

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, June 5, 2010 3:55 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Water Act revisions

PERSONAL IDENTIFIERS REMOVED

People:

Please accept this as my submission in relation to the proposed amendments to/replacement of the current BC Water Act.

There is little doubt but that it is timely that the government(s) take control of groundwater. The province, for decades, has avoided that responsibility for some obvious, and some obscure reasons. The Federal government has never proclaimed the Canada Water Act. Access to and use of groundwater is becoming increasingly controversial and problematic, and aquifers are both depleting, and being contaminated as we speak. We were told, when the NAFTA Agreement was settled, and approved legislatively, that bulk water exports from Canada were not covered by, or available, or prohibited under that Agreement. Now, that appears to be in some doubt, but is, in any event, being ignored.

But my first point is a question: what is the real purpose of the current initiative? Your project synopsis states the goals in laudable, but ephemeral terms. For example, "Introduce more flexibility and efficiency into the water allocation system" could be interpreted in several ways: one of those could be to streamline authorizations for the export of bulk water to the United States, where security of supply is fast becoming an unattainable reality. If that is the real goal here, you should be aware that public opinion will not likely support such a goal.

The Economist magazine recently spoke loudly about the general subject of water ("For Want of Drink" May 22nd issue, Special Report, pp 1-20); you should archive that Report for consideration in any final recommendations to your Minister and Cabinet. If you can't find it, please ask, and I'll copy and fax it along. But I digress.

In that same issue of that magazine, in the United States section (p.52) there is an article entitled "Liquid Gold" and subtitled "The Great Lakes Water" which highlights my concern in this particular regard: The whole article deals with problems arising with the Great Lakes Compact in which the subject matter is huge diversions of water from the Great Lakes for US states and cities. Not one mention is contained in that article about Canada, half-owner of those Lakes, as having any part to play in the "Great Lakes Water Wars" (not my phrase, but the title of a book cited in the article). That absence is, of course, not curious; Canada is largely irrelevant to the USA; until they run out of water, that is. Then there will be a real water war, and we will be faced with huge and generational decisions.

The authorization of such exports by any government in Canada will likely be the beginning of the end for our current political and bureaucratic systems. What is our federal government doing about that drawdown? Absolutely nothing.

The Special Report itself also contains scant reference to Canada - perhaps arguably the world's largest "owner" of fresh water. Groundwater withdrawals, largely for their major agribiz industry, have accelerated hugely over the past half-century. California is a major participant, as we all know, in those withdrawals. The groundwater is not being replaced; some of it was untapped for millennia until the 20th C. Some aquifers are now more than 400' below datum, and losing the battle to recharge. I could go on here, but I think the point is made.

That Report also (@p.10) highlights that the most effective water manager in the world is, perhaps, Singapore. Small, and somewhat autocratic, perhaps (I lived there for two years during the past decade) there are things done in that small nation-state that you should be including in your website, and in your considerations for change. Why, for example, can we not require the recycling of industrial and commercial water by the user, as opposed to permitting its dumping, willy nilly, with toxicants still in place, into the marine and other environments? Why do we prohibit grey water discharges from residential developments, when those can easily be put to positive use - watering lawns and gardens, washing vehicles, for eg? We seem to have a double aversion to the matter of water: first, the attitude of mind that "we'll never run out"; and second, the idea that once water has been used, it is the same as waste - garbage, I mean. We recycle some wastes, and turn them to effective purposes. Why not water?

My second point is more pressing. We are experiencing drawdowns in our aquifers as well. The Water Rights Branch, some years ago, drilled monitoring wells on many of the lower Gulf Islands in an attempt to establish baselines and usages. What have the results of that monitoring been? There was to have been an extension of that monitoring to the north Gulf islands - Quadra, in particular. That hasn't happened, apparently, so let me give you a microcosmic scenario. I live in a small subdivision - 22 lots only, on the water (Discovery Passage) side of Whiskey Point. This subdivision is served by an Improvement District, the only function of which is to...provide domestic water to owners/users of those lots. The subdivision was completed and lots first sold in the very early '70's. The ID was created somewhat after the fact in the mid-80's. The community was served by a single well, of some 240 feet in depth, producing, arguably, 8 gpm. A holding tank, then of 10,000 imperial gallons was placed on the top of the Point, to provide backup. That tank was increased to 15k gallons five years ago. It still runs almost dry several times during July and August.

As the years progressed, development within this subdivision "progressed"; at first, cottages on the beach for a few lots, one or two "permanent" residences, and the rest undeveloped. Then the McMansions began to arrive, all with hot tubs, jacuzzi tubs, and one a fresh water swimming pool of around 20,000 gallons capacity. In summer, the system began to struggle, and the tank is now frequently so low that informal restrictions have to be applied. Which are, of course, routinely avoided by residents of Campbell River, for example (which prohibits the washing of vehicles at all times) with second residences here, who bring their big trucks and cars here to wash them. Well you should ask: the ID employs no staff, has no enforcement mechanisms in place other than a polite telephone call, and generally prefers to look the other way. Until the tank runs low.

But then, in 2001, a strata subdivision was authorized by local and regional agencies of governments - of about 40 lots in extent - on the rise and top of Whiskey Point. The lots

were to be serviced by common wells - usually one well for each two lots. All of those wells were drilled, some to depths of 400' or more, into the same aquifer as is our poor little straw. Over the decade, building first began, and then accelerated. There are now 17 homes up there; all are large homes, with a multiplicity of water uses. That aquifer was noted by the BC Ministry of Lands, Forests and Water Resources (of the day) in the late '50's as arising uphill from Whiskey Point, and from rain and snowfall only, and thus of limited recharge capacity. It has been drier over the past three years than in the previous 15 here. If drier is our legacy of global warming, then I foresee shortages, probably chronic in the immediate future.

The point is, to be blunt, that governments should not be approving small-lot subdivisions without first examining how the reasonable domestic water needs of the owners of homes in those subdivisions are going to be met. There is current consideration being given by the Strathcona Regional District for densification of land use in Quathiaski Cove (where this subdivision and ours are located) but no one seems to be paying attention to where the water for the 500 "new" homes which that densification subtends is going to come from. The Local Government Act, and other provincial statutes contain no clear jurisdiction, or guidelines in that regard. What of amendments to those? It serves no good purpose, in sum, to authorize subdivisions with no data as to the source, capacity, recharge, and otherwise of the domestic water supply to those.

That is a problem that you can address in your recommendations: amendments to the Local Government Act to require local governments and the Health Act, to require health authorities to in turn require developers to obtain and provide details of domestic water supply in advance of any approval of a plan if subdivision.

I trust that the foregoing may be useful.

All of which is respectfully submitted.

Yours truly,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, June 22, 2010 2:49 PM

To: Living Water Smart ENV:EX

Subject: Water Act modernisation submission

Dear Sirs/Mesdames,

I appreciate that this submission is late, as you asked for comment by 30 April, however I only found your Discussion Paper last week and decided that the issue is so important that I had to make a submission, which I hope may still be useful.

My interest in management of water in BC goes back to working on the Mica and Arrow dams on the Columbia River, then working for many years as an environmental consultant, and becoming familiar with water issues in the Okanagan and the East Kootenay. In addition I own a property on Hornby Island, which has made me sensitive to the groundwater issue.

Thank you for your consideration of the submission.

PERSONAL IDENTIFIERS REMOVED

Submission on
Water Act Modernisation
by

PERSONAL IDENTIFIERS REMOVED

In this submission I have followed the path laid out in the WAM Discussion Paper.

Goal 1

5.1 Objectives for protecting stream health and aquatic environment.

I strongly support all three objectives

5.2 Possible Solutions

Objective one. Environmental flows are considered in all water allocation decisions

I concur that both “standard setting” and “detailed assessment” methods should be used, depending on the region of BC. I suggest that in areas where the water resource is known to be stressed that the “detailed assessment” should be used. In other parts of the province the “standard setting” would suffice, provided that it would be in the power of the Comptroller or Regional Water Manager to require “detailed assessment” of stream conditions even in areas where “standard setting” was used, if they deemed conditions required it.

With regard to the two options for determination of environmental flow, I would prefer that the “environmental flow standards” system is applied in areas where there is a shortage of water seasonally, such as the east coast of Vancouver Island, and the Okanagan and Similkameen watersheds, so that local people know the standard that has been set and can more readily assess any future applications for water and their impacts.

I would accept that “environmental flow guidelines” would be appropriate for most other parts of the province, subject to a switch to “environmental flow standards” where major projects are proposed.

Where water allocations are already at a level where the aquatic ecology of the stream is impaired or threatened, I am strongly in favour of requiring preparation of a “water allocation plan” which would review the historic allocations and adjust them to ensure the retention of the aquatic ecology of the stream.

Objective two. Watershed-based water allocation plans include environmental flow plans and water available for consumptive use.

Water allocation plans should be developed for all areas where it is already known that the water resource is stressed in terms of meeting consumptive demand and the resilience of the stream aquatic systems is threatened. In my opinion the priority areas which would immediately qualify are the Okanagan and Similkameen basins, the Gulf Islands, and the east coast of Vancouver Island south of Campbell River.

I believe that criteria should be developed to define when an allocation plan is required, that priorities be set as to the sequence of preparation of such plans, and that the Comptroller have both the responsibility to require a plan where necessary, and the right to order the preparation of a plan. A plan should not be fixed for ever, but should go through a process of review after a fixed period, say 10 years, to allow incorporation of changing knowledge on flow patterns, water use technology, changes in communities etc.

Once a plan is adopted, I believe that decision makers **must follow** the water allocation plan, unless a public system is built into the plan for review of proposals that compromise it, as happens for an OCP land use plan. This would ensure that the public is informed of potential changes to the allocation plan.

Objective three. Habitat and riparian area protection provisions are enhanced.

I strongly support Option B, the prohibition against dumping with a restitution provision, as Option A only comes into play after dumping has occurred and has been reported, and is too narrow in scope of materials.

Goal 2

6.1 Objectives for improving water governance

I strongly support objectives 1 and 2, but do not fully understand objective 3, so have no comment on it.

6.2 Possible solutions

My choice would be to retain the “Centralised approach” for those areas of the province where the water resource is not stressed, but to move to the “Delegated approach” in the

Okanagan/Similkameen, Gulf Islands and the east coast of Vancouver Island from the Campbell River watershed south and to the Gordon River watershed at the south end.

My reasons for this are:

- Where the resource needs increasing intensity of management, I believe this is best applied at the local/regional level, provided standards are set by the province as is intended for the “Delegated approach”. Where the Delegated approach is used, I believe that there should be a charge on all water users in the region to pay for the required extra intensity of management.
- In areas where the water resource does not yet need intense management, it would seem more cost effective to retain the “Centralised approach”.

As for the scale of watershed appropriate for water planning and management, I believe that the Okanagan watershed to be about the largest for effective local planning. Once the watershed is larger, there is not the same understanding among the resident population of the issues in different parts of the watershed.

With regard to funding solutions, in areas where the “ Centralised approach” is retained, I suggest that the province should pay the costs for water management, as at present. In areas where it has been decided to move to the ”Delegated approach”, I suggest that the costs of management beyond those incurred by the province in providing the services defined in 10.4 should be borne by a fee set per unit of licensed consumption, with the exception that hydro projects not be considered consumptive users, and the setting of fees for them remain with the province.

In relation to accountability, transparency and dispute resolution for the Delegated approach, my suggestions are:

- The members of the Water Board should be elected directly and not be councilors delegated by municipalities or regional districts, as the latter have a conflict in that they are responsible for the land use plans which may not fit with the water allocation problems.
- The Water Boards should have to conduct themselves to the same standards as a regional district, with open meetings, open records of water allocation and of enforcement.
- For dispute resolution, I suggest that a staff administrative decision could be appealed to the Water Board as a whole, provided that it did not conflict with an agreed water allocation plan. If this did not settle the issue, I suggest that the ultimate decision power should still reside with the Comptroller of Water Rights.
- Where a water user is in conflict with a water allocation plan, it should be in the power of the Board to hold a public hearing to determine the merits of the case, and, if supported, to make an adjustment to the plan, subject to review by the Comptroller. Such a hearing should be designed to follow a process similar to that required to change a municipal Official Community Plan.

To me, the benefits of sharing roles for water stewardship are to bring responsibility closer to the communities dependent on the resource for their consumption and environment. Once there are

disputes over allocation, the solutions will be accepted better if there is community understanding of the issues involved.

The downside is that the Water Boards might be captured by special interest groups that did not reflect the overall needs, requirements and ambitions of the communities. For this reason, and until a trial period had elapsed, I believe that the Comptroller should retain the power to dismiss a board and administer the water Board area directly. Precedents exist for retention of this power in the dismissal by the province of school boards that refuse to develop appropriate budgets, or fail to meet provincial standards in their district.

Goal 3

7.1 Objectives for introducing more flexibility and efficiency into the water allocation system

I strongly support all 4 objectives

Objective one

Options to encourage water use efficiency

Option A . The wording of this option confused me in that it appears to relate to “proposed undertakings” but then states that “the potential for licence cancellation exists”, which would imply an existing project is being reviewed. I consider it essential that existing licences be reviewed in terms of their effective use of water, and that the same review be made of new applications.

Option B . The work of this option is required, but the option is too passive to be successful on its own, for without effective review and enforcement it will not be effective.

Option C . The use of incentives and penalties would certainly help to make water management more effective, however their use would require introduction of effective measurement of water use. This should be a component of the option.

