



SAVE OUR WETLANDS, WATERS AND TOURISM

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Environment and Local Government
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Dear Minister

Thank you for inviting us to comment on your Draft Water **Management Strategy**

SWWAT is a community of seasonal and full-time residents who populate the shoreline along the Northumberland Strait from Shediac to Port Elgin. They are very concerned about fecal contamination of coastal waters bordering public beaches and the destruction of coastal wetlands, rivers and streams that flow into Shediac Bay and the Northumberland Strait. Many of these issues have been known by government for more than twenty years. They are issues that affect the health and safety of residents and visitors to our community. They also affect our fishery. The goal of SWWAT is to inform government and to encourage you to act now to correct current problems and prevent future ones

INTRODUCTION

To provide context for our comments, we posit the definition of “strategy” as a plan to bring about a desired future or the achievement of a goal. Clean water is essential to human life. It is also essential to a prosperous tourist industry and a healthy fishery. Wetlands deliver important services to coastal communities including the filtration of storm-water runoff and the absorption of flood waters. Unbridled development and the invasion of impervious surfaces that threaten to smother provincially significant wetlands is unacceptable. Catastrophic flooding in Houston, Texas provides clear evidence of the damage that can be wreaked on a community when it fails to respect the value of its wetlands.

We believe that a water strategy for New Brunswick should grow from a baseline that includes:

- Recognition of climate change as a current reality that contributes to seawater rise; catastrophic weather events, storm surges and coastal flooding.
- Recognition of water as an essential of life.
- Recognition of the value of wetlands to human and wildlife habitat.
- Recognition of the value of wetlands as it relates to floods and storm-water runoff
- New Brunswick’s 2002 water management strategy.
- Clear paramountcy of the environment - coastal wetlands, coastal waters and inland lakes, rivers, streams and ground water when confronted with development. (not sure you can have paramountcy of more than one thing so would suggest that a dash indicating components of the environment might make this clearer

ANALYSIS OF DRAFT WATER STRATEGY

The Minister’s Opening Message suggests that the “Water Strategy” is intended to be a “guide” in respect to decisions relating to water matters in New Brunswick. It also suggests that it will “provide a foundation” for the delivery of program improvements that will enable the Province to



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continue managing water resources in New Brunswick. SWWAT believes that a “guide is little more than an aid to help someone make a decision.

It is not a policy and it is not a regulation. SWWAT further believes that the 2002 Water Strategy is an excellent starting point for a modern water management strategy, one that might serve as reference for legislated regulation and water management policy.

The Minister refers to a public consultation with more than 250 people that took place over the last twelve months. A recurring theme in those consultations was the need to balance the priorities of water management with development. The Draft Water Strategy contains a number of references to the protection of drinking water and the preservation of ecosystem health but it makes no attempt to establish paramouncy for the environment; the protection of drinking water, coastal waters (for recreational swimming and the commercial fishery), ecosystems or wetlands when faced with business, industrial, recreational or residential development. SWATT believes that paramouncy must be an essential component of the balance between a water management strategy in New Brunswick and commercial and residential development.

PURPOSE OF A WATER STRATEGY

The Draft Water Strategy defines its purpose as “to help us gain a better understanding of the state of New Brunswick’s water resources. That sounds like a research project rather than a strategy. The Draft Water Strategy “is not a stand-alone initiative” and it is not a future-oriented water management strategy. SWWAT believes that “emerging challenges” are today’s challenges not some academic hypothesis or view of the future. To protect our water resources, we need an inventory of community drinking water sources, an assessment of water quality by source and a ranking of water sources in terms to their importance to residents of New Brunswick. To protect our wetlands, we need an up to date mapped and delineated inventory of wetlands in New Brunswick, a ranking of their significance to the Province and prioritization of their defensive capacities in matters of catastrophic weather events, storm surges, sea rise, flooding and storm-water run-off. Water quality is so important to the life and economy of New Brunswick that it needs to be managed by a single water quality body supported by a legislated mandate, strong regulation and tough enforcement. **Not sure that we want a ranking of significance – doesn’t that give the Department a way out. Not highly ranked enough therefore no action necessary. I would remove the word ranking.**

VISION STATEMENT

The Draft Water Management Strategy posits a vision statement “New Brunswick’s water quality will be protected and managed to ensure its quality and availability for future generations”. That’s not a vision statement. A vision statement would be a New Brunswick with a safe secure supply of clean drinking water that is protected by paramouncy, legislation, strong regulations and a tough enforcement regime, a New Brunswick where Provincially significant wetlands, rivers and streams that drain into the Northumberland Strait are protected by paramouncy in respect to development, by legislation, strong regulations and a tough enforcement regime, a New Brunswick that borders on protected coastal waters that are safe for recreational swimming and home to a vibrant fishery.



