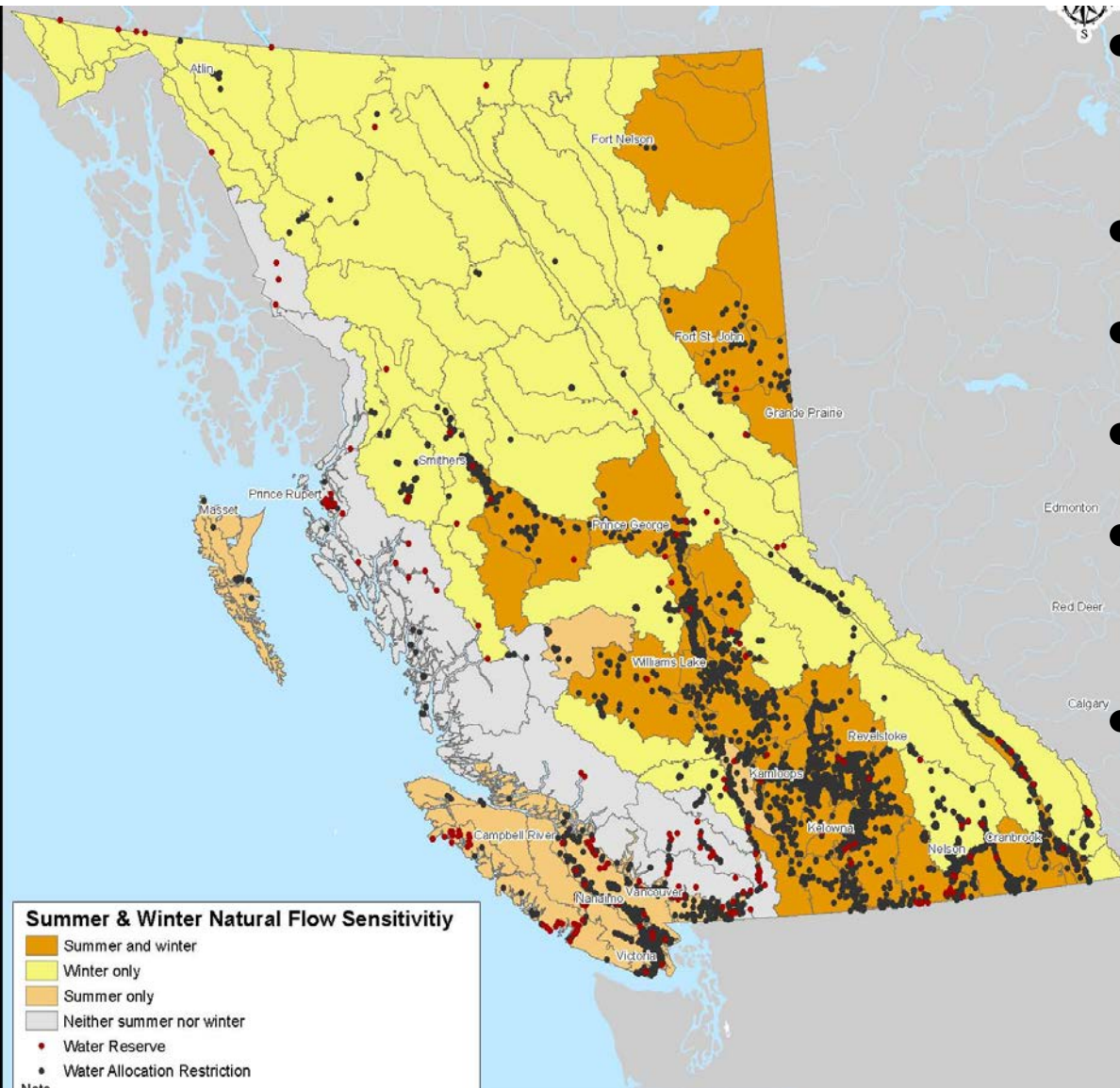


British Columbia's *Water Sustainability Act* and regulations

June 28, 2016



Water is under pressure...