Option D . In my view, review of the rules for transfer and apportionment of existing water rights is an essential component of the modernization of the Water Act. Unless this is done most of the other measures will be for naught, especially in those areas of the province with water shortages.

In conclusion, I believe that none of the above options will do the job on their own, there are elements in each which are essential for the modernization to be successful.

Options to encourage administrative efficiency

I support Options F rather than E. If Option E was adopted, it might still cause problems in areas with water shortages, while Option F has more flexibility.

I support Option H, so that a total record of water users and water use is developed. The record of users could be important if there was a pollution event.

My recommendation would be to allow extraction for domestic use (one dwelling and an accessory building only, but including home businesses such as B&Bs) and stock watering in fields only as permitted uses not requiring a water licence. Extraction rates for these would be set by the province based on its regulatory experience. Should projected demand due to multiple dwellings or irrigation requirements exceed the set levels for domestic use, then licences should be required.

The only controls that I can envisage are periodic checks by the regulatory authority, with the penalty being required to take out a licence with an annual fee.

The permitted status could be protected by the right to convert to a licence if water shortages develop on the stream affected.

A question, if it is decided to go with permitted uses, would the registration have to be changed every time a property was sold, or would the permit be linked to the property rather than the owner?

Options to encourage administrative and water use efficiencies

I support all the options as appropriate for the right of use of the water. I have two queries:

- Option N, I presume the self registration is intended to be mandatory. Is that what is proposed?
- Would these requirements be expected of permitted holders? I presume not to reduce administrative burden?

Objective 2

Options to provide water users and decision makers the flexibility to adapt

I agree that all the items listed warrant adjustments to existing water licences, and I support changes to the Act that would recognize the need for flexibility in administration of licences to accommodate them.

Objective 3

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

This change is long overdue, and would be welcomed by all familiar with water resource management in BC.

The FITFIR concept can only be maintained where there is an abundance of water and little competition for its use. I believe strongly that the Water Act should move to the “priority of use” concept, particularly in areas of water shortage.

Since the Water Act was established BC has seen remarkable population and economic growth, which now begins to impinge on the FITFIR concept. As the growth has been supported by the province it only makes sense that the province should now ensure that water is now available to meet that growth. This will require abandonment of the FITFIR concept in favour of water allocation planning.

Objective four

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

Options A, B and C all have merit and could be applied depending on the size of the stream affected and the severity of the drought. Option A would appear to apply to smaller streams, while Options B and C appear more designed to apply to watersheds. In any given situation I would prefer to start with Option B, then, if a drought persists to move to Option C.

Option D will be attractive to existing licence holders, but to retain it removes flexibility to the water manager in dealing with changing conditions of demand or water supply.

Options to address long-term water scarcity

Where long term water availability is an issue, I prefer Option E, as in my experience in BC it would take a long time for the parties involved to voluntarily consent to initiating preparation of a plan addressing water scarcity. There are too many conflicting interests in drought prone areas to make a community initiative work, in my view.

Goal Four

8.1 Objective for regulating groundwater extraction and use

I very strongly support the regulation of groundwater extraction and use in priority areas.

8.2 Possible Solutions

Objective One

Options for determining thresholds for large groundwater withdrawals

I support Option B, which represents a large subdivision, but feel this would still be too high in an existing or future priority area where groundwater is not so abundant.

Options for determining priority areas to regulate groundwater

I believe that all the options listed merit definition as priority areas for the regulation of groundwater extraction. I strongly support the early definition of the Okanagan and Similkameen basins, the Lower Mainland, the Gulf Islands and the east coast of Vancouver Island as priority areas.

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, September 13, 2010 7:43 PM

To: Living Water Smart ENV:EX

Subject: Water Smart

Hello,

Today I heard about your news for more protection and governance of our water supplies and I want to share my thoughts on a problem I see all the time.

I have lived through drought with water very scare during my time living in Australia - I grew up on the edge of Grouse Mountain with water in abundance and taps flowing water. Upon return from Australia I noted the following observation that I think need addressing:

1. education of new immigrants on water use - I note from going to the gym and hot yoga classes that people from other cultures who have been used to limited water resources can take full advantage of our water and undertake long showers beyond reasonable use. This is not the fault of the people but of the system that doesn't teach them about our resources and how to manage them. In Vancouver water appears in abundance and people who have had so little or restrictions or paid for it or none - coming here is like letting children loose in a candy store - WATER - WOW - cold fresh water flowing and with all this rain it's ok just look at all the rain.
2. I really feel there is an opportunity upon welcoming new people to Canada that they get an education of some sort about water and how to protect this resource that it is a privilege that we need to protect and these are some of the ways.

These are just a couple of simple ways that I feel we can help support people and the environment.

I hope my comments are considered and put to some use.

Thank you,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, December 18, 2010 10:41 AM

To: Living Water Smart ENV:EX

Subject: Re: Public invited to comment on Water Act Modernization

I doubt you will benefit our province by passing this Act

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, December 20, 2010 12:37 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act -- response

I have reviewed the proposal document outlining the goals and issues around the proposed Water Sustainability Act. The good part of this proposal is a demonstration of the complexity of the issue, the range of 'types' of water use by source and the recognition of the broad range of users and stakeholders. What is lacking is a clear indication of leadership. In this issue the leadership is fundamental for success. Balancing needs, partnership engagement, collaborative solutions, especially in conditions of conflict, lead to compromise solutions that ensure that all parties are equally dissatisfied with the result. In the end the Act is the instrument of the state to achieve the State's objective(s), and leadership is fundamental to achieving this. It is clear that in the past the province has treated water as an abundant and generally unlimited resource. A century ago it was a not unreasonable conclusion; it now is no longer reasonable and the Province must take a clear leadership role in allocating its water resources and what its objectives are so that guidelines and policy can be articulated to ensure that those objectives are achieved, and the results against those objectives can be measured. There should be no right to waste water even if the allocation has been officially and formally approved, not industry, not agriculture, not municipal and residential. This may entail alternative measures to measure and allocate the resource versus water volume quotas (say for cooling and industrial purposes a cooling measure may result in better water conservation, for example).

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Friday, December 24, 2010 10:50 AM

To: Living Water Smart ENV:EX

Subject: Overpopulation

All this rhetoric about living water smart !

To live "Water Smart" is to control "Population Growth "

One can say ,:" In on the Top and out of the Bottom"

The Frazer River is just a "Sewer" from Hope to the Ocean including its tributaries!!

Why?? Because "Human Beings have to Eat"! So we have tooo much run off
,"Call it Sewer"

Cattle , Chicken Barns by the thousands , growing vegetables with
chemicals to meet the demand etc.-----

Now we are bringing in very many immigrants (Greed) to keep our only
industry going "'Housing'" as the rest of the mfg is shut down,
Manufactured in China etc, Marry Christmas :

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, December 27, 2010 4:53 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Re: Public invited to comment on Water Act Modernization

Hello Murray/John:

I was just involved in a peaceful assembly with some BC native folks ***PERSONAL IDENTIFIERS REMOVED*** in the Flatbow or Kootenay lake, trying to protect some surface and sub surface domestic waters from industrial logging on Perry's Ridge, ***PERSONAL IDENTIFIERS REMOVED*** it sure is going to be interesting (legally) when you water smart folk try to sell water rights that you don't really own. I think BC's political elite are somewhat naive in terms of the spiritual responsibility that some BC native folk feel toward wild water places. My advice for this smart water act is to really try listening to the water, not the smartness of water but the wisdom, seek out some native elders, that have not sold their souls to the "company store".

John Doyle BC's A.G. just released a report that slammed the government for not in anyway protecting our groundwater. Please ***PERSONAL IDENTIFIERS REMOVED*** keep in mind that you will not be able to hide from the eyes of history. Public policies enacted in the next few years will potentially make or break the health of our children's living space.

Fracking for methane and natural gas in BC must stop, allowing gas corporation free clean water to pollute will make you look like real fools in 5 years, believe me your grand children will be embarrassed.

I guess I should thank the BC liberals for reaching out to BC citizens to help modernize our relationship with life, hope you are really listening and not just using us.

From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Friday, December 31, 2010 8:09 AM
To: Living Water Smart ENV:EX
Subject: Re: Public invited to comment on Water Act Modernization

Good Morning and Happy New Year

Thank you for sending this set of contact links.
After having tried to dig into the proposal, and knowing how busy with so many things, our elected municle officials are with so many things, and also, how the public is unable to ingest long missives, I have a questions?

In the interest of getting buy in with the water act modernization, and for us to get input back into the system, would it be possible to develop what might be called " an executive summary " so that the public and municle folks might get some instant gratification?

Pls advise

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Tuesday, January 25, 2011 11:32 AM
To: Living Water Smart ENV:EX
Subject: blog issues

Morning.

I guess I am just getting to old for this stuff but I am having a heck of a time following the conversation on the blog. There seems to be two basic stream and you can access them on the side bar under recent responses. I put up a post about two weeks ago and it was available via the side bar. Those comments seem now to have disappeared and there is no additional pages to go back in time. The archives seem to not get there either. It is difficult to follow the discussion if it is not available. Surely it is not hard to have access to pages of previous posting. Everyone else seems to do it. This is not a participatory process if it is to complicated to follow. And I have been hearing this from many quarters.

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From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 10, 2011 4:47 PM

To: ***PERSONAL IDENTIFIERS REMOVED***

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Reply Re: Public invited to comment on Water Act Modernization

Good Monday Afternoon ***PERSONAL IDENTIFIERS REMOVED***

Re: Public invited to comment on Water Act Modernization

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My concerns remain and are those I raised in the long-ago public "consultation" meetings...

The key to my concerns are with the **"flow chart"** shown on the web site and included initially in the "briefing" book we got ...

It ends at "Legislation Introduction"...

We have painfully learned that is only the beginning...not the end of the process...we already have legislation, rules and regulations in abundance...which are not routinely enforced...given the chronic under-funding for many of these activities.

There are many many more on-the-ground, real-world action steps following the "introduction of legislation" = >..in order to complete an on-going corrective action and trend monitoring loop...including, among other things,: specific responsibility, specific accountability, enforcement (including resources for speedy trials), compliance monitoring and timely on-the-ground, real-world actions, prosecution, fines...etc...these haven't even been publicly discussed much yet...

The document is lovely "Policy" wonderfulness.

My guess is that there must be an assumption that the job is somehow done by just "introducing new legislation" and that after that they/we can go home and forget about it...

The sad truth is that **MONEY** needs to be spent for on-the-ground, real-world action over an extended period of time, especially for groundwater monitoring & testing and on water quality monitoring & testing for the protection of aquatic organisms...and on the resulting timely corrective action and trend monitoring and action loop...among other important practical items...at the moment that piece of the **"flow chart"** is absent.

That on-the-ground, real-world action will be problematic, given the Campbell cabinet culture's legacy and its demonstrated track record to date over the past 12 years.

What their spin meisters have promulgated is: "we have no money", "the cupboard is bare", etc, etc and variations on the same improbable theme.... generally, pleading poverty, which in my naive volunteer layperson's view, is a prevarication.

Please also see the Auditor General's report on this same topic...and...her/his statement about **MONEY**...and... the response to the AG's report from MOE/MNRO spin meisters also stating concerns about **MONEY**...

I fear that **our recent grass-roots funded** initiative (in BCWF Region 8) to complete the long-overdue and necessary helicopter inventory of Region 8 MOOSE..**paid for by us citizens (not by government)**...will become a routine occurrence in the future, if that Campbell cabinet culture legacy is allowed to be carried forward....

The evidence is that that ***PERSONAL IDENTIFIERS REMOVED*** cabinet culture deliberately enfeebled government services delivery across BC and in so doing, basically forced the abdication of their legislated/mandated responsibilities...I believe it's call contrived "negligence"

What a dubious example and legacy to leave to subsequent generations.

Joan, you get my drift....further exceedingly valuable volunteer time, energy, resources, money and interest spent on this seems undervalued already and from my perspective may be squandered...and...therefore, would be unwise and imprudent....

Yours In Conservation, for my children's children's children sake for seven generations.

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From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, January 12, 2011 8:28 AM

To: ***PERSONAL IDENTIFIERS REMOVED***

Subject: FW: news release BC Tap Water Alliance

Pls send to your lists. Legal challenges with Government are very costly and we continue to fundraise for justice.

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Thanks for all the support given to both the Sinixt and Perry Ridge Water Users Association.

PERSONAL IDENTIFIERS REMOVED

B. C. TAP WATER ALLIANCE

**Caring for, Monitoring, and Protecting
British Columbia's Community Water
Supply Sources**

P.O. Box #39154, 3695 West 10th Ave.,
Vancouver, British Columbia, Canada. V6R-1G0

Email – info@bctwa.org

Website – www.bctwa.org

January 11, 2011 **NEWS RELEASE**

GOVERNMENT IN SUPREME COURT TO DENY SINIXT NATION CONSULTATION RIGHTS TO PROTECT DRINKING WATER SOURCES

Vancouver: The Sinixt Nation (southeastern BC) is appearing this week in Vancouver's Supreme Court (Courtroom 30) to argue its inherent right to protect the intact, old forests in the sensitive headwaters of Perry Ridge, a unique geological island-mountain. Alongside B.C.'s Attorney General and Sunshine Logging to counter the Sinixt's action, the *Okanagan Nation Alliance* and the *Colville Business Council* are participating as Intervenors.

Perry Ridge is the long-established source of drinking waters for many residents in the lower Slokan River valley, some thirty miles northwest of Nelson City. Over the last two decades the Sinixt has declared its intention to protect public drinking watershed sources within its traditional lands, a legislative policy formerly maintained by the BC government.

