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Interim<sup>1</sup> Guidelines and Procedures on the Designation,  
Amendment and Cancellation of Community Watersheds  
under the *Forest and Range Practices Act*

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**Ministry of Environment  
Water Stewardship Division**

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<sup>1</sup> These guidelines and procedures are considered to be interim and will be updated based on government experience in undertaking the administration of community watersheds

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# 1. Why These Guidelines and Procedures?

This document provides guidance to Ministry of Environment staff in undertaking the administrative requirements pertaining to the designation, amendment and cancellation of community watersheds under the *Forest and Range Practices Act (FRPA)* and regulations.

Community watersheds are areas identified for the purpose of protecting water quality, quantity and timing of water flow and preventing cumulative hydrological impacts caused by forest and range activities in watersheds where water is diverted for human consumption.

The authority for the designation, amendment and cancellation of community watersheds under the *FRPA* and regulations was transferred to the Deputy Minister of the Ministry of Environment from the Minister of Agriculture and Lands in 2007(see Appendix 3). Pursuant to section 8(2), Government Actions Regulation (*GAR*), the Minister of Environment may also establish water quality objectives for a community watershed.

The Ministry of Forests is responsible for ensuring that the results and strategies in licensee Forest Stewardship Plans are consistent with community watershed designation and any associated water quality objectives.

The intent of this document is to provide direction to agency staff and decision makers on the procedures and guidelines used to designate, amend, or cancel community watershed status. Application of these procedures and guidelines will ensure that decisions on community watershed status will be made in a fair and consistent manner and take into account public safety and sound resource management.

Although this guidelines and procedure document only applies to lands held by holders of agreements within a community watershed established under the Forest and Range Practices Act, Ministry of Environment staff will endeavour to utilize other available legislation/regulations to ensure that other lands within a community watershed are managed in a manner consistent with the community watershed water quality objective.

## 2. Objectives

This document aims to achieve the following objectives related to the establishment, amendment or cancellation of community watersheds.

***Effectiveness:***

- community watersheds must continue to protect water quality and the quantity and timing of water flow in a manner that is balanced with other objectives on the forest land base.
- community watersheds must not be managed or administered in a way that unduly restricts water users or forest and range agreement holders.

***Efficiency:***

- enable the Ministry of Environment to administer community watersheds within existing staff and fiscal resources;
- allow forest agreement holders to create meaningful Forest Stewardship Plan results and strategies that accommodate community watershed objectives;
- provide clarity to the Ministry of Environment for the establishment of water quality objectives; and
- allow Ministry of Forest and Range officials to efficiently assess whether these objectives will be achieved.

### 3. Legislation Framework

This section identifies and describes some of the relevant legislation affecting community watersheds. The *Forest and Range Practices Act (FRPA)* and its associated regulations is the main instrument for the administration, implementation and operational requirements pertaining to community watersheds. For a more comprehensive listing of the sections relevant to community watersheds in the FRPA regulations, see Appendix 1.

#### **A. Forest and Range Practices Act (FRPA)**

The minister may delegate a power or duty under *FRPA* (section 2 (2)).

The Lieutenant Governor in Council (LGIC) may make regulations prescribing objectives in relation to 11 subject areas, including water (section 149 (1)).

The LGIC may make regulations:

- authorizing the Minister of Sustainable Resource Management (now the Minister of Agriculture and Lands) to designate an area of land in a watershed as a community watershed (*Although the Minister of Agriculture and Lands retains authority to designate a community watershed, the primary authority has been transferred to the Deputy Minister of Environment*).
- prescribing the circumstances in which the discretion conferred in the authorization may be exercised;
- respecting community watersheds, including but not limited to prescribing requirements in relation to community watersheds; and
- authorizing the Minister of Water, Land and Air Protection (now the Minister of Environment) to establish water quality objectives in relation to a community watershed (section 150).

Every area established as a community watershed is continued under *FRPA* (section 180).

All objectives in respect of community watersheds that were in effect are continued objectives under *FRPA* (section 181).

BRANDIDENTIFICATION BRAND GUIDE

An authorized person must not harvest timber or construct a road in a community watershed if the timber harvesting or road construction is within a 100m radius upslope of a licensed waterworks where the water is diverted for human consumption, unless the timber harvesting or road construction will not increase sediment delivery to the intake.

An agreement holder who carries out timber harvesting or constructs a bladed trail must ensure the activity does not cause sediment harmful to human health to enter a stream from which water is diverted for human consumption by a licensed waterworks (section 61).

### **3. Range Planning and Practices Regulation (RPPR)**

Objectives set by government for water are as follows:

- maintain or improve water resources;
- maintain or promote healthy riparian and upland areas;
- maintain or promote healthy riparian vegetation that provides sufficient shade to maintain stream temperature within the normal range of variability; and
- maintain or promote desired riparian plant communities (section 8).

Range agreement holders who carry out a range practice must ensure that the range practice does not cause material that is harmful to human health to be deposited in, or transported to, water that is diverted for human consumption by a licensed waterworks (section 33).

Range agreement holders must take reasonable steps to ensure that dead livestock are not within 100 metres of a stream in a community watershed (section 35).

