



## **Engagement Toolkit**

### **For Residents of the Fraser Valley on**

### **A Water Sustainability Act for BC: A Legislative Proposal**

*w/ support from the Fresh Water Alliance*

### **Have you heard the big news?**

On Friday, October 18th, 2013 the British Columbia provincial government released [A Water Sustainability Act for BC: A Legislative Proposal](#).

**Right now is an important moment to ensure the long-term protection of the water wealth on the West Coast. It has been more than 100 years, but the BC Government is finally overhauling the BC Water Act.** The recent release of the Legislative Proposal is the latest step by the Province to “modernize” the Water Act - a process that has been going on since 2008.

**In a nutshell**, if fully implemented, the new Water Sustainability Act has the potential to help BC catch up to the rest of the country in terms of water policy and legislation; addressing the lack of protection for the waterways that make this province such a great place to live. **However**, if the gaps in the Legislative Proposal aren’t addressed, we risk sailing on a sinking ship with water laws that will run us all dry.

As people who care about keeping our home waters flowing and clean, it's up to us to ensure a strong new Water Sustainability Act is passed. **Every person, group and organization that is concerned with protecting fresh water in BC needs to submit feedback to the provincial government on the Legislative Proposal.**



**We have until November 15th, 2013** to [provide input](#) to the proposed legislation. Making your voice heard is as easy as commenting on the BC Government's [blog](#), or sending in a brief submission letter that outlines the most important issues you would like to see addressed regarding water management in your community.

In this Toolkit, we've put together some info to help you participate in the engagement process on BC's new Water Sustainability Act.

**Don't miss out on this opportunity to be a powerful voice for speaking up for our home waters!**

## **This Toolkit contains...**

- I. Background on BC's Water Act
- II. How can I participate in the consultative process?
- III. What should I include in my feedback to government?
- IV. Social media kit and other things you can do
- V. Additional resources

## **I. Background on BC's Water Act**

BC's [Water Act](#) was established over one hundred years ago in the time when the first pioneers and miners arrived to the West Coast. In 1909 it was intended to manage the diversion and use of freshwater resources by settlers in the province, but failed miserably at respecting the rights and title of First Nations, and ensuring that the water needs of regional waterways and communities would be protected.

For nearly a century water champions have called for an overhaul of the BC Water Act. Finally vocal public pressure, particularly in the last 5 years, has helped to bring about this time for change.

In 2008, the provincial government announced [Living Water Smart](#), a plan that promised long-needed changes to the Province's rules for allocating water. Living Water Smart also made significant new commitments, including legislating environmental flow protection and regulating groundwater.



Updating the Water Act is an essential part of making good on the Living Water Smart vision. The [Water Act Modernization](#) process, as it's been called, is about making BC's water laws stronger. It is also about making water laws simpler to understand, communicate, administer, and enforce as we face current and future challenges.

Since 2008, BC's Ministry of Environment has been engaging with the public in a variety of ways to inform the development of the new legislation; And **in the last provincial election, many of you in the Fraser Valley helped to make the call for an overhaul of the BC Water Act to be a top priority**. The result has been [A Water Sustainability Act for BC: A Legislative Proposal](#), released on October 18, 2013.

Up to November 15th is a crucial time for the public to provide input into the new Water Sustainability Act before they move to introduce the changes in the Legislature this Spring.

**We need your voice to ensure our home waters get the protection they deserve!**



## II. How can I participate in the consultative process?

The BC Government is inviting **feedback** on A Water Sustainability Act for BC: A Legislative Proposal from groups, organizations and individuals **until November 15, 2013**.

All written feedback will be posted online, so you'll get to see what other water lovers from across the province are saying too!

