

SHAWNIGAN RESIDENTS ASSOCIATION

PO BOX 443, SHAWNIGAN LAKE, B.C. V0R 2W2

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

November 14, 2013

Re: Request for public feedback on legislative proposal for a Water Sustainability Act

Dear Sir or Madam,

This letter represents the opinion of the Board of Directors of the Shawnigan Residents Association; a non-profit registered society. Given the twin pressures of development and industrial forestry within the Shawnigan Lake watershed, the association is particularly concerned about the future quality of the water in the lake as it is this community's reservoir. This community has a population of approximately 8,000 people (many more during the summer months) and is growing at a fast pace.

The first point that must be made is that the directors are strongly of the opinion that the Province has not provided a long enough time for groups such as ours to properly review the legislative proposals in order to be able to provide the Province with full and thoughtful feedback. Therefore, the directors urge the Province to extend the deadline (November 15, 2013) by several months. The directors will then be able to provide better feedback than we are able to do within the time frame that currently applies. What follows is an attempt to provide some feedback, but, given the short review period, it may be less helpful than would be the case if adequate time were provided.

The SRA directors provide the following four suggestions for improvement to the proposed legislation:

1. **LOCAL CONTROL** Currently the Shawnigan Lake reservoir's watershed is unmanaged and unmanageable under existing legislation and bylaws. Most of the land is privately owned and most of that is classified as "private managed forest land." There are a few parcels of Crown Land in the watershed. They have remained forest covered until recently, but are now being logged, or are scheduled to be harvested, as a result of arrangements made by the Province with the Malahat First Nation. A multitude of legislation - federal, provincial and regional district - applies to these lands involving an even more numerous array of government ministries and agencies. Integrated land-use planning and monitoring is non-existent resulting in damaging cumulative impacts on watershed ecosystem services. Residents of this community are extremely worried that, if development trends on watershed lands continue, lake water quality will be compromised thereby risking the health of people living in and visiting this lake-centric community. Comprehensive watershed governance for the purpose of ensuring proper levels of health and wellbeing appears to be essential for this community. The status quo is not effective.

The residents association directors are encouraged to see that the legislation proposal includes provisions for various types of water and watershed governance at the area or local level. Greater local governance appears to the association directors to be essential for the Shawnigan area if the lake is going to be able to continue to serve as a reservoir for future generations. While it may be premature to specify in detail what such a local governing entity would look like and what authorities and resources it would need to be effective, it is the SRA directors' view that the *Water Sustainability Act* should contain provisions that would allow considerable control over reservoir watershed lands at the local level.

2. **PUBLIC HEALTH AS THE NUMBER ONE PRIORITY** Current land-use and water legislation is biased in favour of resource industries. Public health appears to be of lower priority than the wants and needs of resource extraction industries such

as forestry, mining and gas and oil. The new act should rank public health as its top priority. There is an obvious direct link between clean water and good levels of public health. The SRA board fully understands the contribution of resource industries to provincial government revenues and to a healthy provincial economy. However, corporate behaviour that leads to financial health for a business or entire industry while degrading water, air and soil quality thereby harming the health of citizens is not acceptable in an advanced, civilized country. It should be clear to all who read the new legislation, that provincial politicians put the health and wellbeing of people ahead of business success.

3. FITFIR (First in Line, First in Right) This system of water licence allocation was introduced when water was plentiful and people were few. Now that BC has a large population and demands on water resources are greater and more complex, FITFIR does not seem able to deal with water allocation decisions adequately or fairly. FITFIR should be abandoned and replaced by a system that is more able to meet the challenges of water use in the 21st century.

4. WATER AS A PUBLIC TRUST Everyone should have a right to drinkable water just as everyone has a right to breathable air. As the owner of BC's fresh water (both ground and surface), the Crown should assume the role of water trustee for the population it serves. Water must be considered as a resource held in trust by the Province for the wellbeing of the people of BC. As such it must be publicly managed and administered and should not be bought and sold for profit as a commodity. The legislation should codify this principle.

The SRA would like the opportunity to provide a more in-depth response to the Province's request for comments. If an extension of the feedback period can be arranged, the directors of the association will be delighted to provide a more thorough review. The above comments will have to suffice for the time being.

Yours very truly

Garry Horwood, SRA President