

# What we heard - Sector-level reports

## 11 Stakeholder groups

### 11.1 Academia & Education

Seven representatives from Academia and Education made submissions on the *Water Act* Modernization Discussion Paper, including four university departments, two university-affiliated project initiatives and an independent college. Representatives from this sector were moderately represented at all nine regional multi-stakeholder workshops. The Academia and Education stakeholders provided the following key messages:

- Government must protect BC’s water resources at an ecosystem level. This includes recognizing and protecting wetlands.
- A modernized *Water Act* must require all parties to work together to set clear environmental flow requirements and protect aquatic environments. Once standards are set, legislation to protect them must be enforced without exception.
- Legislation should establish new Watershed Agencies as legal entities to ensure standards are enforced.
- Groundwater legislation is required, but should occur within a framework that provides for appropriate thresholds with respect to the larger ecosystem. Academia and Education submissions call for clear, well-defined standards that are collaboratively designed to reduce impacts across the ecosystem and mirror the standards for surface water.

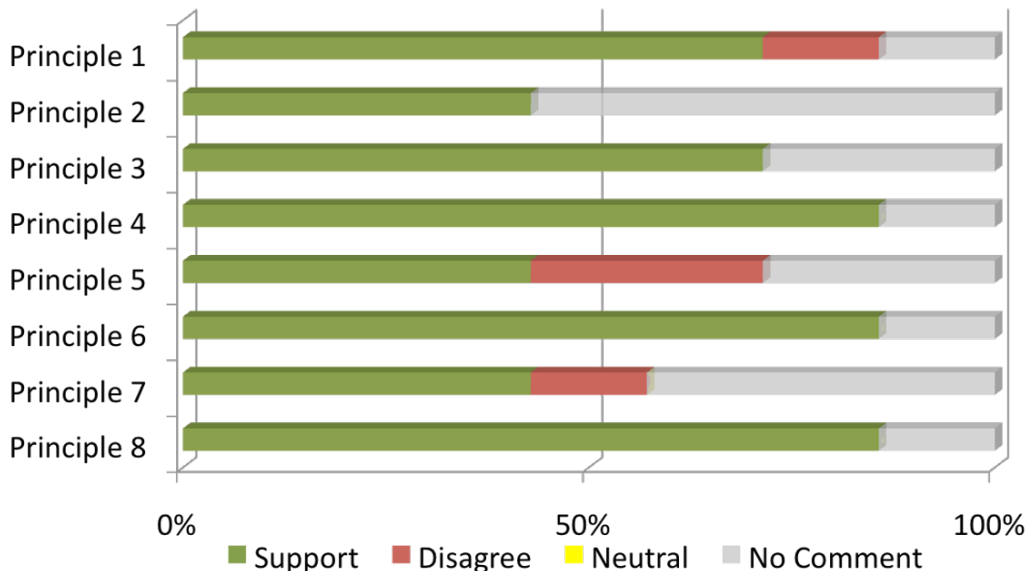
“Wetland health is integral to stream and watershed health. As such, wetland protection needs to be central to any discussion about water. Wetlands, and in particular small wetlands, are not addressed in any comprehensive way by other legislation – the modernized *Water Act* must recognize the important role of wetlands in water quality and quantity.”

Laurie Kremsater  
Faculty of Forestry  
University of British Columbia

### Feedback on principles

A majority of Academia and Education submissions support the eight WAM principles. This

**Figure 23: Academia and Education stakeholder group response to the proposed *Water Act* Modernization principles**



group of stakeholders indicated greater support for principles when compared to most other groups. Academia and Education submissions also tended to address each of the principles as identified in the *Water Act* Modernization Discussion Paper in greater detail than in most other submissions.

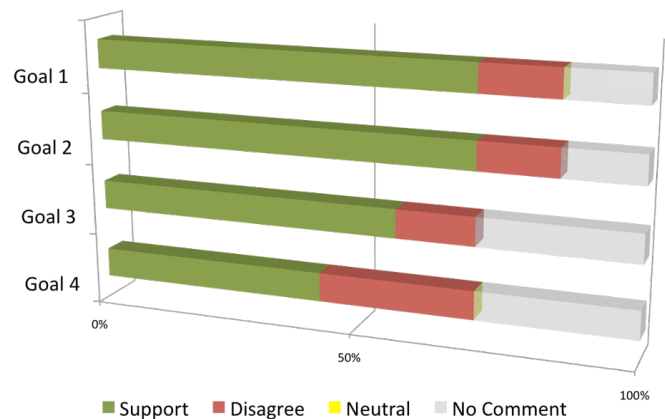
In general, Academia and Education stakeholders called for responsible, enforceable collaborative stream health and aquatic environment protection. This position was evident in the high level of support within the sector for Principles 4, 6 and 8, which focus on integrated governance, flexibility to adapt and that rights come with responsibilities. There was some disagreement with Principle 1, however, regarding the sustainable use of water resources. Some submissions expressed concerns about the definition of the term “sustainable limits” and suggested this term was not defined with enough clarity in the Discussion Paper.

### Feedback on goals

Respondents from Academia and Education supported the WAM goals overall, but expressed concerns over specific details. These included concerns with aspects of threshold enforcement plans that are not yet clearly defined, as well as the definitions of “sustainable limits.” These sources of disagreement with WAM goals provided for insightful commentary and suggestions for possible improvement.

In response to Goal 1, Academia and Education submissions typically supported environmental flow standards and the requirement of water allocation plans that decision makers must follow. However, some disagreed with the options as proposed in the *Water Act* Modernization Discussion Paper. Many Academia and Education stakeholders perceived rigidity in the options as defined, which they rejected. Instead, they proposed standards and required plans which are developed collaboratively and are enforceable. Some submissions called for the creation of Watershed Agencies as legal entities that would oversee and enforce these collaborative standards.

**Figure 24: Academia and Education stakeholder group response to the proposed *Water Act* Modernization goals**



Another key theme in Academia and Education submissions was strong support for collaboration and innovation, which was evident in commentary on Goal 2 (governance arrangements). Respondents expressed that any approach to governance must be collaboratively defined and applied and based on clear ground rules. Although one submission supported a collaborative Delegated Approach, the significant majority of Academia and Education stakeholder submissions favoured a Shared Approach to water governance.

Similarly, Academia and Education submissions strongly favoured the collaborative options in responses to Goal 3. The result has been strong support for flexibility in a mod-

ernized *Water Act*, founded on agreed-to standards. This included strong support for evolving First-in-Time, First-in-Right (FITFIR) into a collaboratively defined Priority of Use system.

