

Decision-Makers' Brief: A Blueprint for Watershed Governance in British Columbia

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“Water is life. Water is our relation. Water bonds us across time and place to our ancestors, to our descendants, and to our land. Water nourishes, replenishes, cleanses, and refreshes. It is the source of food, sustains our salmon, supports our rich environment, and powers our economy. It is critical to our community and economic prosperity.” —THE WATERSHEDS 2014 FORUM CONSENSUS²

Introduction

Water is society's most critical and strategic asset. Without abundant clean and flowing fresh water and functioning watersheds, there is severe risk to life, the economy, and community prosperity. Yet, sustainable water use is increasingly under threat across the globe, including in British Columbia, due to growing consumption, increasing pollution, and rapid resource development—all of which impact watershed health and drinking water sources. The prospect of fundamental shifts in the hydrologic cycle due to a changing climate will exacerbate these problems as more extreme weather events lead to increased flooding and prolonged droughts. Reforming governance is required to begin addressing these risks.

Over the past 20 years, British Columbia has implemented a number of significant legislative changes to its resource management and governance regime. This culminated in the *Water Sustainability Act* (WSA) being passed on April 29th, 2014. The provisions for delegated and shared powers in Section 126 of the new

ABOUT THIS BRIEF

WHO IS THIS BRIEF FOR?

In this brief, the term “decision-maker” is defined broadly to include federal, provincial, First Nation, and local governments, and also water funders, non-profits, and existing watershed boards and organizations.

WHY NOW?

The release of this brief was specifically timed to follow the passage of B.C.'s new *Water Sustainability Act*. It focuses on governance (the “how” and “who” of making decisions), as well as how decision-makers are held accountable.

HOW THIS BRIEF IS ORGANIZED

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² See *The Watersheds 2014 Forum Consensus*, available at <http://poliswaterproject.org/watersheds2014/watersheds-2014-forum-consensus>

act (which had been foreshadowed in the various discussion papers leading up to the new legislation) explicitly open the door to a range of governance approaches.

This brief is a supplement to the public policy report *A Blueprint for Watershed Governance in British Columbia*³ and the three-day forum *Watersheds 2014: Towards Watershed Governance in British Columbia and Beyond*.⁴ It informs decision-makers in British Columbia about a number of decisions that need to be made to implement fundamental changes to the current model of governance. In the current model, it is the federal, provincial, and local governments that primarily make all key decisions related to water and watersheds. This brief focuses on shifting to a model that emphasizes collaboration across, and within, sectors and better engages citizens, First Nations, civil society, business, industry, and resource management professionals in the goal of maintaining healthy functioning watersheds as the foundation of community and economic prosperity.

Key Priorities to Ensure a Comprehensive Approach to Watershed Governance in B.C.

The following list describes the main conclusions from this briefing note and points to the critical actions that must be undertaken to achieve this shift in governance.

1. **Initiate and support comprehensive watershed governance pilot projects.** Watershed entities (WEs)⁵ can undertake a range of primary functions (listed in the Appendix). The WSA also enables such entities to assume statutory powers included in the act, such as setting water objectives, developing *Water Sustainability Plans*, issuing water licences, approving work in and about freshwater bodies, and operating infrastructure, such as weirs or dams. Initially, these kinds of statutory functions would likely be best tested through shared delegation, and eventually through formal agreements for “drawing down” such powers in an ongoing fashion. One approach would be for the Province to work with more advanced existing watershed initiatives in regions such as the Okanagan Basin, the Columbia Basin, or the Cowichan watershed on Vancouver Island.
2. **Provincial government to engage broadly in regulations development phase.** Ensuring a credible regulatory regime to implement the new *Water Sustainability Act* will require the provincial government to fulfill its constitutional responsibility to consult and accommodate First Nations’ rights and interest in water.⁶ This engagement must be in a government-to-government approach and should embody the key principles of the “New Relationship.”⁷ Further broad engagement with key expert and interest groups, and also publicly, will enhance the

