

**From:** BC NATURE- Office [mailto:manager@bcnature.ca]  
**Sent:** Monday, March 14, 2011 8:43 AM  
**To:** Living Water Smart ENV:EX  
**Cc:** Past President; 'Rosemary Fox'; John & Heather Neville  
**Subject:** Submission from BC nature on the Modernization of the Water Act.

To Water Act Modernization staff,  
BC Nature submits the attached comments on modernization of the Water Act.

Thank you!

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## Comments to BC Government on Water Act Modernization and Policy Proposals

By email March 14, 2011 to [livingwatersmart@gov.bc.ca](mailto:livingwatersmart@gov.bc.ca)

BC Nature appreciates the opportunity to express our views on the modernization of the Water Act and the Policy Proposals. We submit the following comments:

1. The new legislation should be guided by the principle that modification of natural flow for human water uses **must not exceed ecological tolerance levels**. This means that **water must not be used for domestic human needs, agriculture or industrial development to the detriment of the needs of ecological systems and the organisms dependent on them**. This is essential for long-term sustainability of human communities as well as the health of the ecological systems which underpin our wellbeing.
2. Emerging scientific evidence suggests that land use and climate change are the critical parameters in water management. The **governance of land-use decision making** must be based on **hydrological science** and integrated to at least the river watershed level, where resource extraction and other land use decisions make the most impact.
3. **Legislation** must ensure that **in-stream flows, including associated groundwater, lakes and wetlands, meet ecological needs**. Regulations in turn need to detail how this is to be done. A substantial increase in staffing will be required for governance, so this essential expenditure needs to be reflected in the costs of water rights.
4. Government must also invest in **peer-reviewed science**, to enhance informed decision-making. Specifically, scientific investigation is needed to better understand how watersheds function to supply quality water and meet ecosystem requirements.
5. To ensure success of compliance with the new Water Act, BC Nature recommends that an **independent Board** be established to adjudicate disputes and respond to concerns regarding practices in the field. We recommend establishment of a Board similar to the Forest Practices Board.
6. **Shale Gas Development:** The background papers to the Water Act Modernization, as well as other reports, indicate that Northeast BC is quickly developing substantial water problems. BC Nature urges government to halt further shale gas exploration and development, until such time as independent studies, commissioned by government, have gained a sufficient understanding of the ground and surface water supplies to enable a full evaluation of risks to be undertaken. Such studies and risk analyses are necessary to ensure that shale gas development, where it occurs, may proceed in a manner that safeguards water quality and supply and the health of ecological systems - including their human component.

**7. Place a heavy emphasis on preventing the pollution of water**, which is a powerful solvent and as such can be very costly, difficult and sometimes impossible to decontaminate. Incentives to keep water pure through any use must be enacted, and severe deterrent penalties imposed for not doing so. Aquifers are particularly sensitive to contamination, so require stringent legislated protection and monitoring. Care and attention also needs to be exercised to prevent powerful chemicals, such as surfactants and pharmaceuticals, from entering our waters and causing catastrophic biological changes or death in aquatic and other life forms.

**8. Government ownership and control of water is critical for the human and ecosystem health of our province.** Much economic and environmental harm has been experienced by countries that have privatized their water rights to create a free market; therefore a robust, science-based legislative framework is necessary to preserve water as a common, leasable right (within ecosystem constraints) for all British Columbians.