



WATER SUPPLY
ASSOCIATION OF B.C.

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December 15, 2011

Project Team
Natural Resource Road Act Project
Provincial Government of B.C.

Via Email

Re: Stakeholder Feedback on Proposed Natural Resource Road Act (NRRA)

Dear NRRA Project Team:

On behalf of the Water Supply Association of B.C., thank you for the opportunity to provide stakeholder feedback on the proposed NRRA.

The Water Supply Association of B.C. (WSABC) represents the interests of water purveyors from around the province. This proposed legislation has the potential to directly affect all WSABC-member (or non-member) Improvement Districts, Municipalities, and Regional Districts in this province who have watersheds and infrastructure accessible either by status or non-status NR roads; or, in instances where status or non-status natural resource roads (NRR's) are situated within or within close proximity of watersheds.

It is understood in reviewing the NRRA Project Discussion Paper, dated November 2011, that the intent of the NRRA proposal is to consolidate resource road legislation into a single act through carefully thought-out principles and policy development. It appears also that the NRRA is directed towards streamlining the administration of NRR's through the appointment of "designated maintainers", who are intended to function under clearly defined and standardized rights and obligations inclusive of sound environmental stewardship.

The WSABC's interest, as it relates to the proposed NRRA, resides primarily with the following key areas of concern. For clarity, areas of concern with the NRRA project have been explained under the respective headings found within the NRRA Project Discussion Paper:

Part 1: Framework Principles:

c. The Act will require that all roads be located, built and maintained with due consideration for the environment.

- **Source Water Protection Plans & Source Watershed Assessments**

Water Purveyors are mandated by Interior Health (IH) to develop, update and adhere to Source Water Protection Plans to ensure the ongoing protection of watersheds and drinking water sources. Source Watershed Assessments are also routinely carried out and maintained by water purveyors managing community watersheds. The draft legislation should require that Source Water Protection Plans and available Source Watershed Assessments be referenced in any approval process. In the case of roads within or within close proximity to community watersheds, adherence to these plans and assessments is fundamental in ensuring roads are accurately classified as to their appropriate hazard rating, are responsibly constructed, that both new and non-status roads (NSR's) are properly and regularly inspected and maintained, and finally for the ultimate rehabilitation or roads no longer required for use.

A referral mechanism should be integrated into the draft legislation ensuring there will be an opportunity for water-purveyor stakeholder input respecting any decisions made concerning roads management within or within close proximity to drinking-water-source watersheds. The Act needs to consider how Source Water Protection Plans will be referenced and utilized in the approval and ongoing management processes, and how individual Source Water Protection Plans will be upheld in the NRRRA decision making processes.

d. Use of roads and control of use shall be commensurate with rights of authority.

- **Existing Non-status Roads (NSR's)**

Draft legislation needs to be definitive respecting the delegation of authority over, and the ongoing management of, existing NSR's within or within close proximity to community watersheds. NSR's are considered a critical issue with water purveyors in that the NSR's are typically undesignated, unmaintained, may be improperly (if at all) rehabilitated, and yet often times provide unfettered access into environmentally sensitive areas including community watersheds.

f. Any road lacking a designated maintainer may be subject to deactivation.

- **Deactivation vs. Rehabilitation**

It is requested that NSR's within or within close proximity to community watersheds be specifically identified and included under this principle. Further, use of the word “**deactivation**” needs to be replaced with “**rehabilitation**” when referring to the planned decommissioning of roads within community watersheds. It is oftentimes critical to the well

being of a watershed that roads no longer required for use be properly rehabilitated to a natural state including natural drainage course restoration and road bed replanting according to established best practices. Again, water purveyors need to be included in the decision making processes respecting any planned rehabilitation of a road within or within close proximity to a community watershed.

Roads subject to rehabilitation by a maintainer seeking relief, or by the province, need to be properly and sufficiently inspected on a cyclical basis if the rehabilitated roads are located within or within close proximity to a community watershed. Finally, water purveyors should be provided assurances that rehabilitated roads will be closed to off-road vehicle use when located within a community watershed.

