From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Tuesday, April 27, 2010 9:53:15 PM
To: Living Water Smart ENV:EX
Subject: WAM comments submission

>
> The entire WAM concept is a NON-SOLUTION to a real problem.
> After years and years of mismanagement of our water supplies through
> removal of any watershed protection, the MoE is now positing
> that “we” are the problem and must therefore scrap with each other over
> remaining supplies while they continue to refuse to protect
> watersheds and seek changes that will remove our already degraded water rights.
>
> Therefore I respectfully request that MoE do NOTHING.
> That is, you do NOT re-write the Water Act and do maintain the Status
> Quo governance model, until MoE can address public concerns as
> follows:
>
> 1) Watershed protection from resource extraction activities.
> By devolving stream protection (stream as defined in the Water Act
> means all water courses including lakes, ponds, wetlands, streams,
> creeks, springs, and rivers) in Section 9 of the Water Act to other
> ministries (including Forestry and Energy and Mines), source
> protection of our water supplies is abrogated by the MoE. This must
> change! If the Water Act is meant to protect our water supplies it
> must override all other Acts in that respect. You talk about the
> fragmented legislation protecting water at great length, but make NO
> ATTEMPT in the WAM to address this problem.
>
> Furthermore, the MoE Water Stewardship Branch makes no bones about
> IPPs in the form of large run-of-the-river projects when they state on
> page 32 of their Strategic Plan that they intend to “Adjudicate
> licence applications for Independent Power Producers in a manner that
> is consistent with provincial government corporate policy.”
> Furthermore, the public has recently discovered that MoE is allowing
> drilling into the bottom of alpine lakes (for higher head in private
> run-of-the-river-projects) resulting in siltation problems as we have
> recently seen in Sechelt. Not to mention more watershed destruction.
> The destruction of pristine river systems in both coastal areas and
> the Kootenays, shows an outright distain for protection of watersheds
> anywhere an RoR project is contemplated.
>
> As to other resource extraction activities, the MoE passed the
> environmental assessment on Fish Lake being turned into a tailing pond
> placing a huge water system running all the way to the ocean at risk
> of serious toxic contamination. Many other mining activities,
> including the Raven Coal project on Vancouver Island, evince the same
> unconcern with contamination of watersheds and river systems with
> toxic effluent. Shame on you MoE!
>
> Then we have the oil and gas extraction activities in the Horn River
> Basin and further north in BC. All drilling requires the use of water
> for making the drilling mud. Hydrofracking needs even more water and
> threatens the contamination of water aquifers with toxic chemicals as
> has already occurred in northeastern BC to some citizens water

> supplies. One shale gas well requires 8 to 10 million gallons of toxic
> chemical contaminated water for the hydrofracking process.
> Hydrofracking is not a licensed use of water listed on the licenses
> database. When I inquired of the Water Stewardship Branch about this,
> I was informed that exploratory activities do not pay for water use as
> other licensed users of water do. Alberta farmers have seen their
> water supplies seriously impacted by all of the drilling activities in
> their province. Is that what we have to look forward to in BC?
>
> Then there are the transmission lines and pipelines that are being
> plotted to crisscross our province in support of resource extraction
> activities. Are we to seriously believe that power lines and pipelines
> cutting through populated areas and wilderness areas will not
> seriously effect our watersheds and thus our water supplies? This is
> preposterous and an undefendable position for the government to be
> taking.
>
> The public is demanding watershed/source protection as the first
> commitment from government to protect our water supplies for our
> public use of water.
> Public use of our commonly owned water supplies should be an
> established right and not something we pay for. Use of water to make
> money (and here I mean industrial use of water) on the other hand
> should first of all only be allowed if it can be proven (the
> precautionary principle) that it does not have ANY effect on public
> water supplies and second of all should be charged for at a rate that
> supports not only the costs of public use (i.e., government
> bureaucracies necessary to allocate and protect our water supplies)
> but also at rate that includes the true cost of such use. The new
> sustainable economic models should be applied to all industrial use of
> water and a commiserate license rate applied.
>
> By far the worst effect on our water supplies is forestry as currently
> practiced in this province. In the past when BC companies used local
> contractors to cut and mill lumber our local economies flourished and
> our watersheds were protected. But over the last 4 decades our forests
> have been privatized to large multi-national corporations and our
> watersheds have been trashed in the process. The current government is
> carrying on in this tradition with mining, oil and gas extraction and
> now IPPs. At this rate we will have no water left at all.
>
> It is time to modernize the “government corporate policy” to protect
> all of our commonly owned resources including water from the great
> sucking sound of multinational corporations. MoE and all other
> government Ministries must change their shortsighted, sell-it-all-off
> policies and start thinking about true sustainability of our
> resources. Resources that are all only increasing in value at the same
> time the government continues to make it easier and cheaper for
> multinationals to purchase these irreplaceable resources.
>
> One final comment here. Attempting to separate water from land is
> ludicrous. There is really no such thing as an aquatic ecosystem. An
> ecosystem by definition includes the land, water, air, all life forms
> and the economies based on that ecosystem. Within any ecosystem all
> elements interact. To attempt to talk about protecting an aquatic
> ecosystem without talking about the land around it and the forest,
> shrub or grass cover that collects and stores the precipitation that