On November 4, 2010, Justice Wilcox conditionally upheld the Sinixt's action of interest to protect Perry Ridge by staying Sunshine Logging's injunction to remove a blockade on a Forest Service access road. The force of Justice Wilcox's Decision is significant, in that the last occurrence to overturn or stay a similar non-treaty injunction came in the mid-1980s, some 25

years ago, concerning the protection of Meares Island on southwestern Vancouver Island from logging.

The Sinixt, along with other First Nations, have endured the tragic extinction of salmon species in the extensive Columbia River basin complex as a result of a series of hydro-electric dams constructed by both Washington State and British Columbia colonial governments. The flooding of traditional lands by hydro-electric reservoirs, the pollution of river sources by industrial complexes, and extensive commercial forest management practices have impacted traditional lands and altered and degraded the landscape integrity of fresh water sources within the Sinixt's territory. In this context, the Sinixt are reclaiming a critical vision to protect the valuable attributes of fresh water sources.

Since the 1960s, when the B.C. Forest Service under the Social Credit administration began to counter drinking water protection policies and to blatantly ignore crown forest lands reserved from commercial development under the *Land Act* (termed Watershed Reserves), BC's water users began to resist and formed committees, associations, and alliances over the following years, correctly

1 2

protesting the issuance of new forest licenses. Statements of concern by provincial water users and self-interested comments from the Forest Service are found in numerous provincial agency files, a number of which have been reviewed by the B.C. Tap Water Alliance over the last 14 years.

One of the many associations formed in the 1970s to protect drinking water was the Perry Ridge Water Committee in 1977, which in 1982 became the Perry Ridge Water Users. For more than 30 years, as found in both the Perry Ridge Water Users and government correspondence files, resident water users have consistently fought the government, through the Ministry of Forests (now, B.C. Timber Sales), to protect Perry Ridge.

"We are appalled that our government, through B.C. Timber Sales, continues to permit commercial logging in the public's drinking watershed sources," responded Will Koop, Coordinator of the B.C. Tap Water Alliance. "Through their inherent rights to the land, the Sinixt are merely declaring what our own government previously and openly granted to its citizenry, and what Metro Vancouver and Victoria have recently reinstated on its water sources. Watershed Reserves, as legal designations and mechanisms to perpetually protect the lands and forests from commercial developments, were the first forms of land protection in British Columbia, which originated from initiatives in the United States to protect drinking watersheds in the late 1800s. It is high time for our government to acknowledge its neglected legacy and to immediately reinstate the legal protection of our drinking watersheds, and to support the Sinixt's inherent determination to do so."

- 30 -

Date: Wed, 12 Jan 2011 07:59:54 -0800

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 24, 2011 9:57 PM

To: Living Water Smart ENV:EX

Subject: Future BC water management plans - regarding the Water sustainability Act

To whom it may concern,

I notes in a previous email post (on the blog site) that "The new Water Act should involve the citizens of B.C. at all stages of its development. The government should present an opportunity for the general public to comment on the draft of the new Water Act once the draft has been written."

I agree that this is vital to get all free-flowing information of potential ideas, and issues that may not be considered by positions of authority.

The scope of the Water Act also needs to be broadened to include land use (for instance resource extraction activities) since you can't protect the water without considering the land. I live over the Hopington Aquifer (in Langley Township), and we recently had to fight to protect our extremely fragile water supply. It is highly susceptible to contaminance, as studies have proven that there is not enough clay bedding and filtration to protect the water from contaminance if even slightly disturbed.

As a British Columbia citizen, I want deeply for there to be some regulation and protection in place to ensure water supply safety and security, so that fragile land covering large water supplies have not potential threats to contamination in the future.

I also highly agree with the statement that The province needs to put a priority on water conservation rather than allocation and supply management; as some aquifers will someday run completely dry if proactive measurements are not addressed prior to potential future problems. These strategies can be a more effective approach to water management, than just finding the right size band-aid for an avoidable accident. Its all part of risk assessment, and requires a learning environment that fosters out-of-the-box thinking to tomorrows water problems. Its the "no harm proof prior to new uses, not mitigation after damage" approach that is so desperately needed to protect citizens precious water supply.

I would like to see many aquifers (as well as my own) protected with legislation, and free of potential dangers from extraction or file sites. Once water has been damages the likelihood of repair is almost completely diminished.

I appreciate all you consideration, and support.

Regards,

BC Citizen: ***PERSONAL IDENTIFIERS REMOVED***

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, January 13, 2011 11:19 AM

To: Living Water Smart ENV:EX

Subject: Stating the Obvious !

Hi,

I do hope that I'm wrong.....but even without reviewing the submissions, I'm going to assume, a priori, that the obvious "tool" for Water Sustainability is omitted....or given minimal, token treatment in your efforts.

As I say - I hope that I'm wrong !.....and I would be delighted to stand corrected.

The obvious "tool" (for achieving water sustainability ??) : **RAINWATER HARVESTING**
!!

This 'strategy' is practised widely - world-wide - on all continents except this one.

I practise it in my own water-usage in the BC Interior.

For overall credibility, please explain to me why Water Harvesting is not a priority in your programme.

Thank you,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, January 23, 2011 8:57 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Re: Join the Conversation on Water Act Modernization

Thank you for the invitation and I look forward to seeing more than just a new document come from this conversation.

After all, if the present laws are not upheld, what is the use of introducing new ones?

hint: houseboats

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 24, 2011 9:57 PM

To: Living Water Smart ENV:EX

Subject: Future BC water management plans - regarding the Water sustainability Act

To whom it may concern,

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I appreciate all you consideration, and support.

Regards,

BC Citizen: ***PERSONAL IDENTIFIERS REMOVED***

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, January 25, 2011 9:48 AM

To: Living Water Smart ENV:EX

Subject: Water

To Whom It May Concern,

I was pleased to read that MLA Steve Thompson initiated a review of the Agricultural Land Commission while he was the Agricultural Minister. The results of that review will soon be made public and I am hoping they will be discussed in great detail by government. I will be very interested to read the findings as I have concerns about the vast quantities of land that have been taken out of the ALR to allow for housing developments and a wide variety of commercial developments. I have been very disappointed to see prime farmland removed from the ALR and replaced by land that is not as well suited for agricultural purposes, in areas that have much shorter growing seasons, in order to keep the number of acres in the ALR "comparable". They are not comparable. We MUST preserve this valuable land in order to feed ourselves. As transportation costs rise, we will not be able to afford to import everything from far and wide and will have to be self sufficient. That brings me to water.

We must ensure that our precious water is not sold. We need water for local farmers and orchardists. Setting aside valuable agricultural land without ensuring that farmers have enough water to farm it to its full potential is shortsighted and foolish. We must ensure that we do not follow Alberta's lead in allowing farmers to sell their water allotments to private companies and/or individuals. We live in BC because we value what makes this province so special...fresh, clean water, locally grown fruits, vegetables and farm raised poultry and meat, and amazingly diverse and rich ecosystems. We must realize how valuable our water is and must not waste it or sell it for profit. I feel that BC needs a detailed account of exactly how much water BC actually has and must set in place firm policies to ensure that we have it for future generations. The mining of our lakes must stop. Urban sprawl must stop. I feel we should consider urban containment boundaries and ensure all future housing/commercial developments are completely sustainable. Thanks for considering my comments.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, January 25, 2011 5:02 PM

To: Living Water Smart ENV:EX

Subject:

Sir:

The quickest way to conserve water is not to foul it in the first place. If the former Governor General of Canada, the right Honourable Adrian Clarkson, can have a composting toilet without protest from her staff or the Ministry of Health, then surely we can encourage the use of this known technology (in use in Thousand Islands and other similar areas back east for decades because of the lack of subsoil) by amending the Municipal act to allow for their installation anywhere and their requirement in areas close to bodies of water or where the subsoil is of a porosity such as will result in drainage into said bodies of water. Why continue to pollute the groundwater?

The housing industry won't complain: a septic system costs upwards of \$15,000. The best composters retail for somewhere over \$1000. If all a house produces is grey water the problem is close to being solved.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, January 26, 2011 10:47 AM

To: Living Water Smart ENV:EX

Subject: Comments on Proposed Water Act Modernization process

Please see attached for my comments on this process.

Thank you,

PERSONAL IDENTIFIERS REMOVED

Generally, the direction proposed in BC's Water Act Modernization Policy Proposal for a new Water Sustainability Act of Dec. 2010 is an excellent one. Some aspects however, require changes as per the comments below:

- ✓ **All ground-water withdrawals should be licensed;** or, failing that, the threshold levels should be reduced to a very low level (i.e. 50M3/day in unconsolidated aquifers and 25M3/day in bedrock) before any are exempted. Any aquifer can be drained by a few big holes or via many small holes; the result is ultimately the same. Also, if the decision is to license only those groundwater withdrawals above a certain threshold, then some regulations need to be made that restrict the number of "small, below-the-threshold" withdrawals any one person or entity can make. This type of legislation would be very complex and compliance extremely difficult to achieve; hence the option of licensing all ground-water withdrawals is strongly recommended.
- ✓ **The quality, location and volume of water present in any aquifer should be determined before any rights are granted to it; and a maximum draw-down level must be established and enforced that accompany and are a condition of any ground-water license issued.**
- ✓ **Groundwater extraction should not be allowed that diminishes existing surface rights nor that diminish or threaten the health of those ecosystems present on the surface areas located above the aquifer.**
- ✓ **Groundwater extraction wells should be restricted from encroaching onto any lands situated directly below but within another's private property boundaries.** With new drilling capabilities directional drilling is capable of tapping water resources located well away from the location of the surface extraction point and hence, from under (and therefore within) the bounds of a neighbor's property. This should not be allowed.
- ✓ **All existing water licenses, especially older ones, that are not being beneficially utilized should be cancelled with the "new" water being allocated to the highest and best use as determined by the applicable water authority guided by the Ranking listed below.** High priority for doing this should be in those areas where water supply and

quality issues are critical. For example, the Village of Midway has an old water license on the Kettle River (Currently ranked as # 1 on BC's Endangered River's List which has significant quantity and quality issues) that has not been used for many years as the Village has long obtained their water from wells that tap the local aquifer.

Compensation should be made to the licensees for such take-back but often a trade for the old surface license can be made for a new ground-water license and this resolves a lot of problems including political, social, economic and ethical ones.

- ✓ **All Municipalities should be required to provide water to its constituents via metered water with rates escalating beyond a reasonable threshold.** A timeline (5 years is suggested) should be allowed over which all municipalities would develop and implement a metering installment program throughout their jurisdictions.
- ✓ **No new water licenses of any form should be granted within any watershed deemed to be fully allocated under present conditions including estimated or determined minimum low-flow levels or minimum water table levels**
- ✓ **All new water licenses should have a 'notwithstanding clause' included in them that allows the Provincial Water Authority to restrict or completely stop current or future water withdrawals and/or revoke the water license permanently with due cause without compensation to or recourse by the licensee.**
- ✓ **The allocation of rights of use for all licenses should be based on determined criteria as initially proposed in the Water Act Discussion Paper.** The recommended hierarchy of priority uses should be as per the following:
 1. **Ecosystem requirements essential for long-term sustainability with two flow levels being determined—Minimum and Optimum.** The objective should always be to achieve and maintain the optimum flow levels. Minimum flow levels should only be accepted and/or allowed in extreme situations such as for human health and survival. This is the wise and most appropriate use of the precautionary principle. If the minimum flows are always used and accepted there is absolutely no margin for dealing with unusual events or crisis situations.
 2. **Water for domestic uses and/or essential services:** i.e. personal drinking water and growing local food and maintaining health facilities and services, safety as for fire protection, etc.
 3. **Agricultural uses:**
 - A. For human food crops and secondarily for livestock production.
 - B. For indirect food crops; e.g. hay for winter feed for meat production.

4. **Power production behind established reservoirs** which should be strictly monitored with graduated consumption rates with higher rates of consumption paying a geometrically higher rate than the lower consumption rates.
5. **Industrial uses**
6. **Landscape maintenance** around houses, in city parks etc.
7. **Withdrawals for IPPs that produce power for export**

The following uses should not be termed “Beneficial” and should not therefore be eligible to acquire or hold a water license. Or, if licenses are granted, their tenure should be for a very limited term and the license fees very high.

8. **Miscellaneous and wasteful uses:** e.g. washing cars, houses, driveways, producing bottled water etc.
 9. **Recreational uses:** such as snow making or watering golf courses.
- ✓ **The ultimate authority over BC’s water resources which includes jurisdiction over any and all water licenses should remain in the hands of the Provincial Government.** Some authority may, and likely should, be delegated to more local levels (See below). Ultimately, all water and the rights thereto must remain in the hands of British Columbia residents and citizens or—at least Canadians and/or Canadian-owned companies. The proposal to develop and allow “Tradable Permits” should be cautiously developed. Water rights must never be allowed to be wholly owned and/or controlled by private interests and the private trading of water licenses supports such paradigm.
 - ✓ **A new independent Water Authority should be established within the Ministry of Natural Resource Operations to administer all fresh water in BC.** Water is BC’s # 1 natural resource and the new Water Sustainability Act will require a well-organized and well-funded body to ensure its successful enactment, ongoing administration and enforcement. Provision should be made to facilitate delegation of significant aspects of water management and allocation authority to local, well recognized and respected bodies such as the Okanagan Basin Water Board and other Boards or entities established similar to them.
 - ✓ **Legislation and operational procedures for all resource-related activities must complement and support all aspects of the Water Sustainability Act and the Living Water Smart program.** For example, there are over 500,000 Km of “bush” roads in BC with more being built each day. Roads are the cause and/or source of 95% of stream

degradation. Improved regulations relative to all aspects of resource roads must be developed that reduce this percentage. The BC Government has indicated their intentions to do this and this endeavor must be completed.

