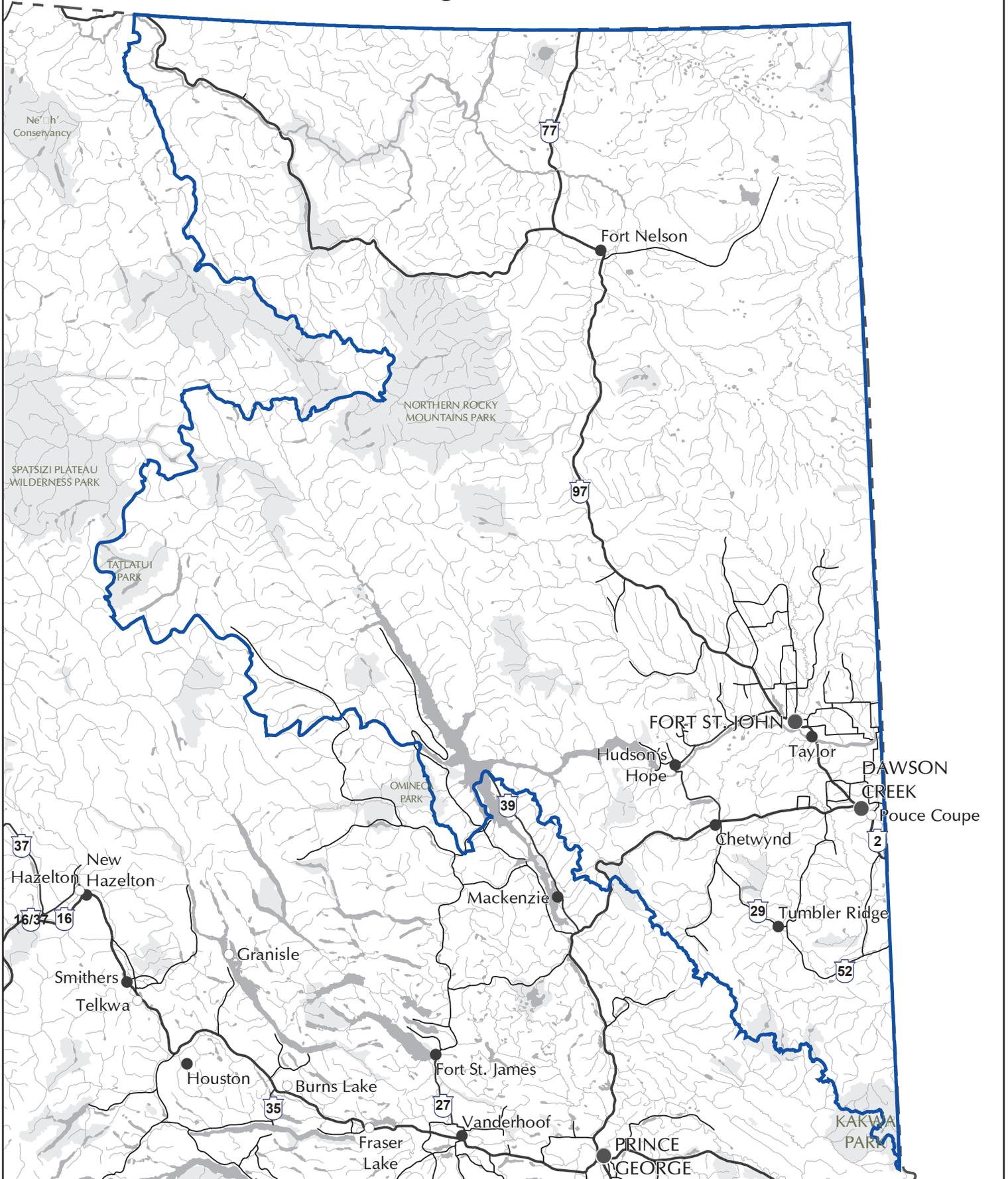
- (g) the restoration or maintenance of a stream channel or the aquatic ecosystem by any of the following:
  - (i) the government of British Columbia, a government corporation or a government agent;
  - (ii) a municipality or regional district;
  - (iii) the trust council, a local trust committee, the executive committee and the Islands Trust Conservancy, as those terms are defined in the *Islands Trust Act*;
  - (iv) an improvement district, the Greater Vancouver Sewerage and Drainage District or the Greater Vancouver Water District;
  - (v) a diking authority within the meaning of the *Dike Maintenance Act*;
  - (vi) a first nation government within the meaning of section 69 of the Act;
  - (vii) the Westbank First Nation as defined in the agreement approved under the *Westbank First Nation Self-Government Act* (Canada);
  - (viii) the shíshálh Nation continued under the *shíshálh Nation Self-Government Act* (Canada);
- (j) the restoration or maintenance of the aquatic ecosystem by the government of Canada; , **and**