³ *A Blueprint for Watershed Governance in British Columbia* sets out a detailed 10-year program for how the Province of British Columbia can effectively manage fresh water in the context of functioning and healthy watersheds. See: Brandes, O.M., O’Riordan, J., O’Riordan, T., & Brandes, L. (2014, January). *A Blueprint for Watershed Governance in British Columbia*. Victoria, Canada: POLIS Project on Ecological Governance at the University of Victoria. Retrieved from <http://poliswaterproject.org/blueprint>

⁴ The three-day forum *Watersheds 2014: Towards Watershed Governance in British Columbia and Beyond* was held on Cowichan Tribes territory in Duncan, B.C. from January 27th to 29th, 2014. It attracted nearly 200 delegates, plus an additional 75 virtual participants via online satellite events across the country. For more information see <http://poliswaterproject.org/watersheds2014>

⁵ The generic term “watershed entity” (WE) refers to the organizations and governance arrangements (some of the institutional architecture) that could exist at the watershed scale, and that we feel is necessary to move towards a new, more watershed-focused approach. WEs might include authorities, boards, trusts, regional bodies, or other watershed partnerships or arrangements. They would have a formal and recognized governing mandate with identified roles and responsibilities relating to preserving and promoting watershed health and function and sustaining the local economy and community well-being.

⁶ This priority for respectful and meaningful engagement and accommodation is significantly reinforced by the recent Supreme Court of Canada decision in the case *Tsilhqot’in Nation v. British Columbia*, 44 (SCC 2014).

⁷ See: Province of British Columbia. (2008). *The New Relationship*. Retrieved from http://www.newrelationship.gov.bc.ca/agreements_and_leg/new_relationship_agreement.html

credibility and, ultimately, the implementation of key regulations associated with the WSA.

3. Develop detailed regulations under the proposed Water Sustainability Act (Section 126). These regulations will formalize the delegation of powers with appropriate accountability mechanisms, clearly articulated success criteria, and trigger mechanisms. They must explicitly provide provision for sufficient resources for WEs to undertake these “shared” or “drawn-down” responsibilities. The watershed governance pilot projects, as noted previously, should be designed to test how specific powers might be delegated.

4. Strengthen and diversify local funding options. To ensure financial sustainability for watershed-based decision-making arrangements and for local activities across the province, funding must come from a diversity of sources. This should include both traditional funding sources, such as local water licence revenues, community and industry water-use revenues, local government taxation, and other watershed-based resource rentals, as well as non-traditional funding sources, such as habitat banking, philanthropy, and local social investment to provide resources for implementation.

5. Support an annual forum of experts, practitioners, watershed entities, and federal, provincial, First Nation, and local governments. These forums will build capacity across B.C. and allow for the exchange of knowledge and best practices for governance processes and decision-making support tools.

6. Create educational opportunities to build water knowledge. These opportunities should focus on educating politicians, decision-makers, and resource and planning professionals, as well as on schools and other post-secondary institutions to support innovation in watershed governance and emphasize stewardship for the future.

7. Align land-based objectives with water objectives. Watersheds should be managed as whole systems. Proposed water objectives in the WSA must be integrated with clear land-based objectives under parallel legislation, such as the *Forest and Range Practices Act*, *Riparian Area Regulation*, and *Private Managed Forest Land Act*, so that all activities in watersheds are managed according to the same set of rules.

8. Enhance the role of the Forest Practices Board to a Natural Resource Practices Board. At a minimum, such a board should be enabled to audit and investigate all water and land use activities affecting watershed health, and publicly report results and offer directed advice to government on how to improve performance.

Governance Context and the Emerging Drivers for Change in B.C.

