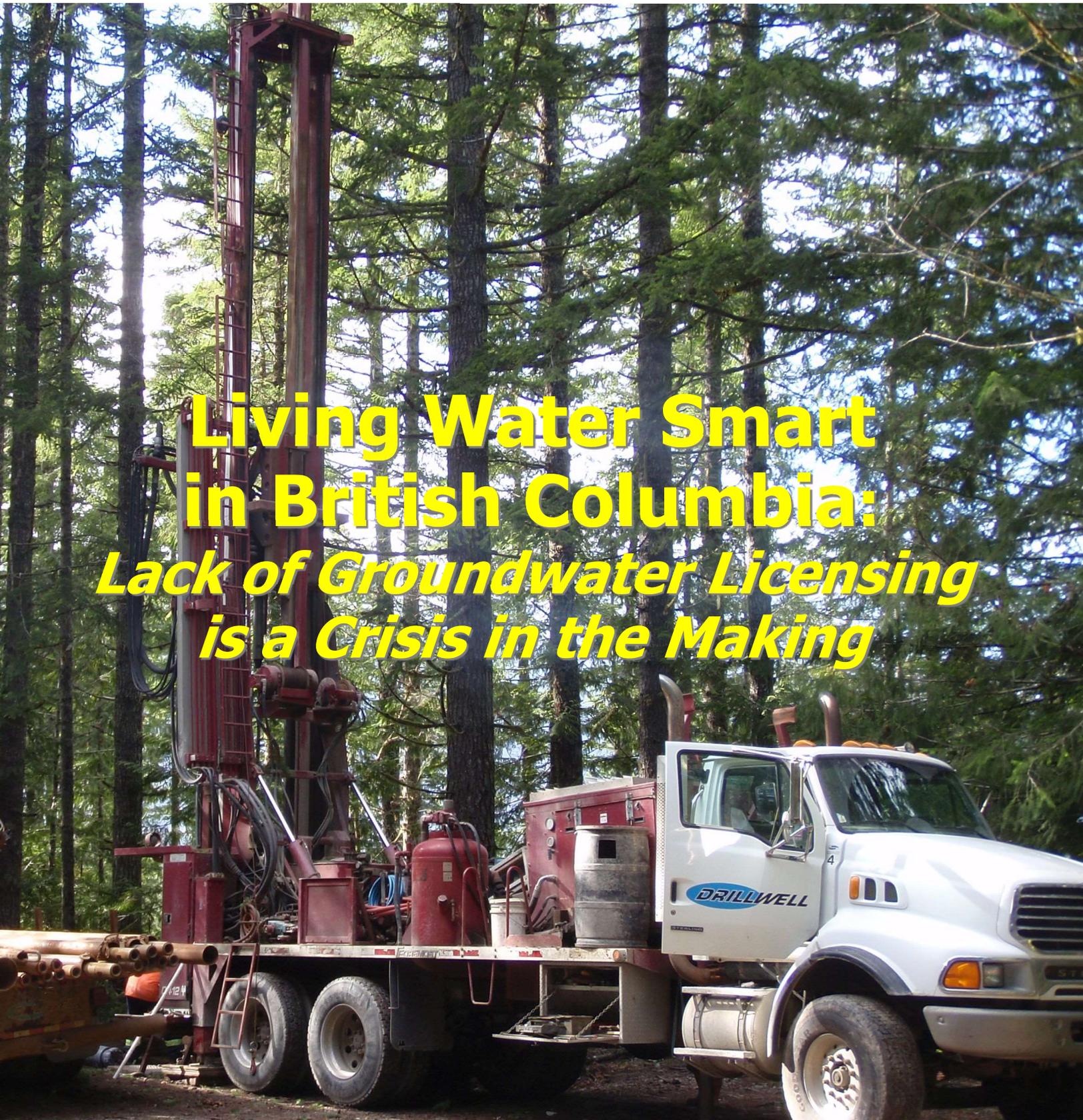




the partnership for water sustainability in bc

Waterbucket eNews on September 21, 2021

<https://waterbucket.ca/wscblog/>



Living Water Smart in British Columbia: *Lack of Groundwater Licensing is a Crisis in the Making*

Note to Reader:

Waterbucket eNews¹ celebrates the leadership of individuals and organizations who are guided by the vision for **Living Water Smart in British Columbia**².

