



Ministry of **F**orests, **L**ands, **N**atural Resource **O**perations
and **R**ural **D**evelopment

Overview of the Basic Considerations Involved in Water Licensing

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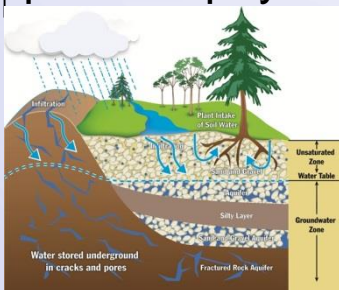
Steps for water licence application

1. Applicant: logon with BCeID to FrontCounter BC website and fill out application

BCeID



2. FrontCounter BC: staff will review application for completeness and process payment



3. Water authorizations staff: consultation, referrals, technical report



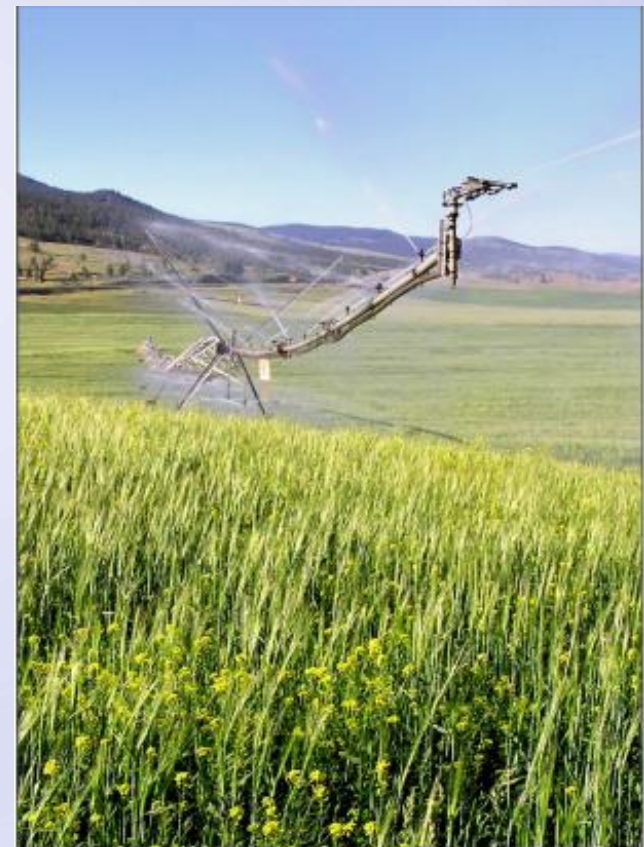
4. Decision: water manager will decide whether to approve application





Basic Considerations for a Water Authorization Decision

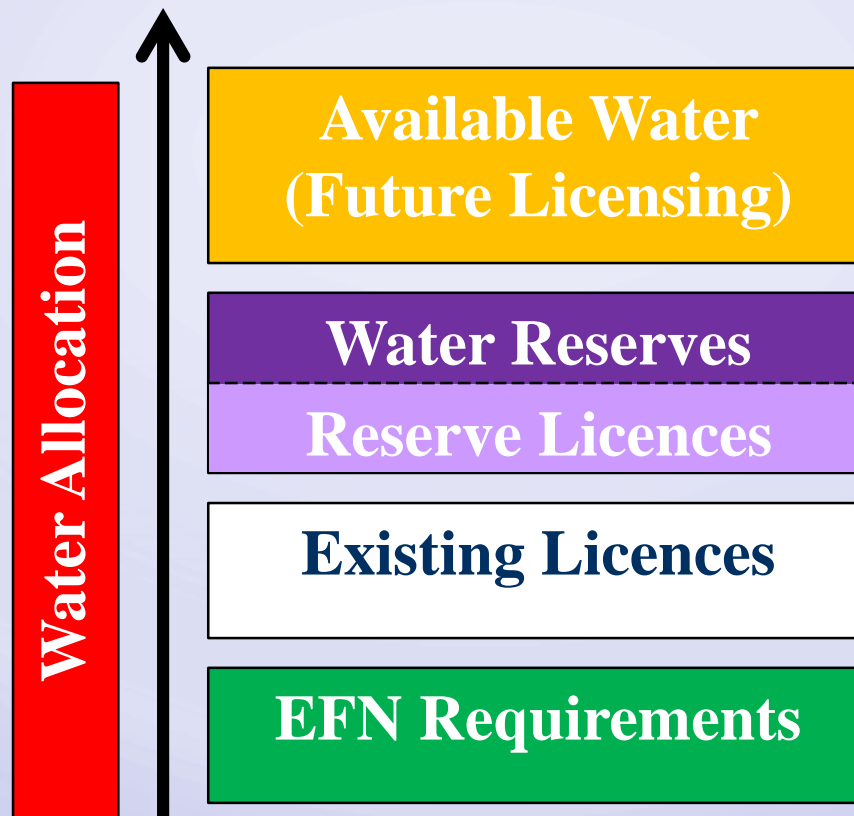
1. Beneficial Use
2. Water availability
3. Impacts to other parties
(notice and objection)
4. Impacts to the environment
5. Impacts to Aboriginal Interests
6. Other approvals/authorizations etc.





Water availability – is there water available?

- Net of existing demand and environmental flow needs





Impacts to other parties – *Water Sustainability Act Sec 13*

Decision maker must consider and serve notice to any who may be affected if licence granted:

- Authorization holders (other licensees) who may be detrimentally affected
- Riparian rights holders who may be detrimentally affected –
- Landowners whose lands would be physically affected (flooding)
- Any of the above can appeal through Environmental Appeal Board per Sec 105 WSA



Impacts to other parties (notice and objection)

- Sec 13 WSA establishes individuals who have a right to take part in the process:
 - Authorization or change approval holder, an applicant for both or a riparian owner whose rights the decision maker considers would be likely to be **detrimentally affected**, and
 - A landowner whose land would be **physically affected**.
- Riparian rights – right to ingress and egress
- Authorization holder – ability to divert and use water, works impacted
- Landowner – physical effects – flooding, erosion, etc.



Impacts to other parties (liability/compensation)

Sec 29(1) WSA:

- An applicant/licence holder must exercise reasonable care to avoid damaging land of another person.

Sec 29(4):

- Applicant/licensee is liable to owners of land for damage or loss resulting from the construction, maintenance, use, operation or failure of the person's works.



Impacts to the environment

- Can characterize in two groups:
 1. Impacts from diverting water from a source and
 2. Terrestrial and aquatic impacts from works. (eg lamprey)

Referrals and professional assessments.





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1. Prospect of making beneficial use of the water in a manner consistent with the WSA and other leg, regs, bylaws etc.
 - Reasonable plan, clearance/status for encumbrances, refer to other agencies/governments
2. Water Availability.
 - Water budget approach that takes into consideration Environmental Flow Needs, existing rights, water reservations and also consider impacts to FN lands that are subject to title claims.



3. Impacts to other interests/rights holders

- Impacts and Aboriginal Interests – i.e. consultation
- Impacts to rights holders per sec 13 of the WSA

4. Impacts to the aquatic and terrestrial environment

- These considerations are often directly related to FN consultation and other aspects such as beneficial use.
- We commonly review the impact of diverting the water away from the aquatic environment and the impact of the works on both the aquatic and terrestrial environments.



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