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Sent: Monday, March 14, 2011 7:17 AM
To: Living Water Smart ENV:EX
Subject: Input BCWF

Please consider the attached input on the Water Sustainability Act from the British Columbia Wildlife Federation.

Thank you! Ed Mankelow
Past President BCWF March 13th 2011

Comments on the Proposed Water Sustainability Act March 10th 2011

There have been two submissions already from the British Columbia Wildlife Federation BCWF. One from the Land Use Committee and one from Doug Janz Director Vancouver Island Region BCWF. I support the positions taken in both submission and the concerns and positions. This input will also touch on what was stated in the submissions that you have already received.

The British Columbia Wildlife Federation has been involved for many years on the issue of water and water use in the province. From the water licenses on the Columbia River dams The North American Water and Power Alliance, NAWPA, first proposed in 1964, which was the proposal to flood the Rocky Mountain Trench to supply water and possibly power to the United States. The fight over log driving on the Stellako River that ended log driving on British Columbia's rivers. The British Columbia Wildlife Federation was always present and involved.

Water is one of the main necessities of life for people, all wildlife and fish. It therefore follows that the conservation and sustainability of this resource is paramount to our survival. Thanks to governments it is still a public resource owned by the people and stewarded by governments. The new act should have that fact as a overarching principle.

“Water is owned by the citizens of British Columbia and its availability and sustainability is paramount to our Survival”

The BCWF has been involved with all of the water bills brought forward by governments often with disappointment once the new legislation was tabled. It is inconceivable the number of years it took to legislate fish the right to water. and as was stated by Past President John Carter in reviewing the discussion paper “Stewardship of the Water” 1994:

“Since 1992 the BCWF has been proposing innovative ways in which water can be conserved and made available to fish. Letters, briefs and meetings have been held with a succession of government ministers and senior bureaucrats. But during this time only minor revisions have been made to water management in British Columbia” Eight years have passed and still fish, wildlife and their habitats have no status under the Water Act”.

Having said that, the BCWF welcomes the need to update the present Water Act and welcomes the opportunity to comment on bringing the act up to the present needs of a public aware of the importance of water and concerned about the possible impacts of climate change and population growth on the continuous supply of potable water for both human consumption and sustaining the ecological integrity of the province.

We still believe and suggest that under the overarching principle we have suggested that there be an explanation as to what the government consider as sustainability.

Water Exports

The British Columbia Wildlife Federation is opposed to water exports from the province. We have been told and understand that the “Water Protection Act” will not allow bulk exports from the province. We are told that the maximum is 20 liters or less . However if the present proposals before government are allowed and the water is collected in large scows to be bottled. How many 20 liter bottles would be allowed to be taken at any one time and who will enforce compliance? .There were proposals for these water withdrawals that were recently turned down by government and now we see them reapplied for by First Nations with numbered companies as partners. Who are these numbered companies? and do they have United States investors? We are talking of turning a resource into a commodity and we still have concerns about the possible impacts of NAFTA.

Minimum Low flows. We are also concerned about minimum low flow and have been bringing this need to governments over the years. We know that many of the water courses in British Columbia are overcommitted and have been for years. We are concerned that by creating water markets and the ability to trade or sell water licenses could negatively impact the environment. If water licenses are not used to the full, in times of drought or low water, that will aid in maintaining low flows. If they can be traded then likely the recipient would want to take the water he had traded for. We believe that there needs to be more information and discussion gathered on water courses and low flows before this should be written into the legislation and water markets created. I also feel that this part of the proposed legislation will generate the most concern and opposition. To many the term Market will infer Commercialization. Two of the problems that have never been addressed, or solved by government, is that we have had very few inventories of river or stream flows and low flow needs done in the province. The second problem following from the first, or rather explaining the first, is that funding and staffing for the Fish and Wildlife Branch has been cut to a point that the needed inventories could never be done. If we are to commit ourselves to water sustainability then those issues have to be addressed now!.

Guidelines Versus Regulations. The BCWF has in the past been involved in the issue of guidelines versus regulation. In the issue of Commercial Backcountry Recreation we found that Guidelines are just that!. It comes down to interpretation of what was meant. We asked in that case for regulation. While we understand the reason why guidelines could be useful it still could come close to self regulation.

Governance and Communities We fully support the position taken by the BCWFs Land Use Committee on giving communities and local governments more decision making authority over resource decisions, for the reasons documented.

Municipalities and local governments have not to our knowledge, ever addressed the issue of limits to growth and permitted large subdivisions even though they may not have the infrastructure or water resources to support the large increase in population.

In the North Cowichan Municipality they have recently issued development permits.

For the construction of hundreds of new houses in Chemainus with more proposed, even though they have just gone to wells in the Chemainus River aquifer against the strong opposition from the local First Nations who have wells in the area.

In Parksville which has gone to well and river withdrawals there is a lot of concerns from that town. In the “Parkville Residents Association report on Water ‘ they state:

“In 1978 the city began development of the Springwood Well field. Since 1988 the Ministry of Environment has been monitoring an observation well at the Springwood site. Readings between 1979 and 1996 show a decline of over 40%. At this time we were taking groundwater from the aquifer faster than nature could replenish it”.

After quoting from a municipal promotional pamphlet they continue:

“So reads the current promotional pamphlet provided by the city of Parksville but in their RDN-Watershed snapshot report 210 LANARC states-Parksville Aquifers, Primarily aquifers 216 and 220 but also aquifer 217 have significantly declining water levels. This affects the municipal water supply and also private wells.

“Drilling new wells into the aquifer is not a viable option. It was estimated in 1996 that the city could only support a maximum of three new wells. This would be like a child adding more straws to a glass of water- you can empty the glass quicker”

The report goes on to state that as the aquifer is depleted the threat of sinkholes and seawater contamination is likely. which has been indicated in one area.

The facts are that aquifers in many parts of North American are experiencing replenishing problems In the South United States basin, wells have had to be dug One hundred and fifty feet deeper to keep the water supply. Will the problem get worse with the advent of climate change? We don't know, but would be wise to take the precautionary principle.

Industrial use. How in the new proposed legislation are you considering the industrial use of water?. Will there be any requirement in the act to require industry to re circulate and re-use the water they use if it is possible? .Possible, not just economically possible.

One of our concerns has been the Oil and Gas industries use of water, Hydraulic fracking for coal-bed methane or shale oil. Each frac can use thousands of gallons of water with a mix of chemicals that the industry has refused to divulge. The water when recovered is highly polluted and cannot be used on the soil. It has to be reinserted by another drilled well below the shale bed.

New York has banned the practice and other US States are looking at the environmental Impacts of the practice. The United States EPA estimates that the industry uses 140 billion gallons of water annually.

France has extended the ban on shale oil drilling, largely due to the concern about the use of Hydraulic Fracking.

.New Reservoirs The practice of building large reservoirs in BC, many for agriculture but also used for private fishing lodges or fishing opportunity has gone on for a long time. While we accept those already built, we would like to see that any new proposals that intend to use BC water would require as condition of their license that they be required to allow public fishing access.

Recommendations.

That the bill be preceded by the overarching principle stating that water is owned by the public. And sustainability is paramount.

That there be a government interpretation of what they consider “sustainability” to mean.

That there be in the legislation a limit to the number of 20 liter bottles that can be filled or exported or how much water be taken onto a scow to fill bottles and that they be filled on site.

That there be set in place a program to do inventories of water and low flows of watercourses in BC

That the government consider “Limits to growth” when dealing with local governments. And that a program be set in place to determine if aquifers in BC are being depleted faster then they are being depleted.

Ed Mankelow Past President
BC Wildlife Federation