

From: Ben Chalmers [bchalmers@mining.bc.ca]
Sent: April-30-10 5:35 PM
To: Living Water Smart ENV:EX
Subject: Comments from the Mining Association of BC on the Water Act Modernization Discussion Paper
Attachments: MABC comments on WAM discussion Paper, April 30, 2010.pdf

Dear Living Water Smart Team,

Please find attached a letter providing comments from the Mining Association of BC on the recently published Water Act Modernization Discussion Paper. MABC looks forward to further engagement on this important subject, if you have any immediate questions regarding the letter please contact me at the coordinates below.

Cheers,

Ben

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April 29, 2010

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Water Act Modernization
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Via Email: livingwatersmart@gov.bc.ca
(Original to Follow by Mail)

Dear WAM Innovation and Planning Team,

The Mining Association of BC (MABC) is pleased to have the opportunity to comment on the Water Act Modernization (WAM) Discussion Paper. MABC represents companies involved in the exploration and development, mining and smelting of minerals, metals, coal and industrial minerals in British Columbia.

MABC believes that BC's supply of clean fresh water is a tremendous resource that will provide benefits to society for years to come and should be protected and maintained for the benefit of future generations. We also believe that predictable access to water is a competitive advantage that we can use to help build a strong BC economy and will help reinforce the renaissance that is currently underway in BC's mining industry.

The Business Council of BC (BCBC) recently submitted a response to the WAM discussion paper to the Ministry of Environment and MABC would like to take this opportunity to put our full support behind the opinions expressed within the BCBC submission. In addition to broadly supporting the BCBC submission I would like to draw your attention to a few key aspects of the discussion paper that are of significant importance to MABC:

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- MABC fully agrees with the BCBC that the list of principles is incomplete and needs to include certainty to existing holders of water rights and that new rules should balance and respect the needs of all water users, including the needs of industry;
- MABC believes that Goal #1 Objective 3 regarding dumping prohibitions is unnecessary and would not provide any added benefit to the regulatory environment that is already in place under both the federal *Fisheries Act* and BC's *Environmental Management Act*. Adding a third overlapping framework would add a further layer of complexity making it even more difficult to comply without adding any benefit to water protection;
- Goal #2 suggests three options for improved water governance - MABC firmly supports maintaining a centralized approach to water management. This is critical for maintaining consistency and certainty, with respect to water access, across the province;
- Goal #3 Objective 1 proposes additional responsibilities to water users that suggests individual users be responsible for undertaking detailed studies of the watershed and potential impacts on other stakeholders. This proposal in combination with the proposal that users would be responsible for obtaining the consent of potentially affected parties is of concern to MABC. Regulators, not individual water users, should be charged with the task of balancing competing interests to water rights; and
- Goal #3 Objective 3 suggests alternative options for imposing water restrictions during temporary water scarcity. MABC is of the view that the most transparent and equitable method for prioritizing water access would be to designate essential, important and non-essential categories.

MABC is eager to work with the Ministry of Environment in whatever way possible to ensure that the modernization of the Water Act is successful in ensuring the long term sustainability of our water resource while maintaining predictable access to that resource to help build our economic future.

Thank you for the opportunity to comment on this important issue.

Sincerely,



Ben Chalmers,
VP, Environment and Technical Affairs
Mining Association of BC

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