Most all resource-related legislation, policies and procedures need revision to ensure all areas are complementary and supportive of both the Living Water Smart program and the Water Sustainability Act. All such legislation should be structured so that it guarantees that the objectives of achieving a continuous, sustainable flow of clean, cold, abundant water from BC's forests are attained.

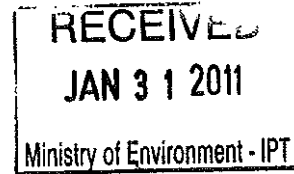
Summary Statements: BC has long misused, abused and, for all practical purposes, freely allocated as much water as anyone wanted for nearly any use. Unfortunately this practice continues, largely unabated to this day. This must stop--now. BC's Living Water Smart program is an excellent undertaking to change our modus operandi relative to water. It warrants strong support to ensure the proposals contained therein are implemented and realized. This program provides a strong and complementary basis upon and with which a new Water Sustainability Act can be developed and implemented.

BC's proposed new Water Sustainability Act---is perhaps the most important piece of legislation that BC has ever proposed and undertaken to implement. However, we are already past "peak" water and yet BC's water continues to be given away at an unprecedented rate via IPPs and other water licenses as if nothing has or will change relative to water availability in the future. And another huge dam (Site C) is on the horizon. We must change and stop doing what we have done in the past and, unfortunately, continue to do today as per the following:

- **Drain**---the wetlands
- **Divert**---water courses (often from one watershed into another)
- **Dike**---other water courses
- **Dam**---them all---the Peace River with Site C Dam is next; several others are on the list!
- **Divest**---water rights to private entities (mainly foreign-owned companies) for long periods of time via IPPs.
- **Dig or Drill** more wells (ground water is free and first-come, first-served!)
- **Develop** whatever water one can find as long as it's profitable.
- **Damage, Degrade, Devalue** and misuse most of what's left via pollution and/or wasteful practices including the application of fertilizers, pesticides, sewage, storm drains, snow making, car washing or watering the never-ending plethora of new golf courses etc.

Virtually all of these processes continue, nearly unabated, many with government support with more planned for the future! Last year Alberta placed a moratorium on new water licenses because they realized they were out of water. BC should do the same, at least in the interior dry belt, until the Living Water Smart strategy and the new Water Sustainability Act are completed and well in place.

Water Act Modernization
Ministry of Environment
Water Protection & Sustainability Branch
Victoria, BC



26.01.2011

In response to the Department's encouragement to participate in the conversation on "Living Water Smart" we would like to offer the following comment:

We farm within the area best identified by the Okanagan-Shuswap Forest District map as IDF xh 2. Our property lies predominantly in the valley floor of the watershed of Martin Mountain and Estekwalen, bisected by Paxton Valley Rd.

In occupying of the property in 2006, we took possession of various 'water licenses' which draw from Ivor and Valentine Creeks for end purposes of domestic supply, irrigation, and micro-hydro. Accordingly, sustainable management of water is of direct and long-term concern.

The butt of this submission however is more general. What we see as a universal practice of over-grazing by range cows in combination with current timber extraction methods and the impact on available ground moisture should be critically considered in any redrafting of the Water Act.

There is ample data indicating that a healthy understory of vegetation is a requirement for retention of winter snow-pack, and in turn, its 'measured' release during the spring thaw; this having significant affect on the retention of ground moisture, into the summer, both for release to aquifer and to the streams and creeks. See Belsky et al:

Belsky, et al. reviewed grazing impacts on water quality and quantity...²⁴

- **Water quality:** livestock deposit pathogenic bacteria into streams and increase nutrient content, water turbidity, and water temperatures, all of which harm cold water fish and other species.²⁵
- **Stream channel morphology:** grazing results in streambank downcutting that shrinks the stream channel, widens the waterway, and reduces streambank stability and the number and quality of deep pools and stream meanders that are important habitat for steelhead, salmon and trout.²⁶
- **Hydrology (stream flow patterns):** grazing causes increased runoff, flood water velocity, number of flood events, and peak flow, while reducing (or *stopping*) summer flow and lowering the water table.
- **Riparian soils:** grazing exposes bare ground, compacts soil and causes erosion, while reducing water infiltration and soil fertility.
- **Streambank vegetation:** grazing reduces the cover, biomass, and productivity of herbaceous and woody vegetation, and impedes plant succession.²⁷
- **Instream vegetation:** grazing increases algal populations while causing declines in other, beneficial water plants.
- **Aquatic and riparian wildlife:** grazing reduces the diversity, abundance, and productivity of cold water fish, amphibians, reptiles and invertebrates and alters the composition and diversity of birds and mammals.

²⁴ Adapted from A. J. Belsky, A. Matzke, S. Uselman. 1999. Survey of livestock influences on stream and riparian ecosystems in the western United States. J. Soil & Water Conserv. 54(1): 419-431.

²⁵ C. J. Belsky, A. J. Belsky, A. Matzke, S. Uselman. 1999. Grazing impacts on stream and riparian ecosystems in the western United States. J. Soil & Water Conserv. 54(1): 419-431.

Although a statutory requirement, there appears little evidence that BC's regulations regarding range assessment are adhered to in practice. This would seem to be a major area of neglect; certainly insofar as water quality and quantity are concerned. See below

Ministry of Natural Resource Operation BC Gov Publication

Range Resources Assessment Procedures

Abstract: This document gives instructions on how to assess the health of upland and riparian areas.

The overall objectives for range management are:

- to maintain healthy functioning riparian and upland systems
- to restore and maintain desired plant communities through proper management
- to ensure that there will be no net loss of native species
- to allow safe levels of use

The range use plan identifies how range will be managed to achieve goals related to production, biodiversity, and integrated resource management. The initial range use plan and management prescription is developed from an interpretation of baseline information and records of historic use. Follow-up monitoring is required to evaluate the effectiveness of the management prescription and tenure holder compliance.

Full Publication: [Range Resources Assessment Procedures](#) [pdf, 1.4Mb]



Top

Assessing Upland & Riparian Areas

Publication Excerpt: *"Uplands often comprise more than 99% of the watershed's area, with the floodplain and stream channel making up the rest. Uplands are associated with lowlands through the flow of water, either overland or through the soil. Vegetation slows the flow of water in the uplands so that it infiltrates the soil."*

Full Publication: [Assessing Upland & Riparian Areas](#) [pdf, 836Kb]

While the emphasis of above pertains to the wider region, a particular case of the absence of such management is exemplified in the area affected by the +/- 2500 acre Pritchard fire of 2009. In the process of recovery of a highly disturbed system, the ground is colonized by seral species – those of low diversity, especially adapted to this purpose. On the burned summit of Martin Mountain, it would not be misleading to say there isn't one square foot that hasn't been denuded of seral vegetation during last summer's grazing - clearly, given the release of nutrients by the fire, the young growth is very palatable. And evidence suggests the recovery process will be arrested until such time as the burned trees collapse restricting access to range cows. Again, the ground's capacity to retain moisture is seriously inhibited – not to mention probabilities of erosion.

In summary, we would recommend that in structuring the new Water Act, for those areas within the "brown zone" a far greater emphasis be placed on combined management of range land and of extraction methods for timber. That the connection between improper grazing practices and water quantity/quality be acknowledged and provision be made within the Act to ensure rightful compliance.

Finally, if any representative of the local contributing body such as the Fraser Basin Council would care to discuss any point of this submission we'd be happy to assist.



From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, January 27, 2011 11:34 AM

To: Living Water Smart ENV:EX

Subject: Advice from Waterloo Region

Hello

I caught a twitter feed regarding the formation of the water policy and wanted to relay to the attached power point presentation I used to educate area groups about risks facing the Waterloo Moraine. Please review because I think you'll find a great deal of handy info that could help with your water policy formation.

To protect water, save the aggregates.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, January 27, 2011 11:42 AM

To: Living Water Smart ENV:EX

Subject: Water Act Modernization

I did some watershed work in the Rocky Mountain Forest District when I worked as a biologist for BC Environment. If you have any further questions, please telephone in Cranbrook.

Comments on the Water Sustainability Act

By: PERSONAL IDENTIFIERS REMOVED***

1. Protect Stream Health and Aquatic Environments

- Guidelines are not adequate for protection of quality, quantity and timing of flows; we need regulations
- Use existing knowledge and techniques to assess quantity and quality of water particularly where water supplies are limited ie. Dry belt zones of BC
- Guidelines are inadequate to assess quantity of water flowing without knowing flow rates, stream width and average stream depth
- Consider global warming impacts on low water flow
- Consider human influences which will affect quality of water, timing of flow and quantity of water which can be collected in a drainage .e.g. impacts of logging, land clearing, subdivision development
- Do not permit developments which will have a negative impact on water users or fish e.g. gravel removal in spawning channels
- Re-examine licenses on all streams- many historic fish bearing streams now run dry due to over-allocation. Do not give these licenses in perpetuity- ie. Renew every 10 years and adjust where flows are inadequate
- Map all water intake locations and licensed water users
- Provide competent field staff in District offices to ensure licenses are only issued after a full assessment of stream capabilities and existing uses

2. Consider Water in Land-Use Decisions

- Land-use planning must be restarted so that cumulative impacts can be assessed, future needs assessed and conflicts in water use, mitigated.

- Provincial Water Objectives must have clearly defined standards in order to be enforceable and similar throughout the Province
- Land-use planning should include flow impacts of climatic drying, future predicted population growth demands and flood as well as drought events
- Land-use planning should include municipalities, regional districts and government agencies as well as public sectors

3. Regulate Groundwater Use

- Map and quantify aquifers where demand is now heavy or likely to be heavy in the future
- Have a Provincial log of groundwater aquifer depths and quality. This can be developed from existing well data and all future drilled wells. The log for a given area should be provided to any new well drilling proposed in an area if enough water is deemed available
- Require a one- time license for existing and future ground water users
- Determine maximum amounts allowed by various categories of license holders e.g. commercial, industrial, acreage, single family units etc

4. Regulate During Scarcity

- I agree with points here
- Water power projects can have immense impact on stream and river ecosystems by : warming water, disrupting fish movement; preventing spawning (e.g. sturgeon); changing annual nutrient flush cycles; disturbing water movement due to roads, powerlines and other infrastructure developments; disturbing traditional recreation for fishing, boating.
- Water power rights should never supercede the health of the river or stream ecosystem i.e. adequate stream flows for fish and aquatic organisms must always be maintained.

5. Improve Security, Water Use Efficiency and Conservation

- I agree with most points except tradeable permits; this allows for privatization and sale of a public commodity. This proposal will inevitably lead to control by large corporations interested in selling water and water rights

- Best management practices and a code of practice sounds great but is impossible to monitor and enforce
- Licenses must be more precise in defining acceptable quantities and uses
- Licenses should have a fixed term and not be issued indefinitely

Agricultural water reserves may not be achievable in the Okanagan where subdivision development lie immediately adjacent to agricultural land.

- A priority licensing process will have to be created where competing interests will over-utilize a limited water resource.

6.0 Measure and Report

- You need definitions of major users in order to implement a reporting procedure
- You need a hard definition of problem areas for domestic water reporting
- You need a definition of which seasons or which set of environmental conditions will require reporting
- You need the people and place for user data to be used and stored especially in rural areas of BC

7.0. Enable a Range of Governance Approaches

- Stakeholder involvement should be a legal necessity on all Crown land watershed concerns
- Standards already exist for Drinking Water-The Drinking Water Protection Act
- Compliance and enforcement of the DWPAAct is applied unequally and sometimes not at all due to lack of enforcement staff, lack of community capability to meet standards.
- Stakeholder involvement needs to occur for all major water licensing requests on Crown land and before the approval in principle process and the Environmental Impact Assessment Review.
- There are very few projects in the Province which have been turned down at the Environmental Impact Assessment Stage because the intent of this

process is to mitigate environmental damage not review the merits of the project to the community

- Some stakeholder process should occur to address the insidious privatization of water which is occurring i.e. run of the river projects, bottled water, lakeshore, streamside and riverside subdivision development
- Municipal and regional District regulations regarding development adjacent to water bodies needs revamping and standardization to protect the health of streams, rivers and lakes. This should probably be done through Provincial legislation

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, January 27, 2011 1:45 PM

To: Living Water Smart ENV:EX

Subject: Comment on Policy Proposal

To Whom It May Concern:

I would like to comment on Policy Direction 5.1 which cites "tradable permits" as a measure the government is currently considering to "improve security, water use efficiency, and conservation".

I **do not** support the creation of water markets: it marks a dangerous step towards the privatization of water. British Columbia must ensure that water remains a public resource, and that parties with higher purchasing power are not given priority over those who do not. Furthermore, the creation of water markets could result in water management being unduly influenced by market factors as opposed to prioritizing public, environmental and ecological needs. (It is widely recognized that our current economic system has proven to be poorly equipped to address environmental considerations, which have historically been treated as externalities).

Therefore, I think the government should abandon its plan to further consider "tradable permits". I do, however, support the suggested requirement for the posting of security bonds for potential licencees, and believe this is a step in the right direction.

Thank you in advance for time and consideration of these comments.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, January 29, 2011 10:09 PM

To: Brown, Bob ENV:EX

Subject: thank you

Hello Bob,

Thank you for sending the copy of the policy proposal. I've read it through carefully, but find it rather hard to understand--I don't see too many specifics.

