



c/o 47330 Extrom Rd

Sardis, British Columbia

V2R 4V1

www.chilliwackfieldnaturalists.com

November 14, 2013

RE: Comments from the Chilliwack Field Naturalists on the legislative proposal of the Water Sustainability Act.

Water Sustainability Act

The Chilliwack field Naturalists support the idea of enshrining the Public Trust Doctrine in the Water Act by acknowledging water as a public resource that the provincial government holds in trust for the public that must be preserved and maintained for future generations. This would make public use and conservation a priority and enable the public to legally enforce the goals of the new WSA.

Stream Health and Aquatic Environment and Water Allocation

The priority of the WSA should be to protect stream and aquatic health by establishing legally enforceable minimum flows for all watersheds. Ensure that fish and wildlife are the priority species through which the health of our ecosystems are measured. Flows from smaller watercourses and hillside streams supply important features such as benthic prey and fresh cool oxygenated water to larger water systems within a watershed.

The minimum flow established should reflect the cumulative effects of all projects on the watershed. Establishing a minimum flow for each individual watercourse through a one-time survey of aquatic species is not viable as many species are very elusive and may not be located until multi-surveys are conducted through their life cycle, repeating these surveys for several years. A low flow may also exclude natural species recolonization of streams during dispersal of aquatic-dependent species.

Allocation and Licensing

Water allocation must be based on minimum stream flow preservation for instream users. This will require monitoring, enforcement and drought planning in order to be flexible to environmental changes.

Water licensing should not only apply to new users but should incorporate all historic users to ensure that the water in watersheds and communities is not over-allocated and to ensure senior license holders and new licence holders use water sustainably.

Cost of Implementation

Measuring and meeting the minimum flow established should be part of attaining a license with the licensee responsible for measuring and reporting water use as well as immediate reporting when low flow is reached and adaptive measures taken. Ensure that the audit and review of these records is timely. All of these results should be available to the public.

Agricultural Water

Agriculture should not be exempt for maintaining water quality for aquatic users within any established water reserve. In addition, minimum flows should still be established for water, including sloughs and ditches that have become drainage in lowland areas that were once flooded. This is especially important as several SAR species and provincially listed species dependent on water resources are found within agricultural lands.

The use of cisterns and water pond reservoirs, filled during high flows, should be encouraged and required in areas where irrigation during low flow endanger aquatic health, falling below established low flow minimums.

Area Based Regulations

Exceptions under the WSA will mean that the laws are not applied equally and the unequal application would negate the purpose and spirit of the WS Act. Water is a precious resource and the WSA should protect water for our ecosystems and future generations.

The WSA should take precedence as an umbrella document over other legislation in other governmental Acts (Mining, Forest and Range, etc). Regional Watershed agencies working under WSA with financial resources, decision making powers and a clear mandate should be established for watershed planning. This would end the wide range of agencies and government departments which are not operating under one land use and water management regime. It is essential that the regional planning and management agency established under the WSA plan comprehensively throughout a watershed for both ground and surface water.

Saline Water

Saline water regulation should be included under the WSA. The mechanism of collection and removal of saline water could impact marine environments. Contamination of surface water with saline water could have a deleterious effect on ecosystems.

Saline water should be regulated when saline water is pressurized under-ground, as it could lead to the contamination of fresh water resources. In Alberta, insitu methods are leading to contamination in

unexpected places. The removal mechanism of saline water and its use should be regulated to protect fresh water resources for humans, wildlife and their habitat.

Essential Water Use

Instream use must remain the priority for water allocation. Conservation should be the top priority in communities. As in Nevada, in order for residents to take this seriously, a progressive fee structure should be added onto water bills for infractions and the amount of water used that was deemed as non-essential should be used in the calculation of the infraction fee. This should include water features, leaking irrigation, etc.

Fees

Environmental watercourse plans for communities and individuals should be encouraged to promote conservation and protection of water resources. Residential/agricultural groundwater users completing these plans could receive a rate break for adaptive planning which could include measures such as filling holding areas (cisterns, holding ponds, etc) during high flows to avoid removing water from surface and groundwater sites during low flow as well as the planting and establishment of buffer zones planted with native plants in riparian areas that feed groundwater areas.

Rate for water removal should be adjusted for industry and commercial use and come in line with rates charged by communities. The current rate proposed for bottled water is much too low in comparison to community charges in BC and that used in other provinces.

Industries that remove water from the water cycle while at the same time polluting the water with chemicals (e.g. oil and gas industry) should pay higher rates than those that do not remove the water from the water cycle or pollute water.

Yours Truly

Lee Larkin

Chilliwack Field Naturalists