From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: April-30-10 2:28 PM
To: Minister, ENV ENV:EX; Living Water Smart ENV:EX; OfficeofthePremier, Office PREM:EX; Atamanenko.A@parl.gc.ca; Mungall.MLA, Michelle LASS:EX
Subject: Comments on WAM

Attached is my letter/comments for submission for the Living Water Smart.
Thank you

Comments on WAM.pdf

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April 30 2010

Water Act Modernization
Water Stewardship Division
Ministry of Environment
P.O. Box 9326 Stn Prov Govt
Victoria, BC
V8W 9M2

Dear Minister Penner and the Living Water Smart Team:

Re: BC Water Act Modernization (WAM)

Cc: Premier Campbell, Michelle Mungall, Alex Atamanenko

Water plays a fundamental role in the health of our communities and our ecosystems and it is our commitment to ecological sustainability and environmental stewardship that will ensure a viable future for the generations to come. Factors like climate change, urban growth and industrial development have had and will continue to have damaging effects on our water sources if measures are not taken to protect this valuable resource.

First and foremost the new Water Act should involve the citizens of BC at all stages of its development. The government should present an opportunity for non-governmental organizations and the general public to comment on the draft of the new Water Act before it is submitted for approval.

Additionally, there must be commitment from the province to fund and implement the changes proposed for the Water Act. I strongly urge you to incorporate the factors discussed below into the new Water Act:

<u>Protecting Stream Health and Aquatic Environments:</u>

- Given the uncertainty around water resources and the impacts of climate change, the precautionary principle must inform the Water Act to protect ecosystem and watershed health.

- The scope of the Water Act needs to be broadened to include land use and resource extraction activities. The restricted parameters on stream health discussed in WAM do not consider anything beyond the water body itself. You can’t begin to talk about stream health without talking about the forests, the watershed, etc.

- Cumulative effects of things like industrial activities, recreation and climate change need to be considered when talking about stream health. Water does not exist independent of its larger ecosystem.

- The Water Act must be the overriding piece of legislation that determines what is allowed to occur in watersheds. Currently the Act does not protect stream, ecosystem or watershed health.

Water Governance:

- The Water Act should not devolve uses and protections to other acts (Section 9 of the Water Act devolves water protection to various other Ministries Acts (Forestry, Mining, Gas & Oil))

- The Water Act must inform, interact and be inclusive of all functions and levels of government, including other pieces of legislation such as the Drinking Water Protection Act, the Land Act, the Fisheries Act, among others. There must be a holistic approach to ecosystem management.

- The Act must be built around watershed boundaries, not political boundaries. Management and planning must be devolved closer to where the water sources are located. However there needs to be provincial funding for science and data collection as well as monitoring and enforcement regulations.

Flexibility and Efficiency in Allocation:

- The precautionary principle should be functioning at all times (no harm proof prior to new uses, not mitigation after damage). In allocation ecosystem needs must come first, followed by a modified version of FITFIR that acknowledges the need for setting priorities for survival and domestic use first, agriculture and industry after, when low flow conditions or water scarcity arises.

- Many of WAM principles and objectives are aligned to industry. We must avoid an emphasis on market mechanisms in allocating water. Water needs must be set by communities, and be given priority over industry in allocation.

- Climate change projections must be incorporated into water allocation decisions including an assessment of how it could impact the ability to meet proposed industry needs, especially if they are prioritized after ecosystem, domestic and agriculture needs.

- Collaborative science, traditional knowledge and local history should inform all allocation decisions. First Nations social and cultural practices associated with water must be respected and accommodated.

Groundwater Extraction:

- Groundwater extraction and use must be regulated for all large withdrawals and the word ‘large’ must be clearly defined. There needs to be mandatory consideration to protect in-stream flows.

- Of particular importance, Oil and Gas exploration companies must pay for all water uses and must be responsible for tracking how much groundwater they extract and use.

- Surface and groundwater are connected and this needs to be considered and evaluated before allocation decisions are made.

Sincerely,

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