

From: Peter Lamb
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Subject: Water Act Modernization
Attachments: SSI Water Council-Water Act submission April 28 2010.pdf

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On behalf of the Salt Spring Island Water Council, I attach our submission on the modernizing the BC Water Act .
Please confirm receipt of our submission.

Peter Lamb, Coordinator

Salt Spring Island Water Council: Submission on the BC Water Act

“The question is not whether we should use water more efficiently. It is to what extent we will go beyond increasing efficiency to implement more fundamental change – a paradigm shift in water management.” “At a Watershed” Oliver Brandes; POLIS

The Salt Spring Island Water Council provides a unique forum for sharing information on the quality and quantity of Salt Spring's surface and groundwater resources among the full range of agencies, organizations and individuals responsible for providing, protecting, conserving and managing drinking water on the island.

Council strongly supports the proposed modernization of the BC Water Act and urges the BC Government to take appropriate actions to enshrine the necessary amendments in new legislation as a matter of some urgency.

Accordingly, Council submits the following comments:

A. We strongly endorse the December, 2009 “Statement of Expectations on Reform of the BC Water Act from BC Non-Governmental Organisations”.

B. We believe that the challenges brought about by the predicted changes in our climate and continued economic growth will require a fundamental shift in water management concepts to stress the importance of more efficient and prudent use of this precious resource.

C. GOALS

We support the four goals for addressing changes to the Water Act:

1. Protect stream health and aquatic environments
2. Improve water governance arrangements
3. Introduce more flexibility and efficiency in the water allocation system
4. Regulate groundwater extraction and use in priority areas and for large withdrawals

D. PRINCIPLES

We suggest the following changes to the proposed eight principles:

1. BC's water resources are used within sustainable limits. [***Need to be better defined as environmentally-safe hydrological limits based the capacity of existing natural systems to continue functioning perpetually into the expected drier future.***]
2. First Nations social and cultural practices [***and knowledge***] associated with water are respected and accommodated.
3. Science [***and best available technology***] informs water resource management and decision making.
4. Water resource legislation, policy and decision-making processes as well as management tools are integrated across all levels of government.
5. Rules and standards for water management are clearly defined **to protect stream health and aquatic environments. Delete** “*providing a predictable investment climate across the province*” [***Rules and standards must be established on the basis of Goal 1, not economic investment criteria.***]
6. Flexibility is provided to adapt to extreme conditions or unexpected events on a provincial, regional or issue-specific level.
7. Incentives are created for water conservation [***and water recycling /re-use***] that consider the needs of users and investors. [***Again, reference to the needs of investors is not clear. Given limited supply capacity, water conservation measures may need to be mandated rather***]

than leaving them to individual “investment” decisions. Water conservation should be a primary principle in effective water management]

8. Rights to use water come with responsibilities to be efficient and help protect stream health. [***Needs to reflect that access to water is a privilege not a “right”]***

We also propose the following additions to the principles:

9. BC water resources are recognised as a sacred public trust not just another commodity to be marketed.

10. The precautionary principle is applied to water management decisions within reasonable timeframes for reaching decisions:

- To take anticipatory action to protect water sources from overuse and contamination,
- To acknowledge that communities have a right to all available information on water supply and licencing decisions that effect public health and the environment,
- To consider alternative solutions to addressing water concerns and choose the one with the most positive effect on public health and the environment,
- To make decisions in an open, transparent process with the best available (scientific) information.

11. Public health is inextricably linked to ecosystem health and, accordingly, protection of the natural ecological functions of “streams” is paramount.

12. Effective penalties/fines are imposed and enforced for “stream” infractions and excessive use.

E. OBJECTIVES AND SOLUTIONS

GOAL ONE; Protect stream health and aquatic environments

We strongly support the objectives for protecting stream health and aquatic environments

OBJECTIVE ONE: Environmental flows are considered in all water allocation decisions to protect stream health.

We prefer Environmental Flow Standards be set (*Option B*)

OBJECTIVE TWO: Watershed-based water allocation plans include environmental flow needs and the water available for consumptive use.

We prefer that the development of water allocation plans be **required** (*option B*) and that the decision maker **must follow** the water allocation plan (*option D*)

Comment

The Water Allocation Plan would have received local (watershed) community input and provincial approval and should not be subject to the discretion of the Regional Water Manager (or equivalent authority).

