

**From:** Nadia Shah [nshah@bcdf.ca]  
**Sent:** April-30-10 4:40 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** Charlotte Hunter; Andy Dolberg; Slater.MLA, John LASS:EX  
**Subject:** BC Milk Producers Association Water Act Modernization Submission  
**Attachments:** Apr 30 10 - Water Act Submission.pdf

Good Afternoon,  
Attached is the BC Milk Producers Association Water Act Modernization Submission. BC Milk Producers Association urges the province to recognize the views and factors outlined in this submission when modernizing the Water Act.

Regards,

Nadia Shah  
Project Manager

BC Milk Producers Association  
t: 604.294.3737  
f: 604.294.8199  
e: [nshah@bcmilkproducers.ca](mailto:nshah@bcmilkproducers.ca)  
Toll free in BC: 1.877.46.BCMPA [22672]  
[www.bcmilkproducers.ca](http://www.bcmilkproducers.ca)

April 30, 2010

Ted White  
Ministry of Environment  
Water Stewardship Division  
PO Box 9362, Stn Prov Govt  
Victoria, BC V8W 9M2

**Re: BC Milk Producers Association Water Act Modernization Submission**

This document outlines the BC dairy industry's need for water and the importance of this resource to the sustainability of the province's dairy industry and thus the province's food security. BC Milk Producers Association urges the Province to recognize these factors when modernizing the Water Act.

BC dairy producers recognize that water is an integral part to not only their daily operations but to the sustainability of their industry. BC Milk Producers Association has taken into consideration the water needs of producers from all regions of the Province and have requested their comments on the proposed Water Act Modernization Discussion Paper that was released in February 2010.

Dairy producers in BC have benefited from the existing Water Act and would like to ensure that their rights are protected in the modernized version. BC Milk Producers Association wishes to use this submission to facilitate a dialogue on the Water Act Modernization Discussion Paper. Our formal submission details how we would like to see the goals and objectives of the Water Act Modernization modified to clarify details and ensure agriculture water users are respected and their needs met.

The BC dairy industry is an important part of the Province's food chain and must have clean water both in quality and quantity as a necessity to accommodate food safety regulations and animal welfare.

**Goal One: Protect stream health and aquatic environments**

BC Milk Producers Association supports the goal to protect natural stream flow health and aquatic environmental health, however there are issues such as drought planning management and priority of water rights that need to be clarified.

While the Water Act is 'one law within an ensemble of environmental laws and policies that protect stream health in BC', it is also a fundamental guide in the management of water in the Province. It is important that drought management plans be developed and that agriculture is recognized as a priority user of water. The Water Act is also considered by agriculture to be BC's current drought management plan therefore it must be factored into the modernized Water Act. We feel that developing a thorough understanding of mapping and categorization of the infrastructure of water resources in BC must be supported. The establishment of flow data for streams and water sources must be put in place to ensure that there is enough water to protect stream health and to justify water allocations. The Province must recognize the importance of building a provincial water infrastructure system and provide funding and personnel to research potential water source issues such as improvement of upland water control dams, off-stream catchment basins to capture early spring melts and unseasonable rain.

We would encourage the government to act on the Irrigation District's desire to increase their planning and water storage capacities from one-year development plans to a three-year plan. This would help in the mitigation of potential drought scenarios.

We are concerned with the continued use of BC's rivers, streams and lakes as a discharge venue for municipal effluent discharges. We would like to see the provincial government in the long term elimi-

BC  
MILK  
PRODUCERS  
ASSOCIATION

3236 Beta Ave  
Burnaby, BC  
V5G 4K4

T 604.294.3737  
F 604.294.8199

Toll free in BC  
1.877.46.BCMPA

[www.bcmilkproducers.ca](http://www.bcmilkproducers.ca)



nate the need for watercourse effluent discharges by providing financial assistance and guidance to regional governments in enforcing the use of water meters, the twinning of water lines and improvements in effluent purification.

Finally in this section we would ask the government, to consolidate the extensive array of legislation on water into one concise act dealing with all aspects of water and water uses. This will require the provincial government to provide the necessary funding and the personnel needed to manage adjudicate and enforce all aspects of the new act.

### **Goal Two: Improve water governance arrangements**

BC Milk Producers Association feels it is imperative that the Province maintains responsibility for water licensing, governance and enforcement of the water act. We do not wish to see these responsibilities being delegated to regional local governments or water districts. The Province should retain the responsibility of monitoring and measuring snow packs, water levels and flow rates and base the allocation of water on long-term scientific findings. Allocation of water volumes to agriculture is imperative and specifically for livestock farmers for watering and forage production.

