

OUT WITH THE DATED, IN WITH THE MODERN:  
**TOP TEN REASONS WHY WE  
NEED A NEW B.C. WATER ACT**



© MICHEL ROGGO / WWF-CANON

Sockeye salmon  
(*Oncorhynchus nerka*), adults  
migrating up the Adams River  
to spawn. B.C., Canada

British Columbia is poised to update its more than century-old Water Act. This gives the province the opportunity to be a national leader in water management by ensuring the new law protects water for nature and secures water for sustainable economic development. As part of our Living Waters Initiative, WWF-Canada has been working closely with the B.C. government to put in place a strong, modern new Water Act.



Tulips field sprinkler watering crop. Agassiz, B.C., Canada

## HERE ARE THE TOP TEN REASONS WHY WE NEED A NEW B.C. WATER ACT:

### 10: Because a new century requires new rules

B.C. needs a new Water Act because the current law is more than a hundred years old and long overdue for revision. First passed in 1909, the Act was designed to give miners and farmers access to water. Times have changed, and while farmers and miners still need access to water, so do cities, pulp mills, hydro dams, and fish and wildlife. Water demands keep escalating as B.C.'s population grows and industries expand. Most importantly, we need to incorporate our science-based understanding of nature's needs for water into the new act.

### 9: To promote wise water use

The people of B.C. use a lot of water: at 448 litres per person per day we have the highest rate of personal water use in Canada. New water rules can nudge people to use water more efficiently, by empowering local governments to fund household evaluations of water and energy use and enforce water restrictions to curb overuse. Studies show that almost every economic sector can make cost-effective choices to reduce water use by 20 to 50 per cent. The new act can establish industrial and corporate water efficiency incentives.

### 8: To adapt to a changing climate

We need more flexible water rules to adapt to a changing climate. The Honourable Mr. Justice Bruce Cohen said it well in his landmark Commission of Inquiry Report, *The Uncertain Future of Fraser River Sockeye*: "Although we must address the impact of contaminants and habitat loss, we cannot stop there. Warming waters is the elephant in the room that we cannot ignore." Changing flows and increased scarcity will lead to more water when we don't need it, and less when we do. Glaciers will keep on shrinking, and conflicts over water will proliferate. We need flexible adaptive rules to deal with water use as the climate changes.

## 7: To protect our waters for future generations

Water is a unique and irreplaceable substance – it deserves unique protections. A new Water Act should ensure that water is managed in the public trust for the benefit of all B.C. residents. The first river to have its own legal rights – the Whanganui River, New Zealand’s third largest – is protected by a trust. Quebec’s water law states that both surface and groundwater are resources that are part of the common heritage of the Quebec nation. Protecting water under the public trust doctrine would enable a new era of water management in B.C. Let’s require water to be managed in the interest of both present and future generations.<sup>i</sup>

## 6: Because healthy waters lead to healthy fish

Almost one third of B.C.’s freshwater fish species are at risk according to the B.C. Conservation Data Centre. Strong new water rules can ensure there is enough water for fish and for healthy ecosystems by protecting environmental flows. Loss or degradation of habitat is the most important factor leading to ‘at risk’ status for freshwater biodiversity, especially fish species, worldwide and in Canada.<sup>ii</sup> The Cohen Commission also recommended modernizing the B.C. Water Act to address the needs of Fraser River sockeye. New provisions in a Water Sustainability Act can protect the water that is the most essential part of fish habitat.

## 5: Because oil and water don’t mix

Oil and gas development is putting water resources in some parts of British Columbia under tremendous pressure. The best example of industrial pressure on our water is the liquefied natural gas (LNG) boom. The government proposes getting at least three LNG export terminals up and running on the B.C. coast by 2020. LNG is extracted by hydraulic fracturing, or fracking, a process that uses a great deal of water (11 million litres per well, on average). With more than 7,300 new wells drilled in B.C. since 2005 and between 500 and 1,000 new wells being permitted in the province each year, according to the B.C. Oil and Gas Commission, this puts a serious strain on our waters.<sup>iii</sup> The new act should put rules in place to ensure the rate of conservation exceeds the rate of development.

