



November 15, 2013

Ministry of Environment
Water Sustainability Act Consultation Process

Daer/Sirs/Mesdames:

The District of Highlands is pleased for the opportunity to provide comments into the much needed Water Sustainability Act.

The province is to be commended on its initiative to update the Water Act. This is a complex piece of legislation given that the various aspects of water management, whether talking in terms of the economy, the environment or social stability cannot be accomplished in one act, however forward thinking it may be.

Nevertheless, the proposed over-arching Water Sustainability Act (WSA), provides a timely roadmap that identifies the need for integration, efficiency and flexibility regarding the future management of a limited resource. Clearly the pressures from population increase, development expansion, and the uncertainties of climate change, will in the future, call for the careful and fair allocation of water in British Columbia and the creative management of land/water interface issues.

As noted, the proposed act cannot be implemented in isolation, but rather identified as a central piece of legislation that operates in tandem with several other acts such as the Water Protection Act, Drinking Water Protection Act, Fisheries Protection Act and the Environmental Management Act, to name but some. In fact the WSA is a major leap forward that moves the goalposts well beyond the limited scope of the current outdated Water Act with its tendency for a "silo" approach to water management.

1. The District acknowledges that it is challenging to provide the level of comments considered suitable given that the actual proposed legislation is not available to view. **It would be beneficial to have an opportunity to review and comment on the actual legislation prior to implementation.**

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2. In an earlier phase of consultation approaching ten years ago, a community meeting was held and the importance of being able to have regulatory tools that apply to extraction of groundwater in one jurisdiction for use in another was considered to be of significant value. **The District supports additional regulations that would address cross boundary use of groundwater where it is drawn from one jurisdiction for use in another. These regulations should include consultation with affected jurisdictions and the potential for agreements between the jurisdictions.**
3. **Ensure that the specific regulations apply to all large volume users (extractors) of groundwater regardless of land use type or water use purpose.**
4. It is understood that there is much work to be done with regard to water policy and subsequent regulation development before the WSA is fully implemented on the ground. Given the importance of engaging local governments, communities and industry from the outset, **the Province should give consideration to the preparation of a WSA Guidebook for the layperson that explains the WSA, what it does and what it does not do. Its relationship to other acts and when those acts are triggered in a particular situation. The purpose of such a Guidebook is to assist local governments, industry and communities to know where to turn for information, how to contact and who the decision makers are.**
5. It is clear that to successfully implement the WSA will require considerably more resources at the provincial and local level. Provincial government staff are stretched to the limit with their current workload and unless this is addressed the necessary consultation and monitoring to deliver on the WSA will not occur. This could result in down loading to local government who in many situations, particularly in the case of small communities, would not have the resources to respond. **In the implementation phase of the WSA the Province needs to succinctly identify their intention to address staff resources at the provincial level and to relay to local government what is expected of them in this regard.** There is no question that there will be extra costs associated with the WSA implementation given the need for further consultation. This discussion should take place early in the WSA process.

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6. If the WSA is to be fully implemented as outlined in the Legislative Proposal there is every indication that, for expediency reasons, delegation of responsibility to others will be necessary. While the overall responsibility for the delivery of the WSA rests with the Province many decisions could be made more efficiently at the local level. The WSA proposal identifies a range of decision makers depending on the importance of the decision, including the Lieutenant Governor, Minister of Environment, Comptroller of Water Rights, Regional Water Manager, appointed engineer or bailiff. **The legislation should provide that local government and other agencies be engaged in the process of developing governance models in partnership with the Province including identifying who the decision makers are.** This partnership approach is more likely to result in a compromise that is acceptable to all parties. There will be a need for local governments to be creative regarding resources and in that regard engage local stewardship groups, where appropriate, to partner in local initiatives. The District of Highlands has effectively demonstrated such collaboration on a number of fronts.
7. It is understood that groundwater regulation was first proposed in 1960, some 53 years ago and that B.C. remains the only province in Canada that does not regulate groundwater. That said the proposed regulation is most welcome. From the perspective of the District of Highlands there is not likely to be much change given that most wells are domestic which will not be subject to regulation unless there is a need for a Water Sustainability Plan in areas of acute scarcity. It is appreciated that all of these new initiatives will take time to be accepted and adopted in the province. **It is recommended that a timetable and sequence be established to bring each of these new initiatives on-line in an orderly fashion at a responsible and acceptable on-going rate. Clear communication is an essential part of this process.**
8. Given the importance of adopting groundwater legislation to protect both quantity and quality of groundwater, **it is recommended that the province give the highest priority to the implementation of this regulation as it develops the WSA legislation and relevant policies. In essence this should be considered a high priority action item.**

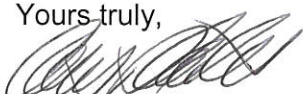
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9. It is commendable that the Province has embraced a strategic approach to water planning that places water at the centre of the decision making process. Integration and watershed health are essential components to assure water sustainability, hence the call for the integration of water quantity objectives, water quality objectives and watershed and stream health objectives. Innovations noted in the WSA Legislative Proposal such as Agriculture Water Reserves, Area Based Regulations, Environmental Flow Needs to ensure minimum flows for aquatic environments and Water Sustainability Plans where comprehensive planning is required to address potential conflict in resource allocation, are all worthy tools to help address current and future water management challenges. It is appreciated that all of these new initiatives will take time to be accepted and adopted in the province. **It is recommended that a timetable and sequence be established to bring each of these new initiatives on-line in an orderly fashion at a responsible and acceptable on-going rate. Clear communication is an essential part of this process.**
10. While not mentioned specifically in the WSA Legislative Proposal Overview, it is clear that thinking of water purely as a commodity rather than recognizing the underlying need for a water ethic that ensures the health and well being of natural systems is perhaps part of what has got us into problems in the first place. We can learn much from First Nations values in this regard whereby they consider that they have a sacred stewardship responsibility to manage and protect the water resource in its every form. **The legislation should identify at the front end of the WSA the need for a water ethic that embraces the value of Traditional Ecological Knowledge. As climate change impacts the water cycle and increasing demands on a limited resource become obvious, the rationale for a water ethic that encourages the wise use of water will become self evident and second nature.**

The District hopes these comments will be of some value and the opportunity for input is appreciated.

Yours truly,



Christopher D. Coates
Chief Administrative Office

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