

Living Water Smart ENV:EX

From: thor@gator4116.hostgator.com
Sent: April-09-14 11:10 AM
To: OfficeofthePremier, Office PREM:EX; Polak.MLA, Mary LASS:EX; Martin.MLA, John LASS:EX; Throness.MLA, Laurie LASS:EX; Living Water Smart ENV:EX
Subject: Water Pricing: Bringing B.C. Water Law into the 21st Century! (Public Input)

Water Pricing: Bringing B.C. Water Law into the 21st Century!

ATTN: Premier Clark, Minister Pollak, MLA's Martin and Throness, Living Water Smart BC

Name:

Email Address:

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FEEDBACK:

WATER SUSTAINABILITY ACT

I am writing to express my priorities on pricing of water use in British Columbia. In so doing I commend the Government of BC for taking steps to bring BC's water laws into the 21st century, but also I must express my disappointment with the lack of consultation with First Nations, whose title in BC has never been extinguished. I add my voice to the many calling for the government of BC to honour the spirit of the New Relationship and to correct the lack of recognition of First Nations Rights & Title going forward with new water legislation in the province

Also I understand that the government has no plans to consult the public on the pricing regime beyond this first phase of the water pricing review. Since the current consultation only considers the broad principles for pricing, this is clearly inadequate. For an issue so vital as fresh water there needs to be continued opportunity for public involvement, specifically an opportunity for the public to provide feedback on the proposed fee structure once it is developed. Further, public involvement must go beyond pricing and continue through the development of the regulations for the Water Sustainability Act, as much of the details of the Act have been left to regulations.

Of course establishing principles and priorities for water pricing is only as strong as the structures in place to ensure that they are upheld and implemented. To that end, an arms-length commission acting in a public and transparent process should be established to ensure that water rates are set fairly and are free of political interference. Water rentals must be set high enough not only to create incentive for conservation, but also for innovation, and the commission should be mandated to encourage innovation toward more efficient use of water in the long term.

Priority 1. Minimizing the negative impacts on water:

As a basic of life, water must be protected for the long term and pricing should be used to discourage excessive and consumptive uses of clean fresh water.

Where possible, pricing should incent use of non-potable water sources, with precautions against and monitoring for any resultant interactions between non-potable and potable sources.

Impacts cannot be considered only in terms of province-wide categories. Impacts of particular uses may be small as a percentage of total impacts province-wide, but might be very large on local scales.

Historically most licences required users to pay for a total licensed volume regardless of how much was actually used. To encourage conservation and innovation, pricing should be based on the volume actually used. Not an 'all you can eat buffet'.

It is troubling that the WSA prioritizes water use purposes with conservation second to last. Perhaps pricing reflecting impact can partially balance the ranking of priorities.

Water allocated through short-term use approvals under section 10 of the WSA should be priced to discourage abuse. It is particularly important to balance the use approval provision now since the WSA explicitly states that repeated use approvals to the same user from the same source for the same purpose are allowed. Already the current water law is being challenged in the courts over the use of these approvals. This is one area where the WSA seems to make matters worse.

Priority 2. Food security and public health:

Food security will become ever more important as climate change impacts the growing regions we have historically relied upon, e.g. the droughts in California and the U.S. Midwest in 2012 - 2014. The Peace River area and the Fraser Valley region, with their class 1 soil, will grow increasingly valuable as growing regions move northward.

A high quality of drinking water sources is another necessary prerequisite that must be accounted for to ensure lasting public health.

I rank this principle below impact on the water resource in hope of avoiding unsustainable industrial farming practices.

Priority 3. Efficiency:

Encouraging efficient use is part of stewarding water for the long term. Pricing should be based on actual amount used and should be set high enough to achieve the goals of this principle.

The earlier WSA Legislative Proposal suggested leaving deep saline aquifers (non-potable water) unregulated. This would be problematic in several ways. The government seems to have responded to concerns raised and the WSA appears as though it will regulate deep saline aquifers along with other groundwater. Pricing should incent use of non-potable water where possible, but that use should be carefully managed and monitored to ensure no harmful interactions with freshwater aquifers.

Priority 4. Cost recovery:

This is another area where the government has responded to input received in the public comment period last Fall. I applaud the move to ensure pricing fees high enough to enable future water management including science, monitoring, planning and facilitating community involvement, regulation and enforcement.

Although I appreciate the sentiment of acknowledging water as a public resource, I am uncomfortable with the government's statement, "Costs to users should also reflect a fair return to the Crown for use of a public resource." This is in direct conflict with unresolved First Nations Title. Insofar as the government has authority to regulate water use (something that is questionable in BC so long as treaties with First Nations remain unresolved), we look to government to steward water honourably for now and for the future, and also to ensure honourable engagement with First Nations whose rights and title are affected.

Priority 5. Fairness and equity:

Surface and groundwater are by and large one system and should be treated as one resource. However it is essential to recognize the unique characteristics of each, due to factors such as seasonal variability and aquifer refresh rates. Prioritization of user water rights based on the differences in the value of water given the type of right granted, intended use, location and/or scarcity of the resource would be even better; however a clear pricing hierarchy can help to ensure that fairness and equity are achieved.

Pricing should reflect the reality that polluting water or depleting aquifers imposes a cost on other users, including future users. No price should be allowed to enable the permanent detriment or loss of a water source.

Priority 6. Simplicity:

Simplicity is nice, but let's not get too hung up on it. At the current rates the Nestle bottling plant in Hope, BC for example would pay \$225 dollars per year for the 265-million litres of water they draw from the aquifer. Were water rates to triple, Nestle would pay \$675. Fees are not a hardship. Failure to manage water sustainably is. We should beware exemptions offered to water license holders in the name of 'simplicity' as they can often lead to the marginalization of important factors, while providing little benefit to the public and environment.

Priority 7. Implications for water users:

Not all water users are created equal. Water must be ensured as a free human and ecological right. However all commercial water users should pay a fair share based on the volumes and conditions of their use. At the same time we must balance the need to cover costs with the reality that water is a necessity of life and must not be commodified in any way that would deny basic needs. "Business competitiveness" must not trump sustainability, or in other words Priority 7 must not trump Priority 1. Further, given the implications for all water users, there should be further opportunity for feedback once the government has draft fees and rates established. This should not be the only opportunity for public input. We all need water for the long term.

Thank you for the work that has been carried out to bring BC water law into the 21st century. I look forward to a process that continues to engage residents of BC as the pricing and regulations are completed.

When, the people speak up and say no, we mean no. Don't abuse the power you were given, for your own selfish gain. Use this privilege for the people. For it is We who put you there, and We can remove you.

Sincerely,