

From: Toby Pike [mailto:pike@sekid.ca]
Sent: Friday, November 15, 2013 3:40 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

We commend the staff at the ministry for the work they have done for the past three and a half years on modernizing the Water Act. They have done a great job, especially given the limitations of the process they had to work in.

The latest legislative proposal is a very thorough document and provides a comprehensive summary of the key issues that need to be addressed in the new Act: environmental needs, land use, groundwater licensing, climate change, data collection, governance and implementation are all necessary components for effective water resource management in B.C.

However, as is demonstrated by the specific and insightful commentary presented above (and elsewhere), when it comes to legislation, the devil is in the details. Unfortunately, we will not know those details until the act is presented to the Legislative Assembly for first reading sometime in the spring of 2014.

Early indications from the province at the beginning of this consultation process were that draft legislation would be released for general review, comment and consultation, prior to enactment. Many would argue that this type of review would be a long, drawn out process and that the general principles and intentions presented in the legislative proposal are sufficient - we should leave it up to the experts to deal with the minutia and to define the law and subsequent regulations that enable these good things to be.

But wait a minute. There remain a number of important questions that have yet to be answered in any of the discussion to date. For many of us the answer to these questions will affect the way we do our jobs and how we provide water to our residents. The list is almost endless, but includes:

- Will the resources needed to implement the Act be available and how will they be paid for (how much will license and other fees increase to cover these costs)? For example, how are Water Sustainability Plans implemented, who pays for them and how will they be enforced?
- How are Water Objectives determined and how do they apply to decision makers, licensees and third parties?
- How will the Act be accommodated by other statutes and agencies governing crown land use (hopefully better than the Drinking Water Protection Act!)?
- What is involved in a water license review, who pays for it and is it at the discretion of the decision maker?
- What is the appeal procedure?

Of course many of these questions will be dealt with over time as regulations are brought into force. Nonetheless, the Act provides the fundamental approach the law will take on these issues and it is important we get it right. All the more reason to release draft legislation for public review.

As one person recently commented, “we’ve had the *Water Act* for a hundred years and we’ll probably have the *Water Sustainability Act* for a hundred more – what’s the rush?”

Respectfully Submitted,



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