

**From:** Bob Mitchell \*\*\*PERSONAL IDENTIFIERS REMOVED\*\*\*  
**Sent:** Tuesday, March 8, 2011 2:33 PM  
**To:** Correspondence Serv. Sectn, Forests FOR:EX  
**Subject:** BC Water Plan

I have been told that submissions to Water Act Planning have been extended to March 14.

I looked in the directory but could not find anything specific other than the blog.

The Island Farmer's Alliance asked me to write a submission so I did. It is attached in a Word File.

Please forward it to the responsible party.

Bob Mitchell, President, Island Farmers Alliance.

## Island Farmer's Alliance Submission to Water Act Consultation

By Bob Mitchell, President

The IFA board has requested me to make a submission to the Water Act planning process. My farm has an irrigation license dating back to 1947. In the early 1990s I was a municipal politician and chair of the Juan de Fuca Water Committee. It represented the interests of the 14,000 customers in the Western Communities to the Greater Victoria Water Board.

As the situation developed, the Greater Victoria Water Act was rescinded, its board disbanded, and its licenses turned over to the Capital Regional District. Most all the essential negotiating took place behind closed doors in the upper reaches of the Jack Davis building over the course of a couple of summer months. As anyone there knew, I was against turning the system over to another body consisting solely of municipal politicians. They had run the physical plant into the ground. Not only that, several tens of millions of dollars had gone missing over the four decades or so since the Greater Victoria Water Act had been promulgated in 1949. The act had actually been passed by the legislature in 1922 but was not promulgated for over a quarter of a century while the local politicians fought amongst themselves as to how many from each municipality would get to sit on the board. The impasse was finally broken when Ernest Albert Cleveland L.L.D, first commissioner of the Vancouver Water District, was brought over to the Island after World War Two and knocked a few heads together. The vast majority of the GVWD directors, being mere mayors and councilors, had no idea at all that they were being robbed blind and for reasons best known only to their psychiatrists were absolutely dead set against having any public discussion that would reveal their ineptitude. I argued for a stand-alone operation incorporated under the Public Utilities Act that could have a minority of municipal politicians on the board if it turned out that people really wanted them. I argued that if the operation was constituted in accord with the Public Utilities Act that the finances could be organized in such a way as to curtail outright theft. Municipal politicians have a psychological block against accounting for their expenditures and reconciling their books. They operate under a system that accountants call cash needs accounting which, in essence, boils down to taking as much as you can get.

Against my best advice, the Province decided to turn the operation over to the Capital Regional District, the board of which also consists solely of mayors and councilors. The string on the deal was that rates would be set in accord with the principles laid out in the Public Utilities Act. With some grumbling, I went along. When it came time to actually getting down to business, it turned out that no CRD employees, to say nothing of the politicians, knew how utility rates were set. We had to send the Chief CRD financial officer back to school (at a cost of \$8500) so she could find out how to do it. The whole process went on hold for a few weeks while she was brought up to speed.

When my term as an elected politician expired I lost my seat on the water board. I then became President of the Sooke Watershed Society which, in conjunction with the T'Sou-ke Nation, then challenged the licenses of the old entity that had been turned over to the CRD. These licenses had been issued in 1915, were on T'Sou-ke ancestral land, and had not been upgraded in any significant way. I had argued that they should be since they did not address current needs. Somewhere between a third and a half of the water being retailed to customers in the Capital Region in the late 1990s was unlicensed and therefore being stolen from the Crown or the Aboriginals or whoever it belonged to by a bunch of elected officials who failed to see anything wrong with the practice. I called it marketing hot water and referred to the people responsible as thieves.

This did not endear me to them. Incidentally, this water was being wholesaled at \$12-15 million annually and then retailed by the various municipalities at several times that. The Province—that is, the people of British Columbia—were collecting royalties of less than \$10,000 on that part of which was legal. They were not collecting royalties on that part of it that was being stolen.

Our challenge to the CRD administration was successful and resulted in having the old licenses revoked and a new one issued—one that recognized environmental values and a First Nations stake in the water resources of the area. That could have occurred when the Greater Victoria Water Act was repealed by the legislature, but it would have meant revamping the Water Act, and our provincial politicians lacked the guts to take on the job. They bought off the opposition, primarily the Sierra Club and the Western Wilderness Committee, by taking land from the Water District and making a park out of it. This was during the time of an NDP government.

It doesn't take officials dealing with me very long to realize that they are confronted someone associated with organized crime in this province. We crooks must know something about law seeing as how many lawyers we keep employed. One reason why criminals organize is that we don't buy into the organization of things provided by official government. We crooks would rather not be poisoned when we drink tap water. If it were left solely up to elected politicians, I suppose a lot more British Columbians would now be dead of waterborne disease. We also like having water to irrigate our vegetables and operate our industries. It would also be nice to have streams and oceans that support fish and other wildlife so that we can enjoy a varied diet. If it were left up to elected officials, we will eventually all land up eating some kind of pabulum spewed out of industrial plants that are too large to fail. You think I'm joking? All the patients in Vancouver Island hospitals are being fed out of one industrial plant in Calgary. Pabulum tastes good in comparison. Left to their own devices, our elected representatives will destroy the landscape with ugly buildings and pave the remainder over with asphalt. People who want to fight government have to be prepared to break its laws and maybe spread a little shit.

Any new Water Act will have to be based on our knowledge of water, what it is, how it works, and what you can do with it or it will encounter resistance from the organized criminals in this province. Water is a physical entity. It is not some kind of glorified concept, no matter how hard people may wish that it is. I would suggest that people who think that water is a right should be put in a bag and dropped into it. If it is a right, then they don't have anything to worry about because they won't drown. I presume that if and when a new water act is drafted, it will establish that people have certain rights to water and lay out what they are. I also presume that the new act will not settle all the issues and stop all the argument. It would be nice if it did manage to dispose of a few of the outstanding issues so that we can get on to dealing with new ones, whatever they turn out to be.

