

**From:** Laura Benson [lbenson@mapleridge.ca]  
**Sent:** April-30-10 12:42 PM  
**To:** Living Water Smart ENV:EX  
**Cc:** Mayor Council and CAO Users List; Frank Quinn; Rodney Stott  
**Subject:** WAM Input Submission  
**Attachments:** Maple\_Ridge\_Water\_Act\_Modernization\_Input\_20100429.pdf

Please accept the attached file as the District of Maple Ridge's input submission to the Water Act Modernization.

If you have any questions, please don't hesitate to call.

Thanks,  
Laura

**Laura Benson, CMA**  
Manager of Sustainability and Corporate Planning

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***Deep Roots***  
***Greater Heights***



Deep Roots  
Greater Heights

# BC WATER ACT MODERNIZATION

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## INPUT SUBMISSION

SUBMITTED BY

MAYOR AND COUNCIL

DISTRICT OF MAPLE RIDGE

To: Ministry of Environment  
Water Stewardship Division

Submitted via email to: [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)  
April 30, 2010



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# BC Water Act Modernization

## INPUT SUBMISSION

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### INTRODUCTION

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The District of Maple Ridge has numerous watercourses of significance that have been identified, protected, and enhanced by the District in its efforts to comply with the objectives, regulations and policies of both senior agencies and our community. The District shares some of its significant watercourses with the neighbouring municipalities of Pitt Meadows and Mission, which currently have active water licenses. Maple Ridge also has a number of aquifers that have been classified by the Province with a high vulnerability status. There are considerable numbers of groundwater wells located in Maple Ridge that are reliant on these aquifers, as well as many of our watercourses.

The importance of water resources to the community of Maple Ridge is reflected in the significant body of work that has been undertaken by the District over numerous years, elements of which have been recognized through provincial, national and regional awards. The resources dedicated to the development of information, tools and policies to protect environmentally sensitive areas is significant. Examples of these include an award-winning environmental mapping and community based information management system, and streamside protection guidelines.

According to the provincial records, the District does not have any active water licenses on file; however, water quality for both surface flows and groundwater are considered to be of utmost importance to the District and the many organizations that work with us to ensure proper stewardship of our most precious resource. You will note that throughout our submission we have emphasized the importance of focusing on both quality and quantity of water during the Water Act Modernization process.

The District of Maple Ridge has a well known historical respect for and dependency on the waterways that abound our community, to the point that local stewardship groups, such as the Alouette River Management Society (ARMS), Kanaka Education and Environmental Partnership Society (KEEPS), Alouette Valley Association (AVA), Silver Valley Association (SVA), and the CEED Centre Society have thrived and attained notable reputations for influence in the areas of stream protection and management. The District is pleased to both philosophically and financially support these organizations. For this reason, members from some of those organizations participated on the committee that formulated this submission. Also, we attach recent letters from ARMS sent to you, Minister Penner, and to the Ministry of Environment Water Stewardship Division Regional Manager, Julia Berardinucci; as we believe they make significant points that are reflective of the discussions hosted by the WAM provincial team.

We would like to compliment the WAM provincial team for their efforts in engaging members of the Province in dialogue framed by the WAM Discussion Paper. Our District was afforded an opportunity to participate in the meeting held in Vancouver on April 21, 2010 and found the comments were very much aligned with beliefs and concerns that have been raised within our community.

Before we outline our position on the document's outlined principles and options, we would first like to address three areas where we feel consideration is warranted to better assist both the process and the final outcome. These three areas of concern are: the WAM process; legislation interdependence; and implementation tools and support. A discussion of these topics follows, after which our input is provided according to the submission structure in the Discussion Paper.

Thank you in advance for the consideration of the aforementioned three points of concern, and our submission in full.

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### **WATER ACT MODERNIZATION PROCESS**

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In regards to the process following the April 30, 2010 deadline for input submissions, we accept that time must be given for proper technical analysis of the feedback obtained from the process; however, we have strong concerns that the steps following the technical analysis do not appear to be inclusive of the public. Instead, it appears that there will be no disclosure to the public until the final public policy proposals have been drafted. It is our understanding that the technical analysis will be presented in a closed meeting structure to the government. Considering the contents of the submission to the government are the words of the public, we would expect that the public would be afforded full access to the contents of the findings.

Therefore, we strongly encourage the Province to offer a continuation of the transparency that has been a strongpoint of the process to date. Every British Columbian is affected by the health of our waterways and systems, and many work tirelessly to protect them, as evidenced by the many participants in the process to date. It would be a natural expectation that these same British Columbians continue to be involved. We trust that you will hear this from the WAM team, as it has apparently been a theme throughout the province. We thank you in advance for your consideration of this matter, as continued transparency in this process will enhance credibility of the final document.