Respondents from the stakeholder group were somewhat divided on Goal 4 (groundwater regulation). All Academia and Education submissions agreed that groundwater regulation is key to a modernized *Water Act*; however the groundwater experts within this stakeholder group emphasized the importance of getting the details right. Because of this concern, several respondents did not support groundwater regulation as proposed in the Discussion Paper. They expressed that the regulation as proposed would create loopholes and fail to meet acceptable ecological and conservation standards.

For Academia and Education stakeholders, the linkages between WAM goals, standards and enforcement is essential to the success of *Water Act* Modernization. Regarding groundwater regulation, submissions emphasized that applying appropriate standards and enforcement to thresholds is most important, and that simply creating thresholds will be inadequate. The need for collaborative, innovative and integrated standards and systems to apply those standards was echoed throughout all Academia and Education submissions.

## What we heard...

### from Academia & Education stakeholders

“Groundwater should not be treated any differently to surface water because the two are in fact one. So, I do not support the stated objective of regulating groundwater extraction and use in priority (critical) areas and for all large withdrawals. This is a half way response to a problem that will continue to threaten the quantity of freshwater across the province. I also feel that being choosy of what areas are priority areas and what the thresholds is fraught with problems.”

Dr. Diana Allen, PhD  
Department of Earth Sciences  
Simon Fraser University

“A simple step to enabling this concept is amending the current Section 2 of the Water Act [to]: The property in and the right to the use and flow of all the water at any time in a stream in British Columbia are for all purposes vested in the government in trust for the public and any private rights established under licences or approvals under this or a former Act are subject to be managed in the interest of present and future generations.”

Oliver Brandes  
POLIS Project on Ecological Governance  
University of Victoria

“The eight principles as they are written are fine. It is in their implementation that more discussion and input is needed.”

Glen Hearn  
Transboundary Water Initiative  
University of British Columbia

## 11.2 Agriculture

Fifteen organizations submitted comments on the Discussion Paper, including nine product associations, two farm corporations, a landscape and nursery association, an irrigation district and the provincial industry council. In addition, BC Agriculture stakeholders were well represented at all nine multi-stakeholder workshops. The sector provided the following key messages:

- The Agriculture sector is concerned about the security of water rights and strongly favours maintaining the FITFIR approach to managing water scarcity. Agricultural users are looking to WAM to prioritize water use for food security.
- The Agriculture sector is concerned that the treatment of water as a commodity (an item required for production), metering and water efficient irrigation will add costs to their business to the extent that they will no longer be able to compete.
- The Agriculture sector supports creating agricultural water reserves, similar to agricultural land reserves, where water use monitoring, clear provisions for water use and effective compliance should be practiced in close collaboration with industry.
- Farmers and ranchers request government support to develop storage, recognize the ecosystem and amenity values they help protect, and invest in irrigation efficiency.
- Farmers and ranchers are seeking more opportunities for input and flexibility to determine how water is managed during times of drought or low flow.

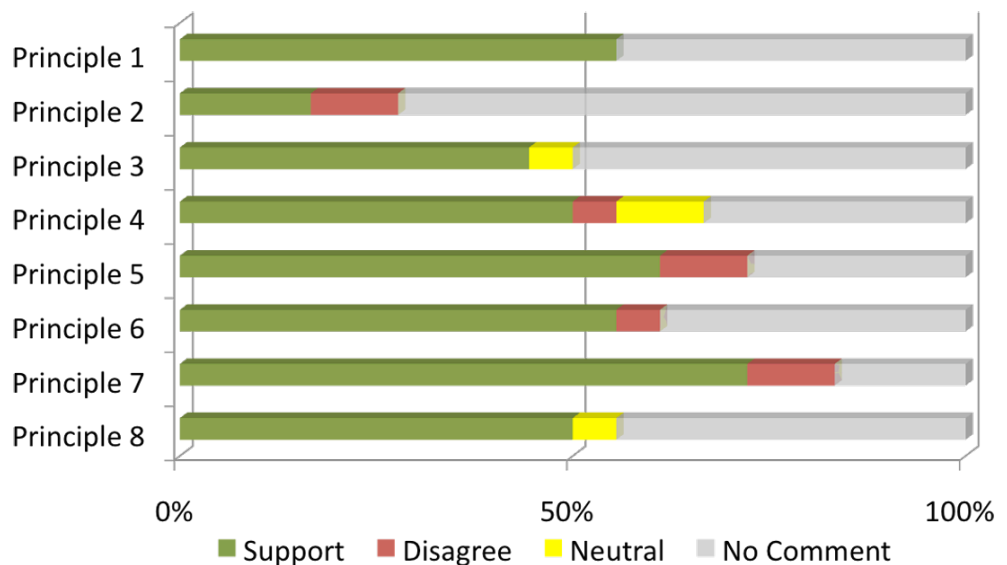
“Food security is dependent upon equal protection for land and water. This needs to be recognized by the Province with more secure access to water for agriculture lands...”

Alana Groeneveld  
BC Cattlemen’s Association

### Feedback on principles

The majority of Agriculture submissions supported the eight WAM principles. In particular, Agriculture stakeholders supported WAM Principles 5 and 7, regarding clearly defined rules and standards and incentives for conservation, respectively. Support within Agriculture for Principles 5 and 7 is relatively higher than many other stakeholder groups. In spite of support for these investment-themed principles, many Agriculture submissions raised concerns about any step that would commodify water.

**Figure 25: Agriculture stakeholder group response to the proposed *Water Act* Modernization principles**



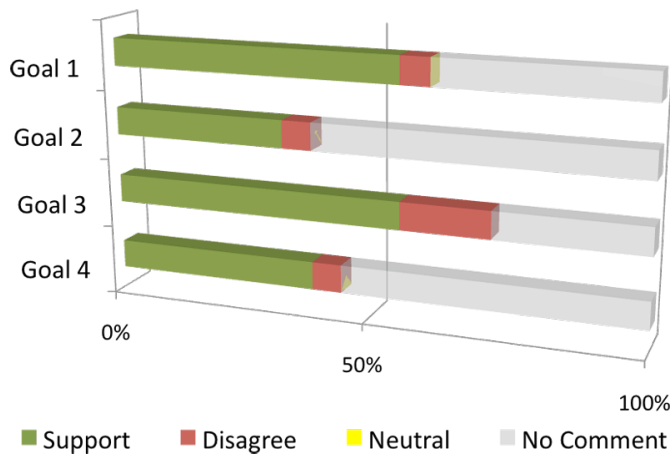
Agriculture users expressed interest in “smart” water-use employed proactively before times of shortage, instead of a reactive approach to drought management.