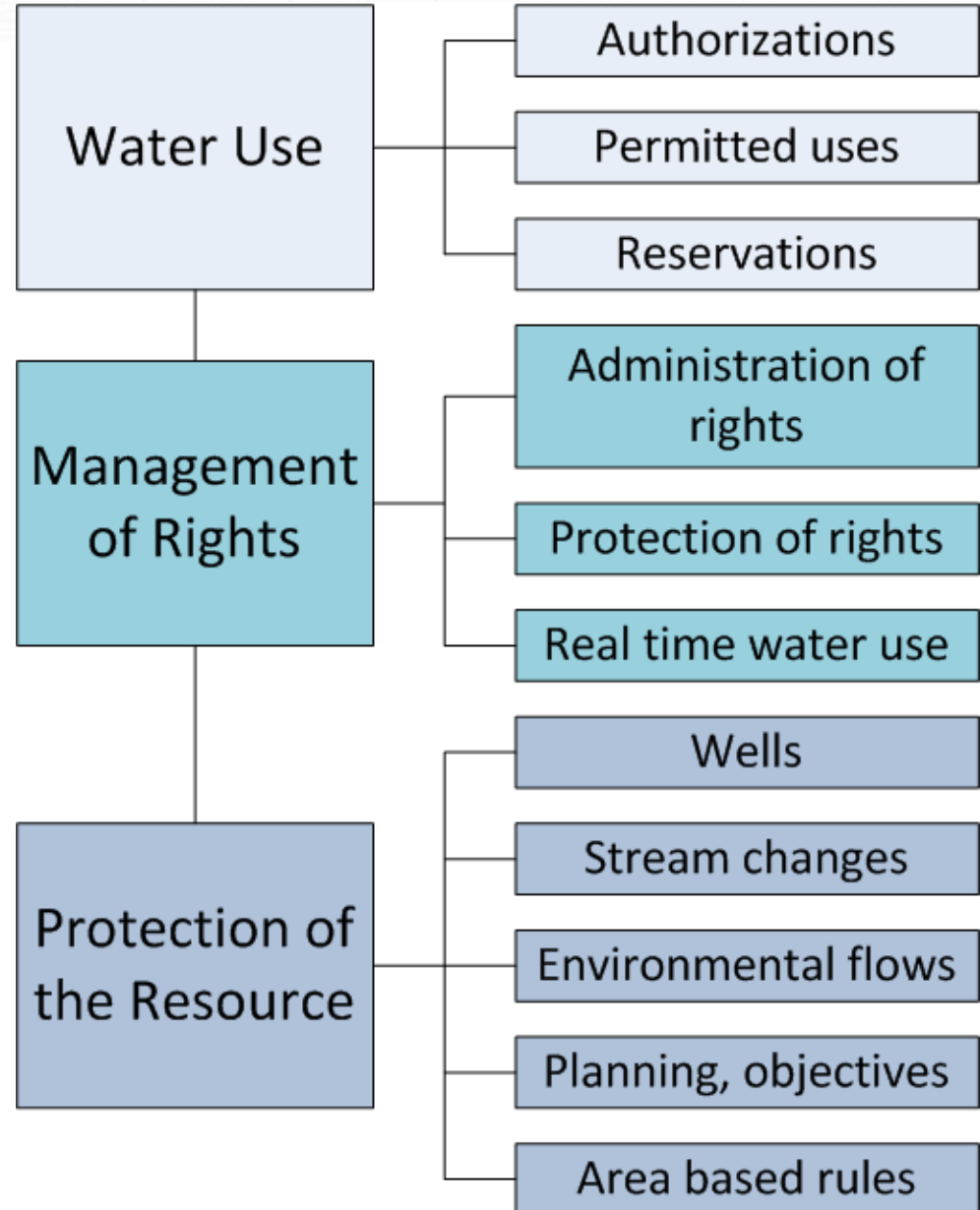
- Naturally flow sensitive areas
- Population growth
- Urbanization
- Climate change
- Water allocation restrictions
- Competing demands



Water Sustainability Act (WSA)

- Updates and replaces the *Water Act*
- Responds to current and future pressures on water, including groundwater
- Includes new measures to:
 - protect stream health
 - regulate groundwater
 - manage water use during times of scarcity
 - expand opportunities to participate in decision-making processes

