

**From:** Deane Richard TRAIL [Richard.Deane@teck.com]  
**Sent:** April-30-10 5:45 PM  
**To:** Living Water Smart ENV:EX  
**Subject:** Water Act Modernization - Teck Submission  
**Attachments:** WAM - Apr 30 10.pdf

Please find attached a submission from Teck Resources Ltd. regarding the Water Act Modernization Discussion Paper.

Regards,

Richard Deane

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April 30, 2010

Via Email: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)  
(Original to follow by mail)

Water Act Modernization  
Innovation and Planning Team  
Ministry of Environment  
PO Box 9362 STN PROV GOVT  
Victoria, BC, V8W 9M2

**Subject: Water Act Modernization Discussion Paper**

Teck Resources Ltd. ("Teck") is pleased to submit comments regarding the Ministry of Environment's Water Act Modernization Discussion Paper.

Teck is a diversified resource company committed to responsible mining and mineral development with major business units focused on copper, steel making coal, zinc and energy. In British Columbia Teck's Operations include:

- Highland Valley Copper
- Coal Mountain Operations
- Elkview Operations
- Fording River Operations
- Greenhills Operations
- Line Creek Operations
- Trail Operations (including the Waneta dam)

In total these operations employ approximately 5500 people and are significant contributors to the BC economy. Our operations rely on water for consumptive and non consumptive uses.

We have reviewed the Discussion Paper and note that the options set out are high level in nature and not delineated in sufficient detail to allow for thorough analysis and feedback.

However we would like take this opportunity to provide the following general comments:

1. **Sustainability:** The sustainability of BC's water resources is critical to the sustainability of Teck's existing operations in BC and the potential development of new operations in BC. We believe properly implemented modifications to the Water Act can achieve environmental and social objectives as well as support sustainable economic development.
2. **Certainty:** Large industrial operations require significant long term investment. Regulatory certainty, consistency, and clarity are essential. Modifications to the Water Act must provide continued certainty to existing holders of water rights and protect their interests. Business arrangements and investments are based on the current system and any changes could be very disruptive.

3. **Flexibility:** The Discussion Paper suggests that the existing first-in-time first-in-right system could be modified to provide decision makers with the flexibility to adapt to changing environmental, economic and social conditions. In the case of our operations significant capital investments have been made based on the existing priority of water licences. Any changes could be highly disruptive and undermine the viability of existing industrial operations.
4. **Delegating Water Management:** The Discussion Paper suggests sharing or delegating water management functions and decisions to a watershed or regional scale agency. Teck supports retaining the current centralized administration of the Water Act. Delegating authority to local partners or creating an entirely new system of regional water authorities is a concern.
5. **Additional Enforcement:** The Discussion Paper suggests that stream health and fish habitat could be better protected if the Water Act contains additional enforcement powers in addition to those that already exist in the federal Fisheries Act and the provincial Environmental Management Act, in respect of dumping of materials in or near streams. In this regard Teck already complies with federal government and provincial government regulations. We believe that the current provincial and federal legislation provide adequate protection of streams from dumping.
6. **Transferability/Economic Incentives:** The Discussion Paper sets out proposals for encouraging water conservation through economic incentives including improving the transferability of water rights from one user to another and the extension of rights to other purposes. Flexibility is important but we would caution against permitting licencees to unilaterally transfer entitlements for commercial gain.
7. **Temporary Scarcity/Hierarchy of Use:** The Discussion Paper suggests a number of options to address temporary scarcity such as regulator discretion, pro-rata sharing and a hierarchy of use. One example of a hierarchy of use in the Discussion Paper puts human and animal needs ahead of other categories such as industrial use. A simple hierarchy such as this may be problematic. Industrial users may need access to some water during periods of scarcity for environmental control, to prevent damage to equipment, and to maintain the viability of long term operations.
8. **Consumptive/Non-consumptive Use:** Many of the proposals put forward appear to address issues related to consumptive use of water. A significant amount of water in BC is licenced for non-consumptive uses such as diversion for the purpose of hydro electric power production. We suggest that it may be appropriate to treat consumptive and non-consumptive uses differently otherwise measures designed to address consumptive use issues may have unintended impacts on non-consumptive users.

Thank you for this opportunity and we look forward to further opportunities to comment as this process progresses and the proposals become more detailed and concrete.

Sincerely,

*Original signed by Richard Deane*

Richard Deane, P.Eng  
Manager, Energy & Public Affairs  
Teck Metals Ltd., Trail Operations