

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:42 PM

To: Living Water Smart ENV:EX

Subject: Comments for WSA modernization

Ministry of Environment, Water Protection and Sustainability Branch:

Imminent water challenges in BC—like the uncertain but changing waterscape of climate change, and the increasing demand for water by mining and energy sectors—call for new models of water and environmental governance.

Regions exposed to extractive resource industries, for example, face real, physical issues that require local knowledge and authority to mitigate, but the centralized nature of water governance and management in this province excludes the local public from the decision-making processes that ultimately affect them the most. The proposed modernization of the Water Sustainability Act provides no certainty that these issues will be addressed, and without significant reform to governance and decision-making that would foster more inclusive, and representative processes, I caution the Province to prepare for increasing community-based conflict and resistance.

Governance reform is particularly urgent within the shale gas producing regions of northeastern BC where Treaty 8 First Nations have been experiencing the socio-cultural and environmental impacts of the government's BC Natural Gas Strategy and Liquefied Natural Gas Strategy since tenures were sold in 2005. While the Liberal government spurts a public discourse surrounding the revenue potential of BC's LNG future, they have offered nothing to suggest how they intend to mitigate the impacts of the water-intensive and destructive industry in Treaty 8 territory, where communities are expecting a 600 percent increase in development over the next 25 years.

With regards to water management, the role of government policy and regulation is to protect local people and environments from global market forces that seek access to resources as the means of production and profit. The role of the state, theoretically, has been to temper this tension, not personify it by creating industry-friendly regulations, which focus on passive measures like mandatory water reporting, a reliance on industry best practices, and meager water pricing. With respect to water management, this industry needs to be regulated adequately. This means restricting access to freshwater from surface and groundwater surfaces in order to actually encourage companies to innovate with saline sources, and on-site water recycling. Nexen and Encana sunk 140 million dollars into the Debolt saline aquifer as a source for fracking water, yet there are no conditions that require the companies to use it. Instead, they continually apply for more convenient, and affordable access to surface water sources through short term permits and licenses—Nexen, as mentioned, owns a highly contested water license, and Encana has submitted an application for a long-term water license to build a permanent withdrawal structure on the Fort Nelson River. The oil and gas industry is the most powerful and pervasive on the planet, trying to attract investment is no excuse for negligent policy that has real impact on people and watersheds. Oil and gas companies can afford to do a better job, but they will not voluntarily;

the role of the Crown is not to encourage, but force industry innovation through strong policy such as setting limits on the amount of water industry is allocated for shale gas projects, and by making water expensive to demonstrate an appreciation for the value of the resource, thereby prioritizing social and environmental welfare ahead of profit.

Uncertainty breeds concern and conflict. From a knowledge perspective, we know very little, scientifically, about northern BC watersheds. The lack of baseline studies and other types of information creates uncertainty around the ecological and hydrological impacts associated with shale gas activity. Local municipalities and First Nations are concerned that decisions on water allocations are being made without the adequate information because there is little hydrological information for the region. Water quantity data used to assess water withdrawal applications is modeled from a distant watershed using a very basic water balance tool (NEWT), and water quality information is non-existent. First Nations on the ground have health and safety concerns regarding the consumption of traditional food sources due to fear of possible water contamination linked to fracking and industry water use. Nations like the Fort Nelson First Nation are entering into industry and academic partnerships to collect more data for their territory in the public interest. This is a novel approach born out of necessity as little provincial data exists, and thus far the province has not met this concern with a commitment to collecting baseline water quantity and quality data. This lack of knowledge creates an information deficit, which plagues the legitimacy of Crown water governance. Authority to grant industry water allocations has devolved to the BC Oil and Gas Commission, yet the Commission employs just a single hydrologist to oversee all oil and gas activity.

The provincial government has a wonderful opportunity to place itself ahead of the curve in water management regimes with the new Water Sustainability Act, which presents an opportunity to impose strong regulation to protect a globally scarce resource. However, while regulation and improved management of water is crucial, water-related issues in northeastern BC are symptoms of a broader problem of governance.

Treaty 8 First Nations are engaged on water allocations through permit-by-permit consultation, which fails to consider the infringement of Aboriginal and treaty rights imposed by the cumulative impacts of multiple water and land use decisions. As such, First Nations are unable to ensure the protection of vital water resources because they are not given an opportunity to influence the broader direction of development—i.e.

development at the landscape scale, where treaty rights and ecological processes occur. Marginalizing First Nations rights within a permit-by-permit approach will bring increasing resistance as the pace and scale of development increases with LNG.

What, then, is the alternative? If the Province wishes to avoid conflict and encourage a more sustainable approach to development, community concerns must take precedent over the investment climate for oil and gas companies. The Crown needs to start a dialogue with First Nations around creating a mutually agreed upon, locally-situated governance model for water and land use decision-making in Treaty 8 territory. Such an agreement would include, at the outset, the following measures: a joint land-use and watershed planning process to move away from short-term decision-making, which would then feed into cumulative impacts

assessment, while accommodating the setting of thresholds and limits for development within watersheds; shared decision-making on water and land use applications within First Nations traditional territories—a move away from permit-by-permit consultation into genuine shared authority; and a decision-making process, or governance model, with a direct channel to policy creation and implementation in order to adapt to emergent issues that might arise with changing environmental conditions, or other issues related to development.

These types of novel governance models are already occurring in other jurisdictions in Canada. In the Northwest Territories, land and water boards in the Gwich'in and Sahtu Settlement Regions engage local communities and Nations on development proposals within their territory.

The land and water boards comprise equal representation of First Nations and territorial government, and assess decisions together at the point of application, rather than the permit-by-permit approach in BC. The land and water boards offer a direct pathway to environmental impact screening committees for proposals with the potential for significant environmental impact or social contestation. The lesson here is that other jurisdictions are doing a better job at assuring ecological and social values are given agency in decision-making on water allocations and land use decisions. I urge the Province to follow suit by adopting new approaches to water governance in its modernized Water Sustainability Act. While improved water management is hugely important, my familiarity with the issues on the ground in northeast BC suggests that management alone is not enough to temper resistance in these highly contested, and exposed regions of British Columbia. Local communities and First Nations, who are simply trying to maintain sustainable local economies, need direct avenues to—and authority within—decision-making in order to ensure their values are respected.

Sincerely,

Personal Identifiers Removed

University of Victoria

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:37 AM

To: Living Water Smart ENV:EX

Subject: water sustainability act public comments

It is imperative that local residents decide on corporate use of water, not bureaucrats nor politicians.

There should be a moratorium on water use for fracking until a full referendum on whether or not the people of bc want to allow this practice or not.

Personal Identifiers Removed

north saanich, bc

From: ***Personal Identifiers Removed***
Sent: Sunday, November 10, 2013 3:29 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Nov 10, 2013

Good afternoon,

We just read the proposed WSA and are unclear whether or not it will impact us.

We have a 185 foot well which serves as domestic water use as well as water for approx 100 head cattle, and regulate our water use severely so the well doesn't run dry more than once or twice per day all winter long.

We also have 2 dugouts that often dry up by Oct/November each year.

We paid for the dugouts, the well drilling, the pump. the power and every other cost involved with getting our water supply, so, not wanting to come across as too adversarial, but any plan to charge us a fee on any of these water sources would be very unwelcome not to mention unfair. and we see no mention of agriculture users in our situation being exempt.

Please clarify,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***
Sent: Friday, November 8, 2013 8:46 PM
To: Living Water Smart ENV:EX
Subject: BC new water legislation

I am very concern with the proposed water legislation which does not address public stewardship and public interest.
BC needs water legislation that puts public interest ahead of corporate profits.
We need a law that gives our communities and our First Nations the power to effectively protect and preserve our precious water.

Personal Identifiers Removed
Campbell River, BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 8, 2013 7:23 PM

To: Living Water Smart ENV:EX

Subject: Nestles should not have water rights that supercede the public and environmental interest

B.C. needs water legislation that puts public interest ahead of corporate profits. A law that gives our communities and our First Nations the power to effectively steward our precious water.

Personal Identifiers Removed

Sidney, BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 8, 2013 7:13 PM

To: Living Water Smart ENV:EX

Subject: New Water Legislation

B.C. needs water legislation that puts public interest ahead of corporate profits. A law that gives our communities and our First Nations the power to effectively steward our precious water. Lets rewrite the Water Sustainability Act so that it fully protects our water for the next 100 years. Our government has to start doing its job - protecting us from outside interests and vultures like Nestles and others like it.

Personal Identifiers Removed

Vancouver, B.C.

Personal Identifiers Removed

Gold River, BC
November 10, 2013

Personal Identifiers Removed

Ministry of Environment, Water Protection and Sustainability Branch
Re: Water Sustainability Act

Dear Policy Makers:

You hold the future of BC water in your hands for future generations as the policy makers of today. It is most important that our water resource and the natural systems that support so much life, are protected and that policies reflect the value of clean water as essential for life, health, the ecosystem, and prudent respectful use by industry. The government has the human resources and therefore the capability to do this if there is a will for it. It will be an arduous task to ensure that best practices are adopted and that the many communities comprising BC and including our major cities are supported.

One of my fears, well founded I regret to say, is that the huge influence of industry and large corporate complexes will predominate over the public good and that people will suffer. This can occur when industry affects the quality of drinking water, habitat, agricultural land, and animals, such as our magnificent renewable resources of salmon and other aquatic animals. Will the government connect the dots that bind ecosystems and give us the opportunity to celebrate the beautiful land we call BC....

We need to listen to one another and begin with what we all want for ourselves. Water, clean water is wealth itself, and not necessarily profit as the major driver.

Let's go ahead with our eyes open and please do not ever privatize water.

Sincerely,

Personal Identifiers Removed

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PAGE 2

Your Country: *

A few points to consider when writing your letter...

The most important things the BC government can do in the proposed *Water Sustainability Act* would be to:

- W ✓ • enact strong legal protection of "environmental flows," the flows that are critical to healthy functioning rivers and water bodies
- ce ✓ • ensure water remains protected as a public good,
- a ✓ • provide for meaningful public participation in decisions regarding water governance approaches,
- a ✓ • define environmental flows and essential household needs as a "beneficial use," rather than the narrow and private-use oriented definition currently proposed,
- e ✓ • ensure that water pricing for commercial use reflects the inherent value of freshwater to British Columbians; fees should be set high enough to fund a comprehensive approach to fresh water management in BC,
- a ✓ • include a public trust doctrine which ensures that any private rights granted under water licences are subject to be managed in the interest of present and future generations,
- a ✓ • ensure that no industry is exempt from the WSA – particularly with regard to the oil and gas, and timber industries, and
- e ✓ • ensure that the WSA, especially environmental flow provisions, applies to existing water licences – not just new licences.

Water is BC's most important natural resource. Given the pressures of a growing population, changing climate and expanding development pressures, steps must be taken to ensure that BC's use of freshwater is sustainable. A new WSA must ensure that private rights to water do not take precedence over this the sustainable management of this public resource.

NOTE: Because the legislative proposal for the Water Sustainability Act is quite nuanced, we have selected these few key points to focus on. For a more detailed assessment of the proposal and additional suggestions for improvement, click here to view our complete list of comments.

Recipients: *

Water Sustainability Act
Ministry of Environment, Water Protection and Sustainability Branch
PO Box 9362 Stn Prov Gov
Victoria BC, V8W 9M2

My Letter: *

I support the recommendations of the Wilderness Committee. This is a matter of great importance.

Personal Identifiers Removed

November 10, 2013

Send your Letter

~~Related Campaigns:~~~~BC's Rivers at Risk - Stop Stocking~~

Personal Identifiers Removed

Personal Identifiers Removed

West Vancouver, B.C.

Personal Identifiers Removed

8 November 2013

Hon. Mary Polak, Minister of Environment,
Parliament Buildings,
Victoria, B.C.
V8V 1X4

Dear Ms. Polak,

Water Sustainability Act

I write to comment on the Water Sustainability Act proposal and to ensure that the Act will provide real protection, oversight and enforcement for fresh water in BC.

The most important things the BC government can do in the proposed Water Sustainability Act would be the following:

- enact strong legal protection of “environmental flows,” the flows that are critical to healthy functioning rivers and water bodies,

- ensure that water remains protected as a public good,

- provide for meaningful public participation in decisions regarding water governance,

- define environmental flows and essential household needs as a “beneficial use” rather than the narrow and private-use oriented definition currently proposed,

- ensure that water pricing for commercial use reflects the inherent value of fresh water to British Columbians - fees should be set high enough to fund a comprehensive approach to fresh water management in BC,

- include a public trust doctrine which ensures that any private rights granted under water licenses are subject to be managed in the interest of present and future generations,

- ensure that no industry is exempt from the WSA – particularly with regard to the oil and gas, and timber industries, and

- ensure that the WSA, especially environmental flow provisions, applies to existing water licences – not just new licences.

Water is BC's most important natural resource. Given the pressures of a growing population, changing climate and expanding development pressures, steps must be taken to ensure that BC's use of fresh water is sustainable. A new WSA must ensure that private rights to water do not take precedence over the sustainable management of this public resource.

Yours sincerely,

Personal Identifiers Removed

Copies to: Ministry of Environment, Water Protection and Sustainability Branch ✓
Adrian Dix, Leader of the Opposition
Wilderness Committee

Water Sustainability Act, Ministry of the Environment
Water Protection and Sustainability Branch
PO Box 9362 Stn Prov Gov
Victoria BC, V8W 9M2

To the Ministry of Environment,

I am writing in regards to BC's Water Sustainability Act.

First of all, I would like to thank you for the work that has been done on this legislation. I appreciate all the research, thought, and work that must have gone into creating this comprehensive legislation.

Unfortunately, there are some issues that the Water Act has not addressed appropriately. If these gaps are not dealt with, our future access to drinkable water will be in jeopardy.

First of all, First Nations rights and titles must be respected. The Water Act is woefully inadequate in terms of consultation with First Nations groups. Let's avoid costly misunderstanding and litigation and ensure that First Nations constitutional rights are taken into account.

Another grave concern is that costs to private business for use of public water is absurdly low. It is shocking to learn that a company like Nestle will pay \$265 per year while making millions in profits. For a cash-strapped government, this makes no sense. Payment for use of our water should cover all water management costs at least, and should ideally create revenue that will ensure our water is wisely regulated for many years to come.

As well, it is disturbing that the Water Act may not apply to Oil, Gas, or Forestry industries. Particularly with the practice of fracking, which relies on huge amounts of water to operate, oil and gas companies must be made to pay dearly for water use.

The Water Sustainability Act is important to me because I care about our community's future. Water shortages have become major problems throughout the world, and with global warming now a scientific certainty, we have to do everything we can to protect our water supply. I find it very disturbing that our government may be short-sighted enough to prioritise short-term industry profits over long-term access to water for our entire community. But my main motivation to write to you comes from my two young children. It is my duty to protect them from harm, and in writing this letter I am hoping that our government will do what is needed to protect future generations from losing our most precious and dwindling resource.

Thank you for your time.

Sincerely,



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; Chilliwack BC;

Personal Identifiers Removed

NOVEMBER 11, 2013

Ministry of Environment, Water Protection
+ Sustainability Branch

Re: W.S.A.

Dear Policy Makers:
As my tribute to the fallen on Remembrance Day,
I am adding an addendum to the letter already
sent as part of the process of public consultation
for the revised WSA.

I want the government to know that if the program
to monitor and measure water uses the smart meter
technology forced on everyone in BC to measure
electricity, I will oppose it and I will not
cooperate.

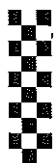
The smart meter technology has shown itself to be
an inferior, expensive version of what is possible in
terms of safe, affordable technology that does not
invade the privacy of the home. It is demonstrable
and available.

I am committed to transparency + choice, but I
no longer expect it.

Sincerely Yours

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ail.com



(i)

North Pine, 15. Nov. 13

Personal Identifiers Removed

To: The Honorable Minister of Environment
Madame Mary Polak

Dear Madame,

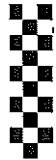
Since 1987 my husband and I call this beautiful province our home; and since then I all the times tried to raise awareness, how important water is; Thank you, that you gave me the chance to have a look at the proposal of the Water Act of B.C.;

Working in Germany in the mining industry in a water lab, it all the times made me wondering that B.C., didn't and also does not protect the private investment in their food production;

1. charge the so called domestic users, that they have also the protection of the government; agriculture and urban settlements rely on water, (also farms are big investments)

"Water is the Gold of our Future;"

"We cannot drink oil or eat dollars"



2. Please collect all the information about water in one independent agency;
3. Make people register their wells, for their own safety
4. Look to Alberta, when a Oil Company comes to work close by, this company has to protect the existing wells (water)
5. Please, do not create a government within the government, when you want to give such a huge piece of power to the Oil and Gas Commission, then you ^{should} overthink that; it's good to have a strong tax base and have the luxury of our 2013 society, nobody wants to stand in the way of development, but please don't destroy our agriculture industry, our soil, our water; we cannot live without water and food;

Thank you for listening
and for your work

Regarding the Water Sustainability Act

Personal Identifiers Removed

Campbell River BC

Personal Identifiers Removed

Dear Sir,

I am 87 years ~~ago~~ old. I was born and raised the 1st 17 years of my life in the logging camp in Headquarters BC. the company town of about 20 houses workshops etc was on the bank of the Isolum river. About 50 years ago a small copper mine operated a few years on the top of Mt Washington. the salmon pinks + cohoes runs were big. the sulfur in the ore dissolved heavy metals which killed the salmon runs for 40 years. Now after many years and millions of dollars the salmon are coming back.

Campbell River City water comes from Myra Creek which flows through Buttle Lake to the ocean. A metal/mine has been operating on Myra Creek for around 50 years. About 25 years ago the mine wanted to double their production. Fisheries study showed that the whole system was bad for fish and not good for our drinking water. the Campbell River Environmental Council insisted that the mine must put in a treatment plant to clean the water. It worked and contamination of the water stopped. Hubert Bunce of BC govt. Environmental officer told me 20 years ago ~~that~~ the contamination would have to be treated for several hundred years. Recently he told me it could be forever.

the required bonding is 0. 100K

Britannia Mine has spewed contamination into the ocean for a hundred years. A few years ago Espar from Edmonton put in a 30 million plant to clean the water.

Hilroy

A gold mine in northern Canada shut down they have left enough Arsenic in underground storage to kill ever person on earth. It is costing a million dollars a year.

We must examine carefully any proposed mine development in Canada to see if it would cause serious problems. If risk is there do not permit the mine to start up.

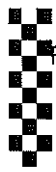
Like FISH LAKE in northern BC Canada has probably the most mine development of any country in the world. Most of these mines have caused severe problems for people in developing countries. This must stop. Several organizations in Canada are trying to get the Federal Govt. to hire an Ombudsman to watch over Canadian mining ~~can~~ companies in developing countries.

Yours sincerely

Personal Identifiers Removed

Thank you for your attention

Hilary



Personal Identifiers Removed

Ministry of Environment,
Water Protection & Sustainability Branch,
PO Box 9326
Stn Prov Gov,
Victoria, BC,
V8W 9M2
Fax: (250) 356---1202

November 15, 2013

RE: 2013 A Water Sustainability Act for BC: A Legislative Proposal

Please accept the following as my comments on the latest draft of the Water Sustainability Act (WSA). Thank you for repeatedly engaging the public in the modernization of this Act. The province is to be applauded for moving this very important piece of legislation forward at this time. However, due to the short comment period allowed, my comments will be general and only identify a few of the most concerning features.

It is disappointing to have only three weeks to read and review this complex Proposal; please consider extending the comment period.

The Proposal contains valuable suggestions for improving water stewardship, protecting environmental flows, dealing with scarcity, and sharing watershed management with local bodies, governments and First Nations.

However, the government's reluctance to embrace the doctrine that water is a Public Trust is a serious omission. The role of a democratically elected provincial government is to ensure that private entitlement does not impair this vital public resource. Although Canada and the province may be lacking experience in Public Trusts (p. 98) there are many jurisdictions elsewhere in the world where it has been adopted; British Columbia could easily adopt the best of these and adapt it to our specific needs.

Further, environmental flow needs must be mandated, scientifically defined and given priority over all other water uses. Essential human use (e.g. drinking water) and local family-based food production (livestock and agriculture) should be next in priority for fresh water allocation whether surface, ground or short term. The "first-in-time, first-in-right" water allocation system therefore has to embed the



Public Trust doctrine. The Act must state that all licences will be subject to review to allow for sustainable withdrawals from aquifers or surface water, and to allow for honourable consultations with First Nations. The provincial government, specifically the Ministry of Environment, Water Protection & Sustainability Branch, should be obliged to retain oversight and accountability of water management throughout the province. The obligation does not preclude the WSA from specifically identifying local government, responsible for the provision of potable water, as a governance model.

The Act should specify full cost recovery through fees and water rentals for all private (commercial/industrial) users including those that are non-consumptive such as run of the river projects. Saline groundwater users should also be registered and charged. This money would pay for administration, assessment, reviews and enforcement and should be specified for this purpose.

The Water Sustainability Act must apply to all fresh water (including saline groundwater) existing and future users including independent power producers, forestry, and the oil and gas industry. Water is our most precious resource; with climate change upon us, it is imperative that water protection takes precedence over other provincial Acts.

Sincerely,

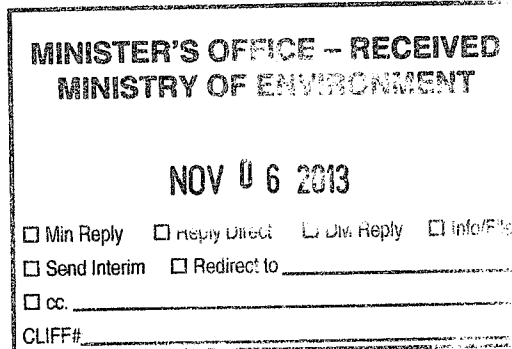
Personal Identifiers Removed

November 1st, 2013

Honourable Mary Polack,
Minister of Environment,
Room 112, Parliament Buildings
Victoria, BC
V8V 1X4

Dear Ms. Polack,

Re: Water Sustainability Act



Let me at the outset congratulate you on your initiative in bringing forward the **Water Sustainability Act**.

I know that a review of the Act has been in the works for many years. British Columbia legislation lags far behind legislation in other jurisdictions regarding protection and control of water as an essential public commodity.

While I have a broad interest (and background) related to the supply of potable water in the public sector, at the moment, I am most specifically concerned with the fact that the ownership and distribution of water in BC communities can be left in the hands of the private sector. Water, as an essential commodity, is far too important to be left in the hands of the private sector on a for-profit basis. We have had many concerns and issues in our community (Okanagan-Similkameen) regarding water safety, supply and distribution and pricing and too often, the issues seem to fall to different Provincial jurisdictions – the Comptroller of Water Rights, Interior Health Department, Ministry of Environment, etc. The management and control of privately owned water systems is exceptionally fragmented in British Columbia. No one body takes responsibility or has oversight over the whole water distribution, safety and pricing issue.

I would hope that the review which you are initiating undertakes to ensure that **all** water systems which provide potable drinking water to the public are owned by public agencies, e.g. municipalities, regional districts, locally elected boards, etc. I believe that this model, with oversight by one, single Provincial agency would best serve the public interest from all perspectives.

Yours very sincerely,

Personal Identifiers Removed

November 15, 2013

Thanks for the opportunity to comment on the proposed new water act.

My priorities for the revised act are as follows: (in no particular order) protect the environment, prevent conflicts over water, prioritize the most socially-important uses of water, give the public a say in decision making and ensure that water pricing for commercial use reflects the value of fresh water.

Other jurisdictions globally are utilizing the public trust doctrine, which states that water is owned by the public and must be managed on the public's behalf. Private rights to use water thereby become subordinate to the public interest. For me, this is an essential principle for BC's Water Sustainability Act.

Protect stream health and aquatic environments: We need binding, legally enforceable protections for fish and the environment. Environmental flows should be considered in all new water-licensing decisions. They are critical to the healthy function of watersheds and must be prioritized over other non-essential human uses. A growing number of countries have been or will be enacting flow standards including all member states of the European Union, Japan, Mexico, South Africa and Switzerland.

Water Governance: While acknowledging the complexity of water governance, one important change would be additional delegation to local watershed agencies. This will aid in meeting provincial standards and objectives by capitalizing on local knowledge.

FITFIR: If it can't be gotten rid of, at least modify FITFIR by prioritizing use; for example in times of low flow domestic use first, then municipal, agricultural, industrial etc.

Increase industrial water-use fees. This revenue stream ought to be used to support water governance and environmental remediation rather than going into general revenues. I understand there is a consideration of exempting logging, oil and gas extraction, and fracking from the proposed new objectives. Such an exemption is completely unacceptable.

Yours sincerely,

Personal Identifiers Removed

Duncan BC***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:57 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I am supportive of the move to regulate groundwater users, whether large or small, as they all impact the water source. This regulation needs to start ASAP. Water use in Oil and Gas industry should be carefully considered and balanced with the needs of other users. In northern communities, where water is scarce, it may not be reasonable to use the limited water resource for some Oil and Gas finds.

Water is essential for agriculture in different parts of the province. There should be a link of water and the ALR so that the continued investment in agriculture is feasible over the long term. For water to be available for agriculture it needs to be foodsafe and affordable.

Continuing to issue licences for oversubscribed water sources in the Okanagan Valley in particular is irresponsible of the current water managers. There is a serious and unfair difference between water customers at the Coast and those in the Interior. The watersheds in the Vancouver and Victoria areas are extremely well controlled and protected. In the Okanagan there seems to be a flippant attitude by current regulators to ignore the long term impacts of increasing pollution and residential impacts in the watershed.