Water falls out of the sky and hits the earth. Some sinks in but most of it runs off downhill under the influence of gravity. Due to the fact that the surface of the earth is a bit rumpled, it collects into streams and runs down valleys. We call them watersheds. Long ago, in the far distant past, there was a thing called the Canada Water Survey but it was disbanded so that people might expend their energy arguing about their rights. The Canada Water Survey actually measured the amount of water flowing in our streams so that we could establish the yield of our watersheds. That process is now delegated to people who figure it out from gazing into crystal balls.

I suggest the managers of the resource under the new Act be required to determine the yields of our watersheds in a way that is scientifically comprehensible—that is, by collecting evidence generated by stream gauges. Once we have determined how much water we have in each watershed, we will then be

in a much better position to set about allocating it. Since each and every watershed has its own, unique characteristics, it would be wise to create watershed management organizations that oversee the allocation of the commodity on a watershed by watershed basis. Speaking as a farmer, I think it would be a good idea to allocate water to the land that is allocated for agriculture. It doesn't make sense to set land aside to grow things that cannot be watered.

I call water a commodity because it should be sold. The money so collected can then be used to manage the system. Water is not a right because it can be weighed and measured. You cannot weigh and measure rights. Presently, over 95% of the \$300 million or so of water royalties and license fees in British Columbia are collected from B.C. Hydro. Our water is worth a lot more than that. It is worth at least ten times that. It belongs to the people of this province and they have the right to charge a good price for it. \$300 million does not even cover the cost of managing a fair and equitable planning regime for each watershed. Some people argue that water cannot be a commodity because it could be resold. Well, I suggest that those people just try reselling another common commodity, electricity. For that matter, why don't they try re-selling food? They will find mountain ranges of legal obstacles standing in their way. Let me assure you that the legal landscape is far more complicated than the natural one.

I suggest that royalties be calculated as a portion of the value of the product to the end user. Take me as a farmer. I pay \$25 a year for my water license. I use that water to produce somewhat over \$50,000 of vegetables a year. The cost of maintaining my irrigation system and paying for its electricity runs between \$1000 and \$2000 a year. On top of that, I normally pay a few hundred dollars a year in legal bills just fighting off nuisance lawsuits from people who want to interfere with my supply. It would benefit me as a license holder if I didn't have to pay those legal bills and could just continue doing what I do with the water ever since the license was issued in 1947. Other property owners in this province don't have to pay hundreds of dollars a year just fighting off challenges to their title. Why should water license holders? If we had a properly maintained province-wide system for protecting the rights of holders of water licenses, it would save a lot of money that now goes to lawyers. If we crooks ever got control of government, the first thing we would do is exclude all lawyers from holding political office on grounds of conflict of interest. Presently, the people who most benefit from the law are lawyers. The public is being cut out of the action and played for a sucker.

For those of you who are not aware of it, over 95% of water royalties in this province are collected from B. C. Hydro and the money goes straight into general revenue along with all the other water license and royalty fees. That bookkeeping needs to change and the changes should be written into the new act. Since it is a commodity, it can be weighed and measured. All water used in this province should be metered so that the charges can be calculated in a comprehensible way. All the food we consume is weighed and measured, so why not water? Water should be self-financing. It is worth a lot of money and should pose no drain on the taxpayer at all. Indeed, once the costs of maintaining our watersheds and guaranteeing supply are met, the surplus could then go the general revenue and be used to help finance other things like the arts, health care, and education.

Not only should the stream flows be monitored, but the water quality as well. We need to sample our water in an on-going and organized way so as to know when things go wrong. At the moment, we do not monitor water quality in British Columbia. If there is a pollution event in a stream, we may not find out until months afterwards when we have to deal with mounds of stinking fish. Meanwhile, the source of the pollution has vanished over the horizon. If we actually kept track of the water quality, then we might be able to fix whatever has gone wrong before it has had time to do much damage.

The Province could expedite this process by creating a public laboratory that runs samples in an organized way. Presently providers operate under Federal Government guidelines and most of the laboratories carrying out water tests in this province are unaccredited. Sampling procedures vary. A public laboratory would serve to clarify a murky situation. We even used to have one run by the Department of Mines and it conducted a water survey of all the streams in the province to establish their base metal content for mining exploration. Something like that operation can be recreated. Presently, I have to collect my own water samples and send them to a local unaccredited lab, the results of which are not directly comparable to the results from other unaccredited labs. They are all using their own systems. It costs me far too much money. The cost of running a water sample in this province could be considerably reduced by running standard samples in a central accredited lab so the economies of scale would kick in. If the costs of water sampling in this province were added up, which they haven't been, it will be found that people are paying a lot of money for a rather poor data set.

People need water. There are no substitutes for it. Consequently, it does not respond to market forces in the way of other products. People can certainly conserve water and avoid waste, but they cannot do without it. If people don't want to eat my leeks because I set the price too high, they can eat something else. That does not apply to water. There is a natural source of water for each consumer. That from other sources usually costs more. If the free market gets to decide on the price, it will be maximized so that providers may maximize their profits. Then the many will be impoverished so that the few may prosper. All the water in the province belongs to British Columbians and it is in the interest of them all that it be provided where and when required as economically as can be arranged. They should have a direct say in those arrangements, at least to the extent laid out in the Public Utilities Act. Comprehensive management planning for our watersheds is the place to start. Water management was amongst the first functions of civilized government. The time has come to get back to basics.