From: Jack Hull [mailto:jhull@crd.bc.ca]
Sent: Thursday, February 10, 2011 11:34 AM
To: Living Water Smart ENV:EX
Subject: SHWPCommentsontheWaterSustainabilityActJanuary2011

We are pleased to have the opportunity to comments on the policy proposal on British Columbia's Water Sustainability Act. Our comments are attached.
Thank you
Jack Hull

Submission by the Capital Regional District on the Policy Proposal on British Columbia's new Water Sustainability Act

General

Thank you for the opportunity to provide input and comment on the proposed policies. It is positive step that the new Water Sustainability Act will consider urban, land and resource development, climate change and population growth and their effect on ground and surface water quality and quantity. This approach is supported by the CRD.

Living Water Smart indicates that "by 2012 new approaches to water management will address the impacts from a changing water cycle, increased drought risk and other impact on water caused by climate change" yet other than in the introduction, there is little reference to how the WSA is going to achieve this. Actions related to climate adaptation need to be more clearly stated in the WSA. A number of elements will be influenced by a changing climate including precipitation rates, duration and frequency, droughts, ground water recharge abilities etc. It is critical that future climate projections and scientific analysis are linked to management and measurement to improve water security.
Perhaps there should be an eighth policy direction that speaks to a changing climate and its relation to water resources.

Framework

An area-based model and more integrated approach for natural areas management are strongly supported.

The new legislated framework described in the Framework is supported.

Key policies for the three levels of action (Table 1) are generally supported. It is proposed that "and riparian habitats" be added to "Preserving and protecting wetlands"

Increased monitoring and reporting should be done at the pre-empt stage in both known problem areas and in areas where existing or new licenses occur (and where problems have not been defined simply because the areas has not been assessed).

Watershed sustainability plans are only called for in chronic problem area where the watershed is degraded. The costs for implementing a watershed sustainability plan in a watershed that is already severely degraded are very high. Consideration should be given to developing watershed sustainability plans in known problems area with the aim of preventing the watershed from becoming a chronic problem area.

Given that prevention is preferred to restoration and that problems within water sheds tend to occur progressively rather than as a result of a single event, a watershed or sub-watershed perspective should be taken to look at cumulative effects on stream flows, water quality and ecological values.

Policy Direction 1 – Protect Stream Health and Aquatic Environments

Strengthening requirements to consider environmental and instream flows in water allocation decisions is strongly supported. It is great to see protecting stream health and aquatic environments as a top priority. However, only instream flow is referred to in the remainder of this section. Stream health depends on much more than maintaining instream flows. It is understood that the primary functions of the Water Act are "to allocate and regulate the diversion, storage and use of water (which influences the quantity and timing of flows) and "regulating changes in and around a stream". Consideration should be given to adding references to the importance of riparian zones, maintaining adequately vegetated stream backs, important of preventing erosion (i.e. keeping farm animals out of creeks).

Discussion, monitoring or management of water quality is largely omitted in this section. There is no mention of the need to reduce the quantity of runoff (through low impact development or other methods) which will support improvement of water quality and the timing of the instream flows.

Under the third bullet "Protecting instream flows also requires…" consideration should be given to adding requirements to minimize impervious surfaces, encourage low impact development or require water storage to protect instream flows.

Consideration should also be given to the impact of water quality to stream health and aquatic environments. Another bullet could be added such as "Protection of water quality also requires regulating activities that may degrade water quality (e.g., instream works, construction activities, addition of impervious surfaces)."

There is no mention of evaluation of old and existing water licenses except during scarcity.

There is support for the comments in the "what we heard" call out box.

Minimum instream flow levels for fish bearing creeks should be established and these minimum flows should be incorporated into uses listed in the old water act.

Policy Direction 2 – Consider Water in Land-use Decisions

Effects from land and resource development on water quantity and quality is identified as a stressor in Appendix A, but throughout the policy paper, there is little discussion of managing, measuring or reporting of the water quality and quantity and impacts to as a result of land use and development.

Provincial Water Quality Objectives have been established for many water bodies already. Are these different than provincial water objectives? If not, will more be established, or will the existing ones be modified?

In multi-use watersheds where the source of drinking water is the groundwater aquifers, there should be more stringent land use and development regulation to ensure that the groundwater (drinking water source) is adequately protected.

Supportive of "What we heard" comments.

Consideration should be given to requiring watershed-friendly development that mimics natural hydrology and encourages infiltration of rainwater to assist replenishing groundwater aquifers and to assist in maintain summer base flows in creeks.

Promoting the infiltration of rainwater will also help to reduce the "flashiness" of urban creeks thereby improving water quality.

There is no mention of stormwater discharges into creeks, i.e. point source discharges. These can have a significant influence on creeks and rivers (peak volumes, scouring of creek beds, stream band erosion etc).

Policy Direction 3 – Regulate groundwater use

Supportive of the direction and approaches taken in this section.

Improved regulation and monitoring of groundwater resources is needed.

For all large groundwater extractions owners should be required to submit hydrogeological assessments to determine the sustainable yield to avoid aquifer mining, to assess the impact on other licensees and to determine the potential of intercepting sources of contamination.

Consideration should be given to protection of recharge areas and groundwater protection zones around wells used for potable water to avoid the risk of Walkerton type contamination with farm runoff for example.

Policy Direction 4 – Regulate During Scarcity

Licencees should be encouraged to implement efficiency and conservation measures at all times, not just during times of scarcity. This may reduce the frequency of scarcity events. During times of scarcity this shoult be mandatory.

In reaching the water sharing agreement with the T'Sou-ke Nation the agreement included a requirement for proportional reductions based on specified water supply forecasts. These need to be established in advance of a time of scarcity.

Policy Direction 5 – Improve Security, Water Use Efficiency, and Conservation

To effectively implement economic instruments such as fee based measures measurement of quantities being use is essential. This will require the metering of all users.

Including the concept of efficiency in the definition of *beneficial use* is strongly supported.

Policy Direction 6 – Measure and Report

It is stated that water quality may be measured in problem areas, water quality should be monitored to identify problem areas before they occur – the proactive approach.

Policy Direction 7 – Enable a range of governance approaches

A shared approach to managing water resources within multi-use and multi-jurisdictional watersheds is supported.

The delegated approach with the creation of designated watershed agencies is an interesting concept and is worth further investigation; particularly because a watershed agency would be responsible to integrate with other land use planning initiatives within the watershed. This is often the biggest barrier to integrated watershed planning and management processes. The Province of Ontario has established watershed agencies (Conservation Authorities) to address issues in multi-jurisdictional watersheds.

Regardless of the governance approach taken, clear guidance to ensure a level of provincial consistency should be considered.