

Incorporating Indigenous Interests into, or Operating in Parallel with, Decision Making under the *Water Sustainability Act*

An ELC Clinic report

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July 2020



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ELC FILE NUMBER 2019-03-05

July 2020*

Background

First Nations are entering into agreements with the Province of British Columbia to work together to improve water governance and stewardship for the benefit of future generations.

First Nations seek information on options for advancing freshwater protection in ways that support the revitalization of Indigenous laws and traditions that also take advantage of new tools under BC's *Water Sustainability Act* (WSA).¹

This memo is a preliminary scan of the WSA to identify (1) opportunities within the WSA where provincial decision makers could be required to incorporate Indigenous laws, knowledge, plans, and management recommendations into decision making, and (2) where Indigenous laws can operate explicitly and transparently alongside or parallel to decision making under the WSA. The intent is to provide a catalogue of potential decision-making points in the WSA, categorize those points as to the type of decision is enabled (discussed in Part B), and suggest how different categories of decisions could fit under different types of decision-making models (set out in Table 1, and discussed in Part C).

This is a preliminary categorization of decisions enabled by the WSA and consideration of how they could be expressed through different types of decision-making fora. It is not exhaustive and should be

* Thanks goes to Oliver Brandes and Rosie Simms of the Polis Water Sustainability Project for providing comments on a draft of this document.

¹ SBC 2014 c 15. <http://www.bclaws.ca/civix/document/id/complete/statreg/14015>

read for discussion purposes and to stimulate ideas about opportunities for shared decision making. Much more detail can be provided on any aspect of decision making under the WSA or decision-making models outlined in this memo.

A. Methodology

The memo required a catalogue of statutory decisions under the WSA (Appendix), creating categories for those decisions (Part B), defining decision-making models (Part C) and showing options for how those decision-making models could be responsible for different categories of decision under the WSA (Table 1). We examined each of the decision-making models for how Indigenous laws and knowledge, as well as management recommendations and plans that Indigenous communities develop (titled “info inputs” in Table 1) can be incorporated into their processes.

The first step was to review the WSA in detail and pull out all of the points of statutory decision making within it. Once we created that long list, we identified two different ways that the decisions could be considered – according to the subject matter they addressed or in reference to the nature of the decision being made. We describe these categories in Part B.

The next step was to set out the range of decision-making models that are may be used to make decisions about watersheds and water where Indigenous communities and BC are both involved. At the same time, we identified four different types of information inputs generated by or with First Nations that may be used in any decision making: Indigenous laws, Indigenous knowledge, plans, and management recommendations. We describe the decision-making models in Part C.

The last step was to identify what types of decisions could be expressed through which decision-making models. Table 1 sets out the decision-making models across the top and down the left side is represented the information inputs and two different categorizations of decisions under the WSA. For each model we have demonstrated their potential for incorporating or expressing the information inputs, and whether they could be used to exercise the decisions as represented by the two categories.

Finally, we conclude with some observations about moving towards collaborative decision making.

B. Categorization of Statutory Decisions under the WSA

The WSA came into force on February 29, 2016 with the stated purpose being “to ensure a sustainable supply of fresh, clean water that meets the needs of B.C. residents today and in the future”.² It regulates the licensing, diversion and use of water, and enables the protection of water resources. It addresses the historic weakness’ of BC water law relating to environmental flows and water use efficiency,³ and creates new tools, such as water sustainability plans, that can be used for comprehensive watershed protection. Decision-making authority under the WSA is vested in the Lieutenant Governor in Council (which is the provincial cabinet), the minister, the comptroller of water rights, water managers,

² Province of British Columbia, Water Sustainability Act online <https://www2.gov.bc.ca/gov/content/environment/air-land-water/water/laws-rules/water-sustainability-act>.

³ Deborah Curran, "Leaks in the System: Environmental Flows, Aboriginal Rights, and the Modernization Imperative for Water Law in British Columbia" (2017) 50:2 UBC Law Review 233 at 276.

engineers and officers. The WSA contemplates delegating decisions that the comptroller, water managers, engineers and officers would typically make to another person or entity, such as regional or watershed decision-making bodies.⁴ However, it is important to note that decisions made by the Minister or Lieutenant Governor in Council cannot be delegated. In a collaborative governance process, the parties rely on government-to-government agreements to express what is to be done and then each party must make the necessary changes in their legal instruments (both Indigenous and state law) to bring about the agreed upon objectives and actions.

For the purpose of discussing how First Nations' interests could be incorporated into or operate alongside decision makings under the WSA, we identified two different categories under which the statutory decisions could be grouped – subject matter and the nature of the decision. Subject matter decisions reflect the various legislative purposes of the WSA. These categories are regulating water use, regulating works and wells, protecting water resources and ecosystems, creating water sustainability plans, and administering and enforcing the WSA, as described below.

a. Regulating water use

This category includes the provisions in the WSA that establish the rules for water use, which includes the decisions for approving water licences and other authorizations. These decisions mainly related to entitlements to use water, as well as impose limits or conditions on these entitlements when needed.

b. Regulating works and wells

Part of ensuring that water is used properly and that one licensee's use does not have negative impacts on others is to regulate the construction, maintenance and operation of works – the physical structures that store, divert and convey water – and wells. The WSA does this by establishing requirements in the Act and regulations, imposing conditions in water authorizations such as licences, and enabling decision makers to make orders related to works and wells.

c. Protecting water resources and the ecosystem

This category addresses temporary and emergency low flow situations that necessitate ecosystem protection, and includes making orders such as declaring significant water shortages or protecting fish populations. It also encompasses the ability to address water quality by developing water objectives for specific areas or circumstances.

d. Creating water sustainability plans (WSPs)⁵

WSPs are the sole comprehensive mechanism in the WSA that enables a whole-watershed approach. Rather than focusing on regulating water use or controlling water use due to low

⁴ *Water Sustainability Act*, section 126(d) online

<https://www.bclaws.ca/civix/document/id/complete/statreg/14015#section126>.

⁵ For more details on the potential of WSPs, see Deborah Curran and Oliver Brandes, *Water Sustainability Plans: Potential, Options and Essential Content* (Victoria: Polis Project on Ecological Governance, 2019).

<https://poliswaterproject.org/files/2019/10/POLIS-WSP2019-6e1-web.pdf>

flows or quality problems, WSPs can address land-based activities and impacts, and bind decision makers who are making decisions under other natural resources or land regimes that affect water.

e. Administering and enforcing the WSA

This category involves the suite of decisions that relate to enforcing the WSA, and includes imposing administrative penalties or calling on a peace officer.

