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Subject: Wetland Stewardship Partnership submission to the WAM
Attachments: WSP WAM submission April 29 2010 final.pdf

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**Wetland
Stewardship
Partnership**

www.bcwetlands.ca

Good evening,

Please find attached the Wetland Stewardship Partnership's submission to the BC Water Act Modernization. The WSP appreciates the opportunity to provide comments. Please do not hesitate to contact me if you have any questions.

Sincerely,

Andrea

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Wetland Stewardship Partnership Submission – BC Water Act Modernization April 30th, 2010

Wetland Stewardship Partnership

The Wetland Stewardship Partnership (WSP) is a multi-agency group¹ dedicated to the conservation of wetlands and other sensitive ecosystems. The WSP was recognized in *Living Water Smart* as a key partnership through which discussion, collaboration and consensus building could occur to promote the conservation of wetlands and to maximize watershed health in BC. The partnership is guided by the *Wetland Action Plan for British Columbia* and a **vision** that ***“BC becomes a province where the functions and values of wetlands and the larger watersheds of which they are a part are appreciated, conserved, and restored for present and future generations.”***

Wetlands Are Key to the Water Discussion

Wetlands are a critical component of the water cycle: water enters as rain, moves across the surface as wetlands, streams and lakes, infiltrates the soil to become groundwater, and surfaces again. When we damage wetlands, we damage the water cycle and threaten water quality and the essential ecosystem services provided by wetlands and water.

Wetlands cover almost 7% of BC’s land area, but are being destroyed and damaged at an alarming rate. Losses in BC include 70% of the original wetlands in the Fraser River delta, 70% of wetlands in the Victoria region, and 85% of natural wetlands in the South Okanagan. Today BC continues to lose wetlands to draining and filling for new subdivisions and industrial development, shoreline protection projects, removal of streamside vegetation, invasion by non-native species, non-point source pollution, and climate change.

¹ WSP partners include: BC Hydro; BC Ministry of Environment; BC Ministry of Forests and Range; BC Ministry of Healthy Living and Sport; BC Nature (The Federation of BC Naturalists); BC Wildlife Federation; Ducks Unlimited Canada; Environment Canada; The Grasslands Conservation Council of British Columbia; The Nature Conservancy of Canada; The Nature Trust of British Columbia; The Pacific Salmon Foundation; Royal Roads University; and The Union of BC Municipalities.

General Comments on the *Water Act* Modernization and the WAM Discussion Paper:

- ❖ The WSP was very encouraged to see the following commitments in *Living Water Smart*:
 - “Legislation will recognize water flow requirements for ecosystems and species.”
 - “Wetland and waterway function will be protected and rehabilitated”
 - “By 2012, water laws will improve the protection of ecological values, provide for more community involvement, and provide incentives to be water efficient.”

However, **the critically important role that wetlands play in maintaining water quality and quantity is not reflected in the WAM discussion paper.** The WSP encourages MOE to fully consider the role of wetlands and to uphold the *Living Water Smart* commitments in the Modernization of the *Water Act*.

- ❖ The *Water Act* should ensure protection of BC’s water resources, which includes maintaining and restoring natural ecological functions of watersheds and wetlands.
- ❖ In Part 1 of the *Water Act*, the broad definition of a stream should be amended to say ‘wetland’ where it now just says ‘swamp’, as swamps are just one of five recognized wetland classes.
- ❖ The new *Water Act* should promote and emphasize a conservation ethic as opposed to reactionary management when water is scarce.

Goal-specific Comments on the WAM Discussion Paper:

1. *Protect Stream Health and Aquatic Environments*

- ❖ Wetland health is integral to stream and watershed health. As such, wetland protection needs to be central to any discussion about water. The *Water Act* should reflect the important role of wetlands in water quality and quantity.
- ❖ Riparian area protection is critical for water quality and supply.
- ❖ A ‘Modernized’ *Water Act* means that environmental / ecological considerations must be central – a contrast to the realities of 100 years ago.
- ❖ All decisions about allocation must be science-based and include consideration of water needs for species and ecosystems.
- ❖ The WSP advises MOE to incorporate the information that we now have on the role and status of wetlands into decision making.
- ❖ Habitat and riparian area protection is discussed in Objective Three, but only in the context of pollution through dumping. The provisions for protection of

habitat and riparian area in the Water Act need to include consideration of the important role of healthy, functioning habitat in maintaining stream health as defined in the WAM Discussion paper. In addition, ‘habitat’ should be considered more broadly than fish habitat.

- ❖ In addition to wetland protection, restoration of degraded wetlands is an important activity to ensure water quality and quantity.

2. Governance

- ❖ Many pieces of legislation affect water and wetlands. Existing legislation should be carefully reviewed and streamlined to ensure maximum effectiveness and to ensure that water resources are adequately protected.
- ❖ Brandes and Curran’s recommendations² on models for governance should be fully considered.
- ❖ The province or other regulatory body needs to have final oversight to make sure that environmental goals and minimum standards are met.
- ❖ If the province moves to a more devolved model, it is critical to ensure that there is capacity at the local government level. WSP has developed some relevant information and tools that help build capacity at a local government level (e.g., *Green Bylaws Toolkit for Conserving Sensitive Ecosystems and Green Infrastructure*, *Wetland Ways: Interim Guidelines for Wetland Protection and Conservation in British Columbia*).
- ❖ Trans-boundary groundwater and surface water issues make it necessary to establish a procedure to deal with inter-jurisdictional issues and to coordinate stewardship across all borders.

3. Allocation

- ❖ Wetlands play a critical role in ensuring both quantity and quality of water. All water allocation discussions are premised first on supply, so maintaining a healthy water supply should be the first priority.
- ❖ All allocation decisions need to be based on ecological considerations and minimum requirements. Water allocation should only be based on surplus water after a set-aside has been made for the environment and environmental processes.
- ❖ An ethic of conservation should pervade the entire discussion of allocation. The precautionary principle should be employed in the *Water Act*, not just ‘flexible allocation’ where there are issues of scarcity. Modernization should

² Brandes, O and Curran, D. (2009) “Setting a New Course in BC – Water Governance Reform Options and Opportunities”. <http://www.waterdsm.org/publication/272>

evolve from the historical FITFIR system, and should consider an allocation for ground and surface water conservation a priority.

- ❖ Climate change presents serious threats to wetlands and water. Allocation decisions should be conservative in order to address potential impacts to water quality and quantity resulting from climate change.
- ❖ Wetland and watershed restoration should be promoted to assist in securing a consistent supply of water.

4. Groundwater

- ❖ Wetland and riparian areas are important for groundwater recharge.
- ❖ The WSP supports groundwater protection as a central theme in the WAM, and supports the consideration of ground and surface water as one resource in a modern *Water Act*.
- ❖ The cumulative effects of groundwater use must be considered, both within and across watersheds, in order to maintain supply.
- ❖ The WSP advocates the establishment of baseline data and science-based decision making to fill the information gaps about groundwater and water tables.

The WSP is pleased to discuss any element of this submission and/or wetlands in BC, as well as plans for moving forward to protect our provincial water resources. For more information, questions or comments please contact Andrea Barnett (Ducks Unlimited Canada) at a_barnett@ducks.ca , Jan Kirkby (Canadian Wildlife Service) jan.kirkby@ec.gc.ca, or Ted Pobran (BC Ministry of Environment) ted.pobran@gov.bc.ca