



## *Our Most Loved Resource? Water*

British Columbians are keen to protect rivers, lakes, streams, and wetlands, a new poll finds.

*By: Linda Nowlan, 22 November 2010, TheTyee.ca*

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We love our water, so much that we want new rules to protect the elixir of life. Water is the most highly valued natural resource we have, according to a new poll from the McAllister polling group done for WWF Canada and the Vancouver Foundation, released today.

While it may be predictable that 98 per cent of British Columbians feel fresh water is crucial to the prosperity and quality of life in B.C., it's less obvious that 72 per cent say nature should be the priority for managing water use during times of water scarcity -- even if it slows economic growth. And 62 per cent of those polled said that current rules governing water use in B.C. were not strict enough to ensure the future sustainability of B.C.'s fresh water resources.

The citizens of the province are giving a strong go-ahead signal to the government to do what it takes to protect and conserve our rivers, lakes, streams, and wetlands.

So take note, beleaguered politicians from all parties: this is a good news story. Bold reforms to safeguard water laws are likely to attract public support. Just as the carbon tax turned out to be a popular move by the Liberals (and opposition to the tax was a disaster for the NDP), ensuring nature's needs for water are met promises to be popular.

### **Time to make four changes to Water Act**

How strong are the province's current water law proposals? The fine details have not yet been released, but all indications are that we're on the right track. The government's pledges to 'modernize' the Water Act are well underway.

Four key changes are needed, and the government is poised to act on them all.

**Put stream health first.** The first promise is that water law will prioritize stream health and new legislation will protect environmental flows. This is an answer to the question: How much water does a river need?

Though we humans think we have first dibs on clean water, it's really the aquatic ecosystem itself with all the services that nature provides to us -- ecosystem services -- that should get top priority. The government has assured us that by 2012, all water managers will know what a healthy stream is, and fish will finally have rights to water.

**Secondly, change the rules around water governance.** Governance is a popular term in policy wonk circles these days. Basically, it refers to who gets to make the decisions, and how they decide. B.C. now has a patchwork of rules in place for different areas. The public wants a greater say. We all have a role to play in sustainable water use: consumers who shower, wash cars and water lawns; power generators who use water to generate lower carbon forms of energy; farmers who irrigate food crops; oil and gas companies who use great quantities in production; and many others.

**Then we have water allocation,** the tricky question of who gets what. Rules designed to promote settlement in B.C. back in the early 1900s when the law was first passed, that gave priority to whichever farmer, rancher or miner was first to put a pipe in a creek, are sorely outdated. These 'first in time, first in right' rules would seem ridiculous if applied in any other context. If you moved into a new neighbourhood, would you expect to get less water than your neighbour who moved in last week? Exactly.

Modernizing allocation rules will involve balancing key interests. But as the poll demonstrated, and as water scientists agree, nature's needs for water should come first. A whopping 94 per cent of those polled favour ensuring that the protection of nature, wildlife and species like salmon get top priority for water.

**Next up is groundwater.** B.C. has the dubious distinction of being almost alone in the developed world in not requiring groundwater users to obtain some form of license before they drill a well. (There are some exceptions for massive new wells.) And this omission is not because we have unlimited groundwater supplies at our beck and call. Just ask residents of the Okanagan, the Gulf Islands, or the Nicola Valley. They'll tell you they need groundwater controls to protect drinking water, and to ensure there's enough for cattle, migrating salmon, and peach orchards. After all, every source of water is connected in the hydrological cycle. Kudos to the government for confirming that it will finally remedy this glaring defect in B.C. water law.

We are fortunate in B.C. to have an abundance of free-flowing wild rivers, as well as multi-use rivers at the base of our economy and society. We love our water, and we welcome the law reforms needed to keep it healthy. Let's hope the current political upheaval doesn't derail the scheduled reforms. □

Linda Nowlan is an environmental lawyer in Vancouver who served on the Canadian Council of Academies' Expert Panel on Groundwater, the BC Independent Drinking Water Review Panel, and is the author of numerous reports on water and environmental law, including *Practising Shared Water Governance in Canada: A Primer and Buried Treasure: Groundwater Permitting and Pricing in Canada* (co-authored with Dr. Karen Bakker) and *Buried Treasure: Groundwater Permitting and Pricing in Canada*.