RESPONSE TO

BRITISH COLUMBIA'S LEGISLATIVE PROPOSAL FOR A

WATER SUSTAINABILITY ACT

Submitted by

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

500 – 342 Water Street

Vancouver, B.C. V6B 1B6

Ph: (604) 684-0231 Fax: (604) 684-5726

Contents

Summary

The *Water Sustainability Act (WSA)* will replace the *Water Act* as the primary legislation for water resource management in BC and amend key provisions of other statutes. Historically, Provincial water management policy has been based solely on the use and exploitation of water and how it can be governed to support other resource extractive industries, little consideration has been given to Indigenous Peoples or the long term impacts on the ecosystem. The proposed WSA will partially address some – though far from all – of these concerns.

The WSA leaves many areas to be set by regulation, which is highly problematic for Indigenous Peoples. Regulations can be more easily adjusted. As well, key areas such as Environmental Flow Needs or Water Planning, which rely on regulations, will provide "guidance" to statutory decision-makers, but will not be binding and legally enforceable standards. Statutory decision-makers will decide how their consideration of these factors will inform their decision-making. There is no provision for Indigenous Peoples, or any independent body, to monitor or enforce those standards set by regulation and local processes.

This reflects the tension in Provincial government objectives reflected in the WSA: A stated environmental aim of strengthening water protection and regulation coupled with the aim of encouraging, growing and supporting resource-extractive (and water pollutive) industries such as oil and gas and mining. The Province anticipates introducing the legislation in Spring 2014 and this quick timeline suggests that that they are committed to the main points set out in the legislative proposal.

Environmental and Industrial Purposes of the WSA

The stated purposes of the WSA include to:

- Modernize the *Water Act* and water management regime;
- Regulate groundwater;
- Incorporate environmental concerns into water management;
- Address concerns related to increasing pressure on a limited resource, by introducing concepts such as water budgeting, reallocation of resources and auditing water use; and
- Ensuring security and transparency for water users, including industry.

As much as the stated goals of the WSA include environmental protection, the industry-specific approach outlined in the WSA eases the approval of industrial water uses with potentially harmful social and environmental consequences. A dominant purpose of the WSA is to streamline water use and access by resource industries, such as mining and oil and gas. For example:

- Additional decision making about water allocations for oil and gas activities is moved to employees of the Oil and Gas Commission;
- Some water uses associated with oil and gas will be left out of the WSA;
- Existing power licences can apply for an extension of up to ten years to account for development time (including time spent consulting with First Nations), and this will not be considered as a licence renewal; and
- Although remediation will be necessary for depositing materials into waterways, the concept of "environmental offset" will apply making it possible to pollute a stream in one area, and then to remediate or repair a stream in a different area (so that the actual damage will not be addressed).

Indigenous Title, Rights and Treaty Rights

> *Common to all traditions of Indigenous Peoples is that water is celebrated as Sacred, and that the deep connections between all things living here, and in the spirit world, are reconfirmed. Water is the lifeblood of the land and the Indigenous Peoples whose cultures flow from the land. Indigenous Peoples recognize that to dam the waters is to dam the*

connection to our future generations. To fail to protect our lands and waters is a contravention of our traditional laws, and our Aboriginal Title and Rights.[1]

As Indigenous Peoples', our cultures are closely linked to water, and negative impacts on water are cycled back to our cultures and societies. Our relationships with our lands, territories and waters are fundamental to the physical, cultural and spiritual survival of our Peoples. We have responsibilities to protect the availability and purity of the waters that our Peoples, and all life, depend upon.

The Land Question and Historic Denial of Aboriginal Title

Historically in British Columbia, Indigenous Peoples' relationship with the Waters and Lands, have either been ignored or readily dismissed. The current *Water Act*, devoid of any mention of Indigenous Peoples' Rights over water, illustrates this denial. Indigenous laws about water are thousands of years old, whereas the current *Water Act* was developed in 1909 and was created in a context of colonialism and exploitation of natural resources for profit based on the exclusion and oppression of Indigenous Peoples. Indigenous lifeways dependent upon the waters, such as the salmon fisheries, were ignored.

