

November 14, 2013

To whom it may concern,

I appreciate greatly the opportunity to submit my views on the modernization of BC's Water Sustainability Act. I am glad that this process is taking place, and am pleased to see that it addresses the regulation of groundwater, a review of water license periods and conditions, and some shared decision-making in local watersheds.

Before I discuss my own priorities as a citizen of BC, I would like to strongly encourage the BC government to include more fully the original stewards of our waters, BC's First Nations, in the consultation process, and to respect First Nations' rights and title in all aspects of drafting and implementation of the new Water Sustainability Act.

Below are my priorities for the Water Sustainability Act:

**Priority #1: Apply the Water Sustainability Act to all fresh water users in the province.**

The Objectives in the Water Sustainability Act (WSA) must be enforceable and apply to all sectors and industries, with no exemptions for Oil & Gas and Forestry, as is currently implied in the Proposal.

Ensure the Water Sustainability Act applies to all water users in the province by:

- Making Water Objectives be "objectives set by government", meaning that they must be binding on all decision-makers, ministries, and sectors, including the Forestry and Oil and Gas sectors;
- Including "beneficial use" requirements as an explicit component of the WSA Water Objectives; and,
- Requiring decision-makers to mandate monitoring and reporting of usage.

**Priority #2: Protect water for communities and nature.**

Our new Water Sustainability Act (WSA) must protect water for the environment. Environmental flows are critical to healthy functioning watersheds and must be clearly prioritized over other non-essential human uses. The WSA must explicitly set aside an ecological reserve that is not available for any use other than the conservation and maintenance of fish habitat and preservation of the natural ecosystem. As well, the definition of "Beneficial use" and how it will be applied is not clearly defined in the Proposal. An improved definition that encompasses a broader set of community, social and environmental benefits (for example, water for fish, drinking water, First Nations purposes, etc.) is required, so that license holders understand they are not gaining a property right, but rather using a public resource that they must steward with care.

The Water Sustainability Act must protect “water for communities and nature”, by:

- Legally establishing standards (not guidelines) for environmental flow needs and critical environmental flow protections;
- Applying environmental flow needs to both new licenses and existing surface water licenses where water is insufficient to meet ecological needs;
- Defining “beneficial use” 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, regardless of whether the environmental flow needs threshold is being approached;
- Incorporating environmental flow needs into Water Objectives;
- Introducing a modern, flexible water allocation system (i.e. do not rely exclusively on “First in time, first in right”), that embeds water as a Public Trust, in order to ensure that legal protections exist for fresh water across the province for future generations; and,
- Ensuring licenses are reviewed within a shorter timeframe than outlined in the Proposal so that they reflect improved understanding of actual stream flows, aquifer levels and/or changing hydrology. A tiered review process should be used: within next 5 years licenses 50 years older or more are reviewed; within the next 10 years licenses 30 years and older are reviewed; and all other existing (and new) licenses are reviewed 20 years from their priority.

### **Priority #3: Involve the public in decisions that affect local watersheds.**

The commitment to shared governance in local watersheds outlined in the Proposal is a positive step toward recognizing the important role that most directly affected communities can play in local decision making. The Province must continue to play a leadership role in establishing priorities and setting minimum standards that are to be achieved under new watershed governance arrangements.

The Water Sustainability Act must ensure a greater role for public in decision making by:

- Explicitly including local watershed governance arrangements in the list of possible decision makers under the Act;
- Ensuring designation of local watershed governance arrangements, and that approvals of Water Sustainability Plans undertaken through local governance arrangements are done through an independent, non political process based on clear accountability and representation criteria;
- Enabling local watershed governance arrangements to access sufficient resources to execute activities through, for example, a pool of funds from water use royalties, or a delegated taxing authority;
- Supporting provincial pilot projects that can test a range of watershed management approaches and decision making functions; and,

- Including provisions for public notice of applications, and where appropriate public hearings, as well as the right of any resident of BC to object prior to license issuance, and the ability of the public to appeal the granting of a license.

I have two children, and I know that water will matter more to their lives than oil or gas, or any other natural resource, for that matter. It is a requirement for life, it forms the basis of our food security, and it is projected to become increasingly scarce as well as degraded in quality. For our childrens' sake, please help to ensure that British Columbians can rely on a strong Water Sustainability Act to see us through the hard times ahead.

Yours sincerely,

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