The policies all look good, but I think the "proof will be in the pudding"--when the legislation is actually drafted. What options will the public have for comment at that stage before the draft goes to the legislature?

Also, I'm a bit mystified by the references to "stakeholders, First Nations, and the public"--aren't we all stakeholders? If not, who does that refer to specifically?

There is no mention of the July, 2010 United Nations Assembly decision that water is a human right. I think that this should be recognized first and foremost in any policy regarding water. I realize that we have no national strategy to address water issues and no federal leadership to conserve and protect our water, but perhaps the province of BC can show the way for Canada.

The reliance on "voluntary efficiency and conservation measures" and reporting and monitoring to be done by users disturbs me--for small farmers, this will just add to their paperwork load, and for large industrial users, provide opportunities to fudge the statistics. Too many of the suggested accountability strategies seem to remain under Provincial jurisdiction (and the Province would receive the fees) although it seems local and regional governments will have to try to manage and enforce regulations...

I see no mention of one of the biggest concerns--the deterioration of water quality caused by the process of fracking--how will this be addressed?

The notion of tradable permits and water markets concerns me.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, January 29, 2011 8:31 PM

To: Living Water Smart ENV:EX

Subject: Comments on New Water Act

Although I'm privy to all the ministry information, I'd have to question some of the aspects of the changes proposed. Most of the process and information looks good, but why in the world would the MOE waste valuable time and resources on implementing PWO for water resources when the CSR already mandates significant thresholds for water quality. A much more valuable alternative to the out-of-date and poorly designed BCPWQO which are absolutely unenforceable, is the strengthening up of the CSR in both enforcement and standards. As a consultant I commonly find the PWQ guidelines/objectives pretty well useless. The problem that is commonly overlooked is jurisdictional oversight. The CSR is primarily focused on groundwater, and the Water Act and the PWQG are focused on surface water. How about you scrap the PWQ objectives, and make the standards enforceable by including them in the CSR.

That way, it's a one-stop shop for anyone looking for standards. I don't understand why there needs to be duplicate legislations. Water is water, cut it down to one 'enforceable' piece of legislation which all stakeholders can turn to. Add a Schedule 12 in the CSR called Surface Water, and provide standards for contaminants of concern. Have different standards for potable water, aquatic life, livestock etc. based on scientific rationale and the CSR would then be complete.

I also agree with the regulating groundwater use. In Ontario, permits are required for 50,000 litre/per day. I suggest that you follow suit. Your other 250-500 cubic metres/day (250,000 to 500,000) is way too high. And instead of differentiating between the aquifer type, just use one number like Ontario across the board.

Regards,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, January 29, 2011 10:13 PM

To: Living Water Smart ENV:EX; James.MLA, Carole A LASS:EX; Dix.MLA, Adrian LASS:EX; Jane Sterk; OfficeofthePremier, Office PREM:EX; Campbell.MLA, Gordon LASS:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Proposed New laws on Water Licensing

Dear Politicians

I am alarmed at the so-called "work" the BC Government are doing on The Water Act Modernisation Policy. It appears that they are legislating AGAINST Sustainability.

The following quotes are from an "Ecosjustice" article written by Randy Christensen "In late December the B.C. Government posted the "proposed framework" for new water laws that introduces water rights trading (section 5).

Troublingly, the strong legal protections for environmental flows have been downgraded to guidelines that merely have to be "considered" when someone wants to take water from a stream (section 1)."

When I attended the workshops for Water Act Modernisation in December 2010, it was clear that the intention was to remove regulations around water licenses and create a toothless, "self regulating" model - as if this could be possible. .

"B.C.'s Water Act "modernization" is just another initiative that pays lip service to protecting the environment and the public interest while delivering the goods to the large corporate interests that have long dominated the province."

BC citizens will have a hard time telling their children, "Yes we sold B. C. water - our most precious resource to "The Man" , if you politicians do not read and understand the implications of these proposals.

Has the BC government not clocked the efforts of Maude Barlowe and the Council of Canadians who have struggled to establish the Right To Water as a human right at the UN?

Please take a close look at the Proposed Framework for new water laws (Sections 1 and 5). Before you make an irreversible decision to sell our water resources short, and establish trading deals that would oblige us to serve Big Bottling corporations like Veolia, Suez, Pepsi, CocaCola and Nestle's or big run of river PPI's, before thirsty British Columbians.

Thank you
Nancy Crozier

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, January 30, 2011 12:12 AM

To: Living Water Smart ENV:EX

Subject: Proposed Water Modernisation Act:

Proposed Water Modernisation Act:

I endorse the Vancouver Island Water Watch Coalition's response and position

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, January 30, 2011 3:51 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Some comments on WAM spurred on by the WAM technical committee meeting on January 29th.

Hi WAM team;

I'd like to thank you for the continued opportunity to provide comments on the Water Act Modernization through participation in the Technical Advisory Committee. I am sorry that I was only able to attend part of the meeting last week due to school engagements and hope that the comments below are not repeating materials that were covered in the early morning.

First, I want to mention that Ducks Unlimited Canada (DUC) applauds the Ministry of Environment for their initiative and direction in the modernization of the *Water Act*. DUC is particularly encouraged to see explicit attention paid to the role and value of wetlands in the overall discussion of water in BC. Explicit protection of wetlands in the new Act, through the application of ecosystem flow requirements is an essential part of managing water in BC for the future. DUC also encourages the development of a better definition of wetlands that captures the nuances of wetland types and classifications in the Act.

These following comments reflect my own opinion as requested in the context of the technical advisors meeting, though much of what I present may also present the view of DUC (particularly the emphasis on wetlands). These relate specifically to discussions that took place at the technical advisor's meeting on January 19th 2011, as well as the policy recommendations document.

1) Objectives of WSA:

I support the objectives of the new WSA (As expressed in Technical advisors meeting on January 19th)

- a. Surface and groundwater quality is improved or maintained.
- b. Instream flow needs are met. (Must include those of wetlands – this requires that provisions for ecosystem flow requirements apply to both standing and moving water.)
- c. Groundwater quantity is maintained or improved where degraded.
- d. Timing of flow is not significantly affected by water use.
- e. Water use does not negatively affect watershed health.

2) Groundwater and surface water licensing.

- a. I fully support the licensing of all water in BC including grand-parented groundwater. I support the idea of awarding statutory rights to only the smallest ground and surface water withdrawals provided there is a legal mechanism by which to re-evaluate this in situation where there are scarcity issues. Regardless of

whether it is a water license or statutory water right withdrawals should be measured and recorded to better understand demand on the resource.

- b. Support for some form of water license or statutory right, both new and grand-parented that must be regulated taking into account in stream flow requirements. This approach is consistent with basic principles of FITFIR and senior licensees can be accommodated in either proportional reduction schemes or in priority of use.
- c. Groundwater and surface water pricing. In an integrated system it makes sense to have them priced the same, however there are economic arguments to be made for pricing water based on 'value' if you are trying to provide incentive for the best possible efficiency and most appropriate source (new applications for groundwater vs/ surface water). For example, and assuming a basic degree of groundwater and surface water integration, in an area where there is groundwater scarcity and more abundant surface water, it makes sense to place a higher value, or price on the groundwater. This pricing mechanism will incentivize the best use through a market solution. Another approach to achieve the same outcome would be to have the licensing agency make the decision about the most appropriate source. This is a higher administrative burden. Saying this, either approach relies on having science available to support this sort of decision making. I appreciate that this information is not the case everywhere (if at all!), but presents an important consideration when you consider the idea of pricing in general.

3) **Governance:**

- a. I support the idea of strong local governance models that negotiate the terms and details of water management in times of scarcity and determine approaches relative to FITFIR, priority of use, proportional reduction etc. This said, local water governance configurations need to be subject to provincial standards around environmental values and in stream flow requirements, equitable treatment of stakeholders, First Nation's involvement in the governance model etc. The province needs to maintain oversight in this process to ensure that standards are being upheld across jurisdictions and that there is equity in terms of process provincially. I get concerned about the legality of issues relative to the equitable application of the act across jurisdictions. I know if it possible to create legislative provisions for local governance, but this needs to be thought through very carefully.
- b. Emphasis on planning earlier in the process. Waiting until there is a crisis and scarcity is not the best time to negotiate how allocation claw-backs are to function. You want to give people, particularly business people enough time to adjust their business approach and risk-manage for potential decreases in allocation.

4) **Managing Scarcity:**

- a. I like the ski hill analogy and think that it is important to designate different areas of the province based on risk and scarcity. This will help target attention to highest priority areas. Criteria for determining when a particular area moves from green to blue to black needs to be fleshed out to optimize clarity from the perspective of the enforcement agents, proponents, and the public. The language in the ski hill analogy presents criteria solely in terms of normal or “dry” conditions. This language does not accurately capture other elements of risk, including anthropogenic causes of pressure on supply (population, demand, management practices) that lead to water quality and potential water quality issues. Another way of looking at this is not just having the criteria be about scarcity, but to incorporate a more thorough assessment of risk. A well flesh out system of classification for the ski-hill scenarios will provide better decision making support for MOE and provide clarity and transparency to users and the general public. This will also assist in the legal defensibility of the process and assist with enforcement.
- b. I offer some considerations regarding the Minister level approval of WSP. The fact that Water Stewardship Plans would be subject to minister’s approval is understandable given jurisdiction, but I will argue again provides reason to have these plans completed in advance of crisis. The perception of political bias of WSP approvals creates unnecessary political risk to elected officials. Options to minimize this risk include WSP drafting an approval before crisis (where possible) for ministerial approval or approval from a board, etc.

5) Miscellany:

- a. You can’t manage what you can’t measure. This applies to overall water supply, quality, ecosystem needs as well as demand on the resource. Everyone I’ve heard has said this, but it is such a crucial part of this whole exercise and needs to be underscored again. BC needs to invest in science to support decision making to the greatest extent possible. Some of this science can be achieved through regulating withdrawal technology (mandatory metering). This does not address issues of hydrology and overall supply, but at least gives us an idea of demand for the resource. I strongly support the idea of measuring grand-parented groundwater wells, and keeping thorough records of both ground and surface water use.
- b. Evaluating the strategic direction of the New Act to the extent that it helps proactively plan for healthy water in BC, and does not only supply decision making criteria for when there is scarcity. This comment is made appreciating that there is resource and capacity scarcity and that the province needs to take an approach that addresses highest priority areas first.
- c. Drafting law and policy must carefully consider the administrative complexity and enforceability of the approach. I have some concerns about the 3-tiered process being difficult to manage, procure the needed science for and to enforce (hard to determine application, disputes leading to litigation). This risk could be circumvented by having clearly articulated decision making criteria.

- d. Question: will the new act make it simpler to explicitly de-couple water rights from land title? This is an important consideration when we talk about priority of use, governance, models for equitable allocation reductions, overall efficiency as well as entertain the option of having market based conservation incentives.

Please let me know if you have any questions or what to discuss any of this further with me. I am keen to provide input wherever is helpful.

Best, ***PERSONAL IDENTIFIERS REMOVED***

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 31, 2011 7:34 AM

To: Living Water Smart ENV:EX

Subject: Comment of Water Sus. Report

I read the report and endorse all the recommendations, however I don't think I saw anything explicit about restricting population in centers (town, cities, regions) if there is not enough water to sustain growth in population. This is a hard one in that people want to move anywhere, e.g., where the jobs are and many times that's in urban centers or to retire to a warmer climate, BUT isn't there a threshold where the land cannot support anymore people?

The Okanagan comes to mind right away and if the land can't support the people (or the industry/development) at some point in time, then there has to be a hold put on further development. In other words, the development has to be spread around while still making economic sense.

I just hope we don't go the way of California where development has run amok and they run into all sorts of problems getting water, power, etc. to the residents who live there. Last point: I think this concept is imbedded in any urban/land use planning but it should be an upfront recommendation so that people get used to the idea of "population restriction" which will be unpopular at first glance. Of course, the hard part will be to get "REASONABLE" people together to create a plan on what is the threshold and how managing it will work.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 31, 2011 7:52 AM

To: Living Water Smart ENV:EX

Subject: Fwd: RESPONSE TO PROPOSED WATER ACT AMENDMENTS

Subject: Re: RESPONSE TO PROPOSED WATER ACT AMENDMENTS

I am impressed by, and in agreement with, ***PERSONAL IDENTIFIERS REMOVED*** comments on the proposed new water act. Unfortunately I haven't followed this important debate closely enough, (one has less and less energy as time goes on it seems). However I get the impression that what is being done here is making the path more comfortable for the large foreign water corporations to come in and profit, especially after we sign CETA. These EU water corporations will have a right to expropriate property from Canadian individuals? Pretty outrageous, I would say!

Final say over water should remain with the locality (but with requirement to maintain national standards). Otherwise we get into situations like the one time proposal to divert water from Shuswap Lake to the Okanagan lake, 'because there are more people living there'! As a landscape architect, and regional planner, now retired, I would suggest it is better to move the people than engage in costly and possibly disastrous water works.

I believe that localities must have the final say when it comes to planning and protection of local resources like water, forestry, family farms, and so on. After all they are the most affected!

Greek democracy as well as early American democracy depended on local face to face debate, and local decisionmaking. Where a larger area would be affected, such as the entire province, the debate needs to take place more widely, but then the final decision should still be local, because that's who will have to live with the consequences.