### Feedback on goals

Agriculture stakeholders noted close links between drought management, *Water Act* Modernization, food security and their ability to thrive and survive. Although a majority of respondents did not comment on a revised governance structure (Goal 2), those who did suggested support for a Centralized or Shared Approach to water governance. All stakeholders in this group consistently expressed a desire for an improved approach to information-sharing.

With regard to introducing greater flexibility and efficiency to allocation, Goal 3, Agriculture users strongly supported proactive planning and efficiency as the preferred solution to water management, before times of drought. In submissions and at workshops, Agriculture stakeholders strongly supported the existing FITFIR approach to water allocation. However, many also indicated support for Priority of Use as an alternative, where food production is considered among the highest priorities.

**Figure 26: Agriculture stakeholder group response to the proposed *Water Act* Modernization goals**



Agriculture users strongly supported proactive planning and efficiency as the preferred solution to water management, before times of drought. In submissions and at workshops, Agriculture stakeholders strongly supported the existing FITFIR approach to water allocation. However, many also indicated support for Priority of Use as an alternative, where food production is considered among the highest priorities.

## What we heard...

### from Agriculture stakeholders

“... any transfers of water rights from an agricultural user to provide for flexibility [should] not be transferred out of agriculture, but only to other agriculture water users. The concept of establishing an agriculture water reserve in watershed allocation systems would recognize the importance and value of water for agriculture production and discourage the transfer of water licenses to other purposes.”

BC Agriculture Council

“It is essential that water for agriculture, including ranching be a priority and that ranching be considered a valuable function of water utilization.... [a] “commodity” approach would guarantee that agriculture would not have necessary access to water because agriculture producers are unable to afford high water prices that may be driven by non-agriculture water users.”

BC Cattlemen’s Association

“First in Time First in Right (FITFIR) must apply to protect the investment of water users who have already discovered, developed and maintained this water source. Protection of rights to groundwater needs to be addressed.”

BC Landscape and Nursery Association

“The BCFGAs supports the concept of an agriculture water reserve goes beyond what the current act allows. The reserve would be a pool, where water conserved by agriculture can be held for future allocation. The reserve would protect agriculture from the claw back of unused allocations. To address periods of drought, there would need to be links between the agriculture water reserve and the drought management plan.”

BC Fruit Growers’ Association

### 11.3 Business

Eleven organizations submitted comments on the Discussion Paper including two business associations and nine separate businesses. This group provided the following key messages:

- Business supports financial measures to increase efficiencies. Efficiency measures that protect current resources are preferred over new laws and statutes.
- Ecosystem-level protections are key to ensuring access to clean water for all purposes. Standards should be enforceable, but allow for collaborative and innovative improvements.
- A priority for WAM should be ensuring certainty for all water users without compromising stream health.
- Water for food production, drinking, and ecosystems protection must be the top priorities of any allocation system.

“I am pleased with the recommendations for the revised Water Act. I would encourage a strong implementation plan to be in place as soon as possible. Implementation is the most important consideration when developing policies.”

Andrea Tower  
HB Lanarc Consultants

#### Feedback on principles

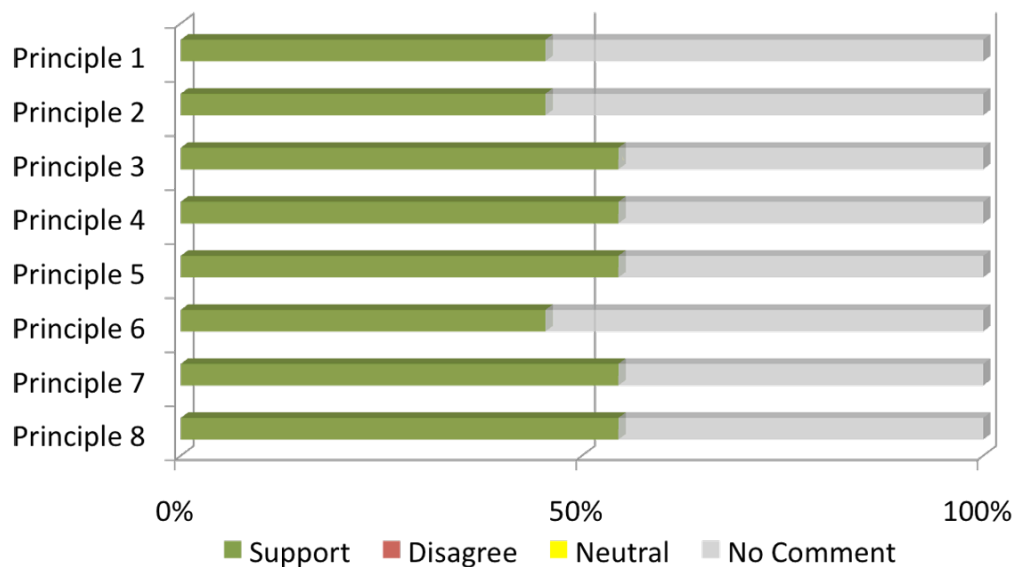
Business stakeholders supported the WAM principles, although they commented with lower frequency than some other groups. While many submissions in other groups voiced concerns with the use of the term “investment climate,” Business stakeholders supported this emphasis.

In addition to supporting the WAM principles, Business stakeholders also proposed additional principles for consideration in modernizing the *Water Act*. Specifically, submissions suggested that a modernized *Water Act* should provide certainty to existing holders of water rights and protection of their interests, which should include appropriate transitional measures if fundamental changes are introduced. Some Business stakeholders also proposed that rules and processes be balanced and respect the needs of all water users, including the needs of industry.

#### Feedback on goals

Business stakeholders provided feedback on the goals less frequently than some other

**Figure 27: Business stakeholder group response to the proposed *Water Act* Modernization principles**



groups. However, those who did comment on the goals indicated overall support for the objectives. Most Business submissions concentrated on the administration and implementation of a modernized *Water Act*. For example, many Business submissions offered practical guidelines to foster residential and business efficiencies.