Thanks for the opportunity to participate in comments regarding the Water Act.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 4:31 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act - Urban Watersheds

Dear Hon. Minister Mary Polak,

The Water Sustainability Act (WSA) Proposal provides much-needed improvements and updates to the WSA.

Reading of the current WSA Proposal implies water sources identified by rural, pristine, or more natural public lands, watersheds and waterways. Does the Proposal also include urban rainwater management, urban pollution, affect surface and groundwater and urban watershed health; affected by uses from both public and private lands?

'Require local governments (e.g., regional districts and municipalities) to consider the Objectives in their planning and decision processes It is proposed that the Water Objectives would focus on environmental condition rather than on a particular sector'

Should the Proposal include expanded wording to encompass and provide policy guidance and protection for municipal and regional urban watersheds, support for rainwater management and water quality initiatives; e.g. *the Bowker Creek Blue Print 100-Year Action Plan*, for complex, long-term remediation and protection of urban watersheds, and urban water sources, however currently beleaguered or marginalized by urbanization.

Sincerely,

Personal Identifiers Removed Victoria, B.C. ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 4:31 PM

To: Living Water Smart ENV:EX

Cc: Simons.MLA, Nicholas LASS:EX; John.weston.c1e@parl.gc.ca

Subject: Water Sustainability Act

The Legislative Proposal for BC's new Water Sustainability Act has many good aspects, and some serious omissions which I address herein.

Environmental services must be recognized as a priority in the Water Act. Environmental flows are critical to healthy functioning watersheds and must be clearly prioritized over other non-essential human uses.

1: Inclusion of the Public Trust Doctrine (PDT)

The new act must contain a clause which imbeds the Public Trust Doctrine into the new legislation. The PTD is required to protect ecological values, ensure water for future needs, engage the public, and protect public interests. These features are an essential part of the effort to modernize the BC Water Act. The PTD is also essential to safeguard water and associated ecological resources from sale or impairment by government or through interferences by others that would shift control to private interests for primarily private purposes. I regard the PTD as a fundamental tool in achieving the goal of Living Water Smart in BC.

2: Improvement of the Water Allocation System

A new allocation system is required to provide more specific information about the volume and impact of the use of the water. The new Water Act must require cost recovery to provide monitoring, management, and enforcement so that those who impact water quality or quantity contribute to the costs of protection to a degree appropriate to their impact or benefit.

3: Protection of Streams, Aquifers, and Aquatic Environments as the top priority of any new Water Act

It is no longer acceptable to treat environmental flows as secondary priorities. Protecting water for communities and Nature, fish and other non-human values, must be defined and must be mandatory, not simply "guidelines" which may be ignored. BC would be well advised to do what progressive nations around the world are now doing--incorporating the Precautionary Principle in all legislation which affects the Environment.

4: Inclusivity in decision-making

Local government agencies, the public, and municipal councils and regional boards must be included in decision-making that affects their area.

5: Universal application

The Water Sustainability Act must apply to all water users and must be binding on all sectors including the oil and gas and forestry sectors, *with no exceptions*. The Water Sustainability Act must state that access to clean water is a public and human right that trumps any industrial or commercial usage.

Lastly, but by no means least, the government must also **recognize and respect First Nations rights and title** in all aspects of drafting and implementation of the new Water Sustainability Act.

With best wishes for your further deliberations.

Yours truly,

Personal Identifiers RemovedGibsons, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 4:23 PM
To: Living Water Smart ENV:EX
Subject: Water

How sad is this - our watershed is logged, and now we need to get a water treatment plant, at great expense to municipal taxpayers. What an uphill battle to live in Canada, where corporate power and money have been put before public interests. Individual, basic human right for clean water doesn't seem to count for anything.

Personal Identifiers Removed
Port Alberni

From: ***Personal Identifiers Removed***
Sent: Saturday, November 16, 2013 8:19 AM
To: ***Personal Identifiers Removed***
Cc: ***Personal Identifiers Removed***
Subject: ***Personal Identifiers Removed***

Very Good job ***Personal Identifiers Removed*** thanks so much for your efforts, these heads need to understand that if they plan to keep beating away at the already tinnnyyy profit margin and manageability of the ranching industry they better figure out how to let the consumers know that they need to pay a much higher price for our beef, or the alternative is there will be no ranching industry left in this province.

Thanks again,

Cheers,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 11:52 PM
To: Living Water Smart ENV:EX
Cc: ***Personal Identifiers Removed***
Subject: Water Sustainability Act

Please seriously consider the following comments before proposing a new Water Sustainability Act.

1. The public should have more time - the deadline for the comment period should be extended until at least March 1, 2014.
2. Protection of source water should be enshrined in the act and the Water act should take precedence over all other land uses and related acts (including Forestry, Oil/Gas, and Mining Acts etc.)
3. Local communities must have local control to protect and manage their community drinking water supplies.
4. Ground water (including aquifers) and surface water are interconnected and should be treated as one in the Act.
5. Environmental Flow Needs (EFN's) must be included in the Provincial Water Objectives.
6. First in Time First in Right (FITFIR) must be removed and a water as a human right model be adopted.
7. Exemptions from the Act must NOT be given to industrial sectors including the oil, gas, mining and forest industries.
8. Water is a human right and the Public Trust Doctrine should be embedded in the legislation.
9. License review periods should be shorter - every 4 to 5 years.
10. Water resources need to be mapped and quantified to guard against over-use.

Thank you for taking the time to rigorously evaluate what this new Act intends to accomplish.

Remember that, except for air, water is the single most important molecule for human survival and, for that matter, all living things! We need to protect and conserve quality water for all the generations to come.

Sincerely,
Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:44 PM

To: Living Water Smart ENV:EX

Subject: Blog submission

Personal Identifiers Removed

I have already made comments and been involved in water act consultation and extra meetings and forums, as well as commenting on the earlier blog. That said I still have concerns for sustainable affordable potable water and watershed protection. So below in point form again are some of my main concerns that are not addressed.

Water needs to be declared a human as well as nature's right, stewarded by local people.

To be sustainable the Water Act needs to be the prevailing act over all other acts, e.g. the Mining, Minerals, Gas and Oil, and Forestry... Take the exemptions for water protection out of the other Acts.

Don't allow privatized water marketing. Keep water in the commons under public control.

Designate a minimum amount allowed for personal water use before charging.

Stop Fracking!

Stop Schedule 2 designations on potable water sources.

Do not expand fossil fuel pipelines. Make sure pipeline and trains transporting fossil fuels have to declare all chemical contents for safer clean-up and medical treatment in the event of spills.

Do not allow water to be included in any Free Trade Deals.

Ban Pesticide use.

Put tighter controls on farm effluent runoff.

Put a limit on the amount of Chloramines allowed in water as it has been linked to health problems and prompts more bottled water use. Water delivery pipes need to be maintained to a standard that will allow for less chemical use in water.

There were many other issues that were discussed that are in the Water Act Draft that I do support, but without making a lot of the above changes you shouldn't call it Water Smart or sustainable.

Thank you for any further consideration.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:43 PM

To: Living Water Smart ENV:EX

Subject: Water Act

To whom it may concern;

I was happy to read through the Proposed Water Sustainability Act, and see that you have taken the opinions of British Columbians seriously and created something that looks rather wonderful for the future.

I hope it is not a dream. I hope that private corporations will not be able to use water for profit (i.e. beverage companies), nor for wasteful practises that harm the environment (i.e. fracking).

I trust that the "Circle of Life" that is our environment will be guarded, respected, and treasured, so that future B.C. generations can enjoy the gorgeous lifestyle that we all love so much.

I have had to skim through because it is late Friday night before the deadline, but I wonder if future building permits should be required to make driveways permeable , or at least, storm drains that will take fresh rainwater into somewhere that is not just draining into the ocean. Or provincially-sponsored perks for homeowners that do such a thing? Or all provincial buildings to have a complete water-recovery system? That would be nice.

Let's go big. Go smart.

Many thanks for the thorough work!

Sincerely,

Personal Identifiers Removed

Victoria, B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:43 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To: The Ministry of Environment, Water Protection and Sustainability Branch,

Thank you for this opportunity to respond to the Water Sustainability Act proposal. This BC Government initiative offers a refreshing opportunity for the province to create equitable laws for water use for generations to come. I hope this Act puts water for fish, wildlife and the thousands of life forms that depend on abundant, clean fresh water on at least an equal footing with us humans.

The problem with promising prospects like this proposal, as with the Citizens' Assembly for Electoral Reform, is that such prospects sparkle and shine when launched but end up abundantly more talk than action.

What does real change look like?

I am very encouraged reading submissions you have received and feel the strongest position I can take is to endorse so much of what I've read, particularly this very detailed report:

University of Victoria's POLIS Water Sustainability Project Submission in Response to the B.C. Government's "Legislative Proposal for British Columbia's Water Sustainability Act"

(October 2013) http://poliswaterproject.org/sites/default/files/POLISWAMSubmission_November2013.pdf

Much as the Water Sustainability Act Proposal reads like a dream come true, words are one thing, acts another:

The fact that Nestle is currently withdrawing millions of gallons of water annually from the same aquifer as the District of Hope *for free* and the BC government isn't even asking how much water the company is using belies a huge disconnect between appearances and reality:

Water withdrawal stats run dry -- [Ben Parfitt](#) August 7, 2013

Nestlé will voluntarily disclose such vital information, but BC government doesn't seem interested in asking.

Here's a question that our provincial government ought to be able to answer but can't: How much water is the world's biggest bottled water seller withdrawing from wells in British Columbia?

The province doesn't know because it isn't asking. It does not require Nestlé Waters Canada to obtain a permit to withdraw water. It does not require Nestlé to report its withdrawals. And it does not charge Nestlé a penny for the water it uses, even though the company profits handsomely from the hundreds of millions of bottles it sells under popular brand names like Perrier, Montclair and Vittel. - See more at:

<http://www.policyalternatives.ca/publications/commentary/water-withdrawal-stats-run-dry#sthash.sU78IXYw.dpuf>

Furthermore, “BC’s sound management of surface waters is itself in question given three significant deficiencies. One, BC has no single agency tracking and reporting water use. Two, the province does not impose across-the-board water-metering requirements. And three, while the government does charge surface water users fees for what they use, the fees are often embarrassingly low:

As one example, in natural gas industry hydraulic fracturing (or fracking) operations, immense amounts of water are rendered so toxic that the water can never be returned to the rivers, lakes and streams from where it came. Dawson Creek currently charges energy companies the equivalent of \$11,000 for every Olympic swimming pool’s worth of water purchased from the city. The corresponding charge to the same companies by the provincial government amounts to less than \$3.” (ibid)

Consequently, “**Water is currently undervalued and underpriced.** We are calling on government to establish proper pricing on the industrial use and extraction of water consistent with the value that British Columbians place on this resource.” Watershed Watch Submission

To ensure the new Water Sustainability Act is truly a creative document for generations to come, I strongly advise it replace the historic process known as *the First in Time, First in Right* (FITFIR) model of prioritizing water licences (along the lines proposed by the Council of Canadians and **Victoria’s POLIS** submission).

Water must be regarded *essentially* as a **Public Trust for Beneficial Use** — these are “interlinked and powerful concepts that must be included and clearly defined in the legislation. Beneficial Use does currently exist in the Water Act, however it has only a narrow definition. A better approach is for it to reinforce the notion that any use of licensed water is subject to the broader public use and interest, and must be used efficiently. It must also explicitly be defined to ensure environmental flow needs and essential household needs as prerequisites to beneficial use.” Victoria's POLIS submission.

The work the BC Government has done bringing this new Act to fruition is exemplary and to be highly commended. I can only hope that the vision shown in the work so far is carried through into implementation as is so very rarely the case (as with the Cohen Commission).

It seems that Government at both the provincial and federal levels suffers very much from Regulatory Capture, unable to extricate itself from the powerful forces of corporate priorities. In the planning phases of this government policy we have just seen true democracy, but can that democracy survive implementation of the Water Sustainability Act?

Sincerely,

Personal Identifiers Removed

North Vancouver, ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:42 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act Submission

Fresh water is essential to all life and there is a finite supply. Every day, when massive amounts of fresh water is removed from the water cycle for purposes of fracking or for other methods of extracting/refining resources it is often lost forever. Fracking also has the potential to contaminate whole aquifers which affect life and health in entire communities. The various governments have said that they intend to protect the environment but sadly they have put corporate interests including interests of often foreign owned multinational companies ahead of the general population of BC/Canada. Specifically the new "Water Sustainability Act" should prohibit the dumping of mining wastes into any aquatic ecosystem. For as long as water licenses are granted they should be based on merit, not on a first in time-first in rights basis. The general population or any natural ecosystems should never be at risk of lacking fresh water for the sake of upholding a water license. If granted the water licenses should be short term(5-year) so that current needs of the general population/environment can be reassessed regularly with resulting adjustment of amounts accessed. Details are essential in outlining protections. It is one thing to say that environmental flow needs are considered in new decisions on water allocation except in very low-risk situations but such environmental flow needs and low-risk situated need specific definitions because otherwise key sections will be "open to interpretation" and we cannot take that risk. Previously, up to 95% of a stream's water has been allowed to be diverted to meet the needs of industry. This is hugely excessive and should not be continued. The public needs to know that environmental needs such as protecting aquatic ecosystems will be met before water is withdrawn for any other purpose. Our environmental protections have been systematically weakened in the last several years and it is significantly affecting our lives and the natural environment upon which we depend. Please ensure our most precious resource is not taken for granted and lost to us for short term monetary gain. It is not worth it.

Personal Identifiers Removed

Coquitlam, BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:40 PM

To: Living Water Smart ENV:EX

Cc: ***Personal Identifiers Removed***

Subject: IWater Sustainability Act

Thank you for inviting us to have input into your new proposal.

In reading the new proposal, of the Water Sustainability Act, we understand the need to enable a range of governance approaches relating to consistent rules and strong provincial oversight as outlined in Chapter 7. We as a community on well water, have taken it upon ourselves to monitor our vulnerable bedrock aquifer for seven years by educating the well users on protection of groundwater from overuse, contamination and watershed degradation. We have been actively involved in our OCP to include new language to study groundwater and the effect development would have on the wells that many citizens rely on.

Our local government had originally designated our watershed for development in the 1980's without the recognition of the aquifer, and needs to address this difficult situation for the many stakeholders involved. The Ministry of Environment, Ministry of Agriculture, Fraser Health, City of Langley and Abbotsford and Environment Canada have been a invaluable source of information and support for us in the stewardship of the aquifer. It is my hope that the new act can help to create a better future for groundwater concerns such as this one.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:09 PM

To: Living Water Smart ENV:EX

Subject: water sustainability act

I wish I had more time to review all the information. Why are we given only a month? I must be brief due to the hour. Why must water licences be reviewable after 30 years? I think 10 years would be more like it. call for input from the people, not just so called stakeholeders. Rather than reaffirming water as a natural resource why not AFFIRM it as a basic human right? Let's protect watershed sources most of all, to prevent the need for NONSUSTAINABLE treatment plants downstream. Assist communities in acquiring ownership of their watersheds, so that they can make decisions about that which most affects them, ie. water. How will landowners with wells contaminated as a result of fracking or others, whose drinking water is contaminated as a result of any resource extraction industry be treated? If Hazardous Material Information Review Act Claim Exemptions are allowed, they may be used to conceal very important information.

Sincerely

Personal Identifiers Removed

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:58 PM

To: Living Water Smart ENV:EX

Subject: Water sustainability act

Dear Honourable Minister Polak

Oh dear me, this takes the biscuit. So, what is in this act for the average tax paying, hard working citizen please?

Friends and family visit from all parts of the globe, I have to tell, no, shout, for the concept is inconceivable to them, 'do not drink the tap water', I have a large message to this effect over the water tap. My neighbours similarly have diverse visitors equally surprised by this third world water quality. We ie Canada is a laughing stock, tap water not available on tap, is Canada not part of the developed world, clearly not.

Risible, pathetic and utterly shameful. I feel increasingly ashamed to be a Canadian despite all that that Canada has contributed and sacrificed to/for the world and all that Canada has given to me.

The trendy, groovy website is utter rubbish BTW, no doubt designed by some 'meeja (sic) type.

Doubt that this message will be read but I tried.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:33 PM

To: Living Water Smart ENV:EX

Subject: water

As citizens of B.C. we have to maintain the power to protect and control OUR WATER !

Personal Identifiers Removed

Port Alberni B.C.

From***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:30 PM

To: Living Water Smart ENV:EX; Minister, ENV ENV:EX

Subject: Comment on the WSA Legislative Proposal

Honourable Mary Polak, Minister of Environment Living WaterSmart Staff

The following is my personal comment on the Water Sustainability Act Legislative Proposal.

I have found the four week time allowed for comment to be insufficient.

True there have been consultations of various kinds going on for some time, but this legislative proposal is an opportunity to see what the government intends to go ahead with as law. All people I have talked with are concerned and care about water and water law, but most have trouble digesting a document this size, becoming familiar with various aspects of it and returning comments they feel confident making in a four week period.

First Nations Rights and Title must be honoured.

I have read many of the submissions from First Nations and the consistent thread in them seems to be that Aboriginal Title has been ignored and the WSA process has fallen short of the Constitutional duty to consult. I was struck by the lack of comment by Metis organizations. As a British Columbian I expect the government that represents me to deal with people as I would myself. I too find the government's claim of property in and rights to water in BC hard to swallow. First Nations have not ceded any rights to water, land or natural resources in most of the province. Even in treaty areas I don't believe the government has been given carte blanche over water. In my individual dealings I have never uttered the words "That's for the courts to decide." Yet in a meeting with an MLA in my area those words were the response to questions of Aboriginal Title. I disagree, and that is not how I want the government that represents me to deal with Rights and Title issues.

I expect the government, as I would myself were it a matter between individuals, to sit with those affected and respectfully find an agreement. There is no "win/lose" here, only "right/wrong" and the goal going in should not be "what can I get/how little can I give up" but "what is just."

Saline Water should be regulated.

Leaving saline aquifers unregulated is leaving the way open for problems. Even if a rental of \$0 were applied, regulating saline groundwater at least puts in place monitoring of what is going on with it. One hopes that with regulation in place problems might be prevented rather than reacted to.

Local governance must be adequately resourced.

The WSA opens the door for local governance options to play a larger part in managing BC water. This is laudable, but must be funded adequately to be effective. Water rental fees, which currently are laughably low, should be raised sufficiently to create a fund for local governance in whatever form to be able to use such tools as Water Sustainability Plans. Wherever local governance bodies are put in place First Nations must be equal partners.

Licence terms should provide flexibility to adapt to changing conditions.

The climate is changing. We need to be able to adapt. There is flexibility in the WSA for power purpose licences to have development periods at the beginning or end of their licence term. There is flexibility in the time allowed for groundwater users to get licences so they can adapt their businesses. There should be flexibility for the water itself as well. Groundwater licences should have an initial term of 5 years while thorough investigations of groundwater resources in the province are carried out using both science and traditional knowledge. Licences for surface water and for groundwater following that initial term should be for 10 year periods to allow greater opportunity for reviews and more opportunities to respond to changing conditions before scarcity occurs.

Apply water objectives to all industries.

The WSA proposes to exempt Forestry and Oil & Gas industries from water objectives. Either water objectives should apply to all industries or the Acts that regulate those industries should have to meet or exceed WSA water objectives as a minimum standard. Water objectives should not allow short term licences under those other Acts without consideration of cumulative effects on water sources.

Environmental Flows.

Environmental flows need to be clearly defined and mandatory for new and existing licences. Environmental flows should be encompassed in an expanded definition of "beneficial use". The definition of beneficial use of water should not include uses that are destructive to the water itself.

Greater public participation.

Water licence applications and reviews should be made public and there should be opportunity for public participation in the application and review processes. The right to object to licence applications should not be limited as the WSA currently proposes. The WSA should strive to remove barriers of any kind from the establishment of local governance bodies. The process of creating regulations for the WSA should involve broad public and First Nations consultation.

Regards***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:30 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Please find my submission, attached. Thank you.

Personal Identifiers Removed

Hazelton, BC'

Personal Identifiers Removed

November 15, 2013

Thank you for the opportunity to respond to the Legislative Proposal for a new Water Sustainability Act (WSA). There are many things proposed in the new WSA, such as bringing groundwater under regulation, charging for that water, and enabling new governance models that will allow local governments, First Nations and local stewardship groups to help develop plans for their own watersheds. There are additional things that need to be done better. The following are priority areas for improvement that need to be included in the Water Sustainability Act:

"Environmental flows" need to be scientifically defined and it must be made mandatory to meet them in all new and existing licences.

The WSA needs to explicitly state that any private rights to use water cannot harm the public's interest. Environmental flows and essential household needs must take priority over other uses. As well, the WSA should prevent the trading of licences.

With regard to provincial Water Objectives, there should be no exemptions for forestry or oil and gas, as contemplated in the proposal.

Thirty years between licence reviews is too long; reviews should happen more frequently. Any new groundwater licences granted to existing users, must be subject to a future review until it can be determined that the withdrawals are at sustainable levels, and to allow for honourable government-to-government consultations with First Nations.

Fees for both groundwater and surface water must cover government's costs, and ensure that resources are available for local watershed planning and management enabled under the new Act.

BC needs independent oversight of water and watershed management with the resources and expertise to do it right.

If an aim of the proposed WSA is to protect groundwater as well as surface water, then hydraulic fracturing must cease. A company or citizen would not be allowed to dump toxic chemicals into surface water as part of business operations; it should be the same for groundwater. Industrial water use dedicated to hydraulic fracturing must be eliminated, and thus be taken out of the purview of the BC Oil and Gas Commission and defined under the Water Sustainability Act.

The proposed WSA must include a provision that industrial water users post a cleanup/restoration bond to pay for any damages caused by their withdrawals.

I look forward to seeing a new WSA introduced in the spring of 2014 that includes these improvements and has the tools, the resources and the flexibility to face current and future uncertainties, and with our priorities straight.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:24 PM

To: Living Water Smart ENV:EX

Cc: ***Personal Identifiers Removed***

Subject: Water Sustainability Act

I would first like to thank you for inviting me to respond and be a part of the information gathering process.

There are 3 main points that I support in this new Act. 1. Consider water in land use decisions.

Currently, in Maple Ridge we have an Urban Reserve designation in our vulnerable aquifer. Our OCP states that our district needs to conduct a groundwater management study before any development takes place. Our district has responded to the province regarding their input into this legislation. They did not invite one stakeholder who is on a well or uses wellwater for agricultural purposes to be a part of the Task Force. It is a concern for those of us who are on this vulnerable aquifer that our local government would exclude input from a study group who have been gathering data on our aquifer for 7 years with the help and support of the Ministry of Environment.

Therefore, I fully support the province bringing in legislation that would as a first step require groundwater management studies which include data from well dependent citizens before land use decisions are made.

2. Regulate and protect groundwater.

This is so vital to maintain the quality and quantity of drinking water and water for agricultural uses.

3. Improve security water use efficiency and conservation.

Clarity around legal access to groundwater for people and business who rely on it.

Wider participation in decisions and water governance approaches.

We must now take a broader approach to water protection by encouraging participation from homeowners and business who rely on well water and water governance strategies need to be

clearly outlined. We can no longer piecemeal planning around water. We must make long term plans in order to protect this precious resource for years to come.

I would like to see under these headings, the details on how this new legislation will be implemented and who will be responsible for governance. The details are most important beyond the wide sweep.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:20 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Thank you for the opportunity to have input in this new proposal.

In reading the new proposal of the Water Sustainability Act, we understand the need to enable a range of governance approaches relating to consistent rules and strong provincial oversight as outlined in Chapter 7.

We as a community on well water have taken upon ourselves to monitor our vulnerable bedrock aquifer, educate the well users on the protection of ground water from overuse, contamination and degradation of watershed recharge for a period of seven years. We have been actively involved in our OCP to include new language to study groundwater and the effects that development would have on wells that many citizens rely on. Our local government has zoned our watershed for urban development.

The Ministry of Environment, Ministry of Agriculture, Fraser Health, the City of Langley and Environment Canada have supported us in the stewardship of our aquifer. Therefore, I support the need for provincial oversight because our municipality is mired in politics to exercise an actual long term plan that would be effective in ground water management.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:19 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

This is a complicated process, we all know that. What ever the results are it must be emphasized that:

1. Recognition of the public trust doctrine - water is a precious commodity and resource and it belongs to the people as a whole, not to corporations or small groups of short-sighted individuals whose focused is short-term and is self centred and for their own benefit.

Water is part of the "common heritage" of the province and and we should create a duty on every person to protect it.

2. The government is the "public trustee" of the nation's water resources and "must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner on behalf of the public. As such the public must be given a voice in a number of key processes, such as reviewing existing licences, setting "water objectives" (which will guide a range of land-use decisions), establishing environmental flows, creating area-based regulations (which may tighten standards at a local level or address regional water scarcity), and designing water efficiency standards.

3. There must be a fair return TO THE PUBLIC, not only just to the corporate interests.

Respectfully submitted,

Personal Identifiers Removed

Saanich

Personal Identifiers Removed

OBITER DICTUM

This past summer, I took a tour through the water shed and water works facilities of the Capital Regional District. I am impressed with the dedication of all those involved in the current plant near Victoria - from the past decision makers who saw the vision to protect the water shed, to current decision makers, to the management and workers. They are providing an abundance of quality drinking water for the population of Greater Victoria.