Decision-making about water and watersheds in Canada spans all levels of government, including First Nations. Although the *Constitution Act, 1867* divides responsibility and distributes power between provincial and federal governments, in practical legal terms it is the provincial governments that have the primary responsibility for making decisions about water and watersheds. They have the most direct constitutional powers related to land use, water management, and control over local government. Local governments have historically been involved through drinking water management and are increasingly engaged around source water protection. Local governments also directly influence water through land-use and zoning decisions, as is often articulated in community plans and regional growth initiatives. The Constitution (Section 35) also clearly affirms existing aboriginal and treaty rights. Fundamentally, this affirmation requires a meaningful role for First Nations and that they are consulted and rights are accommodated at all levels of water-related decision-making.

Regardless of the constitutional powers, there has been a shift towards delegated and shared decision-making in B.C., which has been driven by the following factors:

1. Today's resource management and community development decisions (as well as those of the future) are more complex than the decisions that were previously being made under earlier versions of the *Water Act* and other related watershed and resource management legislation.
2. First Nations have constitutionally protected rights to land and water resources. This requires proper consultation and that their interests are accommodated. This can be especially challenging in cases of undefined water rights in advance of formal treaties or claims of aboriginal title.⁸
3. Water scarcity is emerging as an economic concern that is hindering growth, especially in highly populated regions of the province, such as the interior, southern Vancouver Island, and the

GOVERNANCE AND WHY IT MATTERS

Governance refers to those complex processes involving individuals, institutions (public and private), and civil society that make social choices and engage in decisions. It involves both the who and the how of making collective decisions, and is thus inevitably concerned with power—the ability to influence, shape, and execute decisions—and to hold those making the decisions to account.

In its formal sense, governance involves laws, regulations, and formal institutions and incentives. But, how the norms, values, behaviours, and ethics influencing those decisions are constituted, and how they flow through the social networks of influence and action are just as important. Behind the concept of governance is the notion of learning and adapting, which can change behaviours and build social resilience to address an increasingly uncertain future.

lower mainland. In addition, growing demands for environmental stewardship in watersheds requires linking decisions regarding water with activities on the land. This type of whole-system approach requires closer engagement between decision-makers and all those impacted by decisions.

4. Senior-level government no longer has the capacity to fulfill its legislative mandates, nor does it provide adequate oversight when some functions are delegated to qualified professionals. This conclusion is reinforced by two separate investigations conducted by the Forest Practices Board and the provincial Office of the Ombudsperson (see *Box Independent Audits Find Provincial Oversight Insufficient for Sustainable Watershed Management*). An important conclusion that can be drawn from these investigations is that civil society and community groups will need to become empowered to engage more formally in key aspects of decision-making and oversight, and certainly in monitoring activities to supplement the reduced capacity of senior government.
5. Other provincial and territorial governments across Canada are reforming approaches and moving towards more collaborative and delegated forms of water and watershed governance. This mirrors trends in many jurisdictions around the globe. In the more established cases, changes to watershed governance have been based on the need for meaningful engagement with those affected, better involvement of First Nations, a clear emphasis on conservation and protecting environmental flows, and improving financial support and capacity building for watershed-level organizations.

⁸See *Tsilhqot'in Nation v. British Columbia*, 44 (SCC 2014).

INDEPENDENT AUDITS FIND PROVINCIAL OVERSIGHT INSUFFICIENT FOR SUSTAINABLE WATERSHED MANAGEMENT

The Forest Practices Board reviewed the provincial legislation governing forest and range practices to protect community watersheds in B.C. It found that the government objectives set out in legislation and regulations were not specific enough to be evaluated, and that the objective in the *Forest and Range Practices Act* emphasizes water treatment over source protection. The main conclusions from the report, *Community Watersheds: From Objectives to Results on the Ground* (April 2014), include that the Province must:

- Strengthen legal requirements to protect drinking water;
- Strengthen content and approval of forest stewardship plans;
- Strengthen accountability for professional reliance in preparing plans; and
- Monitor protection of water quality.