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## **INTERDEPENDENCE: THE WATER ACT AND THE FISH PROTECTION ACT**

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Our second area of consideration was put forward from our stewardship organizations' representatives on our submission committee. Members of ARMS, KEEPS, and AVA were active participants of the body of work that created the Fish Protection Act and they feel strongly that this Act is a "model" Act developed from a public, inclusive process, meant to be used in conjunction with the Water Protection Act, but left without a solid link into the Water Protection Act. This is the key to environmental protection for all creatures of forest, field, and stream and would be integral to the success of the Act that you are now reviewing, as it in itself contains many of the protections and regulations that would ensure the water quality and quantity that we are striving to achieve. As mentioned, the process that enabled the Fish Protection Act was a thorough, broad, and inclusive public process that was supported by municipalities and government agencies throughout the province. Much of what resides in that Act and the regulations there under contain baselines and information that, without being implemented, will reduce the success of the Water Act Modernization process. Therefore, the District strongly recommends that the Fish Protection Act is completely enacted and interfaced with the legislation that results from the WAM process.

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## **IMPLEMENTATION TOOLS AND SUPPORT**

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Many of the areas of concern with the existing Water Act is a result of the dependency on the use and effectiveness of other pieces of legislation, such as the Environmental Management Act, Forest and Range Practices Act, Environmental Assessment Act, Fish Protection Act, Local Government Act, and the Public Health Act, as well as the federal level, which encompasses the Fisheries Act. Without adequate staffing levels; improved communication between all responsible parties; and improved methods of data collection and management to better carry out the defined work of all such Acts, any improvements to the Water Act will result in the same outcomes that have been experienced to date, thus negating the point of this review. (Again, we would like to emphasize consideration of implementing the Fish Protection Act in its entirety.)

This is covered off in greater detail in Goal 2 of our submission, but we would like to highlight upfront that we are concerned with an outcome that would be void of the financial wherewithal to deliver results. Therefore, the government should make every effort to ensure both the provincial and federal responsibilities in all area of water management and protection are funded accordingly. Concerns of downloading costs to the lower levels of government also give rise to concern and the ability to adequately manage the required work. Financial sustainability is paramount to the success of any new structures.

Thank you for your consideration of these three areas of concern, not specifically identified in the submission guideline. Following is our input on the principles proposed in the discussion paper, and the objectives and proposed options for each of the four goal areas.

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## PRINCIPLES

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Prior to reviewing each of the listed principles we would like to provide comment on the exclusion of related values. We believe that without a stated set of values, the principles are merely statements, as opposed to beliefs that support our values as British Columbians. As such, we would like to provide our values in this regard.

Knowing that water is intrinsic to life, yet is exhaustible and vulnerable, B.C. commits to ensuring both the quantity and quality of water will be preciously guarded for all future generations through the following values:

- a holistic approach to the efficient management, enhancement and protection of B.C.'s water
- shared responsibilities inclusive of all levels of government, local agencies and organizations—we are all stewards of the environment
- priority on environmental health for the greater good
- systems thinking as opposed to myopic
- the right to use comes with responsibilities
- disregard for the environment will have significant consequences
- clear lines of communication are integral to achieving and maintaining public confidence and overall effectiveness.

### Input specific to proposed principles

1. Too vague - This principle should speak to a commitment of continually establishing and reviewing minimum levels that are required to sustain the environment; all other uses being secondary.
2. Appropriate

3. Science should be reflective of holistic needs regarding the whole eco-system. Myopic views based on insufficient science may not serve to protect the water and the environment as a whole. Consider changing to the following:

*Science must be required to inform water resource management and decision making within a holistic framework.*

4. Would go further to state harmonized and consolidated
5. Concern about focus on investment and should be restated to reflect the advantages of a thriving water system to secondary needs for investment—at minimum it would be better if the sentence ended after...clearly defined.
6. Accepted
7. Should end after conservation
8. Accepted

We recommend an additional principle that is reflective of the following intent:

9. *B.C. water laws are accountable through measureable goals and a commitment to review the efficacy of all legislation.*

The principles, once inclusive of the above comments, need to be reflected more strongly in the objectives and subsequent options, as the principles do not appear to guide the discussion document as strongly as one would expect.

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## GOAL ONE: PROTECTING STREAM HEALTH AND AQUATIC ENVIRONMENTS

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### Objective One

We do not agree with objective 1, as it only refers to flow and the wording is not strong enough with the use of the word “considered” when referencing environmental flow needs. This objective should be reflective of both quantity and quality, which would be in line with our previous comments on a holistic approach. As well, the language needs to be strengthened to reflect the expectation that baselines for environmental flow needs will be a priority, with all other uses dispersed in strict adherence to maintaining the baseline.