The second category of statutory decisions is the nature of the decision, which focuses on the type of decision made, such as issuing and regulating licences and other authorizations, making orders, making regulations, making designations or appointments, and imposing penalties or taking other enforcement measures. The decisions within these sub-categories share similar characteristics and involve similar decision-making procedures.

a. Issuing and regulating licences, permits, authorizations and approvals

Authorizations and approvals under the WSA are application-driven. A person or organization submits an application to the provincial government. The application contains specified information about the applicant, water source, works that will be constructed, anticipated use, and volume of water use. Provincial government staff evaluate these applications on a case-by-case basis using the information supplied by the applicant and any scientific information and records available to the decision maker. If the provincial decision maker issues an authorization, the authorization will contain restrictions on how the water can be used, the volume and timing of use, location of diversion, and other conditions. Authorizations are also made for undertaking activities in and about streams.

b. Making orders

Provincial decision makers such as engineers, water managers and the Comptroller of Water Rights have significant authority to issue licence-, watercourse-, or area-specific orders to address problems with water use. There are virtually no procedures associated with these types of orders, and the provincial decision makers have extensive discretion to shape orders to address the problem they are attempting to address. Orders can be directed at, for example, low flow conditions, diversion of water volumes, the operation of works, providing information, monitoring water use, and establishing water sustainability planning processes.

c. Making regulations

Regulations provide a framework within which the WSA operates, and can be used to implement water sustainability plans. The current regulations under the WSA address, for example, water rentals and fees, application procedures, the designation of sensitive streams, dam safety, groundwater licensing, and ecosystem considerations for changes in and about streams. The WSA permits the development of more detailed regulations for many other aspects of water management, for example establishing environmental flow needs and water objectives, what decision makers must take into account a water sustainability plan, and the delegation of decisions to other bodies.

d. Making designations or appointments

In a few places the WSA enables the designation of individuals to decision-making roles.

e. Imposing penalties and other enforcement measures

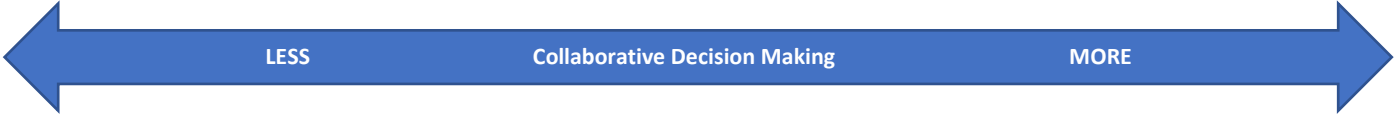
Part 4 of the WSA sets out extensive authority for enforcement and issuing penalties. From imposing administrative penalties to mandating that action occur on land or in relation to water diversion works, these provisions provide significant discretion for provincial decision makers to address conditions that are in contravention of the WSA, and to remedy physical problems.

The catalogue of WSA decisions is set out in the Appendix, with each category of statutory decision indicated in the two right-hand columns. These categories of decisions can then be correlated with different types of decision-making models that could take into account or operate in parallel with First Nations' interests and decision making.

C. Spectrum of Five Decision-Making Models Operating under or Parallel to the WSA that can Incorporate or be Based on First Nations' Interests and Information

We have identified five models of decision making where the First Nations' laws, knowledge, plans and management recommendations can be incorporated into or operate parallel to (and direct) decisions made pursuant to the WSA: providing information to provincial decision making, operational committees, delegated decision-making entities, government-to-government (G2G) forum, and collaborative decision-making entity. It is important to note that these decision-making models are for illustrative purposes only. They are not exclusive and operate on a spectrum. The purpose of identifying a spectrum of decision making is to examine how the various categories of decision making could fit into different types of decision-making models as each is suitable for making one or more types of decisions under the WSA.

Table 1 provides a summary of the decision-making models in relation to informational inputs and categories of decisions under the WSA.

Table 1: Overview of Collaborative Decision-Making Models and their Decision-Making Potential


	First Nations provide info to province	Operational Committees (Staff to Staff)	Shared Decision-Making Entities	G2G forum (Chiefs to Ministers or Senior Executives)	Collaborative Decision-Making Entities
Nature of decisions	Provincial decisions	Provincial decisions	Delegated decisions	Collaborative decisions	Collaborative and delegated decisions
Info inputs	<input type="checkbox"/> Indigenous laws	<input checked="" type="checkbox"/> Indigenous laws	<input checked="" type="checkbox"/> Indigenous laws	<input checked="" type="checkbox"/> Indigenous laws	<input checked="" type="checkbox"/> Indigenous laws
	<input checked="" type="checkbox"/> Indigenous knowledge	<input checked="" type="checkbox"/> Indigenous knowledge	<input checked="" type="checkbox"/> Indigenous knowledge	<input checked="" type="checkbox"/> Indigenous knowledge	<input checked="" type="checkbox"/> Indigenous knowledge
	<input type="checkbox"/> Plans	<input type="checkbox"/> Plans	<input checked="" type="checkbox"/> Plans	<input checked="" type="checkbox"/> Plans	<input checked="" type="checkbox"/> Plans
	<input checked="" type="checkbox"/> Management recommendations	<input checked="" type="checkbox"/> Management recommendations	<input checked="" type="checkbox"/> Management recommendations	<input checked="" type="checkbox"/> Management recommendations	<input checked="" type="checkbox"/> Management recommendations
WSA Category: Subject matter	Regulating water use	Regulating water use	Regulating water use	Regulating water use	Regulating water use
	Regulating works and wells	Regulating works and wells			Regulating works and wells
	Protecting water resources	Protecting water resources	Protecting water resources	Protecting water resources	Protecting water resources
			Creating water sustainability plans		Creating water sustainability plans
			Enforcing the WSA		Enforcing the WSA
WSA Category: Nature of the decision	Issuing and regulating authorizations	Issuing and regulating authorizations	Issuing and regulating authorizations		Issuing and regulating authorizations
	Making orders	Making orders	Making orders		Making orders
		Making regulations	Making regulations	Making regulations	Making regulations
				Make designations and appointments	Make designations and appointments
			Imposing penalties and other enforcement		Imposing penalties and other enforcement

1. Providing Information to Provincial Decision Making

In making many decisions under the WSA, the decisions makers such as the Comptroller of Water Rights, a water manager, an engineer or an officer may reach out to First Nations for information, both as part of and in addition to consultation on aboriginal rights pursuant to section 35 of the *Constitution Act, 1982*. First Nations can also proactively provide information to provincial decision makers. In many regions the most direct interaction between First Nations and provincial decision making is as part of the referrals process where the provincial government receives an application for a water licence or authorization and refers that application to the First Nation on whose traditional territory the potential water diversion is located.

Other more proactive examples could include, for example, under section 47(1) of the WSA where an engineer may order a person to stop introducing foreign matter into a stream, remove the matter and take measures to remediate or mitigate the effects of the introduction. First Nations could make requests that the engineer make such an order based on their knowledge of activities occurring in a particular place or on a piece of land. Likewise, under section 91(4) of the WSA authorizes the comptroller to reduce or eliminate significant risks or hazards to public safety, the environment, land or other property if such reduction or elimination is in the public interest. If First Nations' staff or members identify a significant risk to public safety, they could provide such information to the provincial government and request or expect that provincial staff will take measures.