## **C. Other relevant legislation:**

### **1. *Water Act***

The *Water Act* creates a comprehensive system for the regulation of the Province's fresh water systems and provides authority for the exercise of a number of regulatory controls respecting water use, including granting and managing water licences and apportioning rights under licences. Provisions dealing with safeguarding groundwater quality have recently been added. Specific legislated responsibilities include:

- granting and managing water licences;
- entertaining objections to licences;
- apportioning rights under licences;
- authorising licensees' rights with respect to compensation and expropriation;
- holding public inquires;
- operating appropriate appeal procedures to the Environmental Appeal Board;
- reserving and removing bodies of water from being used under the Act; and
- issuing certificates incorporating water users' communities.

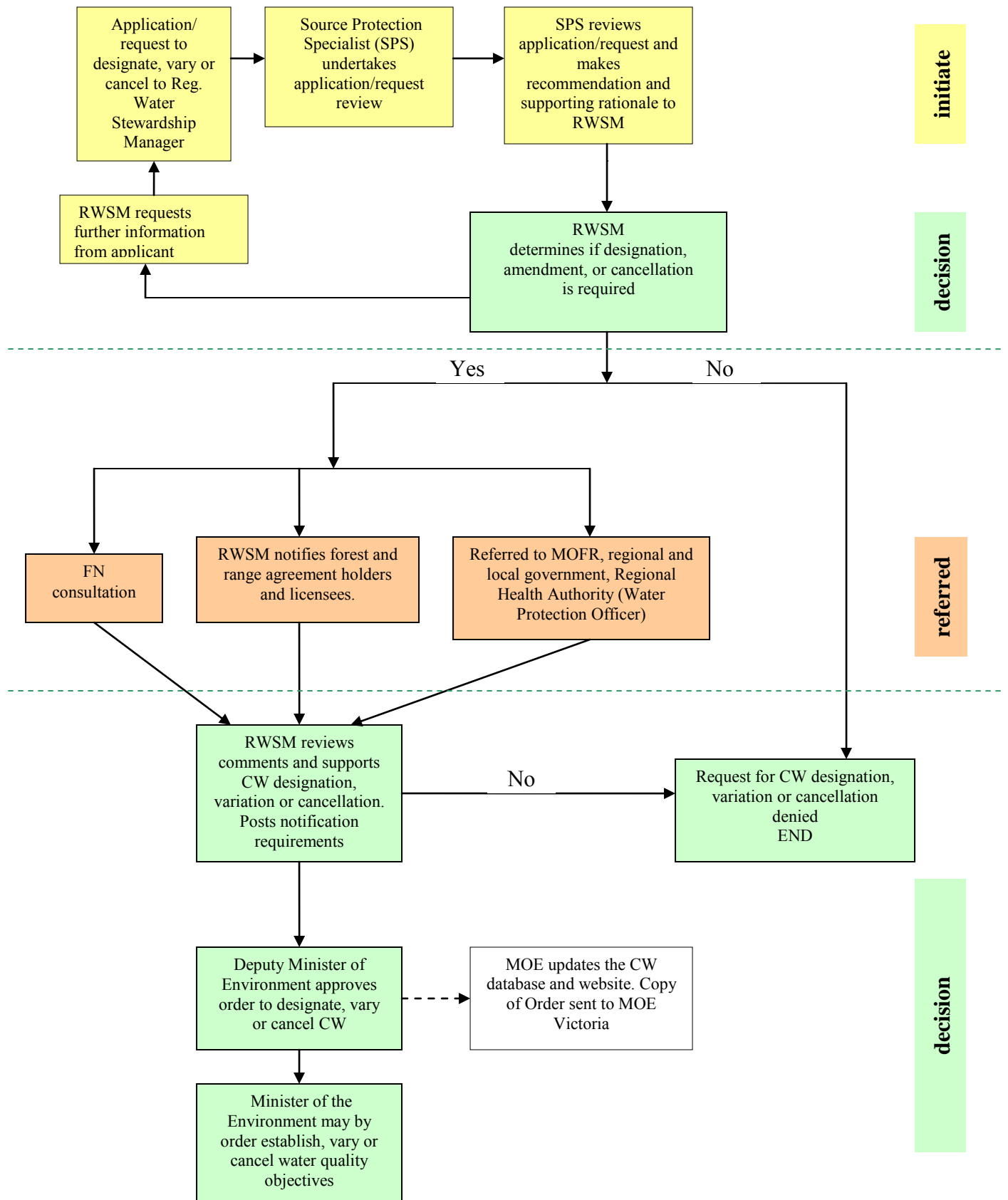
## ***2. Drinking Water Protection Act***

The Ministry of Health is the lead provincial agency responsible for the safety of drinking water due to its relevance to public health. The Ministry of Health is responsible for developing legislation/policy while five regional health authorities covering the province are responsible for administering and implementing the legislation.

The Province's Drinking Water Program is administered locally by Drinking Water Officers, Public Health Engineers and Medical Health Officers, who are responsible for direct service delivery in the health authorities. Drinking Water Officers provide surveillance and monitoring of drinking water systems which may affect the public's health. They also administer and enforce the *Drinking Water Protection Act* (DWPA), the Drinking Water Protection Regulation and the *Health Act* and provide interventions to minimize health and safety hazards.