Currently, licenses are issued based on current and historic water flows. Since water flows may decrease over time there should be the ability to reduce water allocations if conditions change.



The process of designating sensitive streams has stagnated and no new sensitive streams have been designated since the original 15. Many other equally important streams are under increasing pressure and need to be designated before they become moribund, or all streams should be considered sensitive.

The Federal and Provincial responsibilities must be properly delineated. Presently, there appears to be confusion as to who is responsible for changes around a stream, which, when reported, has left the public with a sense of unresponsiveness on the part of both levels of government. One agency should be designated as responsible for the overall health of the stream and that agency should have clearly defined expectations, responses, and measures in order to be held accountable for all actions—otherwise the standards and/or regulations that are implemented from this review will be of no value.

Water quality objectives **MUST** be included. This should not be a consideration but an imperative.

### **Options for Objective One**

Our preference is for the adoption of environmental flow standards that the decision maker must adhere to with an opportunity for applicants to be able to appeal a decision if there is clear justification. Environmental flow standards should set the bar high and science should guide appeal discussions. Guidelines are too subjective and we strongly disagree with using them.

### **Objective Two**

The same can be said for objective 2. Without clear baseline data, available water is not known and there is an element of risk to over-allocating resources to the detriment of the environment. Science- and data-driven decision making should be included in the objective, which would be more reflective of the principles. Flows may change over time; therefore, licenses issued should be reviewed periodically and if necessary adjusted to the changing conditions.

### **Options for Objective Two**

B and C are the preferred options.

Our district would like to see more resources allocated to the task at hand to ensure that more stringent standards are required with respect to environmental flow standards. The District is in favour of supporting both these options whereby priority areas would have required water allocation plans developed by the Province and in other areas, the decision maker must consider the water allocation plan of the Province, with requirements to explain reasons for any decisions that do not follow the plan's recommendations.

### **Objective Three**

Objective 3 should be holistic and reflective of all species. Much of the content of the Discussion Paper is fish centric and would be better served if it was inclusive of all species dependent on the water. Many species surrounding the water are negatively affected when debris and materials are dumped into streams. Further, water that is drawn under the provision of a license must, if returned to the stream, not be contaminated, and should be quantified and tested.

#### **Options for Objective Three**

B is the preferred option, but a holistic, integrated, collaborative strategy needs to be the focus of this option. The District would like to include a prohibition against dumping of a wider range of debris and materials into streams, with a requirement for the person responsible to restore stream health.

#### **Additional Comments:**

Risk is referenced throughout this goal, yet it is not defined. When determining options involving reference to “low” and “high” risk scenarios, it would be important to define these terms. There should be no acceptance of risk to the health of both surface and ground water and all efforts should be aimed at preventing such.

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## **GOAL TWO: IMPROVING WATER GOVERNANCE**

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Residents and agriculture in Maple Ridge continue to rely heavily on wells, either as their sole water supply or in combination with the municipal water supply. All stakeholders who use or can impact groundwater should be accountable and responsible. Accountability must be strongly established for all stakeholders and the District therefore supports the shared or delegated approach as opposed to a centralized approach.

Overall, the objectives of goal two start to respond to the issues that currently impact the effectiveness of the Water Act as it stands today. We suggest the following for consideration:

- We are in strong agreement of the shared model.
- We believe that a framework for shared responsibility, with the goal of allowing the affected jurisdiction the ability to determine the degree of responsibility, as long as proof of capacity exists.
- The health of our water system requires measureable goals, especially in the area of reported abuses. A “first responders” clause with measureable response times

should be discussed and developed as part of the shared model. What gets measured gets done.

- The framework must be funded. We would be amenable to fee discussions.
- Currently there is a huge disparity in what agricultural users pay for water. Those users that have access to water licenses pay essentially nothing for their water. Those that do not have access are paying vastly higher municipal rates. Water licensees should, at the very least, pay enough to cover the costs to administer a properly run system. (An example is attached - see Schedule A.)
- If licensees were to pay a more reasonable price for the water that they use, there would be a financial incentive to invest in water conservation techniques; there would also be a more level playing field across all agricultural users.
- The final model must be a collaborative, integrated, holistic one that facilitates better lines of communication between all levels of government and their associated agencies. Preferably, we would like to see government agencies streamlined so that there is a recognizable agency taking the lead on this work in order to facilitate access to information and overall responsiveness from the government. All legislation should be streamlined and aligned to ensure seamless protection and enhancement of our water systems.
- Education should be a strong component of all plans.
- We believe in strong penalties for abuses.
- Incentives should be offered for reduced consumption—possible consideration to rebate program.

