From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: April-30-10 4:16 PM
To: Living Water Smart ENV:EX
Subject: FW: Comments on Water Act Modernization
Attachments: 1 Reviewing and updating the Water Act is something that.pdf

To whom it may concern,

Attached please find my comments on the Water Act Modernization for your consideration.

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To whom it may concern,

Reviewing and updating the Water Act is something that needs to be done.

Having said that, I have comments, starting with the fact that the time frame for feedback is much too short. My reply is not organized as I would like.

The discussion paper is lengthy, and I suspect most, like me, would want to print the document rather than spend hours at a computer reading.

Further, the process has not been widely advertised and I get the distinct impression that the general public is not aware that the review is underway nor understand the potential impact on them. Therefore, I expect you will receive minimal impact from the general public. Not a good start for a process that is to be transparent and have dialogue with users, ie the population of BC.

Many of the words, objectives, options used in the document require definition. How does one respond if they do not know what is meant by eg extreme, flow recommendations, values-and who has the authority to define terms and criteria?

Water conservation and incentives are good. Incentives should be positive, not negative except for situations that compromise health, well-being and safety. If you look at Capital Regional District in 2009, they had a big push to conserve, people complied, revenue dropped so for 2010 water rates were increased so CRD Water could continue with their plans. The public did their part, CRD water did not. CRD water should also look at where they can cut back so they do their part. Failure to do so lacks fairness, and is viewed by many as arrogant and not for the good of the whole. One place CRD could start would be the tours of the Sooke Water Shed, CRD's water source. The tours are excellent and very expensive to put on. A luxury that perhaps they should cancel to set an example of fiscal restraint.

What has been envisioned as incentives to conserve water and reduce consumption?.

Municipal water systems should all be metered. There are costs associated with installation of meters, hiring staff to read, billing and collection. Phasing in over a few years and requiring all new developments to meter water would mitigate some of the impact. It has been demonstrated that metering water consumption and tiered costs based on consumption results in lower water consumption by most people.

In one section there is discussion of aquifers as part of the water supply. I agree. Yet some municipalities have tapped into aquifers to water their landscape rather than adhere to the water restrictions in place. Do you plan to address this, and if so, how?

I am one of an increasing number of seniors in the province. My pension went up less than 1%, yet other set expenses continue to rise: water, hydro, property taxes alone have gone up more than 1%. How do we continue to pay our bills? Many living on investments have not recovered from 2008/09 losses. Many of us would like to have more efficient appliances, and will do so when we must replace. In the meantime we wait until we have a full load of laundry, turn down the thermostat etc to do what we can to lessen our water and energy consumption, but we cannot afford to go out and replace our less efficient washers, toilets, furnaces, refrigerators etc. until we have to do so. On the other hand new construction and renovations should be required to meet minimum established standards for such items as showerheads, toilets, and appliances. Many new developments are going more "green" in their construction, appliances, water systems and reclamation-it is a selling feature, and should be encouraged. Retrofitting to treat grey water and/or black water is something I do not feel homeowners should be legislated to do. Currently I expect the majority cannot afford to do, the technology is evolving and hopefully costs will drop over time.

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I have difficulty with the comments regarding transfer and appointments of water rights. To comment we need to have specifics, not the generalities of the discussion paper. When water rights, or licences are to be transferred or altered in any way, those businesses and individuals affected should be notified and given the opportunity to give input. Further, there should be public notification with adequate time for research and response.

Changes allowing transfer of water from lower to higher value for long and short term within watersheds needs to have the input of those adversely affected from the beginning of the process. This does not appear to have been the practice in the past and seems to be continuing. CVRD has set up a Cowichan Water Board(CWB) that is doing their work to present to homeowners with *no adversely affected property owners who have been selected by their peers* involved in the process to date, in particular agriculture and waterfront property owners. For the process to be transparent and accepted by the public, those adversely affected need to select their representatives. As well as the public being able to attend the CWB meetings, all working groups should invite the public to observe their meetings and hear the information provided and discussed.

I am opposed to changes that negatively impact current property owners in support of development, both when it comes to water and hydro. I am opposed to licencees being able to transition their right to divert water to other than as per the licence unless there is full process and public input obtained.

The Water Licence process may be cumbersome, but any changes must protect those who are potentially adversely affected. The Water Act states that the licence holder is responsible for any damage caused by the licencee. Further, Cowichan Lake waterfront owners were assured any damage to their property, which includes loss of use, would be addressed by the licence holder when the weir/dam was installed on the Cowichan River. To date, as far as I know, the licence holder has not addressed any owners' loss. Changes to the Act should specify that those currently holding a water licence under the current Act must fulfil the obligations as per the Act. I think those obligations should be fulfilled prior to any changes to the Act. Property owners have rights and they must be protected and respected.

You cannot pay multigeneration property owners enough to compensate loss of their land due to imposed changes.

With regard to Water licences no longer in use: what happens to these licences needs to be carefully reviewed with full discussion of impact of any changes with those impacted. Water licences that are used only sometimes or not fully used need to be reviewed carefully with the licencee to determine if the licence should be revised. Farm properties may be particularly affected and the property value is significantly affected by having water licences.