The edition published on September 21, 2021 featured the groundwater licensing regulation, a foundation piece for successful implementation of BC's Water Sustainability Act (WSA), passed in 2016.

The umbrella for Partnership initiatives and programs is the **Water Sustainability Action Plan for British Columbia**³. In turn, the Action Plan is nested within **Living Water Smart, British Columbia's Water Plan**.

Cover Photo Credit: David Slade



¹ <https://waterbucket.ca/wscblog/>

² https://waterbucket.ca/wcp/wp-content/uploads/sites/6/2017/11/livingwatersmart_book.pdf

³ <https://www.waterbucket.ca/cfa/sites/wbccfa/documents/media/81.pdf>

Editor's Perspective

In April, the writer was part of a water roundtable session convened by the Honourable Nathan Cullen, Minister of State for Lands and Resource Operations. The issue that I highlighted for the Minister was the looming crisis over groundwater licensing implementation. Two weeks later, the Partnership for Water Sustainability released our first Primer titled the **Emerging Crisis Around Groundwater Legislation Implementation**.

The announcement by the provincial government in July prompted the Partnership to create the second Primer titled **Groundwater Users Put on Notice**⁴. To create a tidal wave of groundwater licence applications, the dire situation calls for leadership plus a VALUED BY ALL ethic, as well as effective communication of consequences followed by enforcement. The Primer is intended to inform the conversation about solutions to the problem.

Groundwater Users Put on Notice is about **WHAT** must happen. The issue is top-of-mind for numerous concerned individuals and organizations. The steady drumbeat calling for action is creating broader awareness that a crisis looms just around the corner. But time is running out. **The question of the hour is what happens after March 1, 2022?**

On September 30, the Partnership will lay out **HOW** government can make groundwater licensing a reality through a budget line item. As part of the **Budget 2022 Consultation** process, the Partnership has a window of opportunity to inform the **Select Standing Committee on Finance and Government Services** about the elements of an Action Plan to get the job done.

In the spirit of collaboration, we ALL have a responsibility to communicate in a way that fosters trust, respect, cooperation, and action. This is the moment for leadership from the highest level to demonstrate that the provincial government is implementing the Water Sustainability Act in good faith. It is also a moment for ALL to embrace shared responsibility to 'get it right'. We invite readers to help spread these messages to groundwater users and government alike.



Kim A. Stephens, MEng, PEng,

Executive Director

Partnership for Water Sustainability in BC

September 2021



⁴ https://waterbucket.ca/wcp/wp-content/uploads/sites/6/2021/07/PWSBC_Living-Water-Smart_Primer-on-Groundwater-Licensing_July-2021_final.pdf

Lack of Groundwater Licensing is a Crisis in the Making

British Columbia's groundwater licensing regulation, a foundation piece for successful implementation of the Water Sustainability Act (WSA), passed in 2016. The WSA is once-in-a-generation, transformational legislation.

Groundwater Users Put on Notice:

The 6-year transition period for groundwater licensing ends on March 1, 2022. With six months to go, the dilemma is that a mere 1 in 5 small business owners, ranchers and farmers in rural BC who rely on groundwater have applied for a licence. In July 2021, the provincial government released this statement of intent:

“Existing groundwater users who have not applied by the deadline (March 1, 2022) must stop using groundwater.”

The biggest groundwater licensing challenge has become convincing historical users that losing their status will have huge consequences for them if they miss the deadline. Historical refers to non-domestic groundwater use that was taking place when the new law came into force on February 29, 2016.

Groundwater licensing is a rare opportunity to make a difference and thereby make progress in bringing to fruition the Living Water Smart vision for water: **Safe, sustainable, valued by all**. But workshops, 'how-to' sessions for making an application, ads in local papers, mail campaigns, and information bulletins on a government website are clearly not reaching groundwater users.

