Water Sustainably Act – now in force

• February 29th, 2016, replaces 107-year old Water Act
• Still a work in progress: Phase 1 regulations complete but much more to come ...

Why the Regulations Matter

• WSA is an enabling act
• Regulations: subordinate legislation, have the force of law, state how details of how law is interpreted/applied

...Act not done until the regs in place and implemented!
Spectrum of Planning Tools in WSA

Water Sustainability Plans
- Triggered by conflict
- Tailor-made to regional issues
- Binding & can change licences

Area based regulations
- Designate specific areas and create unique thresholds and requirements for those places

Sensitive stream designation
- To protect at-risk fish populations
- License terms and conditions related to mitigation, use of water, monitoring & reporting

Water Objectives
- Link land and water - criteria for water quality and quantity that decision-makers to consider
An important vehicle to address watershed conflicts & articulate a cohesive vision.

Provides a long-term formalized legal document (plan) to integrate:

- water quality
- water quantity
- a clear partnership (co-governance) mode of decision-making

** Primary way to deal with existing licences/allocations
Problems it could solve:

• Water quantity/environmental flows – can change licences
• Water quality – water objectives and changes to land use
• Degraded ecosystems
• Siloed decision-making; land/water considered in isolation
• Greater role for local entities in plan development/implementation
• Can be legally enforceable
• More durable decisions based on local expertise and community buy-in
Triggers for implementation

• Conflict between water users
• Conflict between water users and environmental flow needs
• To address risks to water quality and aquatic ecosystem health
• Third party can request the Minister to initiate the plan
Water Sustainability Plans

**PROS**

- Can adjust land and water use activities & practices – enforceable and durable solutions
- Opportunity for local entities to play formalized role as a convenor for developing and implementing the plan – co-governance approach
- Tailor-made to regional issues
- Could be a venue to integrate/support indigenous water laws

**CONS**

- Requires political will for development and implementation
- Resource ($$) and time-intensive process
WSP highlights (irrespective of FITFIR)

1. **Change water entitlements** (including claw back licences or parts of)
2. **Link land & water** – by binding others making decisions about land
   - require that decisions take Plan into account
   - explicit provisions can bind and limit decisions (prov and local gov’t staff)
3. Establish a localized/contextual approach to **drought**
   - specific & phased drought plan
   - embed innovation – create a local drought fund to pay users to reduce water at critical times
4. **Long-term & comprehensive** enable water gov/management for local issues
   - Umbrella (nested) for a variety of WSA tools (objectives, area based regs, storage requirements, eFlow thresholds, reserves, advisory boards etc)
5. Establish watershed-specific **dispute-resolution** processes
   - Cycle of review and reform in response to data and ecosystem conditions
6. **Shared & delegated decision-making** – either through G2G forum/board, or more broadly, can establish a way to make certain decisions locally
7. **Adapt over time** – with built in process to revisit & revise as conditions change (eg every 5 years)
Essential components:

- Data
- Water objectives
- Hydrological and land use planning
- Env flows
- Licensing
- Drought response
- Reserves
- Decision-making

** includes scenarios to illustrate

** Flow chart to break down key steps
A necessary synthesis
...opportunity to use the tools in Water Sustainability Act to advance community level concerns around sustainability AND reinforce indigenous water laws & establish thresholds that protect watersheds & water rights.