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The Draft Water Strategy posits five principles as flowing from the visions statement. We have no quarrel in principle but offer suggestions in terms of how they might be strengthened.

PRINCIPLES	Draft Water Strategy	Suggested Amendment
Significance	Water is a vital resource for all life, so human and ecosystems health will be given priority when making decisions affecting water	Clean water is essential to life.
Sustainability	Decisions about water will take a long-term view, will be informed by science and consider the potential for impacts to Aboriginal and Treaty rights.	The protection of New Brunswick's water, both fresh water and coastal is paramount to development
Conservation	Water will be used wisely and will not be wasted	The preservation of clean water is essential to life
Shared Stewardship	New Brunswickers will have a role to play in managing and protecting New Brunswick's waters.	Every New Brunswicker is responsible for the protection and of water and wetlands in the Province
Transparency & Accountability	Water-related information will be shared and progress on strategy implementation will be reported.	Water quality will be monitored regularly and shared with the public
Climate Change		Climate change is a reality. Warmer waters and melting ice-caps are creating catastrophic weather events, sea-water rise, storm-surges and flooding.

GOAL 1: Understanding and Sharing Knowledge about Water. SWWAT believes the first priority in understanding water is the creation of a data base to include (i) the location of all significant drinking water sources (ii) Provincially significant wetlands (iii) water quality of lakes, rivers and streams that drain into the Northumberland Strait (iv) mapping and delineation of provincially significant wetlands including all coastal wetlands (v) water quality standards for drinking, recreational swimming and fish habitat (vi) water quality monitoring and reporting regime — locations, timing, frequency, warning signs (vii) vulnerability to climate change, seawater rise and flooding. The preservation of clean water sources

GOAL 2: Protecting Drinking Water. Clean water is essential to life. Universal access to clean drinking water or improved drinking water that is safe to drink or to use for food preparation, without risk to human or animal health must be the first priority of water management in New Brunswick. Drinking water well-fields must be identified and mapped. No development that puts drinking water at risk should be allowed in the Province. The protection of clean water sources is in the public interest and must supersede the rights of private land ownership or water rights as relate to wells, rivers and lakes. Water quality testing must be mandatory as distinct from responsive to recommendations or guidelines, Water quality testing should be reported to a central data collection agency, publicly shared and monitored at least twice a year.



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GOAL 3: To preserve aquatic ecosystems and the water on which they depend. New Brunswick's lakes, rivers, wetlands, coastal areas and waters must be protected to ensure they remain healthy, resilient, biologically diverse and where accessible, safe for recreational swimming and fishing. To ensure their protection, lakes, rivers, wetlands, coastal areas and waters must be mapped, delineated and prioritized in terms of their provincial significance. Mapping data must be continually updated and available to the public and supported by a strong regulatory and governance regime and a public education program must continually remind the public of its obligations in respect to the protection of our lakes, rivers, wetlands, coastal areas and waters.

The Draft Water Strategy refers to a working group that has been developing recommendations that will inform the Strategy. We assume this is the Group of fifteen that you created in January 2017. We understand their recommendations were circulated on October 2nd but there is no obvious sign that they have been incorporated into the current draft strategy

The Draft Water Strategy refers to various watershed initiatives such as the Biodiversity Strategy and the Water Monitoring Protocol for Parlee Beach but there is no indication of how they work together in common purpose. SWWAT believes that a sound water strategy would go hand-in-hand with a land-use protocol for the Province that would respect the quality and integrity of the Province's lakes, rivers, wetlands, coastal areas and waters.

SWWAT supports Action item 12 and 15 under Goal 3 Actions. Assuming the working group established in March 2017 has presented its recommendations (Action item 12) with respect to management of surface water quality in the Province by watershed, we wonder why a "renewed regulatory approach" has not been included in the Draft Water Strategy. With respect to Action item 15, we also wonder where the policy respecting environmental water flows might be found in the Draft Water Strategy.

Action item 20, under Goal 3 refers to an evaluation of regulatory requirements for designated coastal protected areas. SWWAT believes the time has passed for an evaluation. Our coastal areas are under siege by developers, some of them without scruples. We demand regulatory protection of Provincially Significant Wetlands and coastal protected areas now.