The DWPA applies to land use activities including forestry activities in watersheds up-stream of the intakes of drinking water supply systems. The Drinking Water Officer has the authority to stop activities that either present a hazard to drinking water or have the potential to present a hazard.

# Community Watershed Designation, Variation or Cancellation Process



## 5. Guidelines for Designating a Community Watershed

The following guidelines have been developed to assist staff in assessing new proposals for community watersheds. They are to be used in conjunction with the guide entitled *Government Actions Regulation: Policy and Procedures for Government Staff Assisting Delegated Decision-Makers*, previously mentioned in 3. B. 1.

### Community Watershed Designation Guidelines

1. A prerequisite for community watershed designation requires that water diverted for human consumption must be through a licensed waterworks. Under the Forest Planning and Practices Regulation a “licensed waterworks” means a water supply intake or a water storage and delivery infrastructure that is licensed under the *Water Act* or authorized under an operating permit issued under the *Drinking Water Protection Act*.
2. The categories of water licences eligible for community watershed designation include the following where consumption is an allocated minimum of 2500 gallons/day:
  - a) **Waterworks Local Authority** – Water conveyed to five or more dwellings by a water district incorporated under an Act, municipality, improvement district, water utility under the *Water Utility Act* or development district.
  - b) **Waterworks (Other than a local authority)** – Water conveyed to five or more dwellings by an organization other than a “local Authority such as strata associations, First Nations, etc.
  - c) **Waters Users’ Community** – Water conveyed to six or more water licensees incorporated in a certificate of incorporation under the *Water Act*.
  - d) **Enterprise** – Water used for hotels, motels, trailer parks, service stations, restaurants, commercial campgrounds, mobile home parks, or similar commercial enterprises which are owned and operated for profit
  - e) **Work Camps** – Water is used in logging camps, mining camps, detention camps, armed forces bases and similar facilities.
  - f) **Camps** – Water used in camps operated by non-profit organizations for use of their membership such as Boy Scouts, Girl Guides, churches, youth groups, etc.
  - g) **Churches or Community Halls** – Water used by churches or community halls.
3. In addition to the above, an organized body of individual licensed waterworks holders on the same water source with a minimum consumption of 2500 gallons/day may also be eligible for community watershed designation. “**Organized body**” means a unified body of persons residing in a particular watershed with a single point of contact and drawing water from the same source with a common interest of protecting water for

human consumption. The majority of licensed waterworks holders must support the community watershed proposal.

4. The licensed waterworks must be capable of delivering potable water from the natural source in quality and quantity at the point of diversion (POD) or following treatment of the source water if required under the *Drinking Water Protection Act*. The community watershed applicant is responsible for contacting the Drinking Water Officer of the local health authority to determine if the water is safe for human consumption or if treatment is required to address ambient water conditions that present a threat to human health. This does not imply that holders of licensed waterworks would be required to treat water that can potentially be degraded by *Forest and Range Practices Act* agreement holders.

5. Community watershed boundaries can include both Crown and private lands that are defined by that area upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks. The guidelines and procedures document only applies to Crown lands held by agreement holders pursuant to the *Forest and Range Practices Act* and its Regulations within a community watershed. For lands not administered by *FRPA*, Ministry of Environment staff should endeavour to utilize other available legislation e.g. *Water Act*, to ensure that other lands within a community watershed are managed in a manner consistent with the community watershed water quality objective. A more comprehensive approach will help protect water quality within a community watershed from impacts by other land uses that are not regulated under the *Forest and Range Practices Act*.

*A template for an order to establish a community watershed and associated water quality objective is provided in Appendix 2.*

## 6. Guidelines for Amending or Rescinding a Community Watershed Order

### A. Amending or Rescinding Guidelines

The Deputy Minister of Environment is also responsible for amending or rescinding a community watershed order. Four types of situations may arise with respect to amending or rescinding an order.

- 1) correcting a minor error in the order;
- 2) minor amendment to the order;
- 3) major amendment to the order; and
- 4) rescinding an order.

Although there are no specific regulatory provisions related to amending or rescinding an order, it is advised that ministry staff follow the advice provided in section 8.0 Amending or Rescinding a GAR Order, pages 25-26 of the *Government Actions Regulation: Policy and Procedures for Government Staff Assisting Delegated Decision-Makers*, previously mentioned in 3. B. 1.

Community watershed status may be amended or rescinded if:

- the lowest point of diversion (POD) within the watershed is lower or higher than originally mapped, thereby changing the boundaries of the community watershed;
- the water licence(s) authorizing the works is cancelled or abandoned;
- the water licence(s) are amended to exclude use for human consumption;
- the category of water licence described in 5. above is dissolved or becomes non-functional;
- the medical health officer, as defined in the *Health Act*, has deemed that the quality of the water poses a long-term health hazard and should not be used for human consumption.