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### **GOAL THREE: INTRODUCING MORE FLEXIBILITY AND EFFICIENCY INTO THE WATER ALLOCATION SYSTEM**

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We support all of the objectives as defined in goal three, but we believe each must be founded on science and supported by improved technology.

We strongly encourage the review of all existing water licenses.

We strongly encourage the use of incentives to encourage the reduction of water needs. This is inclusive of working with existing plans and incorporating best practices in Regional Growth Strategies and Official Community Plans. Ensure plans work to reduce usage.

Environmental needs are the priority, with all other water users absorbing the requirement to adjust during periods of low flow.

### **Objective One**

The District recommends a combination of a number of options provided in this discussion paper to encourage better water use efficiency. This way, if water is not being used in a beneficial way as authorized, there is the potential for license cancellation. However there may be a number of other issues and inefficient practices that may require:

- Option B: codes for efficient infrastructure and practices developed in partnership with various sectors and government;
- Option C: the use of incentives and economic instruments to encourage water efficiency including penalties and bonuses, water rentals and pricing structures, as well as rebates for water reclamation
- Option D: review and update rules for the transfer and appointment of existing water rights to enable transfers for more balanced consumptive use and improve stream health
- Option F: permitted uses would be defined and allowed under the Act based on level of risk or if considered acceptable by government, defined and applied through a water allocation plan.
- Options I-N (note L is detailed below): options that encourage end users to be responsible for improved decision making and enforcement along with provincial agencies
- Option L: Technology should be deployed to monitor in real time both water usage and stream flow by each license holder. The monitoring should be paid for by the license holder and be a condition of the license. (The technology is not expensive). The data should be accessible on the web and should be accessible to all stakeholders; this is an inexpensive solution that will ensure sufficient stream flow for water withdrawal and ensure that license holders are complying with their license conditions. There may be situations where it is difficult to gather real time data and a few exceptions may have to be made but in the vast majority of cases, given the state of today's communications technology, this should be an easily accomplished goal. (Note: It has been noted by our District staff that even the current provincial MOE website is cumbersome to use and unreliable. Staff has found it crashing on them when trying to gather or send information.)
- Further comments regarding water use efficiencies are that we are in favour of a "pay for use" system.

**Objective Two Option**

Flexibility is provided to water users and decision makers to quickly adapt to changing environmental, economic, and social conditions. The District encourages greater collaboration between government agencies and license holders using Option A guidelines. Further, as suggested in Option L above, if data is collected it will be much easier to adapt to changing conditions. Conditions will be known in real time and not when it is too late to mitigate serious situations as they occur.

We encourage a proactive, as opposed to a reactive, system.

**Objective Three****Objective Three Option**

The District encourages the Province to consider that prioritization of water licenses should be based on priority of use; for example human consumption needs and not on FITFIR. Therefore, we support Option B—priority of use rather than FITFIR.

**Objective Four**

The District would like Options A, B, and C considered in order to address temporary water scarcity. Using these options the decision makers can determine on a case by case basis the effects on water users and balance with environmental protection. Potentially, all users would have to reduce use on a proportional basis, and a hierarchy of priorities would be established for user needs. The focus must be to ensure the baseline that supports environmental needs is maintained.

Addressing long-term water scarcity may require a combination of E and F, but definitely we support F as a starting point.

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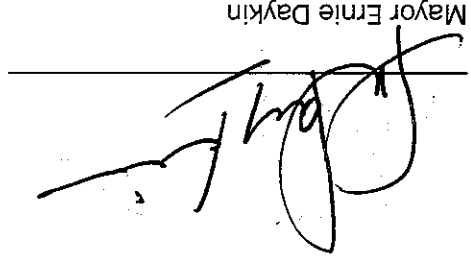
**GOAL FOUR: REGULATING GROUNDWATER EXTRACTION AND USE**

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We agree that there needs to be regulations on the use of groundwater, especially in the area of business. However, we once again strongly urge that every objective is inclusive of both quantity and quality of water discussion and focus. Greater integration is required in terms of standards for surface water quality and groundwater. Determination of extraction limits and regulations needs to be discussed further with municipalities prior to legislation being developed. We would highly recommend further consultation for this area.

In closing, once again we would like to thank you and commend you for moving forward with the Water Act Modernization process. We trust that our submission and those of our peers, organizations, agencies, and that of citizens will guide you in your work. We look forward to the next steps.

