



Water Policy Bulletin: Environmental Assessment Certificate Requirements for Groundwater Users

Issued by:
Environmental Assessment Office
Ministry of Environment
Ministry of Forests, Lands and
Natural Resource Operations

This policy bulletin clarifies the requirements under the *Water Sustainability Act* (WSA) and the *Environmental Assessment Act* (EAA) for groundwater users who are:

- 1) not using groundwater for a “[domestic purpose](#)” under Section 2 of the WSA; and,
- 2) are reviewable projects under the EAA.

As of February 29th 2016, the WSA requires non-domestic groundwater users in BC to obtain an authorization (i.e., water licence or use approval). Non-domestic groundwater users [beneficially](#) using water before February 29th 2016 have until March 1, 2019 to apply for an authorization under the WSA and can continue to use groundwater until a decision on the application is made. Regardless of the date an application is submitted, note that as of February 29th 2016 this water use can be regulated and annual water rentals begin to accrue.

EAC or certificate exemption

Groundwater extraction projects¹ with a design capacity of 75L/s that operate for a year or more require an Environmental Assessment Certificate (EAC) or certificate exemption under section 10(1)(b) of the EAA².

For fish hatchery projects, **the Environmental Assessment Office (EAO) does not need to be contacted if:**

- › The project is supplying groundwater to a fish hatchery, for a volume consistent with the needs of a fish hatchery operation **and** for which approvals were issued under Section 14 of the *Fisheries Act* before December 30, 2002 and were still in effect on December 29, 2002. In this scenario, the groundwater extraction project meets the criteria of the [Transition Regulation](#) [BC Reg 374/2002] and neither an EAC nor certificate exemption is required.

Contact the EAO if any of the following apply:

- › The well or well field³ was drilled and operational after June 30, 1995⁴, has a total design capacity of 75 L/s or more and is in operations for a year or more;
- › The project was modified after 1995 to increase the extraction rate by $\geq 35\%$ and/or result in extraction of ≥ 75 L/s;
- › There is a current proposal to increase the extraction rate by $\geq 35\%$ and/or result in extraction of ≥ 75 L/s that has not yet been discussed with EAO;
- › The groundwater extraction project had an EAC but it is no longer valid (e.g., because it has expired); or,
- › The groundwater extraction project was issued a certificate exemption under s. 10(1)b of the EAA which is no longer valid because the conditions were not met and/or the scope of works changed and were not captured in a revised certified project description.

Groundwater Use Authorization Decision

The Ministry of Forests, Lands and Natural Resource Operations (FLNRO) can conduct a technical review of an application for an authorization for non-domestic groundwater use at the same time as the environmental assessment process, but a decision on the issuance of the authorization cannot be made until the EAC or certificate exemption has been issued by the EAO and received by FLNRO as part of the application for an authorization for groundwater use.

If you were using non-domestic groundwater before the WSA came into force on February 29th 2016 and have made application for an authorization within the transition period (February 29th 2016 and March 1st 2019), the date of precedence in your authorization can be your date of first use of groundwater based on the evidence provided.

¹ See Table 9 in the [Reviewable Projects Regulation](#) for Water Management Projects that require an EAC.

² For more information on certificates or certificate exemptions see the [EAO's Guidance Documents webpage](#).

³ A “well field” consists of one or more wells used for the diversion of groundwater to be used for the same project, or where, in the reasonable opinion of the technical reviewer, the wells are so closely related they can be considered to form a single project or operate together.

⁴ Groundwater wells were first regulated under the *Environmental Assessment Act* [RSBC 1996] Chapter 119 as of June 30, 1995.



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Compliance and Enforcement

Groundwater users found to be out of compliance with the requirements of the WSA and the EAA may be subject to compliance and enforcement action. See the EAO's [Compliance and Enforcement Policy and Procedure](#) and the website for the [Ministry of Forests, Lands and Natural Resource Operations' compliance and enforcement program](#).

Contact information

For more information on the environmental assessment process, visit www.eao.gov.bc.ca or contact the EAO at eaoinfo@gov.bc.ca.

For more information on applying for licences and approvals contact FrontCounterBC at **1-877-855-3222** or visit www.frontcounterbc.gov.bc.ca.

For more information on the provincial water program visit www.gov.bc.ca/water or contact the water program at Livingwatersmart@gov.bc.ca