Sometimes government has difficulty conveying messages in ways that connect with the public. All too often, it seems, something gets lost in translation. Given that a mere 1 in 5 of those who use water for non-household purposes have applied, what will it take to galvanize the remaining 16,000 historical users to submit their licence applications to protect their legal access to groundwater?

The Partnership for Water Sustainability is committed to doing its part to get the message out about managing groundwater sustainably for future generations. To that end, the Partnership's Primer titled **Groundwater Users Put on Notice** is a compendium of very persuasive and informed opinions from people who have expert knowledge and really understand the issue.

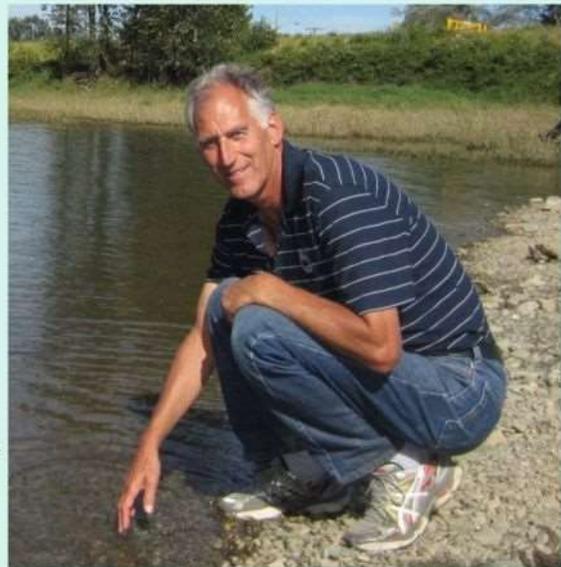
What will it take to motivate businesses, farmers, and others to apply in their own self-interest?

“If ‘someone’ does not ‘fix’ the groundwater licensing problem, it will get messy for everyone after March 1, 2022. It seems inevitable that government will be forced to act against unlicensed groundwater use – based on fairness to those who did apply,” said Ted van der Gulik, formerly with the Ministry of Agriculture and now President of the Partnership for Water Sustainability in BC.

“It will be difficult for government to shut down businesses. However, there are a few scenarios that have already come forward in the past few years that indicate what the future may look like after the March 1, 2022 deadline.”



“Without quick action, government risks other dominoes falling. There will be economic consequences for rural BC farmers, businesses, and industries. They need someone to fix this.”

