



POLIS Project on Ecological Governance  
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Honourable Doug Donaldson, MLA  
Minister of Forests, Lands, Natural Resource Operations, and Rural Development  
Room 248 Parliament Buildings  
Victoria, BC V8V 1X4

February 25<sup>th</sup>, 2019

**Re: Extension of groundwater application transition period to 2022**

Dear Minister Donaldson,

We are writing in response to the February 19<sup>th</sup>, 2019 *Water Sustainability Act* update announcing government's decision to extend the groundwater application transition period for an additional three years, to March 2022. We are strong supporters of government's efforts to implement the *Water Sustainability Act*, and emphasize the central role this legislation can play in promoting water stewardship, building climate resilience, and protecting functioning watersheds for communities and local economies.

It is well understood by water managers, communities, and water users that groundwater licensing is necessary to build an integrated water management regime in B.C. We emphasize that it is also a precursor to deploying the main sustainability tools in the *Water Sustainability Act*, including environmental flows and critical flow provisions, measuring and reporting, and water sustainability plans. Ensuring commitments like groundwater licensing receive proper follow-through is crucial to maintain public confidence in the process and in government's ability to effectively manage water resources.

We are disappointed that the initial three-year transition process was under-resourced and ineffective. We also appreciate that bringing the estimated 20,000 existing groundwater users into the regulatory regime is a complex and resource-intensive undertaking that continues to be a significant administrative challenge. As government looks to take a renewed approach over the next three years, it must ensure the groundwater licensing process balances water use with ecological sustainability, and involves effective partnerships and respectful engagement with Indigenous people in their traditional territories.

Given the cumulative pressures on water from climate change and shifting hydrology, intensified water use, and ongoing development, the imperative of building a robust water regime—of which effective groundwater licensing is a necessary foundation—is more urgent than ever. It must remain a priority for government.

We urge government to invest adequate resources and make the adjustments needed to achieve success during this redoubled effort to bring all existing groundwater users into the provincial system. Our team has identified several specific concerns with the approach. We outline these,



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along with recommendations, in the following submission provided to the Ministry of Environment and Climate Change Strategy; Ministry of Forest, Lands, Natural Resource Operations and Rural Development; the Premier's Office; appropriate Opposition Critics; and the network of B.C. water leaders and funders.

Our team at the POLIS Water Sustainability Project would be happy to arrange a time to discuss our concerns and possible pathways forward with you and your staff. We would appreciate follow-up communications on the proposed actions and the process to monitor progress over the coming three-year period. We are also willing to facilitate a working session (or webinar) with the network of B.C. water leaders and funders to allow government an opportunity to outline its new proposed approach, and identify areas of synergy or where these groups might assist.

If you have any questions, please do not hesitate to contact us.

Regards,

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## **IDENTIFIED CONCERNS AND RECOMMENDATIONS FOR B.C. GROUNDWATER TRANSITION EXTENSION & APPROACH**

**February 2019**

- 1. The announcement makes no indication that March 1<sup>st</sup>, 2022 is a *firm deadline* for existing users to obtain licences.**
  - We recommend that government communicate clearly that the new deadline is firm and that compliance and enforcement action will be taken on existing groundwater users if they are not registered by 2022.
  - Government must provide resources to deploy an effective communications program so that the new deadline, licence application process, and consequences of non-compliance are well understood by impacted users and communities.
  
- 2. Until groundwater users are integrated into the system, statutory decision-makers cannot properly assess the effects of new surface and groundwater applications on environmental flows.** The delay means that decision-makers will continue to lack an accurate (and complete) picture of cumulative water withdrawals, which is of particular concern in water-stressed watersheds.
  - We recommend that government focus its efforts on water-stressed regions to ensure those places transition effectively, and consider using a batched process with tighter timelines in regions where groundwater is already heavily used and impacting surface water (e.g. the Okanagan, South East Vancouver Island, the Lower Mainland).
  - These priority zones could have a deadline of 2020 and resources could be specifically made available to support groundwater users in these regions to provide the required data/information and accelerate the application process.
  
- 3. Determining surface/groundwater interactions, especially in water-stressed watersheds, will be significantly impacted by the three-year extension.** This will limit the potential effectiveness of drought management planning; deployment of environmental and critical flow protections; area based regulations; and sustainable water use planning.
  - From a risk management perspective, Ministry staff should place high priority on registering groundwater users in water-stressed watersheds (see recommendation for point #2, above)
  - We recommend that government prepare streamlined processes for water-stressed regions where drought is likely to impact other users, fisheries, and ecosystem health and function, so that even if full groundwater licensing is incomplete, measures are in place that can ensure efficient and timely reduction of use by existing users when impacts are likely to have negative effect.



- 4. In 2015, a budget lift provided government with additional resources for staff and capacity to complete groundwater licensing in the intended three-year transition period. However, it is not clear whether those resources were directed towards this critical task or if now, after failing to meet the initial 2019 target, additional resources will be provided to complete the WSA regulatory framework.**
  - Government must confirm adequate resources will be available to ensure success over the next three years, and identify what other partnerships might be needed to support Ministry efforts.
  - Government must provide a clear implementation plan with key milestones throughout, with regular and detailed updates and communications to key partners such as First Nations leadership, the Union of BC Municipalities, industry associations (including groundwater drillers), and water leaders and funders.
  
- 5. The consultation approach to-date with First Nations—based on referrals for individual licences as opposed to taking a regional “batched” approach—makes it near impossible for Nations to comment on cumulative impacts on rights and title.** This is not consistent with the government’s stated approach to the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) or its own *Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*.
  - Government must continue to resource and support the work underway to define a First Nations *Water Sustainability Act* Engagement Framework that is consistent with UNDRIP and government’s principles regarding reconciliation. The approach developed through that process should be extended to groundwater licensing over the next three years and beyond.
  - Government must resource and work with First Nations to establish priority areas for groundwater monitoring, including in regards to environmental flows.