They "wholesale" water to the municipalities at a rate of slightly less than **70¢ per cubic metre** or 0.70\$ (1000 litres). It is distributed to the various municipalities, who in turn distribute water throughout the municipality and they charge the consumers for the water. As a resident of Saanich, I am charged a rate of **1.342\$ per cubic metre**. I consider that a huge bargain, not even twice the wholesale rate. That equates to 0.00134\$ per litre.

Earlier this year I read in the press that a company headquartered in Vévey (canton Vaud), Switzerland called **Nestlé** has a plant near Hope where they bottle water and are not charged anything for the "public's" water that they bottle. It retailed in 1.5 litre plastic bottles at Cooper's Market in the Fraser Valley for 1.19\$ (which would equate to 79.3¢ (0.793\$) per litre. That is **793.00\$ per cubic metre**. I realise that there are some added costs for their equipment, for the plastic bottles, for transportation and for the distribution costs. This last item, because they are distribution in such small quantities, their distribution costs highly exceed those costs for the municipalities.

During this past summer, I was riding my bike from the Othello Tunnels on the old Kettle Valley Railway trail to Hope, and I passed by the Nestlé facility. I was pleased and impressed by its clean and fresh look. I am also a shareholder of Nestlé. Even as a "part-owner" of Nestlé, the profits in bottled water are enormous. The company is in a position where it can pay a reasonable amount of money for the water, to the public, and the profit margin will still remain very good. There is no reason why Nestlé and other for-profit private corporations should be given a precious resource at no cost to them. As a Nestlé shareholder I can see nothing wrong with sharing some of the excessive profits with the people of my province. The quality and quantity of water for a bottling facility would be very difficult to find elsewhere in the world. Nestlé knows water.

I have seen a figure for the proposed rate to be charged to companies like Nestlé that amounts to such a small figure that our government should be ashamed of even considering. The figure that I have seen in the press is \$265 for the 319.5 million litres that Nestlé bottles at its Hope facility. That translates into Nestlé paying 0.82942\$ per million litres (**0.00082942\$ per cubic metre, 0.0000082942\$ or 000082942¢ per litre**).

Let's look at this in a nut-shell. The prices will be shown in dollars per litre.

Cooper's Market, 1.5 litre bottles, at retail

0.793 \$

Saanich Water System charges - water from the tap

0.00134 \$

Capital Regional District wholesale rate to municipalities

0.0007 \$

proposed Water Sustainability Act charge to Nestlé

0.000082942 \$

proposed Water Sustainability Act charge to the oil and gas industries

?.????

\$

The public themselves carry a great deal of the fault for the retail price of water being so high. From a consumer's point of view, generally, who in their right mind would go to a retail outlet and pay 79.3¢ a litre when they can get a litre of drinking water for .134¢ from the tap? For the same 79.3¢ per litre at retail one can pay for 592 litres out of the tap. For the price of a 1.5 litre bottle of water at Cooper's, one can pay for 888 litres in Saanich - right out of the tap.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:06 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I would first like to thank you for inviting me to respond and be a part of the information gathering process.

There are 3 main points that I support in this new Act.

1. Consider water in land use decisions.

Currently, in Maple ridge, we have an Urban Reserve designation in our vulnerable aquifer. Our OCP states that our district needs to conduct a groundwater management study before any development takes place. Our district has not embarked on that to date. They did however respond to the province regarding this legislation. They did not invite one stakeholder who is on a well or uses well water for agricultural purposes to be a part of the TAsk Force. It is a concern for those of us who are on this vulnerable aquifer that our local government would exclude input from a study group who has been gathering data on our aquifer for 7 years with the help and support of the Ministry of Environment. Therefore, I fully support the province bringing in legislation that would as a first step require groundwater management studies which include data from well dependent citizens before land use decisions are made.

2. Regulate and protect groundwater

This is so vital to maintain the quality and quantity of drinking water and water for agricultural uses.

3. Wider participation in decisions and water governance approaches.

We must now take a broader approach to water protection by encouraging participation from homeowners and business who rely on well water and water governance strategies need to be clearly outlined. we can no longer piece meal planning around water. We must make long term plans in order to protect this precious resource for years to come.

I would like to see the details on how this new legislation will be implemented and address the concerns in a clear and concise manner. Who will be responsible for governance. The details are most important beyond the wider sweep.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 9:54 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Hi, thanks for the opportunity to comment.

The WSA lacks a reasonable "fee" for industries and business that profit from using water. For example bottled water users should pay a percentage of the average sale price of their bottled water. E.g a bottle sells for \$1.00 they pay 5% or \$0.05 / bottle - a far more reasonable fee than what has been proposed.

Water rights are in many cases "over-allocated" in B.C. At no time should water rights create a situation where a stream/watercourse is unable to sustain a fish population. A review and revision of water rights needs to be conducted (or if already done so, acted upon).

When there are water shortages, all persons having water rights should be required to equitably reduce their consumption. An exception to this would be where water is required by a municipality/persons for their domestic water use. In this case non-essential users should be cut off and/or reduced first. For example a golf course would be a non-essential use.

Linked to water sustainability is pollution of groundwater and surface water. Any activities contributing or potentially contributing to pollution of water need to be analyzed and restrictions put in place to eliminate pollution and/or severely limit that pollution. Fracking is a process that has not been properly studied for it's effect on both; water consumption and water pollution. Until proper scientific studies are completed on fracking, this process should be stopped.

All the best.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 9:49 PM

To: Living Water Smart ENV:EX

Subject: Feedback Regarding the Proposed BC Water Sustainability Act

To: British Columbia Government

I appreciate your efforts to update British Columbia's policies on the availability of clean and abundant fresh water for now and future decades.

However, I am opposed to any policy that gives financial advantage in the purchase of water to corporations or businesses of any kind.

During the last 15-20 years, capital has migrated from the shrinking middle class to the corporate control class. Enough is enough.

It is time to place individual citizens and families above the lobbying power of corporate interests.

Please consider and respect and enact this principle in your legislation.

Yours sincerely,

Personal Identifiers Removed

Victoria, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***]

Sent: Friday, November 15, 2013 9:31 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Here are my general concerns in order of most - to - lesser concern re design of the **new Water Sustainability Act**:

1. Local communities, towns, first nations communities (and certain bordering park areas) need to have **direct control over their watershed areas** so as to ensure the maintenance of an even-flowing adequate supply of clean water. Some modification to legislation for private logging is likely required in this regard. Legislation should specifically forbid further private ownership in the watershed areas, and existing privately owned forested watershed lands must remain undeveloped. Englishman River is one such example - its watershed area has had unregulated logging right down to the riverbank.

2. Legislation regarding fracking's threat to fresh water needs be included. (I believe Fracking should be discontinued in B.C.)

3. Further commercial use of B.C.'s river water should be drastically curtailed- IPP's and bulk water removal. Presently operating private power installations are not being effectively inspected nor held to environmental standards agreed to when initially approved.

4. Cohen Commission recommendations need to be immediately implemented, and new legislation prohibiting fish farm placement on salmon routes to and from the ocean needs enactment. This impacts the wild salmon rivers. ***Personal Identifiers Removed***

Errington, B.C. ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 9:21 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Hello. I posted this comment on the blog, but want to send it by e-mail as well, to be sure it is received.

Clear, enforceable regulations are needed to protect water flows for aquatic species and ecosystems, and must apply to all new and current licences. No exemptions should be made for any industrial use, and tighter regulations on the impacts of water use by industry should be developed. In particular, use of water for fracking should cease. Public control of water resources is critical, and private companies must not be granted licences that can be traded or sold. Licences need to be reviewed regularly, at least every 5 years, to ensure that water use is at a sustainable volume and not negatively impacting ecological or human communities. Responsible management of water resources must focus on the common good, including environmental protection, and not on private gain. Local representatives deserve a say in managing local watersheds. Finally, the deadline for public comment should be extended to ensure full input on legislation regarding water, our most vital natural resource.

Personal Identifiers Removed

Salt Spring Island B. C.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 8:50 PM

To: Living Water Smart ENV:EX

Subject: A Water Sustainability Act for BC: Legislative Proposal

Dear Ms. Polak,

I received your recent email on October 23rd. This is the first chance I have had to reply. I am emailing my comments to you as I don't do blogs.

I am the caretaker of a 2000 acre private treefarm, which has a 100 acre landlocked lake, known as Grant Lake. In our area we have a bylaw that prevents the sale of private forest land. This bylaw allows one residence only on 80 hectares of private forest land. Presently, this bylaw is being challenged by developers in our area and, if successful, it would set a precedent for all the major forest companies to sell off their land. We need a provincial bylaw to enforce this 80 hectare bylaw. The FORESTS help stop the loss of water from evaporation.

Advertising what damage has occurred during climate change in the last twenty years would show that we have the need to restrict the loss of water. I have been given a copy of an advertisement that shows how drastic climate change has affected water courses in the last twenty years. If you are interested in viewing this advertisement please reply and I will send you a copy of it.

I am 80 years of age. My family has owned property in this area since 1933. I retired 30 years ago to live on the last piece of the family property. I have noticed the damage that developers have caused.

sincerely,

Personal Identifiers Removed

Shawnigan Lake, BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 8:49 PM

To: Living Water Smart ENV:EX

Subject: Legislative Proposal for a Water Sustainability Act

The proposed Water Sustainability Act that's due for adoption next year can eliminate a long-festering injustice. How? By helping residents of rural communities who depend on Improvement Districts for their household water obtain federal and provincial grants for community water system upgrades. The upgrades are supposed to protect us from disease, which is fine, but they get ever more complicated and expensive every few years, and it's becoming impossible for the residents of small local communities, such as here on Texada Island, to keep up with provincial and federal regulatory demands.

So, once again for emphasis: let this proposed Act contain language that guarantees our Improvement Districts' access to provincial and federal grants, along with low-cost local government financing. If you won't do that, then at the very least the Act should exempt Improvement Districts from further regulatory-inspired infrastructure upgrades.

Looking forward to your response.

Personal Identifiers Removed

Van Anda BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 8:41 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Please extend deadline to March 1 2014.

The following needs to be included:

- public trust doctrine,
- water remains protected as a public good, -environmental flow needs be codified not merely a guideline to be applied "where practicable", -provide meaningful public participation in decisions in water governance, -ensure water pricing for commercial use reflects the inherent value of fresh water -keep public interest uppermost, that is, the long term interest of the people and the other forms of life which may be dependent on the water, -only after the above has been satisfied can commercial interests be considered
-

thank you for your consideration

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 8:16 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I am concerned that we aren't treating water as the precious resource it is. There are many opportunities to re-use water instead of using up fresh water, and we're not making responsible use of them. A plan to work towards new housing, industry and developments be able to provide their own tertiary level sewage treatment and water re-use would make best re-use of water.

Fracking uses up huge amounts of water. If it has to happen, why cant it be using 'used' water that's already contaminated, instead of contaminating fresh water? If you challenge industry to come up with their own ideas, and don't allow them to use fresh water, there is enough money to be made that they will come up with ideas.

PLEASE do not put temporary 'jobs' for a small segment of the population, and obscene profits for an even smaller segment, ahead of our right as Canadians and British Columbians to enjoy our water...and keep it safe and pure.

Thank you,

Personal Identifiers Removed

Victoria, BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 8:01 PM

To: Living Water Smart ENV:EX

Subject: submission

Thank you for the opportunity to make a submission.

Personal Identifiers Removed

Submission to the Ministry of Agriculture regarding the draft Water Sustainability Act.

I support the following six priorities below, supporting the Polis project, West Coast Environmental Law and other groups that have identified these and other priorities that will be crucial to the development of the new *Water Sustainability Act* during the final phases of drafting the legislation and its associated regulations. These are:

1. environmental flows;
2. public trust and beneficial use;
3. area-based regulations;
4. licence review periods;
5. public participation; and
6. water fees and royalties.

- 1) **Environmental flows** must take precedence. Fish need legislated protection to water flows, they need legal rights to water to survive. Most British Columbians do not realize that salmon, for instance, presently have no right to water. But oil and gas development does. This must be changed. Anything short of legislated protection for fish, for the ecosystem and for the environment, which is first rights to water is unacceptable.
- 2) **Protect the public trust.** While the public owns B.C.'s water, it's not managed in the public interest under the current law. And the new law does not do this either and must be changed to reflect this. Recognition of the public trust doctrine, which explicitly declares that water is owned by the public and must be managed on the public's behalf. This means that private rights to use water are ultimately subordinate to the overall public interest.
- 3) **Area based regulations**.....
- 4) **Licence review periods.** There must be adequate time given for participation and comment. Adequate opportunity to review existing licences, setting water objectives (which will guide a range of land-use decisions) establishing environmental flows, creating area based regulations and designing water efficiency standards to name a few.
- 5) **Public participation.** Give the public a voice. We need a commitment that local residents will be able to participate in the process when decisions are being delegated.

Watershed level plans must be developed with the communities. Effective legislation means that communities and affected individuals have the opportunity to include comments and challenge decisions. There must be the opportunity for broad participation.

- 6) **Water fees and royalties.** Establish a fair return on water. At present the public is subsidizing the water use of major commercial interests. Water users also pay nothing for the environmental damage that they cause. Not to leave out the fracking industry which uses massive amounts of water that then is lost to the ecosystem as it is contaminated. This is an opportunity to increase industrial water-use fees, which can be used and should be used to support water governance and environmental remediation, not put in general revenue.

BC is unique with an abundance of water, but with climate change will come increasing scarcity in some regions of BC and other impacts we cannot yet imagine. Water is a critical public resource and must be protected for the environment and for generations to come. Not be wasted. Ground water needs much more protection than is seen in this Act.

Yours sincerely,

Personal Identifiers Removed

Victoria, BC V9E 2A3

Personal Identifiers Removed

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 7:50 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Thanks very much for accepting my comments on this legislative proposal.

My priorities for modernizing our management of water in BC are:

1. protecting, maintaining and where needed restoring environmental flows for the benefit of both human and non-human users.
2. environmental flows need to be scientifically defined for specific watersheds with the primary objective of protecting stream health for all users.
3. setting mandatory requirements for maintaining environmental flows and mandatory water objectives based on scientific evidence.
4. License reviews for need to be accelerated as much as possible and must address environmental flows.
5. Finally, First Nations must have meaningful, thorough involvement in the consultation process that accompanies the creation of a new Water Sustainability Act. And local planning and decision-making bodies need to incorporate First Nations needs in management plans.

Sincerely yours,

Personal Identifiers Removed
Lillooet, BC
Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 7:15 PM

To: Living Water Smart ENV:EX

Subject: Comment on the Water Sustainability Act

I have been involved with water resources in the public interest for more than twenty five years.

It is imperative that the Water Sustainability Act recognise and legislate the following:

1. Natural fresh water is an ecological and public good.
2. Water is a limited and vulnerable natural resource.
3. All terrestrial water is interconnected over time, so there should be one classification encompassing: surface water .. storm water .. ground water .. saline water.
4. A licence to use water must require the applicant to provide a **'Water Source Map'** showing the watershed .. river .. creek .. lake .. catchment .. recharge area that is affected by the licence.
5. The **'Water Source Map'** should be available along with the application and/or licence, to the public domain.

Thank you for the opportunity to comment.

Personal Identifiers Removed

Qualicum Beach

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 6:59 PM
To: Living Water Smart ENV:EX
Subject: New Water Sustainability Act

Below are my areas of interest and concern regarding the proposed new Act:

The privileges and biases of practices, licensing and laws established over 100 years ago remain with the First in Time, First in Right (FITFIR) model. In modernizing the act, it is unfortunate that the early 1900s model of FITFIR is being retained, as it is likely to promote the resource grab frenzy of those times. This retention of FITFIR is a fundamental shortcoming of the current proposal as it prevents any means to prioritize water stewardship, Indigenous use and the public interest over the economic interest of providing certainty to licence holders.

The beneficial use of water must prioritize the public interest, Indigenous social and cultural use, household use and ecological needs. There is no logic in assuming that the most senior licensees would be using water in a beneficial and sustainable manner or in the best interest of the communities that are dependent on the watershed or groundwater. There is also no benefit to sustainability plans or to communities when the more senior licensees have the most secure rights. This really only benefits those licence holders. Localized governance models established with Indigenous communities should be empowered to establish and adjust the priorities of water use. The proposal document acknowledges that there is interest in a priority of use approach to replace FITFIR.

The Act proposes to continue using a beneficial use determination when issuing water licences. The beneficial use of water must prioritize the public interest, Indigenous social and cultural use, household use and ecological needs. The public interest should be prioritized in all licensing decisions and economic use should be of lowest priority – meaning only approved when social, cultural, household and ecological needs are not impacted.

While the proposed transfer of water licences through trading from one use to another has been removed from the current proposal, there is concern that there may be no limit to the uses of a licence. In section 2.3.1 of the proposal it states that “the limit of three water use purposes per licence would also be removed.” This again, similar to market-based transfers, raises concerns that a licence originally issued for agricultural purposes, for example, can then be used for oil and gas or mining operations. More clarity is needed on what this statement is implying and licences should be issued for specific uses with some related uses being allowed. Having no limit to uses would suggest water licences would be carried with property rights with no regulation on use for those in possession of the licence.

The proposal clearly acknowledges that there is an “assumed disconnection” of saline groundwater, shallower groundwater and surface water. Saline water use should not have a licensing exemption based on an assumption. The impacts of withdrawing saline groundwater from deep formations are unclear, and, although dependent on hydro-geology, a saltwater intrusion of a freshwater aquifer and groundwater draw-down are key concerns.

A study has raised concerns that the injection of CO₂ could cause saltwater intrusion of freshwater sources. The International Water Management Institute warns that "Saltwater intrusion is caused by changes in the natural equilibrium between fresh and saltwater, and could be initiated by increased pumping from a freshwater aquifer." Using the precautionary principle, even the possibility of impacts to potable water sources or other environmental impacts should be avoided.

Environmental flows are proposed to be considered during licensing. Without mandatory requirements for maintaining specific environmental flows, watersheds remain vulnerable to the decisions of government appointees. Rather than leaving the room for possibility of politically influenced decisions, the environmental flows should be regulated based on strict requirements established by scientific data. This should be required of all new licences and again the FITFIR model should be eliminated in order to make senior licences accountable to flow requirements. All licences should be reviewed periodically for consistency with environmental flow requirements. Reviews after 30 years may not be adequate for all licences or in all regions.

The licensing process needs to involve more public engagement. Decisions on the issuing of licences must involve the most impacted people that are dependent upon the watershed/groundwater sources and Indigenous communities. All applications should be publicly posted so that communities are informed of proposals and can meaningfully engage in decision-making. The Act must assure adequate funding is provided for local and Indigenous communities to fully participate in planning and regulation process. Regulators and officers must make decisions with local communities, not just in consultation with them. Indigenous Nations must not simply be included as stakeholders. In both the drafting of this Act as well as in proposed governance models, the province must recognize that it cannot claim exclusive title to the land and must recognize Indigenous title. Full and appropriate participation of Indigenous communities and the public at large must be embedded in the new Water Act as!

well as in the process of developing it.

A great deal of pressure will be placed on watersheds due to the dramatic increase oil and gas development in the region. While this industry needs far more regulation of its water use, it is questionable to even consider oil & gas development as a beneficial use of water. There must be serious consideration given to whether licences should be issued, particularly for shale gas fracking, which has seen moratoriums imposed in many jurisdictions.

Offsets have been promoted as environmentally responsible solutions to damage caused by everything from logging to CO₂ emissions.

However offsets do not provide incentive for the protection of ecosystems.

In the proposal, environmental offsets are proposed as an option for remediation from dumping and debris. This allows users to essentially declare the areas they have damaged as sacrifice zones, knowing they can remediate another area. This means there is then no incentive to limit the damage they may cause in one area, knowing they may not be responsible for remediation in that location.

Offsets are primarily an economic solution to environmental problems in order to allow for continued economic growth.

In order to assure the protection of water, users that do damage to a watershed or water system must be held responsible for remediation of that system.

Thank you for the opportunity to comment on this important proposed change in legislation.

Personal Identifiers Removed

Nanaimo, BC

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 6:57 PM
To: Living Water Smart ENV:EX
Subject: Our Water as a Public Trust

The duly elected Government of British Columbia must, in perpetuity, become the trustee of all fresh water, including groundwater, in our province. This must be achieved as soon as possible.

Water is a human right, not a commodity. Our government must regulate and oversee our precious water for the health and welfare of our people, not for the bottom line of for-profit entities.

Personal Identifiers Removed
Burnaby, B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:43 PM

To: Living Water Smart ENV:EX

Subject: My submission re: Water, oil and gas

The limited treatment of oil and gas-related water regulation throughout this process is wholly inadequate, given the serious mismanagement of freshwater resources in this context to date, coupled with the extraordinary pressure on water looming from a massive planned expansion of hydraulic fracturing to feed the new LNG industry that is at the core of this government's economic vision.

Today, BC produces about 4 billion cubic feet a day of natural gas. It has taken us 50 years and almost 40,000 wells to get to this point. It's hard to imagine what a several-fold increase in all this activity would look like, but that's precisely what would be required to power BC's LNG industry.

Presently, a little under half of the gas coming out of BC is from fracking – the rest from “conventional” gas plays. But that balance is quickly shifting. We've already tapped most of the easy, lower-impact stuff and the majority of new supplies will come from far more water-intensive shale gas.

BC's Minister of Natural Gas Development, Rich Coleman, recently revealed the extent of his government's vision for “clean” LNG: they want to see five of these plants built, with three up and running by 2020.

If you look at the volumes of the four pipelines proposed to supply these plants – two to Kitimat, the other two to Prince Rupert – the combined capacity ranges from 10-15 billion cubic feet/day (2.5 to almost 4 times our current production).

Minister Coleman intends to continue supplying BC's own energy needs and our Canadian and US customers – this new LNG would come on top of that 4 billion cubic feet/day - for many decades to come.

That means a several-fold increase in gas production into the distant future. Since most of that new supply would have to come from fracking, it is clear that a massive increase would be required to feed LNG.

The impacts would extend in many directions. The 11 billion or so litres of water reported by the Oil and Gas Commission as used and contaminated for fracking each year in BC would be upped several-fold – this in a region often beset by drought conditions.

<http://commonsensecanadian.ca/clean-lng-powered-massive-increase-dirty-fracking/>

My chief concerns with the way water is presently (mis)managed for fracking - and with the proposed provisions for the new Act to address these issues - are as follows:

1. There is no cumulative review of all these different fracking operations. What we see instead is a wild, wild west mentality which utterly ignores the combined implications of myriad proposed LNG plants, pipelines, and the enormous increase in fracking that would be required to supply. The new Act must emphasize a cumulative approach to the review and allocation of water for fracking in a manner which has the power to legally deny projects which do not fit responsibly

within this scope.

2. There is no long-term planning vis-a-vis the effects of climate change on freshwater supplies. Already we're seeing drought conditions on an almost yearly basis in northeast BC - we can expect that to intensify due to climate change, yet there is no modelling being done and applied to the issuance of water permits. This is a serious shortcoming which the new Act must address.

<http://commonsensecanadian.ca/moose-licks-mineral-springs-disappear-amid-drought-and-hydraulic-fracturing/>

3. I am in agreement with a recent lawsuit filed against the OGC and Encana regarding the unlawful issuance of short-term Section 8 water permits. This ad-hoc, gold-rush-type system skirts the existing Water Act. This practice should be discontinued in the new Act.

<http://commonsensecanadian.ca/VIDEO-detail/lawsuit-fracking-water-launched-regulator-encana/>

4. Undue priority is given to the oil and gas industry over other land uses which also depend on access to fresh water, such as agriculture, fisheries and tourism.

5. There is a wholesale lack of baseline data for rivers, lakes, streams, wells and muskeg from which water is presently being withdrawn. The time scale being referenced by Minister Coleman today for the LNG industry is 85 years. If we are to plan for the responsible allocation of water resources over that time frame, we need to be gathering quality baseline data today. The discussion around the new Act contemplates the collecting of information from all well owners to help improve understanding of aquifers and how they interact with lakes and streams. This does not go nearly far enough to address the need for comprehensive baseline data and ongoing monitoring of all potential extraction sources of water for fracking.

6. There is a serious lack of monitoring of water levels and potential groundwater contamination. For all of BC's 39,000 wells, as of last year we had just 4 test wells to measure contamination. With all the chemicals being used in fracking and drilling, plus the pre-existing underground contaminants being brought to the surface through flow back, we need a far more rigorous, independent system of groundwater contamination monitoring and enforcement. This flow back can carry a host of highly toxic substances into the groundwater and surface water - such as mercury, arsenic, barium, strontium, benzene, radium, uranium and other radioactive elements.

http://cogcc.state.co.us/rR_HF2011/CommentDocs/Environmental/TEDX_disclosure_statement.pdf

<http://commonsensecanadian.ca/fracking-dead-cows-radiation/>

7. We have a regulator which does not behave remotely like a a regulator - under-resourced, funded in part by the industry it is supposed to regulate, and tasked with a parallel and conflicting mandate to promote the industry. The OGC relies almost exclusively on self-reporting by companies, instead of properly monitoring and enforcing environmental standards on its own. In order for the Water Sustainability Act to be effective in protecting water, we need fundamental changes to our regulatory system. The OGC has all of ONE hydrologist on staff. ONE HYDROLOGIST FOR THE ENTIRE OIL AND GAS INDUSTRY IN BC!

8. In addition to Section 8 permits, water for the fracking industry is derived from a patchwork of

other sources and there is no real understanding of exactly how much water is being used in BC for fracking. This has to change. The establishment of a database of all groundwater wells in the province being discussed under the new Act is a good start, but doesn't go far enough. This database must include all forms of water withdrawals and must be fully and easily accessible to the public.