WSA regulates in three key areas

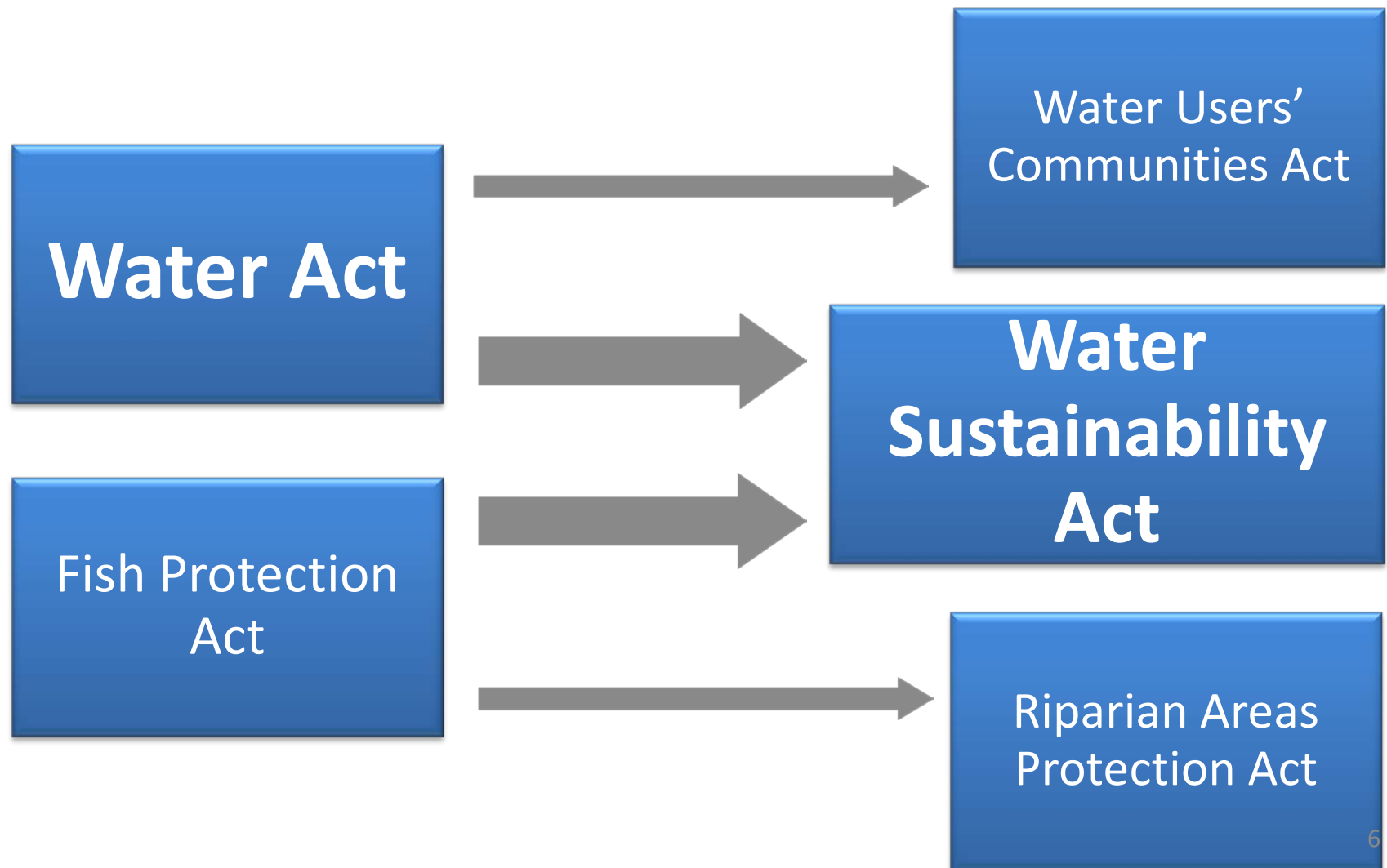


What are the key changes?



- Licensing non-domestic groundwater use
- New water fees and rentals
- Stronger protection for aquatic ecosystems
- Expanded groundwater protection measures
- Enhanced dam safety

