

From: Steve Litke [slitke@fraserbasin.bc.ca]
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To: Living Water Smart ENV:EX
Subject: Input on Water Act Modernization
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Follow Up Flag: Follow up
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Hello,

On behalf of the Fraser Basin Council I am pleased to submit the attached letter to provide input on the Water Act Modernization process.

Regards,

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Fraser Basin Council

Social well-being supported by a vibrant
economy and sustained by a healthy environment

April 30, 2010

Water Act Modernization
Water Stewardship Division
Ministry of Environment
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Victoria, BC V8W 9M2

To Whom It May Concern:

Water Act Modernization

The Fraser Basin Council (FBC) would like to thank the Ministry of Environment for leading the critically important process to modernize the *Water Act* and for the broader commitments and initiatives within *Living Water Smart BC's Water Plan*. An adequate supply of clean water is key to the sustainability of our communities, ecosystems and economy, which is the mandate of the FBC. Our Board of Directors includes diverse representation from all four orders of government, the private sector and civil society and we have over thirty staff with a strong breadth and depth of expertise in diverse sustainability issues, including the sustainable management of water resources. Based on this experience, participation in the WAM workshops and review of the associated documents, the following suggestions for WAM are provided for your consideration.

Principles

We support the principles that have been outlined to guide the *Water Act* Modernization process. In addition to the eight principles that are listed within the *Discussion Paper*, we suggest consideration of the following principles from the *Charter for Sustainability*:

- Accountability – Each of us is responsible for the social, economic and environmental consequences of our decisions and accountable for our actions.
- Equity – All communities and regions must have equal opportunities to provide for the social, economic and environmental needs of residents.
- Integration – Consideration of social, economic and environmental costs and benefits must be an integral part of all decision making.
- Adaptive Approaches – Plans and activities must be adaptable and able to respond to external pressures and changing social values.
- Coordinated and Cooperative Efforts – Coordinated and cooperative efforts are needed among all government and non-government interests.
- Exercising Caution – Caution must be exercised when shaping decisions to avoid making irreversible mistakes.
- Aboriginal Rights and Title – We recognize that aboriginal nations within the Fraser Basin (and BC) assert aboriginal rights and title. These rights and title now being defined must be acknowledged and reconciled in a just and fair manner.



Goals and Objectives

We support the four goals (and objectives) outlined within the Discussion Paper, including:

1. Protect stream health and aquatic environments;
2. Improve water governance arrangements;
3. Introduce more flexibility and efficiency in the water allocation system; and,
4. Regulate groundwater extraction and use.

Within goals three and four, there are objectives that reference “management of groundwater and surface water resources where required in problem areas” and regulation of groundwater in “priority (critical) areas”. We recognize that there may be greater urgency and need within problem / priority areas; however, we encourage the government to extend this attention to include other areas that may be at risk or vulnerable, so that future problem / priority areas can be addressed proactively.

Water Governance Arrangements

Three options for water governance are proposed within the *Discussion Paper*. There are strengths and weaknesses with each; therefore, the following approach is suggested. There is a strong case for the primary responsibility for water management to reside within the provincial government. This would help to ensure that appropriate regulations and standards are developed, that a strong core of technical expertise and capacity is available to support water governance across the province, and that provincial oversight would support consistency across different parts of the province. This primary provincial responsibility could be complemented with either a “shared” or “delegated” approach as per the *Discussion Paper*, to effectively engage and collaborate with the diversity of local interests and expertise that exists within communities and watersheds. Therefore, we encourage the incorporation of provisions in a new *Water Act* to enable and support local new and emerging collaborative governance arrangements, such as has been launched in the Cowichan Valley. We believe such enabling would lead to important progressive new governance approaches resulting in more collaborative decision-making required for the sustainability of BC’s watersheds.

The most appropriate model for a particular community or region would depend on the local capacity, interest, and general readiness to share in water governance responsibilities. It is suggested that those areas where there is a high degree of capacity and interest be supported as pilot initiatives. It would be appropriate to monitor the effectiveness of new governance arrangements. As we learn from the pilot initiatives and as capacity builds in other communities, there will be improved opportunities for collaborative water governance. Adequate resources are needed to implement any of the water governance options, including financial, human, and technical information resources. There could be significant challenges if new roles and responsibilities were shared or delegated without adequate resourcing. Therefore it would be worth exploring innovative funding mechanisms that could be enabled by the modernized *Water Act* to help support effective planning and management of water resources and watersheds.

Integrated Watershed Planning and Management

An integrated approach to watershed planning and management could be strengthened by WAM. There is a need for improved integration in the management of surface and groundwater resources and better integration in the management of water quantity and quality issues. In many cases, the development and implementation of integrated watershed plans will be an important step in managing water resources in a way that is environmentally, socially and economically sustainable. This is particularly relevant in areas where there are competing or conflicting water uses, where there are strong interactions between surface and groundwater resources, and where management of the land and other resources influences water resources.

Informed Decision Making

In order to make informed decisions respecting water resources, it is critically important to ensure that a strong base of knowledge is available, including water quantity and quality monitoring data, trend analyses, and near-term forecasts for water supply, drought, or flood risk. A well-maintained and enhanced hydrometric network is necessary as is improved information and monitoring of groundwater resources. Data needs to be translated into knowledge about instream flow requirements for watercourses to inform water allocation plans and water licenses. Information is also required to inform water users and the public generally about water conservation practices and technologies to improve water use efficiency. The context of climate change also suggests the need for a robust network of climate monitoring stations to help track seasonal and annual climate variability as well as longer-term climate change trends, which may impact water supply, demand and quality.

Integration with Related Legislation

It is clear that changes in the *Water Act* will need to be made with consideration, coordination and integration with other legislation relevant to the management of water resources. This is important to ensure consistency across different decision processes, different water use sectors and different types of land and resource tenures.

Climate Change Adaptation

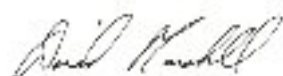
Climate change will directly impact water quantity and quality in different ways throughout BC. Therefore, it is important that adaptation to climate change be factored into a wide range of planning and decision-making processes from drinking water source protection to water allocation, to ensuring sufficient instream flows to protect streams and aquatic ecosystems. Some of the WAM language around flexibility and adaptation implicitly supports the need for climate change adaptation; however, this could be made more explicit. The document refers to extreme conditions and unexpected events. We also need to proactively adapt to the anticipated impacts of climate change on water resources.

Cumulative Effects on Whole Watersheds

Multiple land and water use decisions in our watersheds result in changes over time to the processes and products we want to sustain, such as maintaining water quality and quantity. No single agency is responsible for monitoring the cumulative effects of expanding land and water use in the province. The new *Water Act* could address this by enabling a dialogue with other statutory land allocation and decision making departments, as well as with relevant stakeholders, to develop the capacity to understand and manage cumulative effects.

Thank you for the opportunity to provide this submission for input to the *Water Act* Modernization process. Should you have any questions or require additional information, please don't hesitate to contact me at (604) 488-5357.

Yours respectfully,



David Marshall, Executive Director
Fraser Basin Council

cc: Doug Konkin, Deputy Minister, BC Ministry of Environment