9. The government, regulator and companies all too often cite mean annual flow regimes to defend water withdrawals. "It's only .03% of that river's mean annual flow," they say. River levels vary wildly from season to season and year to year. .03% may be small potatoes in the midst of the Spring freshet - it's an entirely different matter in late August, amid drought conditions. The new Act should take into account seasonal and yearly variations in water levels in terms of issuing and restricting water use for fracking.

10. There is a move to issue new, long-term water licences for fracking. The Fort Nelson First Nation came out publicly against these licences the Horn River Basin last year, for good reason. Under NAFTA and other potential trade deals such as the Chinese FIPPA and the European CETA deal, the issuance of long-term licences creates conditions whereby the province and Canada could lose control of water rights, regardless of changing conditions on the ground. This is a matter that must be taken with the utmost seriousness vis-a-vis any new licensing regime.

11. I do not support the free giveaway of water, but the pricing of water is also fraught with trade and control implications. The system of application fees being proposed in the discussion around the new Act likely doesn't go far enough toward incentivizing conservation on the part of fracking companies. A colleague of mine suggests another way: the penalizing of water use through fees that do not amount to conventional pricing of water, thus likely immune to these trade implications. I think this is a sensible solution that merits serious consideration.

12. There is an increasingly prevalent notion that water for fracking should be derived from "brackish" sources from deep underground. While this may relieve pressure on groundwater and surface water sources, we must be very cautious about the implications of dredging underground contaminants to the surface, as referenced above. This method should not be considered a viable solution until more research has been done into possible contamination issues flowing from these water sources.

13. Another program used to conserve freshwater - the re-use of "produced water" in future fracking operations - carries new risks in and of itself, as a recent incident in the Talisman's Farrell Creek operation demonstrates. There, a frackwater pit laden with chemicals became punctured and leaked contaminants into the soil and groundwater. The incident also illustrates the shortcomings in our regulatory system, as it took the company months to properly investigate the issue and report it to the OGC.

<http://www.theglobeandmail.com/news/british-columbia/leak-shuts-fracking-water-storage-pond-talisman-says-environmental-risks-are-low/article15176909/>

14. As practitioners of their traditions on the land since time immemorial, First Nations possess unique knowledge of watercourses, fish and wildlife in their territories and a demonstrated ability to live in harmony with their environment that is invaluable to our understanding and protection of freshwater today. They also possess treaty and constitutional rights to be consulted with regards to industrial activities that could impact on their relationship with the land and waters of their ancestral territories. I do not feel these duties have been lived up to, as a rule, by the Crown vis-a-vis oil and gas activities and would like to see the new Act reflect these rights to

ensure indigenous peoples are given ample opportunity to be stewards of the shared water resources which are so essential to their way of life and all of our survival.

Water is the lifeblood of our ecosystems. If the Water Sustainability Act is to live up to its name, then it must provide a genuine, strong, comprehensive regulatory framework to ensure that the oil and gas industry is not given priority over health and future of our environment.

I am not encouraged by the discussion on this topic through the modernization process to date, nor the ridiculously short period of public comment offered here.

That said, I hope my comments and those of other engaged British Columbians can have some meaningful, positive influence of the finalization of a process that is long overdue.

Sincerely,

*****Personal Identifiers Removed*****

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:24 PM

To: Living Water Smart ENV:EX

Subject: Fw: Water Sustainability Act

Comments for the New B.C. Water Sustainability Act

Thank you for the opportunity to comment on the New B.C. Water Sustainability Act

Personal Identifiers Removed

My major concern about water is the erosion of low cost water for agriculture.

In the North Okanagan the proposed new Master Water Plan envisions the treatment of up to 110 ML of irrigation water to domestic quality, including filtration. Up to 95% of this expensive water will be used for crop irrigation at the expense of domestic customers. It will also make access to low cost agricultural water more restricted and some customers with smaller parcels and agricultural water allocation will be denied low cost water. These customers essentially lose their agricultural land and may end up seeking legal action to remove their land from the land reserve. This could undermine the agricultural land reserve act.

The only solution I can see is total separation of the two water delivery systems. This would allow agricultural water customers to manage their own system and domestic customers to receive highly treated water for their use only. Cheap water is untreated and delivered via gravity. The existing delivery system is capable to provide irrigation water without any diversions and or other manipulations.

There are two requirements that would allow this to happen:

1. Gradual implementation of the filtration requirement of the already UV treated Kalamalka Lake water, such as deferment, and
2. Shifting the diversion point from upstream of contributing water sources to Kalamalka and or Okanagan Lakes.

In the case of the Greater Vernon Water Utility the most cost effective solution would be total separation of domestic and agricultural water systems and shifting the point of diversion to Okanagan Lake. GVW has a total of nearly 25,000 ML of water licenses available on Kalamalka Lake, Deer Creek/Coldstream Creek, BX Creek and Okanagan Lake. The combination of these licenses would be able to provide domestic water for the region for a period of 60-100 years without further license requests. With the cooperation of Interior Health by deferring filtration requirements until after the cost of borrowing for the total separation is completed, GVW would have the best water delivery systems in the Valley.

Okanagan Lake is the most reliable water supply and has the best quality raw water.

Having spent \$68 million of domestic customers funds, intending to use an additional \$110 million and then continue with the combined irrigation/domestic distribution system represents poorly spent funds. This system is virtually the same as the one we started from and is a waste of taxpayers money.

Thank you again for your time.

Respectfully submitted

Personal Identifiers Removed

Coldstream

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:21 PM

To: Living Water Smart ENV:EX

Subject: Water Act comments

I have worked as a hydrologist in BC for 18 years. My greatest concerns for the new Water Act are:

1. The overall water balance be regarded so that water used for fracking does not reduce the available water supply. The available water supply means that water which flows in the streams; that which flows into the oceans and affects salinity and estuary environments; and that which is available for evaporation into the atmosphere (eg. lakes, wetlands).

Water to supply fracking should come from deep relic water that can be returned deeply below the surface where it will only pollute non-potable water. To that end, the deep source water to be used should first be tested to ensure it is water that can not be used in the future in the event that the water balance is diminished through climate change and the melting of the glacial water supply.

2. That there be a mechanism to fine and imprison those that cause deleterious material to be deposited in a water course. Such punishment should be possible without someone from the Crown having first to tell a person not to deposit deleterious substances into a water course.

The deleterious substance would also not have to be proven to have caused a particular, narrow result to determine material adverse effect. For example, it should not have to be the case to find a fish kill after a landslide to prove material deleterious effect. Knowing the fine sediments deposited into a system where spawning gravels will be affected should be enough to determine material adverse effect.

Sincerely

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:09 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

A month is not sufficient time to study the proposed act and provide thoughtful and informed feedback. Please extend the time allowed for the public and stakeholders to submit comments, concerns and suggestions.

Personal Identifiers Removed

Victoria

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:05 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I strongly want to have flow rates for fish take priority over fracking.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 6:04 PM

To: Living Water Smart ENV:EX

Cc: ***Personal Identifiers Removed***

Subject: Water Sustainability proposals for revised Water Act

Personal Identifiers Removed

Sooke, B.C. ***Personal Identifiers Removed***

15 November 2013

Thank you for the opportunity to comment on the proposal for a revised Water Act for British Columbia. My thoughts are as follows.

1. Please make sure the public also has opportunity to comment on the next draft of the proposed Act. There should be a sufficient time period for comment that the public will engage.
2. Protect water at its source. Rain, streams and aquifers are an interconnected system. We should spend more to keep water clean than to “purify” it.
3. Residential and agricultural uses are more important than industrial uses. The natural world needs a clean, sustainable water supply as well. Humans cannot live without a clean, healthy environment. To be the cause of any species extinction for economic gain is a shame upon any population or government who allows such an extinction or extirpation to occur.
4. Since many people in my area—the Juan de Fuca Electoral Area—depend on wells and water licenses for domestic water, protection of such water sources is extremely important. If people in rural areas don’t have their domestic water sources secured, they lose property value and even the ability to live in their homes. Lose of tax income. Do not focus so much on large water supply systems that the small community water systems go down or people lose their domestic supply.
5. Although there is a need for people to pay taxes for government services, water supply should be a government service when it is not through individual wells. Water is a necessity for life. Don’t allow it to be a commodity on the market: a public trust, right, and responsibility.
6. Separate domestic and agricultural water uses from commercial and industrial uses. Don’t give long term unconditional licenses to commerce and industry. If the organization is “for profit”, it should contribute to the overall preservation of a clean, secure water supply and not ride on the backs of residents and taxpayers of British Columbia.
7. Do not sign in for any international trade or commercial agreements that interfere with our right and responsibility to regulate water use for the present and future benefit of British Columbians.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:59 PM

To: Living Water Smart ENV:EX

Cc: Kevin Wright

Subject: Water Sustainability Act

Dear Minister Polak,

I wish to see the new legislation have teeth. I find it reprehensible that the revised rules still allow companies such as Nestle to get water at ridiculously low prices. Our precious water resources are a common heritage and must be protected in perpetuity.

My main points are these:

1. Watersheds where communities get drinking water need permanent protection from invasive activities such as logging and mining.
2. Water flows must be maintained to protect natural values such as wild salmon as a priority.
3. Communities need to have more input into how their water resources and watersheds are managed.
4. Our provincial government has the responsibility to implement regulations that serve the needs of ecology and communities first. Corporate considerations must fit into plans that protect the ecosystems upon which our survival and quality of life depend.
5. Activities such as fracking, which degrade such huge quantities of fresh water beyond repair, must take into their accounting the cost to the environment.

Thank you

Personal Identifiers Removed

Surrey, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:56 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Having looked at the map showing where water already has restrictions at some time in the year I would like to voice my very grave concerns over the direction this government is taking in regards to both shale bed gas industry and tarsands pipelines. We all know the enormous amount of water required for fracking and to pursue the massive expansion of this industry in light of our vulnerable water supply would be foolish. Also the Enbridge pipeline is a major threat to our precious fresh water and as such should not be built. The enormous amount of damage that will occur when (not if) there is a leak. The northern part of the province is extremely rugged with few roads, many mountains and some very valuable salmon rivers. It is also prone to earthquakes which will probably only get far worse if fracking is expanded. You only have to look at what is happening in the US to see this. A leak in this area will probably cause irreparable damage to our fresh water. To summarize, water should be conserved diligently and priority should be given to conserving it for people, wildlife and the environment. To do otherwise is to put our future and especially our children's and grandchildren's future at risk.

Personal Identifiers Removed

Burnaby, BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:48 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To whom it may concern:

The industrial use of our water must begin to slow to a stop.

Unfortunately, I don't think the governmental types in power today will do it without heavy and constant input from the general public.

Such input of course also requires changes in thought and action from the general public.

We cannot live without palatable water. This should be foremost in our minds.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:39 PM

To: Living Water Smart ENV:EX

Subject: Comments on the proposed Water Sustainability legislation

Personal Identifiers Removed

Comments on the proposed Water Sustainability Act.

Personal Identifiers Removed

The following comments are based on a fairly extensive review of all the available information but generally follow the 7 key areas outlined in the overview of the proposed legislation. However, there were several “weasel” words or phrases used in the various bits of information I plowed through that require a comment before I deal with the 7 key areas.

“Secure the rights of users”.

I would like to believe that these user rights included fish as users thereby guaranteeing certain minimum flows during dry periods but I suspect that the intent here is to legitimize unlicensed removal of water by granting a permit to ensure that the individual, various agriculture or corporation interests currently withdrawing water are “protected” for at least 30 years.

“Required to consider environmental flow needs”.

This wording does nothing to secure minimum flows for fish. Sucking all of the water out of a river would still be permitted as long as leaving a minimum flow for fish was “considered”. Indeed, according to some of the information, consideration will only be given with respect to “new” decisions on water allocation. The wording should read “required to **provide** minimum flows to ensure the aquatic health of a watershed” and should specify precisely what that minimum flow amount or rate should be (e.g, cubic feet per second).

“Balance” the needs of all water users”.

When a watercourse is already over-subscribed and existing water removals will be licensed for at least the next 30 years how does government plan to “balance” the needs of all users, including fish?

Regulation of water “would be allowed”; all water users “could” be required to reduce their consumption”.

“could” and “allowed” should be changed to “will” and “required” .

“Some exemptions apply”.

Why? And why are examples not listed? Is the government pre-approving some groundwater extractions”?

1. Protect Stream Health

I note in the information provided that a total of 9 sensitive streams have been identified for protection. However, several years ago, Ministry of Environment regional fisheries staffs identified and listed literally hundreds of “sensitive streams” worthy of special protection. I suspect that the 9 rivers currently identified as “sensitive” are the same 9 rivers that were initially identified by government several years ago (2009) when this rewrite began.

2. Consider water in Land use decisions.

I’ve already commented on this “key area” (see “required to consider” above). Until this provincial government acknowledges the absolute necessity of maintaining an adequate supply of cool water to “sensitive” streams (the hundreds identified, not just the 9 imposed), and begins to use the appropriate wording in proposed legislation to protect our water, we will continue to witness the decline of wild salmon and other aquatic creatures and severe restrictions for agricultural and essential use.

3. Regulate and Protect Groundwater.

If groundwater is going to be “regulated” the way we currently regulate surface water, virtually all groundwater will be over-subscribed as is surface water. For example, there are 2 or 3 farms along the Millstone River in Nanaimo that, currently, each has the right to draw more water from the river than flows in it during dry spells. At least one of these farms had the right to take enough water to provide 16 acre-feet of water over the year. No monitoring of this consumption with water meters was required and when the farm was divided into smaller 5 -? acre parcels and sold, each small parcel was given a portion of the 16-acre feet and, again, no meters to ensure that all stayed within their allocation were required.

4. Regulating use during times of scarcity.

This is probably the one key area where the government got it right. I have nothing but praise for those who developed this scenario.

5. Improve security, efficiency, and conservation.

Thirty years between water license reviews is ridiculous. Reviews should be done after 10 years. How government intends to protect water supply and sources with this proposed legislation is beyond my comprehension.

If a water source is already over-subscribed, protecting domestic consumption, agricultural interests, new applications, etc. while still leaving enough water in the creek for fish is a juggling act that is just not going to be successful.

6. Measure and report large scale water use.

Why restrict reporting to just large water users. There is no impediment to installing meters for any facility not on a community water supply requiring periodic reporting under an imposed user pay concept. There would probably not be an appreciable increase in the revenue from such a system but we would get a better idea of the current total water consumption. The water belongs to all of us. It is not unreasonable to require a fee to cover the cost of installation and monitoring.

I have serious reservations about “Agricultural Water Reserves” in isolation of other potential reserves. How about Fish reserves? And what happens to the fish if the Aggie reserve is enabled?

7. Provide for unique regionally-based opportunities.

Almost as well done as # 4 but is there an appeal process that may negate any potential benefits?

Finally, I have one suggestion that has not, from my scanning of the information available, been dealt with in the proposed legislation and may not have been dealt with in other relevant legislation.

I suggest that in any application for additional water supply by any large industry or municipality that involves building a dam, the applicant be required to provide for the release of cool, aerated water during the critical survival periods for fish (late summer dry spells) and/or “pulse” releases of water enabling mature salmonids to access the river during dry periods and avoid a majority of predators. Again, I point out that the water belongs to all of us and no user should be able to avoid compensating the rest of us for the use of our water.

Submitted on November 15 by:

Personal Identifiers Removed

Nanaimo, B.C.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:29 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act. This concerned citizen demands that YOU spend the effort to plan and protect BC environment, communities and citizens!! QUIT parroting corporate propaganda!

Minimum demands:

- PROTECT Watersheds for community & agricultural water supply, current & future. No commercial logging and mining!! Facilitate restoration of associated ecosystems, to facilitate the least expensive and most effective 'environmental services' offered by HEALTHY ECOSYSTEMS!

- Water is a HUMAN RIGHT!!

- Respect ***Personal Identifiers Removed*** Council of Canadians!!

Sincerely

Personal Identifiers Removed

Victoria BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:02 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

November 15, 2013

Comments on proposals in draft Water Sustainability Act for British Columbia

I would like to register one of my principal concerns regarding *The Legislative Proposal – A Water Sustainability Act for B.C.* regarding adequate low water flows to support aquatic life processes.

This document sets out four policy goals and seven Policy Directions, each of which starts with: **Protect stream health and aquatic environments.** The document notes the critical importance of adequate stream flow: “the *Water Sustainability Act* does not directly include the precautionary principle, [because] a number of tools within the *Water Sustainability Act* are intended to help water managers be proactive. These include:

- Orders (which already exist in the *Water Act*)
- **Environmental Flow Needs and Critical Environmental Flows”** (p. 99)

The document further notes that “Environmental Flow Needs (EFNs) [are] the quantity and timing of flows in a stream that are **required to sustain freshwater ecosystems, including fish and other aquatic life (i.e., maintain stream health).**”

Yet, when it comes to ensuring that these environmental-flow-needs are protected and sustained, the wording in this proposed Act is extremely weak and ineffectual. To only be required to “*consider* EFNs in all cases when making allocation decisions” is no substitute for being required to maintain base stream flows for aquatic life. This level of so-called protection is quite simply inadequate and unacceptable. These base stream flows are the source that enable British Columbia’s ecosystems to sustain multi-million (billion?) dollar commercial and recreational fisheries, not to mention millions of related tourism dollars, and to sustain jobs and a way of life for thousands of British Columbians.

I respectfully request that the goal of protecting stream health and aquatic environments be properly reflected in the Water Sustainability Act through a requirement to meet EFNs.

Thank you.

Personal Identifiers Removed

Nanaimo, B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 5:00 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Thank you for providing the opportunity to comment on the proposed Water Sustainability Act (WSA). I was involved in reviewing and recommending changes to the existing Water Act in the 1980s - revamping this archaic piece of legislation is long overdue, so kudos to your organization for getting this far.

I strongly support the proposals in the WSA to regulate and protect groundwater, preserve base "environmental" flows, provide some review powers of water licences, and support watershed planning.

There are several items that I would like to see strengthened:

- Protection of water flows for ecological functions: these flows need greater recognition and quantification.
- Stronger prioritization of environmental/ecological flows and domestic water use.
- Removing the ability to continuously issue short-term licences for oil and gas operations. I recognize this authority currently resides with the Oil and Gas Commission, but this Commission must take its direction wrt water from the Act and should not be able to renew short-term licences.
- 30 years between water licence reviews is insufficient; they must be reviewed more frequently to be responsive to rapidly changing needs, priorities and data regarding water resources. 10 years would be more useable timeframe.
- Please strengthen opportunities for the public to participate in granting of water rights and monitoring environmental flows.
- It would be useful to consider the models already in existence by which various local governments have taken on watershed planning, and provide the capacity to support these efforts in the Act. The RDN's Drinking Water and Watershed Protection Program is one such endeavour.
- Strong groundwater licensing must be supported by robust study and data on the status of aquifers and their connection to surface water resources.

Once again, thank you for this opportunity, and I look forward to following the results of your consultation and the introduction of a new WSA in 2014.

Personal Identifiers Removed

Lantzville, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 4:16 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act - licensing to IPP concerns

Dear Hon. Minister Mary Polak,

The Water Sustainability Act (WSA) Proposal provides much-needed improvements and updates to the WSA.

Where others have commented more thoroughly on other areas of the proposal, my attention is drawn by my interest in caution for Independent Power Producers (IPP) expansion:

Quotes from the proposal are in blue, my emphasis in red:

'The current 40-year term for power purpose water licences would be maintained; however a project development period would be allowed prior to the start of operations (and the effective date of the licence) to provide consistency and harmonization with requirements of other statutes and agencies.'

If I understand this correctly, this reads: 'business as usual' for the IPP agreements who already have BCHydro locked into long-term contract purchasing agreements. I see this as the elephant in the room. This clause more than nullifies other combined benefits from other areas and challenges the effective intent of the proposal.

'Implementation of the Water Sustainability Act would entail new costs for both government and users. As a result, government is contemplating changes to the water fee and rental structure and rates (with the exception of water power).'

License Review

Power purpose licences with the mandatory 40-year term would be exempted from this review since they are already subject to a renewal process (Water Act, section 12.2, Licences for power purposes). Power purpose licences that have been subject to Water Use Planning or are granted under the Industrial Development Act would also be exempted from the 30-year review'

Why the exemption for water power? These words are most troubling to the intent of the proposal. It looks like a de facto exception for IPP expansion.

IPP water licencees should be subject to water fees and rental structures that reflect the real value of water resources, not discounted, reviewed more frequently, and subject to annual recording and reporting.

Sincerely,

Personal Identifiers Removed

Victoria, B.C. ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:44 PM

To: Minister, ENV ENV:EX

Subject: Water Act modernization must ensure ecosystem-based in-stream flows are protected

I applaud the BC Government for initiating an update to the Water Act. The current Water Act allows too much water to be taken from streams and rivers without ensuring that these important water ecosystems are protected. A stream is not a stream without water, and wildlife, especially fish, need adequate water flows to survive.

PROTECTION of our water and water ecosystems must be improved. Ecosystem-based minimum in-stream flows must be regulated and ENFORCED. In areas where surface water is over-allocated licences must be withdrawn to ensure these minimum flows are protected and restored.

Three key Water Act reform recommendations to better protect B.C.'s water ecosystem are:

1. Establish, regulate and enforce ecosystem-based in-stream flow standards for all streams in all watersheds of British Columbia.
2. Transition to a priority-of-use water allocation system, including withdrawal and restructuring of existing water licences to ensure minimum ecosystem flow standards are protected and priority of use can be implemented.
3. Provide REGIONAL SUPPORT for INTEGRATED watershed management and shared water GOVERNANCE.

The success of the Living Water Smart Program and the new Water Act will be determined by whether minimum in-stream flows are protected and EXISTING water LICENCES CHANGED to restore minimum flows.

Sincerely,

Personal Identifiers Removed

North Vancouver , BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:58 PM

To: OfficeofthePremier, Office PREM:EX

Cc: christian.cubitt@cabinet-office.x.gsi.gov.uk; "":mike.dalton@ccwater.org.uk""@spruce.itsd.gov.bc.ca; Living Water Smart ENV:EX

Subject: Water act sustainability Proposal-A Water Sustainability Act for BC: A Legislative Proposal

November 15,2013

Premier

Today is the last day to make comment on the proposal.

Have any of the First Nations in BC participants in developing this proposal or Act?

I believe that there would be less opposition if the Government(s) start engaging in Open dialogue and having First Nations at any table when developing Policies, Acts, Proposals to minimize the negative recourses.

I have ,as well as some of my colleagues and members of the First Nation I belong to , concerns of how water is being used and misused: for example, Dams, how the impacts of plants, developments have in the quality of water and the devastation of losing water courses due to filling in water bodies or rerouting channels that eventually dissipate because of the developments, the land contamination that impacts the groundwater(s) and Aquifers, The pollutions that fall into our waters and d=create poison or chemical soups, the developments and practices that are creating climate changes and melting ice and snow packs.

Who ever thought that we would have to buy water – and look at us – we’re buying water and still there are the unfortunate people in BC that can’t even drink their waters from the taps because it’s so polluted and chemical based- to the point that you can’t even boil it to a safe consistency.

There needs to be more players at the idea stage and the creation of such documents so that when something does happen it is the fault of all of us not just one two or a handful of people.

In a short time to quickly skim through some information – I figured I would just give some thoughts of what is and may impact the Water and if it can be used in a best use practices.

Sorry if I have gone beyond who should receive this email – Just making sure it doesn’t get lost in the shuffle

Personal Identifiers Removed

Concerned resident

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:52 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Dear Minister Polak,

Some of the key points I would like to see addressed in our new Water Sustainability Act are:

- 30 years is too long between reviews of water licences. These should be reviewed more frequently and ensure that the withdrawals are at a sustainable level. With the way the climate is changing we could be at risk of water shortages and having to honour an outdated licence.
- Water use fees must be equitable for the province, not just a grab for big corporations like Nestle's. Our province incurs costs managing and monitoring the ground water.
- We need public participation in how our ground water licences are distributed. Most people are completely unaware that the bottle of water they just bought is from an aquifer in their neighbourhood, or province.
- Our water MUST be protected for the fish and wildlife whose survival depends on it. We have far too often let industry pollute and put our precious species at risk.
- We must not exempt big gas, oil and forestry corporations from our provincial WATER OBJECTIVES.

Our protective ACT must be enforceable to all sectors of industry.

In short, we must allow for a close monitoring of any water usage granted as the world is changing so quickly and we may find a huge demand for our clean water. We must not take it for granted and should do everything to protect any misuse.

The B.C. Gov't . must be forward thinking in this legislation. Plan for the future!

Thank you for considering my points.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:52 PM

To: Living Water Smart ENV:EX

Subject: Water

On behalf of the people of British Columbia, the country of Canada, and the entire world, i demand that you cease and desist the practice of fracking.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:43 PM

To: Living Water Smart ENV:EX

Subject: Water sustainability act

I have the following comments regarding the above

I would like to see addressed the 3 areas in a strong governance. 1/ Domestic and corporate metering of water. This metering is essential to monitor the amount of water consumed/used and therefore gives data to decision makers and users for the awareness and ability to conserve. This is controversial and people will gripe. Hold the course!!! In spite of the individual whining it is necessary for the sake of good data for good governance.

2/ Corporate use of aquifers. Priority must be given to public domestic requirements over corporate usage. Our aquifers MUST BE owned and operated as a legacy to the citizenry and not a corporate resource to produce wealth. One cannot drink money. Companies such as Nestle have attempted in other jurisdictions to "own" the resource with disastrous results. Protection of our aquifers sustainable regeneration from corporate drainage is essential and good scientific data collection by non-biased governmental monitoring is just plain due diligence. The government of the day is the steward of this essential inheritance. It is not good enough to turn the hen-house over to the fox for monitoring. The legislation you provide must show that water is a valuable resource for all life and NOT A CORPORATE COMMODITY.

