

Apples and Oranges? Lessons for B.C. from California's Drought and Groundwater Law Reform

Drought can be scary, and there's no doubt that recent news about the potentially cataclysmic drought in California has us all uneasy. Groundwater has long been California's "safety net" in times of drought, but so much groundwater has been taken recently that land is sinking under people's feet and aquifers are at serious risk of being depleted (if they aren't already).

What is really hard to believe is that, up until last year, when and where wells were drilled and how much could be pumped from them was basically unregulated in most of California.

Can B.C. learn from this?

This is the question addressed by researchers at the University of Victoria's POLIS Project on Ecological Governance and Ecojustice in the new report [*California's Oranges and B.C.'s Apples? Lessons for B.C. from California Groundwater Reform*](#). Released earlier this month, the new research report analyzes California's legislation while taking into account the climatic, social, and legal differences between the state and province.

Prior to last year, B.C. also did not regulate its groundwater. In 2014, both B.C. and California passed legislation to address this problem: the *Water Sustainability Act* and the *Sustainable Groundwater Management Act* respectively. B.C.'s act is not yet in force, but will be soon. The B.C. *Water Sustainability Act* provides real opportunities to better manage groundwater use in the province, and the provincial government is currently drafting its first regulations for pumping and allocating groundwater under the new legislation.

It's rare for two jurisdictions with this level of similarity to be undergoing such significant changes at the same time, and there are some really rich learning opportunities from California that simply cannot be ignored. The authors of the new report say that by employing a proactive approach and learning from California, B.C. can avoid a crisis situation.

One big insight for B.C. is that local planning and control are important, but they take time—generally measured in decades. As such, it is critical that local groundwater planning in B.C. start now, even though it is not yet required in the new legislation.

Other important lessons include the fact that voluntary programs (even those with the best of intentions) simply are not good enough when water supplies really start to run out: Having binding plans is critical. As well, any watershed or aquifer plans that are put into place must have clearly defined minimum performance standards, timelines, and accountability for local decision-making bodies.

The California drought offers a genuine glimpse into what could be the future for some of B.C.'s watersheds and regions. While there is a lot to commend in B.C.'s new legislation, there is also a risk of repeating some of California's mistakes by not being clear, comprehensive, and insistent that water resources be protected.

The good news is it's not too late. Over the next few years, B.C. will be developing the necessary regulations to create and enforce measures that are desperately needed to protect our water. B.C. has the opportunity to avoid California's errors and benefit from its successes but, as a province, it must act now. When a water crisis hits, it will already be too late.

Download a copy of [*California's Oranges and B.C.'s Apples? Lessons for B.C. from California Groundwater Reform*](#).