**(b) by adding the following paragraph:**

- (n.1) the construction or maintenance of ice roads within the meaning of section 34.31 (1) if
  - (i) all of the conditions set out in section 34.31 (2) are met,
  - (ii) only clean ice, snow and water are used in the construction or maintenance and are removed from the stream channel before ice breakup, and
  - (iii) any logs, timber and other structural materials used are removed, before ice breakup, without causing a significant risk of harm to public safety, the environment, land or other property; .

**5 The attached Schedule C is added.**

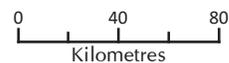
# Northeast Regional Economic Zone



Ministry of  
Water, Land and  
Resource Stewardship

Produced for: Ministry of Water,  
Land and Resource Stewardship  
Produced by: GeoBC  
Decision Support Section, rg  
Coordinate System: NAD 1983 UTM Zone 10N  
Date: November 20, 2025

 Northeast Regional Economic Zone  
Data Source - 2021 Census Economic Region



## APPENDIX 2

### *1 Section 1 (2) of the Riparian Areas Protection Regulation, B.C. Reg. 178/2019, is amended*

(a) *by repealing the definitions of “allowable footprint” and “naturally restricted area”,*

(b) *by repealing the definitions of “assessment”, “assessment report”, “detailed assessment”, “developable area”, “protected fish”, “riparian protection standard” and “simple assessment” and substituting the following:*

**“assessment”** means a condition and impact assessment or a development assessment performed in accordance with sections 12 [*assessments*] and 13 [*performing assessments*];

**“assessment report”** means a report prepared in accordance with section 14 [*assessment reports*] in relation to a condition and impact assessment or a development assessment;

**“detailed assessment”** means an assessment performed using the detailed assessment method referred to in section 13 (4);

**“developable area”**, in relation to a site, means the area of the site other than

(a) the streamside protection and enhancement area,

(b) the naturally restricted areas of the site, as described in section 1.1 [*naturally restricted areas*], and

(c) the legally restricted areas of the site;

**“protected fish”** means a vertebrate of the order Petromyzontiformes (lampreys) or class Osteichthyes (bony fishes) that, at any part of its life cycle, inhabits or is dependent on a stream;

**“riparian protection standard”** means the standard of protection or enhancement of the natural features, functions and conditions in the riparian assessment area that must be met for a riparian development to proceed;

**“simple assessment”** means an assessment performed using the simple assessment method referred to in section 13 (4);,

(c) *by adding the following definitions:*

**“condition and impact assessment”** means an assessment performed for the purposes of preparing a condition and impact assessment report;

**“condition and impact assessment report”** means a report prepared for the purposes of section 6 (5);

**“development assessment”** means an assessment performed for the purposes of preparing a development assessment report;

**“development assessment report”** means a report that is prepared in relation to a proposed development but that is not a condition and impact assessment report;

**“ditch”** means a watercourse that

- (a) is artificially constructed rather than formed through natural processes,
- (b) is designed primarily for the purpose of draining property, agricultural land or roadways, and
- (c) is not fed by natural headwaters, springs or groundwater sources;

**“low-risk development”** means a development described in section 10.1 [*low-risk developments*];

**“maximum development footprint”** means the maximum area of a site in which development is permitted to take place as determined under section 11 (3) or (4) [*undue hardship*], as applicable;

**“rapid assessment”** means an assessment performed using the rapid assessment method referred to in section 13 (3);

**“riparian restoration”** means to rehabilitate or re-establish the natural features, functions and conditions that support the life processes of protected fish;

**“stormwater detention pond”** means an artificially constructed pond, basin, wetland or other facility that is designed primarily for the purpose of storing stormwater runoff;

**“surface flow”** means the movement of water across the landscape that is observable directly or through evidence such as scour or alluvial deposits; , *and*

*(d) in paragraph (b) of the definition of “stream” by adding the following subparagraph:*

- (iv) a stormwater detention pond; .

