



# *Salt Spring Island Water Preservation Society*

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November 9, 2013

Water Sustainability Act  
Ministry of Environment Water Protection and Sustainability Branch  
PO Box 9362, Stn. Prov. Govt.  
Victoria, B.C. V8W 9M2

Sent Via Email: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)

Regarding: The Water Sustainability Act

The Salt Spring Island Water Preservation Society is mandated to protect drinking water resources on Salt Spring Island. As such, we have great interest in the passage of a modern and protective Water Sustainability Act (WSA).

Thank you for undertaking this comprehensive review of BC water legislation with the goal of putting in place a sustainable water act in British Columbia. We appreciate the dedication that has gone into this effort and are encouraged to see that you intend to write legislation that considers environmental flows when issuing new licences and short term approvals. We have the following comments regarding the final wording of the legislation.

**First Nations Rights and Title:** The WSA should protect First Nations rights to in-stream water flows as has been done in Ontario, Manitoba and the Northern Territories. Sufficient water must be set aside to guarantee First Nations' rights to hunt and fish sustainably on their land. This can only be achieved by the WSA requiring meaningful consultation with First Nations that includes consideration of traditional ecological knowledge.

**Protect Water for Communities and Nature:** The new WSA must protect water for the environment because these flows are essential for the health of humans and the other plants and animals on which we depend. These uses should receive first priority since without a healthy environment, we will all suffer. We recommend that the WSA explicitly set aside water flows for the conservation and protection of fish, other aquatic animals and other plants and animals that depend both directly and indirectly upon both surface and groundwater flows.

**Beneficial Use:** An important step towards achieving a truly sustainable water act is to include protection for "beneficial uses" and include a definition of "beneficial use" that covers environmental flows as well as other community and social benefits such as drinking water, recreational uses, tourism and First Nations purposes. It should be clear that water licence holders are not gaining a property right but rather the use of a public resource that they must steward.

To do this there must be legally established standards (not guidelines) for environmental flow needs and critical flow protection. These standards must be applied to both new **and existing** surface water licences. All new licence applicants should be required to meet a minimum standard of conservation in order to qualify for a licence regardless of whether the environmental flow needs threshold is being

approached. When water is scarce, it is much more difficult to impose limits. This is because water is often over-allocated, so coping with scarcity requires someone to give up previous rights which may hurt them financially. It is better to set realistic limits from the outset. Then businesses and communities will plan and grow consistent with those limits.

**Review of Licences:** should be reviewed at least every 5 to 10 years. This is essential to recognize changes in weather conditions, our understanding of stream flows, aquifer levels, and changing hydrology. Existing licences should also be reviewed prioritizing the oldest first, for the same reasons.

**Prices to Cover Costs:** The WSA should mandate fees that cover the full cost of government managing surface and ground water. This means raising fees to cover the cost of resourcing the comprehensive approach to water management that we recommend including regular licence reviews, flow assessments and enforcement. Fees must be reserved for this use rather than going into general revenues.

**Public Participation:** The WSA should specifically guarantee the right of local communities to participate in decisions that affect them. All applications for licences should be made public and public hearings held for major licences. Every resident of BC should have the right to object to and appeal the granting of a licence where that licence affects them or their community. For meaningful public participation, the WSA should mandate monitoring and reporting of usage.

**Effective Enforcement:** We urge that the WSA include enforcement mechanisms such as audits, record keeping by large water users, unannounced inspections and penalties for infractions.

**Apply to All Water Users:** The WSA should apply to all freshwater users and all sectors with no exceptions for certain sectors or industries such as oil and gas and forestry as is currently implied in the proposal. In fact, it is these sectors that have the potential for the greatest misuse and destruction of water resources. To exclude them from being covered by the WSA is not consistent with calling the act “sustainable”.

We appreciate the opportunity to provide these comments and look forward to reviewing the actual legislation when it is published.

Sincerely yours,



Maxine Leichter  
President, Salt Spring Island Water Preservation Society

cc: Gary Holman, MLA (gary.holman.mla@legibc.ca)  
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