



# Water Policy Bulletin: Environmental Assessment Requirements for Groundwater Users February 21, 2019

Issued by:  
Environmental Assessment Office  
Ministry of Environment and Climate  
Change Strategy  
Ministry of Forests, Lands, Natural  
Resource Operations and Rural  
Development

This policy bulletin clarifies the requirements under the *Water Sustainability Act* (WSA) and the *Environmental Assessment Act* (EAA)<sup>1</sup> 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 29, 2016, the WSA requires non-domestic groundwater users in BC to obtain an authorization (i.e., water license or use approval) to divert, use or store water. Non-domestic groundwater users [beneficially](#) using water before February 29, 2016 have until March 1, 2022 to apply for an authorization that gives them a water right recognizing their past use. Individuals may continue to use water while awaiting a decision on these types of applications.

## *EAC or Exemption Order*

In British Columbia, groundwater extraction projects<sup>2</sup> require an Environmental Assessment Certificate (EAC) or an exemption order under section 10(1)(b) of the EAA (Exemption Order)<sup>3</sup> if the following conditions apply:

- › The project facility<sup>4</sup> was substantially started after June 30, 1995<sup>5</sup>, is designed to be operated so groundwater is extracted at a rate of 75 L/s or more, and is in operations, intermittently or continuously, for a year or more<sup>6</sup>;
- › The project facility consists of one or more works for the extraction of groundwater to be used for the same project or where, in the reasonable opinion of the EAO, the works are so closely related they can be considered to form a single project;
- › The project facility was substantially started before June 30, 1995, and was modified after that date to increase the extraction rate by 35% or more and/or result in extraction of 75 L/s or more;
- › There is a current proposal to increase the extraction rate by 35% or more and/or result in extraction of 75 L/s or more that has not yet been discussed with the EAO;
- › The EAO issued an EAC for the groundwater extraction project but it is no longer valid because it has expired; or,
- › The EAO issued an Exemption Order for the groundwater extraction project but it is no longer valid because the conditions were not met, or the scope of works changed and were not captured in a revised exempted project description.

**If these conditions apply to your project, contact the EAO to obtain information regarding the application process for obtaining an EAC or Exemption Order. Contact details are on the next page.**

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 Exemption Order is required.

## *Groundwater Use Authorization Decision*

The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) 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

<sup>1</sup> *Environmental Assessment Act* [SBC 2002] Chapter 43.

<sup>2</sup> See Table 9 in the [Reviewable Projects Regulation](#) for Water Management Projects that require an EAC or Exemption Order.

<sup>3</sup> For more information on certificates or Exemption Orders see the [EAO's Guidance Documents webpage](#).

<sup>4</sup> "Facility" means one or more physical works or structures that have been or will be constructed as part of a project.

<sup>5</sup> Groundwater extraction projects were first regulated under the *Environmental Assessment Act* [SBC 1994] Chapter 35 as of June 30, 1995.

<sup>6</sup> If the project can be operated at 75l/s or more, regardless of the intended operational rate, the project will require an EAC or Exemption Order.



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and received by FLNRORD as part of the application for an authorization for groundwater use. It is important to note that if an EAC or Exemption Order is granted under the EAA, the holder must still have authority to use water under the WSA, typically by applying for a water authorization. It is recommended that proponents review the **“Report: Guidance for Technical Assessment Requirements in Support of an Application for Groundwater Use in British Columbia”**<sup>7</sup> to ensure they have compiled and prepared the required technical information necessary to support their application of an authorization to divert and use groundwater. The guidance is intended to promote greater consistency in technical assessment and more timely decisions on applications for groundwater use.

### *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, Natural Resource Operations and Rural Development’s compliance and enforcement program](#).

### *Contact information*

For more information on the environmental assessment process, visit [www.eao.gov.bc.ca](http://www.eao.gov.bc.ca) or contact the EAO at [eaoinfo@gov.bc.ca](mailto:eaoinfo@gov.bc.ca) or call the sector lead for water projects at 1-788-698-9372.

For more information on applying for licenses and approvals contact FrontCounterBC at 1-877-855-3222 or visit [www.frontcounterbc.gov.bc.ca](http://www.frontcounterbc.gov.bc.ca).

For more information on the provincial water program visit [www.gov.bc.ca/water](http://www.gov.bc.ca/water) or contact the water program at [Livingwatersmart@gov.bc.ca](mailto:Livingwatersmart@gov.bc.ca)

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<sup>7</sup> <https://a100.gov.bc.ca/pub/acat/public/viewReport.do?reportId=50847>

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