Self registration and reporting: most will comply, some will not. Is there a middle ground so that outliers can be addressed? On the other hand, I would not like to see legislation requiring another department to monitor, record etc..

Allowing certain uses of water should continue to be allowed, recognizing that those uses will generally be within a range that will not compromise others. Should the situation warrant, then it can be revisited then.

Our water should not be an item that is sold outside BC. Since an adequate safe water supply is a concern, it should remain here for the use by the population of British Columbia.

Options to encourage administrative efficiency. Since regions vary in the water supply and needs, this should be addressed by regions.

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What is meant by “self-regulation of permitted use withdrawal”? I know of some permitted uses, but need to know more about what is allowed as permitted use to comment. Most people do self regulate, and follow restrictions. I hope we will not need another department to deal with those few who do not.

Comments were made about requiring well owners to meter their well use. That entails another homeowner cost, plus of course, hiring staff to read meters, and all the associated work and recording. Wells have costs to establish, maintain and when drilled the flow rate is measured. Given the rate of flow and use of the well water one should be able to determine approximate volume used. If the aquifers are decreasing, that should be the time to reassess.

Options to encourage administrative and water use efficiently(p 25). I agree with items I, L. With regard to J: it should include documenting potential effects on others impacted by proposed changes, not only users. Item K requires *consent* of affected parties, not merely consultation. To have consultation only is meaningless. Input and participation in the decision is necessary. Consent is required or a compromise achieved. Those persons whose property is affected must have their property rights protected. Items M and N have been commented on previously.

Flexibility: there is a lot more to the decision making process than in the document. The affected property owners need to be involved in the process, in particular those potentially adversely affected. I would not describe the process outlined as having transparency. Yes, some things need to be addressed in a more timely manner. If changes are requested to a water licence I feel that should continue to be the factor around which the discussion occurs, factoring in watershed issues. I strongly disagree with the process being “collaboration between government agencies and licence holders” –there must be input by those adversely affected. Many of us do not trust that our interests will be protected using the proposed process noted above. The last sentence states that “addressing the issues through collaboration would promote community understanding and result in robust adaptation outcomes”. How could that happen if only government and the licence holder are involved???

I note no reference to new storage capacity in remote, uninhabited areas. This should be considered, especially in view of the fact many areas have been or are currently being logged. Logging can have negative effect on water storage, but right now there seems to be a lot of trucks loaded with logs on the roads. Are the streams being protected? Is logging done so complies with RAR? After every winter storm there seems to be a lot of logging debris clogging or damaging streams and lakes. I see no mention of specifics that will be required of that industry. Perhaps I missed it?

I agree in principle of priorizing, but have problems with the content of the objective. Who determines priority? Using what criteria? By whom are criteria established? How do you get support of the criteria and their application? How do you address, fairly, those who are negatively impacted by changes? How do you get compliance? Are there caps on amount allocated for various purposes? Given the limited information available I cannot support the goal as stated.

When you describe requiring water users to conserve water during a drought, what is the plan for enforcing? Who sets consumption parameters?

The words “fairness”, “transparency”, “simple”, and “reduce on proportional basis” are used. How do we know that will be the practice? And again, who will determine who cuts back, where the water goes, criteria etc. History in our area means many of us do not trust that our needs and rights will be considered. Priorities are listed, but we all know of cases where when water restrictions in place some either simply do not care or do their deeds out of sight.

I support the statement that “to be successful, solutions need to be guided by clear objectives and developed with full involvement of water users and responsible government agencies” if it includes protection of property rights.

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How do you plan to address situations whereby one group is larger and wants actions that are detrimental to smaller population groups? This could happen in farming communities, industrial plants or recreation areas. Changes would have huge negative economic impact on businesses, employment, individuals and the whole area.

Plans to address water issues should be addressed by the communities and involve all affected. Decisions should not mean downstream is the main beneficiary to the detriment of the source-downstream needs to conserve and implement solutions.

One of the demands for water is treated sewage effluent dilution. That should not be a reason for increase water supply. Rather, the treatment system should be upgraded and expansion and development cease until the problem rectified.

Forestry needs to be involved in the process. Logging of old growth means less water retention with slow release on hills and mountains. I do not know what age second growth needs to reach before it changes from a large water consumer to slowly releasing water.

Knowledge seems to change daily, some actions are done for one reason but not allowed for another or one place but not another yet situations appear similar. Where is the logic? We the public need explanations that are credible, not that they are either are or are not “socially, economically, environmentally viable” in a particular region. We need specifics and time to digest the information. Dredging, Compliance with the Heritage Conservation Act, removal of dams are examples. There needs to be consistency and fairness for all groups.

How do First Nations and land claims fit into the processes, decisions and actions?

What is the relationship and impact of other Acts and Ministries?

As per the document Principles, “the proposed principles have underpinned the development of this discussion paper and, once they are *finalized after public input*, will guide the policy development process”, I would like to suggest that it be advertised to the public that the Water Act modernization review is in progress now, not after all the decisions made, and that you meet with groups that feel they have issues to be addressed.

Should there be an extension for feedback I would appreciate being notified so that I may respond.

Sincerely

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