From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Tuesday, April 27, 2010 10:37:32 PM
To: Living Water Smart ENV:EX
Subject: WAM Comments Submission

> Water Act Modernization Submission
> Ministry of Environment Water Stewardship Division
> PO Box 9362 Stn Prov Govt Victoria, BC V8W 9M2
>
>
> RE: WATER ACT MODERNIZATION DISCUSSION PAPER
>
> Concerning The Water Act Modernization meeting in Nelson April 16,
> 2010 regarding the Water Act Modernization Discussion Paper. This is a
> serious document with serious implications for rural water users.
> There is a concern that British Columbians have not been adequately
> informed on WAM or given adequate time to respond. British Columbians
> should see a final report before any changes to the Water Act are
> made. I do not support this discussion paper.
>
> It is disappointing to learn from this paper that with all the wealth
> of British Columbia, those who can afford to, are not willing to spend
> money on water management. It is hard to understand that $6B can be
> spent on the Olympics (has not this brought in any money) and there is
> no money for water technicians and water management. I do not know how
> much more barebones WSD can get to be more "efficient". Perhaps we
> should have an auditor like Sheila Fraser for water management.
>
> The two main points brought up at the April 16th meeting which I support are:
>
> 1. having Common law rights to water enshrined in the Water Act
> 2. rewriting Resource Extraction regulations for real water
> protection. We have no real protection for water unless this is done.
>
> I am not as knowledgeable as others, but recommend everyone become
> very knowledgeable about the issues brought up in WAM. I would
> recommend everyone being very familiar with their water technician and
> how WSD office works. The change to water licences as temporary "use"
> rights and not permanent or property rights, change to perpetuity, and
> change to FITFIR are the primary issues and not whether we have
> incentives for citizen water use efficiency. This document talks about
> making the average citizen more efficient, while at the same time
> talking about water markets and trading which do not seem to have much
> to do with efficiency/water conservation for British Columbians. How
> can the average citizen make meaningful comment on WAM without details
> of economic instruments which industry may receive under WAM. How can
> water trading even be mentioned in WAM. This document brings to light
> the differences and poor communications between various regions of the
> province, which is partly to blame for any inefficiency in water
> management. I don?t think very many people in my area have ever heard
> of the POLIS project(associated with Real Estate). I don?t think the
> POLIS project has a clue how anyone in this area lives. Also, many
> area residents are probably not aware of the BC NOGs statement on the
> Reform of the BC Water Act. I do not think the average citizen is to
> blame for any water inefficiencies. The focus on consumerism and a

> ?high?economy are to blame for more water inefficiencies than any use
> by low-income British Columbians. The focus should be on providing
> low-cost water efficient appliances to low-income residents. I do not
> know how you are going to straighten out the rest. In Nevada, they are
> experiencing severe water shortages and have stopped building golf
> courses. Twenty years ago, they made golf courses out of the desert,
> they are now reclaiming the desert.
>
>
> The general main concerns regarding WAM are:
>
> 1. loss of our common law water rights
>
> (Review rules for the transfer and apportionments of existing water
> rights). Not enough details here. The Environmental NGOs Statement of
> Expectations says "they expect government to explicitly recognize
> water licenses as temporary "use" rights and not permanent or property
> rights." I do not support removing water rights from land title. How
> can you sell a property if there is no water attached. I do
> not support water trading like energy trading. Perpetuity is not
> mentioned in the WAM discussion paper. In the 2008 WS Branch
> Strategic Plan in the section flexible and efficient water allocation
> under 2.2.1 Activities the following statements are made: introduce
> new provisions that limit all new licences to 40-year terms in areas
> where there is high demand. Currently all domestic licences are
> granted in perpetuity. British Columbians will have lost another right
> we currently enjoy.
>
>
> (Options to encourage administrative efficiency)
>
> ABSOLUTELY NO to permits over water licences. It is hard to believe
> that this got into this discussion paper. This demonstrates a complete
> lack of understanding and respect of rural domestic water licences.
> Rural domestic water licence holders work hard and spend their own
> money maintaining their water systems. While the Living Water Smart
> website says all British Columbians should have access to sustainable,
> quality water, rural domestic users are treated the worst. They are
> told their licences do not guarantee them water or quality water.
> There are problems with fairness of water distribution with the
> current system of water licences. Having permits would create a
> free-for-all and chaos. More technicians should be hired to deal with
> administration, you cannot do a good job without good WSD staff.
>
> Switching to permit use of water that we already have common law
> riparian rights to means a complete loss of those rights. It also
> implies we could lose that permission at some time. Common law rights
> to water should be enshrined in the Water Act.
>
> (flexibility to quickly adapt to changing environmental, economic,
> and social conditions). Change to FITFIR. This modification would
> apply to all current surface licences and to wells. The government
> already has the right to allocate water not necessarily to the oldest
> water licences first, but at their discretion in times of need. Why is
> there then a need to modify FITFIR. There is a concern this might
> favor industry.
>