Part 2: The Framework Policies:

- 2. Planning:** *Operational planning will reflect environmental values, user needs, and risks likely to be influenced by the road. A person seeking an authorization will not need to complete additional strategic planning under the NRR.*

As stated previously under Part 1: Framework Principles, the draft legislation needs to include a requirement that NRR planning be inclusive of referrals to water purveyors according to respective watershed jurisdictions. The draft legislation also needs to include a requirement that NRR planning shall reference, and as necessary, abide by conditions set-out within Source Water Protection Plans & Source Watershed Assessments.

- 3. Road Use Objectives:** *Government may define what conditions the road must be in once its intended use has been concluded (if it is not to be deactivated) before the designated maintainer is relieved of their obligations (the designated maintainer may have the option to pay in lieu of the work).*

A notification/referral process including water purveyors responsible for community watersheds would be appropriate under this framework policy for NRR's within or within close proximity to a watershed.

The WSABC recognizes a strong potential for fiscal downloading under this point and other points already covered. The draft legislation needs to include a mechanism for cost recovery of any expenses borne by water purveyors when those costs are associated with critical "must-have" referral reviews for NRR's within or within close proximity to community watersheds. Cost recovery should also extend to all functions related to a purveyor having to inspect, repair or remediate NRR's inadequately rehabilitated by maintainers after use.

- 5. Open Roads:** *Roads if open are available to everyone except as required to protect the road, to mitigate unacceptable environmental impacts, and to provide for the safety of road users.*

The draft legislation should provide water purveyors with specific authority to control or prohibit off-road vehicle use/access, as detrimental actions of users may warrant, where NRR's and non-status roads are located within or within close proximity of community watersheds.

- 11. Limited Obligation:** *Designated maintainers are not obligated to complete or pay for incremental work requested by other users. If appropriate, government may assign designated maintainer obligations to a user who require a higher standard of maintenance.*

The draft legislation should provide water purveyors with a mechanism for reporting and/or addressing any concerns regarding designated maintainer maintenance which may have a detrimental effect on the watershed and/or the quality of water within the watershed. Cost recovery to the water purveyor needs to be assured if the work is required to be done by the purveyor in instances where time is of the essence in carrying out the work to assure the integrity of the watershed or the water quality within it.

- 13. Relief Conditions:** *When a designated maintainer no longer requires use of a road, they may apply to government for relief from their maintenance obligations. Government, if satisfied that the designated maintainer's claim is valid, must provide relief from maintenance obligations, but may include conditions that need to be met before relief is granted.*

The draft legislation should include a provision for referral to water purveyors to ensure that granting relief to maintainers of roads within or within close proximity of community watersheds is contingent on a review by the water purveyor to confirm that the state in which a road is proposed to be left will not detrimentally impact the watershed.

- 14. Deactivation:** *Any road lacking a maintainer may be subject to deactivation.*

The draft legislation should include a provision for referral to water purveyors to ensure they are aware of plans to rehabilitate an unused road and to ensure rehabilitation is completed to a standard ensuring that watersheds will not be adversely impacted.

- 17. NRRA Orders:** *Extend the use of orders to assign/relieve designated maintainer obligations (currently on forest service roads only) to all resource roads.*

The draft legislation should include a provision for financial relief in cases where water-purveyors may be assigned as interim or permanent designated maintainers.

- 18. Results-Based:** *The NRRA will reflect a results-based regime for road construction, modification, maintenance and deactivation, where appropriate.*

The draft legislation should include a provision for a referral process to water purveyors in instances where this policy may apply to roads located within or within close proximity to community watersheds. Professional assurances should be required for all approved road works within watersheds.

21. Information Sharing and Reporting: *The NRRA will define information sharing and reporting requirements, and possibly of relief in limited circumstances.*

The draft legislation should include a provision for information dissemination to water purveyors in any instance where it involves a NRR within or within close proximity of a community watershed.

Closing

The timeline for this round of feedback perhaps could have been longer for meaningful stakeholder feedback, however, the WSABC does appreciate having had the opportunity to provide comment on the NRRA Project. Moving forward, it will be crucial for the province to provide an opportunity for all stakeholders to review and comment on the draft legislation before it is finalized and taken before the legislature for readings and adoption.

If there are any questions regarding the forgoing, please feel free to contact the WSABC or myself directly.

Sincerely,
WATER SUPPLY ASSOCIATION OF BC



Toby Pike
Chair of the Board of Directors

/cc

cc: Valerie Cameron, P. Geo., Chair,
Southern Interior Regional Drinking Water Team

Ivor Norlin, Interior Health