Sincerely,



Mayor Ernie Daykin

On behalf of the District of Maple Ridge Council

Attachments:

- Schedule A – Example of Agricultural Water License Fees
- Schedule B – Letter dated September 1, 2009 from ARMS to Regional Manager, Water Stewardship – Lower Mainland
- Schedule C – Letter dated January 27, 2010 from Mark Haddock on behalf of ARMS to Minister of Environment

SCHEDULE A

**EXAMPLE: AGRICULTURE SECTOR WATER LICENSE COST**

	In Gallons					
Cu Metre		264				
Acre Foot		325,851				
Cost of water to GEG		0.6c for 1000 cubic metres				
LIC 06A01						
	Acre Feet	Gallons	Cu Metres	In 1000 Cu Metres		60c
Irrigation	82.5	26,882,708	101,762.91	101.76	\$	61.06
Frost	832.5	271,270,958	1,026,880.26	1,026.88	\$	616.13
Flood	62.5	20,365,688	77,093.11	77.09	\$	46.26
					\$	723.44
LIC 06A01	On city Water	49c for 1 cubic metre				
	Acre Feet	Gallons	Cu Metres		Current 49c	Proposed 65c
Irrigation	82.5	26,882,708	101,762.91	\$	49,864	\$ 66,146
Frost	832.5	271,270,958	1,026,880.26	\$	503,171	\$ 667,472
Flood	62.5	20,365,688	77,093.11	\$	37,776	\$ 50,111
				\$	590,811	\$ 783,729



## SCHEDULE C



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September 1, 2009-\*

Julia Berardinucci  
Regional Manager  
Water Stewardship Division – Lower Mainland  
Ministry of the Environment

Dear Ms. Berardinucci,

The Alouette River Management Society has been researching on the internet, British Columbia's Ministry of the Environment (MOE) approved, conditional, and applications for licenced water withdrawals within the geographic confines of the Alouette-Pitt River drainages. More specifically, the water-bodies in question at this time are the lower Pitt River and Alouette Rivers, north and south, Sturgeon Slough, and Goose Lake. The issue revolves around the potential for gross over-abstraction of water to the detriment of fish and other aquatic resources in this watershed.

In undertaking this research, we are amazed, and shocked, by the number of registered water withdrawals for farming in the region, which was known as the Pitt Polder Corporation some years ago. Most likely, there are more licences within these watershed drainage areas, but the ones that we specifically refer to in this letter open the door to a discussion in respect to our concerns, as licences on these water bodies run into the hundreds.

This massive number of licences on the aforementioned water bodies represents a large cumulative volume of water both from an instantaneous perspective and over the period of a year. We have made earlier enquiries to the regulatory agencies in respect to water-licence withdrawals and the Ministry of Environment has admitted a lack of staffing capacity within the MOE to monitor the pertinent aspects of licence compliance. Similarly, the responsible office in the lower mainland Fisheries and Oceans Canada has been very clear with ARMS that they also do not have the staff to ensure adequate flows are left in these key salmon streams in the face of massive water withdrawals.

**The Issue:**

The growth of water-based farm industry and water allocation needs in the regional area's of Ridge/Meadows over the last several decades has been exponential. Of particular concern are withdrawals that take place in the lower reaches of the North Alouette, a stream that comprises a mean annual flow of only **2.8** cubic meters per second.



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Water may be available in this part of the North Alouette for licenced needs, however we believe that there is insufficient data to support the issuance of additional licences on the North Alouette River at this time. We understand the only data source the WSD has for the North Alouette is the Environment Canada gauge at 232<sup>nd</sup> Street. This gauge was malfunctioning and has only been operating properly for a short period of time in the spring of 2009. Since the 232<sup>nd</sup> gauge does not provide real time data and is above the tidal back-water influence zone, it would not make sense for farmers to use this gauge to determine if water can be drawn from the river. The licensing scheme as it stands, allows licensees to draw water from the river at various times of the year regardless of its level. If new licences issued were to stipulate safe water levels for withdrawals, licence holders would not have the tools available to make informed water level determinations. We therefore feel that no new licences should be issued until such a time as a reasonable plan is implemented.

**Farm Water Use & Allocation Plan:**

In order to properly safeguard the aquatic resources of the area, a new way of doing business must be undertaken. ARMS and the Alouette Valley Association would suggest the circumstances here provide a great opportunity to apply a new protocol for an advanced “**Farm Water Use & Allocation Plan**” (FWUP). The protocol includes cost-effective real-time monitoring of water diversions as well as allocation planning to allow water to be removed when it has little environmental impact to the rivers, creeks or slough from whence it may be drawn .

Our rational for this suggestion is based on the fact that without water allocation planning in place, there is not enough water to address aquatic ecosystem requirements, as well as supply the burgeoning farm industry in this region. Whereas protocols have been developed to monitor water discharge withdrawals and proven wireless methods are in use in other jurisdictions of intense farming throughout North America to manage multi-water use issues, British Columbia, on the other hand, is frozen in an old and failing system. Licensed operators in British Columbia can take unmonitored volumes of water from streams, at flows that can already be at critical levels for fish and aquatic life. However, MOE still proceeds down this blind alley, continuing to issue water licenses without understanding or monitoring the overall cumulative effects in British Columbian streams and in particular this region it would seem.