*Templates for amending or rescinding a community watershed order are provided in Appendixes 3 and 4.*

### B. Amending or Rescinding Guidelines where a community watershed meets the criteria for a GAR 'fisheries sensitive watershed'

In addition to the above, ministry staff are advised to take into account important fisheries values prior to rescinding a watershed as a community watershed. It has been a standing policy of Government not to designate a fisheries sensitive watershed where a designated community watershed currently exists, as both require similar special management with respect to the

Government Actions Regulation under *FRPA*. Where a request for amending or rescinding a community watershed has been received by the Ministry of Environment staff are advised to immediately contact the local habitat officer, or regional ecosystem section-head, to determine if the community watershed in question also serves to protect significant fisheries values. Where it is determined that such fisheries values exist, and that the watershed is a candidate for fisheries sensitive watershed designation, staff will coordinate consultation with affected stakeholders to ensure that special management provisions are carried forward through GAR to ensure the requisite forest planning and practices are continued until a fisheries sensitive watershed designation is established. As a transitional conservation measure, and only in the case where watersheds have important fisheries values, a community watershed designation will remain in place until a fisheries sensitive watershed designation is established.

## 7. Roles and Responsibilities for the Administration of Community Watersheds

### ***Ministry of Environment – Water Stewardship Division***

- *Director of Innovation and Planning Section and staff* are responsible for:
  - maintaining, monitoring, and advising on these guidelines and procedures;
  - reviewing and updating the guidelines and procedures as required; and
  - maintaining central repository of Orders establishing, amending, or rescinding community watershed status.
  
- *Regional Water Stewardship Managers and staff (Source Protection Specialists)* are responsible for
  - receiving and reviewing applications and supporting documentation for designating, amending, or rescinding a community watershed;
  - referring applications to appropriate agencies, licensees, and First Nations;
  - advertising a proposed community watershed designation, amendment, or rescindment and any orders for the same;
  - making recommendation on appropriateness of community watershed status to the Deputy Minister, Ministry of Environment;
  - ensuring appropriate information is sent to the Science and Information Branch, Forecasting and Information Section, Water Stewardship Division, Ministry of Environment, Victoria, to update database and website; and
  - ensuring a copy of a community watershed Order is sent to the Innovation and Planning Branch, Water Stewardship Division, Victoria.

### ***Community Watershed Applicants***

- *The primary contact/applicants* will be responsible for
  - completing application forms, providing supporting documentation and ensuring that consultation with other water users has occurred;
  - responding to requests from Ministry of Environment regional staff for any relevant information required to review the application.
  - contacting the Drinking Water Protection Officer in their region to determine if the water is safe for human consumption or if treatment is required to address ambient water conditions that present a threat to human health. The applicant must provide the Regional Water Stewardship Manager with a letter from the Drinking Water Protection Officer which confirms the status of the water.

### ***Persons Undertaking Forest and Range Practices***

- All Persons undertaking forest practices under the *Forest and Range Practices Act* must comply with regulatory requirements to protect water diverted for human consumption by a licensed waterworks in a community watershed to conserve the quality, quantity and timing of water flow or prevent cumulative hydrological effects that would have a material adverse effect on the water.
- Forest Agreement Holders who are required to prepare a Forest Stewardship Plan must develop results and strategies consistent with objectives set by government for community watersheds.
- Range operators and wood lot license holder must operate in a manner that is consistent with objectives and regulatory requirements in community watersheds.

### ***Ministry of Environment***

- Deputy Minister of Environment is responsible for approving the designation, amendment or rescindment of a community watershed. The Minister of Environment is responsible for establishing water quality objectives in community watersheds, if required.

### ***Ministry of Forest and Range***

- The Ministry of Forest and Range (Forest District Manager) assists Ministry of Environment staff by providing information on licence agreement holders in proposed or existing community watersheds and commenting on any community watershed applications referred to MOFR.

## 8. Community Watershed Application Form

**This application** is a request to the Deputy Minister of Environment to designate a drainage area that supplies water for human consumption as a community watershed under the *Government Actions Regulation*.

### Legal background

#### *Government Actions Regulation*

The Deputy Minister of Environment may designate as a community watershed all or part of the drainage area that is upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks, if satisfied that, to protect the water that is diverted for human consumption, the area requires special management that is not otherwise provided for under this regulation or other enactment:

- to conserve the quality, quantity and timing of water flow; or
- to prevent cumulative hydrological effects that would have a material adverse effect on the water.

Community watershed designation does not prohibit resource development in a watershed.

### Applicant Requirements

A prerequisite for community watershed designation requires that water diverted for human consumption must be through a licensed waterworks. Under the Forest Planning and Practices Regulation a “licensed waterworks” means a water supply intake or a water storage and delivery infrastructure that is licensed under the *Water Act* or authorized under an operating permit issued under the *Drinking Water Protection Act*. The categories of water licences eligible for community watershed designation include the following where consumption is an allocated minimum of 2500 gallons/day:

- h) **Waterworks Local Authority** – Water conveyed to five or more dwellings by a water district incorporated under an Act, municipality, improvement district, water utility under the *Water Utility Act* or development district.
- i) **Waterworks (Other than a local authority)** – Water conveyed to five or more dwellings by an organization other than a “local Authority such as strata associations, First Nations, etc.
- j) **Waters Users’ Community** – Water conveyed to six or more water licensees incorporated in a certificate of incorporation under the *Water Act*.
- k) **Enterprise** – Water used for hotels, motels, trailer parks, service stations, restaurants, commercial campgrounds, mobile home parks, or similar commercial enterprises which are owned and operated for profit
- l) **Work Camps** – Water is used in logging camps, mining camps, detention camps, armed forces bases and similar facilities.
- m) **Camps** – Water used in camps operated by non-profit organizations for use of their membership such as Boy Scouts, Girl Guides, churches, youth groups, etc.
- n) **Churches or Community Halls** – Water used by churches or community halls.

