

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: March-09-11 2:51 PM

To: Cantelon.MLA, Ron

Cc: premier-gov.bc.ca; Slater.MLA, John

Subject: Water Sustainability act

Dear Ron,

I am strongly opposed to the proposed Water Sustainability Act. It appears that this proposed 'modernization' of the Water Act is being exploited as an opportunity to do two things that are fundamentally against the public interest.

Firstly, by creating water markets that essentially gift a public good (water) to a private corporation or individual and then make it a tradeable commodity, the BC government would be PRIVATIZING WATER and turning it into a commodity that can then be sold to the highest bidder. Since water is essential to life and many users depend on it, there's no justification for gifting ownership of water to a privileged few (such as Independent Power Producers or mining companies) and then making other users pay whatever price the lucky new 'owners' of the water decide to charge. Since water is so essential, there would of course be virtually no limit to what the private 'owners' could charge. This is an affront to any concept of natural justice or democracy. Because of its uniquely essential nature, water has always been and must continue to be a public good that is publicly controlled by the BC government and managed for the benefit of all users and the environment.

Secondly, the proposed Water Sustainability Act would gut strong legal protections for environmental flows (rules that ensure water takings do not compromise the health of the river/stream ecosystem) and replace them with 'guidelines' that merely have to be 'considered' when water is being taken from a river/stream. This is clearly a move to de-regulation that will allow private corporations or individuals to exploit water resources for maximum economic benefit while ignoring the health of the ecosystem. How can this possibly be sustainable? One can easily imagine a scenario where a bottled water company would have an economic incentive to squeeze as much water out of a stream as possible, with a passing nod to the environmental flow 'guidelines'. To de-regulate a public good like water in such a way is grossly irresponsible.

Because the privatization and de-regulation of water are so clearly against the public interest, I demand that: the BC government immediately drop its water markets concept (including the long term/permanent gifting of water rights to certain corporations/individuals and all measures that would facilitate making water a tradeable commodity); the BC government abandon its plan to downgrade legal protections for environmental flows to 'guidelines'.

The citizens of BC deserve a much better 'modernization' of the Water Act than is being offered in the new Water Sustainability Act. For any Water Sustainability Act to be 'sustainable', it must be re-written (as I've suggested above) in a way that affirms public, democratic control over water and rigorous environmental protections for water that are based on the needs of the eco-system and all water users, not just the narrow interests of a few privileged 'owners'.

I want your assurance that you will assure the cancellation of those components in the Water Sustainability Act

Hoping to hear from you soon,
sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, March 15, 2011 1:23 AM

To: Living Water Smart ENV:EX

Subject: Comments in response to the proposed WSA framework

To Whom it May Concern,

Thank you for opening the discussion/development of this framework (and subsequent legislation) to public commentary/involvement.

I have included my comments in an attached pdf.

Thank you very much for your time and consideration!

Regards,

PERSONAL IDENTIFIERS REMOVED

March 14th, 2011

There is a Haida saying (mirrored in cultures the world over) that *'through water, everything is connected to everything else'*. This amazing fluid truly is the fundamental tie that binds – binds, binds us to the earth, to each other and to all other living species - the quintessential medium of transjurisdictional cooperation; of human myth, metaphor and meaning; and of life for us and everything else on our blue sphere. It is more than simply a 'resource' to be 'managed'. Rights to water are rights to life. The establishment of a framework for living with water...for living water regulation is therefor also the medium through which we can re-vision a more balanced future with this, and all other natural systems.

As natural and man-made disasters (like Japan, and Gulf of Mexico) remind us, the intensifying nature of our current environmental challenges will require an adaptive framework – a living framework – to enable holistic and integrated responses to place-based water governance with the immediacy our complex landscape of climate change and mass urbanization demands.

Research into complex adaptive systems shows that such a framework requires a hybrid structure integrating: institutional hierarchies with lateral networks – or 'meshworks' – of on-the-ground resources (those with local ecological knowledge, and ability to conduct/facilitate real-time monitoring). It requires an integrated collaboration between global, provincial, bioregional and local jurisdictions; and between legislative codes, dynamic information systems (feeding current data into shared water modeling tools), and local interpreters and regulators – as it is the gap between policy makers, legislative implementators, various stakeholders and local constituents that is largely responsible for the current state of misconduct (provincially, nationally and the world over).