In its report *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental*

Protection—British Columbia's Riparian Areas Regulation, the B.C. Office of the Ombudsperson determined that the Province did not adequately follow up on assessments undertaken by registered professionals to protect riparian areas from land-use developments. Key conclusions from this audit are that the Ministry of Forests, Lands and Natural Resource Operations should:

- Work with local governments to ensure compliance with the *Riparian Area Regulation*;
- Ensure that qualified professionals are properly registered and trained;
- Work with professional associations to improve guidelines for conducting assessments;
- Undertake compliance monitoring and act on non-compliance; and
- Report annually to the public.

These audits called into question how well those critical land-based laws and regulations for protecting B.C.'s watersheds were being implemented. In addition, both audits noted that other activities not included in their assessments were also affecting watershed health and that a more integrated approach was urgently required.

Factors that Influence and Constrain Shifts in Governance in B.C.

There is a growing movement of community and watershed-based groups across B.C. that have a strong interest in directly influencing decisions that affect their local watersheds. Recent gatherings and events, including the January 2014 *Watersheds 2014* forum, reinforce this. This emerging energy demonstrates the desire of citizens, First Nations, and local governments to have a stronger voice in decisions affecting their watersheds and, fundamentally, more local control.

Collective concerns generally centre on drinking water source protection and riparian protection; maintaining environmental flows for watershed health, including fish and fish habitats; better management of built infrastructure, such as weirs or dams; and urban growth and resource development that better balances water use between economic and ecological needs to ensure basic watershed protection.

Although the provincial government has started to recognize these concerns by including provisions in the new *Water Sustainability Act* (see Box *Key Elements of the Water Sustainability Act: Providing the Foundation for Improving Watershed Governance in B.C.*), up until now the major constraints to effective community engagement have been a lack of sustained funding and the absence of an effective and transparent legal framework to delegate these responsibilities to such groups in an accountable manner that ensures good governance.

Two recent separate investigations of critical watershed stewardship functions under existing legislation (conducted by the Forest Practices Board and the B.C. Office of the Ombudsperson) point to legislative inadequacies for protecting watershed health, as well as inadequacies in the oversight abilities of the Province regarding work undertaken by registered professionals (see Box *Independent Audits Find Provincial Oversight Insufficient for Sustainable Watershed Management*).

A Blueprint for Change in B.C.'s Watersheds

The report *A Blueprint for Watershed Governance in British Columbia* focuses on the reform and transformation of watershed governance to enable more socially and ecologically resilient, and ultimately sustainable, outcomes for B.C. It specifically explores the diverse “institutional architecture” (the law, policy, governance, and incentives framework) needed to create this kind of comprehensive change. It identifies a number of benefits and opportunities associated with comprehensive watershed governance reform, including:

- Creating resilience in both natural and community-based systems to adapt to a changing climate;
- Enhancing water-use efficiency and conservation, and improving management;
- Leveraging local expertise and resources;
- Clarifying roles and responsibilities;
- Protecting and enhancing ecological health and function and thereby improving community prosperity; and
- Reducing (and potentially even avoiding) conflict.

The *Blueprint* illustrates the critical role that watershed entities (WEs) can play in implementing the new B.C. *Water Sustainability Act* (and the broader water and watershed management regime for the province) over the next decade. Ultimately, through a series of draw-down power-sharing agreements, WEs will have to become active participants and eventually begin taking responsibility for delegated decisions over the coming years.

The *Blueprint* concludes that WEs could provide the necessary nexus for integrating whole-system thinking with local ecological, economic, and social requirements. The governance functions and core activities envisioned for WEs are laid out in the table *Main Features and Activities of Watershed Entities (WEs)* in the Appendix.

This table identifies both specific statutory responsibilities that could be delegated to WEs under Section 126 of the WSA or through other arrangements to address powers related to water quality or drinking water. It also identifies the primary functions that some existing WEs are already undertaking, and which could be formalized, including:

- Watershed visioning and planning;
- Monitoring and reporting on local conditions;
- Integrating mandates across levels of government;
- Reducing and resolving conflicts; and
- Education and building awareness.