The prior, superior and unextinguished Aboriginal Title and water rights of Indigenous Peoples have never been addressed and so continue. The province asserts jurisdiction to permit and regulate all uses of water; but this jurisdiction cannot extend to Indian reserve lands, or to all areas of the province where Aboriginal Title and Rights have not been addressed. Section 109 of the *Constitution Act, 1867*, grants provinces "proprietary rights" over lands and resources within their boundaries, subject to any other interests. Aboriginal Title is another interest.

Aboriginal Title Includes Water

As an incidence of our Aboriginal Title to our territories, Indigenous Peoples have jurisdiction over the waters in our territories. Aboriginal Title Rights and Treaty Rights carry significant legal implications, and are priority interests. Aboriginal Title to waters could include waters such as lakes, streams, rivers, hot springs, or ice fields located within an Indigenous Nations' territory. Equally, ocean waters and ocean bed may be part of a Nation's Aboriginal title. Many Aboriginal and Treaty rights rely upon healthy and sufficient flows of water to sustain them, such as fishing, hunting, or other gathering rights, and spiritual practices. Indeed, it is nearly impossible to imagine an Aboriginal or Treaty right that does not depend upon water.

---

[1] EAGLE, "*Lifeblood of the Land. Aboriginal Peoples' Water Rights in British Columbia*" ed. Ardith Walkem et al., June 2004 at p.1-2.

United Declaration on the Rights of Indigenous Peoples

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) protects the fundamental human rights of Indigenous Peoples' way of life: our language, cultural practices, and our sacred relationships to the natural world. A key provision recognizes the importance of water:

> **Article 25:**
> Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

The WSA does not reflect Indigenous Rights as set out in the UNDRIP and does not respect or address our relationship to water, or right of Self-Determination in developing priorities and strategies for water.

Non-Recognition / Non-Derogation

The proposed WSA states that the Act will "not address Aboriginal rights and title to water or infringe on existing rights", that BC will "continue to respect the Treaty process; and the proposed provisions of the [WSA] would not encumber current or future Treaty negotiations." Despite the use of non-derogation language, the Province continues to largely deny or underplay the existence of Indigenous Peoples' Aboriginal Title, Rights and Treaty Rights to water through the operation of the WSA, and these impacts are not addressed. The WSA treats Indigenous people as "stakeholders" and does not recognize Indigenous jurisdiction or constitutionally-enshrined and judicially-recognized Aboriginal Title, Rights or Treaty Rights. (Derogation by omission.)

Indigenous Nations' experience with the Province's resource management schemes is that once third party interests are granted or expanded, those economic interests tend to be protected at the great expense of the Title and Rights of Indigenous Peoples and the environmental values that many British Columbians share. Aboriginal Title throws provincial claims to ownership over land and water resources into question.

The Province's water management regime disregards Aboriginal Title, Rights, and Treaty Rights, and has resulted in exploitation of water for the benefit of business at the expense of Indigenous Peoples' inherent Rights, water health and purity. The WSA continues the Province's history of denial of Aboriginal Title, Rights and Treaty Rights by asserting ownership and jurisdiction it does not have over water where Aboriginal Title exists, and is damaging to Indigenous Peoples and cultures, and also to the waters and all life that depends upon the water.

Groundwater

Groundwater is an integral part of our ecosystem, and plays a crucial role in the hydrologic cycle that impacts both surface and ocean waters. Approximately 97% of all freshwater on the earth (not including glaciers and icecaps) is groundwater.[2] As most groundwater eventually flows into surface waters, contamination or depletion of groundwater is a serious concern to Indigenous Peoples. Currently, groundwater extraction and use in B.C. is not regulated. B.C. is the only province without licensing or regulations for groundwater use.

Under the WSA, the Province will start to actively regulate groundwater, both existing and future uses. The system would generally be parallel to surface water, with some differences. Groundwater uses for irrigation, industry and commercial use will require a licence. Large volume users would be required to get authorization and pay annual water rentals.

The WSA proposes that access to groundwater will follow the same "First in Time, First in Right" (FITFIR) process as surface water under the current *Water Act.* The FITFIR priority system would apply to licenced groundwater users and first registered users would have priority over later registered users. However, in times of scarcity, priority would be set by use with domestic use taking priority.