While, I am encouraged by certain aspects of the proposed policy framework (i.e. the establishment of an 'area-based approach', and the requirement for Watershed Sustainability Plans) I find the balance of the document and its proposed policy tools disconcerting. (As I am pushing the deadline for comments, I will only briefly address a cross section of my concerns, but, having recently finished a Master's thesis into these, and related areas, I would look forward to discussing these issues further with anyone who might be interested in acting upon them.)

Preliminary Comments/Concerns:

- overall the tone and language of the proposal is too 'watered down', too passive and non-committal, to be effective.
(e.g.)
 - o decision makers are to 'consider' PWO's (instead of **must** or **will**)
 - o 'encouraging' licensees to be subject to 'voluntary' efficiency and conservation measures (these should be **mandatory**, and **implicit**)

- in 'some' areas PWOs 'may' affect where and how land and resources are developed (**where and especially how land is developed MUST be a key factor in all decisions in all areas**)
- concepts like 'tradeable permits' and 'water-banking' (for cancelled agricultural licences or otherwise), are highly problematic. Using market-driven mechanisms to regulate natural systems is overwhelmingly prone to imbalances in 'allocation' – and as rights to water are rights to life (for all species) this is not something that can be relegated to processes designed for profit and commodity-based economic systems.
 [While we can and do accept the water as a speculative unit/condition for real estate - to views, and access for recreation - the same concept simply does not translate to mediums necessary for life. What if the same were applied to the other vital life medium – air. Though we accept 'air rights' as they relate to commodifying space, would we for a moment consider 'allocating' air/rights as they relate to the medium that sustains us – tradeable air permits as rights to pollute/rights to clean air, or 'air banking' (clean air for some in the future, while those without economic means are condemned to highly polluted stocks today...plots fit for a Mel Brooks movie, but not for reality)]
- nice that term 'beneficial use' is being expanded to include 'efficiency', however it is still a hollow definition if it does not meaningfully address the 'who' and the 'how': who is it to be beneficial to (i.e. all constituents – human and non human - or only paying customers); and how is efficiency being measured (i.e. right irrigation flows for specific crop types, or right crop choices and land use designations for irrigation flows sustainable by the capacity of the local hydrological system)
- glad to see understanding of need for an 'area-based approach', however current proposal seems dangerously lean on mechanisms – mechanisms for empowering local jurisdictions, for collaborating with local constituents and for integrating policies and rules with real-time data (locally and as part of larger integrated systems, presently and along much longer timescales)
- requirements for: the development of water resource assessments, strategic water allocation plans and watershed sustainability plans, and instruments for enabling/mandating changes in land use practices a great step, but should not just be requirements within 'chronic problem areas', but for all areas. Architect, systems designer and cutting edge thinker Bill Reed asserts that the **'watershed needs to be viewed as the smallest unit of design'** – for any and all scales of design (as the 'ripple effect' of even insignificant-seeming actions can become paramount in aggregate over time and space within our complex reality). Consequently it should be imperative that this higher level, longer range and dynamically-informed framework be not just for areas where water-related issues are in a state of peril, but for all areas

(as current excess is no excuse for waste, and definitely no assurance against pending perils).

- And lastly, the elephant in the room, the fact that the concept of 'First in Time First in Right' was included in a document in this era (as third party commentary or otherwise). This is frankly an embarrassment, and an egregious flaw that will bar not only support of this legislation, but threatens the faith in the capacity of legislative process and its facilitators. The proposed 'deviation from priority date to priority of use' should not be framed as limited to 'times of scarcity' but rather to be the common-sensical basis for the entire water framework – at all times; as we are already – and likely long will be – in a time of global water 'scarcity' crisis. The use of the term 'scarcity' in the definition of policy directive #4 is inherently problematic in and of itself. In our current ecological state it is a 'global water crisis' we face, with scarcity only one facet of the many challenges we are/will be forced to confront/embrace (while some will suffer from shortages, other areas will be faced with excesses, and in both it comes down to an issue of quality as well as quantity). Both quality and quantity must be understood and addressed simultaneously, as neither all flows nor all 'uses' have the same composition.