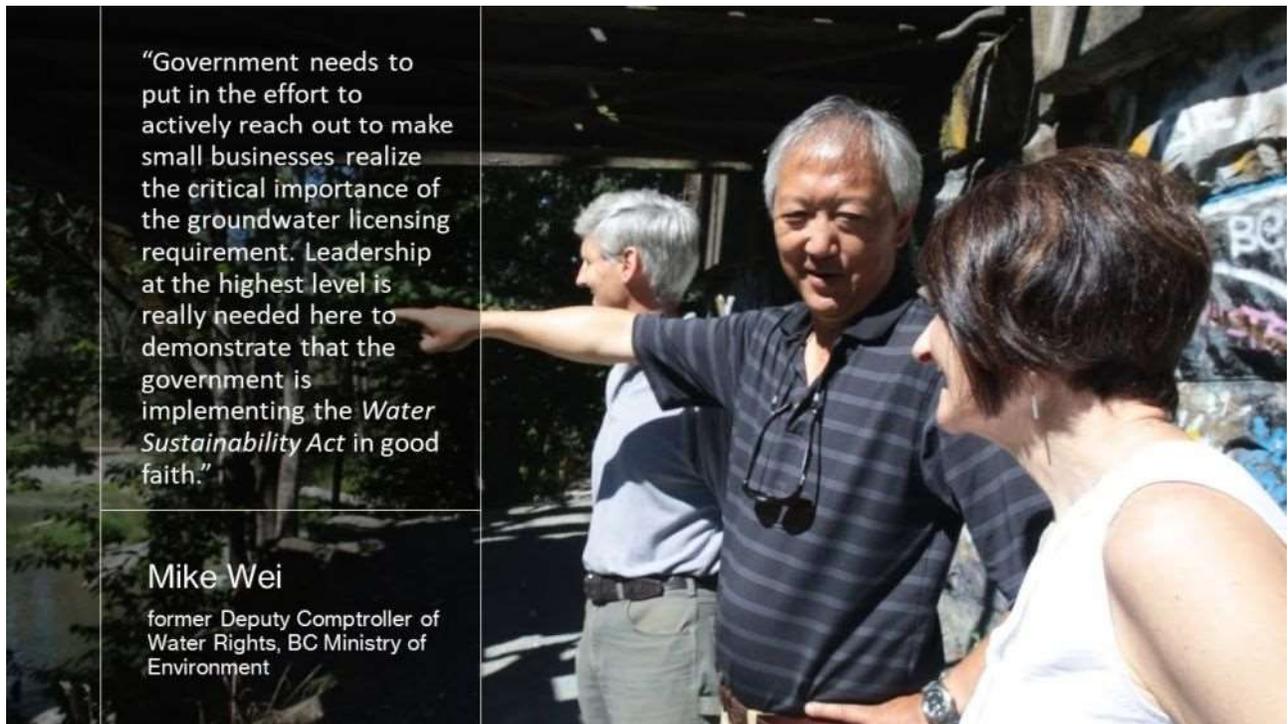


Ted van der Gulik, President, Partnership for Water Sustainability

Leadership and Enforcement Would Demonstrate Good Faith

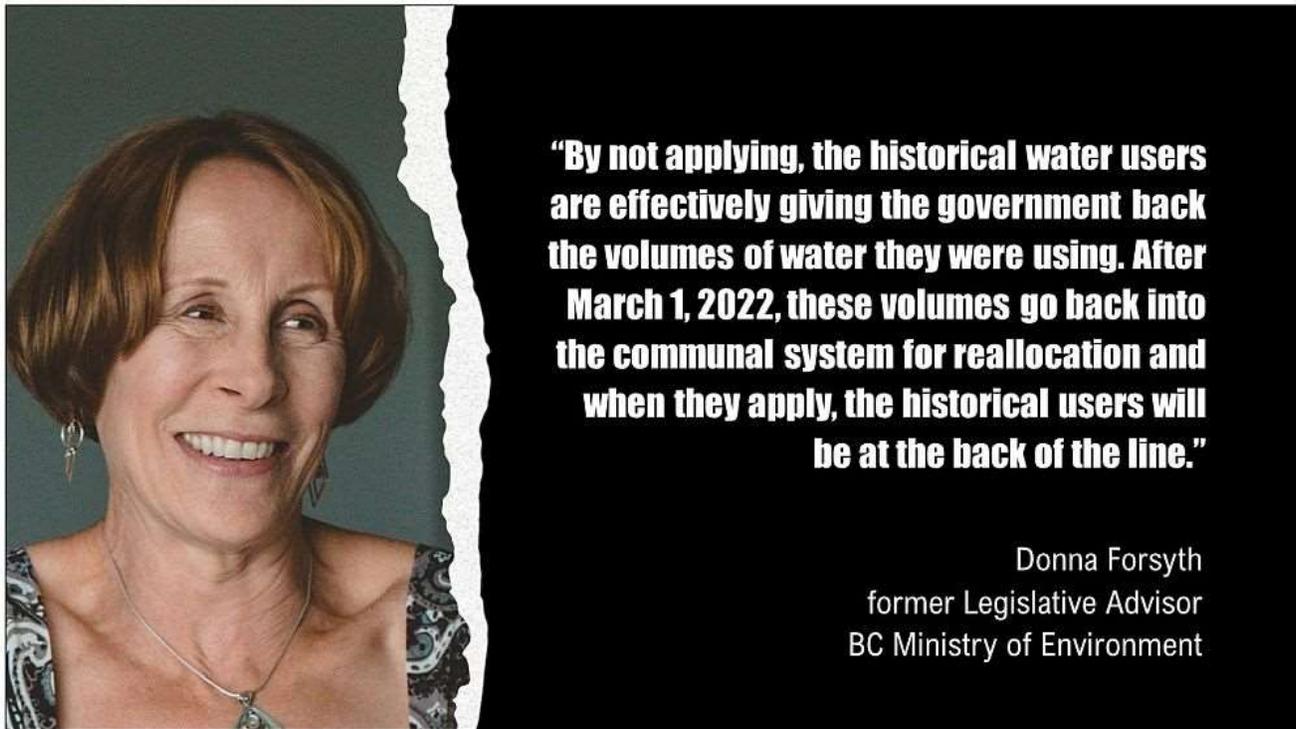
“It is surprising how many small businesses in rural BC, such as roadside restaurants, motels and gas stations, use groundwater. Many are operated by families. These are typically small business operations and owners who are not familiar with all the various government requirements. Many are unaware, and even surprised, to hear of the requirement for groundwater licensing; it’s just not on their radar,” reports Mike Wei, former Deputy Comptroller of Water Rights, Ministry of Environment.