## **2 The following section is added to Division 1 of Part 1:**

### **Naturally restricted areas**

- 1.1** (1) In this regulation, **“naturally restricted area”**, in relation to a site, means an area of the site that has been assessed by a qualified environmental professional as being unavailable or unsuitable for development because development, regardless of mitigation measures, would present significant risks to
- (a) sensitive ecosystems or features on the site, or
  - (b) safety.
- (2) For the purposes of subsection (1), the qualified environmental professional must consider at least the following:
- (a) the presence of any of the following:
    - (i) a species at risk within the meaning of the *Species at Risk Act* (Canada);
    - (ii) critical habitat for species at risk, as identified in the Critical Habitat for Species at Risk National Dataset;
    - (iii) sensitive ecosystems or features that are vulnerable to disturbance and render the area environmentally sensitive;

- (b) the extent to which the area is prone to flooding, erosion, landslides or unstable soils that render the area unsafe for construction or development;
- (c) the extent to which the terrain of the area has gradients that exceed safe thresholds for construction or development.

**3 Section 3 is amended**

**(a) by repealing subsection (3) (a) and substituting the following:**

- (a) the repair or reconstruction of a building or other structure, if all of the following conditions are met:
  - (i) the building or structure will remain on its existing foundation;
  - (ii) at least 25% of the building or structure, above its foundation, remains before repair or reconstruction begins;
  - (iii) any repair to the existing foundation will not exceed 10% of the foundation's total area;
  - (iv) the footprint of the building or structure, after repair or reconstruction is complete, will not be larger than its existing footprint or expand into the riparian assessment area;
  - (v) if the building or structure does not conform to requirements or conditions under the *Local Government Act* or *Vancouver Charter*, the non-conformity is lawful under the applicable Act, or , **and**

**(b) by adding the following subsection:**

- (4) This regulation does not apply in relation to that part of a development that
  - (a) is a subdivision as defined in section 455 of the *Local Government Act*, and
  - (b) creates a parcel or strata lot that
    - (i) is dedicated or vested as a park under the *Land Title Act*, *Community Charter*, *Local Government Act* or *Vancouver Charter*, or
    - (ii) is the subject of a covenant registered under section 219 [*registration of covenant as to use and alienation*] of the *Land Title Act* to protect, preserve, conserve, maintain, restore or enhance riparian areas within the parcel or strata lot.

**4 Section 4 (2) (b) is amended**

**(a) in subparagraph (i) by striking out “an assessment report” and substituting “a development assessment report”, and**

**(b) in subparagraph (ii) by striking out “the assessment report” in both places and substituting “the development assessment report”.**

**5 Section 5 is amended**

**(a) by renumbering the section as section 5 (1),**

**(b) in subsection (1) by striking out “A local government” and substituting “Subject to subsection (2), a local government”,**

*(c) in paragraph (a) by striking out “an assessment report” and substituting “a development assessment report”,*

*(d) in paragraph (b) by striking out “the assessment report” in both places and substituting “the development assessment report”, and*

*(e) by adding the following subsection:*

(2) If the minister requires a condition and impact assessment report to be prepared, a local government must not approve a riparian development to proceed unless the local government

(a) has received the condition and impact assessment report,

(b) a new development assessment report is prepared and submitted under section 6 with respect to the proposed development, and

(c) the conditions of subsection (1) of this section have been met with respect to the new development assessment report.

**6 Section 6 is amended**

*(a) in subsection (3) (a) by striking out “section 12” and substituting “section 12 or 13”, and*

*(b) by adding the following subsections:*

(5) The minister may require a condition and impact assessment report to be prepared if the minister rejects a development assessment report on the basis that

(a) work has already begun on the proposed development that is the subject of the development assessment report before the report was submitted under this section, or

(b) development has already occurred, after 2004, in the riparian assessment area that is the subject of the development assessment report and that development

(i) was not approved under section 5, or

(ii) was not completed in accordance with an approval given under section 5.

(6) The minister may reject a condition and impact assessment report if the minister is not satisfied that both of the following conditions have been met:

(a) the development referred to in subsection (5) (a) or (b) has been removed, modified or otherwise managed to address its effects on the natural features, functions and conditions in the riparian assessment area, and

(b) any riparian restoration or mitigation measures recommended in the report to restore natural features, functions and conditions in the streamside protection and enhancement area have been completed.