I greatly respect the fact that this document is the culmination of a long and complex process, and am encouraged by the fact it is informed by experts and leaders from diverse fields, but though there are good elements, this is simply too important a topic to allow the proposal to be passed in its current state. I understand that ideas and aspirations have likely been corseted in scope/tone/content/capacity by the nature of the legislative process and will ultimately be at the fate of encumbered political structures, but I remain confident that the vision, capacity and strength of will of key advocates will sway the balance in favor of a piece of legislation that can truly create a living framework for our region (and potentially a precedent for regions the world over...as 'through water, everything is connected to everything else')

Thank you for your time.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Tuesday, March 15, 2011 1:54 AM
To: Living Water Smart ENV:EX
Subject: Comments on the Water Sustainability Act proposal

I think that the Water Sustainability Act proposal on the whole, is a step forward in assessing and improving our provincial water management strategies. There are components of the proposal which I highly agree with and others which I believe could be improved upon in several different ways. My analysis in this regard is as follows.

It is important to recognize from an Industry perspective, as the proposal's indicates, that all non-consumptive water uses such as power projects affect streams differently than consumptive uses. I think that the impact of such projects on the environment and the surrounding ecosystem can vary to such high degree and should be treated according. I am thus in agreement that the regulation of these water uses should be evaluated based on licence requirements and specific implications of the project on stream health. This is a proactive approach to supporting resource-based businesses within the province while encouraging an environmental monitoring system that is specific to the project at hand.

It is also important, as recognized by the proposal, to promote those businesses and licensees that seek to reduce their impact on water resources. Incentives which improve and support water use efficiency is an important requirement in promoting more responsible resource-based management. Fee-based measures, infrastructure rebates, and liability and assurance regimes are all encouraging means for businesses and licensees to invest in more innovative technology and infrastructure to improve their dependency and impact on water resources. In contrast however, I do believe that the proposal should incorporate a greater amount of policy aimed at penalizing those who do not comply with current water quality regulations. Coincidentally, more standardized and universal systems should be applied to sectors such as agriculture, in measuring the impact of range practices on water quality and degradation to riparian areas. These will also better serve as a guideline for pastoral companies and other agricultural businesses.

Agricultural Water Reserves are an essential component of maintaining the sustainability and water use efficiency within the agriculture sector, as indicated in the proposal. I do believe it is important however, that potential areas for this type of land-use should be made evident to the public for consultation and review before the designation is enabled. This will reduce the potential for any forthcoming conflicts regarding the use of these areas.

I highly agree with the proposal, in that the establishment of regulations seeking to protect in-stream flow are consequently protecting natural capital for the future. I think it is important that licensees be required to comply with terms and conditions of water licenses that ensure their water activities do not compromise instream flows or cause damage to aquatic environments. This will ultimately prove better for riparian ecosystems and promote corporate responsibility to the environment.

--

PERSONAL IDENTIFIERS REMOVED
Development Technician
PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, March 15, 2011 8:25 AM

To: Living Water Smart ENV:EX

Subject:

Sirs/Madames;

I am currently unable to access the Living Water Smart blog, due to limited internet access. Therefore, I have been unable to follow the progress to date on line. I have been in discussion with informed individuals and groups. To me it's simple:

- the water belongs to the people of British Columbia, we want and need our water protected
- the provincial government is mandated to provide stewardship of water, listen to the people
- commodifying water will not benefit anyone in the end, money is an artificial means of survival
- mapping and protecting water should be the top priority
- getting real with corporate/industrial water abusers is critical (as 90% users of water in B.C. the damage they can cause is monumental)
- agriculture and individuals have priority over industry

If BC is to be a leader in water stewardship, it needs to enshrine the individuals right to water in law, to treat water with the respect it requires as giver and maintainer of life on this planet, and to educate corporations as well as individuals on appropriate conservation measures.

Thank you for taking the time to consider my points.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, March 16, 2011 3:41 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Attn: Living Water Smart,

Thank you for the opportunity to comment on the proposed Water Sustainability Act.

There are some positive initiatives in the proposal, such as regulation of groundwater, improved conservation and efficiency requirements and protection of stream health and aquatic ecosystems.

However, there are some significant gaps and concerns in the policy proposal that must be addressed if we are going to balance competing demands for water, ensure watersheds are healthy, and best serve the public interest through good decision-making and public participation.

Water Allocations: The current water allocation regime, “first-in-time, first-in-right” (FITFIR), is not working, yet the Water Sustainability Act proposal does not tackle the FITFIR regime. Instead, it proposes water licence trading and water markets to deal with allocation that could open the door to the privatization of water, which most British Columbians, including me, do not want to have happen. Instead of moving BC towards water markets, the proposed legislation should consider:

- A watershed based decision making process that allows water users within a basin to determine an equitable allocation in times of drought.
- Government regulation of the ways in which licensees can exercise water entitlement ensuring efficient and sustainable use of resources.