> 2. Increased water costs (taxes). No details on funding cost
> comparisons for different governance approaches. (RDCK is already
> massively administered). Many discussion points depend on
> affordability - will industry pay for efficient infrastructure/water
> usage. I do not support penalties for citizens who are inefficient
> only because they cannot afford "efficient use". Will taxpayers pay
> for industry incentives and get little themselves.
>
> 3. focus on citizen water use, little focus on industrial use.
> Citizen use should be considered, but it is a small percentage of the
> water used. "Government determines actual needs in relation to a
> proposed undertaking on the basis of efficient practices and works." -
> how does this apply to business.
>
> 4. If the points in the discussion paper were implemented, I
> would support an independent third party for conflict resolutions,
> appeals. I support an independent auditor such as Sheila Fraser for
> water management.
>
> 5. Temporary/long-term water scarcity very important. More
> detail needed. Rural domestic water holders do conserve water when
> there are shortages for priority needs. In general, I would support
> the hierarchy of uses (human and stock watering needs before landscape
> irrigation). Each area should have a plan for long-term water
> scarcity. I would favor that water licensees and other interested
> parties develop a plan that addresses long-term scarcity on a
> watershed basis. "Full or partial cancellation of water licences may
> occur if other options were applied and were unsuccessful." This
> should be avoided.
>
> 6. Regulate groundwater extraction very important. The
> discussion paper says regulating large groundwater extractions
> (including monitoring and reporting) will now be regulated as well as
> most groundwater withdrawals in critical areas. "Individual domestic
> uses will be allowed in most situations." Use of meters for measuring
> large well extractions may lead to privatization of water. I do not
> support the privatization of water or water made a commodity. The
> focus should be on small efficiency changes everyone can do easily.
> Water efficient appliances should be made affordable to everyone. Do
> we really need all the hot tubs, indoor swimming pools.
>
> The 2008 report An Overview of the Effects of Forest Management on
> Groundwater Hydrology published in the BC Journal of Ecosystems and
> Management describes the effects of forest management on groundwater
> landscapes. Harvest increases the water table (perched or regional)
> and potential for pore pressure increase to affect slope stability.
> Roads may cut into sub-surface stream flow and become seepage faces
> causing groundwater discharge to occur. To regulate groundwater
> meaningfully government must attend to 1) all the resource extraction
> and large development activities that cut roads into slopes and
> disturb groundwater recharge areas, 2) forest cover removal that
> upsets both surface water and groundwater flows, seriously degrade
> water supplies and create landslide hazards, 3) contamination of
> groundwater by such activities, 4) map and measure groundwater
> aquifers so data is available.
>
> 7. Lack of protection from resource extraction, lack of water

> data and scientific staff
>
> (Watershed-based water allocation plans include environmental flow
> needs and the water available for consumptive use.) I called my local
> WSD office to see if what is meant by water allocation plans and
> didn't really receive an answer. There does not appear to be a lot of
> water data available at Nelson WSD or funding for scientific staff.
> It does not seem fair to tax people to make a plan and then not have
> them have any input as to how the plan will work. There is a concern
> that there is no mention of resource extraction activities in WAM. All
> water protection for resource extraction activities and some water
> allocation is devolved to the various acts governing those activities.
> There is no discussion of changing any of these acts and regulations.
> A proper modernization of the Water Act would include such changes or
> a stop to the devolving of protection and allocation of water within
> the Water Act. There is one reference in the Polis report (Setting a
> New Course for BC) that a Watershed Agency may have the rights to
> make "formal comments" on resource extraction activities. In the WS
> Branch Strategic Plan re IPPs it states that a Watershed Agency would
> "Adjudicate licence applications for Independent Power Producers in a
> manner that is consistent with provincial government corporate
> policy."
>
> 8. Environmental Flows are considered in all water allocation
> decisions to protect stream health
>
> The average person finds this difficult to answer. I have read that
> to protect instream flows correctly requires scientific staff and
> equipment, comprehensive temperature and flow data, and evaluation of
> all water courses in a watershed, that most instream flows will end up
> being estimated.
>
> This is a sobering document, "changes to water laws or reviews of
> water allocation decisions made in the past may well require some
> difficult adjustments to be made." I do not support WAM. I do not
> support loss of permanent or property rights, change to perpetuity,
> and change to FITFIR, water trading.
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> Concerned Citizen,
> ***PERSONAL IDENTIFIERS REMOVED***

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> Peter Kabel

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