The table in the Appendix outlines how WEs would interact with other existing formal decision-makers to drive a comprehensive, watershed-focused model of governance. It also describes the range of activities that WEs could take on over time. An incremental approach is critical; this will allow WEs to “grow” as their capacity, local support, and proven successes increase. An emphasis on this kind of flexible, evolutionary approach will also help build legitimacy for WEs to make increasingly difficult and controversial decisions over time. The opportunity for WEs to be granted delegated powers under Section 126 of the WSA is an important first step and should motivate them to undertake the primary functions as noted previously, as there is a vested interest in seeking delegated authority to implement key decisions.

Winning Conditions and Milestones in the Coming Decade

Two critical dimensions characterize the proposed WEs: a *flexible spectrum of organizational structures* will be necessary to fit local circumstances; and that WEs *are enabled*, not required.

British Columbia is diverse, with institutional, legal, cultural, and geographic priorities varying across the province. As such, a variety of structures will likely be needed to address issues and

challenges. The proposed model is purposefully built to be outcome based and not procedurally or structurally prescriptive. Furthermore, local entities, including First Nations and local governments, are very concerned about the “downloading” of responsibilities from senior government. Taking this into account, this model instead emphasizes the ability to “draw down” powers; this explicitly means that the local entity or body could choose which powers are most appropriate for their local situation and ensure the necessary resources are available to execute them. Emphasizing the need to receive resources (or powers to generate them) to ensure WEs have the ability, expertise, and capacity to execute these new powers is absolutely critical. Ultimately, the provincial and federal governments are still accountable, so must provide the necessary funds and resources to ensure that delegated water management tasks get done. This is a critical condition if government is to move towards enabling community-based action and solutions.

For this model to work and for WEs to be successful, in the *Blueprint* we have identified nine winning conditions that, when implemented together, drastically increase the likelihood of achieving the goal of enhanced watershed management and better governance:

1. Enabling powers in legislation

- These have been enabled to WEs under Section 126 of the *Water Sustainability Act*
- Watershed governance pilot projects should be used to inform the regulations required to implement this section of the act

2. Co-governance with First Nations

- Formal relationships between indigenous governments and the Province (and, in some cases, local governments)—such as co-creating or co-chairing WEs—will cement a working relationship and understanding of roles and responsibilities, and ultimately reduce conflicts in governance

3. Support from and partnership with local government

- Accountability can be best achieved by ensuring that elected representatives of local government are active participants and on the board of WEs
- Local governments can raise revenues to lever additional resources from other sources and must be engaged as much as possible

4. Sustainable long-term funding

- Funds can be obtained from a variety of sources, including local government grants, support from the federal and provincial governments, non-profit organizations, or payments for ecosystem services
- Where there is formal delegation of powers under the *Water Sustainability Act*, funding support (or access to support) must also be provided

5. A functioning legal framework for sustainable water and watershed management

- This requires a coordinated set of legislation that is aligned to deal with cumulative effects for governing land and water use in watersheds
- A starting point is for the recommendations from the two recent independent audits (see Box *Independent Audits Find Provincial Oversight Insufficient for Sustainable Watershed Management*) to be implemented as part of an improved management framework

6. Availability of data, information, and monitoring

- Basic information on hydrology, water quality, water use, and the state of the health of watersheds should be required before planning can be initiated
- Additional information should focus on filling critical gaps identified through watershed planning and incorporating traditional knowledge
- Citizen- or community-based monitoring of activities should be verified and included in a central database or a locally accessible “data vault”

7. Independent oversight and public reporting

- The conclusions and recommendations from the two independent audits on aspects of watershed stewardship point to the critical role that independent assessments play in good governance (see Box *Independent Audits Find Provincial Oversight Insufficient for Sustainable Watershed Management*)
- A Natural Resource Practices Board is urgently required that would broaden the role of the current Forest Practices Board to all aspects of watershed and water management

