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Subject: Submission for WAM Consultaton Process
Attachments: WAM Submission Final.pdf

Attached please find the submission for the WAM consultation process from the Pacific Salmon Foundation.

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Submission for the WAM Consultation Process
Prepared by the Pacific Salmon Foundation
Submitted April 30, 2010

Introduction/Context

PSF commends the BC's government commitment to modernize the Water Act and strongly supports the overall principles, goals and objectives of the WAM process.

PSF identifies significant opportunities within the reform to effectively ensure comprehensive protection of BC's water, our Pacific salmon and their habitat, and the well being of British Columbians.

PSF fully supports the inclusion of ecological values and flows in a modernized Water Act but we wish to emphasize that minimum flows as typically used are unlikely to be sufficient for ecological function, particularly for the conservation of Pacific salmon under future scenarios of climate change. Flows should be sufficient to sustain production of salmon juveniles in order to ensure the conservation of wild salmon populations. Further, the successful conservation of ecological values and Pacific salmon (includes Steelhead and Cutthroat) will also require consideration of seasonal flows and connectedness to riparian habitats.

The following recommendations are intended to support the Provincial government in the development of a progressive Water Act that capitalizes on these opportunities.

This document draws on the "Statement of Expectations on Reform of the BC Act from BC Nongovernmental Organizations." (WWSS et al, 2009)*

Over-arching Recommendations:

A new Water Act will:

- Use clear language and avoid ambiguous terminologies.
- Planning and management is informed by "best science," including an understanding of present baseline conditions, flows for ecological function in salmonid ecosystems, and consideration of cumulative effects on water.
- Entrench ecological values and sustainable usage of water (surface and ground) in BC, including monitoring and reporting on the use and state of water.
- Where science and/or allocation remain uncertain or in conflict, the future of BC's water would be considered through the application of precautionary principles within the Act.

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1. Protect Stream Health and Aquatic Environments

A new Water Act will:

- Legislate in-stream flow requirements that provide ecological function, including key physical, biological and chemical processes. Pacific salmonids are considered keystone species in many BC ecosystems. They are widely distributed and provide a logical and widely respected indicator of ecological health and function.
- Broaden “stream health” to encompass ecosystem and watershed function, beyond the stream edge. This requires an integrated approach that recognizes the complexity and inter-connectedness of water with hyporheic, riparian and terrestrial systems.
- Recognize aquatic environments as a legitimate priority use of water, and associated ecosystems as having a primary priority in water allocation.
- Protect water quality and flow regimes (flood protection through enhanced riparian protection provisions. Mechanisms include:
 - Increase protection of water quality through amended and strengthened regulations to dumping prohibitions;
 - Assess projects with potential for harmful impacts on water within a watershed planning framework, including consideration of cumulative effects;
 - Effectively enforce salmon habitat and riparian protection tools of the Water Act with other related legislature, including the Fisheries Act (fed) Fish Protection Act (prov); and
 - Recognize and regulate groundwater as inter-connected with surface water.

2. Improve Water Governance Arrangements

The Water Act will:

- Require watershed plans that will be developed at the local level with public consultation in accordance with strong provincial standards, to address threats to water quality, quantity, seasonality of water availability and ecosystems The Act will require ongoing public engagement in monitoring, implementation and updating of watershed plans. (WWSS et al, 2009)*
- PSF supports the empowerment of local community groups to make decisions on resource uses that affect them, but within the ‘strong provincial standards’ noted above. Delegated or shared decision making will strengthen the link between responsibility and authority.
- Support Aboriginal title and rights and support the ability of First Nations to be full participants in watershed protection planning and implementation. (WWSS et al 2009)*

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- Use watershed boundaries for water planning and management rather than political boundaries (as Quebec is now doing).
- Provide for effective public engagement through mitigation of critical barriers, such as provision of timely information, access to participation, etc.

3. Introduce Flexibility and Efficiency in water allocation system

The Water Act will:

- Embed requirements for conservation, efficiency and quantity monitoring. (WWSS et al, 2009)*
- Develop a progressive allocation system that recognizes rivers, lakes and wetlands as “legitimate priority users.” Move beyond a prior allocation system; codify a system based on the principle of seasonal sharing of a scientifically determined available pool for consumption surplus to ecosystem requirements among other identified water users.
- Require systematic monitoring and publically available reporting to facilitate in-season timely water management and prevention of unintended harm to industry and/or the environment and public

4. Regulate Groundwater Extraction and Use

The Water Act will:

- Treat water as one interconnected resource by requiring water regulations and watershed plans to include both groundwater and surface water, and to recognize the intrinsic relationship between groundwater and surface water within and between watersheds. (WWSS et al, 2009)*
- Recognize the specific role of groundwater in temperature regulation, and the significance of water temperature in ecological function, including salmon survival during extreme temperature periods.
- Require groundwater licensing in all areas of the province. The province should revisit its plan to regulate only in “priority areas,” as referred to in LWS. If any geographical areas are proposed to be exempted from groundwater licensing requirements, the province must justify the exemption. (WWSS et al, 2009)*
- Require regulation of impacts to aquifers involving input and outputs for water use.

Submitted by: Dr. Brian Riddell, CEO/President, Pacific Salmon Foundation.
 April 30, 2010

* Statement of Expectations on Reform of the BC Water Act from BC Nongovernmental Organizations. Watershed Watch Salmon Society, et al. December, 2009.