In addition to the above, an organized body of individual licensed waterworks holders on the same water source with a minimum consumption of 2500 gallons/day may also be eligible for community watershed designation. **“Organized body”** means a unified body of persons

residing in a particular watershed with a single point of contact and drawing water from the same source with a common interest of protecting water for human consumption.

### **Additional Considerations**

Applicants may be required to submit a water quality analysis to ascertain if the source, with treatment, is suitable for human consumption.

The primary contact/applicant is responsible for completing the application form, providing supporting documentation and ensuring that consultation with other water users has occurred. In addition the primary contact is responsible for responding to requests from Ministry of Environment regional staff for any relevant information required to review the application.

A majority of water licence holders for domestic use on the stream must support the application for community watershed status.

The primary contact is responsible for contacting the Drinking Water Protection Officer in their region to determine if the water is safe for human consumption or if treatment is required to address ambient water conditions that present a threat to human health. The primary contact must provide the Regional Water Stewardship Manager with a letter from the Drinking Water Protection Officer that confirms the status of the water.

If the water source is a spring, the water users may be required to retain a professional consultant to map the recharge area of the spring.

### **Waterworks System Requirements**

The waterworks system shall be:

- works authorized by a water licence
- capable of delivering potable water from the natural source in quality and quantity at the point of diversion (POD) or following treatment
- designed to return overflow to the source

### **Mailing address**

Applications should be submitted to the Regional Water Stewardship Manager noted below that is nearest to the location of the proposed community watershed:

#### Vancouver Island

Larry Barr, RWSM  
Ministry of Environment  
2080A Labieux RD.  
Nanaimo, BC V9T 3J9

#### Southern Interior/Okanagan

Ken Cunningham, RWSM  
Ministry of Environment  
102 Industrial Pl.  
Penticton, BC V2A 7C8

Southern Interior/Thompson

Valerie Cameron  
Ministry of Environment  
1259 Dalhousie Dr.  
Kamloops, BC V2C 5S5

Northern BC

Normand Bilodeau, RWSM  
Ministry of Environment  
Suite 325 – 1011 4th Avenue  
Prince George BC V2L 3H9

Lower Mainland

Julia Berardinucci, RWSM  
Ministry of Environment  
Suite 200 – 10470 152<sup>nd</sup> St.  
Surrey, BC V3R 0Y3

**If you require assistance in completing an application**, please contact the Source Protection Specialist noted below that is nearest to the location of the proposed CW:

Vancouver Island

Brian Epps, Source Protection Specialist  
Specialist  
Ministry of Environment  
2080a Labieaux Rd.  
Nanaimo, BC V9T 6J9  
250 751-3141

Email: [Brian.Epps@gov.bc.ca](mailto:Brian.Epps@gov.bc.ca)

Lower Mainland

Source Protection Specialist  
Ministry of Environment  
Suite 200 – 10470 152<sup>nd</sup> St.  
Surrey, BC V3R 0Y3  
604 582-5226  
Email: \_\_\_\_\_

Southern Interior and Thompson

Solvej Patschke, Source Protection  
Hydrologist  
Ministry of Environment  
102 Industrial Place  
Penticton, BC V2A 7C8

Email: [Slovej.Patschke@gov.bc.ca](mailto:Slovej.Patschke@gov.bc.ca)

Northern BC

Chelton van Geloven, Source Protection  
Hydrologist  
Ministry of Environment  
1011 Fourth Avenue  
Prince George BC V2L 3H9  
250 565-4467  
Email: [chelton.vangeloven@gov.bc.ca](mailto:chelton.vangeloven@gov.bc.ca)

Contact Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

Postal code: \_\_\_\_\_ Phone: \_\_\_\_\_

## WATER LICENSING INFORMATION

Name of water source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Number of licenced points of diversion : \_\_\_\_\_

Distance between highest and lowest points of diversion: \_\_\_\_\_ (metres)

Number of domestic water licences on the water source: \_\_\_\_\_

Number of dwellings served: \_\_\_\_\_

Number of commercial establishments served: \_\_\_\_\_

## COMMUNITY ORGANIZATION FOR WATER SUPPLY

**For legally incorporated water user groups**, please circle the type of organization in place.

Improvement or irrigation district

water utility

local service area (regional district)

municipality

water users' community (*Water Act*)

other

\_\_\_\_\_

**For unincorporated individual water licensees**

- a) There is one or more drinking water licensees on the stream with an allocated minimum consumption of 2500 gal./day who support the application for community watershed status. \_\_\_\_\_ (yes/no)
- b) Indicate the number of drinking licensees on the stream which do not support the application for community watershed status. \_\_\_\_\_ (number)
- c) Is there is a water licence on the stream which supplies a trailer park or other non-organized group or housing unit? \_\_\_\_\_ (yes/no)
- d) Is there a water licence on the stream for a public building where the water is used for human consumption (e.g., community halls, restaurants)? \_\_\_\_\_ (yes/no)
- e) The following water licensees support this application (*name & water licence number - attach an additional page if necessary*):


**Description of waterworks**

Please describe each water system which is included in this application. Attach an additional page if necessary. POD (point of diversion) letter/number is stated on the water licence(s).