> feed the aquatic systems is utterly meaningless. It is similarly
> meaningless to assume we can have continuous growth in either our
> human population or a resource-based economy within that ecosystem.
>
> Yet this is exactly what WAM does. The workshop attempted to restrict
> all discussion to water and purported that the state of our forests,
> other resource extraction activities or the government corporate
> policy was not on the table.
> Unacceptable.
>
> 2) Committed provincial funding to implement any changes.
> All of the policy discussion papers state that funding must be
> committed to make any of the recommended changes come to fruition. Yet
> the monies for the MoE has been cut over the next 3 years in the
> current budget, as have the monies for Forestry, ILMB, Agriculture,
> Energy, Mines & petroleum Resources.
>
> How the government can with a straight face say the WAM will protect
> water supplies when in fact there is no committed funding to make this
> happen is beyond me. It would appear through reading documents that
> the true intent of WAM is to limit public rights to water and charge
> them more for water use through increased licenses fees, water rates
> and so forth.
>
> This is ridiculous when all the costs should be borne by industry
> which is making massive profits from our commonly held resources and
> returning very, very, very little to the province to pay for this
> pillage of our resources. Where will our children and grandchildren
> turn for water, lumber, energy and minerals and so forth when you have
> sold it all off at bargain basement rates?
>
> This is why you should throw WAM on scrap heap and start over with a
> logical approach to protecting our water supplies from the greatest
> threats, not from the smallest.
>
> 3) Full MEANINGFUL public consultation prior to introducing
> legislation to change the Water Act, or barring that a referendum on
> proposed changes to the Water Act.
>
> This public consultation process on such a serious subject as our
> water supplies is a complete failure. First of all, your WAM Workshops
> were held through a very limited “invitation only” process. You should
> have notified every licenses holder in the province of these workshops
> and PUBLICALLY advertised the workshops at least a month in advance in
> newspapers all over the province. Relying on computers also
> marginalizes a significant portion of the public and can only be
> justified as cheaper than other kinds of advertising. From the public
> point of view, if you can’t afford to advertise the discussion of
> changes to the water act, then you shouldn’t be doing it.
>
> Meaningful consultation means not only that the government commit to
> taking into account the comments of the public in their decision
> making process. It also means that the public consultation continue in
> the process so we have an opportunity to COMMENT on EACH STAGE of
> DECISION MAKING BY GOVERNMENT, If the government cannot commit to
> making changes at each stage to it’s policies based on the
> consultation, then the entire process is meaningless.

>
> In fact, that is why I want the government to hold a public vote, an
> actual referendum, on the final changes to the water act prior to
> those changes being legislated. Full government disclosure is
> required. The government has LOST THE TRUST OF THE PEOPLE on these
> matters for the reasons discussed above.
>
> 4) No changes to license status for domestic use (surface water or
> well licenses)
> The government says it wants to make domestic use licenses a
> “permitted” use. The justification for this is that the limited staff
> could then turn their attention to more critical issues. First of all,
> if the government can’t afford to administer licenses than it should
> not be granted the powers to manage our water. Period. Management of
> any of our collectively owned natural resources is the prime charge of
> government. It is a charge vested in them by the Crown. The government
> of the day is not the Crown. This is the truth that government needs
> to come to terms with. Then perhaps we will see some changes in the
> policies that are selling off our heritage for a mess of pottage!
>
> MoE representatives had no comments on the legal ramifications of this
> action at the workshop I attended. Nor did they have any comments in
> their reports and papers on the ramifications of this action. Domestic
> wells would also fall under this change if ground water becomes
> legislated.
>
> Under no circumstances do citizens of rural BC want their water
> license rights compromised now or in the future. It is the holders of
> licenses that have the ONLY STANDING in government hearings on new
> water licenses. I suspect this has much more to do with this change
> than does the “lack of staff”. In fact domestic use license holders’
> account for half of all licensed allocations. They actually stand at
> the forefront of water protection in all rural areas of BC.
>
> If MoE needs more staff to deal with problem areas of the province
> that have over-developed for the amount of water available after
> watershed destruction, then MoE should either get funds from the
> government for this hiring or they should implement a tax on resource
> extraction to cover this cost. Simple. But under no circumstances
> should they pit urban versus rural populations as they have in the WAM
> discussion paper to get urban support for removing rural water rights.
> Disgusting!
>
> 5) Maintain FITFIR as is.
> FITFIR is a time honored, working, self-limiting system that deters
> over-allocation of water supplies. The government in its role as
> manager of our water has over-allocated water in many areas of the
> province according to their maps. What they need to do is attend to
> their mismanagement, disclose the reasons why they have over-allocated
> water supplies and fix that process, NOT modify FITFIR to cover the
> errors they have made. It is entirely unclear why we are in this
> position.
>
> Furthermore, often the government will state as a fact something that
> is not true. For example at the workshop I attended, a participant (a
> lawyer actually) asked what information the MoE spokesperson was
> basing his statement that BC had been in a drought for a number of