2. Operational Committees

Operational committees typically engage on a staff-to-staff level and are concerned with management and technical information sharing. In this model decisions are still made by provincial staff, however First Nations staff have more involvement in setting the framework for those decisions and providing input on specific issues than merely providing information for provincial decision making.

Decisions made at the operational committee level are usually those that concern day-to-day water management such as regulating water licences and works and wells. For example, the First Nations' and provincial staff could review how the Environmental Flow Needs Policy (2016) is working in a specific watershed or region,⁶ and identify areas for improvement. Likewise, staff could evaluate section 11 authorizations (changes in and about streams) and discuss watershed-specific values requiring additional attention.

Operational committees could also operate as advisory boards created pursuant to section 115 of the WSA. Advisory boards may provide advice in relation to water objectives, methods for determining environmental flow needs or critical environmental flow thresholds, standards and best practices in respect of the diversion and use of water and wells, and ground water protection. Although the provincial government has not established any advisory boards under the WSA, the wording of s.115 (h), "any other matter under this Act," is very broad and permits advisory boards to provide advice relating to all the decisions under the WSA.

3. Shared Decision-Making Entities

Many decisions under the WSA could be delegated pursuant to section 124(4)(g) to persons in a watershed entity or organization, which could be an entity dedicated to watershed health in which First Nations are a key part, such as the Cowichan Watershed Board, or a First Nation organization. Section 126(c) of the WSA allows

⁶ https://www2.gov.bc.ca/assets/gov/environment/air-land-water/water/water-rights/efn_policy_mar-2016_signed.pdf

the Lieutenant governor in Council to, by regulation, establish classes of officials other than the comptroller, a water manager, an engineer and an officer and provide them with powers, duties and immunities relating to specific sections of the WSA or proscribe to them additional powers and duties. In other words, the provincial government may delegate decision-making power under certain sections of the Act to classes of officers with a decision-making body, or provide them with additional powers and duties.

As conceived of in this spectrum of decision-making models, one of the primary mandates of a delegated decision-making entity would be to exercise the delegated jurisdiction under the WSA. Unlike a collaborative decision-making entity (see below under 5), expression of Indigenous jurisdiction would be secondary. It can also collaborate with provincial staff on non-statutory decision such as budgets, workplans, operational parameters, and procedures for decision-making.

Taking an incremental approach, there is significant potential for the delegation of watershed-specific decisions, such as the creation of water objectives (section 43), and establishing thresholds for low flows (section 87) and fish population protection order (section 88) for specific watersheds. More comprehensively, a delegated decision-making entity could be responsible for developing and implementing a water sustainability plan.

One example of a comprehensive statutory delegation to a decision-making body is the British Columbia Oil and Gas Commission (“the Commission”) to which the provincial government gave delegated decision-making power under the *Oil and Gas Activities Act* (OGAA).⁷ The Commission’s authority includes issuing and regulating permits and authorizations,⁸ including water authorizations, carrying out action when orders made by an official are not complied with,⁹ and making regulations respecting aspects of carrying out oil and gas activities.¹⁰ The Commission is governed by a Board of Directors assisted by a group of expert consultants. The OGAA sets out that the Deputy Minister for the Ministry of Energy, Mines and Petroleum Resources is the Board Chair, and the Lieutenant Governor in Council appoints two other commissioners.¹¹

4. Government-to-Government Forum (Chiefs to Ministers or Senior Leadership)

A government-to-government (G2G) forum on this spectrum of decision making is responsible for political decisions that establish frameworks for decision making and sharing jurisdiction.¹² G2G forums involve senior First Nation leadership and senior provincial leadership, with everyone at the table having decision-making authority and the ability to bind their government, which means that in many cases it would be Chiefs interacting with Ministers, Deputy Ministers, Assistant Deputy Ministers or Directors. As a leadership forum, the focus is on agreeing on decision-making procedures that either express Indigenous laws and interests or include Indigenous process, or establishing frameworks within which decisions will be made, such as ecological parameters.

⁷ *Oil and Gas Activities Act*, SBC 2008 c. 36, s.8: the commission has all the powers relating to a discretion, function or duty referred to in the specified provision and is charged with all the responsibilities pertaining to that discretion, function or duty.

⁸ *Ibid*, ss. 25 to 27.

⁹ *Ibid*, s. 50

¹⁰ *Ibid*, Division 2 – Regulations of the Board

¹¹ *Ibid*, s. 2

¹² For additional discussion, see the Shared Decision Making in BC Project Report at https://www.sfu.ca/content/dam/sfu/centre-for-dialogue/Watch-and-Discover/SDM/SDM_Final_Report.pdf.

Under the WSA, a G2G forum could agree on water objectives, environmental flow need regulations, how Indigenous interests are expressed in the new groundwater licencing process (for example, on an aquifer-wide basis rather than on an application-by-application basis), and designations and appointments pursuant to delegated authority.

The G2G agreements that govern the Great Bear Rainforest exhibit both substantive and procedural frameworks. The overarching ecosystem standard of the restoration of the region to 70% old growth forest over a 250 year time frame directs orders and cut allocation under provincial forestry legislation, including a unique 10 year annual allowable cut volume established pursuant to the agreements and not by the chief forester.¹³ Procedurally, the Engagement Framework (Schedule B to the Reconciliation Protocol) establishes an enhanced consultation mechanism where different categories of decisions or impacts are subject to different levels of engagement.¹⁴ In addition, the parties agree to establish and ongoing collaboration through working groups and technical teams.

5. Collaborative Decision-Making Entities

Within this model First Nations are jointly making decisions with the Provincial Government pursuant to unique jurisdiction that is based on G2G agreements and implemented through both Indigenous legal processes and provincial legislation and regulations.

The clearest existing example is the Haida Gwaii Management Council (HGMC) that the Council of the Haida Nation and provincial government authorized pursuant to the Kunstu'aa Guu – Kunst'aayah Reconciliation Protocol.¹⁵ Both the Council of the Haida Nation and provincial government agreed to make the necessary changes within each of their legal orders to facilitate the operation of the Council. The provincial government enacted the *Haida Gwaii Reconciliation Act* to establish the HGMC, which is a joint decision-making body that consists of two members appointed by the Haida Nation, two members appointed by the provincial government, and a chair appointed by both parties.¹⁶ Decisions of the HGMC are made by consensus of the four members, or, where consensus fails by majority vote of the members.¹⁷ In the event of a tie vote, the chair must cast the deciding vote.¹⁸ The HGMC has been given statutory authorities for making decisions on forest and range practices objectives, and establishing the allowable annual cut of timber within the management area at least once every ten years.¹⁹ Management plans for protected areas do not take effect until approved by the HGMC.

¹³ See the Great Bear Rainforest Order under the *Forest and Range Practices Act* at https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/forestry/timber-pricing/coast-timber-pricing/maps-and-graphics/great_bear_rainforest_order_-_jan_21_2016.pdf, and the Great Bear Rainforest (Forest Management) Act, S.B.C. 2016 c 16 <http://www.bclaws.ca/civix/document/id/complete/statreg/16016>.