I believe a similar system exists today in Switzerland.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, January 31, 2011 1:57 PM

To: Living Water Smart ENV:EX

Subject: Water;

I was under the impression that the United Nations declared: A Humans Right to Water!
How can your Government even think about privatizing this vital, life giving resource?

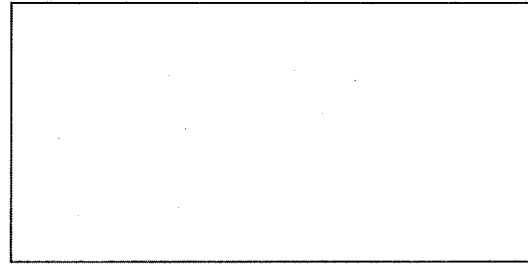
I'm totally against the proposed legislation on the rights of citizens to the free access
and use of Water.

PERSONAL IDENTIFIERS REMOVED



RECEIVED
JAN 31 2011
Ministry of Environment - IPT

(3 pages) -1-



Dear Living Water Smart Team;

thank you for inviting me to share my
thoughts with you;

water :

our main grocery
our basic of life
our basic of food
has to be protected;

we need to make clear to the public, that only
careful handling of this gift, can give the
people the security of having water in the future,
so we have to find a way to work on all
levels of society together to preserve this basic
grocery; rural landowners and citizens,
communities, all levels of government,
all industries;

-2-

protect rivers, lakes, dams, shore lines;
protect the groundwater, give the industries
not the right to tap into domestic water
resources (except grocery production);
let industries build catching ponds;
recycle water, steam, sewerage,
try to save some wetlands, that act as filters,
use plants as filters (like cattails);
make the public aware of the importance
of water and start with education of the
public (in an understanding way not as
from above), show the public and all levels
of industries, communities etc. the proper
way of handling water;
give the rural landowner the protection
of their water, like wells, dugouts, springs;
than without proper water, the rural areas
cannot provide food and are not able

-3-

to exist;

don't let water get a stock market item,
preserve it to the use and the benefit of the
population of B.C., then B.C. is one of
the last jewels of the world.

Thank you for listening
and thank you for the
good work



From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 11:07 AM

To: Living Water Smart ENV:EX

Subject: WSA

I have NO confidence that the proposed WSA will be an improvement on the current system.
I believe that this initiative is a Trojan Horse for corporate domination of water ownership as opposed to citizen usage.

I am totally opposed to its introduction of the idea of water marketing.
I believe the government is once again betraying its fiduciary duty to the citizenry with this proposal, as it has done with the sale of formerly publically owned river-power producing rights to corporations (the value of those rights is obviously bound to go up).

Water is primarily a human right, not a salable good.
This proposal is about economic ideology (not to say idiocy), nothing else. It does nothing to improve the situation regarding protecting clean water from profiteers, but contrarily opens the door for much more severe abuse.

The money interests will gain, the people will lose. Nothing new there.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 12:00 PM

To: Living Water Smart ENV:EX

Subject: proposed Water Act changes Sec. 5.1 Economic Instruments

As a licensed water user we provide the following comment on the proposed Water Act changes:

Section 5.1 of the policy proposal suggests increases in water pricing to encourage conservation. This approach has merit for consumptive uses that effectively remove water from surface supplies or degrade water quality so that other uses are precluded or impaired. However, this economic measure should not be applied to all water licenses, especially not to those uses which are non-consumptive.

Specifically, we refer to the use of water for hydropower generation. This application diverts water from a portion of a stream and returns the same amount and quality of water to a location downstream of the generation facility. The amount of flow that is legally required to remain in the stream within the diversion reach is the specified instream flow requirement (IFR).

Assuming that the IFR is being met, as required, implementing a price increase for the non-consumptive use of the water will yield no benefit to the management or use of the resource. As the water use is non-consumptive, there is no opportunity to conserve water use. Such a price increase will only have the result of creating a disincentive to the production of renewable, sustainable electricity.

Regards,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 1:42 PM

To: Living Water Smart ENV:EX

Subject: proposed Water Act changes Sec. 5.1

As a licensed water user I would like to forward the following comment on the proposed Water Act change:

Section 5.1 of the policy proposal suggests increases in water pricing to encourage conservation. This economic measure should not be applied to all water licenses, especially not to those uses which are non-consumptive such as the use of water for hydropower generation. This application diverts water from a portion of a stream and returns the same amount and quality of water to a location downstream of the generation facility.

Implementing a price increase for the non-consumptive use of the water will yield no benefit to the management or use of the resource. As the water use is non-consumptive, there is no opportunity to conserve water use. Such a price increase will only have the result of creating a disincentive to the production of renewable, sustainable electricity.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 2:38 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Proposed changes in the BC Water Act

To Whom it may concern:

Increasing water license fees across the board to promote the conservation of water in BC makes little sense when it applies to Small ROR hydro Power developments such as Canoe Creek Hydro owned by the Tla-o-qui-aht First Nation. 100% of the water that is diverted through our power plant is returned to creek unchanged. ROR power projects don't consume water so increasing fees to encourage conservation will place an additional burden upon our's and other First Nation small hydro projects.

We strongly encourage the Province of BC to exempt ROR Hydro projects that produce electricity for BC consumers from such a increase. We will be working with other First Nations who are currently using and not consuming water to produce electricity or who are developing investments in ROR projects to make their voices known to the government on this issue.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 4:50 PM

To: Living Water Smart ENV:EX

Subject: RE: Proposed Water Sustainability Act

Hello Living Water Smart Team

I didn't read anything in your proposal as suggesting that water would be privatized, but rather that you were considering various tools, including economic incentives and tradable water licences. Thanks for your note, and for your continued work.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 5:22 PM

To: ***PERSONAL IDENTIFIERS REMOVED***

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Comments on WSA

I attach some comments on the WSA proposal as promised. I have concentrated on provincial objectives, criteria for categorizing watersheds into problem and chronic problem area—I prefer an ecological classification—and governance.

I am not up to date with the work that MNRO is undertaking on the rules governing the single land and water decision maker. The comments that I have attached are my thoughts that I have shared with ***PERSONAL IDENTIFIERS REMOVED*** and his team when I met with them before Christmas.

I would be pleased to discuss this note further with you if appropriate.

PERSONAL IDENTIFIERS REMOVED

Comments on Water Sustainability Act

PERSONAL IDENTIFIERS REMOVED

February 2, 2011

Introduction

The Ministry is to be congratulated on the care and thought placed in the current policy framework for the WSA. I feel that it is headed in the right direction. The following comments are provided to clarify and hopefully lead to improvements in the Act.

Top Tier issues

I have a number of main points and a few additional points that will be discussed later in this note.

Provincial Water Objectives

PWOs are defined as ‘government objectives which must be considered by decision makers in decisions affecting land and water.’ Healthy watersheds require area based decisions that integrate both land and water values, not water values alone. The documents imply that objectives will be applied to water quality and quantity. This is too restrictive. They must be applied to all land and water decisions that affect the functionality of watershed. Otherwise the ‘sustainability’ moniker in the title is not being applied.

For example, an application for a water license (ground or surface water) to support urban use in a watershed may meet the threshold for water supply but fail to maintain riparian values. As a result that watershed may lose some functionality but still meet a water objective. The land use decision for the subdivision must be integrated with the water decision for the same subdivision. This is the benefit of a single ‘land and water decision maker.’

The WSA is essentially an act dealing with water rights and allocation. In this context I understand that the provincial objectives associated with this Act might be more limited to water allocation. But there must be a parallel set of provincial objectives associated with other acts that deal with overall watershed health. I believe that the MNRO decision makers should have an overall requirement to ‘manage and conserve’ Crown resources. WSA would apply this principle to water rights and allocation; other acts—Forest and Range Practices; Land Act etc need also to be aligned with the concept of provincial objectives so that the single land and water decision maker has a consistent set of rules to make decisions that integrate ecological, economic and social values.

POLIS and others have recommended that the public trust doctrine principles be included in WSA. In my mind well constructed provincial objectives for water allocation use and quality could provide a framework for ensuring public interests are maintained before new allocation decisions are made.

Recommendation: Establishment of water objectives should be linked to Section 93(1-3) of the Land Act (not currently proclaimed) so that government objectives apply to all Crown Land and Crown Resources, including water. These objectives should apply to all provincial statutes and not only the Forest and Range Practices Act as is currently the case under Section 93.4 of the Land Act.

Thresholds for Establishing Watershed Categories

From a risk management perspective, it is appropriate for government to rank watersheds into those that require minimal intervention and those that require remediation in order to regain functionality. There is little information on how the thresholds will be determined other than frequency of dry years. Thresholds should be applied for key indicators of healthy watersheds with could include frequency of flooding, water quality, frequency of droughts, integrity of riparian systems, soil stability etc. Some of these thresholds are included on the Forest and Range Practices regulations as default measures. If the Act is to contribute to sustainability the thresholds should include ecological, social and economic indicators.

In view of a changing climate, it is likely that conditions in watersheds will change over time, some watershed that currently have water surpluses may be facing increasing drought conditions in a drying climate. Similarly, more frequent and intense rain events will increase the likelihood of flooding especially if the riparian areas are poorly managed resulting in increased runoff conditions. Consequently there should be a buffer in establishing the thresholds to accommodate adaptation to a changing climate. I understand that climate adaptation is a policy lens that must be considered in drafting legislation.

If WSA is to have a sustainability focus, the categories of watershed should be considered in ecological terms rather in accordance with level of problems (problem watershed; chronic problem watersheds).The thresholds should cover three categories of watersheds using ecological terms:

- Properly functioning condition
- Functioning at risk
- Non functional condition

As in the discussion paper, for watersheds in **proper functioning condition**, the provincial objectives would apply as a framework to guide all land and water decisions and both land and water decisions could be made so long as the objectives were met. There would be no need for planning or for special remedial measures; FITFIR would also apply generally, though I feel that all new licences should have provisions for establishing priorities in times of drought (see later comments). All new ground and surface water licences would be subject to efficiency requirements set out in the provincial objectives.

In watersheds **functioning at risk**, voluntary measures could be taken to mitigate against dry spells or flooding; there may be ways to regenerate ecological values so that intense rain events were managed as in **low impact development rules** as contemplated in integrated storm water management guidelines. FITFIR rules should be modified so that proportionality is given to ensure that provincial objectives are met in times of water stress. All small licenses less than 1 l gals a minute would be granted statutory rights; larger licences would be refused if they interfere with ecological thresholds. There could be reallocation of existing licenced rights by using efficiency measures to enable some additional licencing of reallocated water provided the suite of provincial objectives is met.

In watersheds in **non-functional condition**, there should be a moratorium on any new licences – surface or ground-- until an allocation of a sustainability plan is completed. Such plans should seek to restore a measure of functionality though explicit measures to encourage efficiency and to regenerate ecological values on both the land and water systems in the watershed. Any water license should be granted according to provincial priorities—see below. The plan should enable the minister to rescind some conditions in existing licenses either through voluntary action or regulation. I recall there were provisions drafted in the Fish Protection Act but not proclaimed that enabled this approach in designated fish streams.

Sustainability plans. This is a new concept and requires some thought on scope and responsibility of preparing such plans. I believe that some pilot work should be undertaken on a few watersheds to test out concepts before the regulations for establishing these plans are finalized. Some of the questions on preparing such plans are:

- Criteria for designating watershed that require such plans. These criteria should relate non -functioning watersheds and those where there is a high risk to valued ecosystems but also a need to sustain economic opportunity.

- A common framework for preparing plans so that there is a consistent approach to their development, outcomes and contribution to provincial objectives.
- Collaboration criteria to ensure engagement of effected parties in plan preparation. Recent experience in SRMPs might assist here.
- Resourcing these plans. There will be significant resources required to prepare plans and engage in full consultation with FNs and non FNs interests. In practical terms there will only be a few plans prepared so their priorities must be carefully selected.

Governance and Accountability

The Work Book raises a number of questions on governance. Here are my suggested responses:

Who makes decisions: Decisions in **functioning watersheds** could be made by a delegated authority so long as there is an accountability mechanism to ensure that the provincial objectives are met.

Decisions in **non functioning** watersheds should be made by the minister especially where a sustainability plan requires a reallocation of existing rights to regain provincial objectives.

Generally decisions in watersheds **functioning at risk** could be made by a delegated authority so long as there is ministerial oversight to ensure that appropriate mitigation measure are taken to restore watershed functionality.

There are two policy options to be considered regarding decision making in watersheds. In accordance with the requirement for integrated decision making to maintain healthy watersheds, I understand that the MNRO decision makers would normally be responsible for making decisions both under the WSA and also other provincial statutes. One option is to delegate to a watershed authority only water allocation decisions under WSA but ensure that the MNRO decision maker work in concert with that authority so that all decisions are made in accordance with MNRO policy. The other option is to delegate to an authority all land and water decisions required to retain watershed functionality.

The Province is moving to a single decision maker with an integrated set of rules governing all decisions on land and water so that ecological integrity and associated provincial objectives are maintained. It would not be appropriate to delegate partial decision making powers to a local authority as a totally separate entity. This policy would restrict delegation of decision making to very few authorities with appropriate resources and capacity; in most cases delegation could be limited to specific functions such as planning, monitoring, but not decision making.

Who completes plans, guidelines etc.: The plans should be approved by the minister with input from a delegated authority. Plans could be drafted by an authority but not approved by that authority—see section above on planning guidelines.

How are decisions resourced: Delegation can only be contemplated for authorities with adequate resources to plan and administer decisions. This means that the delegated authority should have the powers to retain water related fees and /or raise property taxes.

