

From: John Huby ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, January 5, 2011 11:41 AM
To: Living Water Smart ENV:EX
Subject: Comment on Water Act Modernization

December 2010 Policy Proposal Paper on British Columbia's new Water Sustainability Act

January 2011 response on behalf of The Central Okanagan Naturalists' Club

Further to your e-mail of December 17, 2010 3:39 PM, we note that your work to modernize the Water Act continues with a view to introducing a new Water Sustainability Act. Your December 2010 Policy Proposal Paper provides an opportunity for our further comment on the proposed policies which may form the basis for the legislation.

It may be noted that a previous submission relating to Water Act Modernization was made in March 2010 on behalf of The Central Okanagan Naturalists' Club. We trust that this remains available in your records (See our e-mail sent to livingwatersmart@gov.bc.ca on March 14, 2010).

Some aspects of our following comments are woven into the key policies mentioned to in your Policy Proposal Paper, but we consider that it is desirable to further address several issues.

Please consider our further six comments at this time as follows:

Item 1 – Critical Concerns in the Okanagan

Here in the Okanagan Valley we are particularly sensitive to issues relating to water governance and management.

The Okanagan Basin is an arid valley, with high average summer temperatures that result in considerable water evaporation losses. The prospects of even higher average temperatures resulting from climate change are expected to increase our local evaporation losses further. Okanagan Lake acts as both a water source and as a drainage sink for a large population in this valley. Additionally we have increasing ecological concerns, largely resulting from rapid habitat loss and reducing water availability. Within this valley water is a particularly precious and vulnerable resource.

The many stresses on water here are accentuated by increasing water demands from population growth and other associated continuously expanding human activities. Local leaders continue to have a difficult time acknowledging that the limitations of water servicing capacity will create an eventual development ceiling for the Okanagan. This critical lack of appreciation continues to result in insufficient regard being given to long-term water allocation capacity in the local land-use planning process.

It is noted that the December 2010 Policy Proposal Paper includes for an area-based approach to water management, with some of south-central BC indicated as an area with "significant water supply issues and risks to water quality." Hopefully this designation may improve dealing with some of our local water issues.

Item 2 – Governance Changes

At our local level it is unfortunate that the problematic management of water in the Okanagan Basin is the subject of many disparate (and often conflicting) demands. Too often this is accentuated by fragmentation of interests and lack of clear lines of proper responsibility at the many levels.

But also at the Provincial level, legislation and management of water across BC is far too fragmented with a whole array of different ministries involved. This covers a wide range of disparate interests on water, mentioning just a few (for purposes of illustration only, and in random order) such as Health, Tourism, Agriculture, Mining, Forestry, etc. etc. This results in much too fragmented governance and management of water, often with conflicting lines of command.

Regrettably, recent changes in provincial ministerial jurisdiction appear to have gone further in the same direction. Now we have a newly created Ministry of Natural Resource Operations (NRO). Under this latest dispersal, the Ministry of Environment (MOE) retains some aspects of water allocation, stewardship, and water use planning, yet the NRO has the responsibility of water management. There is divided responsibility about water between MOE and NRO. This revision would appear to make it no easier to control provincial water governance, and suggests an incredible lack of understanding of how to effectively deal with the existing fragmentation of water management across BC.

What is dearly needed is a fundamental consolidation of legislation and management of water across all of BC. This would involve material change to the governance structure, ideally with one ministry empowered to be in primary charge of water. Such a framework could still be designed to accord with an area-based approach with appropriate management delegation to local conditions (i.e. The three-tiered levels of action proposal of "Province-wide"; "Areas Experiencing Declining Supplies"; and "Chronic Problem Areas").

Item 3 – Consolidation of Interests Relating to Effluents

Emphasis in the Policy Proposal Paper maintains focus on the management and governance of abstraction of surface water, preserving of in-stream flows, and the taking of ground water. But, effective management of water requires appreciation of and involvement in the whole water cycle. This means not just the taking and using of water. It also means dealing with discharges of any waters going back into a natural system. The December 2010 Policy Proposal Paper fails to adequately dwell on this more comprehensive approach.

Also, it is not only surface waters are to be taken into account when considering effluent discharges, but also effects on groundwater.

Consolidation of management and governance is necessary for consideration of all waste effluents, and works related to such discharges. New water legislation changes should properly include for and consolidate control of this.

Item 4 – Land-use Planning

Consider water and land-use decisions. It is insufficient to merely allow "consideration of water in land-use decisions," but depending on its format, the broader setting up of general Provincial Water Objectives may be adequate. The Provincial Water Objectives must spell out the need for consideration of all user requirements for water allocations, including complete ecological needs. Water servicing capacity must be accepted as a basic component in appraisal of all land-use-planning considerations.

However, introduction of more specific legislated involvement on water in the land-use planning process is possibly warranted, including for more fully integrated statutory controls on water as part of the review process of changes in land use within BC. In cases where it is considered that change of land use may have material affects on water, or on any aspects of its use including ecological needs, then the process should sufficiently enable the making of appropriate amendments to or refusal of, an application for change of land use.

Item 5 – Economy of Water Use

Despite the broad range of differing hydrological conditions across BC, the ethic of conservation of water use should be universally encouraged, and not only emphasised in those areas of less abundant water availability. Fundamental to this is the need in the proposed Provincial Water Objectives to encourage universal water metering, particularly for all municipal water supply systems.

Item 6 – Groundwater Regulation

We strongly support proper regulation of groundwater.

However, prior determination of a "large withdrawal" for groundwater regulation purposes may be problematic. All withdrawals should be appraised and monitoring maintained, as for example, difficulties could arise in cases of multiple "small withdrawals" having an overall adverse affect on a given aquifer. There are instances in the Okanagan where a multiplicity of small private wells has caused hardship due to hydraulic interference depleting a wider adjacent area.

Therefore, it may be ordinarily necessary to consider the total amount of taking from all aquifers in critical areas in terms of perennial capacity, possible hydraulic interference, and particular recharge characteristics.

Submitted on behalf of The Central Okanagan Naturalists' Club,

January 04, 2011.

By John Huby,