8. Assessing cumulative impacts

- Sustained watershed health requires tracking all land-use activities that affect hydrology, water quality, and riparian systems
- This must be based only on a clear set of pre-determined outcomes and an integrated approach to watersheds as whole systems, not on segmented assessments as conducted on forest and range practices or riparian areas

9. Continuous peer-to-peer learning and capacity building

- The *Watersheds 2014* forum indicated the power of shared learning by bringing a broad range of practising groups together
- Regular watershed governance forums will be required to expedite capacity building and learning from pilot projects on a range of activities (as outlined in the table *Main Features and Activities of Watershed Entities (WEs)* in the Appendix)

The key starting point in any of B.C.'s watersheds will be an agreement between key stakeholders and rights holders, including First Nations and local and provincial governments, to catalyze the creation of a local WE. WEs would have to be specifically designed to be accountable and financially sustainable to build the necessary local legitimacy to advise and, ultimately, make decisions on governing the ecological, social, and economic health of their watersheds.

The ultimate goal is to protect watershed health and ensure whole-of-watershed thinking, which would be supplemented by increased cooperation with First Nations, accelerated green development, and strengthened effectiveness of community involvement in critical decisions that affect fresh water in B.C. This brief provides a blueprint of not only why this should be achieved, but how British Columbia can begin moving down this path towards a more sustainable water future for all.

KEY ELEMENTS OF THE *WATER SUSTAINABILITY ACT*: PROVIDING THE FOUNDATION FOR IMPROVING WATERSHED GOVERNANCE IN B.C.

With the new *Water Sustainability Act*, the provincial government has enabled three important new tools specifically designed to support local needs for watershed governance:

- **Area-Based Regulations**, which can be adopted for specific watersheds facing multiple water pressures or unique water management challenges;
- **Water Objectives**, which are a formal legal tool for better protecting water supply, water quality, and aquatic systems; they provide a constraint and requirement on statutory decision-makers to consider water objectives and supporting ecosystems in key decisions across resource sectors; and
- **Watershed Sustainability Plans**, which can be created to either react to specific pressures or to anticipate them. Such plans can be triggered through a request by a local body, such as a watershed entity.

Other key provisions set out in the *Water Sustainability Act* that strengthen the basic legal framework for sustainable water management include:

Planning and Governance

- New provisions promote a more comprehensive approach to water planning, with explicit powers to create allocation regimes that better reflect local needs and priorities and the power to prioritize source water protection ahead of other resource authorizations.
- Section 126 explicitly empowers the Ministry of Environment to delegate the full range of authorities and decision-making functions associated with the act to regional bodies (watershed entities).

Water Reservations, Environmental Flow Protection, and Beneficial Use

- Provisions in the new act will require decision-makers to consider environmental flows in all future decisions related to new licences or reviews of existing licences. It also provides the power for short-term interventions that prioritize critical environmental flows (minimum flow needs) or protect fish and sensitive fish habitats as priority over all other licensed uses.
- The act allows for the designation of sensitive streams (generally those with important fish populations) which prohibits the building of dams, prescribes only limited development activities in riparian areas, and increases protection.
- Beneficial use is elevated as a critical criterion for water use of any kind. Beneficial use includes the Province's ability to secure resource rentals for the administration of the water allocation system and also to promote efficient use. It may also include the requirement that water use provide a broader public interest for the benefit of all British Columbians.
- The Crown has the powers to reserve (set aside) a portion or all of a stream or aquifer for ecological or agricultural purposes based on an approved *Water Sustainability Plan*.

Licensing Groundwater Withdrawals

- Groundwater use is currently unregulated. The new act provides explicit provisions for licensing larger (non-domestic) groundwater, including extending the surface water rentals regime to licensed groundwater users.
- This will allow the Province to better manage fresh water as one integrated resource, promote basic protection for fish and fish habitats, and ensure minimum flows are maintained.

