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February 11, 2011

File: 5600-01

The Honourable Murray Coell
Minister of Environment
Province of British Columbia
PO Box 9047
STN PROV GOVT
Victoria, BC V8W 9E2

Dear Minister Murray Coell:

Re: Water Act Modernization Submission

Thank you for the opportunity to submit comments on the new *Water Sustainability Act*. The Abbotsford Mission Water & Sewer Commission (AMWSC) provides bulk potable water to the City of Abbotsford and the District of Mission. Water is supplied with two surface water sources (Norrish Creek and Cannell Lake) and 19 groundwater wells located in the Abbotsford Sumas aquifer.

After a review of the Policy Proposal on British Columbia's new *Water Sustainability Act*, the AMWSC would like to provide some comments for consideration, which are detailed below.

In general, the direction in which the Water Act Modernization process appears to be headed is a good one. However, there are some aspects which require clarification and others which may actually warrant some modification.

Some of the uncertainty may stem from the apparent over-emphasis, as found in the introductory paragraphs, on "Urban, land and resource development" as a primary source of pressure on water quantity and quality. While we do not disagree that the processes of altering land for urban and resource uses is certainly one potential stressor on water quality and quantity, we would argue that a far more significant impact is made by ongoing human activity. That is, all forms of human activity, including domestic (residential), business, industrial, agricultural, resource extraction, and utility and transportation related, among others, exert a far greater impact on water on a day-to-day basis than the one-time development of any activity or physical development. Failure to recognize this can create provisions in the *Water Sustainability Act* which may be effective in land development scenarios but offer little to no relief from the impact of daily anthropogenic activity.

A possible indication that this fundamental recognition has not occurred is reflected in Section 2 on page 8 entitled "Policy Direction – Consider Water in Land-use Decisions". It states that Provincial Water Objectives will guide decisions by statutory decision makers under laws affecting land and resource use on crown and private land. Certainly within a local government context, land-use decisions are typically understood to be almost exclusively about zoning and Official Community Plans.

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But, these decisions only determine the allocation of land for specific purposes or the nature of the built-form or alteration of the land in question. They do not ultimately influence or regulate how activity is conducted on the land after the land-use decision is made, for example whether water becomes contaminated by human activity or whether over-extraction or mining of groundwater occurs.

Consequently, what is really needed is a means to manage the impact of land-use practices and activity on water quality and quantity, and a traditional local government regulatory authority cannot do this. It is not yet clear that the proposed provisions of a *Water Sustainability Act* could accomplish this.

An additional indication that anthropogenic activity and land use practices will not be able to be managed under the *Water Sustainability Act* is found in Section 3 "Policy Direction – Regulate Groundwater Use". It states that "There will be new costs for development of groundwater, requirements for monitoring and reporting of use, and potentially costs to implement water use efficiency measures." It does not state, or recognize elsewhere, that there will potentially be costs associated with implementing water quality protection measures. If water quality is to be ensured there will invariably also be significant costs to do so.

While we completely agree that measuring and reporting is essential to managing either surface or groundwater resources, it is not clear how water quality issues would ultimately be remedied under the proposed provisions. For example, if a groundwater user reports impairment in water quality, how will this be actually addressed if the source of the impairment is not on the user/reporter's own site but on another site or sites under different ownership and control.

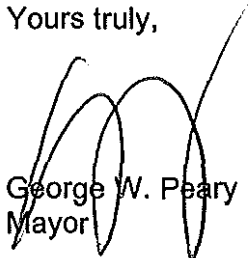
The policy direction to enable a range of governance approaches, and to do this in order to "support increased collaboration and participation in activities and decision processes", as explained, on page 13 is wholeheartedly supported. In fact, we would contend that effective governance must include the participation and cooperation of all stakeholders and must not include only decision-making processes, but also the implementation and management activities resulting from those decisions. These two principles should ensure a significant degree of success for the governance approach.

Lastly, the AMWSC should not only support watershed sustainability plans (we consider watershed to encompass more than the surface water in its geographical area but also includes the groundwater beneath it, analogous to the concept of a geological basin formation), but encourage the use of additional incentives, economic instruments and voluntary measures in water quality management in addition to water quantity or conservation matters. The AMWSC supports fee-based measures such as increasing block pricing as an economic instrument.

As a final comment from the AMWSC's observations it appears that some people find blogging to be less convenient than written correspondence such as emails and letters.

If you have any questions or comments, please contact Lisa Mirfatahi, Water Planning Engineer, at 604-851-4190 or email lmirfatahi@abbotsford.ca

Yours truly,



George W. Peary
Mayor

- c. Council Members
Frank Pizzuto, City Manager
Jim Gordon, General Manager of Engineering and Regional Utilities
Lisa Mirfatahi, Water Planning Engineer