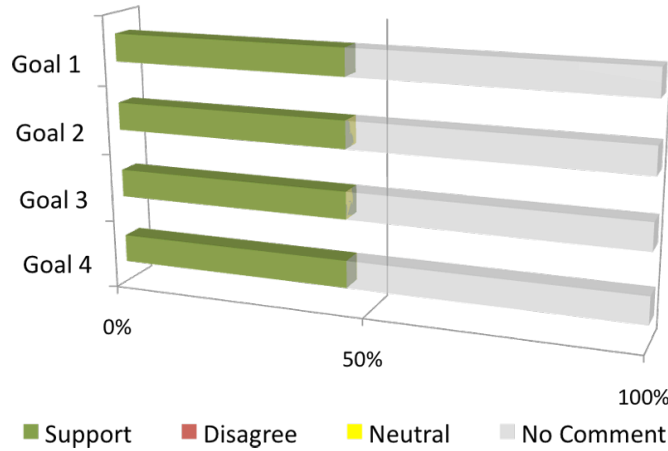
Business stakeholders expressed strong support for Goal 1 objectives. This included support for environmental flow standards, required water allocation plans, and making it mandatory that decision makers follow such plans.

Business stakeholders indicated support for improving water governance arrangements (Goal 2); however, they expressed no clear preference for the specific governance approach or water planning scale (e.g., watershed, regional district, etc). A number of submissions proposed funding solutions for conservation-based infrastructure improvements, including low interest loans similar to home mortgages to be repaid over 20-30 years; increased fees for commercial and industrial water uses; and increased rates for water use over and above provincially-established daily thresholds. Business stakeholders also emphasized the importance of accountability, transparency, and dispute resolution and noted that all decision-making should to be open to the public and all documentation available online.

Regarding Goal 3, there was strong support from the Business sector for using incentives and economic instruments to encourage efficiency. Businesses also strongly supported permitted uses being defined and allowed under the *Water Act* and they preferred required self registration of permitted use withdrawals. Businesses also favoured addressing long-term water scarcity through a mandatory water management planning process.

Regulating groundwater extraction and use (Goal 4) received strong support from Business stakeholders. A number of Business stakeholders expressed a preference for a threshold of 500 m<sup>3</sup>/day (cubic metres per day) for wells in sand and gravel aquifers. Submissions from this group also expressed strong support for each of the proposed priority areas for regulating groundwater.

**Figure 28: Business stakeholder group response to the proposed *Water Act* Modernization goals**



## What we heard...

### from Business stakeholders

“All withdrawals should be considered as having an impact on groundwater. I am concerned that some aquifers will be left out and that the number and frequency of smaller and medium-sized withdrawals will increase in order to avoid being labelled as ‘large.’ I would prefer if all withdrawals were regulated.”

Ione Smith  
Upland Consulting

“BCREA believes one provincial ministry should manage all aspects of water governance, and that standards should be enforced on a regional basis, rather than by municipality. This important resource requires a framework that allows all levels of government and the public to understand everyone’s roles and responsibilities.”

John Tillie  
British Columbia Real Estate Association

“... water license holders and applicants should not be required to undertake detailed studies of the watershed and potential impacts on other stakeholders. Nor should applicants be required to obtain the consent of potentially affected parties.”

Jock Finlayson  
Business Council of British Columbia

“We do not need legislation to protect (us) from ourselves. We need legislation with teeth to protect our watersheds and pristine water systems from resource extraction activities including IPPs (Independent Power Projects).”

Jim Berrill  
JEMS Propane Ltd.

“[Provincial water] laws should distinguish between small power producers and huge run of the river projects. ...The actual law makes it impossible for individuals, small businesses or remote places such as ours to realize ‘green power projects.’”

Rene Hueppi  
Mulvehill Creek Wilderness Inn and Wedding Chapel

## 11.4 Environmental NGO (ENGO)

Forty-six Environmental Non-Government Organizations (ENGOs) provided substantial comment on the Discussion Paper. The ENGOs ranged from international, national and provincial bodies to regional and local stewardship and community groups. In addition, a number of organizations were signatory to a “Statement of Expectations on Reform of the BC *Water Act*” that was submitted in December 2009. ENGOs were also well-represented at the workshops. Overall, the sector provided the following key messages:

- ENGOs strongly support key WAM components including ecosystem management, maintaining instream flows and groundwater regulation.
- ENGOs support managing water in its entirety (streams, wetlands, and groundwater) from a watershed perspective.
- Meeting ecosystem needs is of the highest priority.
- ENGOs favour a shared or delegated approach to water governance guided by provincial standards. They contend that the current approach is fragmented so there is a need to consolidate legislation into a single, over-arching “Water Act.”
- Science-based decision making is a key construct and many ENGOs support adhering to the precautionary principle where data is unavailable or unreliable.

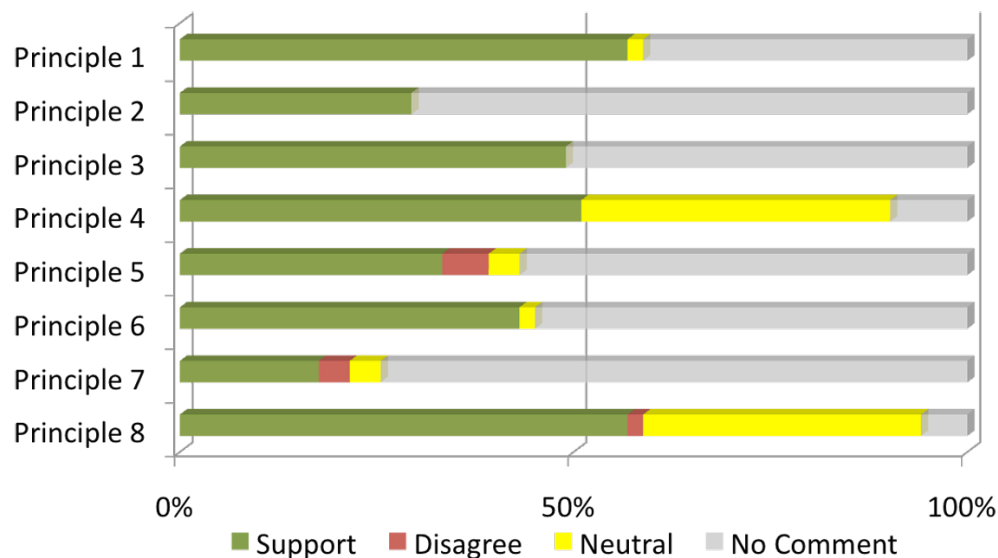
“We do not view minimum flows to dilute effluent as an environmental flow: This is a consumptive use of water. In general polluters should have the obligation to treat effluent to a level that does not require dilution.”