POD letter/#	type of intake - short description	filtration yes/no	disinfection yes/no	storage (gal.)	# dwellings served

## AGREEMENTS AND SUBMISSIONS

### Submissions

- a) Please submit rationale and any supporting documentation for requesting community watershed designation.
- b) Please attach a contour map at a scale of 1:50,000 showing the boundaries of the watershed upstream from the point of diversion. If the drainage area is not clear from the topographic mapping or if the source is spring-fed, the water licensees must be prepared to hire a professional consultant to delineate the drainage or recharge area.
- c) Provide documentation that the water licensees have contacted the drinking water officer for their area to determine waterworks system requirements for filtration and disinfection of the water supply.

## INTERNAL USE

Watershed area \_\_\_\_\_ (specify hectares or km<sup>2</sup>)

Crown land \_\_\_\_\_ (percentage)

Private land \_\_\_\_\_ (percentage)

Is water used on a seasonal basis (e.g. summer cabins)?

\_\_\_\_\_

Existing water quality/quantity issues \_\_\_\_\_

\_\_\_\_\_

Forest activity (approved/planned) \_\_\_\_\_

\_\_\_\_\_

Range activity (approved/planned) \_\_\_\_\_

\_\_\_\_\_

Other existing or potential resource development issues within the watershed area (on private or Crown land) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are there alternate water supplies which should be considered? (e.g. an existing community watershed or groundwater supply in close proximity which could supply both communities) \_\_\_\_\_

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Is there a current operating permit under the Drinking Water Protection Regulation?  
\_\_\_\_\_  
\_\_\_\_\_

**Rationale**

The purpose of the rationale prepared by staff, is to support the Deputy Minister of Environment in considering a proposed government action to designate a community watershed. The content of the rationale, in addition to indicating the manner in which the community watershed designation guidelines in 5. above are met, must also include how the specific tests under the Government Actions Regulation are being met. Specific tests which must be met to the satisfaction of the Deputy Minister include:

- the special management provided by the action is not already provided by the *FRPA* or other legislation;
- the action is consistent with established objectives in the area;
- the action will not unduly reduce the supply of timber from the BC's forests; and
- the action will provide public benefits that outweigh any material adverse impacts on delivered wood costs and any undue constraint on the ability of agreement holders under the *Forest Act* and *Range Act* to exercise their right under agreement

For further information on meeting the tests above, please refer to the document entitled Government Actions Regulation: Policy and Procedures for Government Staff Assisting Delegated Decision-Makers available at

<http://www.for.gov.bc.ca/hth/timten/>

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# 9. Appendix 1 - Forest and Range Practices Act regulations relevant to community watersheds

## **Forest Planning and Practices Regulation**

-Part 1 - Interpretation, Definitions, p. 8

-Part 2 - Forest Stewardship Plans, Division 1 - Content (Objectives), 8.2, pp. 23-24; Conditional exemption -section 59, 60 or 61, 12.32 pp30-31

-Part 4 - Practice Requirements, Division 3 - Riparian Areas, Stream riparian classes 47 (2), (3) etc. pp. 57-58; Use of livestock in riparian areas 58 pp. 65-66.

-Part 4 - Practice Requirements, Division 4 - Watersheds, Protecting Water quality 59, Licensed waterworks 60(1), 60(2), Excavated or bladed trails 61 p66, Roads in a community watershed 62, Use of fertilizers 63, p. 67.

-Part 5 - Roads, Notice - road in community watershed 84, p.80

-Part 8 - Offences, Offences generally, 102 p. 93

## **Range Planning and Practices Regulation**

-Although no specific reference to community watersheds see Part 2 - Plans, Division 2 - Objectives, Objectives set by government for water, 8, p. 6.

-Although no specific reference to community watersheds see Part 4 - Practice Requirements, Division 3 - Watersheds, 33-34, pp. 14-15.

-Part 4 - Practice Requirements, Division 3 - Watersheds, Removal of dead livestock, 35, p. 15.

## **Woodlot Licence Planning and Practices Regulation**

-Part 2 - Woodlot Licence Plans, Division 2 - woodlot Licence Plan Content, Mapping and information 8(1) (k), (l), 8(3)(d), pp.11-12.

-Part 3 - Practice Requirements, Division 3 - Riparian Areas, Use of livestock in riparian areas 46 (iii), p. 35.

-Part 3 - Practice Requirements, Division 4 - Watersheds, 47-51, pp 36-37.

-Part 3 - Practice Requirements, Division 6 - General, Water quality objective, 58; Safeguards for water through licensed waterworks in community watersheds, 59.1 p.40.

-Part 4 - Roads, Notice - road in community watershed, 73, p48.