## 4: Because better measurement leads to better management

More efficient water use depends on a clear understanding of how much water is actually used, information that is not currently available. Under the current system, just one of B.C.’s pulp and paper companies is required to meter its water use and provide data (only on request). There are no reporting requirements for the world’s biggest bottled water seller now bottling water drawn from wells in British Columbia.<sup>iv</sup> The government has promised that the new act will require all large users to measure and report on their water use, a welcome and needed improvement.

## 3: To protect our groundwater: B.C.’s buried treasure

B.C. is the only place in North America without general groundwater licensing or permitting requirements. A new Water Act is needed to fill this gaping loophole. More and more unregulated wells are being drilled around the province, sucking away the cold water influxes from groundwater below the surface of the river bed into key salmon streams. Unfortunately, the most water is drawn from wells when conditions are hot and dry, creeks are at their lowest, and fish desperately need the cooling groundwater. Fisheries and other resource managers have few regulatory tools to curtail excessive groundwater extraction. Groundwater licensing is a vital improvement over the current free-for-all.

**Embedding environmental flow protection at the core of the new water act is the strongest thing the government can do to protect B.C. salmon for future generations.**





©ISTOCKPHOTO.COM/FRANK LEUNG

The government promised in *Living Water Smart, B.C.'s Water Strategy, 2008* that "Legislation will recognize water flow requirements for ecosystems and species."

Water for nature. Water for people. We need rules to protect both.

Parliament Building in Victoria, B.C., Canada

## 2: To clarify First Nations rights

Times have changed and a new Water Act is needed to clarify aboriginal rights to water, unrecognized when the Act was first passed. First Nations have constitutionally protected rights. Land claim settlements will result in new water arrangements for First Nations. The new Act needs to affirm aboriginal rights, incorporate traditional ecological knowledge into decision-making, and include First Nations in new governance arrangements.

## 1: Because we need water for nature and water for people

The top reason why we need a new Water Act in B.C. is to stop ignoring nature's needs for water. We must put nature's needs for river flow first, and then divide the remaining river flow between human users. That's where rules to protect environmental flows come in.<sup>v</sup> Environmental flows are the quantity, timing and quality of water flows required to sustain freshwater and estuarine ecosystems, and the human livelihoods and well-being that depend on these ecosystems. Altered river flows threaten, for example, the red-listed white sturgeon found only in B.C.'s Fraser and Columbia rivers. And low flows will prevent fish like the kokanee from returning to their natal stream to spawn. By putting flow standards into law, B.C. has the opportunity to lead the nation, and ensure there's enough water to drink, keep the rivers flowing, to grow crops, to generate power, and to keep salmon, red-tailed frogs, bears, deer, aquatic invertebrates, and all of us healthy.

<sup>i</sup> Oliver M. Brandes and Randy Christensen and Randy Christensen, *The Public Trust and a Modern BC Water Act*, Polis Water Sustainability Project Legal Issues Brief 2010-1.

<sup>ii</sup> Dr Eric Taylor, Professor UBC. Zoology and Curator of Fishes, Beaty Biodiversity Museum, "Recent Changes to the Fisheries Act and What it Means for Freshwater Biodiversity" July 2012

<sup>iii</sup> Chapter 5—Environmental Petitions, Part II—Update on Government Responses to Petitions on Hydraulic Fracturing, 5.74-5.75, 2012 Fall Report of the Commissioner of the Environment and Sustainable Development.

<sup>iv</sup> Ben Parfitt, *Counting Every Drop: The Case for Water Use Reporting in BC*, Canadian Centre for Policy Alternatives and POLIS Project on Ecological Governance, June 2013

<sup>v</sup> Linda Nowlan "CPR for Canadian Rivers - Law to Conserve, Protect, and Restore Environmental Flows in Canada" *Journal of Environmental Law and Practice* Volume 23, no. 3 (2012), 237.



### Why we are here.

We are creating solutions to the most serious conservation challenges facing our planet, helping people and nature thrive.

[wwf.ca](http://wwf.ca)

For more information please contact:

Linda Nowlan,  
Director, Pacific Conservation,  
[lnowlan@wwfcanada.org](mailto:lnowlan@wwfcanada.org), 604-678-5152