

**From:** Karen Tam Wu [karen@forestethics.org]  
**Sent:** April-30-10 9:52 PM  
**To:** Living Water Smart ENV:EX  
**Subject:** Water Act Modernization Submission  
**Attachments:** WAM Submission final April 30.pdf

Please accept the attached letter of submission regarding the Water Act Modernization.

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energy campaigner, forest policy advisor

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driftwoodFOUNDATION

## FORESTETHICS



Water Act Modernization Submission  
Ministry of Environment  
Water Stewardship Division  
PO Box 9362  
Stn Prov Govt  
Victoria, BC  
V8W 9M2

April 30th, 2010

The health of watersheds in northern BC, comprised of major rivers, such as the Skeena, Nass, Stikine, and Kitimat, are facing development pressure from proposed projects such as coalbed methane extraction, the Enbridge Northern Gateway pipeline and the Northwest Transmission Line. The current laws and regulation do not provide adequate protection for water quality and quantity or for salmon habitat. As residents of the northern watersheds, our communities would be beneficiaries of good stewardship or conversely, negatively impacted by development that is poorly reviewed, regulated and governed. Currently, we do not have a strong role in determining acceptable uses within the watershed. We are pleased to see the government amending the Water Act, as we see this as an opportunity to strengthen protection for our water resource, and embrace community-driven governance.

We are writing in support of the Water Act Modernization Submission provided by Pembina Institute and ForestEthics. Additionally, we highlight the following areas of the Water Act that should be amended to address issues of protection of water quality and quantity and fish habitat and meaningful local engagement include:

- i. Water management plans should consider groundwater and surface water as interconnected systems within the hydrological cycle.
- ii. Regulate groundwater usage and address pollution of groundwater
  - Water use and effluents produced should be limited.
  - Licensing should be required for all significant uses of surface and ground water (both significant individual cases and significant on a cumulative basis over time).
  - Licensing conditions should require water conservation and efficient water use.
  - An overall watershed plan or a water allocation plan would support licensing.
  - In times of water shortages, measures are in place to make water available for basic human needs or fish and wildlife.
  - Ministry of Environment should have the authority to regulate groundwater for all sectors (e.g. Oil and Gas Commission currently regulates water usage for oil and gas wells).
- iii. Identifying priority areas
  - Protection of drinking water, and protection of fish and wildlife habitat

- should be priority goals of identified areas.
  - Criteria for identifying such areas should include community watersheds, or watersheds containing significant population of fish; high productivity fish stocks; located in area of province with sensitive yearly flows and significant human populations or industrial water users.
  - Water license applicants should provide water flow and fish habitat information or find an alternate source of water.
  - License applicants should be required to develop mitigation or compensation measures.
- iv. Identifying priority uses
- Meeting basic human needs, and ecosystem services (fish and wildlife habitat) should be given highest priority.
  - Licenses granted need to consider overall watershed plans and should not compromise other priorities.
- v. Provide adequate funds and personnel for monitoring and enforcement
- Adequate fines and penalties that effectively deters violations of the Act need to be in place.
  - Adequately resourced monitoring of water use and potential violations is essential.
- vi. Governance and community engagement
- Communities that would be impacted by multiple uses on the resource should participate in identifying priority areas and uses.
  - Resources should be available to enable and support community-designed water allocation plans, overall watershed plan, or some other form of involving the local community.
  - Collaborative management process should be established.

Thank you providing public with an opportunity to provide input into the Water Act Modernization. We feel that through this process, the Water Act could be strengthened to put measures in place that reflect communities' values, protect our water resources, and promote "clean, green" energy development projects.

Sincerely,

Jim Bourquin, Cassiar Watch  
 Dorothy Giesbrecht, Driftwood Foundation  
 Karen Tam Wu, ForestEthics  
 Pat Moss, Friends of Wild Salmon  
 Julia Hill, North West Watch  
 Shannon McPhail, Skeena Watershed Conservation Coalition  
 Greg Knox, Skeena Wild Salmon Trust  
 Anne Docherty, Storytellers Foundation