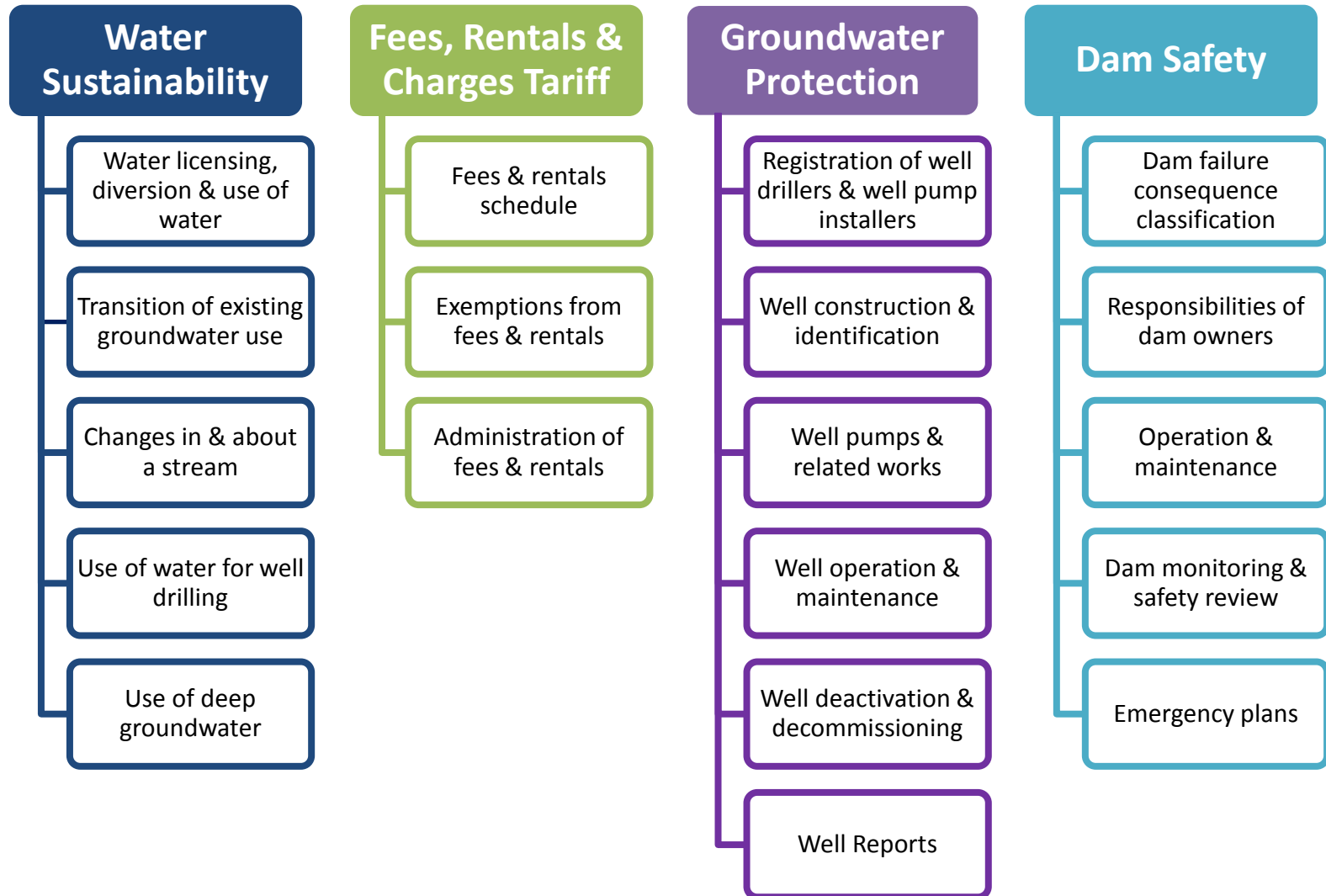
How have the laws changed?



What rules apply?

- *Water Act* and regulations have been replaced
- *Water Sustainability Act* and new regulations now apply to:
 - Applications in process
 - New applications
 - All existing water licences, use approvals, authorizations and permits
 - Well construction, operation and closure
 - Dams and dam safety

WSA regulations at a glance



Licensing groundwater use

- Licence required for **non-domestic** groundwater use
 - Waterworks, irrigation, industrial, etc.
- Domestic groundwater use exempt from licensing
 - Domestic includes household use, fire prevention, pets & poultry for household use, garden & lawn irrigation
- Apply at [FrontCounterBC.gov.bc.ca](https://frontcounterbc.gov.bc.ca)
- Application fees and annual rentals payable

Existing groundwater use

- Using groundwater on or before Feb. 29, 2016
- 3-year transition period
 - Can lawfully continue using groundwater
 - Eligible for licence date of precedence to be date of first use of groundwater
- Apply by March 1, 2017 to be exempt from application fees
- Rentals accrue from Feb. 29, 2016 regardless of when application received

New groundwater use

- New water uses beginning after Feb. 29, 2016
- Priority date for licence is the application date
- Application fees payable when application submitted
- Rentals begin when licence issued
- Must not use water until after licence is granted

