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Sent: Friday, November 15, 2013 9:22 AM
To: Living Water Smart ENV:EX
Subject: proposed Water Act comments

To: -
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Below is a submission from the 'Shuswap Environmental Action Society' (SEAS) in connection with proposed Government of BC revisions to the Water Act.

In the 'A Water Sustainability Act for BC - Legislative Proposal', the 7 key areas*** cover the absolute essentials for modern water management. However, there is a growing and critical industrial use of water, which is a feature of a growing and potentially extremely damaging activity, that is not addressed in this overview. This is the continuous expansion of fracking, with its demands for huge quantities of clean water, and the associated injection of that water - now laced with a cocktail of toxic chemicals - into the deep underground, with no clear idea about the environmental results, or any focussed research on the impacts to drinking, etc, water supplies. This, of course, is an activity that has aroused furious debate, both in North America and in Europe.

The large quantities of water employed in fracking, the contamination of that water, its possible contamination of otherwise clean underground sources of water needed for normal human activity, and the obvious inability to recycle the water used for fracking, all this points to the critical need to have stringent controls and surveillance of the fracking industry's activities. The vital need for detailed basic science on what fracking does to clean underground water supplies is self evident. Dealing with this information gap is something that many jurisdictions are now tackling, as seen in the recent moves by maritime provincial governments and Newfoundland, and the EU. These and the ongoing furore in Alberta amongst landowners re fracking damaged water supplies is a signal that fracking impacts cannot be overlooked in updating BC's legislation for sustainable water supplies.

To this particular problem can be added the large scale removal of water by other corporate users, with little or no restriction on quantity or impact for neighbouring water users. To deal with such a range of issues, the following are urgently needed: -

1. Environmental flows.

A scientific definition and commitment to ensuring the protection of water flows for fish and other environmental values.

2. A commitment to shared watershed governance.

A clear mandate and the resources for local watershed groups to engage in watershed governance.

3. Public rights over private interest.

An explicit statement that any private right to use water cannot harm the public's interest in water resources.

4. Water objectives that protect water for nature

Provincial water objectives to prioritise the protection of water for nature and to guarantee that environmental flows are enforceable and apply to all sectors equally – no exceptions for forestry, oil and gas, or other industry.

5. Water license reviews

New water licenses to be reviewed more regularly than every 30 years. We need to build in the flexibility to adapt to our changing climate. And current water licenses must undergo a review to address future water needs and First Nations rights.

6. Water use fees must make public 'cents'

Appropriate fee schedules for groundwater and surface water that support responsible management and allow communities to engage in local watershed planning.

7. Public Participation in Water Licenses

Increased public participation in the granting of our water licenses. The public deserves the right to review water licenses and monitor the impact on environmental flows.

The final key area mentioned in the Overview - 'Provide for a range of governance approaches' - underpins, of course, everything else. Lack of enforcement is so often the fatal mistake which ruins the value of all the careful consideration and drafting that goes into revising legislation. If we go back to the 2002 Final Report of the 'Drinking Water Review Panel' (chaired by David Marshall), and their priority recommendations, we see that no. 2 was: -

2) Creation of a single Drinking Water Protection Agency reporting directly to the Minister of Health Planning

a) Create a single lead Drinking Water Protection Agency reporting to the Minister of Health Planning, to integrate the skills, resources and authority of all provincial ministries with responsibility for drinking water protection.

b) Appoint a Chief Executive Officer to lead the Drinking Water Protection Agency.

The need for a single Authority overseeing every aspect of BC's water supplies is even more critical now than it was in 2002. The downloading, over the past decade, of responsibilities to municipalities, many of which do not have the resources or expertise to develop or enforce water regulations is a glaring weakness. And the overlapping of interest and jurisdiction among multiple agencies, all having some opinion on water usage and quality control, is a recipe for inaction in the face of urgent problems.

So, the creation of a 'Water Protection Agency' - with overriding authority over any aspect of water use - would at last bring BC's approach to good stewardship of its water resources into the real world. Given the accelerating impacts of climate change, with potential water shortages facing us, it is even more important that expert, independent, science based decision making for BC's water be firmly attached to an authority that can and will make appropriate changes and enforcement quickly and effectively.

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