

From: Lance Lilley [mailto:llilley@fvrd.bc.ca]
Sent: Monday, March 14, 2011 9:40 AM
To: Living Water Smart ENV:EX
Cc: jwright@ubcm.ca; Linda Machmer
Subject: Water Sustainability Submission

Dear Sir or Madam:

Upon review of the Policy Proposal on the new *Water Sustainability Act* by our member municipalities and staff, the Fraser Valley Regional District would like to submit the attached comments as our response. We are grateful for the opportunity to respond, and would like to remain informed of the process as it moves forward.

Thank you.

Lance Lilley

Watershed Planner
Fraser Valley Regional District
45950 Cheam Avenue
Chilliwack, BC V2P 1N6

Tel 604-702-5006
Toll Free 1-800-528-0061
Fax 604-792-9684
Email llilley@fvrd.bc.ca
www.fvwc.ca
www.fvrd.bc.ca

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf, your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited.



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only) Fax: 604-792-9684
Website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

March 11, 2011

Water Act Modernization
Ministry of Environment
Water Protection and Sustainability Branch
PO Box 9362 Stn Prov Govt
Victoria, BC. V8W 9M2

Dear Sir or Madam:

RE: Submission in response to call for feedback on the new *Water Sustainability Act* policy proposal

The Fraser Valley Regional District (FVRD) is made up of 7 electoral areas and 6 municipalities (District of Hope, City of Chilliwack, District of Kent, Village of Harrison Hot Springs, City of Abbotsford, and District of Mission), stretching from Boston Bar to Metro Vancouver. Water resources in the Fraser Valley – both surface and underground – are highly valued in this region for allowing the Fraser Valley to flourish as a key agricultural area in the province, to remain an area of high population growth, and to maintain the region's natural environment that supports significant outdoor recreation and biodiversity values. As such, the FVRD supports the efforts by the Province, through their Living Water Smart program and the Water Act Modernization process, to help protect this precious resource.

A number of issues, questions, or concerns have been raised from within this region however, from both member municipalities and electoral areas, in relation to the *Policy Proposal on BC's New Water Sustainability Act*. We would like to express both our gratitude in being able to provide comments on the proposed Act and our appreciation to the Province for extending the comment period. The Fraser Valley Regional District respectfully submits the following comments, broken down by each of the seven policy directions outlined in the Policy Proposal report:

1. Protect Stream Health and Aquatic Environments

- The FVRD supports the efforts to understand and protect stream health, aquifers, and our aquatic environments. The proposed policy to identify in-stream flow requirements and protect the baseline flows required for environmental health is supported.
- Regulation and prohibition of activities such as dumping that may affect stream health are supported.
- Depending on the situation, there is a direct relationship between protecting stream health and aquatic environment and operation cost, particularly for surface water systems. Consequently, there are positive economic benefits from the proposed policy direction, which is supported.
- The policy proposal report is unclear with regards to how the objectives will be implemented, funded, and enforced, and what the implications for local governments would be. More details are requested.
- Stream flows and quality can only be established after multiple years of monitoring, monitoring which currently does not exist at an adequate level. The hydrometric network within the region should be expanded and properly maintained to demonstrate baseline, ecological health, and trends.
- Watershed plans will require meaningful local involvement, a clear legislative framework, and the dedication of resources by the Province.
- Given the significance and importance of water resources, the *Water Sustainability Act* should apply to all water users and take precedence over other Acts, including the *Mines Act*.

2. Consider Water in Land-use Decisions

- Incorporating the value of, and implications to, water resources in land-use decisions is highly encouraged and supported. A balanced approach is required however to meet both the needs of the environment as well as the needs for other water users.
- Clarification is requested on how water use will be prioritized for agricultural and municipal use compared to stream health and other water usage.
- The proposed policy is unclear on whether these new objectives are only intended for decision-making at the provincial level or if it will affect local government decisions. More details are requested on implications at the local government level.
- As watershed boundaries do not always coincide with existing political boundaries, addressing cumulative impacts within watersheds will require substantial regional cooperation both between adjacent local governments/electoral areas as well as between multiple levels of government (First Nations, federal, provincial, local, even international).
- Provincial Water Objectives (PWOs) are intended to align existing statutes affecting landuse in BC (e.g., *Forest and Range Practices Act*, *Oil and Gas Activities Act*), but will it also apply to mining and aggregate extraction under the *BC Mines Act*?
- Local input should be utilized in defining Provincial Water Objectives for local watersheds.

