



Office of the Mayor

November 14, 2013

Ministry of Environment, Water Protection and Sustainability
PO Box 9362
STN PROV GOVT
Victoria, BC V8W 9M2

RE: Water Sustainability Act for BC: A Legislative Proposal

Dear Minister:

Under the direction of Maple Ridge Council, an Ad Hoc Task Force was recently established to review the proposed legislation for the *Water Sustainability Act*, which is an important and complex piece of legislation for British Columbians. The District of Maple Ridge appreciates the opportunity to provide feedback on proposed changes. Notwithstanding the consultation process to date, the District of Maple Ridge and the Task Force have serious concerns about the lack of detail in the information most recently circulated for comment. In order for the credibility of the process to be upheld, we are requesting further opportunities for review and consultation on the actual details of the proposed legislation.

Overall, the District of Maple Ridge thinks there have been some positive steps taken so far in the *Water Act Modernization* process. This includes the introduction of new objectives identified by the Province and promotion of a collaborative approach in working with stakeholders. For such an important piece of legislation, which has so many potential implications, ongoing collaboration and input is key to the long term success of this legislation.

Previously, the District of Maple Ridge submitted feedback to the *Water Act Modernization* (WAM) team from Mayor and Council, in a report entitled "BC Water Act Modernization: Policy Input Submission #2", which was dated March 14, 2011. The report included input from various stewardship groups and citizens, as well as Council members and staff from the District of Maple Ridge. Please refer to the attached District of Maple Ridge Policy Input Report #2 which provides greater detail on our previous questions and concerns. The District appreciates that the new proposed Provincial legislation has incorporated some of the policy recommendations that were submitted by the District of Maple Ridge at a general level. Since the second stage, there have been additional questions and concerns raised by other stakeholders such as NGO's, citizens, and municipalities about the proposed legislation which are also of interest to the District.

The District of Maple Ridge has noted that there are still many unanswered questions and details missing in the information released to date that need to be worked out between stakeholders and the Province.

.../2

District of Maple Ridge

11995 Haney Place, Maple Ridge, British Columbia V2X 6A9 CANADA
Telephone: 604-463-5221 • Fax: 604-467-7329 • Email: enquiries@mapleridge.ca • www.mapleridge.ca

For example, the District's Task Force requires more information around potential implications for municipalities and citizens associated with this proposed legislation; more clarity is required around performance measures, regulations, and definitions; and additional information is required with respect to resources that will be required for implementation once the final legislation has been adopted. These important questions and details could have significant positive or negative implications for stakeholders in British Columbia including municipalities, citizens, businesses, and taxpayers.

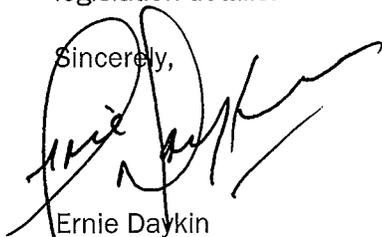
It is very important to the District that the Province continues to allow stakeholders to provide input for the remaining stages of the *Water Sustainability Act*. It has been over 100 years since this legislation has seen any significant changes, and in our opinion it is essential that the process not be rushed through the final stages. The District of Maple Ridge is concerned that the final stages of the *Water Act Modernization* process appear to be somewhat hasty and non-inclusive.

It is anticipated that the details will finally be released somewhere between the third and fourth stages of this process. This is where stakeholder input is most critical. The District of Maple Ridge respectfully requests that prior to advancing through the third stage, a "white paper" containing a more thorough discussion of the information released to date be prepared and released by the Province. Additionally, sufficient time to respond to the "white paper" will be necessary for stakeholders to properly review and comment.

As we enter the third stage of the process with no information on details, the District is requesting additional time for review and dialogue that will continue through to the final stage. The District wants to support the effective implementation of the *Water Sustainability Act* when it comes into force, but at this point it is unclear as to where the resources to do so will come from.

To conclude, the District of Maple Ridge is pleased with the Province's efforts to date to provide meaningful opportunities for input in previous stages. This is an important and historical piece of legislation with significant implications for British Columbians. However, we are seriously concerned that the credibility of the process to date will be jeopardized by not providing additional opportunities for consultation on the actual details of what is being proposed. Therefore, we respectfully request that the ongoing efforts to modernize the *Water Sustainability Act* will continue to include opportunities for stakeholders to submit their questions and provide constructive input on the legislation details.