> years and expected to be in the future. The MoE rep immediately
> backtracked and said that the precipitation data didn’t show a
> drought, but some areas of BC had experienced less precipitation. This
> is the kind of sweeping mis-statement that the public objects to,
> especially when discussing a subject as vital as our water supplies.
>
> The problem with modifying FITFIR is that government behind closed
> doors will develop a priority system for modifications. This is
> entirely unacceptable. If the government wants to change the Water Act
> then an open process with public decision making must do it. Of
> course, domestic use for health and sanitation and agriculture must
> have the highest priority (after instream flows).
>
> Protecting instream flows, or as some prefer to refer to this as
> protecting nature, is of course the basis of any allocation system and
> would thus have first priority. If the water is not there in the first
> place, it can’t be allocated. But where is the data for guaranteeing
> instream flows? This is the problem. First, the hydrometric stations
> in BC are all federal installations over which the MoE has no control.
> In fact, a few years ago there were 470 such stations in BC, now there
> are 450. How can relevant data for all allocations in BC be garnered
> from a shrinking database of information. The answer: it can’t.
>
> Second, there are various ways of determining instream flow
> requirements. The simplest (i.e., cheapest to achieve) is a monthly
> low-flow scheme. Unfortunately this is not a recommended standard by
> scientists who work in the field or by governments like Australia who
> are struggling with real drought conditions due to the El Nino/La Nina
> flip.
>
> Our ability to feed ourselves is moving into the public consciousness
> as a huge issue as we see globalization breaking down. Maintaining
> FITFIR is very important so established farms and livestock operations
> have priority water use.
>
> Furthermore, the danger of modifying FITFIR is a very slippery slope.
> In the ENGO Statement of Expectations IPPs had a higher priority for
> water use than agriculture or domestic use. This is completely
> unacceptable. This is a pure and simple commodification of our water
> supplies to the highest bidder. This must under NO circumstances be
> allowed. Any resource extraction use must have the lowest priority as
> such uses have the concomitant problems of destroying watersheds and
> contaminating water.
>
> 6) Include wording in the Water Act that acknowledges water as
> a human right, collectively OWNED by all as a common resource.
>
> This point can not be emphasized enough as it goes to the main problem
> of wrong-headed thinking regarding water and its protection evinced in
> the WAM documents. Below is a discussion I wrote recently regarding
> the issue of who owns the water.
>
> Our current government is very fond of stating that it OWNS all of the
> water in BC. Until recently the MoE water website was littered with
> the statement. They have since toned it down somewhat, but the words
> are still there and in documents written by others as well.
>

> This is not the truth however. To understand this all one must do is
> look at the current BC Water Act. Here is the actual wording at the
> beginning of the act (Part 1 is only definitions):
> Part 2 — Licencing, Diversion and Use of Water and Related Matters
> Section 2—Vesting water in government
> (1) The property in and the right to the use and flow of all the water
> at any time in a stream in British Columbia are for all purposes
> vested in the government, except only in so far as private rights have
> been established under licences issued or approvals given under this
> or a former Act.
>
> The important word here is vested. Vest is a verb. According to
> Webster’s it means to give, bestow or grant a right. And who vested
> government? That would be the Crown.
> The current Liberal government is not the Crown. Since we live in a
> Constitutional Monarchy, here is the order of authority:
> • The Crown is the institution, which represents the power of the
> people above government and political parties.
> • The Crown, represented by the head state, retains the powers of
> government, while the governing party exercises the powers of
> government.
> • The Crown, however, only allows the government and political parties
> to exercise powers in trust for use on behalf of the people.
>
> So really the government of the day only exercises powers like a
> trustee of an estate would. They do not “own” the estate, they simply
> manage it for a time.
>
> Maud Barlow of the Council of Canadians made this point very
> eloquently in the October 2009 edition of the CCPA Monitor when she
> was describing the recent victory in Ontario where citizens defeated a
> government plan to put a garbage dump directly on top of the aquifer
> that contained their drinking water supply. Following are her words:
> “Under common law, a tradition followed in all provinces and
> territories except Quebec, water is recognized as a public trust. It
> belongs collectively to all, and governments must manage water in the
> public interest. Governments do not have the authority to make
> decisions affecting collective resources that violate the public
> interest.”
>
>
> So you see, dear MoE, you must take into account the public interest
> in your resource management activities. Allowing our watersheds to be
> destroyed is NOT in the public interest. Setting up an “environment
> for investors” is not in the public interest. You must somehow find
> the wit or the will to protect our water supplies. If you do not the
> public will demand in a court of law that our water supplies are
> protected from your mismanagement.
>
> Furthermore, your principles as presented at the workshop failed to
> cover the most basic and important fact regarding water, namely that
> it is a human right.
> Instead we see MoE talking about “higher economic value” as a basis
> for prioritizing water allocations. This is repugnant to the public.
>
> The Water Act in Section 9 devolves water protection to the FRPA when
> forestry activities are occurring. The FRPA states that protections of

