

**From:** Rod Bealing [rod.bealing@pfla.bc.ca]  
**Sent:** May-10-10 2:43 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** info@pfla.bc.ca; Minister, ENV ENV:EX; 'Rod Bealing'  
**Subject:** RE: Water Act - Private Forest Landowners Association submission  
**Attachments:** PFLA submission re proposed Water Act modernisation 3004.pdf

To whom it may concern,

Please find a response from the Private Forest Landowners Association (PFLA) below and attached.

Please do not hesitate to contact me in the event that you have any questions or comments.

Thanks,

Rod

*Rod Bealing*  
Executive Director  
Private Forest Landowners Association  
ph: (250) 381 7565  
cell: (250) 661 5260  
fax: (250) 381 7409  
[www.pfla.bc.ca](http://www.pfla.bc.ca)

## PRIVATE FOREST LANDOWNERS ASSOCIATION

PO Box 48092  
RPO Town & Country  
Victoria, BC, V8Z 7H5  
ph: (250) 381 7565  
fax: (250) 381 7409  
[rod.bealing@pfla.bc.ca](mailto:rod.bealing@pfla.bc.ca)

April 30, 2010

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

Via Email: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)

Dear Sirs,

### Re: British Columbia's Water Act Modernization Discussion Paper

The Private Forest Landowners Association (PFLA) appreciates the opportunity to comment on the Ministry of Environment's proposed *Water Act* Modernization ("WAM") Discussion Paper.

PFLA represents large and small private managed forest operations in the Interior and on the Coast of British Columbia. PFLA is proud of our strong track record of promoting the responsible stewardship of private forest lands and PFLA members, staff and contractors work closely with your ministry on promoting regulatory awareness, regulatory compliance and Best Management Practices. PFLA members own 97% of BC's private managed forest land, over 2 million acres.

As a general rule, changes to the *Water Act*, and related regulations and policies should:

- provide clarity rather than confusion;
- not conflict with objectives or requirements found in the existing federal and provincial statutes;
- be premised on a results based approach rather than being overly prescriptive;
- minimise negative impacts to private property rights and the value of private land and include compensation provisions for regulatory takings;
- provide exemption opportunities where warranted.

### Policy Intent

The primary function of the *Water Act* is to allocate and regulate the diversion, storage, and use of water." These objectives must remain central to any proposed amendments.

Feedback throughout the consultation sessions and blogs includes some support for "ecosystem management" potentially occurring through the *Water Act*. We strongly urge MoE to recognise that a wide variety of legislation, regulations and policies are in place and functioning effectively to address upland and ecosystem values. We encourage MoE to recognise that inserting broader policy objectives into the *Water Act* risks confusing and complicating the diversion, storage, and use of water and would add an additional layer of cost and complexity to the management of broader environmental values.

Directly related to this principle, the inclusion of Water Quality Objectives (WQO's) into the *Water Act* needs to be very critically analysed, because WQOs are currently established to address ecosystem targets, not the diversion, storage, and use of water. WQOs are appropriate and effective tools, but not in the *Water Act* framework.

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### Local government and Provincial government

Another theme noted in the feedback is that some local governments have expressed an interest in acquiring more control of land use within watersheds. Official Community Plans and other local government landscape management mechanisms are not efficient, familiar, or resourced in tending to landscape units (watersheds) that often only partially include their jurisdiction. Relying more on local governments for watershed scale initiatives would require substantial expenditure and risk management decision making at the local government level in addition to requiring local governments to attract and retain expert staffs and acquire or divert often scarce resources. There would be a significant cost to local government and a high level of duplication between the province and local government. Water is a provincial resource and as such it is at the provincial governmental level where it is best overseen.

### Administration

The current system of notification for simple projects and approvals for complicated projects is reasonable as long as turn-around time for notifications remains reasonable. This turn-around time or "waiting period" is currently 45 days. Ideally, this could be reduced to 10 business days if responsibilities for these "small/simple" projects were assigned to a professional engineer that designed the project. Furthermore, as noted below, opportunities for the inclusion of other professionals into *Water Act* implementation and enforcement should be considered.

### Professional Reliance

Comments were made during the consultations about the enforcement of the *Water Act* and other regulations that contributors thought were related to the purpose of the *Water Act*, particularly for environmental values (e.g. *Fish Protection Act*, *Federal Fisheries Act*, etc...). The *Water Act* currently relies heavily on Professional Engineers to apply science and ethics to decisions related to water use decisions. Strengthening accountability in the *Water Act* through more assignment of responsibilities to professionals (including other professions) is an efficient and adaptive way to promote compliance and accomplishment of policy goals compared to complex and costly prescriptive legislation.

### Recognition of existing Acts, Regulations and Policies

For the purpose of Private Managed Forest Land, the *Private Managed Forest Land Act* (PMFLA) should feature more prominently because of the high proportion of community water source areas that are managed under this legislation. The MoE was closely engaged at the highest level during the development of the PMFLA to ensure effective compatibility between it and other pieces of legislation and regulations that are MoE's responsibility. We assume that the *Private Managed Forest Land Act* has been omitted by error from legislative example lists used in the literature for the *Water Act* Modernization process. Reference is made to *The Dike Maintenance Act* and *The Navigable Water Protection Act*, but the *Private Managed Forest Land Act* was omitted. See: [http://www.env.gov.bc.ca/wsd/water\\_rights/overview\\_legislation/index.html](http://www.env.gov.bc.ca/wsd/water_rights/overview_legislation/index.html)

The PFLA appreciates the opportunity to comment on the Ministry's plans with respect to *Water Act* Modernization. We look forward to further dialogue and cooperation on this important matter.

Yours sincerely,  
(ORIGINAL SIGNED)

Rod Bealing.  
Executive Director

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**From:** Rod Bealing [mailto:rod.bealing@pfla.bc.ca]  
**Sent:** May-05-10 1:11 PM  
**To:** 'livingwatersmart@gov.bc.ca'  
**Cc:** 'Rod Bealing'; 'info@pfla.bc.ca'; 'env.minister@gov.bc.ca'  
**Subject:** Water Act - Private Forest Landowners Association submission

Good afternoon,

The Private Forest Landowners Association (PFLA) represents private managed forest land owners in British Columbia.

We have a keen interest in the regulation of water-related matters, and a strong track record in promoting and achieving the responsible stewardship of BC's private forest lands.

Regrettably, we were not aware that there was a consultation process underway related to a proposal to modernise the *Water Act* until recently.

The PFLA is in the process of completing a written submission, but we note that your deadline of April 30<sup>th</sup> for receiving feedback has passed.

Please can you kindly advise what our options are for providing input to this process?

Thank you,

Rod

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[www.pfla.bc.ca](http://www.pfla.bc.ca)

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