

Convening for Action on Vancouver Island Leadership in Water Sustainability

Reply to outreach@waterbucket.ca
April 26, 2010

Via email: livingwatersmart@gov.bc.ca

Water Act Modernization Submission
Ministry of Environment,
Water Stewardship Division
P.O. BOX 9362
Stn Prov Govt
Victoria, BC V8W 9M2



Re: BC's *Water Act* Modernization (WAM) Discussion Paper

Convening for Action on Vancouver Island (CAVI) is a collective partnership with representation from the BC Water & Waste Association, Real Estate Foundation of BC, Ministry of Environment, Ministry of Community & Rural Development, and the Green Infrastructure Partnership. CAVI provides leadership, coordination, research and education for practitioners, promotes water-centric planning and a 'Design with Nature' way of thinking and acting, and reaches out to those that embrace the vision of water sustainability on Vancouver Island. CAVI supports the interests of Vancouver Island local governments with respect to water sustainability. Please see www.conveningforaction.ca for additional details about the CAVI program.

The CAVI Leadership Team congratulates the Province and the Ministry for undertaking a much needed review of the *Water Act* legislation. Following receipt of the WAM Discussion Paper in February, CAVI sought opportunities to host a workshop with Vancouver Island local governments, in order to elicit feedback on the WAM initiative. CAVI appreciates the Province has held a number of workshops throughout BC in March and April (one of these was held in Nanaimo on March 5), however the April 30, 2010 deadline does not provide sufficient time for CAVI to organize a Vancouver Island event. Considering the significance of the WAM review and the potential implications for local government jurisdictions, CAVI believes that legislation of this significance warrants better opportunities for local governments to provide meaningful and informed input.

Although CAVI supports all four goals of the WAM, it is Goal 2 that is of particular interest to our efforts of promoting water-centric planning at the local government and community level. The goal to improve water governance arrangements aligns with what CAVI is pursuing to achieve 'on the ground' in communities on Vancouver Island.

CAVI supports a move towards a form of governance that embraces and enables water sustainability. A shared approach that provides for appropriate consultation and/or decision making at the local level and that includes First Nations, regional and municipal governments, and other organizations with land use decision authority, would facilitate the important link between land use and watershed protection. This link supports CAVI's actions of promoting the need to integrate watershed and land use planning. These elements must not be considered in isolation. Opportunities for integrated watershed management are replete throughout BC due to the extent of watersheds located within local government boundaries and the land use controls that local governments are afforded. The enabling legislation required to facilitate this approach will not be without challenges as local jurisdictions may not have the necessary capacity or resources.

The WAM Discussion Paper appears to miss the opportunity for an integrated watershed management approach, rather focussing on water management and allocation. CAVI's experience suggests that the

integration of land use and water management at the regional or local level is germane to successfully reforming the *Water Act*. With Bowker Creek in the Capital region as context for positive changes on the ground, CAVI has witnessed the success that a collaborative regional team approach brings to integrated watershed management. In this regard, it may be advantageous to have a 'master' watershed planning process, perhaps akin to a Regional Growth Strategy, that ensures community planning and watershed planning are integrated.

While CAVI emphasises a need for integrated watershed planning, there are other issues in the WAM Discussion Paper that also warrant attention:

- Groundwater resources are increasingly vulnerable and in demand. CAVI supports groundwater regulation throughout the Province, but also recognizes the importance of phasing the regulation in for the 'priority areas' first. The commitment for groundwater regulation, however, should be Province-wide.
- Any delegation of watershed planning authority (i.e., to local or regional governments) should be supported by legislation and resources. Decision-making and local expertise may be improved through a delegated approach, but this will only be effective if suitable resources are made available to local governments.
- To be effective for protecting the ecological health of watersheds, the water allocation and licensing system enshrined by the *Water Act* needs to move beyond the FITFIR approach – for both surface and groundwater. FITFIR is outdated and needs to be replaced by an approach that employs the Proper Functioning Condition of the watershed as the baseline. Instead of a licensing system that specifies absolute quantities of water allocated for each use, licences might allocate water as a proportion of a total allocation budget, beyond a critical baseline that is needed for healthy ecological function. These critical ecological flow requirements need to be legally established and protected. To address water issues effectively in a watershed context, the legislation must re-enforce the principle that economic well-being requires proper functioning watersheds.
- The Discussion Paper suggests that because an individual domestic water user may have little impact on overall watershed health, it should be permitted to use water without a licence. However, while approaches to reduce the administrative burden and streamline licensing for low risk "permitted uses" are of merit, CAVI believes this should not detract from the need to monitor cumulative effects, and enforce expectations for all users. All users should have to meet certain legislative expectations that may vary according to use.

Thank you for the opportunity to provide input to this important process.

Sincerely, on behalf of the CAVI Leadership Team



John Finnie, P.Eng.
Chair

cc: CAVI Leadership Team