3/ Absolute control over any contaminants that come from domestic and corporate activity. We need the protection from purity degradation that has strong economic and political teeth. Otherwise we will devolve into third world conditions that is not sustainable nor healthy. Don't be weak on this matter. Be a government and civil service that honorably protects it's populace as a service and not a vehicle that can be manipulated by corporations to produce wealth for the few. Jobs are important but what good are they when the families of the workers cannot have potable, life giving water.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:39 PM

To: Living Water Smart ENV:EX

Subject: FW: Water Sustainability Act

Date: November 15, 2013 1:08:34 PM PST

To: livingwatersmart@gov.bc.ca

Thank you for this opportunity to respond to the proposed Water Sustainability Act. In general, the proposal makes important improvements to water protection, but the WSA lacks specificity, and

has no mechanisms for monitoring or enforcement. The act should specifically state that it applies to ALL water use in BC. Industries such as LNG production and forestry cannot be exempted. The duty by large-volume users to measure, record and report water use is positive. Specified should be the duty to report use of additives to the water used in the industrial process. Chemicals used in hydraulic fracturing and pesticides in large-scale agriculture would be examples. Thirty years between license reviews is far too long considering the rapid onset of climate change. Ten years would be more appropriate. The province must have the means to monitor and enforce the WSA. Fees from water licenses and non-compliance should be sufficiently high to pay for this.

The proposed WSA recognizes the vital importance of water to human and environmental well-being. I hope for the strongest possible protection of this source of all life.

Respectfully submitted,

Personal Identifiers Removed

Sidney BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 3:39 PM
To: Living Water Smart ENV:EX
Subject: Urgent - The time for change is now - Water Law

Greetings,

Personal Identifiers Removed

Some points I'd like to make and propose be taken into serious consideration for the new water law.

First, I feel that respect is owed for First Nations rights. I feel that Native communities should be a part of the creation and implementation of the water law. With recent troubles having occurred with river water levels, I believe that it is absolutely necessary to have more control over weirs.

I believe that funding for said controls is also necessary so that we can have sustainable management. Our watershed board for Cowichan is doing great work in establishing a plan that will help to reduce if not eliminate the potential damages from lack of community input.

It is also necessary to establish a clear set of standards that will be upheld by people who are directly affected by river water levels. I also believe that standards should be implemented that will ensure that we will have clean and drinkable water. These standards should protect the water, not for a limited time, but indefinitely. Also that the idea that we need to start cleaning our water supply should be taken into consideration when setting the standards, as the drinkable water is dwindling.

Major corporation should not be let off the hook, they should be held responsible for the damages that have been done. Fracking and other forms of devastation should not be left unnoticed as it will eventual destroy our natural and beautiful environment. Penalties should be levied to cover costs for cleaning or restoring our lands to their natural wonder.

Thank you for your time,

Personal Identifiers Removed

A concerned citizen.

-----Original Message-----

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:33 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I would like to see a price put on water, as only then will it be valued. Accordingly, I would not be against water sales, by either the public (government) nor by private business, as long as the public was adequately compensated. And yes, adequate water supply must be preserved for our ecosystems, and where water sale and ecosystem need collide, the ecosystem need must have priority.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:31 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To Whom it may concern

I would like to comment on the proposed new Water Sustainability Act for BC.

First of all I would like to say that the one month period available for the public to review and comment on this long and complicated document is far too short. This is completely unacceptable.

Yes, there was time to have public input during the process of developing the act but the review process should include more time for public consultation and discussion about what has been included or excluded in this document. Much of the wording is vague and can be interpreted different ways and while the language looks like the intent is to protect community drinking water this is in fact a very industry friendly document that can be interpreted to serve the needs of industry over the needs of the public.

Here are my recommendations in no particular order.

1. The public should have more time - **the deadline for the comment period should be extended until March 1st**. The public needs adequate time to review and discuss this document. There should be a more thorough public engagement process for this document.
2. Protection of source water should be enshrined in the act and the Water act should take precedence over all other land uses and related acts including the Forestry Act and the Mining Act.
3. Local communities must have local control to protect and manage their community drinking water supplies. This should be done in partnership with the Ministry of the Environment. Drinking water protection and source protection should be paramount. The precautionary principle should rule over all land use decisions where drinking water could be affected.
4. Ground water and surface water are interconnected and should be treated as one in the act.
5. Environmental Flow Needs (EFN's) must be included in the Provincial Water Objectives.
6. First in Time First in Right (FITFIR) must be removed and a modern water rights model adopted.
7. Exemptions from the act must not be given to industrial sectors including the oil, gas, mining and forest industries. Water use for gas fracking should be regulated under the act.
8. Water is a human right and the Public Trust Doctrine should be enshrined with the legislation.

9. License reviews periods should be shorter and set at every 5 years. Twenty-five years is too long to wait for license reviews.

10. Water resources, both ground water and surface water, need to be mapped and quantified to guard against over-use. Development permits and industrial water licenses should not go forward until there is conclusive evidence to prove that there are sufficient water resources available for those human uses after Environmental Flow Needs have been considered.

Sincerely

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:26 PM

To: Living Water Smart ENV:EX

Subject: B.C.'s New Water Sustainability Act - Comments

I wish to submit my comments on B.C.'s new Water Sustainability Act. I believe the proposed Act has some serious omissions and does not wholly support the view that water is a human right and a public resource of the commons. Here are my suggestions to strengthen the Act:

- The thrust of the Act must enshrine public interests over corporate interests and profits.
- Water should not be treated as a commodity but as a public resource belonging to everyone.
- The process of issuing water licenses is not transparent. Under the current system and from what I can see under the new proposed Act, potential water licensees are often individuals or groups fronting for numbered companies and it is impossible for the public to ascertain who actually is funding or benefiting from the water license application.. Also the process of public comments on water license applications is cumbersome and not user friendly.
- The new Act seems to negate community and/or First Nations planning and input into watershed and groundwater planning and useage. It seems to me that under the new Act, resource industries use of water resources could trump community and First Nations wishes and needs for these water resources. Current environmental assessments by provincial and federal governments of water (groundwater/aquifers/watersheds,etc.) are inadequate as they allow potential pollution of watersheds and aquifers and do little ongoing monitoring of such by resource or other industries or individuals.
- It would appear the new Act would allow huge volumes of water to be diverted for Independent Power Projects, bottled water extraction, etc. with, as is now happening, little or no monitoring of the cumulative effect of such diversions or withdrawals and effect on the vegetation and fish.
- Under the new Act, it appears that it would be easy for water licenses to be bought and transferred easily from one purpose (such as farming) to another (such as use for fracking/mining,etc.) with little or no oversight or assessment of the consequences on the environment and community. I do not agree with this approach at all.
- Environmenal flow requirements should be paramount to all other uses and not vulnerable to bureaucratic decision making.
- A prime value in the Act should be decision making on water must require adeqate and timely input from the public, community and First Nations.
- In the case of an individual or company damaging a water system, I feel that they must be made to remediate the damage rather than using offsets to avoid doing so.

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Campbell River, B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:11 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

HELLO,

Thank you for reviewing my input into the new Water Sustainability Act.

#1. I would encourage you to extend the deadline for submissions until March 2014. The extended deadline of March 2014 would allow all the interested parties like stream-keepers and water-user groups in B.C, to have a debate and time to comment. This deadline tomorrow is a bit hasty, as I just found out about it 2 days ago.

#2. Industry must be regulated by the new Water Act Legislation -they can't have a different set of rules with loopholes. There must be an explicit statement that any private right to use water cannot harm the public's interest in water resources. Fracking is ruining clean water permanently , which seems insane at this time in our planets' history of climate change and the forecast annual droughts we will experience in all regions of B.C. from June to October : " From Impacts to Adaptation: Canada in a Changing Climate" 2007 -report by the Federal government, available online.

#3. There must be increased public participation in the granting of our water licenses. The public deserves the right to review water licenses and monitor the impact on environmental flows. The local residents make the best water stewards.

#4. New water licenses need to be reviewed more regularly than every 30 years. We need to build in the flexibility to adapt to our changing climate. Current water licenses must undergo a review to address future water needs and First Nations rights.

#5. There must be appropriate fee schedules for groundwater and surface water that support responsible management and allow communities to engage in local watershed planning.

#6. Rural water needs are different from urban water needs. A collection tank serving 2 households does not need the same treatment as a neighbourhood collection treatment system that serves 10 households. There needs to be flexibility to differing situations written into the new water act legislation laws. We need a clear mandate and the resources for local watershed groups to engage in watershed governance. Local data base collection knowledge, in this time of climate change is especially relevant.

#7. The protection of our fisheries, including the rearing habitat and the aquatic life habitat where the juvenile fish feed is critically important for the future of B.C. Whether it is the sustained fertility of the land from fish carcasses, the essential food source for the mammals and birds, the income from the commercial fisheries or the quality of protein that no fish-farm could ever match for human consumption, the well-being of our wild fish stocks must have top priority over industries demands. There must be a scientific definition and commitment to ensuring the protection of water flows for fish and other environmental values.

#8. The new B.C. Water Act needs to build protection into its' legislation to protect B.C.s' resident users of the river, stream and lake, water licenses and municipal water systems from being sued by corporate business and industry protesting a potential loss of income.

Thank you for considering my requests.

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Silverton, BC

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Nov. 15th, 2013

Submission as feedback to the New B.C. Water Sustainability Act (WSA):

Thank you for this opportunity to provide some feedback and observations to the proposed B.C. WSA. I have some concerns about the quick timeline for response, but I do understand that the process has been ongoing for a long time and there is some urgency to bring in new legislation, particularly when it comes to ground water extraction in B.C.

I think the work that has been done is very good, and I am very supportive, in principle, of the new Water Sustainability Act and the seven water policy directions that are outlined in the information provided on your website.

In particular, one of the issues I would like to address in this submission, is under item #5. Improving security, water use, efficiency, and conservation.

Under the bullets:

- ☐ Allow area based regulations for specific regions.
- ☐ Create agricultural water reserve

I think it is particularly important for the new water act to be cognizant of the water conflicts and policy directions that exist now in the Okanagan and already threaten to change the future irrigation landscape and economics of agriculture.

It is a well known fact that the Okanagan was a driver in the legislation of the 1909 water act. Irrigation played a major role in changing the landscape of the Okanagan Valley. An excellent thesis outlining how Okanagan orchardists helped redefine water as a public resource rather than a private one, was written by Kenneth Wayne Wilson in 1989 - *Irrigating the Okanagan 1860-1920*. This information can help inform the future direction for legislation when it pertains to the modernization of the Water Act. It is important, as we move forward, to understand the benefits of the old water act, so that we may keep the parts that have been beneficial

.

Already the new Federal Drinking Water Protection Act, that was introduced in 2001, threatens to undermine the economic viability of agriculture in the arid Okanagan. I wrote the letter below to IHA in an effort to try to make them understand the

devastating (perhaps unintentional) consequences of some of their requirements placed on the Greater Vernon Water Utility. Their response was essentially that their only concern was drinking water and protection of

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human health, "it is the choice of the Water Utility how they choose to comply to the regulations". Meanwhile the water utility has already usurped the agricultural water licenses and feels it has no choice but to treat all water as though it was domestic drinking water - because these are the regulations.

I predict that the repercussions on the cost of all water will make irrigation unsustainable economically, unless it is artificially subsidized by domestic water customers through exorbitant rates, which is not desirable or sustainable in the long run. The WSA must establish an 'agricultural water reserve' so that drinking water utilities cannot take over agricultural water license, then make policies that make agriculture uneconomic, and build oversized infrastructure that then allows, what was originally agricultural water, to be used for increased domestic expansion of the valley, at the expense of agricultural land.

Here below is the problem as I outlined it to IHA in a previous letter:

*One of the major issues facing the entire North Okanagan right now, is the issue of **providing safe healthy drinking water that meets IHA standards, without compromising the future economic viability of agriculture.***

The Okanagan basin is the driest water basin per capita in Canada (statistics Canada). Agriculture as we know it in the Okanagan cannot exist without irrigation. Agriculture is synonymous with the cultural and economic identity of the valley. People from all over Canada, and the world, come to the Okanagan for all of the wonderful fruits of our local agriculture.

The Greater Vernon Water Utility (GVWU) is the third largest water utility in the Province of British Columbia, based on the combination of volume of water treated, and complexity. At this time, there are two main water sources that feed the domestic drinking water supply; Kalamalka Lake, and Duteau Creek.

The Kalamalka Lake Watershed, in the North Okanagan, is one of the 17 subbasins of the Okanagan Basin, the Okanagan forms part of the Columbia River Drainage Basin. The Mission Hill Water Treatment Plant (MHWTP) is sourced from Kalamalka Lake water, and supplies 80% of the domestic drinking water in Greater Vernon.

Duteau Creek is part of the Shuswap River watershed and drains into the Fraser River Drainage Basin. 26,231.5 acre feet of water is diverted from the Shuswap River Watershed into Vernon and then Okanagan Lake every year. That water is permanently removed from the Fraser River system. The Duteau Creek Water Treatment Plant (DCWTP) is sourced by water from this diversion.

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Duteau Creek only supplies a small proportion of the domestic drinking water in the Greater Vernon area (population 58,000), most of the drinking water is supplied by the

Kalamalka Lake source, originally the water from Duteau was diverted for agricultural irrigation purposes. Now that some of this water is used for Drinking Water, IHA insists that it ALL must be treated to Drinking Water Protection Act standards. Here below is an interesting article explaining the history of the Duteau Creek diversion: Duteau Diversion – Jim Cooperman article

When Duteau passed away, the land was purchased in 1905 by his son-in-law who sold it to one of the Coldstream Ranch partners. Shortly after, the ranch water manager had the entire watershed, including Aberdeen Lake surveyed. It was likely then, as the original water license is dated 1906, that the water rights were also transferred to the Coldstream Ranch, thus beginning the diversion of Shuswap water to the Okanagan. And in 1916, the B.C. geographic survey renamed the creek after Duteau. As farming is water intensive and the Okanagan region is dry, more water was needed out of Duteau Creek. In 1920, the farming community worked together to form an irrigation district, pooling their funds and efforts to build irrigation canals and two reservoirs in the Aberdeen plateau, using existing lakes. A third reservoir was added more recently. Between 1965 and 1972, with the help of government funding major improvements were made to the Vernon Irrigation District, including underground pipes, booster pumping stations, intake works and dam renewals. Unlike the Okanagan region, Duteau Creek has salmon and in the fall of 1978 too much water was removed thus killing thousands of spawning coho and trout. Consequently, DFO worked with the Ministry of Agriculture and the irrigation district to better regulate the minimum flow requirement established in 1971 to protect the coho salmon that spawn as far as 10 km up Duteau Creek from its confluence to Bessette Creek. By 1986, the system included 232 km of pipeline, 60 pressure reducing stations, 28 booster pumping stations, six dams, three chlorination stations, reservoirs, intakes and screening works. In the late 1980s, growing concerns regarding the long-term quality and quantity of water supplies led to a series of engineering studies that showed the need for regional water management. In the late 1990s, a Master Water Plan was commissioned which resulted in the creation of Greater Vernon Water in 2003, a single regional utility replacing the three local water utilities.

While our Shuswap water has been well appreciated by generations of farmers, there have been many problems with the quality of the water for residential use, including its turbidity and brown colour from the presence of natural iron, humus, peat material and plankton. Although chlorination is necessary, it also reacts with the organic matter to produce carcinogenic trihalomethanes. Given that water from the expanded Duteau Creek watershed now services approximately 20 percent of the greater Vernon residents, a major upgrade was necessary. A \$19-million water treatment plant and new, 5,000 sq. Metre reservoir is now nearing completion.

The article above was written prior to the 2010 completion of the DCWTP. This treatment plant, that did not include filtration, actually cost Greater Vernon residents \$29.2 million (not \$19 million). Subsequently another nearly \$38 million dollars, was spent on improvements to the distribution system. The article above also highlights a number of historical problems that arise from the diversion of large volumes of water for

agricultural use. The philosophical discussion of that issue goes to the heart of the identity of the Okanagan Valley, and the historical role irrigation has played. This is beyond the scope of this letter.

However, it is important to keep in mind the history so as to understand the intentions. Now it appears that the large volume of water from these licenses, that were originally diverted for agricultural purposes, is going to have to be treated to drinking water standards, at a very great cost. Also due to the location of the DCWTP, and the extreme expense of separating agricultural irrigation pipes from domestic drinking water pipes, most of the treated water will still be used for irrigating fields. The financial burden that will be unnecessarily created for domestic customers, because you do not need to treat agricultural water, will undermine the economic feasibility, and sustainability, of the ALR and agriculture in the Okanagan, in the long run.

The Regional District of the North Okanagan (RDNO) created the Greater Vernon Water Utility (GVWU) by combining three water utilities in 2003.

The history of why the GVWU was formed is long and complicated, but essentially Vernon needed water licenses in order to service new developments. Vernon had a \$1.36 million dollar debt and a large domestic customer base, Coldstream and the North Okanagan Water Authority (NOWA) had abundant water licenses that had been secured for agriculture and a surplus of \$0.853 million. Vernon's immediate need for water for new developments was the motivation for coming together. The utility came together under a set of principles (essentially a contract)

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of a single water utility with the same water quality and same water pricing for all. Residential and agricultural rates were set so that agricultural rates would be competitive with the rest of the Okanagan Valley.

The new GVWU was run by the RDNO and could now qualify for senior government grants. A Master Water Plan was done in 2004 and the utility was able to borrow \$35 million via a referendum. The \$29.2 million DCWTP was paid for using \$15.4 million from the referendum money, plus \$3.3 million in grants from the Municipal Rural Infrastructure Fund, and \$10.5 million from a Federal Gas Tax Grant. In 2008 construction started on the DCWTP. The plant took 18 months to build and was opened September 20th, of 2010. After the first full year of operation, 2011, figures slowly became available for planning purposes. These figures were very revealing.

A total of 13,375 megalitres of water were treated this first year at the DCWTP, with an operating cost of \$1.7 million dollars. In the peak of summer 2011 demand, the plant treated 160 megaliters of water per day. In the winter time, the water treatment plant only treated around 6 megalitres per day. That means that in the summer of 2011, approximately 96 % of the water treated at the DCWTP, was used for outdoor sprinkling and irrigation purposes. So now, given these facts, GVWU is trying to complete as much separation as possible between agricultural and domestic water pipes, in order to not waste unnecessarily treated water on agricultural fields. This separation is estimated to cost anywhere from \$60 million to \$145 million dollars, depending on the amount of

separation we choose to do, and this will need to be funded by water rates (domestic water customers for the most part). This situation will become even more critical if a Stage 1 filtration plant is built at the DCWTP.

In the mean time, on the regulatory side, the 'Drinking Water Protection Act' was enacted, on April 11, 2001, after the Walkerton tragedy, to protect the public from waterborne diseases. The standards are meant for drinking water, and they are very good. However, if over 90% of the water used, is NOT for drinking (as is the case with Duteau), AND both your irrigation water and your drinking water are using the same pipes and infrastructure, then we are unnecessarily treating a huge amount of water, and that is a waste of taxpayers money.

In our zeal to enforce drinking water protection we are not taking into account that in the Okanagan we live in the driest water basin per capita in Canada. We are also not accounting for the fact that Okanagan Valley agriculture relies heavily on irrigation. No irrigation, no crops. No crops, no farmland. No farmland, no Okanagan identity. IHA needs to consider the fact that in arid climates, like the Okanagan, the water utilities are not just drinking water utilities – they have a dual purpose, and it is not always economically feasible or desirable to treat irrigation

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6 water to the Drinking Water Protection standards. The unintended consequence, of these well-meaning regulations, is a very inefficient use of taxpayer dollars.

In Conclusion:

Water utilities in the dry Okanagan:

1) Either have to be given senior government grants for separating irrigation water from drinking water entirely, so that appropriately sized water treatment plants can be built.

The rationale being that:

The entire province benefits from the prosperity and sustainability of agriculture in the Okanagan Valley. Since water treatment plants need to be built to handle peak capacity, and because peak capacity is significantly larger when accommodating agricultural water volumes, then, in order to reduce the size and cost of water treatment plants, it is desirable to do full pipe separation in the Okanagan.

Therefore then, it is in the best interest of British Columbian tax payers to share in some of the economic burden to keep agricultural irrigation sustainable in the Okanagan.

Senior government grants for separating irrigation water from drinking water entirely should be made available for the Okanagan Basin water utilities that are facing a huge financial burden to satisfy drinking water regulations.

OR:

2) IHA has to temporarily relax, or modify the rules to truly protect the health of the majority without killing the economy of agriculture.

The rationale being that:

The latest Master Water Plan (2012) was completed in June 2013. A fellow Councillor from the Municipality of Coldstream, Gyula Kiss, has repeatedly tried to inform and influence the capable staff and consultants working on the plan.

However, as he has highlighted in his numerous letters & blogs, certain biases have prevented the process from truly considering his input. Once the plan was presented to

the politicians, the timelines were such that, they had to make a decision very quickly to meet IHA deadlines.

The favored option of the 2013 Master Water Plan is an option that would have Greater Vernon Taxpayers funding a very expensive large capacity Stage 1 filtration plant at Duteau (with 110 ML/day peak capacity) this is still for only approx. 6-7 ML/day needed for domestic drinking water. What is most alarming is

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that filtration is recommended in 2017 at DCWTP, that services only a small proportion of domestic customers, while the MHWTP that services mostly domestic customers, sees Stage 1, filtration deferred to 2022, according to the selected option 2. Staff has now justified this option, and size of plant, with a desire to have redundancy between the DCWTP and MHWTP. This is a very expensive way to fulfill IHA requirements, and it does not effectively protect the health of the majority of the population. I would like to ask that politicians to consider that any improvements to treatment plants (ie: filtration), first be made at the MHWTP, since that plant treats water for 80% of domestic customer use in the Greater Vernon area.

Yours truly,

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I apologize for the length of this letter, however I feel that at this point it is very important to clearly show how damaging the present legislation, or lack of it, is. I am hoping that the Province will intervene in time, through the new water act to help prevent the future unnecessary waste of taxpayers money, and safeguard water as a 'public good'. Protected by policies that make it impossible for water utilities to take over agricultural water license and subsequently make the water too expensive for agricultural use, by their unquestioning compliance with rules that do not make sense for the arid Okanagan.

Thank you for you time, and I look forward to your response.

Regards,

****Personal Identifiers Removed****

Coldstream, B.C.

****Personal Identifiers Removed****

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:09 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

On the surface this proposed legislation looks like it is moving in the right direction but there are still many many acts covering water. It needs to be easy to see how they fit together and which level of government trumps the other. The protection of water at its source by that I mean rain and that it does not become contaminated as it hits the earth becoming surface water and ground water already present is not contaminated, stressed or over used.

Water to maintain ecosystem, human animal and plant life must come first; industrial uses lower down. Industries using water must pay a fee which gives the public / taxpayers real compensation for this public resource. The cost of independent monitoring of the effects of industrial water on the water sheds must be reflected in the price the industry pays to use water. This on top of the fee or profit gained by the taxpayer from the permission granted for water use by an industry be it bottled water or water for the oil and gas industry

We need better record keeping on water sheds at this time because we are facing climate change In my area longer periods with out rain I have no confidence that we have the records of water shed health and no monitoring in place to protect that health.

Our experience with government management of forest resources, does not inspire confidence in the implementation of any law

Water is and must remain a public good

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Otter Point JDF Electoral Area

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From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:02 PM

To: Living Water Smart ENV:EX

Subject: Water Act

To Whom it May Concern,

I just got wind of this deadline today, in the midst of a busy work day. Water is arguably one of the most fundamental, critical parts of all of our lives. There needs to be more time for public comment to the Water Sustainability Act. This issue is crucial for us all.

Thank you for your time. I wish that I had more time today. I wish to continue this topic in the near future.

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Village Bay Lakes, Quadra Island

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P.S. Please note I have limited internet access, and often do not get emails immediately. Please allow a day or two for response, and feel free to call me. Thank you!

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 3:00 PM

To: Living Water Smart ENV:EX

Cc: ***Personal Identifiers Removed***

Subject: New BC Water Sustainability Act

Thank you for the opportunity to address some of my concerns.
There is a letter being submitted from Our Water BC with which I concur, but I have some concerns that they have not expressed.

I have already written to Coleman about my concerns as to where the water needed for the LNG fracking processes in the north of our province is to be found, and what will happen to the toxic waste that stays in the ground to eventually toxify the ground water, but have had no response from him, and this problem is not addressed in this WSA.

In this WSA it is suggested that the water belongs to the Crown and I would argue with that, in that water is the right of every living creature, and no corporation or government or crown has the right to determine otherwise. We all have water as a commons, not as a possession of others, nor do others have the right to destroy or make toxic something that belongs to the people of BC, particularly those who have nurtured and guarded this water for thousands of years.

There appears to be an attempt to control the public use of water, but an allowance that corporations such as Nestles at Hope Lake, or the oil and gas sector up north should not be encumbered with water problems, and that is I think absolutely wrong.

I was glad to see that the bulk water export ban should be maintained, but Nestles is almost doing that already at no product cost to them nor royalties to the people of BC. and the IPP are using water in a manner that harms fish, disturbing their habitat and the rivers and paying no penalty.

30 year reviews are frankly far too long, I would suggest that given the speed with which corporations twist things to their bottom line advantage, every second year would be much more appropriate, and that a 50% minimum of the review board should be from the first nations peoples of the area under review.

