

Comparison between Water Use Plans (WUPs) and Water Sustainability Plans (WSPs)

	Water Use Plans	Water Sustainability Plans
<p>What is the plan</p>	<p>Water Use Plans are intended to clarify how rights to provincial water resources should be exercised, and to take account of the multiple uses for those resources. A Water Use Plan is a technical document which, when accepted by the Comptroller of Water Rights, is implemented through an Order issued under the Water Act, to the licensee(s). It defines the operating parameters and procedures imposed on specific works or water control facilities. The parameters and procedures will be designed to recognize multiple water use objectives. Key objectives from the provincial government's perspective are the protection of fish and aquatic habitat, flood control, power generation, and First Nations issues. However, the plan may also need to consider other uses, including industrial and municipal development, drinking water supply, recreation and tourism, forestry, irrigation, navigation, and other cultural and heritage values.</p> <p>WUPs must recognize existing legal and constitutional rights and responsibilities, as set out in legislation and court decisions.</p>	<p>A Water Sustainability Plan is intended to address the impacts of land based activities on the water resource, in addition to addressing related issues to water allocation. WSPs are designed to address conflict among users, among users and the environment, address risks to water quality, and address watersheds that require restoration.</p> <p>WSPs are area based plans which can have the strength of regulation and may over-ride certain other statutes. The tools within each plan will be unique, addressing the water issues in the area under the plan. They may include regulations that address water quality, environmental flow needs, and water quantity.</p> <p>Development of a WSP can be a last step in addressing issues, after other tools have been exhausted.</p> <p>WSPs are intended to be scalable. They may only look at water supply issues, but they may also look at a full range of issues (e.g., quality, quantity, surface and groundwater, ecosystem health).</p>
<p>Goal/Objective of the plan</p>	<p>The goal of the WUP is to achieve consensus on a set of operating rules for each facility that satisfies the full range of water use interests, while respecting legislative and other boundaries.</p>	<p>The goal and primary intent of the Water Sustainability Plans are to address the impacts of land based activities on the water resource. In addition, WSPs may be used to address a variety of water issues related to water allocation.</p>
<p>Who Initiates the plan</p>	<p>The Comptroller of Water Rights may require that a WUP be prepared for any existing licence. Expected priorities for the completion of plans are power developments, municipal water systems, and larger-scale industrial operations. WUP's may be required for other water control facilities where there is an undesirable effect on fish, aquatic habitat, or other important values. New licences for large-scale operations (industrial, agriculture, municipal, or other facilities) or for works located on valuable or sensitive streams may be required to develop WUPs as a condition of their licence.</p> <p>A WUP process is initiated by the Comptroller as a result of:</p>	<p>The minister, on request or on the minister's own initiative, by order, may designate an area for the purpose of the development of a WSP.</p> <p>A WSP is initiated if the minister considers the plan for the area will assist in:</p> <ul style="list-style-type: none"> - Preventing or addressing conflicts between users, conflicts between the needs of water users and environmental flow needs, risks to water quality, or risks to aquatic ecosystem health. - Identifying restoration measures in relation to a damaged aquatic ecosystem. <p>The minister, by order, may limit the issues to</p>