Under the WSA, domestic users of groundwater would be exempted both from the need to get a licence and to pay annual rents, unless they are in an area where rents would apply. Domestic users of groundwater would be regulated in certain circumstances, such as a drought or water shortage. Well construction and operation will be part of the regulatory regime. The WSA would grant licences (if applied for) to existing wells, which would place those uses in a different category of protection and absent any discussion or consideration of the impact on Indigenous Peoples. Exempted users can choose to register their wells to have this information considered when decisions are made about whether to grant other ground water licence which may be impacted.

Dangers of Water Mining and Aquifer draw down

In areas of the United States, and around the world, there has been significant depletion of groundwater supplies, which is sometimes called "water mining". The extensive use of underground aquifers has led to depletion and the disappearance of underground water sources in many areas. Depletion of groundwater impacts surface water flows, and many areas are facing droughts and extreme water shortages. This has led to large areas being without any water and the increased need to import or pipe in water from great distances.

[2] Stephen McCaffrey, *The Law of International Watercourses: Non-navigational Uses*, New York: Oxford University Press, 2001 at 27.

In BC groundwater reserves have largely not been mapped and multiple and increased use of groundwater aquifers may lead to increasing conflict over this resource. For example, *Halalt First Nation v. B.C. (Ministry of Environment)* 2012 BCCA 472 (appeal to the SCC dismissed) involved a dispute about an aquifer largely located under the Halalt First Nation's reserve lands, and which the District of North Cowichan proposed to access. The groundwater regulation regime proposed under the WSA, and the way that it is implemented, will have far reaching consequences into the future for all users.

"First in time, First in Right" changes

The *Water Act* operates under a "First in Time, First in Right" (FITFIR) allocation system which in times of water scarcity gives licences registered first priority of use over licences registered at a later date; If two licences have the same registration date, then priority is determined by use. Under FITFIR, there are few limitations to how priority licencees can use water. BC has not taken environmental or ecological concerns into account in issuing water licenses, and has "over-subscribed" creeks issuing licenses for more water than is actually contained within creeks.

FITFIR was designed in a time when Aboriginal Title, Rights and Treaty Rights were not recognized, and were being actively denied by the provincial and federal governments, the provincial population was smaller, and there was no consideration by governments of finite natural resources. The existing water allocation system does not match the current social or political environment; however, any changes to increase flexibility and efficiency that are determined by the province contain the inherent problem of an assumption of provincial jurisdiction.

The WSA proposes to manage water during times of drought and scarcity by restricting some water use to allow for minimum flow requirements necessary to address environmental concerns. In time of scarcity, priority would be determined by use (highest priority for essential household use) despite the priority of other licences.

Historically, BC refused to record water allocations made to reserve lands, and in many cases, reserve lands have a lower priority than settler interests. The potential of the proposed WSA to adjust priority based on use and the FITFIR system raises questions about the potential to adjust Indigenous peoples' water uses. For example: If an Indigenous person or organization held a water licence for irrigation use to sustain a primary business that supported people in a reserve community, and a later-in-time licensee downstream wants access to the water for domestic purposes – a not unrealistic scenario in areas of the semi-arid interior where water disputes are common – the WSA could allow for the irrigation uses to be curtailed to allow for domestic uses downstream. The impact could be to restrict uses made of water allocations attached to reserve lands.

Streamlining Water Access for Resource Industries

The WSA moves more decision-making into industry-specific forums and increases the concerns of Indigenous Peoples that decisions are being made without notification, consultation or consideration of Indigenous Peoples.

Where statutes such as the *Forest and Range Practices Act* or *Oil and Gas Activities Act* contain provisions to protect water, additional action under the WSA by natural resource tenure licences will not be required. Management of water and the environmental impacts of industries such as forestry, oil and gas or mining will be left with the industry-ministries and therefore potentially subject to less protection.

Water use is licensed for particular purposes. Currently, "industrial use" is a listed purpose. The WSA changes would include the addition of an "oil and gas purpose" relating to activities carried out for the development and production of oil and gas wells. Regional Water Managers (RWMs) under the WSA will have the power to set minimum quality and quantity of flows required for streams. Within the Oil and Gas Commission, staff are designated as RWMs and can make determinations of water use for oil and gas activities. These roles will continue and be expanded.