How would delegation occur: The minister should have powers of delegation but also an accountability mechanism so that he/she can pull back these powers if the authority does not meet provincial objectives and standards.

What is the accountability mechanism: There should be an oversight Board such as an expanded role of the current Forest and Range Practices Board to undertake audits of the main provision of the WSA and especially to monitor and audit the work of delegated authorities. The FSRB has played a most useful role not only in auditing forest companies but also undertaking special audits of functions such as land use planning and area based decision making.

Second Tier Issues

Setting Priorities: The current draft is not clear for establishing priority uses for either new licences or for reallocating existing licences. For new licences where water is short, priorities should be consistent with provincial objectives. Though not explicitly stated it appears that instream flows would be given top priority followed by municipal use and agricultural reserves. The Act should set priority of use within FITFIR rules so that provincial priorities can be retained in times of water stress.

If water is reallocated from application of efficiency measures of pricing mechanisms, again this water should be allocated to new applications in accordance with provincial objectives. The current act applies priorities only to licences issued on the same date; this policy should be changed under the new act.

Monitoring: Generally, the papers require uses to monitor use. However, there are times when the public interest requires additional monitoring. This monitoring should be undertaken by the government or the delegated authority. A WSP will require a better fabric of monitoring than is currently the case if provincial objectives are to be audited and sustainability principles to be met.

Government Resourcing: The WSP will require both additional staff and financial resources compared to current budgets. There will have to be a higher level of government intervention in non-functioning watersheds and additional monitoring and oversight than is now the case. There additional resources will have to be obtained either from a re-allocation of existing budgets or through increases in fees attributed to the ministry. The legislation will have to be phased incrementally to manage the budget requirements so that it may take a number of years before the full array of its provisions will be in force. However, the Cabinet Submission should clearly indicate that over time there will have to be a significant increment of resources to implement a true WSA.

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, February 2, 2011 10:45 PM

To: Living Water Smart ENV:EX

Subject: WSA

I think the fact that it is proposed to start keeping some sort of registry of users of surface and ground water is a big step forward.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, February 3, 2011 10:20 AM

To: Living Water Smart ENV:EX

Subject: RE: Water Act Modernization

Dear LWS Administrator:

After perusing the many and varied feedback presented on the LWS website with respect to the proposed WAM we can only conclude the process should be put on hold and stock taken of the entire proceedings. There were plenty of radical comments posted by what we can only conclude are radical environmentalists who clearly hate industry and specifically our resource industries.

But our concern is the real motive behind any changes to our current Water Act that our government seeks to impose. There are far too many grey areas that keep coming to mind and front and center is the subject of Climate Change. The mention of Climate Change has been the big stick, as far as we can tell, used too often by our current premier to save the Environment.

That is not to say climate change is not real, just that we refuse to accept the anthropogenic cause as the sole cause in climate irregularities. The Sun is our sole source of life. Even the core of our planet holds mysteries we only partially understand such as the magnetic flux that impact nature on earth's surface.

Having said this the real demand on our water systems in various regions of the province has more to do with lack of long term planning with respect to burgeoning housing development particularly in semi-arid regions which encompasses much of our southern interior.

Suddenly water is depleting, at least at certain times of the year, in these areas of rapid growth and therefore we have an urgent need to modernize our water act according to our provincial government. Well we don't buy that. What needs to be done is better planning by those proposing the development and that is where changes have to be done in order to regulate how this is accomplished and mitigate those areas that are already under pressure, not a wholesale Water Act overhaul.

The proposed changes to the Water Act now in play will be just another bureaucratic set of regulations by which our present or any future government can legally tax and control the citizens with impunity. And we are not accepting so-called first nations support as they themselves are involved in some major development on their reserve lands. As an example, the Westbank land in Kelowna; the Kamloops Indian band; the Osoyoos Indian band. As Canadians, and one of us being a multi-generation BC Canadian, we use and have had no issues with our domestic or irrigation well-water. We say go cautiously before modernizing anything.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Friday, February 4, 2011 1:20 PM

To: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Water Act.

'Good afternoon,

In your work on the new B.C. Water Act, make damn sure that it does NOT include a water market. Water is essential to all life and we need to make clean drinking water a priority, including protecting the environment, then agriculture, and everything else after that.

PERSONAL IDENTIFIERS REMOVED

Sent: ***PERSONAL IDENTIFIERS REMOVED***

Friday, February 4, 2011 2:34 PM

To: Graeme, Ian ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Water Market

The "Modernization of the BC Water Act" is an alarming first step toward privatization of BC water, in spite of government protests to the contrary. Once market and purchasing forces take over allocation priorities, the ever-more slippery slope to BC citizens water rights will be eroded. BC water belongs to the citizens of BC, not to licence-holding corporations always eager to sell off commodities to the highest bidder.

Government is elected to look after the welfare of citizens, and has a fiduciary obligation to look after the social, environmental, and economic needs of each and every citizen - not the wants of corporations. I wholeheartedly oppose the introduction of a Water market in the BC Water Act.

PERSONAL IDENTIFIERS REMOVED

From: From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Friday, February 04, 2011 09:56 PM

To: Graeme, Ian ENV:EX

Subject: water rights

PERSONAL IDENTIFIERS REMOVED

February 04, 2011

Ian,

We wish to register a strong opposition to the privatization of water rights. You can not be unaware that this could result in serious problems. For example there are lakes and rivers in areas claimed by various indigenous Canadians. Have they been considered or even consulted? There are already serious concerns about the pollution in some areas of these same water sources. In this case they should also be the concern of the Canadian Government.

Canadians are not unaware of the drive of the extreme right wing to take Canada on the path to open corporate governance. Pushed too far the social tectonic plates will start to move. We are presently witnessing smaller eruptions In the Mediterranean area and the Middle East. They begin when people simply come to the conclusion that they can not live this way any longer. The minor movement has been going on at a faster pace in this 21st century. Like the minor 200 or so quakes in the west coast of BC they can result in a big one, as predicted here.

The time has come to recognize that all natural resources including water are the right of Canadian's heritage.

We reserve the right to Cc.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 5, 2011 5:47 AM

To: Living Water Smart ENV:EX

Subject: Submission on Policy Proposal Paper

Ministry of Environment,

Please accept this as a response to the Policy Proposal Paper.

There are a number of policy directions which I see as positive, these include:

1. Protect stream health and aquatic environments
2. Consider water in land-use decisions
3. Regulate groundwater use

Policy approaches that concern me and that I DO NOT AGREE with are:

-Regulating by priority date if efficiency and conservation measures are not sufficient. If efficiency and conservation measures are not sufficient through regulation by proportional reductions then you should be used HIERARCHY OF USES. This was expressed by almost EVERY ENGO in their submissions reflecting on the Discussion Paper. NO priority date- the FITFIR system is outdated!

-The economic instrument: Tradable Permits, ie water markets. Please, NO WATER MARKETS! There needs to be better research on the effects of such markets on critical uses such as agriculture. Industry has more money and would drive the price up- this is a form of water privatization. Please NO WATER MARKETS!

Thank you for permitting a second public feedback period. I do hope you will listen to the feedback received.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

BC Resident

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 05, 2011 09:20 AM

To: Graeme, Ian ENV:EX

Subject: Stop Water Market

Stop the Introduction of a Water Market in the BC Water Act!

Dear Mr. Graeme,

I oppose the proposal to introduce water markets ("tradable permits") into the Modernization of the BC Water Act. I am concerned that BC's water will be sold to the highest bidder, as the proposal (if enacted) would remove regulatory control over the allocation of water and instead allow for allocation priorities to be determined by the open market. Corporate powers would have the purchasing power to determine these priorities, potentially over local governments who currently provide and care for the social and environmental needs of our communities.

As I understand it, the proposal would allow for water users who currently hold licenses to sell them to the highest bidder on an open market. Whoever purchases the license may be able to change what the water is allocated for. This could set up a situation where, for example, water currently being used in agriculture could end up being used in a hydraulic fracturing operation instead. The proposal suggests creating a deregulated market for BC's water, which I believe is dangerous indeed.

Please respond to my letter, and keep me informed of your work on this matter.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 05, 2011 12:43 PM

To: Graeme, Ian ENV:EX

Subject: Proposed new Water Act

Dear Mr. Graeme:

It appears that you people really don't want to get re-elected. This is **our** water, as in all citizens, not just corporations and politicians. But then maybe corporations just don't want us buying their products. If you proceed with this "gift" to your friends (and how much will they contribute to your campaign fund???), just remember politicians and corporations need us a whole lot more than we need you. I suppose that's what you'd like to change but we will always find a way around trash like you politicians and your low-life buddies.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 05, 2011 12:50 AM

To: Graeme, Ian ENV:EX

Subject: water

Please register my family as being totally opposed to the privatization of water in any way.

BC's water belongs to the citizens of BC, not to any corporation, company, individual, society, etc.

Looking forward to an election,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 05, 2011 05:28 PM

To: Graeme, Ian ENV:EX

Subject: Water privatisation

Dear Mr. Graeme,

The implications of the BC government's proposed water policy framework are very serious. This would essentially remove regulatory control over the allocation of water and instead allow for allocation priorities to be determined a market and purchasing power. Communities and various levels of government would be prevented from prioritizing social and environmental needs over corporate interests.

The proposal would allow for water users who currently hold a licences to sell it to the highest bidder on an open market. Whoever purchases the licence may be able to change what the water is used for, potentially setting up a situation where water currently being used in agriculture winds up being used in a hydraulic fracturing operation. Worse yet, the proposal talks about creating "a more flexible system ... by reducing the government decision making burden and streamlining requirements." In other words, creating a deregulated market for BC's water.

The Technical Background Report released by the province reinforces the need for residents of BC to be alarmed. The report suggests that a water market "has the potential to reduce the role of regulators in reallocations" and "may even create incentives for further withdrawals in overburdened systems." The report also acknowledges that the use of economic instruments such as water markets "requires careful attention to such concerns as restrictions under free trade agreements and social equity considerations." However, no information is provided as to how trade agreements such as NAFTA and the Canada-EU comprehensive economic trade agreement (CETA) currently being negotiated would impact water allocation on a deregulated market in BC.

Please know that we know that water is in danger of being privatised, we are not fooled.

Thank you.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, February 10, 2011 10:17 AM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

While this statute is still in committee I would like to comment on it as follows:-

The Canada Constitution Act in so many words rules that our natural resources belong to the Provinces. I take this to mean the people of the Province, not the government. The job of the Government is to hold them in trust for us, and to administer their use - hopefully wisely, although in the past there has been considerable lack of wisdom where natural resources have been allocated to private interests.

Water, however, is more than just a natural resource. It is a life-giving commodity which carries a universal right of access to its use. The present Water Act regulates the use of water impartially - the only way - it is ethical, and its basic provisions must not be tampered with.

Private interests must have no say whatever in the allocation of water rights, and if the new Water Sustainability Act opens the door to privatization in any form, that part of the Act must be vetoed. Any such allocations would have to be by referendum - no lesser way.

PERSONAL IDENTIFIERS REMOVED

Feb 10/2011

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Thursday, February 10, 2011 8:15 PM

To: Graeme, Ian ENV:EX

Subject: not interested in a water market

Stop this kind of action immediately. Economics should NOT have priority over human and ecological rights.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Friday, February 11, 2011 8:58 AM

To: Living Water Smart ENV:EX

Subject: water act modernization: B&B and small cottages

To whom it may concern,

I would like to point out that the threshold of 2 "points of entry" to be included under the Water Act is very onerous and anti-business for small B&B seasonal operators.

For instance, in the case of a single well serving a couple of lots, quite common where water is scarce or expensive to drill on the West Coast of BC:

1- A B&B with 5 or 6 bedrooms doesn't fall under the act as it is considered a single family dwelling with a single point of entry.

2- Another B&B with 5 or 6 small cottages falls under the act with weekly water analysis to be transported and other constraints while the operator who lives on the property is the first line of protection in the event of water contamination, no different than a single dwelling with a B&B: Basically unfair.

3- Most of the danger of contamination comes from farming area in low lying wells: on the rocky West Coast of BC, wells are drilled sometimes 600 feet into the bedrock on land completely unsuitable for livestock etc.

I propose to exempt from the Water Act:

1- Shared wells (non-financial operation where service or water is not sold) serving less than 3 lots or with less than 6 hook ups, (except for surface water and shallow dug wells)

2- Consider a B&B with less than 5 one bedroom cottages as one hook up (or one point of entry).

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, February 12, 2011 9:46 AM

To: Graeme, Ian ENV:EX

Subject: Water Market introduction into the new Water Act

I have recently become aware of the new Water Act to come into place in 2012.

My biggest concern is that there will be no prioritization of the allocation of water. I am a passionate Canadian and am tired of seeing our resources sold out of country, often at lesser prices than we would pay and want to express my concerns that there should be a "Canadians for Canadians" priority in the Act. There are Canadians without clean drinking water. There are and will be in the coming years, shortages of clean drinking water and water issues.

Yes, Canada is a vast country. Yes, we have many resources that other countries do not have. However, Canadians should come first with our resources; Canadians should get the best deal on our resources, including the cost of water first and our water resources should be protected from foreign policies, such as free trade.

I sincerely hope that you take my opinion into account when reviewing British Columbian's concerns in this matter.

Thank you for your time,

PERSONAL IDENTIFIERS REMOVED

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, February 13, 2011 9:50 AM

To: Graeme, Ian ENV:EX

Subject: what is true about the Water Act?

Dear Ian Graeme,

The response to my concerns about the new government action on water... said "no privatization" . But apparently this is yet another misrepresentation by the government to what you/the government is actually doing.