Phosphorus loading in “streams” should be recognised as a public health concern. Water licences should require that a certified waste-disposal system be in place.

OBJECTIVE THREE: Habitat and riparian area protection provisions are enhanced.

We prefer that the Water Act be amended to include a prohibition against dumping of a wider range of debris and materials into streams, with a requirement for the person responsible for dumping to restore stream health (*option B*)

Comment

These important ecological decisions should not be at the discretion of an individual.

GOAL TWO: Improve water governance arrangements

We strongly support the proposed objectives for improving water governance – particularly with clarification and rationalization of the overlapping (conflicting?) federal and provincial jurisdiction and integration (coordination) of the BC Water Act with other water legislation.

We prefer a more delegated approach to water governance.

Comment

For Salt Spring Island, there should be Watershed Management Plans for each major watershed with collaboration among all water managers across the whole island. Delegation of decision-making by the province must rest with a locally-elected or appointed public body.

GOAL THREE: Introduce more flexibility and efficiency in the water allocation system

We strongly support the objectives for introducing more flexibility and efficiency in the water allocation system

OBJECTIVE ONE: The water allocation system emphasizes and encourages efficiencies in both water use and the administration of water as a natural resource.

We prefer that codes be developed for efficient infrastructure and practices in different sectors (option B) and the use of incentives and economic instruments to encourage water efficiency (option C).

We prefer that permitted uses would be defined and allowed under the Act in accordance with regulations (*Option F*) and self-registration of the permitted use withdrawal be required

Comments:

Water uses are too important to be left to voluntary discretion and water efficiency measures may need to be mandated.

Use the precautionary approach to decision-making and set conservative levels.

We support all options to encourage administrative and water use efficiencies

OBJECTIVE TWO: Flexibility is provided to water users and decision makers to quickly adapt to changing environmental, economic and social conditions.

We agree.

OBJECTIVE THREE: The water allocation system integrates the management of groundwater and surface water resources where required in problem areas.

We prefer that “priority of use” be the basis for water allocation with protection of ecological values being paramount

OBJECTIVE FOUR: Water users will be required to conserve water during drought or when stream health is threatened.

We prefer that a hierarchy of uses be established to guide how water use is reduced. (*option C*)

We prefer that water scarcity be determined in a mandatory Water Management Planning process (*option E*) with registration and enforcement provisions.

Comment

The Water Management Plan would be locally driven with community consultation. Clear provincial guidelines should be established for addressing water scarcity and conflicts

GOAL FOUR: Regulate Groundwater Extraction and Use

We strongly support the objective for regulating groundwater extraction and use in priority (critical) areas and for all large withdrawals.

Comment

Regulation should ultimately extend to all areas in BC with exemptions justified through established criteria.

OBJECTIVE ONE

Groundwater extraction and use is regulated for all large withdrawals

We prefer that the thresholds for large groundwater withdrawals be determined by a Water Management Plan to reflect local circumstances.

Comment

*We recommend that the revised Water Act **require** that extractions of groundwater on residential properties **for residential use** be under license if the extraction is beyond a designated "normal" amount. The limit could be based on the area of the dwelling and be logically connected to the number of persons and a reasonable estimate of "need". Any water demand above this maximum amount could be mandated to be supplied through rainwater capture and storage.*

This would make it possible for an agency to make a determination regarding how large an extraction would be appropriate and not allow excessive extractions. Currently, neighbours whose wells are affected have no recourse other than to take costly legal action

We agree that the Gulf Islands is a priority area to regulate groundwater extraction and use since availability of surface water is limited and tighter controls on the extraction and use of groundwater may be desirable to protect the security of existing licences and environmental flows.

Salt Spring island is an area of known quantity concern due to declining groundwater level, conflicts with other groundwater users, aquifers or water resources impacted by salt water intrusion (*option B*) and has a significant population that is reliant on groundwater for drinking water (*option D*).

Comment

On Salt Spring Island, 50 m³/day could be considered a relatively large withdrawal for a community water system or a small subdivision relying on groundwater. More onerous demands on the proof of potable water should be required, especially where it involves subdivision developments.

Submitted: by Peter Lamb, Coordinator, SSI Water Council: April 28, 2010