Sincerely,



Ernie Daykin
Mayor

enclosure

cc Maple Ridge Council
Jim Rule, Chief Administrative Officer, District of Maple Ridge
Frank Quinn, General Manager Public Works & Development, District of Maple Ridge
Paul Gill, General Manager Corporate & Finance, District of Maple Ridge
Kelly Swift, General Manager Community Development Parks & Recreation, District of Maple Ridge
Marc Dalton, MLA, Maple Ridge-Mission
Doug Bing, MLA, Maple Ridge-Pitt Meadows



Deep Roots
Greater Heights

BC WATER ACT MODERNIZATION

POLICY INPUT SUBMISSION #2

SUBMITTED BY

MAYOR AND COUNCIL

DISTRICT OF MAPLE RIDGE

To: Ministry of Environment
Water Stewardship Division

Submitted via email to: livingwatersmart@gov.bc.ca
March 14, 2011



This page intentionally left blank

BC Water Act Modernization

POLICY INPUT SUBMISSION

INTRODUCTION

The District of Maple Ridge is pleased to be able to once again participate in the Water Act Modernization process. The District of Maple Ridge has numerous watercourses of significance that have been identified, protected, and enhanced by the District in its efforts to comply with the objectives, regulations and policies of both senior agencies and our community. The District shares some of its significant watercourses with the neighbouring municipalities of Pitt Meadows and Mission, which currently have active water licenses. Maple Ridge also has a number of aquifers that have been classified by the Province with a high vulnerability status. There are considerable numbers of groundwater wells located in Maple Ridge that are reliant on these aquifers, as well as many of our watercourses.

The importance of water resources to the community of Maple Ridge is reflected in the significant body of work that has been undertaken by the District over numerous years, elements of which have been recognized through provincial, national and regional awards. The resources dedicated to the development of information, tools, and policies to protect environmentally sensitive areas are significant. Examples of these include an award-winning environmental mapping and community based information management system, and streamside protection guidelines.

The District of Maple Ridge has a well known historical respect for and dependency on the waterways that abound our community, to the point that local stewardship groups, such as the Alouette River Management Society (ARMS), Kanaka Education and Environmental Partnership Society (KEEPS), Alouette Valley Association (AVA), Silver Valley Association (SVA), and the CEED Centre Society have thrived and attained notable reputations for influence in the areas of stream protection and management. The District is pleased to both philosophically and financially support these organizations. For this reason, members from some of those organizations participated on our first submission and, once again, on the committee that formulated this submission for the policy portion of the process.

We would like to compliment the WAM provincial team for their efforts in engaging members of the Province in dialogue framed by the WAM Discussion Paper and this policy proposal paper.

Before we outline our position on the document's policy positions, we would first like to highlight two areas that we feel need to be addressed, the latter of which, we deem of utmost importance to our community and the province as a whole:

1. *the need for additional steps in the process prior to the Final Options to Government step, and;*
2. *our District's concern for the potential of future pressure to open our water resources to market forces and privatization.*

A discussion of these topics follows, after which we respectfully submit our input on the policy document, which you will note continues along the same premise as our original submission, **where we have emphasized the importance of focusing on both quality and quantity of water during the Water Act Modernization process.**

Thank you in advance for the consideration of the following two points of concern, and our submission in full.

WATER ACT MODERNIZATION PROCESS

As we have stated before, we are grateful that the government has embarked on such a consultative process for an important body of work. It makes sense to involve the public in planning for the health and safety of their water, as water is vital to everyone's life. In general we believe the current wording and policies are moving in a positive direction.

However, the vagueness of the document, combined with some of the verbiage around proposed regulatory changes, standards, funding, fee discussions, administrative and governance roles, leaves much to interpretation and speculation on the part of the reader. This was certainly the case at our committee table when discussing the policies, and so, it was felt that not enough could be ascertained from the policy document in some of the categories for us to fully comment on the contents.

While we recognize vagueness is common to policy statements and that the "guts" of the work will be defined through regulation, we feel that by relying on the feedback in this stage of the process, based on such a vague document, the government will not have the substantive feedback it needs to adequately formulate recommendations that could be considered "final options", as referenced in the next step of the process.

Members of our committee were involved in the process that created the Fish Act and noted that much further discussion was required after this stage. Due to this knowledge, coupled with our concern about being able to give useful feedback on such a vague document, we are recommending additional steps in the process be added, prior to the Final Options to Government step. We recognize that a timeline has been set by the government and a commitment to adhere to such, but the continued engagement of the public, using more extrapolated information, would provide the government with an end product that would be more widely supported. We request that you consider additional steps to the process.

OPENING OUR WATER RESOURCES TO MARKET FORCES AND PRIVATIZATION

Our District believes that the health and well being of the province's water resources are intrinsically aligned with the health and safety of British Columbians and all else that rely on our water systems. And as such, control of British Columbia's water resources should never be devolved from public control.

