

British Columbia's *Water Sustainability Act* and regulations Hosted by Ministry of Environment for Local Governments of BC

**Conference Call held
June 28, 2016, 2 – 3 p.m.**

1. When critical flow needs are established and the 250 litres per person/day is implemented, does this affect a waterworks licence?

Essential household use is 250L per dwelling per day. During declared shortages, this amount is protected for individual households using water directly from an aquifer or from a stream when government enforces the [first in time, first in right \(FITFIR\) precedence of rights](#).

During a water shortage, government has a number of tools it can use to protect flows for fish and the environment and each tool has the potential to interact with waterworks licences as described in the following. The critical environmental flow protection order sets a critical environmental flow threshold (CEFT) for a stream which is then elevated to the highest priority in the FITFIR scheme on that source (stream plus hydraulically connected groundwater). If the water in the stream falls below the CEFT, the FITFIR precedence of rights could be enforced to restore streamflow to that CEFT. This could include regulating a waterworks licensee if that licence is subject to regulation according to its date of precedence. Any regulatory response by government would be preceded by an assessment of water supply and uses that would be affected.

Government could also use a fish population protection order to restore flows in a stream if the flows have declined to a point where the survival of a fish population is at risk. In this case, the FITFIR precedence of rights is not used. In making the order, the Minister can determine which water users are subject to the order, despite their dates of precedence. The terms of the order could also specify circumstances under which water use is permitted for different users. For example, an order could allow a waterworks licensee to continue diverting a quantity of water to supply essential needs within the licensee's service area and could also allow individual households to continue to withdraw the amount for essential household use.

In drought circumstances, waterworks licensees are asked to contact their [local FrontCounterBC office](#) for questions regarding how their specific licence would be affected in the context of the priority of other uses of the local water source.

2. How does this process work when a municipality provides water to a First Nations?

There are no special requirements in the water authorization process - the First Nation would be supplied like any other connection. This is the case for an existing surface water licence with a waterworks purpose and would also be true if the source is groundwater, for which the municipality must now apply for a licence.

3. Have there been changes to the Dam Safety Regulation since 2011?

Changes to the Regulation in 2011 included increasing the number of consequence classifications from 4 to 5, among other housekeeping changes, e.g., signs on dams.

This recent change in the [Dam Safety Regulation](#) was made to align with the *Water Sustainability Act*, included adding dams that store water from an aquifer, and tweaks to other

requirements related to emergency planning, e.g., “emergency preparedness plan” now called “dam emergency plan” that must be submitted to a dam safety officer and any local emergency authority.

For more information visit <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/drought-flooding-dikes-dams/dam-safety>, read [this information sheet](#) or [contact a dam safety officer](#).

A brochure summarizing the changes related to dam safety is available here: <http://gov.bc.ca/water>.

4. Please define “New water uses beginning after Feb. 29, 2016” (slide 11)

A number of water use purposes and categories have been renamed or consolidated under the WSA. Three water use purposes were created to reflect the new requirements to authorize non-domestic groundwater use. Current licensees do not have to modify their licences. Authorizations issued after February 29, 2016, will reflect these new water use categories.

There are eight new purposes that did not exist under the *Water Act*, five of which are new because groundwater was not previously regulated. The WSA brings in a new requirement for an authorization for use of groundwater for non-domestic purposes. If the groundwater use occurred on or before February 29, 2016, it is considered an existing use. Existing non-domestic groundwater users are encouraged to apply within the three-year transition period to maintain their historic date of use, i.e., date of precedence. The water can be used lawfully without an authorization until March 2, 2019.

Non-domestic groundwater use that commenced after February 29, 2016 is considered a “new” use and is not lawful without an authorization.

Examples of water use purpose changes:

<i>Water Sustainability Act</i> New purpose names	<i>Water Act</i> Old purpose names
Commercial enterprise	Combines: Amusement Park, Enterprise, Processing
Crop harvesting, protection and processing	Combines: Crop Suppression, Flood Harvesting, Frost Protection
Fresh water bottling	Bottle Sales
Processing and Manufacturing	Combines: Fire prevention, Processing, Shipyard, Wharf
Waste management	Combines: Effluent Dilution, Garbage Dump, Sewage Disposal, Washing Intake Screen
Storage – Aquifer – non-power	This is new purpose under the WSA as groundwater was not previously regulated
Storage – Aquifer – power	This is new purpose under the WSA as groundwater was not previously regulated

More information on water use purposes have changed, can be found here: http://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/water_use_purpose_defns.pdf

To apply for an authorization go to <http://www.frontcounterbc.gov.bc.ca/browse.html>.

5. Please explain/describe “Water Reservations for Conservation” slide 15

Water reserves under the WSA are a continuation from a power that was in the Water Act. Reserves are a form of water allocation that allows the Lieutenant Governor in Council (LGIC) to set aside the water from water being acquired under water licensing to make provisions for water for example, for a proposed waterworks, irrigation, or conservation purpose. In many cases, a reserve is used to retain water in the stream, e.g., Adams River near Shuswap Lake where flow is protected for sockeye salmon.

For more on reserves, visit: <http://www2.gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-reservations>.

6. Does an existing test well (initially drilled in 2008) that has not been put into service count as ‘existing’ if we are looking at rehabilitating it and developing it into a production well?

No, this would be a “new” use of water. An authorization is required for the diversion and use of groundwater or water from a stream for a water use purpose. If a new use of water is proposed from an existing well, an application must be made for an authorization for that new use of water.

Note: upcoming Drought interactive webinar – Tuesday, July 12th, 1-2pm, if interested, email Livingwatersmart@gov.bc.ca.