Planning and proportioning this water volume is no small matter, recognizing that water must be allocated for fish and wildlife as well as for farming, and has not been undertaken in our area as of yet. This can only be accomplished through a new management plan and a “live” wireless monitoring systems that provides data on time and the amount of water removed, in concert with information demonstrating water availability. ARMS and our partner group, the Alouette Valley Association, conceptualize metering all industry licenced water outtakes from these aforementioned water bodies. This information could easily be sent by a wireless data platform and a

## SCHEDULE C

computer link to the MOE, Water Stewardship Division, as well as anybody with the capacity to open these computerized data links recording volumes pumped, time of day and tidal conditions.

**Summary and benefits in a Water Use Allocation Plan:**

Clearly, it is time the provincial government, having issued a plethora of overlapping water licences for the burgeoning farm industry in this region, must recognize the need to monitor who gets what amount of water and when on a tidal basis. However, through our recent enquiries, we have found that MOE Water Stewardship Division have quietly thrown up their arms in surrender, and DFO is missing in action; this is no longer acceptable.

The North Alouette River, with so little water at times that we have witnessed stranded adult salmon desperately trying to reach their spawning beds upstream, requires proper management of these water withdrawals. In order to accomplish this, a new Farm Management Water Use Plan is imperative.

This Plan would also include a water quality component so when the farmer finds it necessary to pump water back off their property, they would be subject to returning the water to the receiving streams in the same quality as it was or better than before it was removed from the public domain. This information would also be accessible as a matter of public record.

We await your reply with keen interest.

Respectfully,

Geoff Clayton  
Co-Chairman

Table representative on:

Alouette Monitoring Committee – multi-agencies and public structure

Stave Monitoring Committee ---- multi-agencies and public structure

Pitt River & Area Watershed Network (Upper Pitt Coalition) – public structure

President of ARMS and table stakeholder in the first B.C. Water Use Plan on the Alouette River/Reservoir, developed for BC Hydro (1996) and the Water Comptrollers Office.



## SCHEDULE C

**Mark Haddock****Barrister & Solicitor**24590 - 87<sup>th</sup> Avenue

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January 27, 2010

Honourable Barry Penner  
Minister of Environment  
PO BOX 9047 STN PROV GOVT  
VICTORIA BC  
V8W 9E2

Dear Minister Penner:

**RE: NORTH ALOUETTE RIVER**

I am writing on behalf of my client the Alouette River Management Society (ARMS) respecting water management and licensing of the North Alouette River in Pitt Meadows and Maple Ridge. As you are aware from past correspondence, ARMS is very concerned about enforcement of the *Water Act* and water management and licensing issues on the North Alouette River and Sturgeon Slough (including 13 pending applications by various related numbered companies). An investigation of fish kills and alleged *Water Act* violations in June 2009 is under way and ARMS is awaiting the results of that investigation and enforcement action.

However, it is clear that the problems on the North Alouette are not isolated to that incident but are recurring problems. I include below what I hope you will agree are some rather stunning photos from November 2006 which show the vast majority of this river being diverted to fields, presumably for cranberry production, resulting in further fish kills. I do not know whether your ministry investigated this event (although I am advised that ARMS reported it) or whether it was even contrary to the water licence of the perpetrator. This is because the water licences on the North Alouette do not specify the conditions necessary to maintain water for fish, aquatic species and other ecosystem needs (such as Blaney Bog). For example, the licences completely fail to place meaningful timing restrictions on water use, other than a specified total volume over an extended time frame. The licences were written decades ago and do not adequately provide for the current water management issues on the river.

ARMS has concluded that the solution to ongoing compliance and water allocation problems on the North Alouette is proper water planning that is proactive and addresses minimum in-stream flow requirements for aquatic species, based on sound science, data and the local knowledge of those who are intimately familiar with the river on a near daily basis. The purpose of this letter is to seek your commitment to such water planning and proper enforcement of the *Water Act* prior to any additional water licence allocations on the North Alouette and nearby Sturgeon Slough.

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North Alouette nearly sucked dry, November 2006.



The North Alouette water was being diverted to this pump. ARMS does not know whether this side channel was excavated under a permit, but reported it to MOE.



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A struggling salmon, North Alouette, November 2006



A dead salmon, North Alouette, November 2006. ARMS rarely finds salmon carcasses in this reach of the river as the spawning reaches are a considerable distance upstream.



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Another dead salmon, November 2006.



Another view of the almost completely dewatered main stem of the North Alouette.  
Normally this entire river channel would be watered.

