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Water Act Modernization Submission
Min. of Environment
Water Stewardship Division
PO Box 9362
Stn Prov govt
VICTORIA, BC V8W 9M2

Rec'd
MAY - 7 2010

RE: WAM DISCUSSION PAPER

I mailed a WAM submission on Mon. Apr. 26/10, then added an addition to the bottom of the first page, regarding the Polis Project and BC NGOs Water Reform. I emailed the submission with the addition to the first page on Tues. Apr. 27/10 to livingwatersmart@gov.bc.ca
I am sending another hard copy of the email submission of Apr. 27/10.
I would like the email of Apr. 27/10 and this hard copy submission to be counted as my submission re WAM.

* I also think it would have been good to have had copies of the WAM Technical Background Report at the regional discussion meetings, as the technical report, has different information than the discussion paper.

Thanks,

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RE: WATER ACT MODERNIZATION DISCUSSION PAPER

I attended 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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cc:Michelle Mungall MLA Nelson, Carole James NDP, Alex Atamanenko MP, Council of Canadians, Nelson Express, SP Care Society, BARRY PENNER, MIN. ENV. BC, RAMONA FAUST, RDCK