I am very concerned about the proposed new Act. I do not trust the government to act in the best interests of citizens. I am opposed the Modernization of the BC Water Act

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, February 13, 2011 1:33 PM

To: Living Water Smart ENV:EX

Subject: public comments on Water "Smart"

Public Comments on Living Water "Smart"

Given the need to acquire and maintain the necessities of life, I am unable to become an expert in the various aspects and components of British Columbia water use, appropriation, law, policy and so on, as well as on every other topic of which a responsible citizen needs to be aware. If I were such an expert, I would have to write a doctoral thesis on the many concerns I have regarding human control, manipulation or 'ownership' of water. At present, considering the complexities of modern bureaucratic establishments and procedures, my layman's position can easily be countered, refuted, and dismissed by any of the many well-paid 'experts' and corporate sycophants with their more in-depth understanding of the rule-making system, or their assumed 'knowledge' of the particulars and peculiarities of water. I anticipate, as experience has shown, to be assured that my fears and concerns are unfounded and that "everything will be okay, we know what we're doing". As such, I expect my comments to be considered too 'general' in nature to carry any significant bearing on your process.

Nonetheless, in the spirit of participation in the phantom dregs of a democratic society, and on behalf of the generations of the future, I will say, for the record, that I am opposed to any law, policy, or practice which further reduces or alters any free access, activities, quality, abundance, use, or natural state and function of that mysterious (possibly sentient) and fully unknowable substance we call 'water', to any of the natural processes and beings inherent to it, including, but not limited to all aspects, known and unknown, of the hydrological cycle, being floods, clouds, storms, aquifers, watersheds, rivers, streams, ponds, swamps, wetlands, lakes, snow banks, glaciers, oceans and other collections, evaporations, precipitations, phase changes and so on; as well as to its uses by and presence in, natural substances and creatures, again both known and unknown, being soil, rocks, plants, living organisms, including fish and other marine life forms, birds and all other animals, including humans.

We have done enough damage with the alterations and manipulation already made to 'water' and its many functions and processes as of the present time. Just take a look at the high percentage of the earth's water which has been rendered undrinkable by human activities, or at the extremely quick human depletion of enormous aquifers, or at all the worldwide environmental destruction of watersheds, habitat, and dependent species, as well as the ongoing desertification of vast amounts of formerly arable land. The urge to increase human control over water, be it private, corporate or governmental, to the detriment of its natural state and condition, is based - if not on greed alone - on the anthropocentric assumption that humans have the capacity to understand all the subtle intricacies and roles of water and are therefor somehow capable of determining and guiding its future.

History shows us that this is not the case, and that in fact, such manipulation of water is usually based on short-term human gain, which often ends in disaster for one or more of the natural processes/entities which are interdependent upon it. My position then is to urge 'smart' restraint from any further control and manipulation of water, and rather to put your energy (and our money) into beginning to repair some of the damage already inflicted upon water, *while urgently and sincerely increasing protection of its quality and habitat.*

Thank you for the opportunity to participate in your process.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, February 13, 2011 4:53 PM

To: Graeme, Ian ENV:EX

Subject: livingwatersmart

Hello livingwatersmart persons,

First let me commend you for the effort to encourage public input.

Reading the summary "new Water Sustainability Act" and comparing this with blog comments, what most strikes me is the disconnect when your "What we heard" comments seem to take no account of the many and strong blog comments raising concern for privatization. Even if the WSA is not intended to open water to privatization, I feel your "we heard" should much more strongly reflect the strong feeling of British Columbians against privatization.

Especially I myself am concerned that tradable permits (5.1) are de facto a pathway to privatization. Quite apart for water exports (which could be prohibited), it seems to me that tradable permits can become a vehicle whereby water allocation in BC will be decided in multinational corporate boardrooms focussed on profit without regard to social justice or environmental well-being for British Columbians.

I hope you proceed with an updated act to better protect and conserve BC water. I hope you will remove present considerations of tradable permits. I think economic instruments are so important (and dangerous) that they should receive separate, focussed, thoughtful discussion in their own right, and that we strongly incorporate the clear sense of British Columbians that privatization must never be allowed.

Thank you for allowing this comment.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, February 13, 2011 5:37 PM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Fwd: Water Act Modernization

Dear Sir or Madam

I was lucky to attend the Water Modernization Workshop in Nanaimo, last year to discuss the proposed changes with others. Many attendees believed the workshop recommendations the brought forward would help to better manage this public water resource. However, I am very concerned that government is considering modernizing the Water Act to allow water privatization and deregulation of water rights.

Water is essential to life and has been recognized as a basic human right by the United Nations. Any water allocation system must include the equitable distribution of water rights, starting with basic human needs as top priority. These needs include basic needs of consumption, food preparation and sanitation. It does not include lawn and garden watering, golf courses, parks and industrial uses. If the law does not prioritize water use for basic human water needs it will leave many small communities at risk.

Water is a right, not a commodity. It is not to be sold to the highest bidder. Water should not be exported or removed from a watershed area. Let's consider water as necessary for all forms of life, which is no different than air we breathe.

Agricultural water and essential domestic use should come before many uses to build a local sustainable economy. Local food growing must be higher priority than using to make pretty gardens and green lawns.

Exporting bulk and bottled water need to be stopped. First-in-time first-in-right need to be reassessed, on a continuing basis with public input, especially where shortages are possible. The precautionary principle is needed in the allocation of water. Eventually there will be not enough clean water to meet the demand. A complete review of 44,000 active water licences in BC don't have expiry dates, and almost a free right to use water with no review process. This practice needs to be based on priority use, that is subject to review.

As the Crown is the owner of the water, it has the ability to grant private rights of use subject to any conditions or terms it deems to be in public interest. The new act is not making water sustainable if it fails to protect the public interest in the granting of water licences.

Governance must include a Ministry of Water as well as some local government control. Public participation is essential. Water management must include monitoring of surface and ground levels and usage. Water allocation decisions should be transparent, accessible, open to public input, and subject to periodic review. However, water must be a public resource owned by the Crown and managed by the government on behalf of the residents. Water allocation systems do not grant ownership in water but rather only the right to use water for specified purposes. These details are missing even though they were strongly agreed to in the workshop.

In conclusion, water is a right, not a commodity. Water should not be exported or removed from a watershed area. Water is public resource which needs to be owned the Crown and managed by the government on behalf of its residents to make it a sustainable resource.

I hope that the above issues can be carefully considered in the rewriting the new water act.

Yours sincerely

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, February 14, 2011 11:52 AM

To: Living Water Smart ENV:EX

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: FW: Water Act comments

I am chair of the Taghill Water Users Community and we are a small water system (18 Domestic Licensees and a number of Irrigation Lic.) here in the Nelson area. The following are my comments and relate somewhat to some current problems we are having on our system. These problems are perhaps lower down in scale than the overview intent of the new Water Act but are nonetheless relevant and should be accounted for.

1) Do not issue any new Domestic Lic without first consulting with the current licensed users of that particular water source in order to hear first hand their concerns and issues. After this consultation maximum water licensing limits can be established for each creek and after a further public review process with the users enactment of a reasonable usage limit having due consideration all users of the water including fish, wetlands and riparian areas. That is not to say that further discussion down the road could not result in adjustment but it does set an initial limit requiring further public review prior to any increase in the supply of water for licensing.

2) No new non-domestic Licenses to be issued for surface water. Commercial users can either pay existing users for water or move to ground water or a municipal system. Doing this means less pressure on many water systems and factors water supply costs directly into the cost structure of any new business. Licensing of ground water must of course take into account aquifer depletion and impacts on wet lands, etc.

3) Define the area of land that a 500 gal per day domestic Lic can irrigate. Some lawns are quite large and should owners need more water than that include in their 500 gal per day license then they can apply for an additional domestic water Lic. Summer irrigation of grass and field is the main limiting factor to the water supply in this area.

4) Define when a separate domestic water Lic is required- a) any building with water to it b) any self-contained rental unit (such as a basement suite) c) having more than 2 non family members as boarders. All the preceding should require their separate domestic water Lic. Those renting part of their property should include the cost of supplying additional water in their rental charge.

5) Drop the existing year of acquisition as a priority factor. Doing this means the extinguishing of an existing right many have and in order to be reasonable there must be assurances that their rights have been compensated. My proposal does this through establishment of other safe guards which protect the availability of water to those who came earlier, in particular point, #1,2 and 3.

6) New priorities for water in a creek then become i) domestic ii) irrigation iii) the rest. This provides the agreement that water for life is paramount but also reflects the needs of those with large gardens, fruit trees, and fields and will likely meet the needs of the earlier water Licensees. There is inherent in this system the right to water and accepts the tenants that there is generally sufficient water if used only for domestic use and that no new non domestic licenses are issued unless there is agreement about a surplus and that additional domestic licenses are issued only once users have been satisfied there is sufficient water above the need of current Licensees..

7) It should be an offense to take Crown water without a Lic. There are currently many people doing this.

8) In my opinion that contravening items #3,4 and 7 should be offenses with the following penalties- first time- warning, second time warning or fine, third time fine of \$500 in first year \$1000 in second year \$2000 third year and finally \$5000.00 for the fourth time and all succeeding years.

Implementation of the above in any new legislation will help to level the playing field and in a number of years bring about a more uniform use and agreement re water usage. The MoE may wish to take a more active role in identifying peoples' water supply to ensure the Crown is getting its fair share and MoH can look after the quality of everyone's delivered household water after some time has passed and work towards treating all equally.

Yours sincerely

PERSONAL IDENTIFIERS REMOVED

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Sunday, February 13, 2011 4:29 PM

To: Graeme, Ian ENV:EX

Subject: NO publicly traded water rights in Water Act modernization

Hello

I hope you're well & in good health. I write to express my absolute objection to the proposed "Water Act Modernization"'s contingency for privately held & publicly traded water rights. Water must be held in the public trust - now and forever. Once it enters onto the market, it will no longer be the province's, and the people and government of BC will forfeit future control and administration of it most invaluable resource, second only to air.

This act must be modernized with clear language that keeps water in the public trust, acknowledges it as a basic human right and puts corporate interests behind public safety and health.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Monday, February 14, 2011 9:19 AM

To: ***PERSONAL IDENTIFIERS REMOVED***

Cc: ***PERSONAL IDENTIFIERS REMOVED***

Subject: Water Act comments

Hello from the Kootenays! I imagine that given your position you will play a significant role in the creation of new legislation drafts concerning water rights under the proposed revamped act so I am sending you my comments for consideration. Please ensure they are brought to the attention of the powers that be.

As you know I am chair of the Taghill Water Users Community and we are a small water system (18 Domestic Licensees and a number of Irrigation Lic.) here in the Nelson area. The following are my comments and relate somewhat to some current problems we are having on our system. These problems are perhaps lower down in scale than the overview intent of the new Water Act but are nonetheless relevant and should be accounted for.

1) Do not issue any new Domestic Lic without first consulting with the current licensed users of that particular water source in order to hear first hand their concerns and issues. After this consultation maximum water licensing limits can be established for each creek and after a further public review process with the users enactment of a reasonable usage limit having due consideration all users of the water including fish, wetlands and riparian areas. That is not to say that further discussion down the road could not result in adjustment but it does set an initial limit requiring further public review prior to any increase in the supply of water for licensing.

2) No new non-domestic Licenses to be issued for surface water. Commercial users can either pay existing users for water or move to ground water or a municipal system. Doing this means less pressure on many water systems and factors water supply costs directly into the cost structure of any new business. Licensing of ground water must of course take into account aquifer depletion and impacts on wet lands, etc.

3) Define the area of land that a 500 gal per day domestic Lic can irrigate. Some lawns are quite large and should owners need more water than that include in their 500 gal per day license then they can apply for an additional domestic water Lic. Summer irrigation of grass and field is the main limiting factor to the water supply in this area.

4) Define when a separate domestic water Lic is required- a) any building with water to it b) any self-contained rental unit (such as a basement suite) c) having more than 2 non family members as boarders. All the preceding should require their separate domestic water Lic. Those renting part of their property should include the cost of supplying additional water in their rental charge.

5) Drop the existing year of acquisition as a priority factor. Doing this means the extinguishing of an existing right many have and in order to be reasonable there must be assurances that their rights have been compensated. My proposal does this through establishment of other safe guards which protect the availability of water to those who came earlier, in particular point, #1,2 and 3.

6) New priorities for water in a creek then become i) domestic ii) irrigation iii) the rest. This provides the agreement that water for life is paramount but also reflects the needs of those with large gardens, fruit trees, and fields and will likely meet the needs of the earlier water Licensees. There is inherent in this system the right to water and accepts the tenants that there is generally sufficient water if used only for domestic use and that no new non domestic licenses are issued unless there is agreement about a

surplus and that additional domestic licenses are issued only once users have been satisfied there is sufficient water above the need of current Licensees..

7) It should be an offense to take Crown water without a Lic. There are currently many people doing this.

8) In my opinion that contravening items #3,4 and 7 should be offenses with the following penalties- first time- warning, second time warning or fine, third time fine of \$500 in first year \$1000 in second year \$2000 third year and finally \$5000.00 for the fourth time and all succeeding years.

Implementation of the above in any new legislation will help to level the playing field and in a number of years bring about a more uniform use and agreement re water usage. The MoE may wish to take a more active role in identifying peoples' water supply to ensure the Crown is getting its fair share and MoH can look after the quality of everyone's delivered household water after some time has passed and work towards treating all equally.

Yours sincerely

PERSONAL IDENTIFIERS REMOVED