Deep Saline Groundwater Exemption

The WSA proposes to exempt deep saline groundwater from regulation that would allow this water to be used for industrial purposes, such as oil and gas activities, which would to alleviate pressure on freshwater supplies. The assumption is that deep saline aquifers have minimal connection to, and should therefore be treated as separate from, drinkable and more shallow freshwater aquifers: "saline groundwater might be a viable source of water for some commercial and industrial development (e.g., oil and gas production, recovery of oil and gas supplies) and thereby take pressure off the demand for the freshwater."

Little information is known of the mid- and long-term impacts on water and the hydrologic cycle from activities such as hydraulic fracturing (fracking) on the overall hydrologic cycle and this could be a very dangerous decision, impossible to reverse the impacts of, once it has occurred.

Expanding the life of existing power licences

Under the *Water* Act, existing power licences are granted for 40 year terms. The WSA will allow existing power licensees to apply to extend their licences for a term of up to 10 years to discount the development time. These extensions would not count as a renewal of the licence. Activities, such as consultation with First Nations, could be counted as "development time" and used as justification for extending the terms of licences.

Environmental Offset

The WSA would expand prohibitions against depositing debris (refuse, carcasses, human and animal waste, pesticides and fertilizer) into streams and aquifers, and bring provisions of the *Fish Protection Act* (passed some time ago) into force. Remediation could be ordered, but the inclusion under WSA of "environmental offsets" would allow remediation or mitigation to occur at a different location and not where the damage was done. This is a potentially dangerous practice. It could allow destruction of certain areas upon which Indigenous Peoples cultures and water security particularly rely, with remediation efforts being targeted to areas that are easier/cheaper/more publicly supported. Waterways very important to Indigenous peoples could be harmed with no requirement under the WSA to remediate or mitigate the damage at that site.

The relationship that Indigenous Peoples have with the land is territorial and grounded in specific areas and tracts of land it is a matter of cultural identity that stretches over generations and cannot be simply moved or replaced. (*Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010) The right to harvest fish, for example, has been found to include not only the right to harvest fish but the right to harvest fish from within the traditional territory (and according to the traditional methods) of the Indigenous people: (*Claxon v. Saanichton Marina Ltd.* [1989] 3 C.N.L.R. 46 (B.C.C.A.), *R. v. Little*, [1996] 2 C.N.L.R. 136 (B.C.C.A.), and *R. v. Ellsworth, Sampson and Sampson*, [1992] 4 C.N.L.R. 89).

The WSA's proposal to allow water course damage and then remediation at a (for government) more desirable or convenient location fails utterly to consider or take into account the relationship between Indigenous Peoples and the territories that have sustained their cultures since time immemorial and shows a complete failure to comprehend the nature of cultural damage when waters that have sustained Indigenous Peoples over generations are damaged.

Environmental Flow Needs (EFN) (or Critical Environmental Flow Needs)

The WSA will allow for setting of EFNs by regulation that outline the water quantity and timing of flow required to ensure that ecosystems are maintained, including fish habitat and other aquatic life. Decision-makers will have to consider maintenance of EFN when considering water licence requests. As written, EFNs are only a factor for the decision maker to consider. They can still decide to authorize uses beyond the EFN of any given waterway. Therefore, the protections afforded are flimsy at best: While decision makers will have to consider EFNs in decision-making, this is only one factor and carries less weight than if it were a legally enforceable standard.

There will be different EFN regimes to reflect different areas of the Province. It is anticipated, in the same way that other watershed or land use planning occurs with different stakeholder groups, that Indigenous Peoples would be involved in providing information to set EFN regimes. In the past, there are many areas where Indigenous Peoples have argued that industrial logging or other

developments have not left sufficient flow in streams to maintain environmental needs and this has been disregarded. Conversely, EFNs will also identify amounts of water available for other purposes, and this may be an area of significant dispute if Indigenous Peoples and others disagree about what level of water is required to be maintained for ecosystem health.

It is not clear that EFNs will constrain existing or new water users. Tremendous discretion is left with statutory decision makers (who will be guided by governments' policies including of prioritizing economic development over environmental concerns). There is no area of independent review or oversight, or which would incorporate or reflect Indigenous concerns. EFNs set by regulations will guide decision-makers but not be independently legally enforceable standards.

There is no way for Indigenous Peoples (or other concerned citizens) to independently engage EFNs - the people with the most on the ground local knowledge of impacts have been ignored and overlooked.

