

Township of  
Langley

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THE MAYOR  
JACK FROESE



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ESD-WPS

January 8, 2014

Honourable Mary Polak  
Minister of Environment  
PO Box 9047  
STN PROV GOVT  
Victoria, BC V8W 9E2

Dear Minister Polak:

**Re: Water Sustainability Act**

File No. 5980-28-009

<b>MINISTER'S OFFICE - RECEIVED</b>	
<b>MINISTRY OF ENVIRONMENT</b>	
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Ministry of Environment  
Correspondence Unit  
JAN 17 2014

As you know, the Township of Langley is host to 14 watersheds and 18 aquifers. Groundwater is a vital source of water for residential, agricultural, industrial and commercial purposes within our municipality. Protection of our precious water resources is a responsibility that Township of Langley Councils have taken very seriously, as evidenced in the Water Management Plan adopted in 2009, currently awaiting provincial approval. Because of population growth, expanding industrial and commercial developments, climate change and intensification of agricultural practices, demand for water is increasing. Declining groundwater levels due to over extraction is not sustainable and will lead to aquifer depletion if steps are not taken to control withdrawal rates.

The Township's 700 kilometres of streams provide essential fish habitat. There are 24 fish species of which eight are economically important stocks of wild salmon and trout; as well as two endangered species – Nooksack Dace and Salish Sucker. The streams supporting these aquatic species are largely groundwater fed, protection of which will allow for retention of sustainable flows into the future.

In response to the province's proposal, the Township provides the following comments on the proposed policies of the New *Water Sustainability Act* (WSA) for your consideration.

Regulation of Surface Water (Integrated with Groundwater Regulation)

*The current system of rights allocation for surface water is proposed to be integrated with groundwater users requiring a water licence or short-term use approval. The allocation will be based on First in Time, First in Right System of Rights Allocation.*

The WSA should allow for prioritization of water rights to first serve the needs of a community or public water use. This clarification is essential for municipalities such as the Township where groundwater comprises a major part of the drinking water supply.

Environmental Flow Needs

*The WSA will have legal provisions requiring decision-makers to formally consider Environmental Flow Needs (EFN) when making allocation decisions and will require a consistent approach and transparent process for considering EFNs in groundwater and surface water allocation decisions.*

Any approach should follow a science-based process and include provisions to resolve issues of competing EFN and drinking water needs.

Cumulative impacts should be assessed for every new application as multiple low impact applications may result in a significant cumulative threat to streams and aquifers. The WSA should also have provisions requiring consideration of innovative techniques which would result in supplementing the EFN in circumstances where water conflicts are anticipated.

#### Water Objectives

*The new WSA will define Water Objectives which would provide strategic direction for decision-makers - primarily in the natural resource sector and local governments – for understanding, protecting and managing water quality, water quantity and aquatic ecosystem health when making land use decisions with the potential to impact the water resource.*

Water objectives will have significant impacts for the Township as 75% of its area is within the Agricultural Land Reserve (ALR). Municipal water supply aquifers and well capture zones are located within the ALR. Municipal well capture zones also cross municipal boundaries, and implementing any water objectives within such areas will require the cooperation of all agencies responsible for land use planning within these areas.

The cross-boundary nature of aquifers increases the possibility that water objectives may be inconsistent across administrative boundaries and across First Nation's traditional lands located within municipal boundaries. The new act should clearly define roles and responsibilities in defining and implementing water objectives; and, objectives must be consistent among stakeholders such that land-use decisions will promote the health aquifers, watercourses, and eco-systems. Aquifer or groundwater boundaries should be clearly defined and incorporated within the new act.

In consideration of the multiple legislations currently in force (i.e. Health Act, Environmental Management Act, Drinking Water Protection Act, etc.), the new act should provide clear direction for implementing water objectives in areas which may be subject to multiple levels of legislation.

#### Water Sustainability Plans

*The WSA will replace Part 4-Water Management Plans section of the Water Act with Water Sustainability Plans (WSP). Water Management Plans developed under the Water Act would be considered as Water Sustainability Plans (WSP) under the WSA.*

This is encouraging news for the Township since it has already developed the Province's 'first and only' Water Management Plan (WMP) through a vigorous and time consuming process under the current *Water Act* provisions and in collaboration with the province. The Township's WMP has been waiting for cabinet approval since 2009.

WSP's should identify how they will be financially supported and how competing interests and cross-boundary issues are to be addressed. The Township recommends that the province support municipal initiatives via provincial funding, technical support, and any other necessary resources as municipality's aid the province in sustainable management of our shared water resources.

The province can also play other roles in regards to WMP implementation, for example mediation between stakeholders related to competing or overlapping interests such as

agricultural water reserves and municipal drinking water supply, and provide oversight as part of the governance of WSP.

In addition, through development of WSP's or through direct legislation, the province could limit or control high risk activities over vulnerable aquifers to protect drinking water supplies. This could include limiting certain land uses in some areas or requiring enhanced engineering design and environmental protection for high risk activities.

#### Regulate and Protect Groundwater Extraction and Use

*The Water Sustainability Act would establish a regulatory framework for existing and new groundwater extraction and use, generally parallel to the framework for surface water, with some differences that reflect the distinct nature of the resource.*

The Township is supportive of regulating groundwater, as evidenced by preparation of our WMP. The Township recommends a clear definition of large and small water users and clarity regarding requirements for various user groups to measure extraction and/or limit extraction. In addition, the new act should differentiate between commercial use and community or public use. This will set the basis to prioritise the allocation of water with public and community use taking priority over commercial use.

