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November 15, 2013

Ministry of Environment  
Environmental Sustainability & Strategic Policy  
Water Protection and Sustainability Branch  
PO Box 9335, STN PROV GOVT  
**VICTORIA BC V8W 9M1**

To Whom It May Concern:

**Re: Water Sustainability Act for BC Legislative Proposal**

The Cowichan Valley Regional District (CVRD) is located on Southern Vancouver Island, generally between the cities of Nanaimo and Victoria. Incorporated in 1967, the CVRD is home to more than 80,000 people, living in the Region's four municipalities, nine electoral areas (A through I) or on First Nations' lands.

The CVRD has not yet had an opportunity to receive a staff report on the proposed Water Sustainability Act because of the short consultation period so the feedback provided in this letter is from CVRD staff. The CVRD has written separately requesting that the consultation period be extended by one month.

The CVRD applauds the Province's initiative toward modernizing the Water Act and we understand the complexities of aligning the associated regulations and mechanisms to truly put the vision of the act in place. Notwithstanding this, we believe the time is right to take a bold and decisive step forward in the Province's protection of this valued resource.

The CVRD and its partners have long been involved and active in their concern of water and watershed management and in 2009 developed one of the Province's first water management plans for the iconic Cowichan River. Support for updated and system based water management is strong and consistent across the Region. We support the recommendations of the BC Water and Waste Water Association, as noted in their submission, with one notable exception, the delegation of water management in key areas. In some key areas of the province an alternative approach may be necessary to more effectively deal with key issues and the granularity of those issues at the appropriate land use and community level.

#### **OVERARCHING RECOMMENDATIONS**

1. The CVRD recommends the Province abandon the First-in-Time, First-in-Right (FITFIR) approach to water allocation, and replace it with surface water and groundwater allocation decisions, based on the relative **value** of water for various uses. To ensure consistency throughout the Province, the new *Water Act* should outline the water allocation planning **process** needed to effectively determine the value of water in each watershed/aquifer.

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2. The CVRD recommends that surface water and groundwater be considered and managed together as one resource and where applicable on a watershed basis.
3. The CVRD recommends the province either,
  1. Retain full responsibility for administration of the *Water Act* (centralized approach), but adopt a more comprehensive consultative approach for water management decisions at the local level, or
  2. Mandate that the local governments, in the areas identified through the provinces' areas based approach as being at risk of drought, develop local water stewardship plans and manage those plans through the delegated authority of the province.
4. The CVRD recommends that, through appropriate legislation, priority streams and aquifers be protected from individually or cumulatively significant adverse impacts of upland development or land use, in terms of both water quality and quantity.
5. The CVRD recommends that the province invest its resources for surface water and groundwater management in priority areas first (including known areas as shown in Figure 4F of the *Water Act* Modernization Technical Background Report), based on specific factors such as scarcity and contamination.
6. The CVRD favours outcome-based policies, but for stream health and allocation decisions, recognizes the need for supporting criteria, guidelines, and in some cases, enforceable standards and prescriptive regulations that can be easily updated as better information becomes available.
7. The CVRD recommends increasing resources for administration of the *Water Act*, including water quantity and quality monitoring and reporting, with costs recovered through increased fees for consumptive use licenses.

## **GOAL-SPECIFIC RECOMMENDATIONS**

### **Protecting Stream Health and Aquatic Environments**

1. Expand the scope of stream health provisions in the *Water Act* to include groundwater.
2. Coordinate and simplify provincial stream protection regulations.
3. Consider environmental flows in all water allocation decisions.
4. Recognize, in appropriate legislation, the cumulative impacts of land use on surface water and groundwater quality and quantity, including return flows.

### **Improving Water Governance Arrangements**

1. Coordinate and simplify water governance legislation.
2. Maintain provincial authority over water (centralized approach), but introduce a comprehensive consultative approach for water management at the regional level, with increased focus on priority areas, or delegate with appropriate legislation to local governments including appropriate resources and legislative tools are secured.

3. Create a "front counter" for water to provide an effective interface between government and water users.
4. Recover the full cost of administering the *Water Act* by increasing fees for consumptive use licenses.

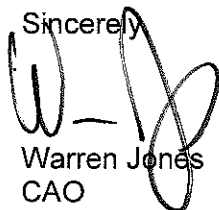
#### **Introducing More Flexibility and Efficiency in the Water Allocation System**

1. Abandon the practice of First in Time, First in Right (FITFIR) for all new water licenses, and phase out FITFIR for existing licenses over time. This is particularly important with regards to increasing climatic and population pressures.
2. Allocate water based on the relative value of water for various uses within a watershed or aquifer as determined by key stakeholders and other water users.
3. Invest resources for surface water and groundwater management in priority areas first, based on specific factors such as scarcity and contamination.
4. Strengthen accountability requirements for existing licenses.
5. Promote water-use efficiency through codes for infrastructure and practice.
6. Establish certain permitted uses supported by provincial regulation and regional flexibility.

#### **Regulating Groundwater Extraction and Use**

1. Consider and manage surface water and groundwater together as one resource.
2. Implement Phase II of the Groundwater Protection Regulation.
3. Require registration for all wells.
4. Require licensing of high-volume wells, and of other wells in priority areas as determined by a water management plan.

Sincerely



Warren Jones  
CAO

KM/df/ann

pc: Honourable Mary Polak, Minister of Environment (env.minister@gov.bc.ca)  
Honourable Coralee Oakes, Minister of Community, Sport and Cultural Development (cscd.minister@gov.bc.ca)