



# BRITISH COLUMBIA CATTLEMEN'S ASSOCIATION

*Representing the Beef Cattle Industry of British Columbia*

AGRI CENTRE - #4 - 10145 DALLAS DRIVE, KAMLOOPS, B.C. V2C 6T4 PHONE (250) 573-3611 FAX (250) 573-5155

November 15, 2013

**Ministry of Environment  
Water Protection and Sustainability Branch**  
PO Box 9362, Stn Prov Gov  
VICTORIA BC, V8W 9M2

*Our File: 2013 – 077  
SENT BY EMAIL & MAIL*

## **RE: *Water Sustainability Act* Legislative Proposal**

---

The BC Cattlemen's Association appreciates the opportunity to provide feedback on the *Water Sustainability Act* legislative proposal.

Water is the lifeblood of a ranch. This legislation has far reaching impacts and must consider agriculture's water needs as one of the highest priorities. The Association has thoroughly reviewed the legislative proposal and compiled feedback from our members. Comments are enclosed for your consideration.

The Association works on behalf of our 1,219 rancher members. While we have encouraged our members to submit individual comments on the *Water Sustainability Act*, many rely on our Association to represent their view and concerns to government. I ask that this submission be given the weight of the full 1,200+ members and considered accordingly.

Our Association would welcome the opportunity to continue to be involved as the legislation and regulations are finalized.

Regards,

Kevin Boon,  
BCCA General Manager

Encl./1 – Itemized comments on *Water Sustainability Act* proposal

## **BC Cattlemen's Association**

RE: Comments *Water Sustainability Act* Legislative Proposal

---

### **CROWN RANGE**

Crown range is an essential tool for many ranches in BC. Livestock use on Crown range is authorized under the *Range Act*, the *Land Act* and the *Forest and Range Practices Act*.

The BCCA is pleased to see the provision to allow livestock to drink from a stream on Crown range (pg 51). We would encourage a similar approach to allow this practice on private lands.

The *Water Sustainability Act* proposal does not specify how livestock water will be regulated on Crown range. BCCA recommends that:

- the most appropriate way to provide water security may be through the current authorization (tenures).
- livestock water rights and access could be included in the existing document (tenure) that authorizes the use of the forage by amending the AUM definition to include both the amount of forage and water. This would acknowledge and protect livestock's current and future need for access to water on range.

### **SECTION 2.3.1 -- Surface Water (Pg 16 & 17)**

- BC Cattlemen's Association was very pleased to see the retention of First in Time, First in Right (FITFIR) in the legislative proposal. The retention of priority dating is essential to water licence holders.
- The legislative proposal should recognize water for food production as a priority equivalent with essential human needs.
- An existing water licence holder that would like a stock watering licence should not automatically be required to transfer that volume from another agricultural use (i.e., irrigation). Opening the water licence makes the user vulnerable to other unintended modifications.
- We suggest that the idea should be explored as to whether the Agricultural Water Reserve could be used to foster or implement stock watering on private lands. The goal would be to have unrecorded use recognized and provide some protections without requiring licensing.
- Where an off-stream waterer replaces previously unrecorded use, the licence holder should not be required to transfer the volume from another existing use (e.g., irrigation or stock water).
- Allow livestock to drink from a stream on private lands similar to the approach proposed for Crown Range (pg. 51).

### **SECTION 2.3.2 -- Stream Health (Pg 19)**

- BCCA appreciates that the *Water Sustainability Act* proposal has identified that Environmental Flow Needs will be considered with new licences rather than being applied retroactively to existing licences.
- It is essential that environmental flows (either critical flows or environmental flow needs) must not be achieved at the expense of the agricultural community.
- The province needs to implement the legislation fairly for both small and large water users. The cumulative impact of several hundred small acreage operations should be taken into account. Perhaps small acreages and small livestock operations should not be exempt from licensing and reporting requirements.

## BC Cattlemen's Association

RE: Comments *Water Sustainability Act* Legislative Proposal

---

### **SECTION 2.3.3 -- Land Use Decisions/Appeals (Pg 21 & 55):**

- Retention of the Environmental Appeal Board is very important as it ensures that agricultural producers have an avenue to appeal decisions other than through the courts. (pg 45)
- BCCA suggests that agricultural and domestic household use should be of equal priority and that an appeal option be available when essential household use is placed ahead of agricultural use. (Pg 51)
- Water Sustainability Plans must be developed with a cross section of several agricultural representatives on the advisory committee.
- Funding for the Water Sustainability Plans should be provided by the Province and not impact funding to the agriculture sector.
- BCCA disagrees with the statement that the *Oil and Gas Activities Act* provides appropriate provisions to protect water. There is significant concern about the oil and gas industry's water needs and the process used to approve their applications; particularly during times of low flow.
- The *Water Sustainability Act* needs to address ways to minimize conflict between oil and gas industry and historical water users.

### **SECTION 2.3.4 -- Ground Water (Pg 33)**

- BCCA supports the proposal to exclude domestic ground water users from licensing and reporting requirements. We support that domestic use includes domestic livestock.
- BCCA recommends that the threshold for large volume user, of 250 m<sup>3</sup>, is too low and should be significantly increased.
- The requirement to report water use is going to be onerous for users and difficult to enforce by the Province. BCCA recommends that reporting should only be used in extraordinary circumstances in areas where scarcity is frequent.
- Where reporting is required, then the simplest and least mechanical way of measuring volumes should be used. There are simpler and cheaper ways to measure water than through the use of water meters. Only in extraordinary circumstances and as a last possible resort should water meters be considered.
- If the rancher has a surface water licence and drills a well using the same water source, then the priority date should be able to be transferred between surface and ground water.
- Agricultural operations cannot be required to pay to identify ground water and surface water interaction.
- Small dugouts should be exempt from licensing; whereas large dugouts are usually not for food production and instead supply industrial activities. Large dugouts should be considered to be large volume users and therefore required to comply with licensing and reporting requirements.
- Authorization for new well drilling should only be considered in areas where there is frequent scarcity or where streams are fully recorded.