To Learn More: Read the Backgrounder on pages 6 and 7.



Missing the Deadline Would Mean Shutting Down Businesses

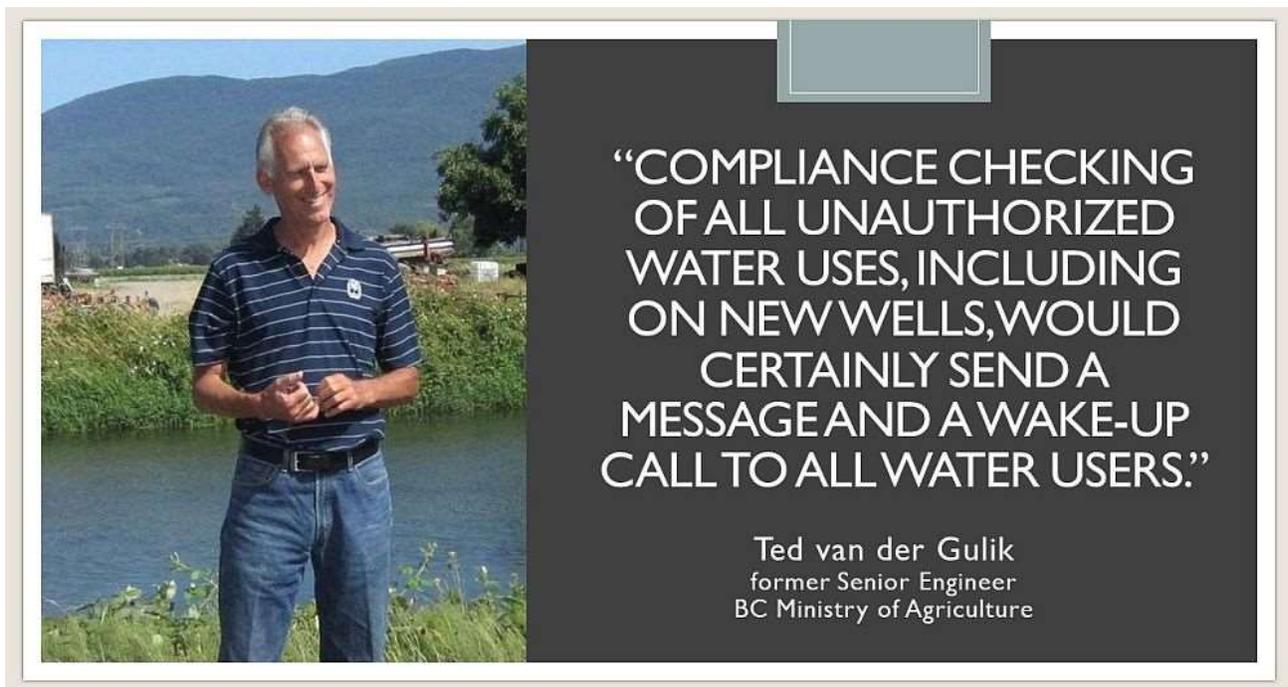
“Since the government made a ‘once in a century’ change to the water law, government needs to ensure that they communicate ALL of the ongoing financial risks to historical businesses and the potential devaluation of their properties, if they miss the deadline. I believe that it is very important to be crystal clear about the impacts of the end of the transition period given how the law is written,” urges Donna Forsyth, retired civil servant. She led the team that developed the new water law under the Water Sustainability Act.