Groundwater and *Environmental Assessment Act*

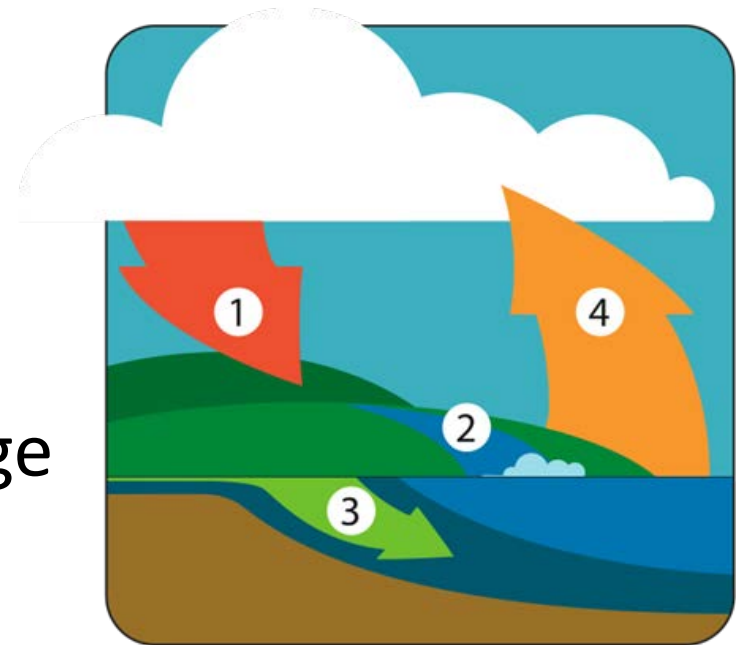
- Applications meeting EAA reviewable projects regulation threshold will require a certificate through EAO before a licensing decision
- E.g., applies where certificate or exemption has expired, well or well field has design capacity of 75 L/s or more
- More on requirements at <http://gov.bc.ca/water> under Laws & Rules

First Nations and the WSA

- Fee/rental exemptions for water use on reserve and Treaty lands
- Licences required for surface water and groundwater use on reserve and Treaty lands
- Consideration of First Nation uses of water (including spiritual/cultural) in the review of water licence applications
- Provisions for Water Sustainability Plans that can incorporate traditional ecological knowledge

Managing one water resource

- Surface water and groundwater managed under the same regulatory regime
- Hydraulic connection between surface water & groundwater considered
 - When licensing water use
 - When regulating water use during shortages
- Examining conditions for amending licences to change surface water source to groundwater source



Protecting aquatic ecosystems

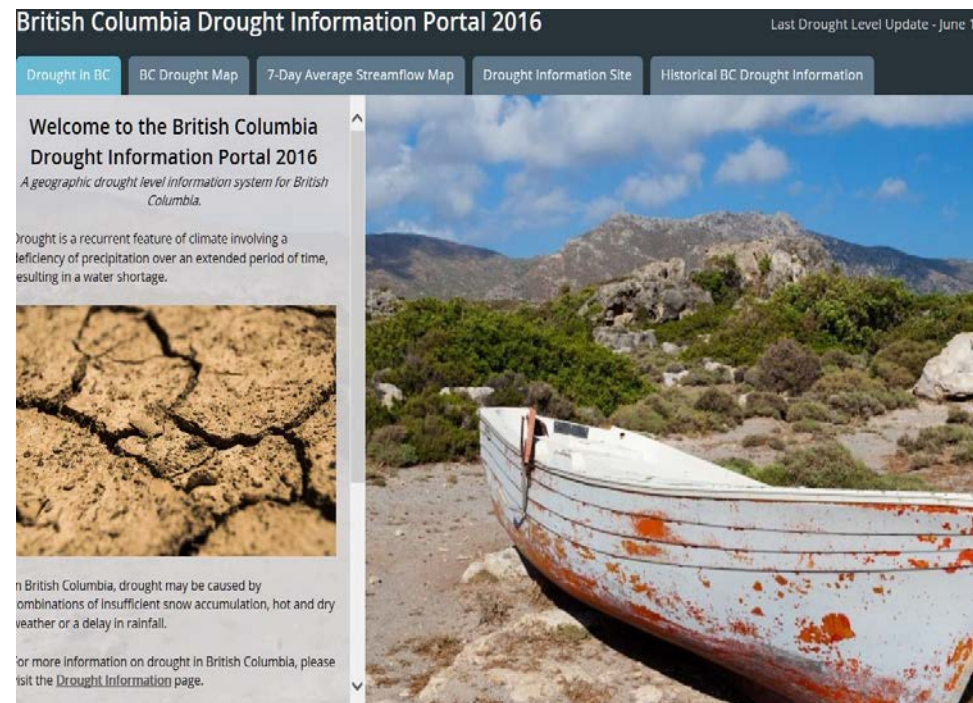
- Environmental flow needs
 - Must consider in licensing decisions
 - Discretion to consider when licensing existing groundwater use
- Temporary protection orders (during shortages)
 - Critical Environmental Flow Protection Order
 - Fish Population Protection Order
 - Essential household needs protected
- Water reservations for conservation purpose