¹⁴ https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/consulting-with-first-nations/agreements/coastal_first_nationas_reconciliation_protocol_amending_agreement_mar_16_17_signed.pdf

¹⁵ http://www.haidanation.ca/wp-content/uploads/2017/03/Kunsta-guu_Kunstaayah_Agreement.pdf

¹⁶ *Haida Gwaii Reconciliation Act*, SBC 2010, c.11, s. 3(1)-(2)

¹⁷ *Ibid*, s. 3(3)

¹⁸ *Ibid*, s. 3(4)

¹⁹ *Ibid*, ss. 4 and 5

D. Conclusion

Laws, knowledge, plans and management recommendations of First Nations may operate parallel to or be incorporated into the decisions made under WSA through a spectrum of different decision-making models. While the models do not provide perfectly for less to more collaboration as they occur across Table 1 from left to right, generally, the columns on the right offer more opportunities for the interaction between Indigenous laws and knowledge on their own terms with modified decision-making under the WSA. We offer the following three observations on moving towards collaborative decision-making frameworks.

First, the ability to effectively interact with the colonial legal and management structure depends, to an extent, on the articulation and compilation of areas of Indigenous laws, knowledge, plans and management standards, processes and recommendations from First Nations. Indigenous communities do not need to hand over all of these sources of knowledge to the provincial government or in public processes, however, developing these resources reinforces internal strengths of each First Nation and equips First Nations with sources with which to challenge current decision-making or suggest frameworks for decision making.

Second, it is unlikely that First Nations – by themselves or in partnership through a watershed entity – would want to take on all decision-making responsibility pursuant to the WSA. It makes sense to select some statutory decisions or standards (such as environmental flow needs, water objectives, and the designation of sensitive streams) that are most relevant and most important to and devise decision-making frameworks for those types of decisions first. Governance and decision making can evolve over time, and may become more obvious once foundational processes – such as a water sustainability plan – are in place.

Finally, existing collaboration models such as the Great Bear Rainforest agreements and the Haida Gwaii Management Council are instructive for other processes. They both achieved landscape- or watershed-level ecosystem-based standards that reflect Indigenous laws and economies, and changed how decisions are made in those areas. Explore the details of these models more thoroughly may provide insights other collaborative governance and water planning processes.