Action item 21, under Goal 3 refers to a recreational water monitoring program for the provincial park system. We concur but we believe this action should be more explicit by stating that the recreational water monitoring program adhere to or exceed national standards of measurement including with reference to monitor timing, frequency, strategic locations, speedy analysis and quick distribution of public information and signage to ensure public safety.

GOAL 4: Working Cooperatively. The Province recognizes that all New Brunswickers have a stake in the protection and management of water and have responsibilities with respect to its safekeeping. Federal, provincial, and local governments, First Nations, stakeholders and the public must work cooperatively to better protect and manage New Brunswick's waters.

SWWAT compares this statement to motherhood. Everybody accepts the principle but the reality requires leadership from government, the protection of regulations and the power and authority of enforcement to make them work in the public interest. Self-policing or ministerial



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discretion is unacceptable when it comes to the protection of water bodies, water courses, watersheds and coastal wetlands.

SWWAT agrees there is need for more significant public education in respect to preserving the quality of our water bodies and the services of our wetlands. There is need for the public to better understand the essential nature of clean water to human life and wild life. There is need for public awareness of laws and regulations concerning the protection of water bodies and significant wetland services and there is an absolute need for the protective regulation of water bodies, coastal waters and wetlands and the legal authority to enforce such regulations.

GOAL FIVE: IMPLEMENTUNG THE WATER STRATEGY. The Draft 10 year (alleged) Water Strategy identifies actions designed to respond to challenges facing the province. It does not set clear and measureable objectives. According to your Draft Water Strategy, progress of strategic actions will be measured but it's not clear what they will be measured against. SWWAT agrees the Water Strategy must remain current but first it must become a true strategy. A water strategy is not a wish list, it is a comprehensive plan to achieve goals and clear objectives.

PUBLIC CONSULTATIONS

In February 2016, the Department of Environment and Local Government initiated an engagement process with stakeholders, the public and other New Brunswick Government departments to share information about how water is currently protected and managed in the province and to hear New Brunswickers' views on how government can improve and plan for the future. A discussion paper entitled Working Together to Build a Water Strategy for New Brunswick was created in order to spark conversation about water related topics most importance to New Brunswickers.

Following release of the discussion paper, a series of workshops and open houses were held in Grand Falls, Bathurst, Miramichi, Moncton, Saint John and Fredericton. Online submissions were also accepted through the department's website.

Respondent Categories *	Submissions per Category
Business/Industry	12
Non-Governmental Organization (NGO)	50
Member of the Public	101
Consultant Firm	9
Communities (Municipalities, Local Service Districts and Regional Service Commissions)	29
Government of N.B.	48
Institutions (Colleges and Universities)	2
Federal Government	1
Total # of Respondents	252



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Respondents stated that the needs of nature and humans should not be compromised and the environment should not take a back seat to development. When environmental and economic goals are in conflict, the environment should have prime importance.

Respondents suggested that government should ensure that the water strategy incorporates ecosystem based management principles to ensure consistent progress towards sustainability goals that link water management with land use planning processes (e.g., to prevent continued wetland loss).

Respondents identified other challenges including: gaps in available data, e.g. lack of wetland monitoring and mapping; lack of baseline data against which to measure change; lack of water consumption data, an absence of clear water quality standards, lack of information about the quality and distribution of groundwater...

Respondents identified research and information priorities including: an impact evaluation of industrial and commercial activities on water quality; better understanding of wetland functions; development of a provincial inventory of groundwater sources; linkages between surface water and groundwater; the need for LIDAR mapping of watercourses, wetlands, floodplains and groundwater and wetlands protection legislation/regulation and a stronger EIA regime.

The need for better regulation and strong enforcement was a consistent theme of the respondents. They are concerned about watercourse and wetlands protection and favour a reduction in the number of Watercourse and Wetland Alteration Permits approvals and advocate a requirement for restoration where a permit has not been given and wetlands or watercourses have been altered without permit. They understand that effective enforcement requires legislative authority and that it may be missing in New Brunswick when it comes to water and wetlands protection.

Respondents were concerned with the over-use of water (resulting in dried-out rivers, wetlands and aquifers; river-bank fill to facilitate residential construction; lack of a wetlands management strategy; increased development near watercourses and wetlands; endangerments to fish and wildlife caused by heavy all-terrain vehicles and pollution from spills and storm water run-off.

Respondents believe a new wetlands strategy must shift the balance between environmental protection and development to favour the environment. They believe flood insurance encourages residential development on flood plains. They encourage more community planning and the suspension of insurance to dissuade development. They believe flooding and flood plain management is a real time issue in these times of climate change, seawater rise, storm surges and catastrophic weather events.