Drought Response

- FITFIR can now be modified through use of new WSA tools:
 - Essential household use
 - Declaration of Significant Water Shortage for a designated area
 - Critical Environmental Flow Protection Order for a stream(s)
 - Fish Population Protection Order

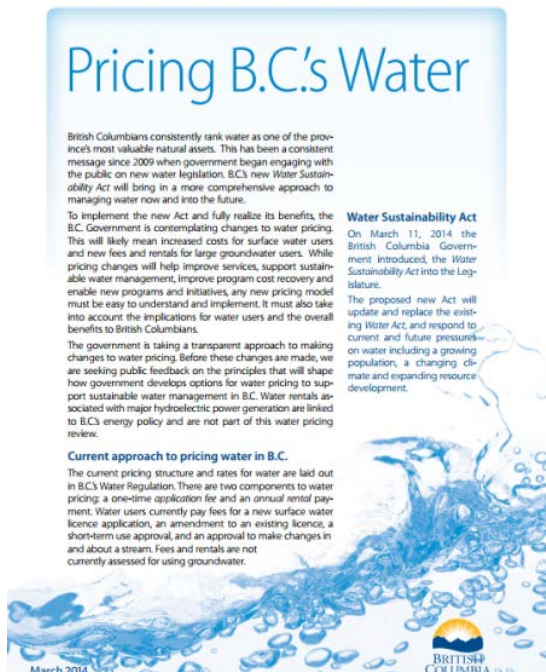
Drought Response

- Taking action during water scarcity, starting with voluntary reductions
- Applies to all users, licensed or not
- BC Drought Response Plan
- [Drought Information Portal](#)



Water fees and rentals

- Fees and rentals increase for all water use purposes
- Same fees apply to surface water and groundwater users
- Based on authorized quantity and water use purpose
- Changes in effect as of Feb. 29, 2016
- Ongoing review of fees and program costs



Fee and rental rate examples

Example Use	Volume (1000m ³ /year)	<i>Water Act</i> annual rental	WSA annual rental
Domestic stream water use	0.7	\$25	\$50
Forage crop irrigation (120 acres)	444	\$266	\$377
Municipal water supply – population 120,000	23,000	\$25,000	\$52,000
Pulp mill	300,000	\$255,000	\$349,500