Andrew Gage  
West Coast Environmental Law

### Feedback on principles

Nearly half of ENGO respondents commented on the principles with the majority expressing support for them. A small number within this group indicated concern for Principles 5 and 7 citing concerns about the reference to “investment” and “investors.” Comments associated these terms with privatization, which submissions maintained is an unacceptable approach to provincial water resources. This sentiment was also voiced at multi-stakeholder workshops. A number of submissions indicated that these terms require clarification and the principles should include greater emphasis on the importance of ecosystem health.

**Figure 29: ENGO stakeholder group response to the proposed *Water Act* Modernization principles**

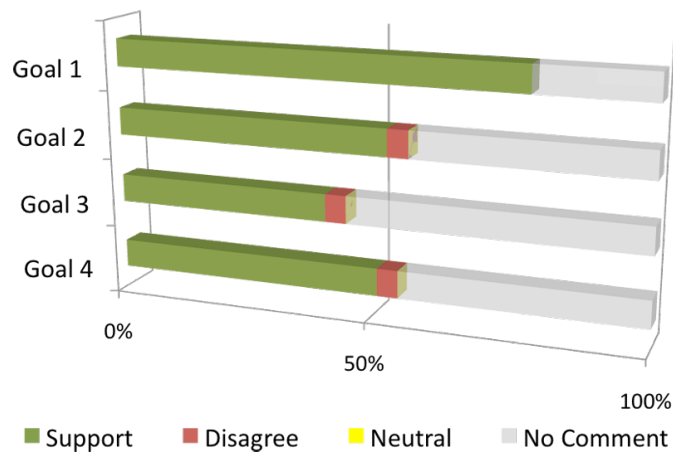


## Feedback on goals

The majority of ENGO responses that commented on the WAM goals expressed strong support for the goals. Protecting stream health and aquatic environments (Goal 1) received unanimous support from those ENGOs who responded. ENGOs strongly supported the need for science-based instream flow standards to ensure the sustainability of the water resource. The majority of respondents indicated that the development of water allocation plans should be required, as opposed to optional and that the decision maker must follow the plan.

Regarding Goal 2, improving governance arrangements, the majority of ENGO respondents supported a shared or delegated approach to governance within a provincial framework.

**Figure 30: ENGO stakeholder group response to the proposed Water Act Modernization goals**



ENGOs indicated that, due to BC's diversity and regional differences, instream flow requirements are best governed at a community level where adaptive management, monitoring and enforcement can be responsive to local conditions. Further, this would facilitate more active involvement of water users within the community.

With regard to Goal 3, introducing flexibility and efficiency in allocation, ENGOs maintained that there was a

need to revamp the FITFIR water allocation system with a priority given to maintaining stream flow standards and water for domestic use. A majority of respondents indicated that the preferred option to encourage water use efficiency is through government determining actual needs in relation to a proposed undertaking on the basis of efficient practices and works. Some stakeholders suggested the provision that a licence could be cancelled for non-beneficial use, then reallocated.

A majority of ENGO respondents supported groundwater regulation in priority (critical) areas (Goal 4). Often repeated by respondents was the need to integrate groundwater with surface water flow standards. ENGOs also expressed concerns regarding large data gaps pertaining to aquifer inventory and status of groundwater supply. They also encouraged greater investment in data collection and monitoring.

## What we heard...

### from ENGO stakeholders

“Watershed-based water allocation plans provide a means of protecting and restoring environmental flows by managing cumulative water allocations. This approach also provides clarity for water users and transparency in water allocation decisions.”

Tony Maas  
WWF Canada

“We advise the province to use and build on the instream flow needs approach developed for the successful BC Hydro water use planning (WUP) process. In particular, ecologically-based flow allocations for different life history stages of fish (spawning, passage, juvenile rearing, etc.) were developed based on each river’s mean annual discharge. This robust approach relied on the best science, adaptive management (including long-term productivity monitoring), and is robust across watershed and streams of all sizes.”

Watershed Watch Salmon Society

“It must be emphasized that the members of Hornby Water Stewardship Project and its parent organization, Heron Rocks Friendship Centre Society, do not support the concept that water is a commodity nor should it benefit individuals at the risk of adversely affecting others in an aquifer, or jeopardizing a community’s needs. If water is to be moved from one aquifer to another, this should be done at a community level.”

Hornby Water Stewardship

“BC Nature supports water allocation plans that are based on thorough knowledge of the watershed and the needs for a healthy watershed ecosystem. The importance of ecological integrity must be given prominence when reviewing development proposals that affect water quality and quantity. Besides protecting stream health and aquatic environments, stream sides and riparian areas, and regulating discharge into streams and environmental flow needs, ... [r]ecognize the necessity of protecting (and restoring) wetlands, especially because of the extent of wetland loss.”

BC Nature

“A cooperative effort by government and communities is required. More support and trust needs to be given to the non-government organizations that are implementing water monitoring programs aimed at protecting watersheds and water resources in the long term.”

Rachel Darvill and Heather Leschied  
Wildsight

## 11.5 Forestry

Five Forestry stakeholders submitted comments on the *Water Act* Modernization Discussion Paper. Although the responses are a small number of the total stakeholder group submissions, three of the five submissions are industry and landowner associations representing a large number of forest industry operators and land owners. Forest industry response to the *Water Act* Modernization Discussion Paper was limited, and submissions expressed the following key messages:

“Prior to making any decisions, we recommend that government undertake comprehensive reviews and cost benefit analyses across the full suite of affected legislation and other values on the landscape to determine the true impacts of any proposed decisions.”

Archie MacDonald  
Council of Forest Industries

- The Forestry sector supports modernizing the *Water Act* and protecting ecosystems. In many cases they consider the *Forest and Range Practices Act* (FRPA) to be sufficient, and ask that any *Water Act* changes are consistent with the FRPA and do not require extra effort or planning.
- Forestry stakeholders want a strong central governance structure; they are concerned about a lack of clarity and certainty in shared and delegated approaches.
- Forestry stakeholders note that the professional-reliance, results-based framework of the FRPA is a good model.

