



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

November 14, 2013

Attn: livingwatersmart@gov.bc.ca

Dale Morgan

Regional Executive Director
MFLNRO
9000 17th Street
Dawson Creek, BC
V1G 4A4

Dave Francis

Director of Authorizations
MFLNRO
Mackenzie, BC

Karen Goodings

Chair
Peace River Regional District
Dawson Creek, BC

Robert Piccini

Section Head, Water Authorizations
MFLNRO
Prince George, BC

RE: Proposal for Modernization to the Water Act (Water Sustainability Act) & Community Watershed Designation for Moberly River Watershed

Introduction:

The Saulteau First Nations (SFN) appreciates the opportunity to comment on the proposed *Water Sustainability Act*, a modernization to the existing *Water Act* for the Province of British Columbia. SFN is deeply concerned with the way water is managed in their traditional territory (Treaty 8) and we feel that a modernization to laws and regulations that govern its use is well overdue. SFN has the following comments with regards to the proposed *Water Sustainability Act*:



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

1. Protect stream health and aquatic environments:

Members of SFN are finding it harder to practice their treaty rights and are noticing degradation to their local watershed. In many cases, members are noting that existing riparian buffers, ground water regulation, stream reclamation and water use monitors are not adequate to address the level of water resource degradation caused by cumulative impacts on the land base.

- SFN requests that new legislation include an **increase** in regulations for buffer zones, monitors and stream reclamation, to match the **increase** in cumulative impacts on the land base.

2. Consider water in land use decisions:

Ultimately, land use decisions govern the cumulative impacts on water resources in the Province and in Treaty 8 traditional territory. One of the biggest concerns SFN has with regards to water management in B.C. is a lack of understanding and research of cumulative effects on water resources. There are approximately 44,000 active water licenses in BC. The cumulative impacts of industrial activity are largely unregulated and are causing adverse effects on water quality for consumption and aquatic habitat.

- We believe that water should be a top priority when processing land use applications and reaching decisions. For new legislation, SFN requests that cumulative impacts be researched and addressed prior to issuing permits.

3. Regulate and protect ground water:

Treaty 8 Traditional Territory is unlike any other area of BC when it comes to the magnitude of ground water contamination. The recent boom here in oil and gas activity has led to direct



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

contamination of ground water through hydraulic fracturing, oil spills and leaky wells. Between 2000 and 2005, 35 % of groundwater observation wells showed declining water levels.

In addition, the cumulative impacts from other industries such as forestry, can drastically alter the hydrological regime within a watershed and reduce ground water recharge.

- SFN requests that new legislation not only regulate ground water, but also regulate factors which alter groundwater flow, salinity, quality, recharge and discharge.

4. Improve water use efficiency and conservation:

SFN is aware that vast amounts of fresh, potable water is wasted and contaminated with chemicals every day in Treaty 8 territory from gas fracking, herbicide/pesticide treatment, gas and mining exploration well drilling, road building/ maintenance and many others.

- We would like to see the modernization of the current Water Act include protection of fresh water by mandating the use of recycled water, contaminated water or otherwise un-potable water for the majority industrial use.

Local Impacts on SFN way of life:

In recent years, members of SFN have been deeply concerned with the continued degradation of their local water supply, the Moberly River Watershed. The Moberly River, its tributaries and Moberly Lake, are of extremely high importance to SFN members for health and practicing their Treaty Rights. The lack of safe drinking water is an ongoing problem in many First Nation communities. 20% of the indigenous water supply in Canada is contaminated and poses significant health risks. The 2011 National Engineering Assessment released by the federal government found that 73% of First Nation water systems are at high or medium risk.



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

SFN feels that an immediate course of action to protect the Moberly River Watershed and hence, the health and Treaty Rights of their community, is required. We feel that one way this can be achieved is through the designation of our watershed as a “Community Watershed”.

Rationale for Community Watershed Designation:

In the months of June and July of 2011, the communities around the Moberly Lake Watershed suffered from severe flooding events which had negative impacts on the water supply, water quality and future hydrological regime (Moberly lake community, 2012). Timber clearing within the Moberly River Watershed is thought to be a main factor in the magnitude and intensity of this flood. When large sections of timber are cleared, such as those allowed by the Province to salvage the economic value of dead pine, interception rates are drastically decreased. During periods of heavy rainfall, the forest floors of large clear-cut areas are subject to direct infiltration without interception which spikes discharge rates during rain events. The cumulative impacts of forestry, transmission lines, seismic lines, oil and gas wells and wind tenures, amount to a significant change in the hydrological regime within the Moberly River Watershed.

As you are aware, First Nation communities as well as other Non-First Nation residents reside within and rely on the Moberly River Watershed for potable drinking water (ground water, surface runoff, river water and lake water). Protecting the watershed by giving it community designation, will help to regulate adverse effects on the watershed by establishing Provincial water quality objectives for this area.

Section 8 of the *Government Actions Regulation* states that, “The minister responsible for the *Land Act* by order may designate as a community watershed all or part of the drainage area that is upslope of the lowest point from which water is diverted for human consumption”. We are asking that you utilize this ability to assist in the protection of our local watershed, to protect the



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

health and rights of our members and surrounding communities and the future of coming generations.

Rationale for > 500Km² Community Watershed Designation:

According to Geoscience BC, the total area of the Moberly River Watershed is 1540.8 km². We understand that community watershed designation is typically reserved for watersheds not exceeding 500 km² in area. However, section 2.2.1 of the Forest Practices Code Community Watershed Guidebook indicates that water sheds that are greater than 500 square kilometers will be approved for community watershed designation status if, “The Ministry of Forests regional manager and the designated environment official agree that the watershed should become a community watershed” (Community watershed guidebook, 1996). Given the significance of industrial activity in this area, and the fact that two First Nation Communities along with non First-Nation Communities rely so heavily on the watershed, we believe it is necessary to take the steps to protect and govern its use.

If the Moberly River Watershed is given Community Watershed status, SFN would be interested in developing a collaborative process to ensure shared objectives within the communities surrounding Moberly Lake are met. Please consider the comments made in this letter when finalizing the new *Water Sustainability Act*. We also ask that you address the issue of “Community Watershed Status” within the Moberly River Watershed as soon as it is possible.

We look forward to hearing back from you.

Regards,

A handwritten signature in blue ink, appearing to read 'mif', with a long horizontal stroke extending to the right.

Michael Freer; B.Sc
Lands Resource Technician
Saulteau First Nations



Saulteau First Nations
Treaty and Lands Department
Box 1020
Chetwynd, BC V0C 1J0
Tel: (250) 788-3955
Fax: (250) 788-1276
Website: www.saulteau.com

CC: Naomi Owens, Saulteau First Nations Lands Manager
Carmen Marshall, Biologist
Fernie Garbitt, Lands Executive Assistant

References:

Ministry of Forests, Range and Natural resource Operations, (1996). *Community Watershed Guidebook*. Retrieved from Ministry of Environment website:
<http://www.for.gov.bc.ca/TASB/LEGSREGS/FPC/FPCGUIDE/WATRSHED/Watertoc.htm>

Moberly lake community seeks assistance to ensure water quality and safety. (2012, January 16). *Prince George Citizen*. Retrieved from
<http://www.princegeorgecitizen.com/article/20120116/DAWSONCREEK0101/301169995/DAWSONCREEK/pouce-coupe-paves-way-to-future>