The Township supports monitoring, recording and reporting of groundwater extraction volumes for commercial and large water users. Monitoring and reporting is essential for municipalities such as the Township of Langley where aquifers are heavily used and an important source of public drinking water supplies. Information collected will help ensure sustainable long term planning of water supplies, enhanced aquifer storage and recharge practices, and informed water management decision making.

Annual water rentals and fees for groundwater extraction are proposed in the new act. The new act should clearly distinguish between a commercial user and a public user of water within the larger water user licence category for the purpose of fees. Municipalities, like the Township, who rely heavily on groundwater to supply local residents with drinking water supplies, would be at a disadvantage if required to pay fees for groundwater extraction, causing an increased burden for taxpayers. Although the current legislative proposal does not clarify who will have to pay fees and what mechanisms will be available for municipal cost recovery, what exemptions would apply to whom, and how the fees system will work, the Township wishes for opportunity to consult and provide feedback at such time when provincial proposals are under development.

As it relates to private wells and domestic groundwater supply, the legislation should clearly identify well owner responsibility for maintenance and protection of a well and wellhead. It is also suggested that practices with the potential for groundwater contamination be clearly identified in the new act and restricted in the vicinity of a wellhead.

#### Agricultural Water Reserves (AWR)

*The WSA would allow the establishment of Agricultural Water Reserves to help secure water for agricultural use on agricultural lands (e.g., on land within the Agricultural Land Reserve or zoned for agricultural use outside the Reserve). Agricultural Water Reserves would also help preserve currently authorized agricultural water uses and protect future water supply needs for farm use.*

The AWRs will have significant implications for municipalities with large areas within Agriculture Land Reserve (ALR) such as the Township of Langley. The establishment of AWRs must be

undertaken in consultation with affected municipalities. AWRs will create restrictive implications in terms of municipal land use planning and has the potential to give rise to conflicts of water distribution and use amongst various user groups on the same aquifer. Accordingly, the new act should have provisions to address these kinds of conflicts in relation to priority users with public use afforded the highest priority.

The designation and management of AWRs will have implications on groundwater quantity and quality. Identification of AWRs must be based on sound hydrogeological principles supported by long term data on local water quality, water levels, agricultural and farming practices, and assessment of cumulative impacts. Designation of AWRs should consider overlapping aquifer boundaries between well capture zones, municipal community boundaries and neighbouring municipalities; and, the new act should clearly identify who will have the responsibility to manage an aquifer when such overlap occurs.

#### Area Based Regulations

*The WSA would allow for the development of area-based regulations that could remove particular exemptions and/or reduce thresholds (e.g., exemptions for small domestic groundwater users) to address ongoing and/ or emerging area-specific issues.*

The Township recommends that area-based regulations should consider cumulative effects, priority of water allocations, overlap between various (administrative, aquifer, and watershed) boundaries, and water and land uses within each unit.

#### Measuring and Reporting

*The new act will require large water users (e.g., 250 cubic metres or more per day) to measure, record and report actual water use, and related information on a more comprehensive and consistent basis.*

Measuring and reporting is important in understanding how much water is available in the system, how much is extracted, and how much will be needed to sustain the current and future needs of a community, including residential, agricultural, environmental, commercial and industrial uses. Groundwater quality should form part of a measuring and reporting system especially in cases where high risk land uses are present within well capture zones, around municipal production wells, or near sensitive areas.

#### Water Governance

*The WSA is expected to influence and change many aspects of B.C.'s water governance frameworks.*

A governance model should clearly identify the roles and responsibilities of the Province, municipal governments, First Nation's, community organizations, and other stakeholders. Defining roles and responsibilities will aid in more meaningful participation of water users, and reduce conflicts among stakeholders.

#### New Enforcement Tools

*The new act will introduce a broader range of compliance and enforcement tools than are currently available.*

The Township supports compliance and enforcement measures that protect public water supplies. Provisions are required such that non-compliance situations can be addressed both

effectively and in a timely manner, especially as it relates to municipal wells, municipal well capture zones, and sensitive and vulnerable aquifers and watercourses.

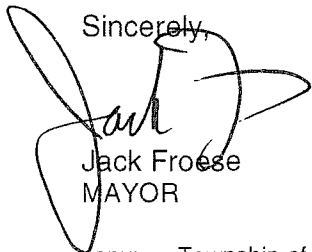
Water Fees, Rentals and Pricing

*Implementation of a Water Sustainability Act would entail new costs for both government and users. As a result, the province is contemplating changes to the water fee and rental structure and rates. Further work will be undertaken in the future to determine how to move forward on the water pricing structure and rates for B.C, and other changes in the existing fee related regulations.*

It is not clear from the current proposal if local governments utilizing groundwater for public supply are to be subject to new fees. If so, this would have significant consequences for municipalities and taxpayers. A proposed fee structure should include full consultation with stakeholders and consideration given to municipalities who manage water resources in a sustainable manner assisting the province with research, education, and protection. Costs to municipalities are already significant in this regard, and distinction between commercial and public water purveyors should be made in any proposed water fees, rentals and pricing.

Thank you for the opportunity to provide feedback on the new WSA. The Township of Langley requests the opportunity to contribute in the development of the Act and associated regulations.

Sincerely,



Jack Froese  
MAYOR

copy: Township of Langley Council  
Mark Bakken, Administrator  
Ramin Seifi, General Manager, Engineering & Community Development  
Kevin Larsen, Manager, Water Resources and Environment  
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