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**Sent:** April-26-10 12:44 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** Hallinan, Phil; Ted Brookman  
**Subject:** BCWF WAM submission  
**Attachments:** WAM submission.pdf

On behalf of the BCWF, Vancouver Island Region Association, attached is our formal submission on the Water Act modernization initiative.

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## **B.C. Wildlife Federation**

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April 26, 2010

### **Re: Water Act Modernization – Comments on Discussion Paper**

The following comments are based on attendance at the public workshop held in Nanaimo, which I found to be quite informative, and subsequent review of the Discussion Paper. An attempt has been made to address the questions and options posed in the Paper.

#### Principles

- There should be an overarching principle that speaks to the importance of watershed stewardship – to protect and maintain integrity of watercourse/aquatic and terrestrial ecosystems.
- Given the acknowledged data gaps in water supply, the precautionary principle should apply.
- Water use should indeed come with responsibilities; the message should be it is more of a privilege than a “right”.

#### Goal One – Protect Stream Health

- Provision of environmental flows for ecosystems and species must be recognized in legislation.
- Agree that both assessment methods to determine stream flows should be used pending perceived risk to stream health – standard setting for low risk withdrawals and detailed assessments for higher risk applications.
- Guidelines vs Standards for decision-makers – favour standards for greater certainty, but recognize that timeliness and flexibility offered by some discretionary power may be beneficial in some circumstances; with a more decentralized governance model, it may be feasible to have provincial-level standards and more local-level guidelines in place to guide decision making.
- Water allocation planning at the watershed level should be required for priority areas based on criteria related to restricted supply, growing demand, user conflicts, drought prone regions, etc. Plan development should be a collaborative approach with community stakeholders, and once approved (with provision for periodic review) must be followed.
- The current reactive situation restricting the dumping of specified material into streams by issuing an order must be replaced with a legislated prohibition against dumping a wider range of materials, including effluent from house boats, riverside/lakeside cottages, etc.

- The definition of a “stream” must be revised to include “wetlands” (much more inclusive than just “swamp”).

#### Goal Two – Governance

- Communities should have more input and decision-making authority over local resources than afforded under the current centralized model. This is especially appropriate in the development of water management and allocation plans at the watershed level. Whether that takes the form of the shared or delegated approach will depend on existing involvement and capacity of local governments i.e. municipal (OCPs, water boards), regional district (land use planning, RGS), etc. Responsibilities would likely evolve over time and take on more of the “watershed agency” roles. It is critical that land use planning in response to the demands of human population growth be inclusive and fully cognizant of the implications and potential limitations of water quantity and quality.
- Agree that senior governments would establish the legal framework, establish provincial policy and standards, provide oversight and dispute resolution mechanisms, and budget support for information systems, monitoring and enforcement.
- A revised Water Act must be integrated with other pertinent legislation, and be high in the legal hierarchy such that some existing laws (i.e. exemptions in the Right to Farm Act to provide water for fish) will require amendments to be compliant with the new Act.

#### Goal Three – Flexibility and Efficiency

- Assigning water licences in perpetuity based on a priority of first in line (FITFIR) has got to go; if water is not being used as authorized, licenses can be cancelled and reallocated.
- A combination of economic carrots and sticks can be used to encourage efficiency – real pricing based on actual measuring and reporting of water use would effectively reduce wastage (“we can’t manage what we don’t measure”).
- The ability to transfer existing allocations within watersheds for higher value uses should be enabled (according to the watershed allocation plan developed by the community).
- Administrative efficiency: domestic use licences apparently comprise ~ 50% of all applications, are generally considered low risk, but are a major workload. Small volume, low risk uses could be permitted in accordance with regulations that specify uses and priority areas (low risk), with required measuring and reporting of water use. Other options identified on pp 25 are all appropriate under various conditions – the onus should be on the applicant to provide as much information as reasonably possible.
- The ability to review and revise licence terms and conditions based on consistent criteria is critical to effectively respond to changing conditions. Again, this would be based on the watershed allocation plans developed by the decentralized collaborative process with local stakeholders.

- New uses of surface water and groundwater (in priority areas) should be allocated (or reallocated) based on priority of use, as determined by general provincial standards with some room for refinements at the watershed plan/community level; ecosystem values would be first priority, consistent with goal one. BC resident priority over export!
- During periods of water scarcity, options to reduce use should employ both a hierarchy of uses and proportional reduction options. Many jurisdictions already restrict residential outdoor watering uses to specific days. If additional restrictions are required, domestic, agricultural, industrial users etc would be reduced on a proportional basis.
- Issues of long-term water scarcity are probably best addressed at the basin or watershed level with local communities. Supply side options should focus on increased headwater storage infrastructure. In regions where water shortages are known to be chronic, proponents of large projects such as industrial (IPPs, pulp mills) and residential/golf course developments should be required to contribute to these facilities as a condition of licence approval.

#### Goal Four – Regulate Groundwater

- Strongly support the regulation of all “large” groundwater extractions, and in critical areas to regulate all extractions (except individual domestic users). Monitoring and reporting should also be a requirement.
- How large is “large”? Must defer to the experts, but suggest that thresholds should be based not only on type of substrate but also on consideration of user demands – lower thresholds in area of high use and demand. This factor is taken in consideration however when determining high priority/critical areas where all users will be regulated (i.e. criteria A to G outlined on page 32)
- There are large data gaps regarding aquifer inventory and status of groundwater supply that need to be addressed.

Potential funding sources to implement a new Act include shared traditional government resources – general revenue, infrastructure grants, property taxes, licence fees – and a new user pay model to include “rent” based on metered use, and a share of infrastructure costs associated with new residential/industrial development projects. Projects related to monitoring stream health, watershed restoration, etc. would qualify for foundation funding and involve in-kind support from community NGOs.

The BCWF Vancouver Island Region supports the government’s vision outlined in the Living Water Smart water plan, and fully expects government to fulfill their stated commitments. We welcome the opportunity to provide input to the Water Act Modernization process, and again expect to see many positive changes to the legislation.

Submitted by:

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