3. Regulate Groundwater Use

- The FVRD supports the policy direction to provide greater protection of the groundwater resources within this region and to ensure greater accountability of all groundwater users. However, we do require additional information pertaining to costs and implications for residents, municipalities, industry, and the agricultural community.
- We fully support further research, mapping, monitoring, and modeling work be done to improve our collective understandings of our groundwater resources, recharge areas, and sources of potential contamination.
- The Fraser Valley has been tentatively identified as a “problem area” in the policy proposal report due to aquifer issues of supply or contamination risk thus requiring more extensive licensing and monitoring requirements than non-problem areas of the province – but there has been a concern raised that not all of the Fraser Valley should be painted with the same broad brush and that some local aquifers (e.g., Agassiz Aquifer) may be in better shape than this label implies. We suggest a finer scale delineation of “problem areas” be applied compared to the policy proposal report.
- We request for the Province to consider regulatory mechanisms allowing local government to require mandatory decommissioning of existing wells on private property when it provides a potential conduit for contamination of the aquifer and a municipal water supply system is available for connection.

4. Regulate During Scarcity

- The use of our region’s watersheds through residential and economic development, agriculture and recreation must be balanced by strong stewardship of these natural resources. This objective is already supported by a number of policies established across many areas of the region (e.g., FVRD’s Water Conservation Policy and Drought Management Policy).
- Further information regarding priority use and allocations is required. Prioritization of water licenses should be based on priority of use (e.g., human consumption needs) ahead of the First-In-Time-First-In-Right system (FITFIR).
- Allocation of water allotments will require expensive and thorough investigations. Who will be required to cover these costs? (i.e., Will the last user on the chain be expected to pay for the investigation, will there be a cost sharing amongst all users on the system, or will the Province pay?)

5. Improve Security, Water Use Efficiency, and Conservation

- Efforts to improve conservation efforts amongst all users (local governments, residents, agricultural industry) is supported and encouraged. Specific implications of this policy direction for FVRD are still unclear however.
- Since 2009, the FVRD has a Water Conservation Plan in place for its Electoral Areas, ensuring a coordinated and comprehensive approach to water conservation. It is anticipated that the Water Sustainability Plan will serve as a beneficial tool to implement this Plan.
- Some concerns have been raised regarding the misunderstanding of the 'water markets' discussed in the policy report. We request the Province to provide assurances that the new Act will not contribute to bulk water exports or water privatization within the region.

6. Measure and Report

- While we support the need for monitoring and reporting, the policy proposal does not clarify implications regarding extra costs and responsibilities to local governments. There are significant concerns about additional downloading of responsibilities to local government and the additional burden this may place at the local level.
- If responsibilities for monitoring, testing, and enforcement are being downloading to local governments, funds are required by the Province to assist with costs and staff capacity issues.

7. Enable a Range of Governance Approaches

- The FVRD supports the policy direction which allows regions more control, if desired, into governance of water resources within the region. Issues vary across the province, and the 'one size fits all' governance approach currently taken may not work best in all regions. However, the FVRD is sensitive to downloading of responsibility given issues of limited resources, staff, and expertise.
- The FVRD requests more information on the different governance options, including pros and cons and specific implications of each approach, before we can decide the best option for this region.
- Although localized exceptions may emerge, given the complexity of much of the Fraser Valley, with aquifers and watersheds crossing municipal, regional district, and even international boundaries, regulation and enforcement may best be retained at the provincial level. Local input into this decision making is highly desirable however.

The Fraser Valley Regional District would like to thank the Province for the opportunity to provide feedback and comments on the proposed *Water Sustainability Act*. Please keep us informed on the process.

Sincerely,



Patricia Ross, Chair
Fraser Valley Regional District

Cc: Jared Wright, Senior Policy Analyst, UBCM