

Water licence application process in B.C.

Questions and answers

This document addresses the water licence application process in B.C. More detailed information on the application process is available at: gov.bc.ca/gov/content/environment/air-land-water/water/water-licensing-rights/water-licences-approvals and information on BC Hydro's Water Licence Renewal Project is available by contacting us at 1 866 647 3334 or projects@bchydro.com.

Q1	Who owns and controls the water in B.C.?
A1	The Government of B.C. owns all water in B.C. on behalf of B.C. residents and controls the use, storage and and diversion of the water.
Q2	When is a licence or approval needed?
A2	<ul style="list-style-type: none"><input type="radio"/> A licence or approval is needed:<ul style="list-style-type: none"><input type="radio"/> When water is diverted, used or stored.<input type="radio"/> To construct works to divert and convey water.<input type="radio"/> A licence is generally required when water will be used for more than two years.
Q3	How do users get permission to use water?
A3	<ul style="list-style-type: none"><input type="radio"/> Users get permission to use water by licence or approval under the <i>Water Sustainability Act</i> (bclaws.ca/civix/document/id/complete/statreg/14O15) and the <i>Water Sustainability Regulation (2016)</i> (bclaws.ca/civix/document/id/complete/statreg/36_2016) which provide rules and guidance for issuing licences and approvals and allocating surface water and groundwater.<input type="radio"/> Those interested in using water must submit an application through FrontCounter BC.
Q4	Does an applicant for a water licence need to apply for other permits?
A4	<ul style="list-style-type: none"><input type="radio"/> If works are on Crown Land, a permit over Crown Land is needed.<input type="radio"/> Licence holders must also comply with applicable provincial, local and federal regulations.<input type="radio"/> The application for a permit over Crown Land under the <i>Water Sustainability Act</i> is part of the water licence application while other permits are applied for separately from the water licence.
Q5	How is a licence renewal different from a new licence?
A5	<ul style="list-style-type: none"><input type="radio"/> The <i>Water Sustainability Act</i> considers a renewal as if the application was for a new licence.
Q6	When does a licence holder have to apply for a renewal?
A6	<ul style="list-style-type: none"><input type="radio"/> Complete application documents have to be submitted before the licence expiry date.<input type="radio"/> Once the Comptroller of Water Rights (Comptroller) has received complete application documents, he can extend the existing licence until the review has been completed and a decision is made regarding the application.

Q7	What information has to be included in a water licence application?
A7	<ul style="list-style-type: none"> ○ The application form requires information about the applicant, activities proposed, the area where activities will be undertaken, activity timing and duration, legal property descriptions, surveys and maps, and land lease or permit information. More detail is available at: frontcounterbc.gov.bc.ca/guides/water/new-water-licence/what-you-need-to-apply/ ○ If a diversion rate of over 100 m³ (25,000 gallons) a day is proposed, a Water Development Plan which provides more detailed information than the application form may be requested. The Water Development Plan forms part of the application.
Q8	Does someone applying for a licence have to engage with interested parties?
A8	The proponent must engage with those who may have a direct interest in the licence including First Nations, regulators, and those who may be directly affected by the licence renewals as identified in the Water Sustainability Act (i.e., authorization and change approval holders and applicants, riparian or land owners whose land is likely to be physically affected if the renewal is granted). More specifically, each of BC Hydro and the Province have a legal duty to consult with and, if required, accommodate potentially impacted First Nations.
Q9	Are water licence applications subject to review under the B.C. Environmental Assessment Act (BCEAA) or Federal Impact Assessment Act (IAA)?
A9	<ul style="list-style-type: none"> ○ The Project associated with the licence can be subject to review under the BCEAA or the IAA depending on the nature of the Project or changes proposed as part of the renewal process. ○ If no changes to a Project are proposed as part of a renewal process, review is not required. ○ If a Project is subject to review, the licence application may be reviewed during, but separately from, the review process.
Q10	Who decides if a water licence application should be approved?
A10	<ul style="list-style-type: none"> ○ The Comptroller, under the Ministry of Land, Water and Resource Stewardship, is the statutory decision maker for BC Hydro water licence applications. ○ The Comptroller can refuse part or all of an application; ask for more information; or approve all or part of the application and issue a conditional or a final licence.
Q11	What is considered in deciding if a water licence application should be approved?
A11	<p>Generally, the Comptroller decides whether or not to approve an application after:</p> <ul style="list-style-type: none"> ○ Considering all information provided in the application. ○ Completing technical reviews, if required. ○ Considering input received during the application review program undertaken by the Comptroller's office with First Nations, government agencies and those who may be directly affected by the licence renewals (i.e., authorization and change approval holders and applicants, riparian or land owners whose land is likely to be physically affected if the renewal is granted) after the required information is received.

Q12	What rights does a water licence holder have?
A12	<p>The rights are outlined in the licence. Generally,</p> <ul style="list-style-type: none"> <input type="radio"/> A conditional licence authorizes the licensee to construct works, and divert and use water. <input type="radio"/> A final licence authorizes the diversion and use of water but does not authorize the construction of works.
Q13	Are the terms and conditions the same for all licenses?
A13	<p>No. While there are typical terms and conditions, terms specific to a particular licence can also be included in a licence. Typical terms and conditions include the:</p> <ul style="list-style-type: none"> <input type="radio"/> Name and location of the stream from which water may be taken or stored. <input type="radio"/> Location of the intake. <input type="radio"/> Priority date of the licence (precedence date). <input type="radio"/> Purpose(s) for which the water may be used. <input type="radio"/> Maximum quantity of water that may be stored. <input type="radio"/> Time of year when water may be used. <input type="radio"/> Property where the water is to be used and to which the licence is attached. <input type="radio"/> Authorization to build works to divert and convey water from the stream to the place of use for works not on Crown Land.
Q14	How long can a water licence be issued for?
A14	<ul style="list-style-type: none"> <input type="radio"/> The limit identified in the Water Sustainability Act is 40 years although the Comptroller can issue licences for shorter periods of time. <input type="radio"/> Under the Hydro and Power Authority Act (bclaws.ca/Recon/document/ID/freeside/OO_96212_01), BC Hydro may receive a longer term, subject to the discretion of the Comptroller. <input type="radio"/> As applicants often make large and ongoing investments related to a licence, they prefer longer terms. <input type="radio"/> If a licence and a permit over Crown Land are both needed, they are issued simultaneously under the Water Sustainability Act for the same period.
Q15	Are users charged for using water?
A15	<ul style="list-style-type: none"> <input type="radio"/> There are application fees for both water licences and permits over Crown Land. <input type="radio"/> After a licence is issued, the licensee is charged: <ul style="list-style-type: none"> <input type="radio"/> An annual rental fee based on the amount of water authorized and the water use purpose. <input type="radio"/> A yearly rental fee for land if a permit over Crown Land is issued.
Q16	Can a water licence be suspended?
A16	<p>A licence can be suspended or cancelled for a number of reasons including not making beneficial use of the water, not paying annual fees or not following the terms and conditions.</p>