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Sent: Tuesday, April 27, 2010 11:51:55 PM
To: Living Water Smart ENV:EX
Subject: Water Act Modernization Discussion Paper Feedback

Below is the result of your feedback form. It was submitted by
() on 2010 04 27, at 23:51:55

PERSONAL IDENTIFIERS REMOVED
ContactMethod: Email

Principles_Support: Support

Principles_Comments: Additional core principles should be considered as well:
9. Efforts are made to consider water management at watershed scales, as water resources cut across political boundaries (within and across provinces, and across Canada-US borders). [This is considered throughout the document, but should be added as an explicit aim].
10.Protecting ecosystem flows and ecosystem services should be of central importance in water management decisions.

These are excellent goals, although they are broad and ambitious, and I'm not convinced the document as presented here in this public format really explains how they will be met.

Also, protecting stream health and ecosystems -- even at the expense of short-term economic interests -- seems to me a wise decision that the government should be encouraged to commit to, since long-term economic interests (along with social, health, and well-being!) require water and healthy aquatic ecosystems.

Goal2_Support: Strongly Support

Goal2_Comments: I appreciate that the third goal, management, considers not only those in the watershed and neighbouring regions, but also those with an interest in the watershed who may not live in the region. This recognizes two (quite different) things: 1. the fact that people may have an interest in watershed protection (and the related ecosystem and biodiversity services provided) even without living in the watershed; and 2. the fact that water that 'virtual' water and other ways in which water or its products are exported from a region need to be considered in the governance choices we make. My concern with the options as presented is that they are very vague/abstract, and provide little detail about how a shared approach (or delegated, or centralized) might actually be structured. I might be inclined to say delegated if it meant watershed basin commissions who met with each other regularly, to ensure coordination between basins, but with local decision-making; or might
be tempted to say centralized control if it were through an independent and funded body with channels of communication in all watersheds across the province and a mandate and the capacity to conduct regional consultations with communities and local governments. I've said shared here, since the combination of local planning with an agency that prevents fragmented decision-making seems useful, but I'm hesitant to make this recommendation without really understanding how the government sees this kind of framework in practice.

Goal2_Options: Shared

BenefitsOfSharedRoles: The challenges of delegation and shared responsibility

include: how to resolve disputes when they arise, which interests take priority, how neutral arbitrators are appointed, how costs and benefits are shared and/or re-distributed in situations with unequal outcomes, how information is shared efficiently and effectively, how provincial and local needs and goals are reconciled, and how to ensure adequate public consultation in a complex network of responsibilities and decision-making authority.
The benefits, though, include greater potential for local interests to be known (as it is often more challenging to ascertain local information from a centralized agency), greater sensitivity to diverse ecological and social contexts (as decision-making is not always standardized), increased checks and balances on decisions (as there are more, and more informed, participants in decision-making processes), and more opportunities to develop context-specific solutions to local/regional problems.

Goal3_Support: Strongly Support

Goal3_Comments: Explicit consideration of groundwater in water allocation and permitting decisions is critical, and so objective 3 is important (but should also be considered in areas which are not yet problems areas, so as to prevent fragmented surface and groundwater decision making in general.

The government should explicitly bind itself to protecting water through mandating conservation measures even when stream health is not yet threatened and droughts have not yet occurred (objective 4 should be extended, since these practices should be commonplace and expected even where scarcities have not yet been experienced, in order to ensure there are incentives for developing water-efficient goods, production processes, and conservation practices at all times, so that it helps prevent water scarcity, and provides the coping mechanisms and knowledge needed in times of scarcity).

WaterUseEfficiency_1: Codes for efficient infrastructure and practices

WaterUseEfficiency_2: Review rules for transfer and apportionment

WaterUseEfficiency_Comments: Is it possible to consider both economic incentives and reviewing the rules for water transfers, to both reward water efficiency gains and also encourage the transfer of water rights for better overall efficiency? Also, B sounds reasonable, although will require oversight to ensure there is reasonable water use overall, so that sectoral rules don't lead to fragmentation and surpassing ecological limits for water withdrawals based on each sector fulfilling individual needs without concern for the overall watershed.

AdminEfficiencyOptions_PermittedUse: Permitted use different

AdminEfficiencyOptions_SelfReg: Required self-registration

AdministrativeEfficiency_Comments: While it adds to the regulatory and administrative burden of the province, local water managers, and others sharing in the responsibility for water allocations, a site-specific process for allowing water use should be undertaken, as the water availability and impact of different uses vary by location, geography, population densities, etc., and must be considered site by site. Water monitoring and allocation should not, though, depend on voluntary registration, since clear understandings of how water is being used and how much is being taken are required for making responsible water use and further allocation decisions.

AdminEfficiencyOptions_WaterUse: Combine admin and efficiency

AdminEfficiencyWaterUse_Comments: Particularly as water becomes increasingly scarce, users should have to record and report their water uses. Without required registration and reporting, it won't be possible to ensure that ecosystems and other water users (in-stream and extractive) are protected and considered. The purpose of water use should be considered in allowing its use, with some (essential) uses taking precedence over non-essential uses in times of drought/scarcity, and tighter restrictions placed on non-essential uses at all times to encourage wise use of the resource.

Flexibility_Support: Support

Flexibility_Comments: This sounds reasonable, although the use of water for higher economic purposes should also take into account the potential increased pollution from those alternate uses (eg. the transfer of land to mining purposes and its associated water uses might be of higher economic value from the water, but could have detrimental ecological effects on the land and water, and so this must be considered when allowing licence holders to change the terms of their licences.

WaterAllocationSystem_Options: Priority use

WaterAllocationSystem_Comments: Priority of use should be considered, but possibly with some more stable water rights for industries and sectors that require predictability in future water supplies, possibly through tradable rights schemes. Moreover, past water use should not be the basis of allocating current and future water rights (since such a system can penalize efficiency gains and reward wasting water by users worried about losing their rights).

WaterScarcityTemporary_Options: Discretional

WaterScarcityTemporary_Comments: Perhaps a hierarchy of uses could be developed to guide decisions, but with some discretionary decision-making allowed, in consultation with ecologists, hydrologists, and communities.

Priority date seems like a concerning approach, given the potentially more socially- and ecologically-beneficial outcomes of some water use in times of water scarcity.

Goal4_Support: Strongly Support

Goal4_Comments: I would also encourage the expansion of this goal to regulating groundwater use more broadly, to prevent more areas from becoming critical, since these are important water resources and we need to address them more thoughtfully and responsibly.

Thresholds_Comments: I don't actually feel qualified to comment on this, as I know too little about groundwater hydrology and the impacts of withdrawals on different systems.

PriorityAreas_Options: Combine priority areas

PriorityAreas_Comments: These all seem like important areas for groundwater management and regulation, and considering as many of them as possible seems advisable to me.

AffectOnCommunity: These proposed amendments affect me directly as an urban water

user (in terms of determining access to water for urban centres in times of water scarcity, and potentially developing ways of providing incentives for water conservation and efficiency), as well as more broadly as a citizen concerned about protecting ecosystems (for instrumental reasons - they're necessary for food, health, well-being - and for ethical reasons - these are systems worth protecting and treating responsibly and respectfully).

KindsOfCollaborativeProcesses: Please continue to engage in community consultations, workshops, outreach sessions. It would help to have more concrete proposals to debate and consider in these forums (it takes more time, but would lead to better public input than broad, general claims that remain more abstract). It is difficult as a citizen to know what the impacts of these decisions will be, but is critical to continue with outreach and attempts to engage the public.