
From: fred marshall

Sent: June-18-10 8:53 AM

To: Slater.MLA, John; Gordon Campbell; AL, Minister PREM:EX; Minister, TCA TCA:EX; Penner, Barry ENV:EX; Bell.MLA, Pat

Cc: van der Gulik, Ted AL:EX

Subject: BC's Water Act Modernization proposal

Please see attached.

Fred

MEMO

To: Minister of Environment; Barry Penner
: Ted.vandergulik@gov.bc.ca

June 18, 2010

From: Fred Marshall
Box 2
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Re: Proposed BC Water Act Modernization

Please give your highest consideration to the following principles and recommendations when developing changes to BC's Water Act.

1. Water is essential to all life forms and therefore must receive the highest priority (Ranking of 1) relative to all other resource values and the management and allocation thereof. For example, timber and livestock operators have been banned from several watersheds in BC because clean water has been deemed to be way more important than these resources.

In recognition of this principle, the Water Act should have priority over other related acts.

2. All ground water withdrawals must be licensed. This includes shallow dugouts from which water may be freely accessed by livestock or pumped or diverted for other uses (e.g. irrigation for agriculture, human consumption or commercial or industrial use).

Excepting, however, water use by livestock on Crown ranges must not be authorized by a formal water licence. Restricted water access and use, with appropriate conditions, should instead be authorized by the Grazing tenure. Such use would be conditional on the adherence to the conditions stated in the Grazing tenure and termination of the right to the water could be revoked at any time by the MOF or the Provincial Water Authority upon breach of the conditions included in the Grazing tenure or for other valid reason as determined by either of the above authorities. The water use conditions contained within the Grazing Tenure would be developed jointly by the MOF and the MOE and made available for public review and comment before being approved by the Government.

3. In support of the above, a formal application for a ground-water licence, with the desired quantity stated would be mandatory. Receipt of approval for such a licence would authorize the applicant to dig or drill the proposed well and to extract a specified amount of water at a specified time over a specified period for a specified use.

In support of this all relevant information about the well must be registered with the appropriate government authority. Such information would include, but not be limited to:

- The exact location of the well
- The depth of the well
- The size and type of casing
- The date digging or drilling commenced and the date the well was completed
- Expected actual flow or output of the well

- The date water withdrawal commenced.
 - Volume being removed on at least an annual basis or more often if required
 - Records of the drawdown and recovery, if any, of the water table.
 - Other information deemed necessary by the Provincial Water Authority.
4. New applications for all water licences, would undergo a mandatory, rigorous review process before being approved. Such review process would include things such as:
- The appropriateness of the intended use of the water
 - The available water supply both short and long term
 - The environmental impacts of such water withdrawal
 - The short and long term public interests
 - Other relevant aspects

The Provincial Water Authority should have the unequivocal and unfettered right to refuse any water licence applications deemed inappropriate.

Also, all new water licenses should have a notwithstanding clause included in them that would allow the Provincial Water Authority to restrict or completely stop current or future water withdrawals with due cause without compensation to or recourse by the licensee.

All water licensees above a specified amount should be required to report their annual withdrawals to the Provincial Water Authority.

5. A revised fee structure for all new applications for water licences should be developed and updated regularly. The base fee for new applications should be at least \$500.00 for the smallest licenses and be steeply graduated for larger licenses. Fees for water licences issued to foreign-owned companies would be significantly higher than those for locally or Canadian owned companies. The terms for all licences issued to foreign entity would be a maximum of 10 years with no automatic right of extension or renewal

Fees for all existing licenses would be updated to reflect the new fee structure.

Uses of water for purposes deemed to be of low priority, such as for snow making or for the development of “wave” machines should either be disallowed or incur a high user fee to discourage such uses.

6. Minimum flow or drawdown levels must be established for all ground-water aquifers and all other water bodies from which water is being or may be withdrawn.
7. Due consideration should be given to decentralizing water management and allocation authority. For example, all watersheds should be locally managed by local authorities; e.g. the Okanagan Basin Water Board has significant jurisdiction over all water bodies in the Okanagan drainage and the local water bodies are much better managed as a result of the activities of this Board.
8. The ultimate authority over BC’s water resources which includes authority over any and all water licences should remain in the hands of the Provincial and/or Local Governments and/or in the hands of British Columbia residents and citizens or—at least Canadians. For example, the allocation of water rights to private companies for IPPs is the outright sale of OUR water to private, often foreign interests, who have as their inherent and highest mandate (or interest)—to

make money; this is not and never will be in the best interest of any of Canada's people. Whoever controls a nation's water, controls that nation.

9. All major water licenses such as those authorizing dams and/or diversion structures must require appropriate performance bonds (largely cash) prior to their issuance. This would largely reduce the risk of future removal of the dam or other works, site remediation, infrastructure maintenance or cleanup or environmental damage and the related costs in the event of abandonment or failure of the structures that may be incurred by the Provincial Government
10. No new water licenses of any form should be granted within any watershed deemed to be fully allocated under present conditions including estimated or determined minimum low-flow levels or minimum water table levels. Old and unused water licenses in all watersheds should be terminated with appropriate compensation being paid to the licensee if deemed appropriate. This would enhance other active water licences in the area, help maintain and ensure ecosystem health and possibly allow the allocation of new licenses.
11. Water protection, conservation and wise use should be strongly supported by all aspects of the Provincial Water Act and related legislation and vice-versa including the provincial "Living Water Smart" program. (See the Canadian perspective below).
12. In respect of the ever increasing value of adequate, clean water, a new and independent Ministry, the Ministry of Water Resources, should be established to administer all fresh water in BC.

Yours truly,

Fred Marshall

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CC: Minister of Forests and Range (Pat Bell)
Minister of Agriculture (Steve Thomson)
Minister of Tourism, Culture and Arts (Kevin Kruger)
John Slater; Water Resources for BC
Gordon Campbell, Premier

The Canadian Government in their recent publication “*Thinking Beyond Pipes and Pumps*” relative to the future of water management in the 21st Century stated:

“In Canada, long-term water security in the face of growing populations and a changing climate is a social dilemma that will not be resolved with technical solutions alone. Lasting solutions require a focus on the broader social and cultural contexts that shape attitudes and behaviours--a focus not just on managing watersheds, but managing the people within watersheds. Instead of assuming an endless water supply or dreaming up large-scale technologies to harness water, this paradigm seeks to manage demand, increase water productivity and instill a conservation ethic.”

The Future of Water management:

Comprehensive and long-term water conservation programs are the new water infrastructure. In many places, they also represent the best option for meeting growing water demands. These programs, built around innovative efficiency-based technologies, pricing that promotes conservation, interactive education and engaged citizens, are the foundation of 21st century water management.

Creating sustainable communities requires the right programs and techniques to conserve water resources. A conservation-based approach to land use decisions, development and design will ensure that society begins to develop a secure and prosperous future.

The potential for water conservation stems from a fundamentally different concept of water in our human environment. This does not mean doing without. Instead it is about taking a long-term approach with a focus on holistic water resource management and a water ethic that permeates much of what we do. Not only is this approach better for the environment, it is cheaper in the long run---and in this way becomes the only sustainable option.”

Right on!