There are **two** ways to provide feedback:

- **Post a comment** on the Legislative Proposal on the BC government's blog at [engage.gov.bc.ca/watersustainabilityact](http://engage.gov.bc.ca/watersustainabilityact)
- **Write a submission letter** that outlines your **top priorities** for A Water Sustainability Act for BC: A Legislative Proposal.
  - Email your submission letter to [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca). Don't forget to **cc the Premier, Environment Minister, your MLA and local government representatives**, so that they know the new Water Sustainability Act is important to you.
  - You can also fax and/or mail your submission letter:  
*Water Sustainability Act*, Ministry of Environment,  
Water Protection and Sustainability Branch,  
PO Box 9362 Stn Prov Gov,  
Victoria BC, V8W 9M2  
Fax: (250) 356-1202
- **To maximize impact, do all of the above** and encourage your family, friends, local government representatives, and other groups in your region to do the same.

For more info on how to submit your feedback check out the BC government site: [engage.gov.bc.ca/watersustainabilityact](http://engage.gov.bc.ca/watersustainabilityact)

### III. What should I include in my feedback to government?

**Step 1: Read over A Water Sustainability Act for BC: A Legislative Proposal, or the shorter Legislative Proposal Overview.** Both of these documents are available as PDFs on the BC Government’s website at <http://engage.gov.bc.ca/watersustainabilityact>.

You’ll see that the Legislative Proposal introduces some **promising elements** to BC’s new Water Sustainability Act, including long-awaited regulation of groundwater, mandating water objectives are included in municipal land-use plans, and opening the door to more local control in regional watersheds.

You’ll also see that there are **significant areas of concern** and gaps in the Proposal. Areas where the Proposal falls short include inadequate consultation with First Nations, the absence of a legal commitment to set aside water for nature, low water use fees, and the lack of public participation in decisions that impact our home waters.

**Step 2:** It may be difficult, but **try to focus on the top 3 priorities** for the new Water Sustainability Act that are most important to you and your values. These priorities can help you focus your feedback on the government blog or in your two-to-four page submission letter.

In addition to outlining your **top 3 priorities**, please also consider including a statement of support on the need to **respect First Nations rights and title in all aspects of drafting and implementation of the new Water Sustainability Act** in your feedback. There is widespread agreement<sup>1</sup> both within and outside of First Nations communities in British Columbia that the BC government has not adequately consulted First Nations in the Water Act Modernization process.

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<sup>1</sup> See Union of BC Indian Chiefs WAM submission and resolution listed in the Additional resources section of this document.

Below is a “menu” of **six priority areas**<sup>2</sup> for the Legislative Proposal, listed in no particular order, that you might consider including in your **top 3**. Details on each of these priority areas are provided below.

- 1. First Nations Rights and Title must be respected**  
Respecting Constitutionally protected Rights and Title not only provides for stronger water policies and more sustainable management practices, but it also prevents the threat of law suits in the future.
- 2. Water use fees must make public “cents”**  
Fee schedules for groundwater and surface water must ensure that not only administrative costs are met, but that resources are made available for water management and governance-related activities.
- 3. Water must be protected as a public resource**  
The Government needs to update the definition of ‘Beneficial Use’ to ensure that license holders understand they are not gaining a ‘property right’
- 4. We need an inventory on groundwater before we open up the shop**  
Government knowledge of groundwater is still incomplete and jurisdiction unclear. We need to see a temporary licensing period for groundwater users to allow time for science and traditional knowledge to inform our groundwater decisions.
- 5. Apply the Water Sustainability Act to *all* fresh water users in the province**, or at least require that related objectives under other legislation are equivalent.
- 6. Build in safeguards to ensure we can continue to improve.**  
With a new BC Water Act, we need to see an increase in the reviews for license holders so we can continually evolve our water use practices and management systems.

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<sup>2</sup> These top priorities have been generally agreed-upon by the environmental community in BC through informal discussions across groups and networks beginning in 2009 with the “Statement of Expectations on Reform to the BC Water Act from BC Non-Governmental Organizations”. We would like to especially acknowledge the contributions by the POLIS Water Sustainability Project at the University of Victoria, Organizing for Change, and the WaterWealth Project to the current priorities presented in this Toolkit.