Water allocation to First Nations reserves should be handled quickly and be resolved without impacting BC's agriculture water allocations. BC Milk Producers Association would like to emphasize that the First in Time and First in Right policy needs of the current act need to be maintained and recognized throughout the modernization of the Water Act. Those who have first rights to water sources need to have their allocations recognized.

All of BC's main watercourses should be recorded, logged and inventoried for flow, volume and seasonal variations to ensure long term reliability of this data. Food safety and animal welfare are very important aspects of the BC dairy industry and as such the certainty of both water quality and water availability are paramount to ensuring the long term viability of our sector of agriculture. Water is a key ingredient in food production and the agriculture industry in BC. It is important for dairy producers to be certain that the water they are feeding their livestock is safe, not only for the animals overall health but also because our animals produces high quality products for human consumption.

One of the greatest concerns BCMPA has with the current water act is the lack of consistent enforcement of policies and regulation by the Ministry of Environment. The agendas of the Department of Fisheries and Oceans, Fish Habitat regulations and the Ministry of Health often supersede our rights and privileges without consulting us or taking into consideration how their policies will affect other aspects of agriculture. First in Time, First in Right rights are not being enforced and we demand that the Ministry of Environment guarantee agriculture rights to water and ensure us that our rights are enforced and respected.

### **Goal Three: Introduce more flexibility and efficiency in the water allocation system**

BC Milk Producers Association believes the efficiencies gained from better use of water by agriculture will be best utilized by agriculture and we determine the decision of how efficiencies should be used. It is necessary for agricultural producers to have the right to decide how their efficiency in water is utilized and that other users are not given the opportunity to benefit from water efficiency by an agriculture source.

The Province should be responsible for the distribution of water to secondary and minor users, however, First in Time First in Right (FIT FIR) must be guaranteed their allocation first. If there is a reduction in water allocation then the water should not come from FIT FIR parties but instead from other secondary users. Licensees need to be educated on where their water will be coming from in the case of a drought.

### **Goal Four: Regulate groundwater extraction and use**

BC Milk Producers Association encourages the efficient use of ground water and we strongly feel that the key to managing ground water comes from having the information to make rational decisions. In order to obtain the groundwater information that is needed, better mapping of aquifers and large



scale mapping of groundwater sources is necessary. The sizes, the recharge capabilities and the discharge requirements or expectations of all aquifers need to be identified and balanced. Some of this information could be obtained from drillers' well logs. In order to obtain a better understanding of groundwater resources it will be necessary to register all wells in the province, both small and large.

The concept of FIT FIR must apply to any development of regulations for ground water to protect the investment of those water users who have already discovered, developed and maintained this water source. There are currently no rights protections of groundwater, which is a serious issue that needs to be addressed.

#### **SUMMARY**

In summary BC Milk Producers would like to emphasize the following points of our submission.

1. The provincial government must establish, fund and enforce the priority use of water. It is BC-MPA's opinion that a lot of the problems and conflicts arising around water use stems from Ministry of Environment's lack of willingness to administrate and enforce the water rights that have been assigned under the current act. We strongly question the wisdom of changing the water act if Ministry of Environment is not willing or not able to administer it's legislation.
2. First in time first in right has been the founding concept of the Water act for the past 100 years and this concept must be recognized and respected in any modernization of this act.
3. Water quality and availability are vital to the food safety and animal care of the dairy industry.
4. The responsibility of water allocation, water quality, the monitoring of stream flows, snow packs and water resource management must stay at the Provincial level of government and not be delegated or transferred to local municipal governments and local water districts.

We would like to thank the Ministry of Environment for the opportunity to comment on the Modernization of the Water Act and look forward to working with MOE through the BC Agricultural Council on this important act as it progresses into legislation.

Respectfully submitted,

**BC Milk Producers Association**

Cc: Andy Dolberg, BC Agriculture Council  
John Slater, MLA, Boundary - Simikameen

**BC  
MILK  
PRODUCERS  
ASSOCIATION**

3236 Beta Ave  
Bumaby, BC  
V5G 4K4

T 604.294.3737  
F 604.294.8199

Toll free in BC  
1.877.46.BCMPA

[www.bcmilkproducers.ca](http://www.bcmilkproducers.ca)