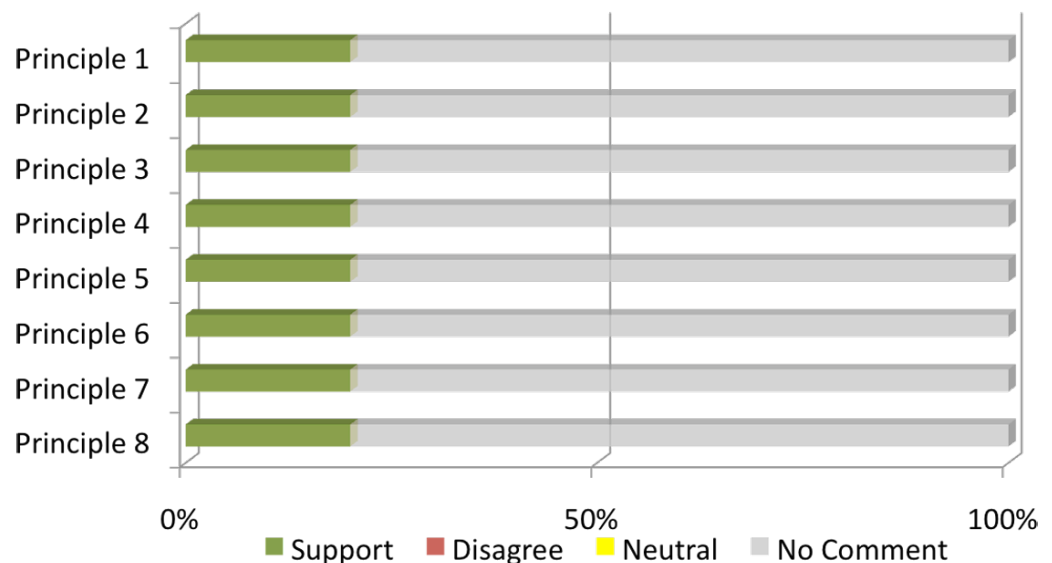
### Feedback on principles

Most Forestry stakeholders expressed no comment on the eight WAM principles. Forestry submissions largely focused on the potential interaction between the *Water Act* and the FRPA, as well as other federal and provincial statutes and guidelines. Only one submission commented on the principles and it expressed support for all principles. No Forestry submissions expressed disagreement with any principles as written.

### Feedback on goals

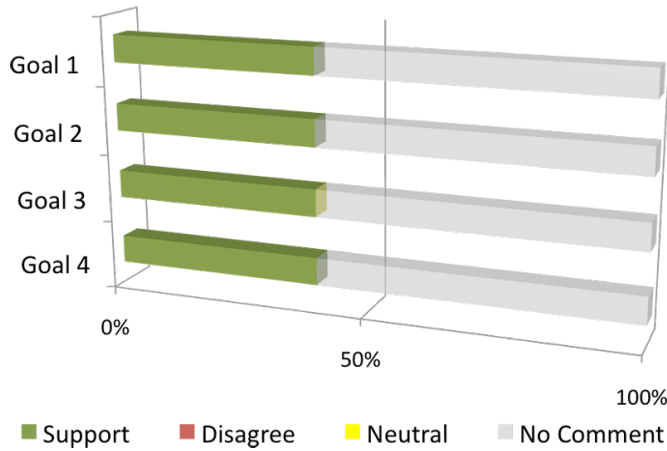
As with the principles, Forestry submissions either supported the WAM goals or offered no comment. This stakeholder group expressed no direct disagreement with the WAM goals, except for concern about jurisdictional overlap and the rapid pace of the WAM process.

**Figure 31: Forestry stakeholder group response to the proposed *Water Act* Modernization principles**



Although they did not comment extensively on Goal 2, governance arrangements, Forestry stakeholders indicated support for a strong central governance structure. They expressed

**Figure 32: Forestry stakeholder group response to the proposed *Water Act* Modernization goals**



concern that a lack of clarity and certainty may result from Shared and Delegated Approaches to water governance.

Forestry stakeholder submissions maintained that harmonization between the FRPA and a modernized *Water Act* is essential for successful stewardship of BC’s water resources.

## What we heard...

### from Forestry stakeholders

“[T]he definition of “stream health” is often badly misunderstood by the general public... This common misunderstanding has the potential to lead to the call for increased constraints on activities or added measures within watersheds that result in no benefit to stream health. They only add unnecessary constraints to other resource users.”

Archie MacDonald  
Council of Forest Industries

“CFPA supports the goal of modernizing and streamlining legislation, particularly where proposed changes provide business certainty and consistency in application. In managing key resources such as water, it is imperative legislation and attendant regulations are developed with the underpinning of an appropriate balance between social, economic and environmental objectives”

Les Kiss  
Coast Forest Products Association

“...strengthening accountability in the Water Act through more assignment of responsibilities to professionals (including other professions) is an efficient and adaptive way to promote compliance and accomplishment of policy goals compared to complex and costly prescriptive legislation.”

Rod Bealing  
Private Forest Landowners Association

“...the Act could provide the ability for water users and decision makers to seek water license amendments based on watershed issues and priorities and the ability to use water for a higher value use. To do this, a fair and transparent process, and potential compensation, is required to guide any ‘low’ to ‘high’ water allocation transfers – i.e., who decides? what criteria is used?”

Michelle Vessey  
Catalyst Paper, Crofton Division

## 11.6 Hydropower

Seven organizations submitted comments on the Discussion Paper including two Crown corporations, an industry association and several hydroelectric power developers. The sector provided the following key messages:

- The *Water Act* Modernization process must continue to support the government’s goal of achieving energy self-sufficiency.
- Hydropower developments all require significant amounts of water for their operations. Developers need security for their investments and a clear, transparent licensing process. While there are benefits of sharing and delegating roles for water stewardship there are also potential conflicts on issues or projects that face local opposition but are recognized as serving the greater public good.
- As a non-consumptive user hydropower generation should be distinguished from consumptive use activities.
- Water allocation plans are often expensive and time consuming. Rigidity in requiring such plans does not allow any flexibility for decisions based on site-specific conditions, changing circumstances or scientifically-justified rationale.

“Stream health is an important consideration in the water licensing process... but ...must be assessed in conjunction with social and economic factors. Overly conservative water license decisions, unclear assessment methods and inconsistent outcomes between applicants reduces confidence in the process and hinders developers and investors.”

