

**From:** Tazio Richards [mailto:tazio@riverswithoutborders.org]  
**Sent:** Thursday, November 14, 2013 6:59 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** Donaldson.MLA, Doug LASS:EX; Will Patric; Terry Portillo  
**Subject:** Water Sustainability Act comments - Rivers Without Borders

Dear Ministry of Environment, Water Protection and Sustainability Branch,

Rivers Without Borders supports the British Columbia Government in modernizing the Water Act. We acknowledge and appreciate the progress made in several areas, including shared decision-making in local watersheds, and regulation of groundwater. However, we also note there is room for significant improvement in several areas. Please see the attached documents for our full comments on the proposed Water Sustainability Act.

Best Regards,

Tazio Richards

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Tazio Richards  
Canadian Transboundary Conservation Campaigner  
*Rivers Without Borders*

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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

Dear Ministry of Environment, Water Protection and Sustainability Branch,

Rivers Without Borders supports the British Columbia Government in modernizing the Water Act. We acknowledge and appreciate the progress made in several areas, including shared decision-making in local watersheds, and regulation of groundwater. However, we also note there is room for significant improvement in several areas. These include:

- 1) The new Water Sustainability Act (WSA) needs to respect First Nations rights and title in all aspects of drafting and implementation.
- 2) The WSA must protect environmental flows that are critical for healthy functioning watersheds. The Act needs to prioritize environmental flows in a way that will prevent streams from being degraded; in other words, there must be a legal commitment to set aside water for nature. Instead of 'guidelines', the WSA must establish legal standards for environmental flow needs and critical environmental flow protections. As well, terms such as "beneficial use" must be defined to include environmental flow needs and requirements so that all new license applicants meet a minimum standard of conservation in order to qualify for a license.
- 3) The proposed commitment to shared governance in local watersheds is a positive step. However, the WSA needs to include an explicit commitment to more public participation in local decision-making, including adding provisions that would allow public citizens to object prior to license issuance, and appeal the granting of a license. As well, local watershed governance arrangements must be explicitly included in the list of possible decision-makers under the Act. The WSA must ensure designation of local watershed governance arrangements, and ensure Water Sustainability Plans undertaken through local watershed governance arrangements are done through an independent, non-political process.
- 4) The WSA must include mandatory and strong environmental flows requirements and water objectives. The current wording of "consider" is not enough. Both flows and objectives must be

TRANSBOUNDARY WATERSHED CONSERVATION

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strong enough to meaningfully protect our streams and lakes. As well, the Water Objectives must be binding on all decision-makers, ministries, and sectors, including Forestry, Mining, and Oil and Gas sectors.

Protecting water and fish habitat is at the heart of the work of Rivers Without Borders, and we very much want to see a stronger Water Act within BC. Rivers Without Borders is the only conservation advocacy organization operating strategically across the Alaska – BC border. In a time of declining wild salmon populations, diminishing biodiversity, and climate change pressures, Rivers Without Borders promotes and protects the extraordinary ecology, wildlife and marine habitat, and cultural values of the transboundary watersheds of northwest BC.

Sincerely,

Tadzio Richards  
Rivers Without Borders  
Hazelton, BC