In-Stream Flows: While the policy proposal appears to recognize the need to balance the needs of water for people and water for nature, the proposed in-stream flow measures would only apply to new water users and not to the 44,000 current water licence holders. This is a significant weakness, as is leaving in-stream flow measures as only “guidelines” and not legislated with a robust regulatory framework. Strong regulations for stream flows are our best insurance against further degradation of our natural world and a new water law must have strong, legislated flows to meet the needs for human needs and the environment. A new Water Sustainability Act should:

- Ensure better transparency of hydrological/water licensing data to allow in-stream flow needs to be understood
- Set environmental flow standards
- Develop “precautionary flow numbers” for rivers and streams where incomplete data exists, until more site-specific determinations can be made.

Water Governance: How decisions are made about water will define our future as a province. The new policy proposal attempts to enable a variety of governance approaches, but are vague and lacking in vision. A better system of water governance would recognize that citizen engagement, watershed management groups with multiple sectors represented, and empowered local governments is a better model to decide how we make decisions about water.

I look forward to a strong new law to protect BC’s water, for current and future generations.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, March 16, 2011 4:32 PM

To: Living Water Smart ENV:EX

Subject: Proposed water act

I hope you add my concern, which is in fact opposition, to making water into a tradable commodity. Water, like air, is a common resource. It belongs to everyone and therefore must be under control of the government. Licensing is the appropriate way to allow usage—and the government must be able to revoke licenses. Individuals and/or companies must not be able to trade and charge for water rights as though they owned them.

I am late in commenting; I recognize my lapse. But I am passionate about maintaining control of water resources in the hands of the people, and that means government. Thank you.

PERSONAL IDENTIFIERS REMOVED

From: Rachel ***PERSONAL IDENTIFIERS REMOVED***
Sent: Wednesday, March 16, 2011 9:00 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Dear Minister Coell, Mr. Slater, and the Living Water Smart team:

Thank you for the opportunity to comment on the Policy Proposal for a new B.C. Water Sustainability Act.

As a resident of British Columbia, I am thankful for our water resources and concerned about their long-term protection.

I would like the new legislation to be more rigorous in its protection of water as a publicly-owned resource.

To that aim, I would like the legislation to be drafted so that it unequivocally asserts the public ownership of water.

The legislation needs to be clear that water rights are TEMPORARY, and that water is a PUBLIC resource.

The legislation should include a commitment to conducting assessments of watershed function BEFORE new water use allocations (licences) are given.

It needs to legally establish "minimum" environmental flow standards in each major river or stream system.

It should establish a regulatory system to ensure people don't waste water, to mandate conservation during times of drought, and to prioritize water uses based on societal criteria.

It should establish regulations for groundwater extractions in chronic problem areas.

Once again, I appreciate the opportunity to comment on this policy proposal document.

Thank you for all your efforts on behalf of B.C.'s water.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Saturday, March 19, 2011 2:35 PM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Dear Minister Coell, Mr. Slater, and the Living Water Smart team:

Thank you for the opportunity to comment on the Policy Proposal for a new B.C. Water Sustainability Act.

As a resident of British Columbia, I am thankful for our water resources and concerned about their long-term protection.

I would like the new legislation to be more rigorous in its protection of water as a publicly-owned resource.

To that aim, I would like the legislation to be drafted so that it unequivocally asserts the public ownership of water.

The legislation needs to be clear that water rights are TEMPORARY, and that water is a PUBLIC resource.

The legislation should include a commitment to conducting assessments of watershed function BEFORE new water use allocations (licences) are given.

It needs to legally establish "minimum" environmental flow standards in each major river or stream system.

It should establish a regulatory system to ensure people don't waste water, to mandate conservation during times of drought, and to prioritize water uses based on societal criteria.

It should establish regulations for groundwater extractions in chronic problem areas.

Once again, I appreciate the opportunity to comment on this policy proposal document.

Thank you for all your efforts on behalf of B.C.'s water.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Saturday, March 19, 2011 3:03 PM

To: Lake.MLA, Terry LASS:EX; Living Water Smart ENV:EX

Cc: Sultan.MLA, Ralph LASS:EX; Craig Orr

Subject: Water Act Modernization

I am very impressed with the amount of evident work that has occurred to date re the above, and by the public input sought and received by your Ministry to date.