It is our view that the history of privatization of water resources in other jurisdictions has not led to the kind of improvements that the District is seeking with respect to water protection, ecological health, or balanced socio/economic uses of water resources. As noted by Harvard researcher, Jordi Honey Roses, (2009) and other notable organizations in their review of the current Water Act Modernization program—opening our limited water resources to market forces will remove public control over conservation and distribution—and we agree with this position.

It is our understanding that there have been no successful examples of trading schemes for market driven systems for water resources, including surface water and groundwater. If this document is allowing for those discussions to occur, it needs to be stated up front. The outcomes of the policy statements may be very different in that case, and the public needs to have an opportunity to respond accordingly.

Further, it is our view and experience that the limited resources that have presently been available to the Ministry of Environment offices, as well as the federal jurisdictions integral to the protection of our waterways, have been woefully under-resourced, leaving us without the necessary services to fulfill the existing legislation, let alone an expanded scope of responsibility. So it is with great concern to us that the expansion to regulating surface and groundwater, which we support, will exacerbate the frustrations experienced by our community in regards to the MOE's present inability to adequately respond to incidents, or to be proactive with prevention activities, which are important to our community.

In our view, the aforementioned limited fiscal and human resources, coupled with the additional workload that is contained in the policy document; tradable water rights; and proposed increased water management activities void of a clear connection to government responsibility raises significant concerns with our District regarding the potential of the policy document facilitating a need for future privatization of our water resources. This is an outcome that we simply cannot accept.

Thank you for considering the previous two points. Following is our views and comments as requested on the policy phase of the process.

POLICY DIRECTION #1: PROTECT STREAM HEALTH AND AQUATIC ENVIRONMENT

1. The District of Maple Ridge emphasizes that performance requirements such as instream flow requirements will require regulations, codes or standards rather than guidelines in order to successfully implement or enforce these types of measures. We request that the policy position reflects this change prior to the next step in the process.

2. Before decisions are made around water rights or licenses for any particular surface level water body including streams, wetlands, ditches, etc. or groundwater resources, the province needs to ensure that these systems have been assessed and classified by qualified environmental professionals.

3. The Provincial government needs to define and standardize what is an acceptable range or level of stream health in terms of scientific standards. We believe this should include variables such as stream flow, water quality, and riparian integrity to ensure these components are included in the final decision making process to determine appropriate water uses. Scientific standards set by the province will also address the sometimes convoluted chain of responsibility, which sometimes complicates effective responses to stream/habitat assaults. A clear redefinition of duties and responsibilities in agreement between the Federal and Provincial governments as to who will take responsibility for the health of our streams would also go a long way to continuous, uninterrupted streamlined responsiveness.

4. Provincial incentives should be offered to municipalities and users where higher standards are being proposed and implemented for water uses.

5. Water quality standards for all economic sectors must be included in the final strategy, not just standards for efficiency and volumes. Training and education for various stakeholders and economic sectors will be required to ensure implementation, as well as, monitoring and administration of protective measures if all are to be achieved and effective. Enforcement, education, and compliance measures by federal and provincial agencies will also be necessary on this front. Permits, certification, and accountability will also be essential for monitoring how the specific corporate and private sectors comply with these standards.

6. Other provincial legislative pieces that are focused on resource management and economic sectors will need to be altered to include integration of the Water Act, along with other related environmental legislation that is being downloaded to municipalities, so that economic sectors such as agriculture and mining are accountable with respect to water quality and ecological health.

7. Before the province embarks on comprehensive and expensive data collection schemes, monitoring schemes, and management frameworks that involve complex guidelines or practices, the basic cornerstones need to be put into place with respect to clear, firm, and fair legislation that applies to all stakeholders across the province where possible.

POLICY DIRECTION #2: CONSIDER WATER IN LAND-USE DECISIONS

1. Building on our belief that clearly defined standards will assist all stakeholders in ensuring water quality and quantity, we would like the Provincial Water Objectives to include the creation of standards, so that all economic sectors, including agriculture, understand what they must do in their day to day business practices to ensure that the interface between land and water use—inputs and outputs—provide for healthy water flows.

2. The legislation and any regulation need to be clear that water rights are temporary and that water is a public resource.

3. The use of science to determine actual impact of land use in regards to water health must be an objective.

4. The objectives need to be inclusive of pro-active mechanisms such as, education and outreach within communities, ongoing training and certification within economic sectors, and technical assistance to municipal governments to encourage and promote better management of watershed and water management practices.

POLICY DIRECTION #3: REGULATE GROUNDWATER USE

1. Generally we agree with the policy direction to regulate ground water extraction and feel it should be inclusive of areas with chronic problems of contamination, supply, or where there are significant ecological processes, species, and community resources at risk.

2. There is no provision of details on what the groundwater regulations might entail; what the standards for various users and sectors will be; nor is there any detail on where the funding is going to come from to carry out the recommendations within the modernization program.