Appendix

Catalogue of Statutory Decisions under the WSA

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
Part 2 - Licensing, Diversion and Use of Water				
9 Licences	The comptroller or a water manager	issue a licence, authorizing the diversion or use of water	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
10 Use approvals	The comptroller or a water manager	issue an approval authorizing divert or use water from a stream or an aquifer for a term less than 24 months	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
11 Changes in and about a stream	The comptroller, a water manager or an engineer	issue an approval authorizing changes in and about a stream	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
12 Application and decision maker initiative procedures	Decision maker	order specified assessments, collect and verify information, shorten, extend or set a period for applicant to comply with directions	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
13(4) Objections to applications and decision maker initiatives	Decision maker	decide whether an objection, from a person given notice of an application or amendment, warrants a hearing	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
13(6)	Decision maker	hold a hearing in writing, electronically, in person, or any combination	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
13(8)	Decision maker	waive an applicant's requirement to give notice if satisfied no other users or applicants will be detrimentally affected, nor land physically affected	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
13(9)	Decision maker	direct notice be given to those affected by a transfer of appurtenancy, apportionment of	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
		rights under licences, or abandonment of rights under an authorization, or any person whose input the decision maker considers advisable.		authorizations and approvals
13(11)	Decision maker	specify how, and the date by which, a person given notice may object to the application	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
13(14)	Decision maker	may give the notice instead of requiring an applicant or transferee to under subsection (1) or (9)	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
14(1) Powers respecting applications and decision maker initiatives	Decision maker	refuse, amend, or grant an application; order plans, specifications, reports or other information; order the applicant provide security in an amount the decision maker considers sufficient; issue the license, use approval, a change approval or a drilling authorization subject to the terms and conditions the decision maker considers advisable	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
14(2)	Decision maker	order plans, specifications, reports or other information be prepared within period specified by decision maker	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
14(3)	Decision maker	require a specified assessment be performed, and a report be prepared by a person with qualifications specified by the decision maker	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
14(6)	Decision maker	refuse an application, reject an application without considering it if applicant failed to comply	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
14(9)	Decision maker	issue a license authorizing the diversion or use of unrecorded dedicated agricultural water for a domestic purpose or a land improvement purpose.	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
14(11)	Decision maker	issue an approval authorizing the diversion or use of dedicated agricultural water for any water use purpose on any land	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
15(1) Environmental flow needs	Decision maker	determine whether a stream or aquifer is likely to be hydraulically connected to the stream in an application	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
15(3)	Decision maker	require a specified assessment be performed, and a report be prepared by a person with qualifications specified by the decision maker	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
15(4)	Decision maker	consider the environmental flow needs of any stream they consider to be affected by granting the application	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
16(1) Mitigation measures	Decision maker	require that the applicant submit a proposal for mitigation measures and impose terms and conditions requiring implementation if the decision maker considers it likely the proposed application will have a significant adverse impact on the water quality, quantity, or aquatic ecosystem	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
16(2)	Decision maker	require the applicant takes compensatory mitigation measures on a different part of the stream or aquifer and impose terms and conditions requiring implementation	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
17(1)(a) Sensitive streams mitigation	Decision maker	Require that the applicant provide additional information in relation to application	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
17(3)(4) Sensitive streams mitigation	Decision maker	Grant or refuse an application	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
19(4) Licences for power purposes	Decision maker	Provide in a license for a project development term of up to 10 years	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
19(9) Licences for power purposes	Decision maker	Extend expiry date of a license	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
20(2) Purpose, precedence and appurtenancy	Decision maker	Specify an appurtenancy in a use approval, change approval, permit or drilling authorization	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
21(1) When final licence may be issued	Comptroller or water manager	Issue holder of conditional licence a final license	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
23(2)(3)(4) 30-year licence review	comptroller or a water manager	Request and review of the terms and conditions of a licence (not appealable) and require information that the licensee should provide, and require an assessment report	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
23(6)	Comptroller or a water manager	Review terms and conditions of a licence considering a number of factors including best practices and technology in water conservation and the effects of climate change	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
23(7)(8)	comptroller or a water manager	Amend the terms and conditions of a licence, or substitute a new licence if substantial change be made	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
24(1) Permits over Crown land	The comptroller or a water manager in the case of an authorization, or the comptroller, a water manager or an engineer in the case of a change approval or drilling authorization	Issue to holders permits authorizing the flooding of Crown land or the construction, maintenance or operation on Crown land or works authorized	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
26 Amendment or substitution of authorization, change approval or permit	The comptroller or a water manager /comptroller, water manager or an engineer	Amend/substitute an authorization/change approval and a permit issued in relation to the authorization/change approval	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
27 Transfer of appurtenancy	The comptroller or a water manager /comptroller, water manager or an engineer	Issue authorizations or change approvals and related permits in relation to transfer of appurtenancy	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
28 Apportionment of rights under licences	The comptroller or a water manager	If land owned by different persons, may apportion among the owners of the parcels the rights and duties; may issue substituted new licences or permits	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
30(2)(4) Beneficial use	The comptroller, water manager or engineer	Direct a licensee to submit a signed declaration regarding beneficial use, complete a water conservation audit	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
30(5)	The comptroller, water manager or engineer	Order the licensee to take measures to meet the level of efficiency of water use and conservation of water	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
30(6)(7)(8)	The comptroller, water manager or engineer	Order licensees to provide information respecting water quantity and beneficial use; collect and verify this information; publish the information or a beneficial use declaration	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
31 (1) Abandonment of rights under an authorization	The comptroller or a water manager	Approve the abandonment of rights held under the authorization and prescribe terms and conditions	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
31(4)	The comptroller or a water manager	Issue the holder a new authorization on the terms and conditions the decision maker deems advisable	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
32(3) Licensee's right to expropriate land	Lieutenant Governor in Council	Consent to person authorized to construct or use dam to expropriate any land flooded by the dam or that would be flooded if dam is constructed as authorized	Regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
35(1) Entry on land in case of urgency	The comptroller or a water manager	Authorize the licensee to enter on, occupy and use a land for constructing the work if they think that delay in beginning of construction of authorized work would not be in public interest or would cause a hardship on the license	Regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
35(2)	The comptroller or water manager	Require a security in the amount they consider sufficient to indemnify the owners of land	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
36 Joint construction or use of work may be ordered	The comptroller or a water manager	Order joint construction or use by authorization holders and set terms and conditions for the joint construction or use	Regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
37 Power to authorize extension of rights under licence	The comptroller or a water manager	Authorize extension of rights or water use or supply and set the terms and conditions	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
38(1)(2) Appointment of water bailiffs	The comptroller or a water manager	Appoint bailiffs when (1) there is no engineer who is able, in person, to take action or measurements in relation to the diversion or use of water from a stream or an aquifer or the works related to the diversion or use (2) an engineer reports that works used by more than 1 person are not being adequately repaired or maintained	Regulating water use; regulating works and wells	Making designations or appointments
32(3)	Water bailiff	Under direction of an engineer, take actions or measurements in respect to diversion or use of water and related works	Regulating water use; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
32(5)	Engineer	Direct persons liable to reimburse the water bailiff for the amount they consider was incurred by the bailiff maintaining, operating or repairing works	Regulating water use; regulating works and wells	Imposing penalties and other enforcement measures
32(6)	Water bailiff	Stop the diversion or use of water and the operation of works of a person who fails to pay amounts owed	Regulating water use; regulating works and wells	Imposing penalties and other enforcement measures
32(7)	Water bailiff	Assign interest in debts owed to the government who may recover the debt	Regulating water use; regulating works and wells	Imposing penalties and other enforcement measures
39 Water reservations	Lieutenant governor in council	Decide to reserve part of all water in the stream or the aquifer or unrecorded or unreserved (except dedicated for agricultural use) from being diverted or used; and to cancel the reservation or allow it to be acquired by licence for a variety of purposes	Protecting water resources and the ecosystem; Regulating water use; regulating works and wells	Making orders; Issuing and regulating licences, permits, authorizations and approvals
40 Treaty first nation water reservations	Lieutenant governor in council	Establish a water reservation in favour of a treaty first nation	Protecting water resources and the ecosystem; Regulating	Making orders; Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
			water use; regulating works and wells	
42 Issue of new licence	Comptroller	Issue in place of the acquired licence a new licence held by a regional district, improvement district or a municipality	Regulating water use	Issuing and regulating licences, permits, authorizations and approvals
Part 3 - Protecting Water Resources				
43 Water objectives	Lieutenant governor in council	Make regulations establishing water objectives for an area in order to sustain water quantity, water quality and aquatic ecosystems, specifying factors and criteria for evaluating impacts and respecting measures to address impacts	Protecting water resources and the ecosystem	Making regulations
47(1) Remediation orders in relation of foreign matter in stream	An engineer	Order a person to stop introducing foreign matter in stream, remove the matter and take measures to remediate or mitigate the effects of the introduction	Protecting water resources and the ecosystem	Making orders
47(2)	An engineer	If effects cannot be fully remediated at the location of the introduction, order the person take compensatory mitigation measures a different part of the stream where the introduction was made	Protecting water resources and the ecosystem	Making orders
47(3)	The comptroller or a water manager	Authorize the government or another person to take actions necessary to comply with an order	Protecting water resources and the ecosystem	Making authorizations
47(4)	Person authorized under subsection 3	Recover any expenses reasonably incurred from the person to whom the order was directed	Administering and enforcing the WSA	Imposing penalties and other enforcement measures
52(6) Controlling artesian flow during construction	The comptroller or a water manager	Give directions to bring artesian flow under control if satisfied it is not practicable to bring it under control	Protecting water resources and the ecosystem; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
56(5) Decommissioning or deactivating a well	The comptroller or a water manager	Extend the prescribed period of a deactivated well if it is well-maintained for later use	Protecting water resources and the ecosystem; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
57(2)(3) Well reports	The comptroller, a water manager, officer, an engineer or a drinking water officer	Direct a person responsible for well works to produce the daily log and report	Regulating works and wells; administering and enforcing WSA	Issuing and regulating licences, permits, authorizations and approvals
57(4)	The comptroller	Publish reports received, at their direction, from persons responsible for well works	Regulating works and wells; administering and enforcing WSA	Issuing and regulating licences, permits, authorizations and approvals
60(1) Remediation orders in relation to foreign matter in well	An engineer	Order a person to stop the introduction of, to remove, or to take measures to remediate or mitigate the effects or introduction of foreign matter into a well	Protecting water resources and the ecosystem	Making orders
60(2)	An engineer	Order to take compensatory mitigation measures if cannot be remediated	Protecting water resources and the ecosystem	Making orders
60(3)	An engineer	Make an order against the well owner if cannot ascertain who contravened the sections on introducing foreign matter into the well	Protecting water resources and the ecosystem	Making orders
60(4)	An engineer	Make an order against land owner if cannot ascertain who contravened the sections on introducing foreign matter into the well or the well owner	Protecting water resources and the ecosystem	Making orders
60(5)	The comptroller or water manager	Authorize the government or another person to take actions necessary to	Protecting water resources	Issuing and regulating licences, permits,

