



LEGISLATIVE PROPOSAL FOR BRITISH COLUMBIA'S WATER SUSTAINABILITY ACT

November 13th, 2013

**Prepared by June Ross - Temporary Chair - Vancouver Island Water Watch
Coalition for and on behalf of member groups.**

Key Points & Priority Concerns to be Addressed

From the outset, this proposal has been three years in the making while the government has only given the public and various other stakeholder groups one month to respond. Why does this make sense? The imposed timeline is far too short of a time period for any meaningful responses from the majority to be reviewed, compiled and received. VIWWC would also like to make it clear that we are highly disturbed by the proposal's content. In fact so much so, there is serious question as to why it took three years to prepare these documents?

VIWWC also notes that this is a "proposal" only. There is no legislation nor regulations attached. From our perspective, "the devil will really be in the yet to be received details". Therefore, VIWWC urges the government to consult once again very broadly with all stakeholders **prior** to the actual presenting of the legislation and regulations.

KEY CONCERNS - Not in order of any priority

1. The Public Trust Doctrine must be embedded within the legislation. The Public Trust Doctrine does not appear within said documents and this is an absolute necessity if the Water Act is going to be at all meaningful. Water, and access to water, belongs to the Commons. The people are the Commons; not industry and not corporations and not the economy! Water belongs to the people of this province and that must be clearly and distinctly recognized within the Water Act.
2. Environmental Flow needs (EFN's) and critical environmental flow must be embedded in Provincial Water Objectives which it currently is not. Without our

environment, as VIWWC has enunciated to the government many, many times previously, there would be no economy. There must be clear and legally enforceable environmental flow protections that apply across the province in watersheds where, in particular, EFN's are under threat.

3. VIWWC also challenges your necessity to have Water rights and anything to do with Water enshrined in **FOURTEEN** Provincial Acts. Why is there not one Water Act with any and all water related issues imbedded within the one Act instead of having 14 Acts that affect our water? When VIWWC representatives met with government on August 29th, 2013, we clearly showed why this was so harmful. If the government is going to leave 14 Acts in place to deal with our water, then there are many other Acts that require revision to give "WATER" the top priority it must have. Each of these critical Acts are enumerated in the letter the VIWWC representatives left with the government and it can be provided again by request to this writer. In addition, and to be very clear, there should be a Ministry of Water where responsibility for this resource is under the control of one Ministry.

4. Exemptions must **not** be given to oil, gas and forestry and any other industry/corporation. This exemption, given to industry, is what is being enshrined within the Water Act and is unacceptable.

5. FITFIR must be removed and a modern water rights model adopted! VIWWC and its affiliate groups have consistently enunciated this and government continues to not listen. Why?

6. Explicit provisions must be made that enable local watershed governance, whether it be on Crown Land or Private Land. Such a provision must take into consideration first and foremost, Environmental Flow Needs (EFN'S). In addition, funds must be provided by the Provincial Government to make it possible for Local Governance Boards to operate. Along with this, there must be enforcement rights given to a Local Governance structure. Currently and under the proposal, the preciseness VIWWC is seeking is entirely missing and currently the Provincial Government provides little if any enforcement of rules they may make. This must change if we are truly going to protect our water resources and the surrounding environs on which the sustainability of water relies. In nature all things are connected with water being no exception.

7. Groundwater! As a province, one of the very last in the country, the government has finally recognized that our groundwater (aquifers) must also be protected. However, the government is proposing to place groundwater under the FITFIR

portion of an Act? Why would the government do this, why would it adopt a water rights model that is outmoded and provides little equity for First Nations and latecomers?

In addition, corporations, like Nestle and the oil and gas industry that insist on removing millions of liters of precious water from our underground are being given the right to do so with far too little cost attached, and with no consideration being given to EFN's! Our aquifers and above-ground water interplay consistently in most areas of the province, with the government failing to recognize that fact either. This must be amended to have any meaning put to the government proposal.

8.Licensing? - Far too long a period for license reviews! This should be done every 5-10 years not 30-40 years!

9. The Water Act must make clear that there is to be no commodification of water.

10. When will the government take the responsibility to determine the capacity of our water resources? Without that being done, we will continue down the slippery slope of corporate control and overuse of this resource, which is unacceptable.

In closing, these items are brief in nature, because of being allotted such a short timeline in which to respond.

VIWWC and our affiliate groups, request that you remember, water is the key to all life. Water underpins economic growth and community prosperity. Many other countries have enshrined explicit protections for environmental flows, rigorous water planning and promotion of conservation, improved governance more focused on citizen engagement in decision making at the watershed level, and an emphasis placed on accountability and effective oversight. BC must step up and get into line with these objectives. Under this current proposal, we are far removed from achieving these objectives!

Submitted by June Ross

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