As a retired lawyer, I bring no particular expertise to the discussion. However, I do appreciate the varying interests of all who have responded.

I have a very great regard for Watershed Watch Salmon Society and Dr. Craig Orr of that organization. I have read the Watershed Watch February, 2011 brief on the Policy Proposal, and it makes a great deal of good sense to me.

I hope that the main points of that brief are incorporated in the pending draft legislation.
Thank you.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***
Sent: Sunday, March 20, 2011 11:54 AM
To: Living Water Smart ENV:EX
Subject: Water Sustainability Act

Dear Minister Coell, Mr. Slater, and the Living Water Smart team:

As a British Columbian, I urge you to ensure that water in BC is a publicly-owned resource. Remember, you are public servants, not corporate servants. The legislation must unequivocally assert public ownership of water, and state that water rights are temporary.

The legislation should include a commitment to assess watershed function before water use licences are given. We need legal minimum flow standards for each major river or stream. The legislation must mandate conservation during times of drought and prioritize water uses based on the best interests of communities.

Thank you.

Sincerely,

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Tuesday, March 22, 2011 12:32 PM

To: Graeme, Ian ENV:EX

Subject: Water Act

Dear Mr. Graeme,

I write on World Water Day to voice my deep concerns about a new provincial Water Act expected to be introduced by the BC Government in 2012. I do not want and do not support the introduction of a water market to allocate water under the new Water Act.

Water is a basic need for humans and for all living creatures. Water is a human right. Water must not become a commodity, available to a few. **I call on the BC government to support an allocation system that provides a hierarchy of water use, placing ecological and human/social needs for water as top priorities.**

Alternatives to protecting and safeguarding Water as a resource are available, and I call the government to transparent exchange with the citizens of BC around these alternatives.

PERSONAL IDENTIFIERS REMOVED

From: ***PERSONAL IDENTIFIERS REMOVED***

Sent: Wednesday, March 30, 2011 4:33 PM

To: Living Water Smart ENV:EX

Subject: Water Sustainability Act

Attn: Living Water Smart,

Thank you for the opportunity to comment on the proposed Water Sustainability Act.

There are some positive initiatives in the proposal, such as regulation of groundwater, improved conservation and efficiency requirements and protection of stream health and aquatic ecosystems.

However, there are some significant gaps and concerns in the policy proposal that must be addressed if we are going to balance competing demands for water, ensure watersheds are healthy, and best serve the public interest through good decision-making and public participation.

Water Allocations: The current water allocation regime, “first-in-time, first-in-right” (FITFIR), is not working, yet the Water Sustainability Act proposal does not tackle the FITFIR regime. Instead, it proposes water licence trading and water markets to deal with allocation that could open the door to the privatization of water, which most British Columbians, including me, do not want to have happen. Instead of moving BC towards water markets, the proposed legislation should consider:

- A watershed based decision making process that allows water users within a basin to determine an equitable allocation in times of drought.
- Government regulation of the ways in which licensees can exercise water entitlement ensuring efficient and sustainable use of resources.

In-Stream Flows: While the policy proposal appears to recognize the need to balance the needs of water for people and water for nature, the proposed in-stream flow measures would only apply to new water users and not to the 44,000 current water licence holders. This is a significant weakness, as is leaving in-stream flow measures as only “guidelines” and not legislated with a robust regulatory framework. Strong regulations for stream flows are our best insurance against further degradation of our natural world and a new water law must have strong, legislated flows to meet the needs for human needs and the environment. A new Water Sustainability Act should:

- Ensure better transparency of hydrological/water licensing data to allow in-stream flow needs to be understood
- Set environmental flow standards
- Develop “precautionary flow numbers” for rivers and streams where incomplete data exists, until more site-specific determinations can be made.

Water Governance: How decisions are made about water will define our future as a province. The new policy proposal attempts to enable a variety of governance approaches, but are vague and lacking in vision. A better system of water governance would recognize that citizen engagement, watershed management groups with multiple sectors represented, and empowered local governments is a better model to decide how we make decisions about water.

I look forward to a strong new law to protect BC’s water, for current and future generations.

Sincerely,

PERSONAL IDENTIFIERS REMOVED