

Update on Proposed Livestock Watering Policy under the *Water Sustainability Act*

Background

Following the January 2018 release of the [Livestock Watering under the Water Sustainability Act \(WSA\) Intentions Paper](#), the Province received feedback from Indigenous Governments, Indigenous Organizations, stakeholders, members of the public, environmental non-government organizations, and local governments. The September 2019 [What We Heard on Livestock Watering](#) document summarized the feedback received. Since then, the Province has continued its work on developing a livestock watering policy under the WSA that better responds to the feedback received and achieves a reasonable balance between the various interests.

Updated Proposal

The Province is now proposing to amend the WSA and *Water Sustainability Regulation (WSR)* to provide a three-tiered approach that is responsive to the variability of water supply and demand across the province, tailored to the different sizes of livestock operations, and provides better information to help ensure we protect water quality and maintain supply. Through this proposed policy, the Province is striving to maintain a balance between the interests of many parties including Indigenous peoples, water rights holders and the livestock industry while also protecting the environment and supporting the economy.

If adopted, the proposed approach will:

- provide transparency about the location and volume of water used by livestock;
- improve our records on water use;
- support collaborative management opportunities with Indigenous Nations on the use of water resources;
- improve the ability to manage water use during drought and protect aquatic ecosystems;
- help improve oversight of livestock watering for the protection of aquatic ecosystems, water quality, and the interests of downstream users; and
- help guide livestock water users in their implementation of best management and water stewardship practices.

The revised policy proposal is as follows:

Tier 1: Low Volume Users

Under this tier, small operations would be authorized to make use of stream and groundwater without the need for an authorization. This tier would only apply to private land and would not be applicable for users on Crown lands. The upper limit of water that a Tier 1 user could divert would be one cubic metre per day, which is enough to supply up to twenty cattle with water. Users would have access to “un-recorded” water (water that is not licensed to other users) without the need for a water licence. Livestock water use on Crown lands that meet the Tier 1 criteria would be treated as Tier 2. As Tier 1



users have no water security (i.e. during periods of scarcity they have no rights to water) these users will maintain the option to apply for water rights formalized by a water licence.

Tier 2: Average Volume Existing Users

Tier 2 water use would require existing users who divert and use from one to ten cubic metres of water per day, which is enough to supply up to 200 cattle, to formally register that use with the Province. The Registration option would be applied during a defined transition period and only be available for existing water users. Registrants would benefit from a simplified submission process compared to a full authorization application, and would be exempt from application fees during the transition period. Existing users would also benefit from being assigned a priority date that recognizes the date of first use of the water. Registered users would still be required to comply with the legislation, would be regulated during times of water scarcity on the basis of their priority date, and would be subject to water rental fees.

Tier 3: Large Volume Users

Large volume users who require greater than ten cubic metres of water use per day, which would include users with greater than 200 cattle, would be required to complete an application within a transition period and obtain an authorization for that use. Subject to approval, historic water use would be recognized for these existing users and applicants would be exempt from paying application fees. Environmental flow needs (EFN) could be considered by the WSA decision maker, but would not be a mandatory adjudication requirement. Unless otherwise agreed to with an Indigenous government, these applications for water licences would be referred to Indigenous governments for further consultation. Once authorized, users would pay water rental fees, their water use would be subject to the terms and conditions in the authorization as well as the legislation, and during times of water scarcity, their use would be regulated on the basis of their priority date of use.

How has Feedback been Incorporated

The feedback we received from the Intentions Paper and the What We Heard documents were taken into consideration during the development of this revised proposal. Below are common themes we heard from engagement and a description of how we propose to address them.

Feedback #1 – Concerns with a Lack of Government Oversight on Livestock Water Use

The updated policy would allow low volume users to divert and use water without the need for an authorization. Those users would be subject to conditions set out in the regulations, and there could be penalties and enforcement for those who do not comply with the regulation. Tier 2 and 3 operations would be subject to terms and conditions set by the decision maker to protect water quality.