## **Government Actions Regulation**

-Community watersheds and water quality objectives 8 p.5. Also note 1, 2, 3 and 4 apply to community watersheds.

## Appendix 2 – Order Designating a Community Watershed and Establishing Community Watershed Water Quality Objectives

### ORDER DESIGNATING A COMMUNITY WATERSHED and

### ESTABLISHING COMMUNITY WATERSHED WATER QUALITY OBJECTIVES

- A. WHEREAS pursuant to section 8(1) of the Government Actions Regulation (the “Regulation”) made under section 150(1)(a) of the *Forest and Range Practices Act*, SBC 2002, c. 69, including amendments (the “Act”), the minister responsible for the *Land Act* may make an order designating all or part of a drainage area as a community watershed:
- a) if the drainage area is upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks, and
  - b) if satisfied that, to protect the water that is diverted for human consumption, the area requires special management, that is not otherwise provided for under this regulation or another enactment,
    - (i) to conserve the quality, quantity and timing of water flow, or
    - (ii) to prevent cumulative hydrological effects that would have a material adverse effect on the water;
- B. AND WHEREAS pursuant to section 8(2) of the Regulation, the Minister of Environment as the minister responsible for the *Wildlife Act* may make an order establishing community watershed water quality objectives respecting these matters;
- C. AND WHEREAS pursuant to section 23(1) of the *Interpretation Act*, RSBC 1996, c.238, the Deputy Minister of Environment has the same powers as are conferred under an enactment on the Minister of Environment;
- D. AND WHEREAS section 120.1 of the Act allows a minister authorized by regulation to exercise a power or perform a duty under section 150(1)(a) of the Act, to delegate that power or duty to a person or class of persons employed in a ministry and, by delegation dated December 21, 2007, the Minister responsible for the *Land Act* has delegated his power or duty to the Deputy Minister of Environment;
- E. AND WHEREAS for the purposes of section 8(1) and 8(2) of the Regulation, the Deputy Minister of Environment is satisfied that:

- a) the area of land outlined on the map attached hereto as Schedule A is a drainage area that is upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks, and
- b) to protect the water diverted for human consumption, the area of land comprising the watershed listed in Schedule A requires special management,
  - (i) to conserve the quality, quantity and timing of water flow, or
  - (ii) to prevent cumulative hydrological effects that would have a material adverse effect on the water, and
- c) within the drainage area designated by this Order as a community watershed, the provisions of the Regulation or another enactment do not provide for the special management of the matters described in paragraph (b) above.

**NOW THEREFORE** the Deputy Minister of Environment orders that:

1. Subject to section 4 of this Order, the drainage area outlined on the map attached hereto as Schedule A (CWS Code \_\_\_\_\_) and further described in (GIS file: (WHSE\_WATER\_MANAGEMENT.BC\_COMMUNITY\_WATERSHEDS) (the “GIS file”), is hereby designated as a community watershed.
2. The following water quality objectives are hereby established as the water quality objectives for the community watershed described in section 1 of this Order:
  - (a) To prevent, to the extent described in section 3 of this Order, the cumulative hydrological effects of primary forest activities within the community watershed from resulting in:
    - (i) a material adverse impact on the quantity of water or the timing of the flow of the water from the licensed waterworks, or
    - (ii) the water from the licensed waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under
      - (A) an enactment, or
      - (B) the licence pertaining to the licensed waterworks.
3. The water quality objectives established under section 2 apply only to the extent that they do not unduly reduce the supply of timber from British Columbia's forests.
4. In the event of any uncertainty as to the boundaries of the community watershed, the height-of-land that defines the topographic boundaries of the drainage area outlined on the map attached hereto as Schedule A, will constitute the boundaries of the community watershed.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2008

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Deputy Minister of Environment

## Schedule A

### **Map of Community Watershed**

*[INSERT: Map / Description of the drainage area being designated as a community watershed.]*

# Appendix 3 – Order Rescinding Community Watershed Designation and Community Watershed Water Quality Objectives

## ORDER RESCINDING A COMMUNITY WATERSHED DESIGNATION AND RELATED COMMUNITY WATERSHED WATER QUALITY OBJECTIVES

- A. WHEREAS pursuant to the Government Actions Regulation (the “Regulation”) under the *Forest and Range Practices Act*, an order dated XXX was made by the Deputy Minister of Environment:
- (a) designating all or part of the drainage area described in Schedule A of that order as a community watershed (the “Community Watershed”), and
  - (b) establishing community watershed water quality objectives for the Community Watershed (the “Objectives”),
- (a copy of which order is attached hereto as Appendix A and is herein referred to as the “Designation Order”);
- B. AND WHEREAS pursuant to section 27 of the *Interpretation Act*, RSBC 1996, c.238, the power to make an order includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the order and make others;
- C. AND WHEREAS the repeal of the Designation Order is considered to be advisable for the following reasons:
- (a) .
  - (b) .

