



Mayor's Office, City of Penticton

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February 24, 2011

File No: 0125-01

Water Act Modernization Submission
Ministry of Environment
Water Stewardship Division
PO Box 9362
Stn Prov Govt
Victoria, B.C. V8W9M2

Re: Water Act Modernization Submission

To Whom It May Concern:

The City of Penticton has reviewed the Water Act Modernization Policy Proposal on British Columbia's new Water Sustainability Act and respectfully submits the following comments in regards to proposed policy changes.

In general the City supports the policy direction proposals for the Water Act and appreciates the opportunity to submit our thoughts and concerns regarding the issue. The current document provides a high level view of each Policy Direction proposed. In order to fully understand the ramifications of the changes more detail of each direction and its intent is required. There is considerable room for interpretation in its current format.

We request that the Ministry develop a draft of the proposed act and make it available for public and municipal comment. This will allow the City of Penticton to analyze what the true impacts of these changes may be. We ask that upon review of this draft in its entirety, the City is provided another opportunity to comment on the legislation before the process is finalized.

Our comments regarding each policy direction are as follows:

Policy Direction 1 - Protect stream health and aquatic environments

The City of Penticton supports the policy direction of protecting stream health and aquatic environments but would like to know when and how will guidelines be developed to determine minimum stream flows and would like consideration to be given to the fact that even without installed infrastructure, many of these streams naturally experience low volumes of flow.

Policy Direction 2 - Consider Water in Land-use Decisions

The City of Penticton supports the policy direction of considering water in land use decisions. It is however essential that regulations be developed regarding land and resource use on crown or private land that impacts the watershed.

Policy Direction 3 - Regulate Ground Water Use

The City of Penticton supports the regulation of ground water as surface water and ground water are connected thus extractions of one affect the other.

Policy Direction 4 – Regulate During Scarcity

The City of Penticton supports the policy direction to regulate during scarcity and we are already regulating this through the Irrigation, Sewer and Water Bylaw and the Water Conservation Program.

Policy Direction 5 – Improve Security, Water Use Efficiency and Conservation

The City supports the direction to improve security, water use efficiency and conservation. The City is already achieving part of these objectives through the Water Conservation Program and the Irrigation, Sewer and Water Bylaw. In the case when conservation measures are insufficient the City supports using priority dates to determine who gets to use water and supports deviating from priority dates to importance of use during exceptional circumstances

5.1 Economic Instruments

The City supports fee based measures to achieve conservation and liability and assurance measures. An example of fee base conservation could be an inclining block rate structure for water fees where the more water you use the more you pay. An example of liability fees is where a contractor or user may place money in trust to ensure work performance while working in or about a waterway. The City requires additional information on rebates for infrastructure and tradable permits and water markets before being able to make an informed comment.

5.2 Best Management Practices, Efficiency and Beneficial Use

The City supports the concept of Water use efficiency and beneficial use as well as the concept of best management practices and codes of practice.

5.3 Agricultural Water Reserve

The City requests more detail on this area before being able to make an informed comment.

Policy Direction 6 – Measure and Report

The City supports the direction to measure and report. All of the City's raw water sources are currently measured and reported in the Water Treatment Plant Annual Report. The new Surface Water Usage Reporting Tool currently being rolled out by the OBWB will help with this requirement. The City has been involved in the development of this tool.

The City does not support reporting as a means of facilitating future water rights trading or water markets. More detail is requested in this area before being able to make an informed comment. The City supports reporting as a means of identifying what is the current supply of water and being able to trend historically this information. This data would promote the basin water balance concept.

Policy Direction 7 – Enable a Range of Governance Approaches

The City supports the direction to enable a range of governance approaches and welcomes increased collaboration and participation in the decision process. This concept will benefit all stake holders within the watershed or basin. The City supports the concept of delegating responsibility for activities and decisions to a local organization such as the Okanagan Basin Water Board. However additional detail is required in this area and the City may have more comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Ashton', with a horizontal line underneath.

Mayor Dan Ashton

/kb