Respondents support the need for better public education in respect to water standards, water quality protection, the need to conserve water, the value of wetlands and paramountcy of water quality protection over development.

Respondents expressed concern about the overuse and dehydration of wetlands, streams, rivers and aquifers. Many home construction sites along the Saint John River have been permitted to build large retaining walls to allow houses to be built over the water and/or large amounts of fill to be used to extend the river banks.



CONCLUSIONS AND RECOMMENDATIONS

Minister, with the greatest respect this is not a “water management strategy”, It is a hybrid action plan and process report. It’s a tentative work plan without clear purpose or commitment. It’s also a process report but without reference to specific objectives or timelines. Your Draft Water Management Strategy has no specific deadlines. Many of your action items are watered down by vague language, for example: Action 4. "Enhance" networks, Action 5. “Maintain a dialogue” or Action 12. “Develop an approach”. These are not strategies, they are waffles.

Water resources in New Brunswick are under attack by industrial fertilizers and pesticides (agriculture and forestry); inadequate sewage disposal systems, bottled water exports and the encroachment of commercial and residential development, including seasonal and campground. Coastal waters along the southeast coast of the Northumberland Strait are periodically contaminated and often unsafe for recreational swimming and fishing. It’s essential to the health and safety of both residents and visitors that source points of contamination be identified and quickly mitigated.

A Water Management Strategy should begin with a frank situation analysis including a review of New Brunswick’s 2002 Water Strategy and recommendations as to how it might be improved or updated. A Water Management Strategy should posit long-term goals and clear objectives supported by both strategy and tactical action plans.

RECOMMENDATIONS

1. Redraft your Water Management Strategy to include clear and measurable objectives with strategies and timelines to achieve its goals. When you plan the future, you have a list of potential achievements. These are goals. The specific steps you take to get to those achievements are your objectives.
2. Preface your Water Management Strategy with a frank situation analysis including a review and objective analysis of New Brunswick’s 2002 Water Management Strategy and acknowledgement that climate change is “in the moment” in New Brunswick as relates to seawater rise, coastal flooding, storm surges and storm-water run-off.
3. Create an on-line data base with a complete inventory of potable water sources in New Brunswick, their significance in terms of size, location, accessibility, management, rated quality and the public interest. The data base should also contain detailed mapping and delineations of all coastal wetlands and “provincially significant” wetlands and coastal estuaries. Water assets, both potable and coastal should be ranked and prioritized according to water quality, size and significance of the asset in respect to drinking water, recreational swimming and fishing. Wetland mapping and delineations should be included in the data base and prioritized in terms of their capabilities in respect to floodwater absorption and filtration services responding to seawater rise, coastal flooding, storm surges, and storm-water run-off.
4. Establish scientific water quality standards in respect to both drinking water and coastal waters for recreational swimming and fishing.



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5. Ensure accessible, safe and sufficient water for drinking and other purposes, including industrial, recreational, heritage, cultural and spiritual uses and values.
6. Consolidate all water related Acts and Legislation (including: Environmental Impact Assessments; Clean Water Act; Wetland and Watercourse alterations, a Wetlands Protection Act, etc.) in a single Water Management Strategy, supported by a strong regulatory regime with the full legislative power and authority of enforcement.
7. Establish Water Management objectives and priorities to protect the Province's wetlands and watersheds while supporting sustainable economic development and ensuring that New Brunswickers understand the value of water to their economy and quality of life.
8. Declare all "Provincially Significant" wetlands, water sources and coastal estuaries as public assets with the full and unfettered protection of provincial legislation, regulation and enforcement.
9. SWWAT agrees there is need for more significant public education in respect to preserving the quality of our water bodies and the services of our wetlands. There is need for the public to better understand the value of clean water to human life and the value of ecosystems to wildlife habitat. There is need for public awareness of laws and regulations concerning the protection of water bodies, water courses, coastal waters, significant wetlands and their flood mitigation and filtration services with the legal authority to enforce such regulations.
10. Ensure that New Brunswickers have the knowledge, tools and motivation to implement actions that will ensure the Province has a safe, secure supply of drinking water while maintaining or improving management of the province's water resources and wetlands.

In closing, the members of SWWAT respectfully underline the importance of deliberate action to protect the health and safety of waters, watersheds and wetlands in the public interest. We can no longer afford to rely on guidelines and ministerial discretion to protect our water and to protect our wetlands. We need to establish the paramountcy of water and wetlands in relation to development and we need to protect our water sources and wetlands with strong, legislated regulations and enforcement strategies.

Thank you

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