## SCHEDULE C

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The reason for writing to you as minister is that it appears from discussions with staff of your ministry including the Comptroller of Water Rights that many agree that water allocation or management planning is desirable for areas like the North Alouette and Sturgeon Slough, but that the main problem is a lack of resources (please refer to newspaper articles at Tab 2). ARMS proposed solutions such as this in September 1, 2009 to the Regional Manager of Water Stewardship, but has not had the courtesy of a reply to date – 5 months after it was sent (copy of letter attached at Tab 1).

Additionally troubling to the lack of response is that it appears that decisions are being made to process the 13 water licence applications by the Lower Mainland regional office before proper planning for the North Alouette has taken place and without the benefit of local knowledge of the issues, including herbicide-related and ground water issues associated with cranberry farming. The person in your ministry who is processing the applications advised me that he was unaware of ARMS' letter of September 1, yet did not want a copy because it was addressed to his superior. Clearly, there seem to be communications and/or filing system issues in the Surrey office that need to be fixed. This is remarkable given all of the press that this issue has received, and your assurances in correspondence to ARMS dated July 27, 2009.

The water planning that ARMS is recommending as a viable solution need not be an onerous, burdensome exercise as the issues are relatively straight-forward. It should include stakeholders such as ARMS, consistent with the principles your ministry advocates on its website and in its Living Water Smart and other publications. ARMS has been informed by DFO that it is willing to participate in such a water planning exercise providing that your ministry is involved. Failing to do this planning in advance is tantamount to allowing cranberry growers to dictate water stewardship policy by expanding their water intensive crops and daring government to refuse the licences.

ARMS is a volunteer organization dedicated to the protection and enhancement of the Alouette River watershed. It has a long history of productive, cooperative engagement in water use planning on the South Alouette with BC Hydro and other stakeholders (ARMS notes that your ministry requires water planning of BC Hydro on the South Alouette). Its members have demonstrated sophisticated understanding of the issues affecting the watershed. Since 1996, ARMS has become involved in almost all aspects of watershed stewardship, including education, inventory and monitoring, habitat restoration and the protection of aquatic habitat. It is responsible for the return of sockeye salmon to the Alouette River. In short, ARMS is exactly the type of organization that your ministry should highly appreciate for the services it provides that further the stated aims of your ministry.<sup>1</sup>

Although I am not representing them, my understanding is that some local riparian owners on the North Alouette including members of the Alouette Valley Association are also willing and able to contribute to constructive, proactive, solutions-seeking water planning in a manner that will ensure environmental values are addressed before any further water licences are issued. As riparian owners, they are aware of their standing under the *Water Act* to appeal water licence decisions to the Environmental Appeal

<sup>1</sup> Please see the ARMS website at [www.alouetteriver.org](http://www.alouetteriver.org) to appreciate the breadth of the organization's projects and community engagement.



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Board (EAB), which can be time-consuming and costly for all. As your ministry has noted on many occasions, it is far better to plan ahead with local stakeholders to address issues before problems arise and avoid litigation before the EAB.

For example, the Strategic Plan of the Water Stewardship Division states as follows:

**Collaboration**

Achieving shared stewardship will only happen through working in partnership with communities, industry, First Nations, the public and other agencies in the pursuit of sustainable, long-term solutions.

**Accountability and Commitment**

We strive for accountability in everything we do as individuals and as a Division.

**Client Focus**

We strive to identify and develop ways to continuously improve client service. This means fostering positive relationships with our clients – the citizens, organizations and businesses of British Columbia. It also means discovering the best ways to meet client needs through responsive people, programs, policies, legislation, decision making and information systems.

**Stewardship**

We subscribe to an ethic by which people care for and are responsible for the sustainability of water and aquatic ecosystems. Water Stewardship places a priority on partnerships, capacity building and a greater role for all British Columbians.

**Sustainable:** Sustainable stewardship involves using and protecting water in ways that meet both human and ecosystem needs now and in the future. WSD pursues this goal by developing effective legislation and policies and through sound water allocation, planning, and outreach. Effective data collection and characterization are critical enablers and scientific analysis and interpretation are integrated into all our activities.

**Goal 2:**

**Objective 2.1**

Integrated water governance and planning that foster healthy ecosystems and sustainable use:

**Strategy 2.1.1:** Improve key legislation, regulations and policies to protect ecological values, involve communities, and provide incentives to be water efficient

**Strategy 2.1.2:** Act as a catalyst and support locally-led water planning

**Strategy 2.2.1:**

- Ensure water allocation decisions are timely, equitable, flexible and encourage efficient use



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- Ensuring that we effectively fulfill our role as the water licensing and approval body for the Province is a central goal of this strategic plan. Water licensing activities must be informed and backed by adequate science and analysis and consider the needs and demands of other water users, First Nations, and stakeholders who depend on the same water system. These processes must also evolve to accommodate new applications while maintaining the integrity of aquatic ecosystems. We seek to minimize the potential for user conflicts, Environmental Appeal Board hearings, and other challenges to our decisions through the use of transparent, science-based processes.

