



November 18, 2013

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

Sent via e-mail: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)

Dear Sir or Madam:

**Re: Feedback on *A Water Sustainability Act for B.C. Legislative Proposal***

Devon Energy Canada appreciates the opportunity to review and provide feedback on *A Water Sustainability Act for B.C. Legislative Proposal*. Devon Energy Canada supports the Government of British Columbia's initiative to update the existing *Water Act* with a modernized piece of legislation that reflects the ongoing evolution of environmental stewardship of today.

Devon Energy Canada supports the submissions that you have received from the Canadian Association of Petroleum Producers (CAPP) as well as the submission from the Business Council of British Columbia (BCBC). We have been involved with both organizations processes and believe the information that they provide reflect our position well. That being said we would like to offer some additional comments.

At the outset we would like to comment that while we offer the below advice, we felt the proposal was somewhat general in nature, and lacked clarity on many different subjects, some which we will speak to below. Our position may change once more clarity is provided on certain subjects.

#### **Water Usability - Fresh vs. saline**

As an oil and gas company, we pride ourselves in our ability to incorporate the use of saline water for resource extraction. However, we believe the proposed depth and parameters will be a disincentive to saline water use, and will push industry to use more readily accessible fresh water resources. This is because under the proposed definition, fresh (or less saline) water could be obtained with far less risk and cost. We believe that this is not the intention of the Government and would like to propose the following solution:

We propose that water use be based on the relative usability of water by the various local users. In this context, a reasonable criteria for non-usable (i.e. saline) water would be greater than 300 m depth, and containing total dissolved solids (TDS) concentrations that exceed Canadian water quality guidelines.

### **Centralized vs. Regional Water Governance**

While the Government of BC will have overall provincial water objectives, these objectives may be subject to regional concerns and issues. We believe it would be more beneficial that the Government, while taking regional objectives in mind, continue to oversee water planning in all regions. We make this comment after seeing the Land Use Framework planning exercise in Alberta, which can lead to an expansion of bureaucracy and added expense.

### **Consultation and Timelines**

Devon Canada also thinks that consultations, whether on water use, land use, project objectives should have one process, and legislated timelines. While we agree wholeheartedly that public consultation is important and fundamental to any project development, timing constraints are needed. We believe that any consultations should take place during the overall consultation for a project and not have separate, parallel processes. One process of consultation should be enough to deal with all portions of a project. It is not clear in the proposal how consultations would be set up. Our suggestion is that there need not be additional processes and there be firm timelines. Overall, interest groups should not be allowed to delay a project by delaying consultations.

### **Oil and Gas Purpose**

We would also request that there is clarification around the necessity of an oil and gas purpose. It is unclear to us why this is being proposed. It occurs to us that if there is another designation through this new *Act* it would provide another opportunity for interest groups to delay development. Is there a gap that currently exists that needs to be remedied through this proposal? Again this is not clear. We currently feel served by the current purpose in the *Water Act* and do not wish to see this changed without some more clarity.

### **Review Process**

Finally, while we made the comment above that we would like more clarity around certain aspects in the proposal we would also like the ability to be consulted, in a timely fashion, on the consequent regulations that will arise from this new legislation.

### **Conclusion**

We again thank you for the opportunity to provide advice on this subject. We certainly know the hard work that has gone into this project and hope that our comments are sound and useful to you. Should you require further information on any of these topics, please don't hesitate to contact either of the undersigned at your convenience.

Sincerely,

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