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
		comply with an order under subsection (1)	and the ecosystem	authorizations and approvals
60(6)	Person authorized under subsection (5)	Recover any expenses reasonably incurred from the person to whom the order was directed	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
61(2) Wells on Crown land	The government	Enforce the applicable well works provisions against a person who has a right to use or occupy Crown land as if they were the owner	Regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
62(2) Drilling authorization	The comptroller, a water manager or an engineer	On application, may order a drilling authorization	Protecting water resources and the ecosystem; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
(7)(8)	The comptroller, a water manager or an engineer	On application, may amend a drilling authorization or issue in substitution another drilling authorization	Protecting water resources and the ecosystem; regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
63(3)	A water manager, engineer, officer, or drinking water officer	Direct a person to submit a copy of groundwater samples required under subsection (1)	Regulating works and wells	Issuing and regulating licences, permits, authorizations and approvals
65(1) Order designating area for planning process	The minister	Designate, by order, an area for the purpose of developing a water sustainability plan	Creating water sustainability plans	Making orders
66 Order establishing plan development process	The minister	Establish the process by which a proposed water sustainability plan for a plan area is to be developed	Creating water sustainability plans	Making orders
66(2)(a)	The minister	Designate the government or another person as the person responsible for preparing the proposed plan	Creating water sustainability plans	Making designations or appointment; Making orders

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
66(2)(b)(c)	The minister	Establish terms of reference for the plan and establish one or more technical advisory committee in relation to development of the plan (or authorize/require the responsible person to do the above) if they are not the government	Creating water sustainability plans	Making orders
66(2)(d)	The minister	Provide whether the committee members will be paid; require the responsible persons to pay them and to reimburse	Creating water sustainability plans	Making orders
67 Order limiting planning process or recommendations	The minister	By order, limit the issues to be considered in a WSP development process, or recommendations that may be made in the plan for measures to address the issues considered	Creating water sustainability plans	Making orders
68(2)	The responsible person	Include, in the terms of reference, considerations relating to water in a stream, groundwater, and surface runoff, and land uses or resources that affect water	Creating water sustainability plans	Making orders
68 (3)(4) Content of plan terms of reference	The responsible person	May extend the time set out in the terms of reference for completing a proposed plan and to amend the plan during the plan development process	Creating water sustainability plans	Making orders
69(2) Other planning processes	The responsible person	Consider the results of other Provincial government, local authority and first nation government strategic, operational and land or water use planning processes for land adjacent to the plan area	Creating water sustainability plans	Making orders
69(3)	The responsible person	Prepare a proposed water sustainability plan in conjunction with a proposed drinking water protection plan, a land use plan, or a water plan	Creating water sustainability plans	Making orders

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
72(1)(a) Powers for development of plan	The minister	Require a water user who engages in a land or resource activity that may affect the plan area aquatic ecosystem to provide information related to their activities and any consents required to verify that information	Creating water sustainability plans	Making orders
72(1)(b)	The minister	Authorize the responsible person or representative to undertake investigations, tests and surveys and to collect info; and authorize other persons to do so	Creating water sustainability plans	Making orders
72(1)(c)	The minister	Direct that right of access (to land and premises) provision applies to the responsible person or representative and persons working under the direction of them	Creating water sustainability plans	Making orders
72(1)(d)	The minister	Establish limits or conditions on the authority of the responsible person/representative or persons work under them	Creating water sustainability plans	Making orders
72(1)(e)	The minister	Authorize the government to collect personal info from the responsible person/representatives for the purposes of the WSP	Creating water sustainability plans	Making orders
72(2)	The minister	Provide a responsible person with relevant government water records	Creating water sustainability plans	Making orders
73(2) Plan content	The responsible person	Include, in a proposed water sustainability plan, a recommendation for a process for dispute resolution between water users	Creating water sustainability plans	Making orders
74(1) Submission of proposed plan to minister	The responsible person	Submit the proposed plan to the minister	Creating water sustainability plans	Making orders

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
74(4)	The minister	Require deficiencies in the plan be addressed and the plan be resubmitted before they consider the plan	Creating water sustainability plans	Making orders
75 (1) Acceptance of plan	The minister	Accept all or part of the proposed plan as a WSP if it does not contain a recommendation that a regulation or order be made	Creating water sustainability plans	/
75(2)	The minister	If proposed WSP contains recommendation that regulation or order be made, may place the following before the Lieutenant governor in council: the plan, relevant information and the minister's comments	Creating water sustainability plans	/
75(3)	Lieutenant Governor in Council	By regulation, accept as a WSP all or part of a proposed plan	Creating water sustainability plans	Making regulations
76 (2) Plan regulations — effect on statutory decisions	Lieutenant Governor in Council	By regulation applicable in relation to all or part of the plan area: require that the plan be considered by a public officer; require, restrict or prohibit the issuing of certain land or resource instruments or the exercising of powers under an specified enactment	Creating water sustainability plans	Making regulations
76(3)	Lieutenant Governor in Council	By regulation, establish terms and conditions requirements on certain land or resources instruments;		
76(4)	Lieutenant Governor in Council	By regulation, establish requirements that must be imposed on a person by a public officer exercising a power under a specified enactment	Creating water sustainability plans	Making regulations
77 Plan regulations — effect on approval by approving officer	Lieutenant Governor in Council	By regulation, restrict the issuance of an approval of a WSP and establish requirements that must be imposed as terms and conditions of an approval of the WSP	Creating water sustainability plans	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
78 Plan regulations — restriction or prohibition on use of land or resources	Lieutenant Governor in Council	By regulation, restrict or prohibit a specified use of land, natural resources or specified activities and works in relation to land or natural resources, or use of specified works; may be made applicable to any land or natural resources in BC	Creating water sustainability plans	Making regulations
79 Plan regulation — reduction or water rights	Lieutenant Governor in Council	By regulation, Direct the comptroller or a water manager to amend terms and conditions of licenses of the precedence of the rights under those licences, to reduce the maximum quantity of water that may be diverted, or cancel licences ; substitute a new licence	Creating water sustainability plans	Making regulations
80 Plan regulations — directions regarding works or operations	Lieutenant Governor in Council	By regulation, direct the comptroller or a water manager to amend the terms and conditions of a licence to require the licensee to reduce maximum water diversion rate, alter timing of use or works, undertake works, increase efficiency, and other changes; substitute a new licence	Creating water sustainability plans	Making regulations
81 Plan regulations — relationship with other planning processes	Lieutenant Governor in Council	By regulation, require that in other specified provincial government or local authority strategic or operational planning process, consideration to be given to WSP; results be consistent with WSP; are not legally inconsistent with WSP	Creating water sustainability plans	Making regulations
82 Plan regulation — dedicated agricultural water	Lieutenant Governor in Council	By regulation, dedicate a quantity of water to be used for qualifying agricultural use on qualifying agricultural land	Creating water sustainability plans	Making regulations
84(5) General provisions in relation to plan regulations	Decision maker	Substitute a new licence if amendments to a licence substantially change the licence	Creating water sustainability plans	Issuing and regulating licences, permits, authorizations and approvals
83 Plan regulations — restrictions on	Lieutenant Governor in Council	By regulation, restrict or prohibit or impose requirements on activities or works	Creating water sustainability plans	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
groundwater activities				
85 Review and amendment of plans	The Minister	By order, direct that a WSP be reviewed to determine whether the plan should be amended or canceled	Creating water sustainability plans	Making orders
86(1) Declarations of significant water shortage	The minister	Make a temporary order declaring significant water shortage in an area	Protecting water resources and the ecosystem	Making orders
86 (3)(4)	Lieutenant Governor in Council	Make a similar order, which trumps the Minister's order when it comes into force	Protecting water resources and the ecosystem	Making orders
87(1) Critical environmental flow protection orders	The comptroller	When an order or significant water shortage is made, must determine the critical environmental flow threshold for each stream that meets prescribed criteria	Protecting water resources and the ecosystem	Making orders
87(2)	The comptroller	Determine the critical environmental flow thresholds for streams, in an area to which an order is made, based on the degree of benefit they consider the aquatic ecosystem would derive from enforcing the precedence of their critical flows	Protecting water resources and the ecosystem	Making orders
88 Fish population protection orders	The minister	Make an order respecting diversion regardless of precedence or licence rights, after giving due consideration to the needs of agricultural users, if they consider the flow of water so low as to potentially threaten a fish population	Protecting water resources and the ecosystem	Making orders
Part 4 - Enforcement				
89 Right of access to land and premises by authorized persons	The comptroller, a water manager or an engineer, or a person working under their directions; an	Enter onto any land or premises and call on assistance of peace officer for the purpose of exercising powers or performing duties	Administering and enforcing the WSA	Imposing penalties and other enforcement measures