I am concerned that this is WSA tied in so closely with the Premier's nightmare LNG plans, and not enough attention has been paid to

- a) where will the huge and I mean huge volume of water needed in the fracking process come from?
- b) who will pay for it?
- c) who will attempt to clean up the toxic water table?
- d) what will the locals drink in a few years when there is no clean water available for them as it has all been allotted to the LNG extractors, and their private wells have become toxic?

These are questions I do not find answers for in this proposed WSA.

Finally, after some 20 years of thinking, talking and procrastinating about water use, regulation and conservation to only allow 1 month from press release to closure of input from those who had no say in the construction of this Act is totally insufficient; bearing in mind that we don't even know for sure there will even be a spring sitting of the legislature, there is ample time not to rush things at this stage.

However, these are my views, done in a rush in order to get them to you in time for your consideration.

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Victoria BC

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From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:55 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To Whom it May Concern,

I would like to make the following proposals/recommendations for the ministry to consider for the proposed new water legislation.

- 1.) Water permanently removed from the water cycle, e.g.. frack water, should be charged at a higher fee that reflects this water supply termination.
- 2.) To ensure ground water protection all injected water from fracking or disposal wells should be identified with a DNA tracer material so if future contamination occurs the source can be traced.
- 3.) Baseline water testing of aquifers and water wells for contamination and flow should be done before and after fracking and near deep well deposal sites.
- 4.) Require permits for surface water reservoirs prior to construction and including existing water sources destined for non agricultural purposes.
- 5.) Ministry of Environment should regain water permitting from OGC. The oil and gas industry should be getting their permits from the Ministry of Environment.
- 6.) Design directives at the provincial level to address saline water, produced water and flow back water lines within agricultural and crown lands with a focus to protect ground water, streams and soil.

Thank you for providing the public the opportunity to make comments on this very important topic.

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From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:54 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To whom it may concern,

Thank you to all involved in drafting this much-needed new legislation to protect water resources in BC. It is long overdue and greatly appreciated.

I do however have concerns that the rights of private companies, particularly those in the oil and gas industry, will be given special access to water resources above fish and natural ecosystems, the rights of the public to clean and accessible drinking water. Wildlife and ecosystem protection must be the top priority, and clean drinking water.

Research suggests very strongly that in the not-to-distant future, many parts of the world, even in the US, will experience fresh water shortages due to climate change and wasteful practices. Prolonged draughts are turning many parts of Mexico and the southern US, and the Mississippi River basin into dust bowls. There will be a desperate need for drinking water and fresh water for food production as shortages grow. BC will undoubtedly be placed in an enviable position of having much of the fresh water in North America and many people will want and need access to it.

How will we deal with this looming crisis? Will we be willing to sell it to highest bidder, or trade it for some other commodity? We need to protect this precious resource and develop ways to share it equitably, not for profit, but for the common good.

Thank you,

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Victoria, BC

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From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 2:49 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Good Day:

Thank you for giving us the opportunity to provide input to the New Water Sustainability Act.

The Act embodies many aspects of the needs of BC and its residents. I am sure that much thought has gone into the document. I am writing because I own waterfront property on Lake Cowichan and there are proposals to further raise the level of the lake to store water for various purposes. The lake is already above its natural level due to a weir that was installed decades ago. The plan is to further raise the lake and further flood private property. As much as there may be a need to secure water for BC this cannot be done by flooding property that is privately owned and on which taxes are paid.

If we could provide more water by flooding James Bay and the Legislature in Victoria would that be considered? No, and nor can a lake be raised where private lands will be impacted. If we need to store more water then it should be done on lakes surrounded by Crown land, not private land.

I trust private land will not be impacted by the new Act.

Thank you, ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:45 PM

To: Living Water Smart ENV:EX

Subject: Re: Water Sustainability Act

Thank you for the opportunity to participate in the modernization of the Water Act. It is much needed. I appreciate the progress made by introducing certain elements.

I consider it of prime importance to respect FN Rights and Title. Aside from this, the priorities as I see them are:

1. CONSERVE: Climate change will exacerbate water shortages. Therefore we must conserve water. This means among many other things absolutely no fracking. As well, a low limit on water bottling or other water removal in large quantities.
2. PROTECT AT SOURCE: Aquatic life does not benefit much from water treatment. Therefore we must stop using our lakes and rivers for sewage dumping. We must move towards ecological sewage treatment systems that do not discharge to water, and we must greatly reduce motorized water sports on lakes. In short, we must treat all our waterways as if our lives depended on the quality of their water, which in general they do.
3. PROMOTE ORGANIC AGRICULTURE: the pollution from intensive agriculture with its pesticides and animal effluent negatively affects both groundwater and surface water. "Factory" farming must be stopped.

A strong Water Sustainability Act is important because it can make the difference between a livable environment and one that is not. Please use all the power you have to ensure that BC has an adequate one.

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(rural) Lumby.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:47 PM

To: Living Water Smart ENV:EX

Subject: Water Act Comments

I am writing in response to comments on the BC Water Act modernization. While the new draft takes some steps to address shortcomings, I have a number of concerns and wish that the act will not go through without these concerns being addressed.

NO to First in Time, First in Right (FITFIR)

The new proposal has retained the FITFIR model of prioritizing water licenses. While the proposal justifies retaining the model as something that is convenient, this model severely limits the ability for local planning and stewardship of watersheds.

While the act proposes prioritizing household use and environmental needs in times of scarcity, it does not allow for community planning in order to proactively avoid periods of water scarcity. The FITFIR model does not prioritize ecological needs and ignores indigenous use of water which ironically (or not) is actually "First in Time". The Union of BC Indian Chiefs identifies the injustices imposed by the FITFIR model and the inability to reprioritize senior license. "BC has controlled access to surface water through water licenses issued on a "first come, first served" basis. Historically, BC refused to record water allocations made to reserve lands, and in many cases, reserve lands have a lower priority than settler interests."

Even worse, FITFIR is proposed as the model for groundwater licenses which will be introduced in the new act. A new area of water regulation will not only inherit the flaws of the old model but will also create a gold rush style license grab by industrial users to get the highest priority licenses. Are we "modernizing" using an early 1900s model?

Changes

Localized governance models with indigenous communities should be empowered to establish and adjust the priorities of water use. We recommend a "priority of use" model instead of FITFIR.

Rejection of the public trust doctrine

The public trust doctrine holds that resources like water, air and land be managed by government (or other official entities) as a Public trust on the public's behalf. By de-emphasizing Crown ownership and emphasizing management and stewardship, a more just and sustainable management model is possible. The new proposal suggests that because the Public Trust Doctrine is relatively untested in Canada and because it would influence other areas of law it cannot be considered at this moment. However, given aboriginal rights and title, this ownership model is flawed.

The Union of BC Indian Chiefs had made clear in their submission that "the Province does not have the ownership and jurisdiction over water where Aboriginal Title exists, and the proposed Water Act amendments continue with the province's

history of denial which is damaging both to Indigenous Peoples and cultures, and also to the waters and all life that depends upon the water.” By declaring water as a public trust, rather than owned exclusively by the crown, a collaborative stewardship model can be promoted through this act.

Changes

Use the Public Trust Doctrine to designate the provincial government as trustees (stewards) of water as opposed to owners. As a trustee the Government cannot sell or commodify water but can promote a stewardship role that may not be in direct conflict with proven and inherent Title and Rights of Indigenous people. Water allocation must be based upon water as a human right, water as a commons and water as a public trust.

Clarify elimination of limited use purposes per license

Is it desirable to divert water licensed for agriculture to instead a mining operation? The current act has restrictions on such activity. But, section 2.3.1 of the proposal states that “the limit of three water use purposes per licence would also be removed.”

Changes

More clarity is needed. Having no limit to uses would suggest water licence would be carried with property rights with no regulation on use for those in possession of the licence.

Include saline water in groundwater regulation

While groundwater regulation is included in the proposal, saline groundwater is not. This exclusion is based on an unsupported assumption that there is an “assumed disconnection” of saline groundwater, shallower groundwater and surface water. Saline water use should not have a licensing exemption based on an assumption.

This exemption appears to be an attempt to support the fracking industry that is very water intensive. By using the precautionary principle, even the possibility of impacts to potable water sources or other environmental impacts should be avoided. The International Water Management Institute warns that “Saltwater intrusion is caused by changes in the natural equilibrium between fresh and saltwater, and could be initiated by increased pumping from a freshwater aquifer.”

Changes

Regulate saline water flows like all other groundwater.

Prioritize environmental flows

Fragile ecosystems, salmon streams for example suffer when water is diverted for industry in lean years and environmental flows are not maintained. Without

mandatory requirements for maintaining specific environmental flows, watersheds remain vulnerable to the decisions of government appointees.

Changes

Establish and enforce minimum flow requirements, and monitor and modify regularly based on good data.

Decision making

While the new proposal provides flexibility for different forms of governance but the issuing of licenses remains with the Comptroller of Water Rights and the Regional Water Manager that are political appointees of the Minister. The licensing process needs to involve more public engagement.

Changes

Decisions on the issuing of licenses must involved the most impacted people that are dependent upon the watershed and Indigenous communities. Publicly post all applications so that communities are can meaningfully engage in the decision making, and provide adequate funding for consultation. Indigenous Nations must not simply be included as “stakeholders”.

New Oil & Gas Use

A great deal of pressure will be placed on watersheds due to the dramatic increase oil and gas development in the region. While this industry needs far more regulation of their water use it is questionable to even consider Oil & Gas development as a beneficial use of water. Current cost proposals for industrial use are woefully inadequate and do not promote conservation.

Changes

Enact a fracking moratorium until water impacts are addressed. Enact meaningful industrial pricing for water.

Environmental Offsets for Remediation

Offsets have been promoted as environmentally responsible solutions to damage caused by everything from logging to CO2 emissions. However offsets do not provide incentive for the protection of ecosystems. In the proposal environmental offsets are proposed as an option for remediation from dumping and debris. This allows users to essentially declare the areas they’ve damaged as sacrifice zones knowing they can remediate another area. There is then no incentive to limit the damage they may cause in one area knowing they may not be responsible for remediation in that location.

Changes

Eliminate all offset based loopholes. ****Personal Identifiers Removed****
Victoria, BC

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 2:40 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Comment

I would just like to say that water is the most important resource in BC and for that matter in the world. We as citizens of this fabulous province should consider not only ourselves here today but for generations to come, that the water in our lakes, rivers and ground waters are sacred and no one should disturb its life force for commercial gain.

Thank you

Personal Identifiers Removed

Gabriola Island BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:37 PM

To: Living Water Smart ENV:EX

Subject: Water priorities

Mary Polak, Minister of Environment,

Business ,industry, and related investment desire assurances for water use. The Water Sustainability Act needs to make it clear that environmental flow requirements for fish, and wildlife will always come first, and that no guarantees can be made towards future allocations that might compromise that first priority.

Personal Identifiers Removed

, Quadra Island , B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:19 PM

To: Living Water Smart ENV:EX

Subject: Legislative Proposal for a Water Sustainability Act

the disparity we face in small communities are as follows: no access to provincial or federal grants for our small water systems; the same funds available to every community OTHER than Improvement Districts, in the province.
Lets make this fare, don't forget us.

Sincerely,

Personal Identifiers Removed

Gillies Bay ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:18 PM

To: Living Water Smart ENV:EX

Subject: Legislative Proposal for a Water Sustainability Act

I am responding to the call for input on the new water act now under review.

1. water is a public commons, and is not meant for corporate gain. Water must be preserved at all cost for future generations.

2 Ground water, aquifers, must be retained and unpolluted. Fracking must stop. Water is essential to life, natural gas is not.

3. Streams and rivers must be protected from run-of-river contracts that are diverting so much water that fish habitat is dry. This is unacceptable. Please stop issuing licenses to irresponsible businesses.

4. No dumping of refuse or chemicals into waterways: lakes, rivers, ponds, ocean, ground water. Enact and enforce STIFF penalties for polluting BC's water.

5. No super tankers on our coast, this is too dangerous...an oil spill is inevitable, and will be traumatic, causing disruption and annihilation of wildlife, fisheries, coastal communities for generations to come. IT IS NOT WORTH IT!

6. Put water before profit - always!

7. Ensure First Nations consultation, and agreement before any water project is undertaken.

8. Don't allow coal shipping into our ports, coal dust pollutes water, air and land, and is very dangerous to our health. In addition, I agree with the points made below...

BC desperately needs a new Water Act, but we also need to make sure we get it right! There are lots of good things that are proposed for the new WSA, such as bringing groundwater under regulation, charging for that water, and enabling new governance models that will allow local governments, First Nations and local stewardship groups to help develop plans for their own watersheds. BUT, there are a lot of things that need to be done better in order to bring BC's water policy into the 21st century.

The following are priority areas for improvement that need to be in a new Water Sustainability Act this coming spring:

- The protection of water flows for fish and other environmental values is too discretionary in the WSA Proposal! "Environmental flows" need to be scientifically defined and it must be made mandatory to meet them in all new and existing licences.
- The WSA needs to explicitly state that any private rights to use water cannot harm the public's interest in our precious water resources by prioritizing environmental flows and essential household needs over other uses. As well, the WSA should explicitly reject attempts to allow

licences to be traded in markets.

- The proposed provincial Water Objectives must make protecting "environmental flows" for fish and nature and for essential household needs a priority, must be enforceable and must apply to all sectors of industry. There should be no exemptions for forestry or oil and gas, as contemplated in the proposal.
- In a climate changing world, 30 years between licence reviews is not sufficiently flexible; reviews should happen more frequently. As well, the new groundwater licences that are going to be granted to existing users, primarily large industrial users, must explicitly state that they are subject to a future review until it can be determined the withdrawals are at sustainable levels and to allow for honourable government-to-government consultations with First Nations.
- Water use fees must make public "cents". Fee schedules for both groundwater and surface water must cover government's costs for responsibly managing our water, and ensure resources are available for local watershed planning and management enabled under the new Act.
- There need to be more opportunities for the public to participate in the granting of water licenses and the setting and monitoring of environmental flows. BC also needs independent oversight of water and watershed management with the resources and expertise to do it right.
- The commitment to shared governance in local watersheds is a positive step, and it must ensure local watershed groups have a clear mandate and the resources to engage responsibly.

I look forward to seeing a new WSA introduced in the spring of 2014 that includes these improvements and has the tools, the resources and the flexibility to face current and future uncertainties head on, and with our priorities straight.

Sincerely,

Personal Identifiers Removed

Richmond BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:12 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Dear Sirs and Madams,

The WSA Legislative Proposal says that "'beneficial use' means using the licensed volume of water for the intended purpose(s) and in compliance with the terms of the water licence."

It is crucial that the definition of "Beneficial Use" does not relate only to private licensed water use but is also consistent with the public interest and provides protection for public access to drinking water, agricultural water and environmental stream health.

NAFTA and similar but farther-reaching international agreements-such as FIPA and CETA- about to be implemented by the current federal government, allow (or could allow) foreign corporations, if in place, to take our governments to the World Court if they tried to enforce laws designed to protect our civic right of access to our clean water supply and protection of that heritage, if these laws did not exist and were not agreed upon initially.

Clean water is the most important natural resource in the world. At the very least, our elected officials should protect the source and our access to it...otherwise why are we paying our taxes?

A concerned voting citizen,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 2:07 PM

To: Living Water Smart ENV:EX

Subject: Fwd: The BC Water Sustainability Act - comment today livingwatersmart@gov.bc.ca

Dear Ms. Clarke,

There is insufficient time to respond to this proposed legislation. We must all have a discussion that connects up surface water quality, ground water quality, and the trade agreements that threaten both. Victoria's publicly owned watershed puts us in much better shape than many communities on the Island whose watersheds are privately owned.

Sewage treatment is too little too late in most cases, as keeping watersheds from being polluted by logging, industrial uses like mining and car graveyards would in many cases eliminate the need for expensive water treatment. Communities are being forced to build expensive treatment plants because government won't do anything about protecting watersheds.

In this time of little money and lots of scientific information, the government has produced a very poor piece of legislation. It leaves our watersheds unprotected and open to industrial pollution from development, mining, and poor land use management. Please delay further discussion of this Act until proper public consultation has been done.

Thank you

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:58 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Greetings. I have been actively paying attention to issues of our water here in BC now for 8 years. I am part of a water coalition that has done much to talk about and engage people in conversations about our water. There is much to do to improve the public's awareness of our common resources of water.

I initially tried to believe that reworking our BC Waters Act was to get a clearer picture of what we need to pay attention to now and for future generations use of this public commons. Now I see that reworking the provincial records is all about big business. Fracking and exploration and mining for other oil and gas purposes are not the way I as a citizen of Canada and a tax paying resident of BC want to see BC head. I am absolutely against the free or almost free use of our world's precious water by this industry.

I want to see careful and wise governance over this precious element - water - that is to be carefully kept clean and passed on to BC citizens for generations to come.

Water is not a commodity nor is it something to be abused and tossed out as if there is no end to it or that somehow it is magically cleaned.

Sincerely

Personal Identifiers Removed

Victoria, B.C.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:49 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act - Feedback

Thank you for this opportunity to provide input on the development of BC's Water Sustainability Act. I have the following concerns with regards to the current draft:

1. Protection of source water should be enshrined in the act and the Water act should take precedence over all other land uses and related acts (forestry and mining acts etc.). Water is a human right and the Public Trust Doctrine should be incorporated into the legislation. Exemptions from the act must not be given to municipal or industrial sectors including the oil, gas, mining and forest industries.
2. Environmental Flow Needs (EFNs) must be included in the Provincial Water Objectives.
3. Ground water and surface water are interconnected and should be treated as one in the act. Deep saline water sources should be quantified, monitored and analyzed before exempting from the Act for commercial/industrial purposes, since it is unknown what impact withdrawals will have on irrigation/drinking water sources.
4. The impacts of climate change must be addressed and until the large uncertainties in future water supply are addressed, the 40-year exemptions of licensing of water for "power purposes" should be excised from the Act.
5. Local communities must have a large role in protection and management of community drinking water supplies, including decisions affecting licensing and re-licensing. Commercial water extraction as a "home business" must be licensed and monitored. Water license reviews periods should recur more frequently, every 5 to 10 years.
6. Fair consultation with First Nations and inclusion of First Nations representatives in decision-making would be useful, and is necessary.
7. First in Time First in Right (FITFIR) must be removed and a modern water rights model adopted that provides a flexible allocation system that prioritizes essential human and ecological needs. License trading should not excised from the act.
8. Water resources need to be mapped, monitored, and quantified to guard against over-use. Data need to be freely and easily accessible for community planning, habitat and fisheries research.
9. Water sales in non-bulk formats (bottled water < 20 L per bottle) should be considered bulk sales and exports, given the total volumes withdrawn, and prohibited not exempted from the WSA.

10. The public should have more time to respond – we share the concern of First Nations that consultation has been inadequate in the development of the Water Sustainability Act to date – please extend the deadline for the comment period to March 1st, 2014.

Personal Identifiers Removed

[Gabriola Island, B.C. V0R1X1](#)

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:47 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I appreciate the process that listens and acts on public participation. From the time when I was a municipal councillor in an area relying on wells in fractured bedrock I have come to learn, understand and value much more about groundwater.

I have reviewed the legislative proposal for the WSA and choose to make three points, though many more could be made!

1. The intent and wording of the #3 Outcome should be changed to reflect that "British Columbia's watersheds are healthy and protected."

2. Aquifer mapping - I saw no mention of Aquifer Mapping or the intention to map the aquifers of BC. This is an essential step in establishing a baseline in order to monitor the flow and recharge of any aquifer. Flow + Recharge (with unpolluted water) = Sustainability.

3. Food production and security must take precedence over oil and gas production. There is no alternative for food but there are alternatives for energy production; wind and solar. Preservation of current agricultural lands and agricultural water reserves for those lands must supercede oil and gas production and the water used for same. I have significant concerns that the Oil and Gas Activities Act would take precedence over the Water Sustainability Act.

Sincerely,

Personal Identifiers Removed

Cowichan Valley

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:43 PM

To: Living Water Smart ENV:EX

Subject: Water Rights and Water Sustainability

RESPECT FIRST NATION'S RIGHTS and TITLE in both the creation of a new law and in its implementation.

FISH FIRST Make the concern for wild fish habitat and safety your top priority, first concern when considering anything to do with rivers.

Mandate clear, enforceable standards for protecting minimum stream flows, instead of what I have heard called 'the vague and ineffective 'guidelines' now on offer'.

BIG River Systems and BIG Lakes are PUBLIC. DO NOT Sell them, do not give their rights to Businesses or Corporations.

Fund local watershed management.

Spell out in detail the ability of local bodies like our Cowichan Watershed Board to be able to take over real decision making authority over our watersheds.

Locals know best how an asset like a lake's water and river system should be maintained/used and it should not rest with a business or a level of government. Make it the responsibility of local groups which include local water management groups/local gov't/ and local business, all of who have a vested interest in it working.

EVERYONE PAYS THE SAME RATE

Charge large companies/ CORPORATIONS that draw surface and groundwater at the same rate that taxpayers pay for the same water, rather more than the ridiculously low fees currently proposed. (For Instance Nestle Waters). THEY Pay what WE Pay.

DON'T let the oil and gas industry off the hook either, as is currently proposed; They pay what we pay.

Businesses must prove that the water they use is worth the cost of what they are using it for (ie Manufacturing, mills...etc.).

Put the waste water back into the environment clean, (just like towns and cities have to clean the water so it is healthy enough to dump back into the water supply. (THE KNOWLEDGE to do this is available, it is not beyond anyone's capabilities.)

DO NOT Sell our Water Rights (in the form of damming RIVERS) to Corporations/Businesses for any reason.

Our ENVIRONMENT is our ECONOMY. Do not give away our environment for short term economic/tax gains.

Thanks for asking.

Personal Identifiers Removed**Lake Cowichan, BC** ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:42 PM

To: Living Water Smart ENV:EX

Subject: comments on the proposed Sustainable Water Act

Dear Water Smart Panel:

I totally support the recommendations outlined by Dr. Andre C. Piver (6774 Harrop Procter Rd, Nelson, BC V1L 6R2):

- 1) That minimum standards for water conservation capacity be part of ongoing licensure
- 2) That Agricultural and domestic use have higher priority than any other - including an agricultural water reserve
- 3) For any industrial/land-development use with potential impacts on watersheds or aquifers: that there be in place clear liability for impacts on these, with an assessment of risk and if they go ahead or carry on, an established monitoring process and a proven ability to remediate including financial capacity/insurance.
- 4) professional responsibility and liability to any of the professions now signing off on planning that has implications for watersheds and/or aquifers; for damage to other users regarding water quality , quantity, as well as for geotech hazards e.g. with the new Forestry Practices regime and TSBC
- 5) support for the evolution of localized water governance capacity at the domestic watershed level, so that local solutions can reflect local priorities and capacities and, given climate changed seasonal extremes, that this include potentially facilitating the organization of local domestic small reservoir capacity with adequate geotechnical, engineering and hydrological assessment but respecting the foregoing principles i.e.1-4 above.

sincerely,

Personal Identifiers Removed

Slocan, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:39 PM

To: Living Water Smart ENV:EX

Subject: Feedback on Water Sustainability Act Legislative Proposal

Hi there,

I wanted to submit comments/feedback on the BC Government's Water Sustainability Act Legislative Proposal. Below are my comments.

Policy Direction number 2 'Consider Water in Land Use Decisions'

For me, the highlight in this section is the proposal to include Water Sustainability Plans. These plans will replace the Water Management Plans by taking a more proactive approach to watershed issues by "integrating water and land use considerations..." I think this is a very positive move and will force governments to think carefully about how land use (and planning more broadly) may have an impact on precious water resources.

What I would like to see is better integration of these Water Sustainability Plans with efficiency and conservation measures. Currently, they are identified in the proposal as separate area-based tools depending on the spatial scale (e.g., site, stream or area, watershed or region) that can support water management. Why not allow governments (local, district, regional) to use these proposed Water Sustainability Plans to address multiple issues (at multiple scales!) such as water conservation in times of drought, risks to water quality, environmental flow needs, etc?

Policy Direction number 4 'Regulate during scarcity'

You identify voluntary conservation as a tool that could be used to reduce demand in times of scarcity. Alas, I don't think [voluntary conservation is very effective](#); sure, some people might reduce their consumption but others will simply continue to use water. I would like to see more room for market-based instruments like water pricing, for example. More on this below.

I would advise the Province to think more carefully about integrating some aspects of policy direction numbers 2 and 4, specifically, using their proposed Water Sustainability Plans, as a tool, to take swift measures in times of scarcity. For one, Water Sustainability Plans ***should not*** be developed after a drought takes place; instead, these plans need to be developed in advance and ***revisited*** in the event of a drought. Good planning is inherently proactive, which is the purpose of these proposed Water Sustainability Plans. As such, the plans need to account for more frequent droughts, given climatic change, and identify various measures that could be used to alleviate shortages in the event of a drought.

The Province need not be too prescriptive here, but could outline a number of water pricing structures that could be used when water is scarce. Seasonal pricing would be a start (i.e. price of water rises in the summer months when water reservoir levels are lower). This is not a new idea; jurisdictions in the Okanagan region have used various pricing instruments for at least twelve years and have seen promising results (see paper [here](#)). People require a price signal, not a benign request, to reduce their water consumption.

Policy Direction number 5 ‘Improve security, water use efficiency, and conservation’

I think the Province should consider a number of tools to fulfill this policy direction, including the use of a water market. As argued in a paper by [Johannus A. Janmaat](#), a Professor of Economics at UBC-Okanagan:

Using a water market to reallocate some of the water supply among a set of water users is not a substitute for watershed planning, managing in-stream flows, and so on; rather, it is a tool for reallocating water, a tool that can be used both to maximize the value society receives from water that is consumed and to redirect water to purposes such as protecting valuable environmental resources.

