



Water Sustainability Act
Ministry of Environment, Water Protection and Sustainability Branch
PO Box 9362
Victoria BC, V8W 9M2
livingwatersmart@gov.bc.ca

November 13, 2013

Re: A Water Sustainability Act for BC: A Legislative Proposal

Dear Premier Clark, Minister Polak and the Living Water Smart Team,

The Lake Windermere Ambassadors are a community watershed stewardship group located in British Columbia's East Kootenay region. We would like to express our support for the proposed Water Sustainability Act (WSA). The WSA has the potential to improve many aspects of water management that are important to our community. We also see ways in which the WSA could be made stronger in order to better achieve water sustainability both locally and in BC. We have the following recommendations for ways to make the Legislative Proposal stronger.

- **Environmental Flows**

Our Goals: The vision of our organization is “*an ecologically healthy Lake Windermere with balanced management approaches that support recreation and traditional uses, high fish and wildlife values, and economic prosperity in the region.*” Provincial legislation to protect water for nature protects lake levels, which in turn protects lake ecological health and all associated recreation and economic values.

Suggestions for WSA:

- Prioritize environmental flows over other non-essential uses;
- Provide more clarity and direction on how decision-makers will be required to consider environmental flow needs;
- Create legal standards for environmental flow needs;
- Apply environmental flow needs to both new licenses and existing surface water licenses where water is insufficient to meet ecological needs;
- Define “beneficial use” to encompass a broader set of community, social and environmental benefits (for example, water for fish, drinking water, First Nations);
- Critical environmental flow protections during drought or scarcity should extend beyond Section 9 Fish Protection Act powers since: 1) fish may not be present in key streams or watersheds, 2) critical ecological thresholds may be jeopardized that are different from those required by fish;

- Ensure that water licenses are reviewed in a shorter timeframe (ie, 20 years) so that they reflect new data gathered about actual stream flows, aquifer levels, and/or changing hydrology;
- Consider environmental flow needs in groundwater licensing.

- **Watershed Governance**

Our Goals: Our Strategic Goal is to promote the establishment of a formal watershed governance board for the Lake Windermere watershed by 2015. Enabling legislation through the Provincial government would greatly facilitate the achievement of this goal.

Suggestions for WSA:

- Explicitly include local watershed governance arrangements in the list of possible decision-makers;
- Enable local watershed governance arrangements to access sufficient resources to execute activities through, for example, a pool of funds from water use royalties, or a delegated taxing authority;
- Support provincial pilot projects that can test a range of watershed management approaches and decision-making functions.

- **Monitoring, Reporting and Management**

Our Goals: Through our own efforts in monitoring water in our watershed, we see the vital importance of a well-managed, adequately funded program to implement water stewardship. We can see that the Water Sustainability Act will only be effective if it includes proper monitoring and reporting and has sustainable funding.

Suggestions for WSA:

- Require decision-makers to mandate monitoring and reporting of water usage;
- Set monitoring and reporting requirements so that the majority of licensed users have to be monitored (we have many small water users in our area, but the sizes of our streams and lakes are also small);
- Increase water-use fees and use a portion of the revenues collected to pay for a province-wide database and increased environmental monitoring and enforcement efforts.



Other considerations:

- This provincial regulation should respect First Nations Rights and Title
- The Objectives in the Water Sustainability Act must be enforceable and apply to all sectors and industries, with no exemptions for oil & gas and forestry, as is currently implied in the Proposal.

The Province of BC has a great opportunity to improve water sustainability through this new Act. We approve of the direction you are headed. Please consider making the above changes to make this an even stronger Act.

Sincerely,

Lake Windermere Ambassadors Society