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
	officer, drinking water officer or water bailiff; an employee or officer of a local government; a public utility licence holder			
90 Entry warrant	A justice	Issue a warrant authorizing entry onto land	Administering and enforcing the WSA	Imposing penalties and other enforcement measures
91(1)(2)(3) Power of comptroller to authorize actions	The comptroller, a water manager or an engineer	If a person failed to comply with the order, they may authorize the govt or another person to do it and recover expenses from the liable person	Administering and enforcing the Act	Imposing penalties and other enforcement measures
(4)(5)	The comptroller	Authorize that things to be done to reduce or eliminate significant risk or hazard to public safety, the environment, land or other property, and recover costs from a person who failed to carry out a relevant order	Administering and enforcing the Act	Imposing penalties and other enforcement measures
(6)(7)	Person authorized by the comptroller	Enter onto land or premises at reasonable time and take with him or her any other persons or equipment necessary; but cannot enter into private dwelling unless with consent	Administering and enforcing the Act	Imposing penalties and other enforcement
92 Power to amend or revoke order	The comptroller, a water manager, an engineer,	Revoke or amend an order if he/she considers that someone's rights are likely to be detrimentally affected or whose land is likely to be physically affected (except order made by their superior)	Administering and enforcing the Act	Imposing penalties and other enforcement measures
93 Powers of engineers and officers	An engineer	For the purpose of enforcing this Act and Regulations, may inspect work, make orders, direct an officer to do certain work and so on	Administering and enforcing the Act	Imposing penalties and other enforcement
	An officer	Inspect works, constructions, water use, activity in a stream, records	Administering and enforcing the Act	Imposing penalties and other enforcement

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
94 Suspension and cancellation of rights and permissions	the comptroller or a water manager	Suspend or cancel some or all of the rights of the holder under an authorization or permission granted to the holder under a change approval permit or drilling authorization	Administering and enforcing the Act	Imposing penalties and other enforcement
	the comptroller or a water manager	In case of an objection to the proposed suspension or cancellation, must determine whether the alleged grounds for suspension or cancellation are substantiated and make an order; may hold a hearing for it	Administering and enforcing the Act	Imposing penalties and other enforcement
95(1) Inquiry powers	The comptroller, a water manager or an engineer	Hold a public inquiry or hearing if they deem it necessary to determine a matter within their jurisdiction	Administering and enforcing the Act	Imposing penalties and other enforcement
95(2)(3)	The comptroller, a water manager or an engineer	Order a person to attend an inquiry or hearing, virtually or in person, and answer questions under oath or produce records or things in their possession; apply to the Supreme Court for a compliance order	Administering and enforcing the WSA	Making orders
96 Maintenance of order at hearings	The comptroller, a water manager or an engineer	Make orders or give directions for the maintenance of order at the inquiry or hearing, and call on assistance of a peace officer to enforce the order or direction	Administering and enforcing the Act	Making orders
98(1)(2) Recovery of amounts owing for work performed	The comptroller	Recover costs or amounts owing by issuing a certificate to recover amounts owed from a person, or persons, who failed to comply with an order	Administering and enforcing the WSA	Imposing penalties and other enforcement measures
99 Administrative monetary penalties	The comptroller	Determine if a person has failed to comply or contravened the Act; give notice of Imposing an administrative monetary penalty; and determine the amount of the penalty	Administering and enforcing the Act	Imposing penalties and other enforcement measures
100 Notice of intent to impose	The comptroller	Determine if a written, electronic or in person hearing is necessary when	Imposing penalties and other	Imposing penalties and other

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
administrative monetary penalty		giving notice of an administrative monetary penalty	enforcement measures	enforcement measures
101 Recovery of penalties	The comptroller	File a certificate in court — the certificate has the same force and effect as if it were a judgment of the court- to recover debts under an administrative monetary penalty	Administering and enforcing the Act	Imposing penalties and other enforcement measures
102 Compliance agreements	The comptroller	Enter into an agreement requiring compliance with the Act, a reduction or suspension of penalties, or other changes, with a with a person who has received an administrative monetary penalty and made admissions	Administering and enforcing the Act	Imposing penalties and other enforcement measures
Part 5- General				
114 Administration	The minister	Designate, in writing, either public service employees or employees of government corporations, as the comptroller of water rights, a deputy comptroller, water managers, assistant water managers, engineers	Administering and enforcing the Act	Making designations or appointments
	The comptroller	Designate, in writing, either public service employees or employees of government corporations, officers, engineers; exercise any power given to a water manager, engineer or officer under the Act	Administering and enforcing the Act	Making designations or appointments
	A water manager	Exercise any power given to an engineer or officer under the Act	Administering and enforcing the Act	Imposing penalties and other enforcement measures
115 Advisory boards	The minister	Establish advisory boards to provide advice and appoint chairs and members; direct appointed persons be reimbursed for costs incurred discharging their duties	Administering and enforcing the Act	Making designations or appointments
116(1)(4) Records and reporting	A comptroller, a water manager or engineer	Direct a person to keep any information or records for a prescribed period; collect public	Administering and enforcing the Act	Issuing and regulating licences, permits,

