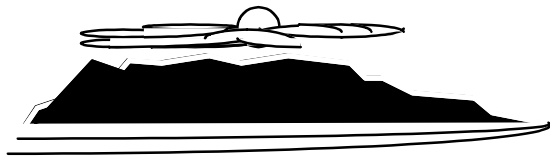


From: Marilyn Burgoon
Sent: April-29-10 10:26 AM
To: Living Water Smart ENV:EX
Subject: Water Modernization Act Submission
Attachments: Water Modernization Act Submission.pdf

submission attached. pls contact if you are unable to open.

Thanks



PERRY RIDGE WATER USERS' ASSOCIATION

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April 28, 2010

Water Act Modernization Submission
Ministry of Environment
Water Stewardship Division
PO Box 9362
Stn Prov Govt
Victoria, BC V8W 9M2

E-mailed to livingwatersmart@gov.bc.ca

I write in my capacity as the President of Perry Ridge Water Users Association (PRWUA). Four PRWUA Directors attended the Water Act Modernization Workshops.

Water is the most important element to life. The impact to water resulting from global climate change is occurring. Glaciers worldwide are melting, including the glaciers in British Columbia. There is an immediate need for legislation to protect water at its source. The Honourable Justice Dennis O'Connor in his recommendations in the Walkerton Inquiry report (a report commissioned as a result of 7 deaths due to water borne disease) recommended the "multi-barrier" approach for water protection, starting with the protection of the source.

The creeks on Perry Ridge and the Slocan River drain into the Columbia River and the water in these areas is critical to the reparation of a much damaged river system. There should be no more damming or diversion for commercial or power purposes on this endangered river system or on any tributaries such as side creeks like Perry Ridge.

The values supported by PRWUA include:

- access to fresh clean drinking water,
- agricultural viability,
- ecological integrity,
- cultural (aboriginal and community) vitality,
- recreation,
- health of the fisheries, and
- maintenance of water quality and protection of creeks and rivers.

PRWUA recognizes and has documented evidence of how water, through diversion, has created landslides. The value of natural water drainage patterns is a priority for safety.

The value-of water can be protected in law, as it was historically, through legislation of watershed reserves. Watershed reserves prohibit the use of the land within the reserve for development. This land designation acknowledges the economic and social value of a watershed reserve to communities. The Kootenay Land Use Plan, does not reflect the understanding of water in 2010 and requires updating. Watershed reserves need to be part of any serious water/land use planning. A modernization of the Water Act requires that the government adhere to the precautionary principle as outlined in the United Nations Charter of Rights. We submit that legislated watershed reserves would adhere to this precautionary principle. Watershed reserves would be cost effective and the best protection for water now and in the future.

The Water Act needs to protect the water sources for the citizens. A Water Act needs high standards rather than guidelines. Our experience with other Ministries has demonstrated that guidelines often are not followed. The

citizens are required to monitor development and bear the burden of proof when guidelines are violated. Therefore we submit that the Water Act use the highest rules and standards to give the citizens the power to protect their water under the Act. The Water Act in law should supersede all other Acts i.e. Forestry, Mining, Agriculture etc. Domestic use watersheds should be single use as intended under the Water Reserve Act.

Regarding stream health, Maude Barlow, Senior Advisor on Water to the President of the United Nations General Assembly states:

“The destruction of aquatic ecosystem health, and the increasing water scarcity are in my opinion the most pressing environmental problems facing human kind.”

We submit that the Kootenay Boundary Land Use Plan needs to be updated to protect the aquatic ecosystem health of the creeks, rivers and wetlands in this area.

Protection of water is both a federal and provincial government responsibility. This responsibility is to protect the Common Rights of the citizens and the rights of First Nations. It is also the responsibility of the Federal Government to protect fisheries and endangered species. Many of the endangered species rely on healthy aquatic ecosystems. It would appear that this Modernization Act is an attempt to abrogate these responsibilities. The downloading of responsibilities onto corporate entities or selectively chosen individuals would be in our submission a conflict of interest. To download this responsibility to municipal governments without adequate funding will not protect water.

With regard to the process itself I note that the final submission deadline is April 30, 2010. April 30 is also the closing date for filing taxes. PRWUA is a volunteer organization and this closing date does not reflect consideration to the public nor does a one day event represent “everyone’s business.”

The reporters from each workshop were not professional and it was the observation of our attendees that some of the reporting did not reflect the workshop or the table reporting. There should have been professional reporters and transcripts to be certain that the reporting was accurate.

The Water Act Modernization Workshop lists of Values and Principles, handed out to the attendees at the workshop states:

Principles #2 “First Nations social and cultural practices associated with water are respected and accommodated.”

The Sinixt Nation was not consulted and access to their knowledge and use of the Columbia River is essential for any water planning within their traditional territory.

PRWUA does not concede to the adequacy of the government’s consultation process.

Yours truly,

PERRY RIDGE WATER USERS ASSOCIATION

Marilyn Burgoon
President