Monitoring and Reporting

- The new act requires larger users to measure actual water use under a surface or groundwater licence and report to government.
- Under Area-Based Regulations, this requirement could be applied to all users.

APPENDIX: MAIN FEATURES AND ACTIVITIES OF WATERSHED ENTITIES (WEs)⁹

KEY FEATURE OF WEs	DETAILS	ADDITIONAL NOTES
Overview	<ul style="list-style-type: none"> • WEs legally defined by watershed boundaries (or a clustering of smaller watersheds with relevant groundwater aquifers) with clear legislated mandate • “Enabled” in legislation (i.e. voluntary establishment subject to capacity, local interest, and ability to meet accountability and legitimacy requirements) • Could either be created or evolve from existing institutions, such as a regional district, Trust, or non-profit society, but must meet basic accountability and First Nations partnership requirements 	<ul style="list-style-type: none"> • WEs also defined based on population size and cultural and community continuity • Not a one-size-fits-all model; for example, WEs could represent at the scale of: <ul style="list-style-type: none"> • a basin (e.g. Okanagan); • a sub-watershed of a larger basin (e.g. Thompson watershed within the Fraser Basin); or • a clustering of smaller watersheds, based on socio-ecological relevance (e.g. Capital Regional District, Haida Gwaii)
Areas of Decision-Making	<ul style="list-style-type: none"> • Initially limited to primary functions (see details on primary functions below) within the context of defined senior and local government roles and First Nations water/land objectives and priorities 	<ul style="list-style-type: none"> • Over time, potential to “opt in” additional functions with delegated decision-making powers, akin to “statutory decision-makers” under legislation
Representation	<ul style="list-style-type: none"> • Required to have representation across watershed interests and sectors, either directly or through formal technical advisory bodies • A variety of approaches possible but likely “multi-party”; this would involve a blend of elected representatives, along with individuals nominated by core parties (e.g. senior government, local government, First Nations) who would be appointed by local selection processes 	<ul style="list-style-type: none"> • Specific composition and size of council/boards would depend on local priorities and contexts, but would have broad-based representation • First Nations would have government-to-government role
Funding and Financial Sustainability	<ul style="list-style-type: none"> • Would draw from: <ul style="list-style-type: none"> • initial base funding from senior government; • local taxation; • resource revenues and rentals/ royalties/surcharges (from permits and licences), with a focus on “user pays”; • project-based grants and programs; • ecological bonds; and • trust funds, endowments, and other social financing sources 	<ul style="list-style-type: none"> • Initial funding would likely be needed to establish core administration; WEs would also need ability to raise funds to ensure basic capacity and additional resources for identified projects • Ongoing core funding, based on resource rentals and local taxation, would be supplemented by project-specific grants from senior government, private foundations, or service provision • Revenues would come from water pricing, with reinvestment for stewardship
Dispute Resolution	<ul style="list-style-type: none"> • Achieved formally via locally empowered water bailiffs and appeal board • Credible community watershed ambassadors appointed by WEs to provide community-based oversight and engagement • WEs would play a role in convening, educating, and nurturing community watershed ambassadors 	<ul style="list-style-type: none"> • Water bailiffs would have powers to negotiate disputes about water allocation rights during droughts • Watershed ambassadors would be local citizens with capacity to educate on good watershed management practices and assist in dispute resolution • Appeals and dispute resolution would be handled through an appeal board (e.g. the Environmental Appeal Board already exists in legislation)

⁹ Source: Brandes, O.M., O’Riordan, J., O’Riordan, T., & Brandes, L. (2014, January). *A Blueprint for Watershed Governance in British Columbia*. Victoria, Canada: POLIS Project on Ecological Governance at the University of Victoria. Retrieved from <http://poliswaterproject.org/blueprint>