Water Governance and Land Use Decisions

New governance structures will be created for water management, and the WSA allows for the delegation of water management activities or decision to people or agencies outside of the government potentially including industry; local coalitions; and the involvement of First Nations. Advisory groups would be created for surface and groundwater. New enforcement tools, including monetary penalties and compliance agreements, will be created.

There is some reference in the WSA to incorporating traditional knowledge and involving Indigenous Peoples in regional management forums. Outside of what might be considered "stake holder" involvement, the WSA does not acknowledge or include Indigenous governance and management over water. Indigenous involvement will occur at the level of setting regulations to be taken into account in water management.

Changing water governance structures could award greater levels of control to local levels of governments through a regional watershed approach, in effect this would mean the province attempting to delegate powers over water resources to local stakeholder groups that are actually under Indigenous jurisdiction.

Water Objectives and Water Sustainability Plans

The WSA proposes that Water Objectives may be set to provide guidance on how decisions are to be made regarding certain areas (could be specific to water bodies or areas of land). Water Sustainability Plans would be made at different levels and sizes of watershed, and would include

both surface and groundwater, and would address issues such as water budgeting, setting objectives and flow requirements, issues related to cumulative effects, scarcity or climate change.

Decision makers would have to consider those principles – *to the degree practicable* – in making land use decisions. The language leaves room for industrial or economic concerns to outweigh environmental or human concerns. Guidelines are not strict legal requirements.

Beneficial Use

The WSA will incorporate and expand the "beneficial use" requirements set out in the *Water Act*. Water users may be required to show that they are making beneficial use (a limited definition requiring only that a person is using water for the purpose listed in their licence) of their water allocation. Water users may be "audited" and if they are not fully or efficiently using the water allocation, it may be reassigned. The WSA outlines a process to cancel (for lack of beneficial use) existing water licenses, or other efforts to encourage conservation. In the past, the Province has threatened to cancel water licences attached to reserve lands based on lack of beneficial use and this would be an area of continued concern.

Licence Review – 30 year term

The WSA will establish the ability to review licence terms after a 30 year period, with the goal of allowing for certainty of water licences, while also maintaining flexibility in water management.

Auditing Larger water users

Larger water users (over 250m^3 per day) may be required to measure, record and report their water use. This is a very high threshold and will mean that many intensive users will not be audited.

Water Pricing

Water Pricing – Fees/Rentals may be incorporated for some water uses to both recover the cost of administering the water management system, and to encourage conservation. The rental fees listed are relatively low and will not likely have any impact on encouraging conservation. Value-based or royalties were rejected as an approach for water pricing. The criticism of the approach is that it will neither recover costs nor encourage conservation.

Some have suggested that the commodification of the water resource – albeit intended here to help limit the use of the resource – can have unintended consequences under international trade agreements and it should be clarified that any prices attached to water are for conservation and cost-recovery purposes.

Conclusion

The WSA does not acknowledge Indigenous Peoples' Aboriginal Title, Rights or Treaty Rights to, or in, water. Instead, the Province proposes to legislate as though it has exclusive title and jurisdiction over water, without acknowledging the impact that Aboriginal Title, Rights and Treaty Rights should have on provincial decision-making. The result will be decisions made without regard to their impact on Indigenous Peoples or the environments and waterways that Indigenous cultures are tied to.

Many of the key environmental features of the legislation are not given the full strength of laws. For example, EFNs and Water Plans, will be established by regulation. Ultimately statutory decision makers will have the ability to override the guidance offered by EFNs or Water Plans for other interests set by government. Many areas that relate directly to industry-specific uses of water (oil and gas, mining, forestry) are left out of the WSA and will be addressed within ministry-specific legislation. Overall, the environmental protection that may have occurred as a result of the WSA has been tremendously weakened in the fact of a provincial concern to ease use for resource-extractive industries. Indigenous Peoples, the lands and waters will continue to feel the impact of B.C.'s lack of a full and robust water protection and preservation scheme.