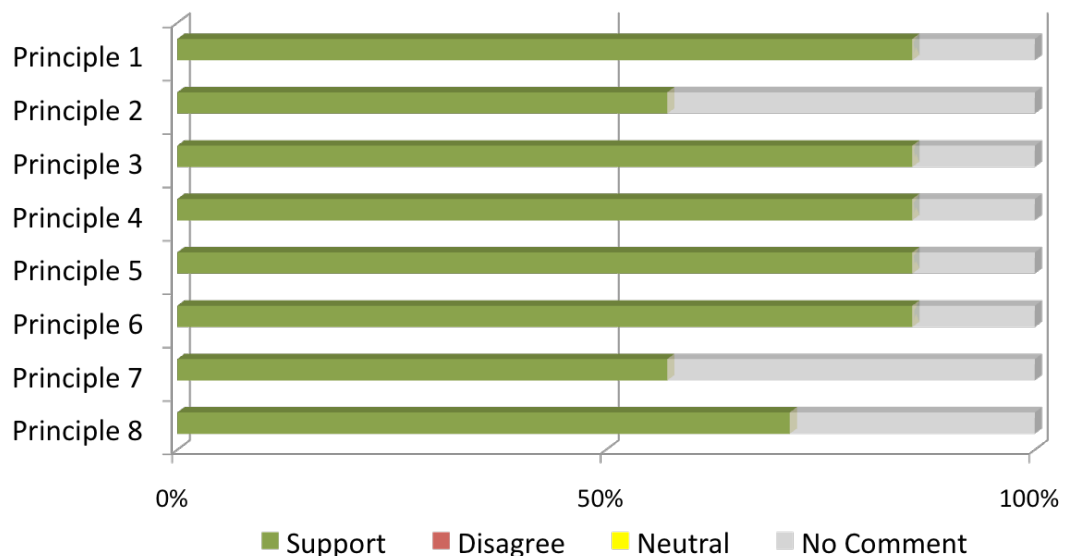
Matt Good  
Brookfield Renewable Power

### Feedback on principles

The majority of Hydropower submissions supported the eight WAM principles. Notably, the support expressed by Hydropower stakeholders exceeded that of all submissions combined for seven of the eight principles. No submissions from this sector expressed a position of non-support for any of the principles and Hydropower stakeholders did not identify any principles to be missing from the WAM process.

Overall, many submissions expressed concern with the use of the terms “investment” and “investors” in the proposed principles of the *Water Act* Modernization. However, as investors, the Hydropower sector supported the terms and noted the essential electricity services the sector provides to British Columbians.

**Figure 33: Hydropower stakeholder group response to the proposed *Water Act* Modernization principles**



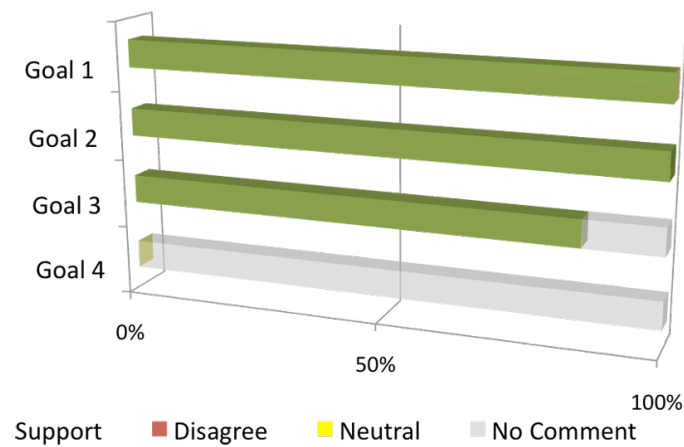
## Feedback on goals

Hydropower submissions expressed strong support for Goals 1, 2 and 3. Not surprisingly, as groundwater extraction is of low concern to Hydropower stakeholders, their submissions did not express a specific position on groundwater regulation (Goal 4).

Regarding Goal 1, Hydropower submissions indicated strong support for environmental flow guidelines rather than standards, and generally support optional water allocation plans developed at the discretion of the Regional Water Manager and which the decision maker must consider in making decisions.

With regard to Goal 2, improving governance arrangements, Hydropower interests also expressed strong support for a Centralized Approach to provincial planning and decision making, with few delegated responsibilities. They also favoured mechanisms for providing input and partnerships for gathering information with regional and industry experts in order to develop greater efficiencies and protect existing and future investments.

**Figure 34: Hydropower stakeholder group response to the proposed *Water Act* Modernization goals**



In submissions, Hydropower respondents indicated general support for Goal 3, regarding the introduction of flexibility and efficiency in water allocation. Responses included support for the following:

- Government determining actual water needs on the basis of efficient practices and works.
- Use of incentives and economic instruments to encourage efficiency. These include penalties and bonuses, water rentals and pricing structures that include rebates for non-potable water use or water reclamation.
- Permitted water uses being defined and allowed under the *Water Act* and regulations applied in a consistent manner throughout the province.

Hydropower respondents also expressed strong support for retaining the practice of FITFIR allocation and general support for water allocation based on priority date in times of scarcity, which is consistent with the current requirements of the *Water Act*. There was also general support for developing plans – at the request of water users or communities, licensees and other interested parties – to address long term water scarcity on a watershed basis and provide recommendations for supply and demand side changes.

Although Hydropower interests provided no general comments on the objectives of Goal 4, groundwater regulation, some responses favoured the proposed 250 m<sup>3</sup>/day threshold for wells in sand and gravel aquifers and a 100 m<sup>3</sup>/day threshold for consolidated bedrock aquifers or as determined large by a water management plan. Hydropower respondents also

indicated that their preferred option in determining priority areas for regulating groundwater is identifying areas of known quantity concern.

## What we heard...

### from Hydropower stakeholders

“It is important to consider the difference between consumptive and non-consumptive uses for water allocation and any possible efficiencies in the system. In particular, most small hydro projects have limited storage and do not consume water. As such, the water licences for small hydro projects may not impact the water allocation of other users to the same extent as licences for consumptive use or storage hydro projects.”

Loch McJannett  
Independent Power Producers Association of BC

“Delegating or sharing control of water licenses could impose significant new regulatory risk and reduce operational certainty for BC Hydro. BC Hydro strongly believes that centralized management of water licensing, at least in respect of our licences, remains in the best interest of the province.”

Ray Stewart  
BC Hydro

“[The Ministry of Environment’s] interpretation conflicts with all other key government agencies that approve a maximum 40 year term concurrent with commercial operation: BC Hydro, the Utilities Commission, and the Integrated Land Management Bureau. This remaining inconsistency creates uncertainty for the industry and for the financing community, and interferes with achieving the lowest possible costs for ratepayers. IPPBC proposes that the Water Act harmonize the term of Water Licenses with the term of BC Hydro Electricity Purchase Agreements by starting them on the same date, to allow beneficial use of water for power purposes for 40 years.”