Immediately Ensure New Wells are in Compliance, Learn by Doing, and Adapt the Strategy for Enforcement

“The Partnership concludes that if government would follow through with compliance checking for ‘new’ unauthorized water uses, it would certainly send a message and a wake-up call to ALL water users – especially if accompanied by a concerted education and communication effort,” emphasizes Ted van der Gulik.

“What would the succinct message be? It would be that government intends to systematically check compliance, now and beyond March 1, 2022. Only the Premier has the authority and accountability to direct adequate resources and attention to motivate historical groundwater users to apply before it is too late and to ensure there are equitable groundwater supplies for the future.”



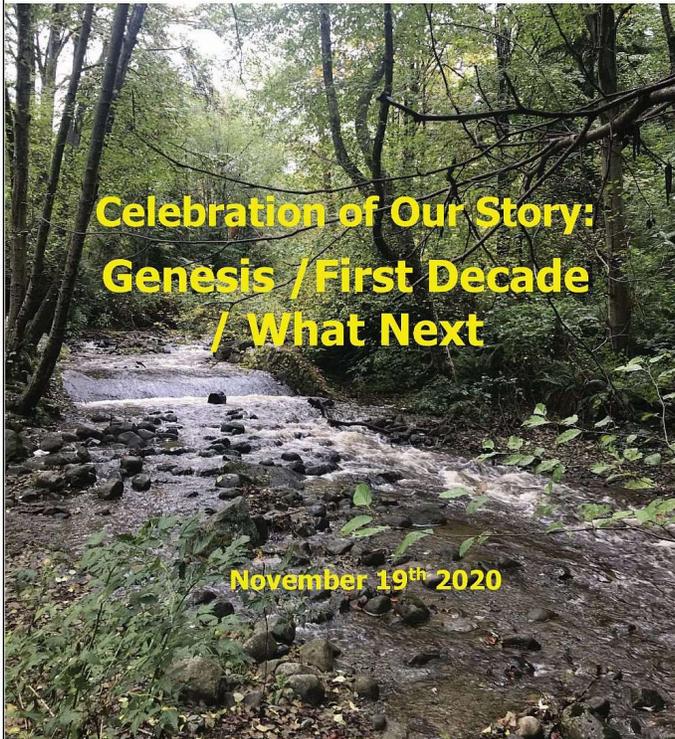
Backgrounder

- 1. The role of the Partnership for Water Sustainability is to remind everyone of the vision for water in “Living Water Smart, British Columbia’s Water Plan”:** **Safe, sustainable, valued by all.** Groundwater licensing is the biggest endeavour the Province of BC has taken on in its water management history. Yet, as the record shows, commitment and follow through to make it happen has been lacking. This transcends successive administrations.
- 2. In 2016, water management in BC entered a new era with passage of the *Water Sustainability Act (WSA)*.** This is once-in-a-century, transformational legislation and groundwater licensing is a foundation piece. The WSA made it a legal requirement that all non-domestic groundwater users in BC be licenced or otherwise authorized. Until then, only water users drawing from surface sources had been regulated in BC. **Now, groundwater users are required to play by the same set of rules.**
- 3. There are an estimated 20,000 groundwater wells** supplying farms, businesses, industries, utilities, and institutions across BC. Yet a mere 4000 reported applications have been submitted during the first five years of the 6-year transition period. Landowners are not required to apply for a licence to use a household well or groundwater solely for domestic purposes.
- 4. The gulf between 20,000 and 4,000 has serious implications.** It could also create inequities in the business landscape in BC, since it is believed that most of the 16,000 users are small businesses. The larger entities are likely already in the system.
- 5. March 1, 2022 is the looming deadline to apply for a water licence** for those who were using groundwater from a well or dugout on or before Feb. 29, 2016, for non-domestic purposes.
- 6. These users are defined herein as “historical” groundwater users** to make a clear distinction between them and “new” groundwater users who are pumping water from wells drilled and placed in service after March 1, 2016.
- 7. After 5-plus years, the dilemma is that a mere 1 in 5 historical groundwater users have applied for a water licence.** Workshops, ‘how-to’ sessions for making an application, ads in local papers, mail campaigns, and information bulletins on a government website are clearly not reaching groundwater users. Let’s look at what the numbers are telling us.
- 8. In the final year of the 6-year transition period, the biggest groundwater licensing challenge** has become convincing these historical users that losing their status will have huge consequences for them if they miss the deadline.
- 9. By not applying for a licence,** historical groundwater users are effectively giving the government back the volumes of water they have been using. Missing the deadline means either temporary or permanent shutting down of businesses.