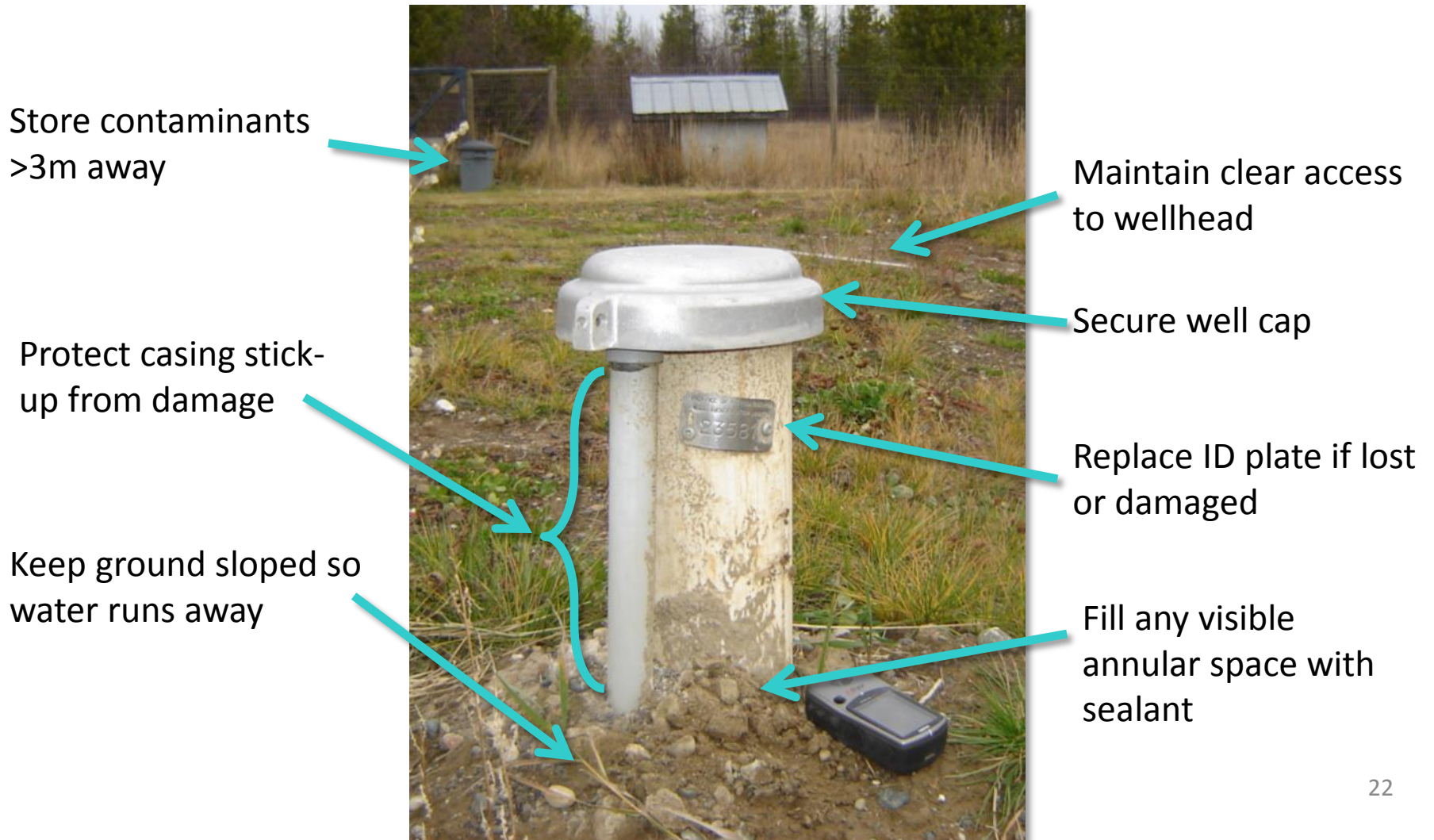
Exceptions and exemptions

- Local authority (waterworks and irrigation), pulp mills
 - based on quantity used
- Water power
 - Sliding scale application fee based on power development capacity
 - Annual water rental based on capacity and output
- Exemptions
 - Domestic groundwater
 - Provincial/federal governments
 - First Nations on reserve or Treaty land
 - Approvals processed by the Oil & Gas Commission

New requirements for groundwater protection

- Enhanced well construction requirements
 - Surface seals required for all cased wells
 - Plastic casings and liners certified for drinking water
 - Setbacks to protect existing uses
- Flowing artesian wells must be controlled
- New well pits restricted
- Well maintenance obligations for owners
- Mandatory well reports

Well owner responsibilities





Dam Safety Regulation

Reduce risk to public safety, the environment, land or property due to dam failures

- Defines what is a dam and the types of dams regulated
- Defines a dam owner and owner's obligations

Dam safety

- Failure consequence classification (low to extreme) based on
 - Population at risk
 - Loss of life
 - Environmental and cultural values
 - Infrastructure and economics
- Emergency plans & notification
- Maintenance & inspections
- Regular safety reviews
- Record keeping



Policy and regulation development

Initial Priorities

- Livestock watering
- Measuring and reporting

Further work

- Area-based regulations
- Water Objectives
- Water Sustainability Plans
- Governance

Recap

- New licensing requirements for groundwater use, including waterworks, irrigation, storage
- Individual household wells for domestic use are exempt
- Apply by March 1, 2019 at [FrontCounterBC](#)
- Application fees are waived until March 1, 2017
- More information on WSA, regulations and provincial drought response at <http://gov.bc.ca/water>

Next steps

- Focus on operations to implement WSA & regulations
- Communications and outreach
- Policy and regulation development
- Engage with First Nations and stakeholders (late 2016 and beyond)



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<http://gov.bc.ca/water>

Livingwatersmart@gov.bc.ca

FrontCounterBC

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28