This updated proposal increases the province's oversight of livestock watering and enables greater direct communication between the livestock sector and government on stream protection resources, tools and regulation where necessary. This proposal would also assist government in managing water to effectively meet the challenges of climate change and growing demands for water.



Feedback #2 – Concern with Livestock Directly Accessing Streams

The policy does not propose a blanket prohibition on direct livestock access on streams; however, the increased oversight and decision maker’s ability to set terms and conditions allows for site-specific requirements where appropriate. In certain circumstances, producers could be required to build off-stream watering structures or to restrict which water sources their livestock may access.

Feedback #3 – Ability to Regulate During Water Scarcity

Water rights under the WSA may be temporarily suspended during a critical environmental flow protection order (S.87) or a fish population protection order (S.88). As this policy proposes to integrate livestock producers into the existing water rights management system, they could become subject to these temporary protection orders when necessary.

More Information

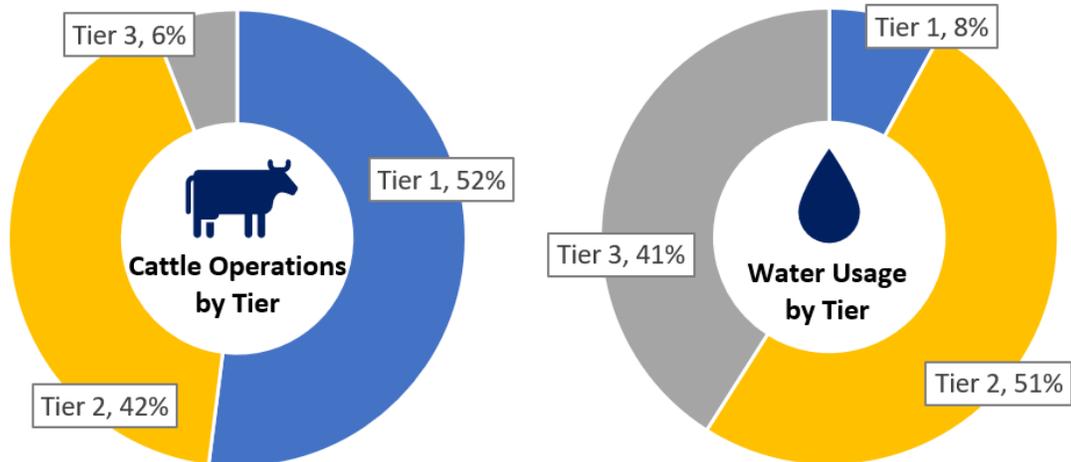
Table 1 describes the three tiers and the approximate number of cattle operations per tier based on current available data.

Table 1: Volume Thresholds and Number of Cattle Operations Per Tier

| Tier | Tier Description | Volume Threshold | Cattle Equivalence | Number of Cattle Operations | | |
|------|----------------------|--------------------------------|--------------------|-----------------------------|------------|-------|
| | | | | Private Land | Crown Land | Total |
| 1 | Use at Sufferance | ≤1 m ³ /day | 0-20 | 1795 | 0 | 1795 |
| 2 | Use by Registration | >1 and ≤10 m ³ /day | 21-200 | 1480 | 1178 | 2658 |
| 3 | Use by Authorization | >10 m ³ /day | 200+ | 208 | 183 | 391 |

Figure 1 illustrates the estimated ratios of cattle operations by tier and water usage by tier. On private land, it is estimated that Tier 1 represents 52% of total number of cattle operations, but accounts for approximately 8% of total livestock watering demand.

Figure 1: Estimated Cattle Operations and Water Usage by Tier



Contact Information

Should you have any questions or wish to discuss the proposed approach to regulating livestock watering in B.C., please contact Michael Epp at 778-943-0116 (Michael.Epp@gov.bc.ca).