### **Priority #1: First Nations rights and title must be respected.**

Enough is enough of seeing First Nations interests pushed to the wayside. First Nations have a clear connection to healthy living waterways, ensuring they are involved with the due respect they deserve provides an opportunity not only for stronger water policies and more sustainable management practices, but it also prevents the threat of law suits in the future that drain all of us emotionally and financially.

### **Priority #2: Water use fees must make public “cents”**

Current industrial/commercial water use fees and the proposed groundwater fee (rental) are set at a ridiculously low rate of 85 cents per 1,000m<sup>3</sup>. This means that while an average water bill for a family of three in the Lower Mainland, for example, might run around \$650 per year, a multi-national corporation like Nestle is able to get away with paying about one third the per unit price while consuming several thousand times more water and making millions of dollars in profit.<sup>3</sup> These low fees point to a major missed opportunity to properly resource better water management and governance in BC. A higher, more appropriate fee structure for both groundwater and surface water is needed.

The Water Sustainability Act must ensure that water use fees make public “cents” by:

- Ensuring full cost-recovery by increasing fees to **cover basic administrative costs** to government for responsibly managing groundwater and surface water;
- Undertaking a comprehensive review of the pricing structure for surface water licenses and setting groundwater fees sufficiently high to **better resource the comprehensive approach to water management** outlined in the Proposal, including supporting monitoring and regular license review, flow assessments, and enforcement; and,
- Ensuring that **fees go specifically toward resourcing water management and governance**, rather than into the province’s general revenue.

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<sup>3</sup><http://www.theprovince.com/news/Wild+West+groundwater+Billion+dollar+Nestl%C3%A9+extracting+drinking+water+free/8785227/story.html>

### **Priority #3: Water must be protected as a public resource**

There is a gap in the definition of ‘Beneficial Use’ for water that fails to articulate the community interests of having healthy home waters, and bountiful clean drinking water sources. The Government needs to update the definition of ‘Beneficial Use’ to ensure that license holders understand they are not gaining a ‘property right’ but rather using a **public resource** that they must steward with the care it deserves and in a way that ensures it is used for the best outcome of all of us who call this region home.

### **Priority #4: We need an inventory on groundwater first**

Although the regulation for commercial and industrial groundwater users is welcome, locking them into a licensing system which gives them priority for ongoing use is not. **Government knowledge of groundwater is still incomplete**, and there is still much work to be done to build local capacity to deepen our appreciation of the way groundwater provides for fish habit, fertile lands and ongoing clean drinking water. Legally the government needs to work with First Nations to determine jurisdiction. We need to see a temporary licensing period for existing commercial and industrial groundwater users, where they are mandated to report their water usage, and local science and traditional knowledge from domestic water users can be assessed to ensure ongoing water withdrawals like Nestle’s 265 million litres a year really is sustainable.

### **Priority #5: Apply the Water Sustainability Act to all fresh water users**

The Objectives in the Water Sustainability Act (WSA) must be enforceable and apply to *all* sectors and industries, with no exemptions for Oil & Gas or 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 #6: Build in safeguards to ensure we can continue to improve.**

There is no question we have more work to do, building stronger local relationships between First Nations and other BC residents, Reviewing local science to understand the intersections between our ground and surface water systems, and of course building the capacity on a local level to develop and enforce local watershed plans that protect our home waters. With a new BC Water Act, we need to see an increase in the reviews for license holders so we can continually evolve our water use practices and management systems. Instead of the proposed review periods of 30 year ( 40 years for BC Hydro Project) we need to see reviews every 10 years. We need to ensure we are building a water management system that prevents us from ever having to deal with water scarcity, not locking us in to long-term unsustainable water use and draining us dry.