[His paper](#) illustrates how a water market could work in the Okanagan. I highly recommend that the Province read this paper and consider its results when finalizing its proposal to Government in 2014.

Those are my thoughts. I have many more but wanted to be concise.

Thanks.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:38 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

How can we possibly be "Living Water Smart" if we keep the old stupid rules of licenses get first choice always. If it's a golf course or a community, whoever has the oldest license gets the water - what sense does that make. The community should get the water, of course. It is always, or should definitely be, what is in the public's good, people and their needs before recreation or industry. Also, are we out of our minds, allowing fracking in our province, destroying billions of gallons of pure, clean water over and over again to search for something that may do us a lot of harm and may be financially worthless as there is LNG everywhere in the world. It's a pipe dream that will be wasting huge amounts of water that we need to preserve. We must maintain the ecology of our province so that we have a future. To do anything else is insane. We don't need a Site C dam, the LNG wants one so they can have cheap fuel. If they want to gamble with their future, that's up to them, but not with ours. No Site C, no fracking in our province. The public is solidly against both of these, though you may not have heard them, yet.

From***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:35 PM

To: Living Water Smart ENV:EX

Subject: BC Water Act comments

I would like to begin by saying that this consultation window is too short and has not provided sufficient opportunity for British Columbians to weigh in on this very critical issue. The deadline for the comment period should be extended until March 1st 2014.

First and most importantly, water is a human right and if we are to ensure access to water for future generations in British Columbia the Public Trust Doctrine must be embedded with the legislation.

Local communities must have local control to protect and manage their community drinking water supplies - no other management model is acceptable when it comes to water. First in Time First in Right (FITFIR) must be removed and a modern water rights model adopted.

Water resources need to be mapped and quantified to guard against over-use. Ground water and surface water are interconnected and must be treated as one.

Protection of source water should be enshrined in the act and the Water Act must take precedence over all other land uses and related acts (Forestry and Mining acts, etc.) Exemptions from the act must not be given to industrial sectors including the oil, gas, mining and forest industries.

Environmental Flow Needs (EFN's) must be included in the Provincial Water Objectives. And given the uncertainty of how climate change will affect our region in the coming decades, water license reviews must take place more frequently, every 5 to 10 years at a minimum.

Personal Identifiers Removed

Nanaimo, BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:28 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

As a Vancouver resident, I am concerned about water management as we enter a geared-up phase of global warming. I urge our provincial government to get rid of the damaging "first in time" priority for water licensees, which would mean, in a time of water shortage, allowing a first-in-time golf course to keep using large amounts of water while cutting off a more recent community near it.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:21 PM

To: Living Water Smart ENV:EX

Subject: Legislative Proposal for a Water Sustainability Act

Please put the health of the ecosystem and citizens drinking water before the needs of industry and development. Lets think long term here.

Sincerely,

Personal Identifiers Removed

Salt spring island BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 1:09 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Thank you for this opportunity to respond to the proposed Water Sustainability Act. In general, the proposal makes important improvements to water protection, such as recognition of climate change, the inclusion of groundwater, specification of priorities in time of shortage, and more opportunities for local and First Nations input. However, as written, the WSA lacks specificity, allowing for potentially conflicting interpretation, and has no mechanisms for monitoring or enforcement. For example:

- The act should specifically state that it applies to ALL water use in BC. Industries such as LNG production and forestry cannot be exempted.
- In this proposal "beneficial use" requires the license holder to use water for the purpose intended and to do that efficiently. Lacking is a definition of "beneficial use" that would guide the granting of licenses. A statement is needed that prioritizes the public good over the private, and human and environmental health over industrial uses. Local governments, groups and citizens must have meaningful opportunities for input before licenses are granted.
- The duty by large-volume users to measure, record and report water use is positive. Specified should be the duty to report use of additives to the water used in the industrial process. Chemicals used in hydraulic fracturing and pesticides in large-scale agriculture would be examples.
- Thirty years between license reviews is far too long considering the rapid onset of climate change. Ten years would be more appropriate.
- The province must have the means to monitor and enforce the WSA. Fees from water licenses and non-compliance should be sufficiently high to pay for this.

The proposed WSA recognizes the vital importance of water to human and environmental well-being. I hope for the strongest possible protection of this source of all life.

Respectfully submitted,
Personal Identifiers Removed
Victoria BC
Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 1:04 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I appreciate the ability to comment on the proposed Water Sustainability Act. I live in an area of the province where surface water is the basis for economic and real estate development. The number of surface water users is likely among the highest in the province. It enrages people here to have to treat their water to expensive and unbelievably high standards when there is very little protection of their water source in the forest. It discourages them to see flagrant abuse of lakes, which are also a drinking water source, due to lack of enforcement. I sincerely hope that the new Water Sustainability Act can address some of these issues by lack of provincial oversight in land use planning and conservation.

After reviewing the proposal I am left with the following comments

1. Water needs rights in law. The Modernization fails in that regard. Water is so integral to every living thing that it should not be considered a "USE" but rather a value to be protected and conserved. It should be central to evaluation of all other uses. Change the act to give water status as a primary resource in law.
2. The highest use is fish, domestic and agricultural needs. Following Maslov's hierarchy of needs should not be difficult for those writing water law. Crown resources are resources of the people of British Columbia. We own them, pay through property tax to have clean, available and constant water supply. First in Time First in Right should be confined to domestic and agricultural use and I appreciate the Water Sustainability Act Proposal indicating that the Controller of Water will apportion water in times of scarcity, however there is no benchmark ensuring citizens are the first to have "right" to water first. First In Time First In Right has been a long standing system of land use organization and if to be changed requires careful thought and roundtable strategic planning in each area of the province.
3. Watersheds need to be viewed in their entirety including groundwater when assessing domestic, agricultural and business expectations. The Water Act Modernization still continues this fragmented approach and does little to look at the resource for capacity and ensure all uses are inventoried.
4. Fish and riparian rights. Again there lacks an integrated approach to water volume, quality and clarity required by fish. The notion that we can allow deleterious materials to be introduced to and alteration of fish bearing streams and then request mitigation is ill conceived, costly and subject to abuse and should be eliminated as any kind of strategy that indicates science is the basis for decision making. Both freshwater and ocean fisheries bring in billions of dollars to BC and water is the basis of the economic driver. Losing habitat is not an option.
5. Definition of Watershed. This is a definition that requires public explanation. In effect all land contributing to a river is a watershed because both channels and face units have a role to play however to be more specific is a watershed the contributing land between the slope break that contributes to a creek, river or stream in steep terrain and is it the catch basin for a stream, river

in flat geography? Let's define watersheds in a practical sense and stay out of these areas with harmful activities except for remedial work. With climate change risk assessments have not caught up and we need an entire new paradigm of landslide risk and threats to water and people.

6. Professional reliance and deregulation. Water requires regulation. It is too important a resource to have professionals working on behalf of individual clients dictating the use of water and land surrounding water without fairly inflexible rules. This is the most troubling part of the modernization in that personalities both in government and the private sector will have discretion over abiding by law. It is unacceptable. Different regions in the province may have different legislation governing water given the scarcity and other geographic and ecological conditions however the rights of water should be inflexible within that context. If we look at recent reports of where discretion and professional reliance have taken roads and bridges in the forest we get a picture it doesn't work.

7. Local decision making. Without a strict framework where water has a right in law and all stakeholders, primarily domestic, civic and agricultural users are at the table water management will follow a three year election cycle. The province needs to set impeccable standards before devolving responsibility.

8. The proposal for oil, gas, water sales and mining's use of water as well as what they are charged is equal to corporate welfare. The same can be said for water bottlers such as Nestle in the lower mainland. If households are charged between 600 and 6000 per year for domestic use under license then industry needs to pay similarly per gallon. These large volumes should be assessed as soon as possible for sustainability given the eco-system and other human and wildlife needs of the water in the face of climate change and expanding populations.

9. The sale or diversion of water should be eliminated as a possibility unless for the purposes of prevention or mitigation of an emergency.

In a nutshell the proposal does not have water as the primary focus but rather how we can somehow mold water to shape our continuation of its misuse. Please enshrine water as an entity with rights and define fish domestic and agricultural use as the primary hierarchy of right.

Watershed management plans should be mandatory in all areas of the province where either residential development or industrial activities are dense and are having an impact.

Personal Identifiers Removed

Kootenays

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:57 PM

To: Living Water Smart ENV:EX

Subject: Water Act Legislation

HELLO,

Thank you for reviewing my input into the new Water Sustainability Act.

#1. I would encourage you to extend the deadline for submissions until March 2014. The extended deadline of March 2014 would allow all the interested parties like stream-keepers and water-user groups in B.C, to have a debate and time to comment. This deadline tomorrow is a bit hasty, as I just found out about it 2 days ago.

#2. Industry must be regulated by the new Water Act Legislation -they can't have a different set of rules with loopholes. There must be an explicit statement that any private right to use water cannot harm the public's interest in water resources. Fracking is ruining clean water permanently , which seems insane at this time in our planets' history of climate change and the forecast annual droughts we will experience in all regions of B.C. from June to October :'' From Impacts to Adaptation: Canada in a Changing Climate'' 2007 -report by the Federal government, available online.

#3. There must be increased public participation in the granting of our water licenses. The public deserves the right to review water licenses and monitor the impact on environmental flows. The local residents make the best water stewards.

#4. New water licenses need to be reviewed more regularly than every 30 years. We need to build in the flexibility to adapt to our changing climate. Current water licenses must undergo a review to address future water needs and First Nations rights.

#5. There must be appropriate fee schedules for groundwater and surface water that support responsible management and allow communities to engage in local watershed planning.

#6. Rural water needs are different from urban water needs. A collection tank serving 2 households does not need the same treatment as a neighborhood collection treatment system that serves 10 households. There needs to be flexibility to differing situations written into the new water act legislation laws. We need a clear mandate and the resources for local watershed groups to engage in watershed governance. Local data base collection knowledge, in this time of climate change is especially relevant.

#7. The protection of our fisheries, including the rearing habitat and the aquatic life habitat where the juvenile fish feed is critically important for the future of B.C. Whether it is the sustained fertility of the land from fish carcasses, the essential food source for the mammals and birds, the income from the commercial fisheries or the quality of protein that no fish-farm could ever match for human consumption, the well-being of our wild fish stocks must have top priority over industries demands. There must be a scientific definition and commitment to ensuring the protection of water flows for fish and other environmental values.

#8. The new B.C. Water Act needs to build protection into its' legislation to protect B.C.s' resident users of the river, stream and lake, water licenses and municipal water systems from being sued by corporate business and industry protesting a potential loss of income.

Thank you for considering my requests.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:54 PM

To: Living Water Smart ENV:EX

Subject: BC water

>

> To whom it concerns:

>

> I would like the Liberal governments's rationale for virtually giving BC's water away to commercial interests to be made public.

>

> As everyone knows, water is fundamental to all life, and should be valued and protected accordingly.

>

> To allow the pillaging of such a valuable resource is unconscionable and irrational. Absent of a logical explanation, one is left to assume that there are some in high places who are profiting via kickbacks from corporations.

Alternately, no one but the corporations are receiving benefit, in which case our leaders are demonstrating they are unfit for the positions they occupy.

>

> I trust such giveaways will be rectified to prevent their occurrence from this point forward.

>

> A very concerned citizen,

Personal Identifiers Removed

> Vancouver, BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:51 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Thanks for the opportunity to comment on this Act. I am very concerned about some of the proposed changes.

1. Water is owned by the public and must be managed for the best interests of the public as a whole. Good water policy explicitly puts human and environmental needs first, before consideration of commercial interests. Private rights to use water must clearly be subordinate to the overall public interest. We need legally-binding and enforceable standards that protect environmental flows – and we can look to more progressive jurisdictions like the European Union for examples of what this looks like. All other uses should be secondary. Fish and people need water to survive; other users, including agriculture and industry, should have to adjust their water use to accommodate those needs.
2. A neutral third party should use scientific methods to determine optimum flows to maintain healthy ecosystems and meet community drinking water needs.
3. Public participation in the allocation of water rights is essential. Applications for water allocations need to be publicized with the opportunity for community input. The community should determine the best use of limited water resources.
4. It is heartening to see that groundwater will finally be regulated under this Act, but we need to see a massive increase in commercial water-use fees, representing a fair return for taxpayers on this priceless commodity. Commercial users like Nestle should have to pay rates for the water which reflect the value it represents to their bottling business. Water is part of our collective heritage and essential to our future – if money is to be made by selling it, the province should limit the amounts to be withdrawn according to human and ecosystem needs, then guarantee a fair return back to taxpayers. Revenue from water licenses should be used to support water governance and environmental remediation instead of being absorbed into the province's general revenue.
5. The “first in time” system of water rights allocation needs to be scrapped in favour of a system that puts human needs and ecosystem health ahead of rights to commercial extraction of water. In times of water shortage, if there is still capacity after human and eco-system needs are met, then all users should be reduced proportionally, instead of cutting off new users completely and letting older users continue to extract at full tilt. Water availability changes from day to day and year to year. Handing out licenses that have specified, unchanging allocations simply makes no sense when we realize that water is a finite resource, and shortages are bound to occur from time to time.
6. The province needs to do a much better job of requiring water use to be monitored and reported. We need to collect data on water use by major industries in the province in order to be able to respond effectively during periods of drought.

7. Abuse of “short-term” water approvals needs to stop. Short-term uses are meant to be used for one-off situations, not ongoing projects like oil and gas extraction. If users wish to withdraw significant amounts of water for periods exceeding one year, they should be subject to the additional scrutiny required by a water license. Short-term approvals should not be renewable, and they should be denied in cases where low water flows with the potential to harm ecosystems are observed.
8. There is no need to create a separate water use category for oil and gas users. They should be subject to the same requirements as other industrial users, and not given any preferential water access or pricing.

Regards,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:42 PM

To: Living Water Smart ENV:EX

Subject: re: comments on legislative Proposal for a new Water Sustainability Act (WSA)

The following are priority areas for improvement that need to be in a new Water Sustainability Act this coming spring:

- protection of water flows for fish and other environmental values is too discretionary in the WSA Proposal
- explicitly state that any private rights to use water cannot harm the public's interest in water resources by prioritizing environmental flows and essential household needs over other uses
- The proposed provincial Water Objectives must make protecting "environmental flows" for fish and nature and for essential household needs a priority, must be enforceable and must apply to all sectors of industry. There should be no exemptions for forestry or oil and gas, as contemplated in the proposal.
- groundwater licences that are going to be granted to existing users, primarily large industrial users, must explicitly state that they are subject to a future review until it can be determined the withdrawals are at sustainable levels and to allow for honourable government-to-government consultations with First Nations.
- Fee schedules for both groundwater and surface water must cover government's costs for responsibly managing our water, and ensure resources are available for local watershed planning and management enabled under the new Act.
- There need to be more opportunities for the public to participate in the granting of water licenses and the setting and monitoring of environmental flows. BC also needs independent oversight of water and watershed management with the resources and expertise to do it right.
- The commitment to shared governance in local watersheds is a positive step, and it must ensure local watershed groups have a clear mandate and the resources to engage responsibly.

Thank you,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:36 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Dear Sirs

Any new regulation needs to put the environment first. This includes minimum stream flows for fish and other wildlife. People that use well water for domestic must come in front of industrial or agricultural users. Poisoning stream, aquifers or other bodies of water through industrial or other activities must have very stiff fines. Company engage in fracking must post substantial bonds with the onus on them to prove that if a aquifer gets poisoned that it wasn't from their activity. Aquifers need to be monitored closely so they are not drawn down.

best regards

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:33 PM

To: Living Water Smart ENV:EX

Subject: public input: Water Sustainability Act

BC's aquifers and rivers are much more than important natural resources; they are absolutely essential for the continued survival of the diversity, quantity and quality of life British Columbians have enjoyed and want to ensure continues in the face of increasing resource demands.

Although there is a desperate need for a new water law, British Columbians are aware that proposed changes to legislation will deal with more than environmental protection, conflict resolution, pricing that reflects inherent values and the inclusion of public input.

Given the recent upsurge in oil and gas industry activities that, at present, use and abuse water with impunity and without realistic cost, there is very good reason to believe the BC government will seek to distance itself from water use liability issues. To this end the BC government will try to prevent being sued for failing to uphold the public's interest and concerns over water use and abuse.

It's not unreasonable to assume that the proposed [Water Sustainability Act](#) will attempt to accomplish what has been done in Alberta: Provide regulators with statutory immunity from court challenge. This must not be allowed to happen.

Water use decisions can not be left to government and industry: Public concerns must be heard. There must be public representation on all water use advisory committees.

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Saanich BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:31 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act feedback

I am concerned that any new legislation and regulations protect aquifers used by homeowners for their domestic water supply.

There are numerous potential threats to the supply and the safety of such groundwater supplies (e.g. large extraction by other users, contamination from industrial or development activities or failure to appropriately decommission previously used wells) Although large projects that may affect groundwater might be subjected to review under the Environmental Assessment Act, there are myriad activities which by their cumulative nature have the potential to ruin the ground water supply needed by homeowners but such activities are not necessarily subject to any review/regulatory process which which can effectively deal with the threats.

In any municipality where some homeowners use groundwater for domestic needs, there should be groundwater protection plans developed, implemented, and monitored. Resources provided to municipalities for such projects would be a step in the right direction. It is not adequate for local groundwater protection plans to be at the whim of municipalities which may or may not have the interest or resources to concern themselves with such matters. Similarly there needs to be a mechanism to control activities in one municipality which can affect the groundwater aquifer serving an adjacent municipality's domestic water supplies. The leaking of toxic materials into an aquifer can affect groundwater for great distances away from the contaminant source.

I look forward to much better mechanisms in BC to protect our precious groundwater supplies and to be able to continue to use the well supplying my home.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:29 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I am extremely concerned about the equity of distribution of water rights and the impact on local economics and the environment. It is essential that the Water Sustainability Act ensures BC's water is used wisely and equitably in the interests of all our community and eliminates the obsolete "first in time, first in right" system. There should be an equitable balance between users and the environment avoiding conflicts and maintaining an abundant supply in the future.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:26 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

I am a rancher east of Williams Lake.

I support the objectives of the Water Sustainability Act, particularly around stream health. My primary concern is water for agricultural use.

I strongly believe that water rights should be reserved and tied to land within the Agricultural Land Reserve (ALR). In most cases, agricultural land requires water in order to be productive, whether for crops or livestock.

I also strongly support programs such as Environmental Farm Plans, and related government initiatives that help agricultural producers develop and use water sources in an efficient and environmentally friendly manner. In this regard, I think small dugouts that collect and store surface run-off water for livestock should be encouraged, and should be exempt from licensing and fees, similar to domestic wells. Larger dugouts that are used for irrigation may require a license. This should be determined in consultation with agricultural producers, such as the BC Cattlemen's Association.

Thank you.

Personal Identifiers Removed 150 Mile House, BC

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:20 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Thank you for the opportunity to provide comment.

I have provided a group comment via another opportunity, however, I would also like to make this submission as it is somewhat clearer.

Regarding a definition for "debris". I noted that there was not a definition for debris included in the glossary provided in the proposal. (The document itself did indicate some examples.)

Therefore, I am not positive as to what materials have or might be included within the definition for debris?

However, I would like to strongly suggest that any contaminated materials such as contaminated wastes or contaminated soils be **prohibited** from entering into streams or aquifers to be incorporated within the Act. Regardless of where the source might be coming from such as industrial activities. This unhealthy human activity of burying contaminated material in watersheds and aquifers should not be occurring, regardless if the province believes that they are regulating the activity under the Environmental Management Act.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:15 PM

To: Living Water Smart ENV:EX

Subject: Water itself HAS rights

The people and all living species LIVING in the Province of British Columbia have "natural" rights to fresh water that trump the "artificial" rights of corporations which are merely fantasy persons under archaic law. Therefore, FIRST and foremost, water in all its forms (rivers, lakes, streams, aquifers) must be respected and NEVER allowed to become polluted by corporations. Corporations must be held accountable to purify, recycle and clean all waters damaged by their operations or be held legally and financially liable for such damages. A clause must be incorporated into the "Water Sustainability Act" that disallows polluting corporations claiming bankruptcy in order to circumvent responsibility for damaging BC's precious water. Also, corporations MUST be required to pay the SAME rates for water as BC citizens. WATER for people is more important than water for non-sustainable fossil fuel industries. The time is now for political leaders to work FOR the people of British C!

olumbia and respect the needs and rights of First Nations concerning water in our province.

Personal Identifiers Removed

Port Alberni, British Columbia

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:09 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

To the Honourable Christy Clark, Premier British Columbia
Mary Polak, BC Minister of the Environment

I am concerned that the legislative proposal released by the BC provincial government for a new *Water Sustainability Act* for the province continues to place the interests of industry over those of the communities whose drinking water sources remain unprotected in the face of industrial action.

I would request that the Public Trust Document be enshrined into the new Water Act, with water recognized formally as a human right. More specifically I would request that all activities in watersheds used for drinking water be subject to final approval and control by affected local governments, First Nations and the Ministry of the Environment , and that protection of community drinking water sources and security of quality and quantity supersede all other land uses and legislation pertaining to land use, including but not limited to oil and gas, forestry, mining and other industrial activity.

Sincerely,

Personal Identifiers Removed

Gabriola BC

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:08 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Thank you for allowing input into the Water Sustainability Act Proposal.

Firstly water availability for agriculture should be the number one priority.

There needs to be adequate clean and secure water available for all sectors of agricultural production in all regions of the province, whether it is for crop production on private land within the ALR or for livestock grazing on Crown or Private land outside the ALR.

When the ALR was introduced it was short sighted not to include water rights for an adequate volume of water to be used for agricultural production on the land within the ALR.

The First In Time First In Right system is the only logical way to go, and food production has to have priority use, and also have the lowest cost for the use of that water.

Water that is used for irrigation and water that is used by livestock is returned to the environment in a condition that is relatively unaltered when compared to that which has been used by the Oil and Gas sector and many other industries.

Water used off-stream for use by livestock should be allowed without removing that volume from an irrigation license or requiring an additional water license.

Residential housing and subdivisions should not be allowed to reduce present or future water use by agriculture, and when drought conditions occur residential and cosmetic water uses should be reduced before agriculture is effected in all cases.

As the climate changes agricultural production and agricultural irrigation is going to have to move further northward, and government is going to have to begin to prepare for that scenario now by allocating more water for agriculture in the north.

The Oil and Gas sectors that inject massive amounts of fresh water deep underground and others who use water that is not returned to the environment in a condition that is suitable for agriculture use should be paying at least 20 times as much per liter for using that water as the amount that is charged for agricultural use.

Water metering should not be used except for those who are selling large volumes of water or are injecting it into the ground or otherwise destroying the water for future use.

Users who take less than 500 cubic meters per day should be considered small water users. When a water license holder uses less than their license allows, they should be rewarded instead of being penalized.

Instead of the government causing groups like Ducks Unlimited Canada and others to decommission dams and other water holding facilities through the fear of liability and high upkeep costs, the government should be providing meaningful incentives to maintain all existing water storage structures and encourage the development of more water storage capacity throughout the province.

Decommissioning water holding facilities destroys valuable habitat for wildlife, amphibians, and fish, and reduces water sustainability and often reduces the water table and storage capacity for groundwater.

Government should be looking to the future and the sustainability of water use and keeping the environment in good condition instead of the short term taxation benefits from charging for water use.

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 12:12 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

A Water Sustainability ACT,
MUST HAVE:

- Jurisdiction over all other BC Ministries, specifically Forests and Mining, to over rule ANY action taken to undermine water quality and misuses by polluting
 - Jurisdiction over polluters, severe consequences, from ceasing ALL work until any compromise in water is addressed and ratified as well with stiff fines.
 - Industrial Costs of water uses should be at least 10x the amount suggested, cost to increase ANNUALLY.
 - Research and Development Program to be developed for innovative systems to keep clean water clean. Areas would include gray water plumbing in home for toilets.
 - REGulate ALL new homes to be built with gray water systems.
 - Reward innovative industrial and home users on conserving water with grants.
- Rain water collection systems installation to be made affordable to residents

I live ***Personal Identifiers Removed*** where active mining is the main industry. However, the mine is blatantly polluting the water in our watershed since 2009. An attempt at a settling pond was made, but never maintained. Currently there are no consequences. ***Personal Identifiers Removed*** continues to pollute.

Personal Identifiers Removed

Van Anda, BC

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 11:59 AM
To: Living Water Smart ENV:EX
Subject: Comments on WSA Legislative Proposal

Personal Identifiers Removed Vancouver, British Columbia, Canada ***Personal Identifiers Removed***

November 15, 2013

Ministry of Environment
Water Protection and Sustainability Branch
PO Box 9362, Stn. Prov. Govt.
Victoria, B.C. V8W 9M2

Re Water Sustainability Act

The Proposals for the Water Sustainability Act lack policy coherence. The proposals lack effective risk assessment, risk management and risk governance. The proposals seems to lack some of the flexibility and agility that are among the core elements of environmental management.

The initiative does make progress in addressing transparency, accountability and effectiveness. But it is far from an acceptable document to address emerging water use conflicts, especially increasing domestic and industrial water use and supply uncertainties.

