

October 3, 2025

Ministry of Water, Land, and Resource Stewardship
Government of British Columbia
PO BOX 9012 STN PROV GOVT
Victoria, BC V8W 9L6

Sent via email: PermittingSolutions@gov.bc.ca

Subject: BCAC Response to Administrative Penalties Timelines

To Whom It May Concern,

On behalf of British Columbia's farmers and ranchers, thank you for your Ministry's efforts to improve permitting requirements under the *Water Sustainability Act* (WSA) as well as related legislation and regulations. Water is the cornerstone of agricultural production. As such, it is imperative that the policy environment in B.C. supports reliable access to quality water for farmers. Obstacles to agricultural water use carry risks to the food security of our communities.

I am writing on behalf of BC Agriculture Council (BCAC), which is the unified voice of B.C.'s agriculture industry, representing over 20,000 farm families and 96% of farmgate sales in the province through our 29 member associations. We work to advance policies that support a strong and competitive agriculture sector across B.C. We continue to appreciate the opportunity to participate in the Premier's Task Force on Agriculture and Food Economy, and we are pleased to see the Ministry of Water, Land, and Resource Stewardship is taking steps to deliver on the Task Force's recommendation earlier this year to improve permitting requirements in several important areas.

BCAC has consistently expressed concern that the administrative monetary penalties (AMPs) enabled under the WSA and the subsequent *Administrative Penalties Regulation* lack the proportionality and transparency to be an effective enforcement tool. Specifically, these penalties can be as much as \$500,000 and can be imposed for each day the contravention of the WSA continues. As such, these penalties could significantly challenge the financial viability of a farm. Responding to the notice of intent to impose AMP can also carry significant costs for a farmer or rancher. Furthermore, Section 99 of the WSA leaves the decision to impose AMP rather than a fine solely to the discretion of the comptroller instead of setting out clearly documented criteria by which the decision must be made.

BCAC continues to strongly recommend that only Section 107 offences under the WSA be eligible for AMPs. The WSA and related regulations should be amended, such that it is made clear Section 106 offences will be punishable only by fine.

However, regarding the alignment of timelines and processes for AMPs under the WSA with those under other relevant statutes, BCAC notes that the prescribed period for payment of the AMP is currently 60 days under Section 99(5) of the WSA but there is no similarly prescribed period under the *Wildlife Act* or the *Forest and Range Practices Act*. We would support amendments that would no longer specify the prescribed period for payment of AMPs under the WSA, allowing for a similar degree of flexibility in enforcement to that enabled under other legislation. For example, allowing for payment of AMPs levied on

farmers over a period greater than 60 days could mitigate the financial impact of the penalty on a farm operation.

In addition, three years is a considerable amount of time to pass between when evidence of an alleged contravention is found and when a penalty is imposed. As such, BCAC recommends revising Section 8 of the *Administrative Penalties Regulation* so that this period is limited to only two years. This would be a more reasonable amount of time for evidence of an alleged contravention to be gathered and for a decision to be made on whether to impose the AMP.

Finally, Section 100(4) of the WSA specifies that the notice of intent to impose an AMP must be delivered to the relevant person not less than 21 days before the date of a hearing or the due date of a submission of evidence by the party that allegedly contravened under the WSA, but there is no similar provision in the *Wildlife Act* or the *Forest and Range Practices Act*. If any changes are made to how AMPs are imposed under the WSA, the notice of intent period should be preserved or extended but it must not be shortened to any period less than 21 days. Given the complexity of the allegations that can be involved, it is vital that those who may be subject to an AMP have sufficient time to gather evidence and prepare a response.

In case of any need for additional information or details in this response to the Ministry's consultation, please do not hesitate to contact BCAC's Executive Director, Danielle Synotte, via email at dsynotte@bcac.ca or via telephone at 604-854-4454. We look forward to responding to the other consultations on natural resource permitting improvements in due course.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J. Woike', with a large, stylized loop at the end.

Jennifer Woike, President
BC Agriculture Council