**7 Section 10 (2) (b) and (4) is amended by striking out “allowable footprint” wherever it appears and substituting “maximum development footprint”.**

**8**     *The following section is added:*

**Low-risk developments**

- 10.1**   (1) A low-risk development described in this section meets the riparian protection standard if the development is undertaken in accordance with this section.
- (2) The construction of a trail, stair, funicular or other waterfront access structure is a low-risk development if all of the following conditions are met:
- (a) there is only one access point to a stream for each parcel;
  - (b) the access is no more than 1.5 m in width and contains no impervious materials.
- (3) The construction of a structure used to control natural erosion and sedimentation is a low-risk development if all of the following conditions are met:
- (a) the structure is built using bioengineering technology;
  - (b) the structure is not used to level a parcel.
- (4) The reconstruction of a primary residence, not including any structures ancillary to but detached from the residence, after a house fire or wildfire is a low-risk development if all of the following conditions are met:
- (a) the structure is built within the pre-fire footprint and conforms with all applicable laws;
  - (b) riparian restoration is carried out regardless of the condition of the riparian assessment area before the fire.
- (5) The removal of trees that are evaluated as a hazard to a person or property is a low-risk development if all of the following conditions are met:
- (a) evaluations are conducted by persons who hold a Wildlife Danger Tree Assessor Certificate or a Tree Risk Assessment Qualification;
  - (b) trees are felled by persons who hold certification as an arborist.
- (6) The following are low-risk developments:
- (a) the construction of a stair, ramp, lift or other structure that is no more than 1.5 m in width and that improves access to another structure;
  - (b) the construction of a fence that includes no concrete structures or footings;
  - (c) riparian restoration;
  - (d) the removal, without herbicides or pesticides, of weeds listed in Schedule A to the Weed Control Regulation, B.C. Reg. 66/85;
  - (e) the remediation, in accordance with the Contaminated Sites Regulation, B.C. Reg. 375/96, of a contaminated site within the meaning of the *Environmental Management Act*;
  - (f) the maintenance of utilities by hand;
  - (g) the management of vegetation to facilitate fire safety.

**9**     *Section 11 is amended*

- (a) in subsection (2) (c) by striking out “allowable footprint” and substituting “maximum development footprint”, and*

***(b) by repealing subsection (3) and substituting the following:***

- (3) If the area of human disturbance on a site that is subject to undue hardship is less than or equal to 70% of the area of the site, the maximum development footprint is 30% of that area of the site that remains after excluding legally restricted areas and naturally restricted areas.
- (4) If the area of human disturbance on a site that is subject to undue hardship is greater than 70% of the area of the site, the maximum development footprint is 40% of that area of the site that remains after excluding legally restricted areas and naturally restricted areas.

**10 Sections 12, 13 and 14 are repealed and the following substituted:**

**Assessments**

- 12** (1) A development assessment for a proposed low-risk development must determine
  - (a) whether the proposed development will meet the riparian protection standard as described in section 10.1 [*low-risk developments*], and
  - (b) the riparian restoration or mitigation measures that must be taken, even if the riparian protection standard is met, to restore natural features, functions and conditions in the streamside protection and enhancement area.
- (2) A development assessment for a proposed development, or a condition and impact assessment for a proposed development or an existing development described in section 6 (5), must determine
  - (a) the effects of the proposed or existing development on natural features, functions, and conditions, and
  - (b) the riparian restoration or mitigation measures that must be taken to restore natural features, functions and conditions in the streamside protection and enhancement area.

**Performing assessments**

- 13** (1) An assessment must be performed
  - (a) by one or more qualified environmental professionals, and
  - (b) in accordance with the technical manuals.
- (2) A development assessment for a proposed development must be performed before work on the proposed development begins.
- (3) A development assessment for a proposed low-risk development may be performed using a rapid assessment method described in the technical manuals.
- (4) A development assessment for a proposed development that is not a low-risk development must be performed using either a simple assessment or detailed assessment method described in the technical manuals.
- (5) A condition and impact assessment for a proposed development or an existing development described in section 6 (5) must be performed using a condition and impact assessment method described in the technical manuals.

## **Assessment reports**

- 14** An assessment report must be prepared as follows:
- (a) by or under the direction of a primary qualified environmental professional;
  - (b) in accordance with sections 15 to 19;
  - (c) in accordance with the technical manuals.