10. **Why are the consequences not understood by historical groundwater users?**
Because the financial implications and true risks of not applying have not been clearly communicated in the government messaging. As a result, most groundwater users have yet to experience an Ah-ha moment that shifts their understanding to apply for a licence because it is in their own self-interest.
11. **Lack of groundwater licensing is a crisis in the making.** It will require immediate actions on the part of government to break through and galvanize some 16,000 groundwater users to apply for a licence no later than March 1, 2022. Otherwise, an overwhelming majority of historical groundwater users will be in regulatory non-compliance.
12. **On July 2, 2021 the government issued an Information Bulletin** to signal to groundwater users that non-compliance would have consequences. This is a small but critical first step in communicating the message that users must take groundwater licensing seriously.
13. **In the Partnership for Water Sustainability's Primer titled "Living Water Smart in British Columbia: Groundwater Users Put on Notice"**, the trio of Donna Forsyth, Mike Wei and Ted van der Gulik bring their professional expertise and experience as former civil servants to bear to shine the light on a path forward for government. They are 'water sustainability volunteers'.
14. **The Primer is not a technical report.** It is a compendium of very persuasive and informed opinions from people who have expert knowledge and really understand the issue. This Primer provides context and perspective on the value of a water right and why it is worth the time and effort by a groundwater user to APPLY RIGHT NOW for a water licence.
15. **The Primer elaborates on an ongoing failure to communicate effectively about what is missing.** It suggests potential game-changing solutions to create a desired "tidal wave of groundwater licence applications" between today and March 1, 2022. Because people learn through stories and anecdotes, the Primer storyline is built around quotable quotes from these knowledgeable professionals to tell the "story behind the story".
16. **In addition to government's two-pronged responsibility for better communication and enforcement,** there is a third responsibility that all citizens can take on. We all need to recognize the importance of water as a shared resource and communicate to business operators and elected officials that groundwater licensing is fundamental to water management in BC and illegal water use is unacceptable.
17. **To create a tidal wave of groundwater licence applications,** the situation calls for leadership plus a VALUED BY ALL ethic, as well as effective communication of consequences followed by enforcement. This Primer is intended to inform the conversation about solutions to the problem.
18. **To learn about these solutions, download a copy:**
https://waterbucket.ca/wcp/wp-content/uploads/sites/6/2021/07/PWSBC_Living-Water-Smart_Primer-on-Groundwater-Licensing_July-2021_final.pdf



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About the Partnership for Water Sustainability in British Columbia

Incorporation of the Partnership for Water Sustainability in British Columbia as a not-for-profit society on November 19, 2010 was a milestone moment. Incorporation signified a bold leap forward.

Over two decades, the Partnership had evolved from a technical committee in the 1990s, to a “water roundtable” in the first decade of the 2000s, and then to a legal entity. The Partnership has its roots in government – local, provincial, federal.

The Partnership has a primary goal, to **build bridges of understanding** and pass the baton from the past to the present and future. To achieve the goal, the Partnership is growing a network in the local government setting. This network embraces collaborative leadership and **inter-generational collaboration**.

The Partnership believes that when each generation is receptive to accepting the inter-generational baton and embracing the wisdom that goes with it, the decisions of successive generations will benefit from and build upon the experience of those who went before them.



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