**Strategy 2.2.3**

- Integrate aquatic and riparian ecosystem health into decision making
- Ensuring healthy aquatic ecosystem function is a goal of every strategy within this plan. Ecosystems support strong and productive fish and wildlife populations and provide reliable drinking water sources. ..We will also develop mechanisms to reduce water use, when required, to maintain aquatic ecosystem health (for example, during times of drought).

**Objective 3.2**

Water stewardship is integrated into the decisions and actions of other agencies and entities

- **Strategy 3.2.1:** Participate effectively in multi-party policy making that affects the water resource.

**From page 18:**

Effective planning is critical to maintaining the integrity of the resource, both in terms of quality and quantity. A strong planning framework allows us to make appropriate water allocation decisions. It also contributes to our goal of protecting both groundwater and surface water for drinking and aquatic habitat.

**Desired Results**

The successful delivery of this objective will result in the following:

- High public confidence in government as an effective water steward.
- A holistic, science-based and equitable water allocation system.
- Balanced and effective management of both surface water and groundwater resources, including management of cumulative impacts.
- Legislation recognizes instream flow requirements for ecosystems and species.
- Water use and development activities are planned in a way that growth does not exceed natural capacity or water supply.
- Communities, First Nations, stakeholders, the private sector and experts are engaged in effective planning.

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**Activities:**

Support and participate in locally-led watershed and water management planning, focusing efforts on priority areas (e.g., locations with water shortages, user conflicts, aquifers under threat, flood control concerns, or pressing threats to ecosystem health).

Lead development and updating of Water Allocation Plans in appropriate watersheds around the province.

It is difficult to see how these Strategic Plan goals and objectives are being met for the North Alouette and nearby watersheds. However, it also seems clear that all ARMS is asking for is implementation of Ministry policy on matters that are already in its approved Strategic Plan.

These plans do exist in some parts of the province. A search of your ministry's website shows numerous water allocation and management plans that address very similar issues that ARMS is raising for the North Alouette, particularly on Vancouver Island where regional policy indicates that "The region shall be subdivided into watershed areas and a water allocation plan shall be prepared for each watershed area. Water licence decisions will be made in accordance with approved plans."

Some 23 water allocation plans and 3 water management plans have been prepared to implement this policy. The justification and rationale for this type of planning is stated in the plans to be:

1. Water Management's position on water allocation decisions is available to applicants and public.
1. Response time is reduced.
2. Eliminates the need for individual studies and reports on each application.
3. Consistency of decisions are improved.
4. Specific allocation directions and decisions are defined.
5. Plans are more comprehensive.
6. Eliminates the need for referrals on individual applications.

It would appear that this rationale is as applicable today as when these plans were prepared.

**Conclusion:**

I would like to summarize the requests ARMS is making of you as minister and would kindly ask you for a response:

1. Please make a commitment to water allocation or management planning for the North Alouette, Sturgeon Slough and Pitt Polder catchment area before any further licensing decisions are made by the Comptroller of Water Rights. This commitment should include the assurance that the necessary resources are or will be available to the Water Stewardship Division to carry out the studies and field monitoring necessary to make sound planning and licensing decisions, and should also include consultation with local stakeholders such as ARMS. If

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regional staff do not have time to do this, there are qualified professionals outside of the ministry that could carry this out, perhaps including former/retired Water Stewardship Division employees;

2. Given the past levels of non-compliance on the North Alouette River, please make a commitment that there will be no further processing of water licence applications until the alleged infractions of June 2009 are fully investigated and, if warranted, Crown counsel has prosecuted the charges. On the assumption that the subject of the investigation is closely connected to the numbered companies that have made these 13 applications, neither the Comptroller of Water Rights nor licensing staff of the Water Stewardship Division should take any steps on the applications until the legal compliance issues are determined. At the very least, it seems that the Water Stewardship Division itself should know the full circumstances and whether the applicant or closely related corporate entity is guilty of any offences before considering whether to issue further licences, and if so, on what terms and conditions. In addition, no decisions should be made that might preclude creative sentencing options the court might wish to consider under section 95 of the *Water Act* if the matter is successfully prosecuted.

Thank you for your time and consideration of this matter.

Yours truly,

Original signed by:

Mark Haddock

c.c. Glen Davidson, Comptroller of Water Rights  
Julia Berardinucci, Regional Manager, WSD, Lower Mainland Region