Areas of deficiency are:

- The Act in effect raises sustainable economic growth to be on par with sustainable ecosystem management
 - Lack of recognition and use of the ecosystem services style of environmental management as a basis for integrated environmental management
 - A clear and present risk that water use and water supply will be both overvalued and undervalued in different areas of British Columbia. Environmental valuation does not appear to be used as a policy basis.
 - Lack of clarity on the regulatory style. While it does aim to be open, transparent and accountable, there is some doubt that some of the market based management style will effectively manage our water resources.
 - Lack of effective governance, lack of new ways of compliance and oversight, and a lack of effective risk management.
- 1) One serious deficiency is that the proposals as structured, refer to sustainability without being succinct in the definition. My sense of the proposals is that the Ministry is describing sustainable economic growth as much as it is describing coherent sustainable ecosystem management. The primary function of an environmental regulator is clear but the aim of many recent regulatory proposals in British Columbia, as elsewhere, has been to elevate sustainable economic growth as an environmental policy objective on at least an equal standing to ecosystem management.

In my view, the legislative proposals should be transparent and accountable on how those policy differences are addressed.

- 2) The proposal, with its embedded economic growth aspect, is vague and imprecise as to how the public/private water use/property regime and transition between these two states is to be accomplished. The lack of a credible process for valuing water rights and water services will embed resource conflicts from the outset. No coherent dispute resolution process is identified.
- 3) I am not convinced that the Water Sustainability Act addresses ecosystem services. There is simply no clear assessment process for linking physical impact to social costs. In part, as above, the process for addressing water use and water supply values makes it particularly difficult to address ecosystem service valuation. Without that basis, there is still a high likelihood of water supply conflicts because of water valuation problems
- 4) The lack of systematic approach to water valuation is a critical deficiency. Water use results in direct and indirect costs and benefits for communities and the environment and water supports ecosystem services such as food production, biodiversity and climate change mitigation. Because market prices do not usually include costs of damages from excessive water withdrawal and pollution, environmental valuations that include externalities are frequently used as a basis for decisions and information in integrated water management. As far as I can tell, environmental valuations are not used as a basis for the Act proposals. A key deficiency
- 5) The Water Sustainability Act may not, in consequence, lead to an integrated framework for sustainable water management and sustainable economic growth.
- 6) There is a lack of effective governance arrangements. While the proposals do delegate some responsibility and management to water users, it is by no means clear how the delegated functions are to be monitored. The advent of risk based or evidence based environmental management is to be welcomed but that will only be effective if a fresh, risk based and effective compliance and enforcement regime is put in place. There is no evidence that the compliance system has been designed to make the behavioural changes needed to make the new Act effective. Where for instance, is there provision for enforceable undertakings as a licence requirement, or, alternately, independent appraisal by professional qualified persons ?
- 7) For all the stakeholders involved, there is a need to know how the Ministry will address current and potential risk management issues as there seems to be a dearth of risk governance and risk oversight (especially climate change implications). This may be a fruitful area for the Act and the accompanying regulations to address.
- 8) For the Water Sustainability Act to be effective, there has to be an open, transparent and accountable structure with some of the issues more properly addressed at a regional or catchment level. The process or mechanics for devolution of management seems sparse or lacking.

Yours sincerely

Personal Identifiers Removed

Vancouver, B.C.,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 11:57 AM
To: Living Water Smart ENV:EX
Cc: concernedtexadans@googlegroups.com
Subject: Water Sustainability Act

Dear Board Members , Water Protection Branch,

We are very concerned about the quality of drinking/ domestic use water

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Personal Identifiers Removedfor the past two years we have had a boil water advisory from May to October. Tests have shown that the nearby Van Anda watershed contains heavy metal contaminants.

This is not acceptable The ***Personal Identifiers Removed***limestone quarry is contributing to these contaminants in our water.

The proposed plans for open air storage of 8-12 million tonnes of low grade thermal U.S. coal at the quarry site will definitely exacerbate the health hazard to our surface/ ground water.

Personal Identifiers Removed plan to minimize coal dust is to wet down the stockpile with our finite water supply Their plan for toxic waste water run-off is uncertain.

Not only is human health at risk, but the survival of the rare, endangered stickleback fish is also threatened.

We urge you to monitor, restore, and protect our precious waterways ***Personal Identifiers Removed***

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:56 AM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Premier Clark,
Minister Polak,
Living Water Smart Team,

Please consider the following comments regarding the latest draft proposal for the Water Sustainability Act (WSA).

Standards to protect water for fish, wildlife and stream health must be legal. Guidelines are not good enough.

Likewise, our provincial water objectives must prioritize water for fish, wildlife and essential human uses. These objectives **MUST** apply to all industries, including forestry, oil and gas (which includes fracking) and other industries.

Water Licenses need to be reviewed at least every 10 years.

You must increase the level of public participation regarding water licenses, as your level of public servant knowledge for local areas has been degraded over the last decade. Please revise the process to enable increased public participation.

Lastly, please include an explicit statement that any private right to use water does not harm the public's interest.

Thank you for protecting water for nature.

Sincerely,

Personal Identifiers Removed

Golden, B.C.

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:45 AM

To: Living Water Smart ENV:EX

Subject: Response to BC Government's Water Sustainability Act for BC Legislative Proposal

Dear Honourable Mary Polak, Minister of the Environment,

I was born in this beautiful country ***Personal Identifiers Removed*** and have been a British Columbia resident for ***Personal Identifiers Removed***. I love my country.

I have read the "Water Sustainability Act for BC Legislative Proposal" and wish to record my thoughts on it: some concerns and some recommendations.

Environmental Flow Needs will be "considered" in new decisions on water allocation. Change "considered" to "enthroned".

Water allocation in time of scarcity has been "First-in-Time, First in Right" and is preserved in the proposed new legislation. In times of scarcity, all user groups need to face proportional cutbacks, and human health concerns need to be prioritized. This should apply to users that already hold licenses and for all new licensees. This needs to apply to both surface water and ground water.

Omnibus Bill C-38, has weakened Section 35 of the federal Fisheries Act. This section requires habitat officers to assess and approve a project before work commences. With Bill C-38 the budget for habitat officers has been cut by 50%. Recommendation: implement Water Management Plans across the province to effectively replace the loss of the habitat officers.

Reform the Riparian Areas regulations in the Fish Protection Act, apply them to all regional districts in BC and provide the funds to enforce them.

Requiring large-volume users to measure & report their usage needs to have government scrutiny and enforcement.

Sincerely,

Personal Identifiers Removed

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:44 AM

To: Living Water Smart ENV:EX

Subject: Forward thinking

Thank you for offering a forum for the public to engage in this important conversation.

I feel the current government has neglected every aspect of our duty to protect the environment for future generations. The idea to balance budgets on something like Fracking, which will destroy the water sources for many communities is shameful and unethical.

Please consider more sustainable practices as to not poison communities, and the land for years to come.

Thank you again,

Personal Identifiers Removed

Vancouver BC

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From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 11:43 AM
To: Living Water Smart ENV:EX
Subject: Overhaul This Water Act - Wake Up BC!

Recommendation #1: Protect the public trust

For more than a century, B.C.'s water has been "vested" in the Crown and water users. But while the public owns B.C.'s water, it's not managed in the public interest under the current law. More disappointingly, that won't change dramatically under the proposed water sustainability act.

What's missing is something that other jurisdictions around the world are embracing: Recognition of the public trust doctrine, which explicitly declares that water is owned by the public and must be managed on the public's behalf. This means that private rights to use water are ultimately subordinate to the overall public interest.

Three years ago, Quebec declared that water is part of the "common heritage" of the province and created a duty on every person to protect it. The Northwest Territories recognized the "public trust" and the need to protect the environment (including water) for present and future generations.

California recognizes that the people have "a paramount interest" in water and that the state shall determine what water can be converted to other uses or controlled for public protection. Washington State recognizes that water belongs to the public and proposed water uses must be measured against the public interest.

In South Africa, the government is the "public trustee" of the nation's water resources and "must ensure that water is protected, used, developed, conserved, managed and controlled in a sustainable and equitable manner." And the examples go on and on.

This overwhelming trend makes B.C.'s refusal to recognize the public trust or require that water be managed in the public's interest all the more glaring. The B.C. government hasn't explained for whom it believes it is managing the province's waters, but clearly, it's not the public.

Recommendation #2: Give the public a voice

Under the proposed water sustainability act, water is going to be managed, for the most part, without the public input.

On the positive side, the proposal seems to open the door to watershed management at the local level by creating the power to delegate decisions. But we still need a commitment that local residents will be able to participate in the process when decisions are delegated.

There are also no commitments to include the public in a number of key processes, such as reviewing existing licences, setting "water objectives" (which will guide a range of land-use decisions), establishing environmental flows, creating area-based regulations (which may tighten standards at a local level or address regional water scarcity), and designing water efficiency standards -- just to name a few.

And for the most important decisions, the public will be shut out completely. When someone applies for a licence to take water, there will be no requirement of public notice and no opportunity for the public to participate in the decision.

The regressive nature of the government's position on this issue cannot be overstated. Public participation in this type of decision-making has been a given for decades in environmental law.

Recommendation #3: Establish fair return on water

There was considerable hue and cry this summer when the public learned that Nestlé pays nothing for taking millions of litres of groundwater in B.C. The reason? The Water Act only regulates surface water.

Although one of the bright spots in the proposed water sustainability act is that groundwater users will finally be brought into the system, if water rates remain at their current level, Nestlé would still only pay around \$265 for the 319.5 million litres it bottles at its Hope, B.C. plant each year. Meanwhile, a Lower Mainland family of three in would pay, on average, about \$650 per year for the tiniest fraction of what Nestlé uses.

Running the administrative system for water use in B.C. is expensive, but user fees fail to even cover the cost of running the system, which means that the public is subsidizing the water use of major commercial interests. Water users also pay nothing for the environmental damage they cause.

Clearly, this is an opportunity to increase industrial water-use fees, which can be used to support water governance and environmental remediation instead of being absorbed into the province's general revenue.

Wake up BC - do something positive about protecting BC's water in the **public** interest!

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Kelowna, BC ***Personal Identifiers Removed***

From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:41 AM

To: Living Water Smart ENV:EX

Subject: Fwd: Water Sustainability Act

TO: BC Liberal Government Province of British Columbia

In addressing the issue of the provincial government's Water Sustainability Act proposal I would first like to ask if the government has any idea what the word "sustainable" really means? It would appear this has been a question that has dogged political party ideology, elected representatives and bureaucracy

The answer is not difficult when all ideologies, including political ones, are tossed out the window. Simply stated, break the word down...sustain – ability, the ability to sustain.

It's simple. There are either the resources to continue along the line of non-stop growthism and business as usual, in this case water concerns, or there are not.

I would also like to ask just who compiled and wrote this document? There are no references included as to just how the conclusions contained therein were made or by whom.

The proposed Water Act is not sustainable as it places industry ahead of community and, in this age of corporations having no loyalty to the communities they strip of resources, it is hardly likely there will ever be any accountability from them as to the common good. The top priority of corporations is to make money regardless of the destruction they leave in their wake.

The BC Liberal government took three long years to bring this document to the light of day then slapped a one-month deadline down for response to it. This is not only unreasonable but also entirely dictatorial and unfair to the public. What's the rush? More time is required beyond a month to formulate a meaningful response. I have been in contact with the Chair of the Cowichan Valley Regional District and he noted that they too have requested an extension on the imposed deadline to December 15th, 2013. I would humbly suggest that the deadline be further extended to March 1st of 2014.

There is lack of clarity throughout the proposed Water Act as it is vague while focusing on airy-fairy, feel good language. It also glaringly lacks any commitment to the Public Trust Doctrine.

Having insufficient time to delve deeply into the proposed Act, following is a short list of what needs to be included in this Act in order for it to serve the good of the commons.

- There is no mention of watershed protection. Watersheds are the source of all downstream water. Watersheds need to be restored as, on Vancouver Island for one example, watersheds have been stripped of all water-retention growth. The privately owned land on Vancouver Island (over 1.43 million acres) owned by two major logging companies all lay within drinking watersheds and are in serious trouble as the logging companies morph into development companies with full intention of selling off the land

in the watersheds for residential development. This action is unprecedented in its loss of all foresight and accountability to reason.

- Protection of source water should be enshrined in the Act and the Water Act should take precedence over all other land uses and related acts (Forestry and Mining Acts, etc.)
- Local communities must have local control to protect and manage their community drinking water supplies.
- Ground water and surface water are interconnected and should be treated as one in the Act.
- Environmental Flow Needs (EFN's) must be included in the Provincial Water Objectives
- First in Time First in Right (FITFIR) must be removed and a modern water rights model adopted.
- Exemptions from the Act must not be given to industrial sectors including the oil, gas, mining and forest industries.
- Water is a human right and the Public Trust Doctrine should be embedded within the legislation.
- License reviews periods should be shorter - every 5 to 10 years.
- Water resources need to be mapped and quantified to guard against over-use.

The BC Provincial government must take their responsibility to water as a public trust seriously. Added to the equation is the fact that society is facing down climate change and there has been no mention at all in the document as to the effects climate change will have on our province and on our sources of water.

In closing, the proposed Water Sustainability Act as written is inadequate, vague, lacking in clarity and blatantly favours industry over the good of the commons. It is unacceptable.

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Bowser, BC ***Personal Identifiers Removed***

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From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 11:37 AM

To: Living Water Smart ENV:EX

Subject: water sustainability act public comments

It is imperative that local residents decide on corporate use of water, not bureaucrats nor politicians.

There should be a moratorium on water use for fracking until a full referendum on whether or not the people of bc want to allow this practice or not.

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north saanich, bc

From: ***Personal Identifiers Removed***
Sent: Friday, November 15, 2013 11:33 AM
To: Living Water Smart ENV:EX
Cc: Simons.MLA, Nicholas LASS:EX; hgrewal@canadians.org
Subject: Submission, Water Sustainability Act

Please find attached my submission to MOE regarding A water Sustainability Act for BC: A Legislative Proposal.

Thank you

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Ministry of the Environment

RE: Draft Water Sustainability Act

I strongly agree with the first sentence of the Executive Summary and thus the premise for the new Water Sustainability Act that “Water is British Columbia’s most important natural resource”. It is very important that the Government is modernizing the old Water Act as actions over the past 100 years added to the unknown future in regard to climate change and fresh water sustainability makes this carefully thought out exercise critical to the citizens of this province now and into the future.

I have been extremely concerned about the lack of regulation in regard to ground water and am reassured to see that its consideration is included in the document. I would like to address concerns that I still have in this regard, then speak to other areas of the Legislative Proposal that I would also like to see changed or strengthened.

1. Groundwater.

It has long been a concern of mine that the extraction and use of groundwater in B.C. has not been regulated, has not required a licence and has not had a fee applied to its use. This concern began at the time that the Sumas Energy-2 project was being considered by the NEB in regard to its tie-in with B.C.’s transmission lines. During that discussion it became clear that a tremendous amount of water was in play should the U.S. power plants become a reality. The water would come from the Sardis-Vedder Aquifer and a huge negative impact was projected on the residents, farmers and businesses in that area. That concern was eliminated but a further exists in the shape of Nestle Bottling Plant in Hope. Several of my concerns can be addressed by using this gigantic multinational as an example. According to Ms. Polak, Nestle draws 71m gallons/year from the aquifer. While under the proposed new act it will finally pay a licensing fee, the projected \$265 fee could not possibly cover the costs involved with the new regulation and monitoring if they are to be effective and not just given lip service. Regarding pricing structure for drawing water, John Challinor of Nestle has stated that “he wants to see B.C. lead the way by creating a cost framework that’s based on a thorough cost analysis” (ecology.com 11/11/13). This should apply not just for Nestle, but for all sectors and industries that use our fresh water. In addition to the monetary costs involved, do we fully know the impact of this huge withdrawal of water on the whole system? Do we know that Nestle, again, as an example, will reduce the amount of water it takes in times of drought? The company fought this MOE condition in Ontario. The rights of corporations over that of citizens is a major concern when we are dependent on this critical resource every day into the future. Entitlements associated with water licences should not be treated as rights but as usufructory. I am very concerned that extending FITFIR to groundwater, and, for that matter, to new surface water licenses, just continues a system that could be very

problematic into the future as drought, climate change and unknown new demands impact our water supply. **I urge you to include in this new Act, a strong provision for water usage to be tracked by an independent agency or auditor, and an equally strong provision for the ability of the province to alter water usage if circumstances warrant.** This would include all of the fresh water in the province with no exceptions for Oil and Gas and Forestry, as appears to be implied in the document.

2. Water as a Public Trust

Many submissions in response to this legislative proposal view water as a human right. I strongly agree with these views and quote the Council of Canadians position: “Water as a human right means that every person has a right to clean and adequate water for drinking, sanitation and basic household use. Water as a commons would mean our watersheds are to be shared, protected, carefully managed and enjoyed by all who live around them. Water as a public trust means that water including groundwater, belongs to communities and cannot be privately owned or controlled.” Further, if the government were designated as trustees of water as opposed to owners “the government cannot sell or commodify water but can promote a stewardship role to avoid direct conflict with proven and inherent title and rights of indigenous people”.

3. Environmental Flow Needs

I am very concerned when I read in your draft document that “The application of broad Environmental Flow Needs could potentially limit development and/or economic opportunities”. I submit that protecting environmental flows would have the opposite effect and is becoming increasingly a “best practice” by international jurisdictions. Healthy, functioning, sustainable watersheds require clear, binding rules not just guidelines. Those making industry decisions regarding water usage, for example, see it from their own needs and perspectives and often do not look at the cumulative effect of water drawing in their decision making processes. Oversight is critical. Standards are critical. Involvement of the public in licensing applications and public hearings where appropriate is also critical.

I appreciate the opportunity to have input into the Water Sustainability Act. Our children and our children’s children need to know that the B.C. Government in concert with citizens has protected water – “our most important natural resource” – by ensuring through on-going public input, strong regulations and realistic fees that our water is conserved and remains clean and healthy long into the future.

Respectfully

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From: ***Personal Identifiers Removed***

Sent: Friday, November 15, 2013 10:44 AM

To: Living Water Smart ENV:EX

Subject: Comment on Water Sustainability Act

Dear Reader,

Thank you for the opportunity to provide input on the Water Sustainability Act.

As one of many thousands of BC residents who live in or near river valleys, our major concern is the sustainability of a clean supply of water to the river.

My wife and I live ***Personal Identifiers Removed***, a tributary of the ***Personal Identifiers Removed*** that flows into the Columbia River. The health of our river depends on the amount of clean water that makes its way into the valley bottom. Upstream clear cut logging, increased mining (without adequate environmental controls), irresponsible recreational use have all had an impact on the ***Personal Identifiers Removed***. Once considered a pristine river, over the past several years ***Personal Identifiers Removed*** has experienced many days and weeks where it turns brown from upstream runoff. The worst incident was when our river ran black for several days as a result of a tailing pond spill from the coal mine above ***Personal Identifiers Removed***. If this is the sign of the future, there is little hope for the long term health of the ***Personal Identifiers Removed*** and the other rivers it feeds.

The other major concern is the amount of water that is being removed from the aquifer that supplies the rivers. The aquifer is the reservoir that the rivers rely on and needs to be given first priority by the government of BC. As I understand it, water pumped directly from the river requires a permit which provides a certain amount of control. Drilled wells also require a permit but their numbers are not controlled. Unlimited and increased drilling for water from the aquifer is unsustainable and irresponsible. This issue needs to be addressed immediately.

Sincerely,

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Princeton, BC ***Personal Identifiers Removed***

Ministry of the Environment
Water Protection and Sustainability Branch
Box 9362, STN PROV GOVT
Victoria, BC V8W 9M2

November 10, 2013

RE: WATER SUSTAINABILITY ACT, 2014

Thank you for the opportunity to respond to the proposed Water Sustainability Act, 2014. I am impressed with the overall proposal, but feel that there are areas that need stronger language.

PRIORITY #1 ENVIRONMENTAL FLOW

Unpolluted water for humans and non-human life is of utmost importance. Establish **standards not guidelines** for environmental flow needs. This part of the legislation needs to apply, both to existing and new water allocations. No existing businesses should be “grandfathered” in this legislation.

The hydrologic system depends on a healthy landscape. Deforestation or the lack of good forest practice is causing escalated and more rapid runoff resulting in increased water temperatures and more silt through erosion. Although, logging does not use water in its operation, nevertheless, it has a huge impact on water courses, small and large. Watersheds are affected by environmental flows, so the need to maintain a healthy environment is essential.

Most importantly the public should be involved in decision making when it affects their watershed.

PRIORITY #2 USER PAY and LICENSE REVIEW

Explicitly, recognize water licenses as temporary “use” rights not permanent or property rights. Water (ground and surface) users should not only pay for a license and an annual fee, but also pay a realistic price for the consumption of water. Fee schedules should be applied to existing and new licenses. Water is a valuable resource, more so than other resources, such as gas and oil, and this should be reflected in the price. How about \$.20 per 1000 litres of water. This will protect our water and reflect how important it is to our existence and to the health of the planet. Advisory groups for surface and groundwater use should be composed of independent members from the scientific community as well as from the public. A differentiation should be made between groundwater and aquifers. The terms should not be used interchangeably. It needs to be remembered that water although a renewable resource can also be a finite one. We do not know what forces will affect it in the future.

Water licenses should be reviewed at least every ten years instead of the now thirty years, even five years is more realistic in keeping abreast of immediate developments that may be detrimental to a healthy water supply.

PRIORITY #3 BENEFICIAL USE

What does “Beneficial Use” mean? The phrase needs defining. It should include environmental flow needs, standards not guidelines, an improved definition that encompasses a broader set of community, social, and environmental benefits.

PRIORITY #4 USE OF WATER FOR EXPORT

Large industrial operations as well as multinational corporations who export water products such as Nestle must measure, record and report their water use and related information. These operations should pay for their consumption of water and the price charged reflect the importance that we place on water; the dollar figure tossed about at present certainly does not do that. Our portable water should never be considered as a commodity for economic gain by multinationals.

No privatization of water systems or water utilities, as being considered by Canada and EU under a CETA contract, should even be contemplated.

Yours sincerely,

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cc. Premier Christie Clark, Hon. Mary Polak, Hon. Jackie Tegart MLA, Brad Hope, RDOS
Director of Area H, Mayor and Town Council

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, Princeton, BC ***Personal Identifiers Removed***

WATER SUSTAINABILITY ACT,
MINISTRY OF THE ENVIRONMENT,
WATER PROTECTION AND SUSTAINABILITY BRANCH
PO Box 9362 STN PROV GOVT,
Victoria, BC V8W 9M2

November 13, 2013

Re: Water Sustainability Act for BC: A Legislative Proposal

I welcome the drafting of a new Water Sustainability Act. Consultation with First Nations is, of course a priority, especially in areas with fisheries. However, my priorities do not relate to fisheries economy as the Similkameen watershed is not salmon producing due to the waterfalls and dam at Oroville, Washington.

The entire Similkameen Watershed has been devastated by Pine Beetle, Spruce Budworm and Spruce Bark Beetle resulting in massive clear cuts. My areas of concern are small drainages, intermittent creeks, wet areas, sloughs, even actual running creeks that have been totally logged with no riparian zones at all. Thus, we have vast areas where run-off is increased, and resulting water temperatures must be higher. The water also carries a higher silt load, and the vegetation of the lower forest storey has gone. Plants like Trapper's Tea and huckleberries can no longer exist without the damp and shade. The mycelium of fungi that helped trees grow has died out; even Western Red Cedar and Mountain Hemlock, remnants of a damper era, grew in our hills but are now gone forever.

A clearcut doesn't only affect the trees; they are only the most obvious victims. We need much more observation and policing by independent bodies due to the lack of importance given to drainage, ground and surface water by the logging companies. Damp areas must be protected by leaving all species in place for at least ten meters. We know so little about the interaction of the literally thousands of species of flora and fauna, lichens, ferns, rushes, grasses, reeds, sedges, and all manner of fungi, saprophytes, and bacteria. **The hydrologic system that nurtures, supports, and is interdependent in all living things, works through the forest.**

The falling rain moves through the life of the forest into the damp areas, then small creeks, then into rivers. By clear cutting vast areas of forest, we cut out all the intervening lifeforms, and allow water to rapidly leave the cut block carrying with it nutrients, minute soil particles, increased temperature increased flow rate into the hydrologic cycle with largely unknown effects.

Yours truly,

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cc Hon. Christy Clarke, Hon. Mary Polak, MLA Jackie Tegart, Brad Hope RDOS Area H, and Mayor and Town Council

From: ***Personal Identifiers Removed***
Sent: Wednesday, November 13, 2013 10:01 AM
To: Living Water Smart ENV:EX
Subject: BC's Water Act response

These are my responses:

1. Environmental flows.

We need: a scientific definition and commitment to ensuring the protection of water flows for fish and other environmental values.

2. A commitment to shared watershed governance.

We need: A clear mandate and the resources for local watershed groups to engage in watershed governance.

3. Public rights over private interest.

We need: an explicit statement that any private right to use water cannot harm the public's interest in water resources.

4. Water objectives that protect water for nature

We need: Provincial water objectives to prioritize the protection of water for nature and to guarantee that environmental flows are enforceable and apply to all sectors equally – no exceptions for forestry, oil and gas, or other industry.

5. Water license reviews

We need: new water licenses to be reviewed more regularly than every 30 years. We need to build in the flexibility to adapt to our changing climate. And current water licenses must undergo a review to address future water needs and First Nations rights.

6. Water use fees must make public 'cents'

We need: appropriate fee schedules for groundwater and surface water that support responsible management and allow communities to engage in local watershed planning.

7. Public Participation in Water Licenses

We need: increased public participation in the granting of our water licenses. The public deserves the right to review water licenses and monitor the impact on environmental flows.

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Vancouver BC

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