### **Step 3: Write your blog comment or submission!**

A sample submission might look like:

- √ A sentence or two acknowledging that you support that government is modernizing the Water Act, and the progress made in introducing certain elements
- √ Statement urging government to respect FN Rights and Title
- √ Your Priority #1
- √ Your Priority #2
- √ Your Priority #3
- √ A sentence or two on why a strong Water Sustainability Act is important to you
- √ Your name, affiliation (if any), and contact info

If you need assistance preparing your submission, please contact [sheila@waterwealthproject.ca](mailto:sheila@waterwealthproject.ca) or [susi@freshwateralliance.ca](mailto:susi@freshwateralliance.ca)

## **IV. Social media kit and other things you can do**

You've sent in your submission, now what? You can help other groups, organizations, individuals, and even your local government representatives do the same.



- Send **media releases** to local media, or write a **letter to the editor** or an **op-ed**. “Poach” whatever you need to from the Toolkit and Resources.
- Set up a **meeting with your local MLA** during the engagement period, and let them know that you care about a strong Water Sustainability Act.
- **Share posts and memes on Facebook and Twitter.** Tag other groups and organizations that are working on water issues so that we can make a collective splash across social media channels. While you're at it, share your posts with the [Liberal Caucus](#), Premier [Christy Clark](#) & BC Minister of Environment [Mary Polak](#) Facebook pages. Tweet the Premier @ChristyClarkBC, Minister of the Environment Mary Polak @maryforBC, and your own local MLAs (find your MLA on Twitter [here](#)).

- **Sample Facebook posts:**

Be sure to link to the [government's feedback page](#). You can also provide a link to this Toolkit.

- “Did you know that even though large-scale groundwater users will now need a license to take water under BC’s new Water Sustainability Act, we’ll still have no idea how much groundwater is actually being used? We just sent in our submission to the BC government’s engagement process on the Water Sustainability Act. @[tag your local city councilor], have you made your submission yet?”
- “Shouldn’t communities who are most impacted have a say? We think so! Speak up for more public participation in decision-making in local watersheds by making a submission to BC’s Water Sustainability Act Legislative Proposal process – you have until November 15, 2013! <http://engage.gov.bc.ca/watersustainabilityact/ways-to-participate/>”

- **Memes:**

- The Freshwater Alliance has designed several memes that you can circulate through your social media channels. Find them [on our Facebook](#) and share them from there.
- [Design your own meme](#) for each of your **top 3 priorities** and share across social media.

▪ **Sample Tweets:**

Be sure to link to the [government's feedback page](#). You can also provide a link to this Toolkit.

- “Submitted your feedback yet? X days to make a difference to #BC’s #water #canh20 #bcpoli [link to Toolkit]”
  - Think #fracking should be exempted from #BC's new #water laws? Speak up until November 15 #canh20 #bcpoli <http://ow.ly/gr2Ri>
- Share this Toolkit! If you would like a Word doc version that you can adopt to better suit the unique needs of your group or organization, please contact:
- Susi Porter-Bopp  
BC Organizer, Canadian Freshwater Alliance  
[susi@freshwateralliance.ca](mailto:susi@freshwateralliance.ca)  
(604) 202-6775

#### IV. Additional resources

- √ [Canadian Freshwater Alliance](#)
- √ [EcoJustice Canada](#)
- √ [Our Water BC](#)
- √ POLIS Water Sustainability Project:
  - [Strategic Analysis and Recommendations for Revision of Legislative Proposal for British Columbia’s Water Sustainability Act](#) (October 2013)
  - [The Public Trust and a Modern BC Water Act](#) (June 2010)
- √ [Statement of Expectations on Reform to the BC Water Act from BC Non-Governmental Organizations](#) (December 2009)
- √ Union of BC Indian Chiefs:
  - [UBCIC Resolution on British Columbia’s Water Sustainability Act](#) (September 2013)
  - [UBCIC Submission to BC Water Act Modernization Initiative](#) (April 2010)
- √ [WaterWealth Project](#)
- √ [West Coast Environmental Law](#)
- √ [WWF – Canada](#)