### **11 Section 15 (2) is repealed and the following substituted:**

- (2) For the purposes of a development assessment report, the description under subsection (1) (b) must identify, in accordance with the technical manuals, the riparian assessment area and the following, as applicable:
  - (a) in the case of a rapid assessment, any effect of the proposed development on existing or potential natural features, functions or conditions in the riparian assessment area that support the life processes of protected fish;
  - (b) in the case of a simple assessment, the streamside protection and enhancement area;
  - (c) in the case of a detailed assessment,
    - (i) the streamside protection and enhancement area, and
    - (ii) any potential hazards posed by the proposed development to natural features, functions or conditions in the streamside protection and enhancement area that support the life processes of protected fish.
- (3) For the purposes of a condition and impact assessment report,
  - (a) the description under subsection (1) (b) must identify, in accordance with the technical manuals,
    - (i) the riparian assessment area and the streamside protection and enhancement area, and
    - (ii) any effect of the proposed or existing development on natural features, functions or conditions in the streamside protection and enhancement area that support the life processes of protected fish, and
  - (b) address any matter required by the minister under that provision for the purposes of a condition and impact report.

### **12 Section 16 is amended**

**(a) by renumbering the section as section 16 (2),**

**(b) by adding the following subsection:**

- (1) With respect to each effect identified under section 15 (2) (a) and (3) (a) (ii), if applicable,
  - (a) a development assessment report must recommend measures to mitigate the effect, and
  - (b) riparian restoration must be carried out, regardless of whether riparian vegetation was present before the effect occurred. , **and**

(c) *in subsection (2) by striking out* “under section 15 (2) (c), if applicable, an assessment report” *and substituting* “under section 15 (2) (c) (ii), if applicable, a development assessment report”.

**13 Section 17 is amended**

(a) *by renumbering the section as section 17 (1),*

(b) *in subsection (1) by striking out* “An assessment report” *and substituting* “A development assessment report”, *and*

(c) *by adding the following subsection:*

(2) A condition and impact assessment report must set out the opinion of the primary qualified environmental professional by or under whose direction the report was prepared as to whether riparian restoration, if carried out as described in the report, will restore natural features, functions or conditions in the streamside protection and enhancement area that support the life processes of protected fish.

**14 Section 18 is amended**

(a) *in subsection (2) by striking out* “an assessment report” *and substituting* “a development assessment report”,

(b) *by repealing subsection (2) (c) (i) and (ii) and substituting the following:*

(i) for the purposes of section 21 (2) (a.1) [*qualified environmental professionals*], the area in which the individual is competent to practise;

(ii) for the purposes of section 21 (2) (b), the regulatory body for the individual’s profession and the number by which the individual is identified by that professional association; ,

(c) *in subsection (2) (c) (iii) by striking out* “the assessment or report” *and substituting* “the development assessment or development assessment report”, *and*

(d) *by adding the following subsection:*

(4) A condition and impact assessment report must include the following information:

(a) the information referred to in subsection (2) (a) to (d);

(b) the information referred to in subsection (2) (e) (iii) to (vi) and (g), as that information applies to the existing development.

**15 Section 19 (1) (a) (iv) and (b) (ii) is amended by striking out “section 12” and substituting “sections 12 and 13”.**

**16 Section 20 (a) is repealed and the following substituted:**

(a) is a qualified environmental professional, other than a trainee described in section 21 (2) (a) (ii), and .

**17 Section 21 (2) (a) is repealed and the following substituted:**

- (a) the individual is
  - (i) a registrant within the meaning of the *Professional Governance Act*, regulated by a regulatory body set out in section 1 (a) to (e) of Schedule 1 to that Act, or
  - (ii) a trainee within the meaning of the *Professional Governance Act*,
    - (A) regulated by a regulatory body set out in section 1 (a) to (e) of Schedule 1 to that Act, and
    - (B) acting under the supervision of a registrant referred to in subparagraph (i),
- (a.1) the individual is competent to practise in the area in which the individual is performing functions under this regulation, .

**18 The following section is added:**

**Transition – assessment reports submitted before January 1, 2027**

- 25** Despite any amendment to this regulation made on or after January 1, 2027, an assessment report submitted under section 6 before that date must be reviewed for conformance with the regulation as it read immediately before that date.