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November 15th, 2013

Water Sustainability Act,
Ministry of Environment,
Water Protection and Sustainability Branch
Victoria British Columbia V8W 9M2

RE: Input on the Proposed Water Sustainability Act

Dear Sir or Madam:

Please accept this letter as input from the David Suzuki Foundation on the Legislative Proposal for the Water Sustainability Act in British Columbia. We appreciate the opportunity to provide this feedback and the efforts of the province to improve the protection and management of freshwater in B.C.

Input provided here is limited in scope to issues that we believe requires emphasis and to those that are most aligned with the objectives of the David Suzuki Foundation. We support the comprehensive input of the Polis Project on Ecological Governance, available here:
http://poliswaterproject.org/sites/default/files/POLISWAMSubmission_November2013.pdf

We understand that future regulations will determine many of the specific details of how the act will be implemented. Ongoing public participation will be required to ensure that these regulations adequately represent the needs and values of British Columbians.

In summary, the positive elements in the legislative proposal include the following:

- Groundwater licensing, with some alignment to surface water licensing.
- A stated commitment to protect environmental flows, and the establishment of Provincial Water Objectives and Area-Based Regulations.
- Mechanisms to increase flexibility of existing and new licences.

The following input is broken into the following key issues: enforceable protection of environmental flows, re-aligning water use prioritization, and water use fees.

Enforceable Protection of Environmental Flows

The core of an effective Water Sustainability Act is enforceable protection of Critical Environmental Flows. Regulations will be necessary to specifically determine and guide management of environmental flows, but the fundamental protection of critical flows must be clearly required by the Act itself. The priority objective of existing and new licences must be achieving Environmental Flow Needs clearly embedded within Water Objectives and as the overarching focus of Area-Based Regulations. Decision-makers must have the ability to refuse a licence based on meeting these environmental objectives.



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Monitoring and reporting requirements, although improved from the existing act, must be increased to ensure that the province, and public interest groups, have access to enough information to evaluate whether environmental flows and water objectives are being met. The costs of such monitoring and reporting should be covered by water use fees, discussed further below.

Re-aligning Water Use Prioritization

The Legislative Proposal fails to enact water licensing that is adequately flexible and focused on achieving environmental objectives, and other social objectives, rather than moving beyond the FITFIR priority. Of greatest concern is the application of FITFIR to groundwater licensing.

We recognize the importance of both critical and established human needs for water. We also recognize the dependence that some communities and individuals have developed around existing water uses. These considerations are important to water licensing and in some cases achieving new priority objectives would require compensation to enact.

Water Use Fees

Adequate resources to support administration, monitoring, enforcement and management of water in B.C. will be central to the effectiveness of new legislation. Groundwater and surface water-use fees are too low to cover these costs. All large-scale users must be required to pay water-use fees commensurate with the cost of managing and protecting water objectives. Ensuring that the real costs of water use are paid by these users will not only ensure that water management costs are met, but also to provide an appropriate incentive to conserve water.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffery Young'.

Jeffery Young, M.Sc.
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