	<ul style="list-style-type: none"> - A water use conflict that has come to the Comptroller's attention. - The Comptroller's review of the licence and exercise of the licensee's rights either in response to the consideration of a licence amendment, application for an additional licence, or part of the Comptroller's regular duties. - An application for a licence for a new facility. - A request by the licensee. <p>WUPs are developed within the context of the <i>Water Act</i>, through which provincial water licences are issued. The Act governs the construction, operation, and maintenance of works to ensure the beneficial use of the water resource. A WUP for a particular water control facility will be prepared as part of the licencing process, with the end result being an order to operate the works consistent with the plan.</p> <p>Once Ordered through the <i>Water Act</i> the WUP is legally binding and enforceable.</p>	<p>be considered in a WSP development process or the recommendations that may be made in the plan for measures to address the issues considered.</p>
<p>Who Approves the plan</p>	<p>Draft plans are submitted to the Comptroller for regulatory review and approval. The Comptroller's authorization causes a plan to be implemented.</p> <p>The Comptroller will monitor the WUP process to ensure that it is consistent with consultative obligations under the <i>Water Act</i>.</p> <p>DFO is expected to be a full participant in the plan development, committed to the consultative process, and the pursuit of consensus. DFO will review the WUP authorized under the <i>Water Act</i> and provide advice and authorizations and may in turn, issue a Fisheries Act Authorization.</p>	<p>The proposed plan is submitted to the Minister for approval. The minister may accept all or part of the proposed plan as a WSP or place the plan before the Lieutenant Governor in Council if it contains a recommendation that a regulation or order under this or another Act be made in relation to the plan. The Lieutenant Governor in Council may accept all or part of the proposed plan as a WSP.</p> <p>The minister must arrange for the accepted WSP to be made public and published.</p>
<p>Who develops the plan</p>	<p>The licensee or proponent is responsible for plan development. In addition, they are required to work with other participants and the Comptroller to design and implement the plan.</p>	<p>Through the order, it may designate the government or another person as the person responsible for preparing the proposed plan. They are required to establish the terms of reference for the plan and to establish one or more technical advisory committees in relation to the development of the plan.</p>
<p>How is the plan developed</p>	<p>The WUP process is meant to be sufficiently flexible to accommodate the needs of different water control facilities and participants. At the same time, consultative discussions are structured to identify and explore a range of alternative operating regimes, and to seek a</p>	<p>The minister, by order, may establish the process by which a proposed WSP for a plan area is to be developed.</p> <p>The terms of reference for a proposed WSP must include:</p>

	<p>better balance among interests while remaining within regulatory and other boundaries.</p> <p>The length of the WUP process varies depending on the complexity of issues.</p> <p>WUPs are prepared through a collaborative effort involving First Nations, other key interested parties (stakeholders), agencies and the general public.</p> <p>In general there is a 13 step process:</p> <ol style="list-style-type: none"> 1. Initiate a WUP process for the particular works or facility. 2. Scope the water use issues and interests. 3. Determine the consultative process to be followed and initiated. 4. Confirm the issues and interest in terms of specific water use objectives. 5. Gather additional information on the impacts of water flows on each objective. 6. Create operating alternatives for regulating water use to meet different interests. 7. Assess the trade-offs between operating alternatives in terms of the objectives. 8. Determine and document the areas of consensus and disagreement 9. Prepare a draft WUP and submit to the Comptroller for regulatory review. 10. Review the draft plan and issue a provincial decision. 11. Review the authorized WUP and issue a federal decision (DFO). 12. Monitor compliance with the authorized WUP. 13. Review the plan on a periodic and ongoing basis. 	<ul style="list-style-type: none"> - The purpose of the plan - The scope of the proposed plan - The issues to be addressed - Description of the organization structure supporting the development of the proposed plan - An estimate of the financial, human and other resources required for the plan development - A process for public and stakeholder communications and consultations - If not the government developing then a process for government consultation - Time limit for completing the proposed plan <p>A proposed WSP <u>must</u> include:</p> <ul style="list-style-type: none"> - Description of plan area. - A description of the issues considered in the planning process. - A description of the public and stakeholder communications and consultations undertaken during the planning process. - A description of any notifications provided to potentially affected person as required by section 71 and a summary of any concerns received under that section. - The recommendations for measures to address the issues considered in the planning process and the rationale for the recommendations. - A description of the implications of and who is responsible for implementing the plan recommendations. - An estimate of the financial, human and other resources required for implementation of the plan and possible sources of the resources identified in the estimate, including funding commitments, if any. - Prescribed information. <p>Proposed WSP <u>may</u> include:</p> <ul style="list-style-type: none"> - Recommendation for a process for the resolution of disputes between water users. - A description of the relationship of the plan to other provincial plans. - Prescribed information. - A recommended timeline for review of
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		<p>the plan.</p> <p>A proposed plan may be prepared in conjunction with the preparation of a proposed drinking water protection plan under the <i>Drinking Water Protection Act</i> or a land use and water use plan prepared under a prescribed enactment.</p>
<p>Review and Amendments to Plan</p>	<p>The WUP will specify the opportunity for a scheduled periodic review that is often oriented to specific priority issues that may arise during the plan's implementation.</p> <p>Under the <i>Water Act</i> (or subsequently the WSA) the licensee can always initiate a licence review by filing an application to amend a water licence or to obtain a new licence. The Comptroller can review the WUP at any time on matters of compliance.</p>	<p>The minister, by order, may direct that a WSP be reviewed to determine whether the plan should be amended or cancelled.</p>