

**From:** Pamela Dykstra [dykstra@biome.ca]  
**Sent:** April-30-10 10:51 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** Anne Ward (E-mail); Dave Johnson (E-mail); Joern Wingender (E-mail); Karen Kane (E-mail); Michele Morris (E-mail); office@hpcommunityforest.org; dykstra@biome.ca; erikl@netidea.com  
**Subject:** Water Act Modernization-comment

Please consider the following comments on Water Act Modernization, submitted on behalf of the Harrop-Procter Watershed Protection Society, which represents over 60 households in the West Kootenays.

We have reviewed the discussion paper and other relevant reports, visited the website and attended the regional workshop held in Nelson on April 16, 2010. We have a number of concerns about WAM that we would like to share with you. Our concerns center primarily around the following issues.

1. We are very concerned that Water Act Modernization will fail to serve the interests of the citizens of British Columbia. Access to clean drinking water is a basic human need and accordingly, a human rights issue. **Human needs must be recognized as one of the core values upon which proposed changes can build, and this value must take precedence over business interests.**
2. We are very concerned that Water Act Modernization will fail to serve the interests of BC's flora and fauna. **Ecosystem needs must be recognized as one of the core values upon which proposed changes can build, and this value must take precedence over business interests.**
3. We are concerned that the goals of WAM exceed the scope of the legislation. The most striking example of this is the goal to protect stream health. Water extraction and diversion affect stream health in the context of other activities that occur within watersheds (e.g., forestry, mining, agricultural runoff), and in some cases, stream health and stream flow may be degraded by these other activities, affecting the quality and quantity of water available for allocation. **Legislative revision must cast a wider net, and be inclusive of the myriad of legislation that governs activities that affect water quality and quantity (e.g., Forest and Range Practices Act, etc.).**
4. The use of thresholds to establish 'safe' levels of stream flow is scientifically credible, but complex. The application of ecological thresholds to resource management issues is fraught with difficulty; in the case of water allocation, the interaction of factors across the spatial and temporal scales that affect stream flow mean that even if a 'safe' threshold is established, there is no certainty that stream health can be maintained through changes to allocation. The uncertainty surrounding thresholds implies that they are best applied in the context of other management practices that encourage caution and constant monitoring and improvement, and if the threshold for allocation is established at a higher flow than the flow at which the estimated ecological threshold occurs. **The application of thresholds must occur within a management regime that encompasses the precautionary principle and adaptive management.**
5. Providing an opportunity for input at this stage only is insufficient, given the implications of some of the policy options under discussion. **There must be another opportunity for public comment during phase 3 of the WAM process, once MoE's proposed policy options and draft legislation are available.**

Thank you for providing this opportunity to review and comment on WAM.

Regards,

Pamela Dykstra, MRM, R.P. Bio.  
250.229.4447  
President, Harrop-Procter Watershed Protection Society  
Procter, BC  
[www.hpcommunityforest.org](http://www.hpcommunityforest.org)