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## Water Policy Bulletin

### Water Use for Mineral Exploration and Placer Mining under the *Water Sustainability Act*

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This bulletin clarifies water authorization requirements and exemptions under the [Water Sustainability Act](#) (WSA) and [Water Sustainability Regulation](#) (WSR) for mineral exploration activities, small scale placer mining activities and prospecting for a mineral in British Columbia (B.C.). Anyone looking to divert or use water for these activities is encouraged to review this bulletin before starting prospecting activities or submitting a [Notice of Work application](#), and to consider whether WSA permission may be needed to divert or use the water. Reviewing this bulletin in advance may help you save time and expenses. More information is available in the [Water Use for Mineral Exploration and Placer Mining Policy](#).

#### Notice of Work applications

Any work in or about a mine in B.C. requires a [Mines Act permit or exemption](#). A [Notice of Work application](#) must be submitted online through [FrontCounter BC](#) to obtain or amend a *Mines Act* permit. The application must include a plan outlining the details of proposed work and a program for the protection and reclamation of the land, watercourses and cultural heritage resources.

#### Permission to use or divert water

The WSA is B.C.'s principal act regulating the sustainable management of water. Most uses of water from a stream or aquifer require WSA authorization before the water can be used or diverted. This authorization can be a [WSA water licence or use approval](#) and applications are submitted online through [FrontCounter BC](#). Some uses of water may not require WSA authorization if certain conditions are met, such as some prospecting for a mineral, mineral exploration, or small-scale placer mining activity. Anyone seeking to divert or use water in B.C. is responsible for ensuring that they are compliant with all applicable legislation.

#### Water use for prospecting for a mineral

Unrecorded water<sup>1</sup> may be used from a stream or an aquifer without prior WSA authorization for “**prospecting for a mineral**”, which includes activities restricted to the use of hand-held tools such as recreational hand panning<sup>2</sup> and placer hand mining.<sup>3</sup>

“**prospecting for a mineral**” (as defined in [WSA s.1](#)) means searching for a mineral

- (a) using hand-held tools in a manner that does not involve mechanical disturbance of the surface, or
- (b) in a prescribed manner.

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<sup>1</sup> Under [WSA s.1](#), unrecorded water means water in a stream or an aquifer that is not recorded water. This means water that is not already authorized for use under the WSA.

<sup>2</sup> [Recreational hand panning](#) is allowed in specified areas of B.C. under the [Mineral Tenure Act](#).

<sup>3</sup> Placer hand mining may be conducted on a placer claim by the holder of a free miner's certificate.

## Water use for mineral exploration or small scale placer mining

A person with a permit under [Mines Act s.10](#) to carry out “**mineral exploration activities**” or “**placer mining activities**” is not required to obtain prior WSA authorization to use the water as long as certain conditions are met under [WSR ss. 34.2 to 34.5](#) (see below). For example, any proposed placer mining activities processing 2,000 cubic metres or more of pay dirt per year<sup>4</sup> are not exempt from the water authorization requirement and must have a WSA water licence or use approval before the water may be used, diverted or stored.

“**mineral exploration activities**” (as defined in [WSR s.34.2](#)) means any activity related to the exploration and development of a mineral, coal, sand, gravel or rock

“**placer mining activities**” (as defined in [WSR s.34.2](#)) means activities performed in relation to placer minerals and that involve the processing of less than 2,000 cubic metres of pay dirt per year<sup>6</sup>

### Summary of [WSR ss.34.2 to 34.5](#) exemption and rules

If the following criteria are met, then WSA authorization is not required before water may be used or diverted for mineral exploration activities or placer mining activities in B.C. However, prior WSA authorization may still be required if the diversion or use of water may have significant adverse impact on the stream, stream flow, or other authorized water users; or may have an adverse impact on a cultural heritage resource.

Learn more about the water authorization exemption and rules in the [Water Use for Mineral Exploration and Placer Mining Policy](#).

- The activities must meet the definitions of “mineral exploration activities” and/or “placer mining activities” as defined in [WSR s.34.2](#) (see call-out above).
- The person must hold a permit under [MA s.10](#) in relation to the placer mining activity or mineral exploration activity unless otherwise exempt from holding such a MA permit.
  - The **holder of a Mines Act permit** may divert and use water for a camp of no more than 20 people (operated and maintained in relation to permitted activities) associated with a mineral exploration activity or a placer mining activity but subject to the WSR rules and restrictions.
  - A person **exempted from a Mines Act permit** may divert and use water for mineral exploration activities using mechanical hand drills or mechanical rock saws if the tools are designed to be carried and used by a single person only but subject to the WSR rules and restrictions.
- The person may only divert or use unrecorded water.

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<sup>4</sup> Pay dirt is commonly measured in tonnes rather than cubic metres. Per [Mines Fee Regulation s.1\(2\)](#) and the [Notice of Work application](#), the pay dirt conversion rate is 2:1 (tonnes: cubic metres).

- The unrecorded water must not be from:
  - a stream or aquifer where there is a treaty water reservation (under [WSA s. 40](#));
  - the Nisga'a water reservation (under [WSA s.41](#));<sup>5</sup>
  - a sensitive stream designated under [WSR s.17](#) and listed in [WSR Schedule B](#);
  - a point of diversion within a protected area, as defined in [WSR s.46](#);<sup>6</sup>
  - a stream to which a [WSA s.82](#) plan regulation applies;<sup>7</sup> or,
  - a stream when a WSA temporary protection order applies ([WSA ss. 86, 87, 88](#));<sup>8</sup>
- The person must not construct, install or place any permanent or semi-permanent works in the stream channel.
- The person must remove from the stream channel any pump, equipment or material constructed, installed or placed for diverting or using water from the stream.
- The water supply intake must be equipped with a screen, or otherwise modified, to:
  - prevent potential loss of fish due to entrainment or impingement; and,
  - minimize disturbance of, or removal of sand and gravel from, the stream channel.
- The person must ensure that:
  - any disturbance of the stream channel or of the stable natural materials and vegetation in and about the stream is minimized when accessing water from the stream;
  - any water that is diverted is discharged without causing a significant risk of harm to public safety, the environment, land or other property;
  - the water supply and works of persons who are lawfully diverting or using water under the WSA are not adversely affected; and,
  - the diversion or use of water does not cause a risk of significant adverse impact to fish, wildlife or the aquatic ecosystem of a stream or adverse impact on a “cultural heritage resource”.<sup>9</sup>

## Applying for WSA authorization

If your water use is beyond “prospecting for a mineral” or does not meet the exemption requirements for “mineral exploration activities” or “placer mining activities” under [WSR ss.34.2 to 34.5](#), then you will need to apply for a water licence or use approval under the WSA. Applications for WSA permission can be completed online through [FrontCounter BC](#).

### Contact: FrontCounter BC

**Tel.:** 1-877-855-3222 (Toll-Free)

**Email:** [frontcounterbc@gov.bc.ca](mailto:frontcounterbc@gov.bc.ca)

**Web:** [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca)

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<sup>5</sup> Source for current water reservations includes: [Water Reservations \(gov.bc.ca\)](#).

<sup>6</sup> Source for current protected areas includes: [iMapBC, Protected Areas of British Columbia Act](#).

<sup>7</sup> Source for current water sustainability plans includes: [Water Planning & Strategies \(gov.bc.ca\)](#).

<sup>8</sup> Active temporary protection orders are listed at [Drought Information \(gov.bc.ca\)](#).

<sup>9</sup> Under the [Mineral Tenure Act s.1](#), an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to B.C, a community or an Indigenous people.