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
		personal information and government water records to verify information		authorizations and approvals
117(1) Delivery and publication of documents and information	A decision maker	Give or deliver a notice or other document under the Act in a variety of enumerated manners	Administering and enforcing the WSA	Issuing and regulating licences, permits, authorizations and approvals
117(3)	A decision maker	Publish, anything that may or must be published under the Act, inside and outside Canada by posting on a publicly available website	Administering and enforcing the Act	Issuing and regulating licences, permits, authorizations and approvals
118(1) Fees, rentals and charges	The comptroller	Recover any fees, rentals, charges, and any interest or penalties imposed as if they were an administrative monetary penalty under section 99.	Administering and enforcing the Act	Imposing penalties and other enforcement measures
118(4)	The comptroller	Authorize in writing a person or class of persons to perform duties and exercise powers of the comptroller dealing with calculation, collection and receipt of fees, rentals, rental statements, and charges	Administering and enforcing the Act	Imposing penalties and other enforcement measures
Part 6- Regulations				
124(1) General regulation-making powers	The Lieutenant Governor in Council	Make regulations referred to in section 41 of the <i>Interpretation Act</i>	Administering and enforcing the Act	Making regulations
124(2)	The minister	Make regulations referred to in section 41 of the <i>Interpretation Act</i>	Administering and enforcing the Act	Making regulations
124(4)	The Lieutenant Governor in Council and the minister	Make regulations respecting: specify person responsible for prescribed requirement; exempt a person, activity, area, and so on, from a requirement of the Act or regulations; make different regulations for different classes of peoples, activities, areas, and so on; designate an area; require a person with prescribed qualifications	Administering and enforcing the Act	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
		perform audits studies and assessments; establish criteria for such audits, etc., delegate some regulation making powers, and so on.		
124(5)	The Lieutenant Governor in Council	Make regulations defining words or phrases used in the Act, but not defined, and respecting any matter, except regulations of the minister, for which regulations are contemplated by this Act	Administering and enforcing the Act	Making regulations
124(6)	The Lieutenant Governor in Council, the minister, or any decision maker with delegated regulation making power	Adopt codes or standards published by an international, national, or provincial standards association; grant powers to establish public officers to administer the codes and standard adopted; exempt persons from all or part of the codes and standards adopted	Administering and enforcing the Act	Making regulations
125 Fees, rentals and charges	The Lieutenant Governor in Council	Establish, by regulation, a tariff of fees, rentals and charges payable in respect of applications, authorizations, and other things applied for, taken or issued under the Act; establish the times of payment, interest rates, and penalties	Administering and enforcing the Act	Making regulations
126 Regulations respecting administration and governance	The Lieutenant Governor in Council	Make regulations that divide BC into water districts; prescribe additional powers and duties to those administering the Act; establish other classes of officials for the Act; delegate powers of an official under the act to another person; authorizing or requiring the comptroller publish particular information relating to the Act	Administering and enforcing the Act	Making regulations
127 Regulations respecting licensing, diversion and use of water and related matters	The Lieutenant Governor in Council	Make regulations for the purposes of Part 2 of the Act respecting: the requirements that must be met in applications; beneficial use of water; water conservation audits; date of first use; diversion and use of water for livestock and fires or other emergencies; limitations relating to domestic use of water; use approvals,	Administering and enforcing the Act	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
		change approvals, environmental flow needs, security, licenses, and permits, and so on.		
128(1) Regulations respecting sensitive streams	The Lieutenant Governor in Council	Make regulations respecting sensitive streams: designating a stream, specified tributaries or aquifers; prescribe plans, specifications, reports to be provided by an applicant; establish criteria that must apply in making a decision on an application; prescribe terms and conditions that must apply to an authorization	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
128(2)	The Lieutenant Governor in Council	Repeal a regulation designating a sensitive stream if satisfied the protected fish population is no longer at risk; the implementation of a WSP will reduce the risk and the designation is thus no longer necessary; removal of the designation is in the public interest	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
129 Regulations respecting streams and stream protection	The Lieutenant Governor in Council	Make regulations amending the Schedule to designate a stream as protected; prescribe activities, practices, or substances to which section 46(2) applies; establish requirements, procedures, standards for activities, works and uses	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
130 Regulations respecting groundwater and groundwater works	The Lieutenant Governor in Council	Make regulations for the purposes of wells and groundwater protection: prescribe classes of artificial openings in the ground that are not 'wells'; establish qualifications and insurance requirements for well drillers and pump installers; establish requirements, procedures and standards relating to any activities respecting wells; establish time limits for decommissioning wells; specify requirements for sampling and analyzing groundwater, and so on	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
131 Regulations respecting	The Lieutenant Governor in Council	Make regulations requiring: measurement and testing in relation to the diversion or use of water;	Administering and enforcing the Act;	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
measuring, testing and reporting		records and reporting by persons diverting or using water		
132 Regulations respecting water sustainability plans	The Lieutenant Governor in Council	Make regulations respecting the preparation of proposed WSPs: setting minimum requirements for organization structure; public and stakeholder consultations; and notification of potentially affected persons	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
133 Regulations respecting administrative penalties	The Lieutenant Governor in Council	Make regulations related to administrative penalties: prescribe what regulations and provisions can result in a penalty if contravened;	Administering and enforcing the Act	Making regulations
134 Regulations respecting compensation	The Lieutenant Governor in Council	Make regulations respecting the payment of compensation by the government for the purposes of section 121: circumstances in which compensation is available; prescribe information required in applications; assessment of loss or damage; calculation of compensation; manner and timing of payment; prescribe dispute resolution mechanisms and prohibition of appeals	Administering and enforcing the Act	Making regulations
135(2)(5)(6) Regulations closing or restricting access to water source	The Lieutenant Governor in Council	Make regulations that prohibit or restrict the comptroller or water managers from accepting or considering applications for new authorizations for a particular water source except in prescribed circumstances	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations
136(1)(3)(4) Regulations requiring authorizations for domestic use of groundwater	The Lieutenant Governor in Council	Make regulations that restrict the domestic use of groundwater if necessary to protect a specific water source or recommended by a WSP; establish application procedures, precedence determination methods for those currently using or diverting from the water source in question	Administering and enforcing the Act; protecting water resources and the ecosystem	Making regulations

Section & Heading	Decision Maker(s)	Description of Statutory Decisions	Category 1 (Subject Matter of Decision)	Category 2 (Nature of Decision)
137(1)(2) Minister's regulations restricting groundwater activities	The Lieutenant Governor in Council	Restrict or impose requirements, by regulation applicable to a specific area, on works and activities related to wells or groundwater	Administering and enforcing the Act;	Making regulations
Part 7- Transitional Provisions				
140(2) Groundwater licensing	The Lieutenant Governor in Council	Make regulations that: establish application procedure for groundwater licenses, precedence determination methodology, prescribing the application of certain provisions at different times for different areas, uses, or activities	Administering and enforcing the Act	Making regulations
140(3)	The Lieutenant Governor in Council	Provide, by regulation, the method for determination of precedence is the persons' date of first use for a specified water use purpose of a specified amount of water from the aquifer	Administering and enforcing the Act	Making regulations