Recommendations

- The WSA should explicitly prioritize Indigenous Peoples' need to protect healthy water (surface flows and groundwater), either for current or future generations, or for the fish, wildlife, lands, and resources upon which Indigenous lives, economic, traditions and cultures depend. The WSA and FITFIR system must recognize Indigenous Peoples' priority use related to Aboriginal Title, Rights or Treaty Rights. This includes water quantity and quality of flows necessary to sustain wildlife, plants, fish or other resources that Indigenous Peoples rely upon.
- The provincial government must work with Indigenous Nations in BC in the spirit of the UNDRIP by acknowledging Indigenous jurisdiction over water in the WSA, and committing to preserving Indigenous Nations' legal, governance and conservation practices associated with water in the WSA and regulations.
- Indigenous Peoples must be given the opportunity, together with adequate resourcing, to have a say about all new, renewed or continued water uses which they identify as potentially impacting Aboriginal Title, Rights and Treaty Rights granted under the WSA. This is not optional and it is not up to a statutory decision-maker to decide if it is a requirement in any situation.
- The WSA must explicitly state that it will not restrict or limit water licences attached to reserve lands, even for emergency or urgent purposes, without the full, prior and informed consent of the Indigenous Peoples. Many reserve lands do not have adequate water licenses to meet growing community needs, and water is necessary for Indigenous Peoples to make full and beneficial use of reserve lands. In the past, the Province has refused to allocate water to reserve lands, or have accorded that allocation a lower priority, or have threatened to cancel or

cut back allocations made to reserve lands. To honour the commitments the Crown made in setting aside reserve lands those lands should be read as including adequate water reservations sufficient to maintain their purposes.

- The WSA should acknowledge in its text, and reflect on the face of all new licences, that all allocations are subject to Aboriginal Title, Rights or Treaty Rights and may have to be amended/cancelled wholly or partially to account for those.
- No new water applications/licences should be allowed when water courses are over-subscribed. Indigenous Peoples should have the right to identify creeks or water courses which can not sustain any further licenced uses without damaging their Aboriginal Title, Rights or Treaty Rights and the wildlife, fish, and plants that their cultures rely upon.
- Indigenous Peoples must give their full and informed consent to all environmental offset or remediation plans. That restoring water courses that Indigenous Peoples rely upon may be difficult and costly in no way lessens the obligation for that work to be done.
- Indigenous Peoples must be given an opportunity to review and approve proposed EFN levels well in advance of those levels being approved and to identify areas where they are needed. EFN levels should not be restricted to a regulation that provides guidance to statutory decision makers, but should be enforceable legal requirements. There should be mechanisms for people concerned about the environment, including Indigenous Peoples, to trigger EFNs rather than waiting for a statutory decision maker to agree that there is a problem.
- The WSA should clearly state that its overwhelming goal is to preserve and protect water for future generations of all life. There should be an independent oversight body created to oversee the provincial water management system which has as its primary goals the protection and continuation of the lands and waters for future generations. Indigenous Nations of BC should be fully represented within this oversight body to ensure that Aboriginal Title, Rights and Treaty Rights are an active consideration in decision making.
- EFNs (or Critical Environmental Flow Protections) should not be optional but rather an implicit reservation read into all new and existing licenses. These should not be regulations serving to guide decision-makers, they should be legally enforceable standards.
- The WSA should include provisions reflecting the precautionary principle that should guide all applications for new or revised water uses. Where the potential environmental impact of a proposed water use is unknown – for example the proposal to use deep saline aquifers for fracking - it should not be allowed.
- The provisions triggering the Critical Environmental Flows should not be limited to provisions in the *Fish Protection Act* (s.9) because environmental concerns are broader and may not involve fish.
- Indigenous Peoples must be involved in any discussions around increasing protection of stream health and aquatic environments, and in determining what level of shared decision making they wish to be involved in, if any. The province must not impose or determine any such role for Indigenous Nations. For example, a provincially imposed blanket role for Indigenous Nations as "shared decision makers" with municipal governments infringes on our Self-Determination. Considerations of protection and conservation standards, plans and guidelines, must include

Indigenous Peoples' traditional knowledge of stream health and aquatic environments. The protection of EFNs, at present, is weak and left to local statutory decision makers to implement.

- There should be provisions to actively monitor water use and regulation with the goal of environmental protection and maintenance. Water use should be audited more actively, and for lower threshold for water audits so that more users are actively audited.
- Industries and industrial uses should not be exempted from (or granted an easier industry-specific process) the WSA. They should likewise be subject to the same scrutiny and all water uses by those industries must meet environmental protection and preservation standards. If they cannot meet those standards, they should not be approved.