Stephen Kukucha  
Atla Energy

## 11.7 Local Government

Twenty-four Local Government stakeholders submitted comments on the Discussion Paper, including regional districts, municipalities, improvement districts and the Islands Trust. Local government, including staff and elected officials, were represented at all nine WAM multi-stakeholder workshops. In addition, four local government associations participated in conference calls with Ministry of Environment staff. The sector provided the following key messages:

- Local Government stakeholders throughout BC want more involvement in planning and decision making. In some regions, local government requested greater responsibility for some water management and planning decisions. In others, local government prefers an advisory role only, and favours maintaining a centralized, provincial approach to decision-making.
- Northern communities in particular expressed concern about the impacts of industry and resource extraction, especially regarding the amount of water required.
- Southern and Island governments focused on domestic and agricultural conservation, impacts of climate change on ecosystems and responding to droughts.
- Local governments wanted their water licences to receive priority in times of scarcity. They also want to see stream health and aquatic ecosystems and groundwater protected because they add to a community’s well-being and resilience.
- Local governments are concerned that all levels of government are insufficiently resourced to enforce the laws that are already in place and stress that sufficient support is crucial to implement a modernized *Water Act*.

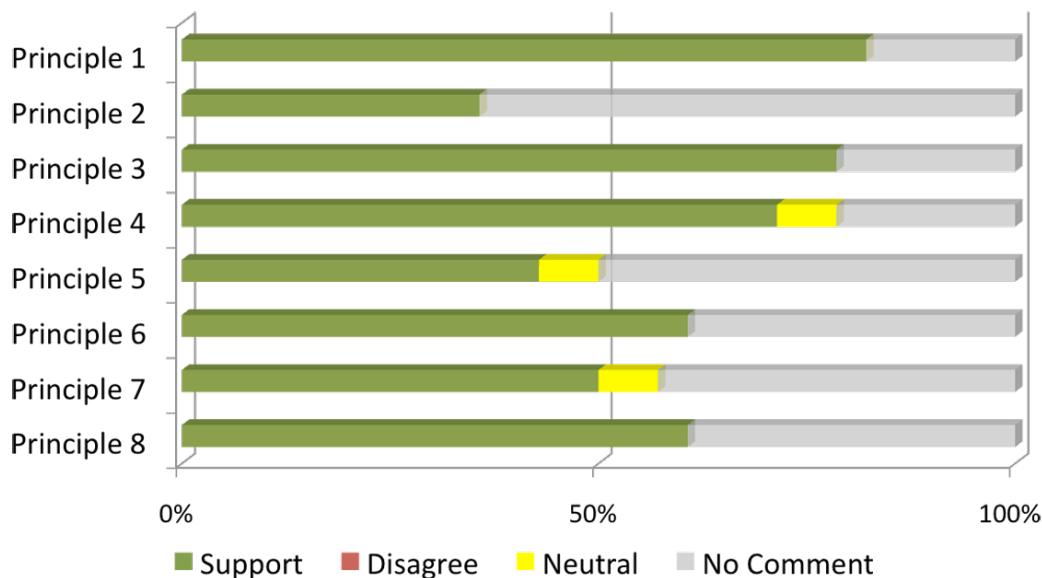
“The City is cautious of any delegated authority for any new model of governance and needs assurance that we have full powers under our authority for use of local taxpayer funds now or in the future. We also have concerns for any shared or delegated authority that comes without adequate provincial funding.”

Staff report  
City of Kelowna

### Feedback on principles

The majority of Local Government stakeholder submissions supported the eight WAM principles at a higher proportion than most other stakeholder groups. Of particular interest to these stakeholders was the integration of legislation, policy and decision-making across all levels of government (Principle 4). Submissions indicated a strong interest in streamlining planning and decision-making processes. Feedback also stressed that collaborative,

**Figure 35: Local Government stakeholder group response to the proposed *Water Act* Modernization principles**



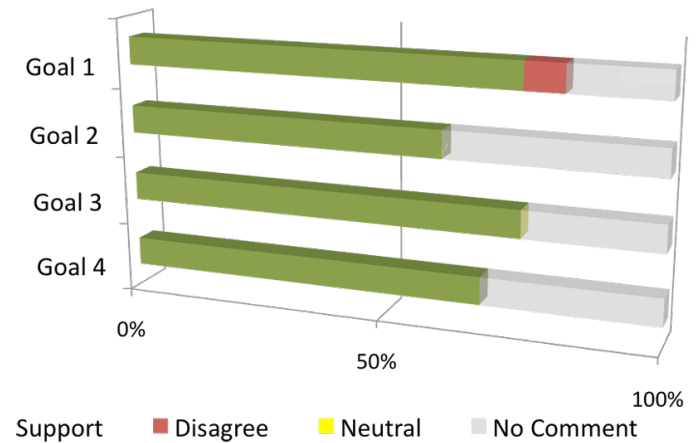
proactive decision-making, adequate resources and tools are needed to meet commitments across all levels of government and in all regions.

In addition, submissions asserted that, while local expertise is vital for watershed planning, so too is provincial oversight. Moreover, submissions called for a modernized *Water Act* to define the Province’s role as that of an empowering administrator. Local Governments strong support for shared responsibility and decision making highlights a valuable opportunity for multi-lateral partnerships.

### Feedback on goals

Local Government submissions indicated particularly strong support for the WAM goals. One submission expressed explicit disagreement to Goal 1, regarding the protection of stream health. This was due to questions about defining “stream health” and the process for setting standards to protect it.

**Figure 36: Local Government stakeholder group response to the proposed *Water Act* Modernization goals**



Local Government stakeholders expressed a strong interest in ensuring that a modernized *Water Act* is based on clearly defined processes which balance local and province-wide priorities. This would include ecosystem protection, social health and the economy. Firm supporters of collaborative partnerships, Local Government stakeholders also requested additional opportunities to participate in the WAM process.

## What we heard...

### from Local Government stakeholders

“... water rights (privatization and ownership of water) are of great concern to the City of White Rock as these issues are not addressed in Provincial Water Act.”

Tracey Arthur  
City of White Rock

“The Hornby Island Local Trust Committee recommends that active support for conservation and for rainwater catchment/storage through creating incentives and removing barriers should be considered as important as regulatory approaches in addressing groundwater protection.”

Louise Bell  
Hornby Island Trust Committee

“We strongly encourage the Province to offer a continuation of the transparency that has been a strongpoint of the process to date.”

Laura Benson  
District of Maple Ridge

“Local governments need control over managing the watersheds...as the purveyors of drinking water to their communities, [local governments] are responsible for the provision of safe drinking water yet they have no control over land use on crown land within their drinking watersheds.”

Donna Shugar  
Sunshine Coast Regional District

“...the Regional District encourages the Province to consider a governance structure that is flexible, and is appropriate for the unique circumstances that exist in the Regional District of Bulkley-Nechako. Solutions designed to address water related issues in one part of the Province may not be appropriate for the north or its residents.”

Eileen Benedict  
Regional District of Bulkley-Nechako