KEY FEATURE OF WEs	DETAILS	ADDITIONAL NOTES
Accountability	<ul style="list-style-type: none"> • Elected representation (or nomination and local appointment) as part of formal decision-making structure • Mandatory public reporting and independent, arms-length oversight • Accountability provisions would be built in law, with enforcement authority by citizens in court; also some administrative penalties for smaller violations 	<ul style="list-style-type: none"> • Senior government would compile watershed health indicators and perform/ require periodic oversight audits based on indicators • Complaint investigation and audit review would be done by an independent body • Financial and board-level directors would have oversight through transparent provincial processes
Primary Functions of WEs	<ul style="list-style-type: none"> • Watershed visioning and planning based on watershed function and ecological health (including flood and drought planning) • Integration of mandates, programs, capacities, and responsibilities of different levels of government at the watershed scale, including providing formal input into land-use decisions (e.g. prioritizing protected areas) • Education and awareness building, including direct engagement to build watershed community culture • Data collection and information management, including traditional ecological knowledge, as part of a provincially established, supported, and monitored integrated data system for state-of-the-watershed reporting • Promote water conservation, including alternative sources (e.g. rainwater, recycled water) and restore watershed aquifers using an approach that builds resiliency into management scenarios to address changing conditions • Promote compliance and conflict resolution 	<ul style="list-style-type: none"> • WEs would ensure ecologically based thinking and values are incorporated into all decisions at all levels of government • WEs would be responsive to local government, but within the context of senior government and established standards or ecosystem outcomes • Would develop legally enforced plans as defined and enabled in legislation, which would be publicly released and reported in partnership or collaboration with First Nations and local government
Additional Possible Functions of WEs (Areas for potential opt-in or draw down)	<ul style="list-style-type: none"> • Establish priority drinking water sources and develop Drinking Water Source Protection Plans, which would have priority over other resource activities, subject to Cabinet approval • Monitoring (and in some cases setting) watershed-wide water allocations, based on provincial objectives, including administering specific water licences • Monitoring (and in some cases setting) environmental water quality standards, with a role in pollution permitting • Green infrastructure development and funding distribution, including emphasis on mwwore sustainable approaches to flood management (e.g. use of wetlands for flood attenuation, setback dykes, bank stabilization) • Managing and balancing water use and activities in protected riparian areas • Fish habitat management and conservation 	<ul style="list-style-type: none"> • As WEs meet basic accountability and capacity requirements, they could further “opt in” to various activities, with the support of the Province and First Nations and based on capacity and interest • These “additional” activities would be guided by senior government priorities/policies (e.g. pollution prevention, environmental flow needs, protected spaces, water quality thresholds), but would enable WEs to exceed provincially set standards or to better customize them to the needs of their local regions

POLIS Project on Ecological Governance

Created in 2000, the POLIS Project on Ecological Governance is a research-based organization that is part of the Centre for Global Studies at the University of Victoria. Researchers who are also community activists work to make ecological thinking and practice a core value in all aspects of society and dismantle the notion that the environment is merely another sector. Among the many research centres investigating and promoting sustainability worldwide, POLIS represents a unique blend of multidisciplinary academic research and community action.

polisproject.org

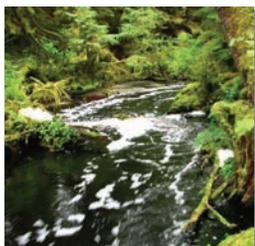
POLIS Water Sustainability Project

The POLIS Water Sustainability Project (WSP) is an action-based research group that recognizes water scarcity is a social dilemma that cannot be addressed by technical solutions alone. The project focuses on four themes crucial to a sustainable water future:

- Water Conservation and the Water Soft Path;
- The Water-Energy Nexus;
- Watershed Governance; and
- Water Law and Policy.

The WSP works with industry, government, civil society, environmental not-for-profits, and individuals to develop and embed water conservation strategies that benefit the economy, communities, and the environment. The WSP is an initiative of the POLIS Project on Ecological Governance at the Centre for Global Studies, University of Victoria.

poliswaterproject.org



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[watersustainabilityproject](http://watersustainabilityproject.org)

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