

Private Forest Landowners Association
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November 14, 2013

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

Attention: Lynn Kriwoken
Director, Water Protection & Sustainability

Dear Ms. Kriwoken:

Re: Legislative Proposal for BC *Water Sustainability Act*

The Private Forest Landowners Association (PFLA) appreciates the opportunity to comment on the Ministry of Environment's (MoE) proposed ***Water Sustainability Act*** discussion materials. This response is supplemental to our previous responses to proposed changes to *The Water Act* provided by PFLA on April 30th 2010, and March 14th, 2011.

PFLA is disappointed to note that the table (box 8, page 61) entitled 'Land and Resource Planning in BC' apparently fails to recognise the positive contribution of the Private Managed Forest Land Act. PFLA would welcome the opportunity to explain this key piece of legislation, which was developed with the close involvement of MoE, and holds water protection at its core, as well as the opportunity to provide further details regarding the regulatory and voluntary steps taken by forest owners to protect water.

PFLA represents large and small private managed forest operations in the Interior and on the Coast of British Columbia. PFLA is proud of our strong track record of promoting the responsible stewardship of private forest lands, and PFLA members, staff and contractors work closely with your ministry on promoting regulatory awareness, regulatory compliance and Best Management Practices. PFLA members own 97% of BC's private managed forest land, over 2 million acres.

As a general rule, the Water Sustainability Act, and related regulations and policies should:

- Provide improved clarity rather than confusion;
- Not conflict with, or overlap with objectives or requirements found in the existing federal and provincial statutes;

- Be premised on a results-oriented approach rather than being overly prescriptive;
- Minimise negative impacts to private property rights and the value of private land, and include compensation provisions for regulatory takings;
- Provide exemption opportunities where warranted.

PFLA shares the concerns, and supports the recommendations presented in the November 2013 response to the proposed Water Sustainability Act a provided by the Coast Forest Products Association (CFPA).

In addition, PFLA makes the following comments:

Notifications and Permitting regarding Changes in and Around Streams.

Under the current Water Act regulatory model, successive governments have expedited and simplified regulatory oversight because risk-related distinction has been made between changes in and around a stream that require notification versus those that require a permit. These specific regulatory aspects, which normally involve simple bridge or culvert installations or replacements, are of high importance to private land owners because for the most part, our forest practices are regulated under the private Managed Forest Land Act, and unlike crown land operators, we are not exempted from notification and permit application requirements under The Forest & Range Practices Act, and extended permitting or notification processes can lead to uncertainty, loss of flexibility, and costly project implementation delays.

It is crucial for BC's resource management industries to maintain and improve a globally-competitive regulatory model that balances professional reliance and results-oriented standards with the level of risk to public environmental values including water resources. At the very least, the current risk-related notification and application model should be extended into the new legislation, but ideally, effort should be made to identify improvements in the system that will further expedite and simplify the amount of work involved for both government and proponents.

Water Sustainability Plans.

Water Sustainability Plans should be required to accommodate and take into account the matrix of existing effective regulatory and voluntary measures used to protect water on private land. Alternatively, in the event that Water Sustainability Plan areas include private land, it will be necessary to make distinctions for private land, and make provisions to compensate for any related potential negative regulatory impacts to private property such as regulatory takings, additional costs, or reduced management flexibility. Compensatory provisions may need to include exemptions, incentives and compensation in order to minimise the burden carried by private land owners when providing public benefits.

General Recognition and Distinction for Private Lands.

Since a large proportion of BC's private Managed Forest lands are in close proximity to, and often a source of drinking water to many growing communities, and it will be necessary for the Water Sustainability Act to recognise the need to reconcile water protection with appropriate recognition of, and compensation for any related additional costs and / or negative impacts on private property rights and property values, PFLA would appreciate the ability to remain engaged with the development of the legislation and regulations.

In recent years we have found field tours with key MoE staff responsible for this legislative review very helpful for all involved. Upon review of the latest proposal, as an interim measure, we would appreciate a timely opportunity to brief key MoE staff on the many legal measures, commitments and management systems used to protect water on our lands.

Thank you for the opportunity to comment. We look forward to hearing from you.

Yours sincerely,

ORIGINAL SIGNED

Rod Bealing

Executive Director.

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cc: Hon. Mary Polak, Minister of Environment
Wes Shoemaker, Deputy Minister
Hon. Steve Thomson, Minister of Forests, Range, and Natural Resource Operations
Tim Sheldon, Deputy Minister
John Dyle, Deputy Minister to the Premier
Rod Davis, Chair, Private Managed Forest Land Council