

The Honourable Mary Polak
Minister of Environment
PO Box 9047 STN Prov. Govt.
Victoria, BC
V8W 9E2

Dear Minister Polak:

Ducks Unlimited Canada (DUC) is pleased to provide final comments on the legislative proposals for a new *Water Sustainability Act*. We strongly support the effort to modernize BC's laws, practices, programs and models for managing water in our province and would like to take this opportunity to commend you and your staff for advancing this critical initiative and getting it to the legislative proposal stage.

Conserving BC's wetlands is a critical part of ensuring clean and abundant ground water and surface water in our province today and into the future - and it's what we do at DUC.

Our priority comments are focused on ensuring that two important objectives from the *Living Water Smart*, BC's Water Plan (2008) are achieved in the proposed WSA legislation;

- **"Legislation will recognize water flow requirements for ecosystems and species"**, and
- **"Wetland and waterway function will be protected and rehabilitated"**

In order to achieve these two important objectives we believe that the legislative proposals must include provisions for:

1. Additional wetland classes:

DUC strongly encourages the inclusion of additional wetland classes in the updated definition of 'stream' within the Act. Currently the definition of 'stream' includes the term swamps, and this is not adequate. This definition should, at minimum, include all wetlands within the Canadian Wetland Classification (marshes, swamps, shallow open water, bogs and fens).

2. Integrated Water and Watershed Management

DUC strongly supports a holistic approach to water management that includes all types of surface water (E.g. streams, lakes, wetlands, riparian areas) and ground water. DUC recommends that legal protection and conservation measures for wetlands must figure prominently in these plans and be included in the legislation proposals.

3. Legislated Environmental Flow requirements

DUC strongly supports Legislating definitions and basic requirements for *Environmental Flow Needs*, *Critical Environmental Flows* and *Water Objectives* for surface and groundwater. We are concerned that this legislative proposal does not appear to include clear and robust, legally enforceable protection for these critical elements that apply across the province. DUC is also concerned that too

much reliance on discretionary decision-making provides lack of certainty about environmental outcomes.

4. A Water Resources Practices Board:

DUC suggests that the BC government strongly consider the creation of a Water Resources Practices Board, comprised of experts, stakeholder representatives and First Nations to serve as an independent watchdog for sound water resource practices (Similar to the *Forest Practices Board*). This will help ensure a balanced perspective and advance adaptive management as a key concept as the new legislation and management regime are implemented. Note: This could also be accomplished by making a minor amendment to the Forest Practices Board enabling legislation and expanding their mandate to an explicit focus on issues within the scope of the *Water Sustainability Act*.

We recognize that the *Water Sustainability Act* is intended to be enabling and that many critical details will be addressed through the subsequent development of regulations and policy. We hope that you continue to build upon your track-record of thorough stakeholder consultation during the development of said regulations. We thank you again for the opportunity to comment on this legislative proposal and look forward to working with you and your staff on WSA regulatory development and other water resource related initiatives.

Sincerely,



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