3. The current MoE has only been able to provide our municipality with limited assistance from an enforcement perspective over the past decade with respect to both

surface level ecosystems and groundwater management. While MoE staff have been dedicated and helpful where possible, their effectiveness has been hampered due to inadequate resources, weak legislation and staffing limitations.

4. Good data needs to drive decision making. Presently our experience has been that provincial staff have limited human, financial and technical resources to carry out basic level monitoring for surface level streams, so we have great concerns as to how the province is planning on expanding its program to include groundwater resources.

POLICY DIRECTION #4: REGULATE DURING SCARCITY

Overall we found this policy section going in the right direction and are in agreement with the language that is presented, even though we felt the language could be stronger. However, we believe that the next phase would afford us a better opportunity to have a fuller understand of the full intent of the proposed policy direction.

POLICY DIRECTION #5: IMPROVE SECURITY, WATER USE EFFICIENCY, AND CONSERVATION.

1. Overall we found it hard to be able to give constructive feedback on this section without fuller understanding, which we believe can only be achieved once the actual regulations are teased out for each of the three policy headings in this section, which reinforces our position that further public feedback prior to the “Final Options to Government” step is required.

2. We feel that there is merit in researching fee-based funding structures, especially those that presently operate within the European Union in order to provide a model that will assist with the costs associated with the scope of proposals being made within the policy document.

POLICY DIRECTION #6: MEASURE AND REPORT

We believe that this policy direction is going in the right direction and would like the opportunity to respond to the expanded information prior to the “Final Options to Government” step, as defined in our opening statements.

POLICY DIRECTION #7: ENABLE A RANGE OF GOVERNANCE APPROACHES

The District of Maple Ridge believes strongly in the principle of collaboration and in the strength of involving stakeholders in events and activities that affect them. We believe with the network of community and environmental stewardship organizations and associations in our community that we are extremely well positioned to take on some leadership roles and responsibilities that are alluded to in this policy section. However, this policy paper is very vague as to the extent of what these roles may be and who would be responsible for the associated costs. It is for these reasons we feel strongly that until more substantive direction and clarity is provided, it is impossible for us to agree to any part of this particular policy direction.

We would also like to take the opportunity to restate one of our original positions in the previous submission, whereby we stress that many of the areas of concern with the existing Water Act is a result of the dependency on the use and effectiveness of other pieces of legislation, such as the Environmental Management Act, Forest and Range Practices Act, Environmental Assessment Act, Fish Protection Act (which we don't believe has been effectively in use), Local Government Act and the Public Health Act, as well as the federal level which encompasses the Fisheries Act. Without adequate staffing levels; improved communication between all responsible parties; and improved methods of data collection and management to better carry out the defined work of all such Acts, any improvements to the Water Act will result in the same outcomes that have been experienced to date, thus negating the point of this review.

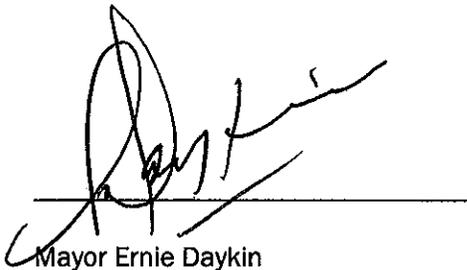
FINAL COMMENTS

The Water Act Modernization process has been taken very seriously by the District of Maple Ridge and the many organizations and associations within our community who have made it their commitment to protect our water systems and surrounding ecosystems. In general, the overwhelming input into the process from across the province is a testament to people's willingness to participate, when given the opportunity, in work that is important to their future. The government should be proud for having embarked on this and we trust that your intentions have been forthright. It is for this reason that we requested at the beginning of our submission that the government expand the process to include additional steps that will provide further clarity and direction on the regulations that may accompany the policy direction in this document, prior to the "Final Options to Government" step; and we hope that the government will agree.

We would like to stress that the costs associated with the policy directions, which are clearly going to increase, will be problematic, based on the historical and present low funding levels for existing work within the Ministry of Environment. Therefore, we strongly encourage the government to make every effort to address how the government can contain, mitigate, fund, or defer costs, without having to privatize our water distribution systems. The government would be well served to continue to engage all stakeholders to find solutions to this end.

In closing, we continue to applaud the government for the leadership that it has shown in this process. You have harnessed the spirit of democracy by engaging your citizens in a very tough, but necessary conversation. We look forward to an expanded conversation and eventually a renewed Water Act that provides both sound stewardship and continued public ownership of our water systems.

Sincerely,



A handwritten signature in black ink, appearing to read 'Ernie Daykin', is written over a horizontal line. The signature is stylized and cursive.

Mayor Ernie Daykin

On behalf of the District of Maple Ridge Council