

From: John Beerbower
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To: Living Water Smart ENV:EX
Subject: WAM submission
Attachments: WAM Submission.pdf

Please find attached a submission regarding BC's Water Act Modernization from the Queens Bay Residents Association.

We would appreciate receiving update information regarding further developments in this policy revision process.

Yours Truly,

John Beerbower
Queens Bay Residents Association

**Submission Regarding Modernization of the BC Water Act
Queens Bay Residents Association
April 2010**

Principles

- Include implementation of the Precautionary Principle in all allocation decisions
- Water resource management and decision making requires high quality data, both baseline and current
- Recognition of domestic water as a basic human right with priority over other economic uses
- All activities on the landscape carry the responsibility to protect stream health in the broadest sense, i.e., including water quality, quantity and timing of flow

Goal 1 Stream Protection

- In 1.1 stream health is correctly and broadly defined to include factors such as water quality and resilience to disturbance. Limiting the scope of the discussion to “environmental flows and changes in and about a stream,” ignores critical factors affecting water users and the ability of streams to provide environmental services. With reference to Principle 4, the integration of “legislation, policy and decision making processes.....” necessarily requires all activities on the landscape with the potential to affect water values be regulated within the context of a revised Water Act.
- Greater attention is required to protection and restoration of the ecosystem function of wetlands (including ephemeral wetlands).
- Objective 1 Strongly prefer Option B requiring Environmental Flow Standards
- Objective 2 Unsure Optional vs. Required (realise that funds will be limited) but prefer the option which would have the best chance of having funds made available. Decision maker Must Follow the allocation plan.
- Objective 3 Amend Water Act with stronger prohibition against dumping.
- Attention is required to less obvious forms of “dumping of materials into streams.” Runoff, leaching and septic contamination all affect stream health as do debris introduced by slope failures and debris avalanches caused by improper terrain alterations and water flow management.

Goal 2 Governance

Considering possible changes to the governance model leaves much uncertainty as to which solution would provide the best means for moving forward. A few things seem to be clear.

- Broadened participation in governance has definite benefits.
- There is a need for strengthening parts of the current role of provincial government, especially in the areas of data collection and analysis, funding, monitoring and enforcement.

- With any devolution of authority, there will be the need for a provincial oversight body
- Local decision making is desired by a substantial portion of the stakeholders in the Kootenays
- Local government appears to lack the capacity and willingness to take on a major role in water governance. The 3 year election cycle and resistance to increasing taxation burdens would hamper effective function. Quite often planning and decision making would involve coordination across multiple Regional Districts.
- Local government could provide an excellent forum for local stakeholder involvement.
- There is an important role for a regional agency in particular watershed basins that have a high risk profile. It is unclear whether the provincial government would give such an agency the necessary authority ("The government would retain high risk, multiple-watershed or multi-agency decisions" Discussion Paper p.18).
- The scale of watershed for planning and management purposes is largely dependent on the relative abundance of water and interconnectedness of the water resource and the water users. Where there are relatively few users on higher order streams (typical in the W. Kootenays) the management scale of importance is the lower order streams where demand could approach supply. These could be grouped together and treated similarly. A challenged watershed such as the Okanagan basin and possibly the Kettle River basin, must be approached at the larger scale. Variation across the province will require specific adaptation.
- Funding is a limiting factor in carrying out the reforms proposed in the discussion paper. The majority of funding should be derived from provincial taxation. Water should become an appropriately priced resource for all users, rather than underpriced as it is now. However, consideration should be given to the 'right' to domestic water in pricing decisions. So-called 'higher economic uses' should pay a proportionally higher price for access to the resource.
- Accountability and transparency are essential in any governance model.
- Dispute resolution should be accomplished at the most local level possible.
- Perhaps the best approach to reforming governance would be to move forward on all 3 classes of models. Specifically, enhancing the provincial role in areas of known need, strengthening the linkage with local government in pilot projects where there is willingness and capacity, establishing one or more regional agencies where the local circumstance would be best served and, establishing a prototype oversight body.

Goal 3 Allocation

In general, allocations should be guided by the Precautionary Principle and an assessment of the cumulative effects of all decisions taken with respect to the watershed landbase,

- Objective 1 Efficient use of water is critical and should be encouraged. This appears to be equivalent to conservation of water referenced in Principle 4. Efficiency in allocation administration must be subordinate to obtaining accuracy in the supply data and risk assessment of any particular water source. Allocative efficiency is problematic without stakeholder agreement on valuation of competing uses.
- Objectives 2-4 Support.
- Objective 1
Option A is 'inefficient' with respect to administration, and would feel onerous to water users. However, the cancellation/reallocation remedy for failure to make 'beneficial use' has a place in the efficiency toolkit.

Options B & C would be useful in encouraging efficient use.

Option D There is strong distrust of employing market mechanisms in determining 'highest value' uses.

Option E & F Permitted uses must be based on an accurate assessment of supply and risk for a particular source. Existing licenses must retain the right of objection to an application for a new permit or license. Permits would have a lower priority than existing licenses.
- All new allocations for a particular water source are only conditional (ie., lacking final approval) until a scientifically defensible baseline for the amount of available consumptive supply is determined. This would require minimum flow observations over a period of 5 – 10 years.

Options G & H Self-registration (voluntary or required) remains highly problematic due to the apparent lack of oversight by a regulatory body

Options I – M These are acceptable means to obtain administrative and water use efficiencies.
- Objective 2 Option A all bullets OK except #2 "The ability to use water differently..."

- Objective 3 New allocation should be based on a modified FITFIR (considers a revised priority of use). Community involvement in water allocation planning would be beneficial.
- Objective 4 During drought, minimum (as opposed to optimal) environmental flows remain first priority. Reductions of consumptive use would combine sharing with a revised heirarchy of uses.
- Long-term water scarcity should be addressed by planning, in some cases driven by the province or a watershed authority and in others initiated by water users (and supported by the province).

Goal 4 Groundwater

- Objective 1 Strongly support
- Groundwater regulation should apply to the construction and use of fresh water source wells associated with oil and gas activites
- Option B Establish the lower threshold for “large” withdrawals

Additional Comments

- Any watershed where there are present or imminent conflicts over the availability of consumptive water become priorities for planning and management activities.
- The greatest potential impact of these proposals in my community would be in any scenario in which new allocations are approved which exceed the long-term supply (including allowance for climate change) of consumptive water.
- Guidelines and incentives for more efficient use of water will greatly assist in reducing demand.
- Guidelines or regulations regarding restrictions on existing rights during drought will possibly ease potential conflicts.
- An accessible and efficient dispute resolution process is important.