**NOW THEREFORE** the Deputy Minister of Environment makes the following orders:

5. The Designation Order dated XXXX is hereby repealed;
6. The designation of the drainage area as a Community Watershed is rescinded; and
7. The Objectives established for the Community Watershed are rescinded.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008

\_\_\_\_\_

Deputy Minister of Environment

## Appendix A

### **Designation Order being Repealed**

*[INSERT: Designation Order being repealed]*

## Appendix 4 – Order Amending Community Watershed Designation and Community Watershed Water Quality Objectives

### ORDER AMENDING COMMUNITY WATERSHED DESIGNATION AND COMMUNITY WATERSHED WATER QUALITY OBJECTIVES

- A. WHEREAS pursuant to the Government Actions Regulation (the “Regulation”) under the *Forest and Range Practices Act*, an order dated XXX was made by the Deputy Minister of Environment
- a) designating the drainage area described in Schedule A of that order as a community watershed (the “Original Community Watershed”), and
  - b) establishing community watershed water quality objectives for the Community Watershed (the “Original Objectives”),
- (a copy of which order is attached hereto and is herein referred to as the “Original Designation Order”);
- B. AND WHEREAS pursuant to section 27 of the *Interpretation Act*, RSBC 1996, c.238, the power to make an order includes a power exercisable in the same manner, and subject to the same consent and conditions, if any, to repeal or amend the order and make others;
- C. AND WHEREAS the Deputy Minister of Environment has been delegated the power or duty pursuant to the Regulation to make orders designating all or part of a drainage area as a community watershed and establishing community watershed water quality objectives;
- D. AND WHEREAS for the purpose of amending the Original Designation Order, the Deputy Minister of Environment is satisfied that:

- d) the area of land outlined on the amended map attached hereto as Appendix 1 is a drainage area that is upslope of the lowest point from which water is diverted for human consumption by a licensed waterworks, and
- e) to protect the water diverted for human consumption, the area of land comprising the watershed described in Appendix 1 requires special management,
  - (i) to conserve the quality, quantity and timing of water flow, or
  - (ii) to prevent cumulative hydrological effects that would have a material adverse effect on the water, and
- f) within the drainage area designated as a community watershed by the Original Designation Order, as amended by this Order, the provisions of the Regulation or another enactment do not provide for the special management of the matters described in paragraph (b) above.

C. AND WHEREAS amending the Original Designation Order is considered to be advisable for the following reasons:

- a) .
- b) .

**NOW THEREFORE** the Deputy Minister of Environment amends the Original Designation Order as follows:

- 8. Subject to section 4 of this Order, the drainage area outlined on the amended map attached hereto as Appendix A (CWS Code \_\_\_\_\_) and further described in (GIS file: (WHSE\_WATER\_MANAGEMENT.BC\_COMMUNITY\_WATERSHEDS) (the “GIS file”), is hereby designated as the Amended Community Watershed (which includes any amendments made by this Order).
- 9. The following water quality objectives are hereby established as the amended water quality objectives for the Amended Community Watershed described in section 1 of this Order:
  - (a) To prevent, to the extent described in section 3 of this Order, the cumulative hydrological effects of primary forest activities within the community watershed from resulting in:
    - (i) a material adverse impact on the quantity of water or the timing of the flow of the water from the licensed waterworks, or
    - (ii) the water from the licensed waterworks having a material adverse impact on human health that cannot be addressed by water treatment required under

(A) an enactment, or

(B) the licence pertaining to the licensed waterworks.

b) YYY *[Any additional community watershed water quality objectives?]*

10. The water quality objectives established under section 2 apply only to the extent that they do not unduly reduce the supply of timber from British Columbia's forests.

11. In the event of any uncertainty as to the boundaries of the Amended Community Watershed, the height-of-land that defines the topographic boundaries of the drainage area outlined on the map attached hereto as Appendix 1, will constitute the boundaries of the Amended Community Watershed.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008

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Deputy Minister of Environment

## Appendix A

### **Map of Amended Community Watershed**

*[INSERT: Map / Description of the drainage area being designated as amended community watershed.]*

**Attachment**

**Original Designation Order**

*[INSERT: Original Designation Order.]*

# Appendix 5 – Delegation of Authority to Designate Community Watersheds

## Re: Delegation and Direction Regarding the Designation of Community Watersheds

### Whereas:

- A. Section 8(1) of the Government Actions Regulation of the *Forest and Range Practices Act* authorizes the minister responsible for the *Land Act* to designate by order a community watershed; and
- B. Section 120.1 of the *Forest and Range Practices Act* allows the minister to:
  - (i) Delegate in writing a power or duty of the minister under the Act, and
  - (ii) Provide directions that are binding on the delegate respecting the exercise of the power or duty.

### Therefore:

#### 1. Delegation:

Pursuant to section 120.1 (1)(a) of the *Forest and Range Practices Act*, I hereby delegate to the Deputy Minister, Ministry of Environment, the authority provided under section 8(1) of the Government Actions Regulation to designate a community watershed, and to amend or repeal an order designating a community watershed.

#### 2. Direction:

Pursuant to section 120.1 (4)(a) of the *Forest and Range Practices Act*, I hereby provide the following binding direction to the delegate described in 1. above:

In making an order designating a community watershed or significantly amending a community watershed designation for an area, the Deputy Minister shall consider information that is contained in a land use plan that relates to the area, where the land use plan has been endorsed by the Executive Council.

  
Minister of Agriculture and Lands

Dec 21/07  
Date

