

From: Finnie, John [mailto:jfinnie@rdn.bc.ca]

Sent: Friday, March 11, 2011 11:58 AM

To: Living Water Smart ENV:EX

Subject: Comments on the Policy Proposal on BC's new Water Sustainability Act

The *Convening for Action on Vancouver Island* (CAVI) Leadership Team respectfully submits the attached comments on the Policy Proposal on BC's new Water Sustainability Act.

On behalf of the CAVI Leadership Team,

John Finnie, P.Eng.

Chair, *Convening for Action on Vancouver Island*

Convening for Action on Vancouver Island Leadership in Water Sustainability

March 11, 2011



Water Act Modernization Submission
Ministry of Environment, Water Stewardship Division
Victoria, British Columbia V8W 9M2

RE: Policy Proposal on British Columbia's new *Water Sustainability Act*

Convening for Action on Vancouver Island (CAVI) is a collective partnership that provides leadership, coordination, research, and education for practitioners; promotes water-centric planning and a "Design with Nature" way of thinking and acting; and reaches out to those that embrace the vision of water sustainability on Vancouver Island. As part of the Partnership for Water Sustainability in BC, CAVI supports the interests of Vancouver Island local governments with respect to water sustainability. Please see www.waterbucket.ca/cfa for additional details about the CAVI program.

The CAVI Leadership Team believes that the effort to update the provincial water legislation is fundamental to the ability of local governments to deal with emerging challenges, such as changing climate and hydrological cycles; increasing urbanization and growth; growing demands for water use and resource extraction; and mounting conflicts with First Nations and other communities. We also support the *Water Act* Modernization process as the core commitment in the broader *Living Water Smart* plan.

We recognize the progress that has been made on a number of key issues outlined in the policy proposal, including groundwater regulation and licensing; monitoring and reporting; and the use of tools, such as provincial objectives and the "beneficial use" clause. We also appreciate the acknowledgement of the relationship between land use and water – understanding this relationship is crucial to the integration of water management with land use planning. The Leadership Team recognizes the value of all these initiatives and supports their inclusion in the proposed legislation.

The CAVI Leadership Team would like to draw your attention to two recent *Water Act* Modernization related submissions: one from the Regional District of Nanaimo, and the other from the University of Victoria's POLIS Water Sustainability Project. After a detailed discussion, it is our belief that these submissions capture the core challenges of the proposed legislation and emphasize proactive solutions for the areas in need of resolution by the Province. Not only does the CAVI Leadership Team endorse these positions, but we also recommend that the Government respond to, and follow through on, the discussion and recommendations suggested in each.

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In particular, the CAVI Leadership Team emphasizes the key aspects of:

1. The priority of environmental flows over other non-essential human uses, and the need for clear binding and legally enforceable rules, as opposed to guidelines.
2. A more flexible allocation system that emphasizes a clear set of priority uses and embeds the public trust to build resilience and avoid future conflict.
3. Accountability and oversight to provide British Columbians with transparency and confidence that what is promised will be done.

Beyond these critical management and accountability concerns, the Leadership Team is most concerned with the need for a significant update to the approach to water governance in British Columbia. The need for clearly defined authority and resources to accompany these new roles and responsibilities is crucial.

A system that emphasizes decision-making at the watershed or basin scale offers a genuine opportunity to modernize British Columbia's approach. However, such a shared or co-governance approach must be balanced with appropriate resources flowing to the key actors or institutions that are expected to engage more directly in governance and management. This will protect against burdening local government and ensure that the goals and strategies proposed by the legislation are not merely proposals, but can in fact be implemented. As such, it will reduce negative impact on British Columbians across the province. By proactively and appropriately engaging communities and those with local expertise, decision-making will improve. However, we emphasize that such a delegated approach will only be effective if suitable resources flow with the responsibilities and a clear framework exists in the new legislation.

It is imperative that the Government maintains the high standard of transparent and meaningful engagement that has been established in the WAM process to date. In particular, a formal commitment to offering an opportunity for public comment on draft legislation will help ensure the process remains credible. The CAVI Leadership Team continues to support this important effort. We look forward to further discussion, and seeing the next step in the *Water Act* Modernization process.

Sincerely, on behalf of the CAVI Leadership Team,



John Finnie, P.Eng
Chair, *Convening for Action on Vancouver Island*

cc CAVI Leadership Team