### **SECTION 2.3.5 – Scarcity (Pg 47)**

#### Critical Environmental Flows:

- BCCA agrees with reducing water rights of junior licences according to FITFIR.

#### Essential Household Use:

- BCCA agrees with the provision to curtail non-essential household use (e.g., filling of swimming pools etc.)
- The WSA should require unlicensed activities be suspended prior to suspending senior priority licences.

## BC Cattlemen's Association

RE: Comments *Water Sustainability Act* Legislative Proposal

---

### SECTION 2.3.6 – Improve Security, Efficiency, and Conservation (Pg 52)

#### Unrecorded Use (Pg 53):

- BCCA is pleased that unrecorded use is recognized within the *Water Sustainability Act* proposal. We recommend that added protection be provided to allow unrecorded use during times of scarcity.

#### Storage:

- Much of the Province's water storage infrastructure was built by the farming and ranching community for agricultural purposes. This required a significant investment of time, skills and financial capital.
- The Act must recognize this network of dams and reservoirs that provides benefits for multiple stakeholders including community drinking water, fish habitat, biodiversity, recreation, etc. It is essential that the Crown retain this network of infrastructure that supports broad interests with multiple beneficiaries.
- The Act should encourage the retention, and where possible, expansion of the existing water storage infrastructure. Funding for maintaining and reengineering of water storage infrastructure is needed.

#### Agricultural Water Reserve (Pg54):

- BCCA is supportive of the establishment of regional Agriculture Water Reserves to help secure water for agricultural use on agricultural lands (but not restricted to lands within the Agricultural Land Reserve).
- The WSA proposal should not discriminate against the use of water for livestock in a feedlot. Water for livestock and crop production should be given equal priority as essential human use (Pg 51).
- The BCCA believes that the reallocation of any unused portion of water licences should only be reallocated on a voluntary basis as negotiated by the water licence holder.  
*"An agricultural Water Reserve could encourage more flexible water use ...water saved through efficiency ... could be freed up for use on other agricultural lands..." (Pg 54)*
- It should be explored, possibly by the Water Working Group, whether the Agricultural Water Reserve could be used to foster or implement stock watering on private lands. The goal would be to have unrecorded use recognized and provide some protections without requiring licensing.

#### 30 Year Review:

- The 30 year review has the potential to threaten the investment made by a licence holder. Establishing a water system requires a significant investment and licence holders need some assurances that they will be able to reap the return on this investment for many decades.
- BCCA is against reductions in unused volumes of water licences because it does not assist ranchers in adapting to climate change and threatens the ranch's ability to grow or expand.

#### Unrecorded Use on Private Land:

- BCCA is seeking to have livestock watering capability (unrecorded use) on private lands that is similar to Crown range.
- BC Cattlemen's Association suggests that all unrecorded use by all types of livestock be treated equally. The legislative proposal does not require small acreages with domestic livestock to

## BC Cattlemen's Association

RE: Comments *Water Sustainability Act* Legislative Proposal

---

register their water use for domestic livestock and therefore should not establish different rules for a cattle ranch.

### Critical Environmental Flows:

- BCCA agrees with reducing water rights of junior licences according to FITFIR.
- BCCA would like to see some effort to suspend unlicensed activities prior to suspending senior priority licences during times of scarcity.

### Beneficial Use & Efficiency (Pg 52):

- Adoption of water efficient technology is best achieved with funding assistance (e.g., through the Environmental Farm Plan BMPs).

### SECTION 2.3.7 – Measuring & Reporting (Pg 62)

- BCCA supports the decision to exclude domestic ground water users from licensing and reporting requirements. We support that domestic use includes small numbers of domestic livestock.
- BCCA recommends that the threshold for large volume user, of 250 m<sup>3</sup>, is too low and should be significantly increased.
- The requirement to report is going to be onerous. It is our view that there are simpler and cheaper ways to measure water than through the use of water meters. BCCA believes that if reporting is required, then the simplest and least mechanical way of measuring and reporting volumes should be used. Only in extraordinary circumstances and as a last possible choice should water meters be considered.

### SECTION 3.2 – Pricing (Pg 77)

- Ranchers have already invested significant expenditures to create water systems and infrastructure. As such this investment should be taken into account as a reason that the agricultural community lower rates than commercial and industrial users (e.g., Nestle, BC Hydro).
- Ranchers do not earn the same profits as industrial or commercial water users and cannot afford any increases to fees to cover administrative cost recovery.
- As price takers in the marketplace, ranchers are not able to roll increased input costs into the price of their goods. We are at the mercy of the marketplace and unable to pass costs onto consumers/customers.

### IMPLEMENTATION/ENFORCEMENT

- It is imperative that the agricultural community is not expected to absorb the added costs for implementing and enforcing this legislation and subsequent regulations.

### POSSIBLE WORDING CONFLICT

We call your attention to potentially conflicting statements in the legislative proposal:

- The statement in Box 9 on Pg 34 "...users of ground water for domestic purposes would not be required to obtain a water licence..." conflicts with the statement on Pg 35 "it is proposed that province-wide, all users of new and existing wells would be required to obtain a water licence.

### CONTACT

Kevin Boon, General Manager  
BC Cattlemen's Association  
bccattle@cattlemen.bc.ca