> environmental or economic values can only be applied "…without unduly
> reducing the supply of timber from British Columbia's forests…" This
> is one of the main reasons that the Water Act must be modernized in
> the true meaning of the word. As I state below, the placing of
> commercial interests above the protection of our human right to water
> is simply wrong. I wrote briefly about where such activity will lead
> the government in the following quote:
>
> "Historically, all peoples in all times have protected their
> watersheds. Access to quality water for drinking and washing is not
> only the basis of human health, but of all human settlement. Access to
> quantity of water is the basis for all agriculture and business.
> To place the commercial interests of logging above the protection of
> citizen rights to clean and dependable water supply, as new forest
> regulations do, is not a particularly defensible position.
> The principles of legal pluralism explain that when statute law meets
> traditional wisdom head-on, unrelenting agitation from the public is
> only to be expected and solutions must be sought to end this
> conflict."
>
> One such solution would be for MoE to write into the Water Act the
> basic fact that access to water is a human right, that water is owned
> collectively by all and that water will be managed in the public
> interest by government.
>
>
> 7) Local decision making power on all water allocations
>
> It was very apparent at the workshop I attended that the public
> understands all water use decisions must be affected at the local
> level. This means the government cannot simply impose across the board
> standards and expect local compliance.
>
> Local history, common sense and traditional values must play a role in
> water use decisions. This will only happen if local decision making
> authority is incorporated in the Water Act. Something that does not
> exist at the present time nor is proposed in the WAM documents.
>
> The WAM seems really to be an attempt by government to escape their
> responsibilities to manage our water effectively. This includes the
> following responsibilities:
> a) developing databases of province-wide water information (including
> that related to groundwater aquifers) that is necessary for proper
> management,
> b) developing water use and water protection plans for all areas of
> the province based on the solid data collected above,
> c) basing water allocations on the developed plans based on the real data
> d) dedicating the funds necessary to carry out all three levels of
> action including staff, equipment and IT systems that are necessary
> for this work.
>
>
> There is no proposal in WAM for the government to undertake any of
> these activities. It seems rather that government will only address
> critical or problem areas of the province. The rest of us will
> continue along without proper planning or data on which to base that
> planning until we too become critical areas.

>
> Somehow, standards for maintaining in stream flow will be developed
> without sufficient scientific stream flow data, groundwater will be
> regulated without sufficient aquifer location or volume data, the
> plans that were mandated to government development in both the Water
> Act and the Drinking Water Act will instead be handled by some
> privatized Water Agency or by local interest groups.
>
> And the funds will come from increased license fees (for everyone, not
> just for industry) and from forcing municipal, regional district,
> community and private water systems to increase their rates and
> perhaps from increased property taxes. This is not acceptable to the
> public.
>
> I can only suggest that the government must look at how they are
> subsidizing resource extraction activities by using tax dollars that
> could go to water protection. This subsidization includes not only
> charging ridiculously low royalty rates for oil, gas and minerals
> extraction, subsidizing road building for all such activities, but
> also either not charging for water use or charging (again)
> ridiculously low rates for water licenses. None of this is acceptable.
>
> As to the government always claiming it creates jobs, all anyone has
> to do is look at the state of our forestry industry to see what
> government management hidden behind their “jobs, jobs, jobs” mantra
> has done for that industry.
>
> Citizens have reached the point where they no longer trust government
> management practices (practices that are little more than thinly
> veiled privatization schemes).
>
> 8) We do not need legislation to protect us from ourselves.
>
> There will always be debates about water use, yes. But local
> communities can handle that. They always have and they always will.
> Water allocation is not really the problem that MoE makes it out to be
> in WAM documents. What the problem really is, is lack of protection of
> our entire BC water supply from resource extraction and related
> activities.
>
> What citizens do need from government is legislation with teeth to
> protect our watersheds and pristine water systems from destruction by
> resource extraction activities including IPPs.

PERSONAL IDENTIFIERS REMOVED

Videos that have everyone talking! Now also in HD! MSN.ca Video.
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