

# Bridging the land and water div

in a modernized approach  
to land use planning in British Columbia

By Oliver M. Brandes and Rosie Simms

In a recent research project exploring the evolution of land use planning to advance water security in British Columbia, we tell the story of Watersville – a fictional place, but with a reality that is worth considering:

*It is the year 2025 in Watersville. As is the case in so many communities across Canada, drought, floods and conflict around water are increasingly common realities.*

*Unlike other places, however, Watersville is ready for the challenges ahead. Recognizing the need to prepare for an increasingly uncertain and tumultuous future, Indigenous nations and the provincial government partner to create a*

*modernized land use plan. This plan embeds a collaborative approach and establishes a shared vision of an economically vibrant community and a healthy functioning watershed with robust local decision-making.*

*The formal plan, consistent with the modernized provincial framework, sets legally binding water objectives that direct resource development and urban growth on the landscape. It is powered by both Canadian and Indigenous law. The planning process blends science and traditional knowledge to identify priority riparian areas, wetlands and groundwater recharge areas for restoration to buffer against flooding and droughts and build watershed resilience.*

*The plan embeds a shared approach to governance and ensures that when the inevitable droughts hit, water users and governments are ready with an agreement on how water will be shared and what necessary water levels are needed to keep the watershed functioning, the economy operating, and Indigenous rights and cultural practices fulfilled.*

*The plan specifically prevents industrial activity in designated zones to safeguard community drinking water sources and sites of importance for Indigenous water access and use and also clearly identifies other areas where sound industrial development can proceed, creating jobs and certainty for new investment to flow in.*

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*Most importantly, throughout this whole process, the provincial government and Indigenous nations are building trust and agree how to make decisions together.*

In our story, Watersville residents are certainly still feeling the effects of climate change in everyday life. Water – not enough and sometimes too much – is still a front-of-mind concern. Yet with their modernized and enforceable plan, residents and businesses are feeling confident and optimistic about the future.

While this Watersville story describes a planning reality yet to be achieved in British Columbia – indeed anywhere in Canada – it is based on real

places and things already underway. The seeds to success of such an approach are evident in recent and emerging co-governed efforts across BC and include:

- attention to governance and United Nations Declaration on Rights of Indigenous People;
- ensuring plans have legal ‘teeth’ and consequence; and,
- prioritizing integration of land *and* water in planning and governance.

Our recent research program at the University of Victoria’s POLIS Water Sustainability Project examines the past, present and future of land and water planning to illuminate ways to make a future like Watersville possible – based on insights from

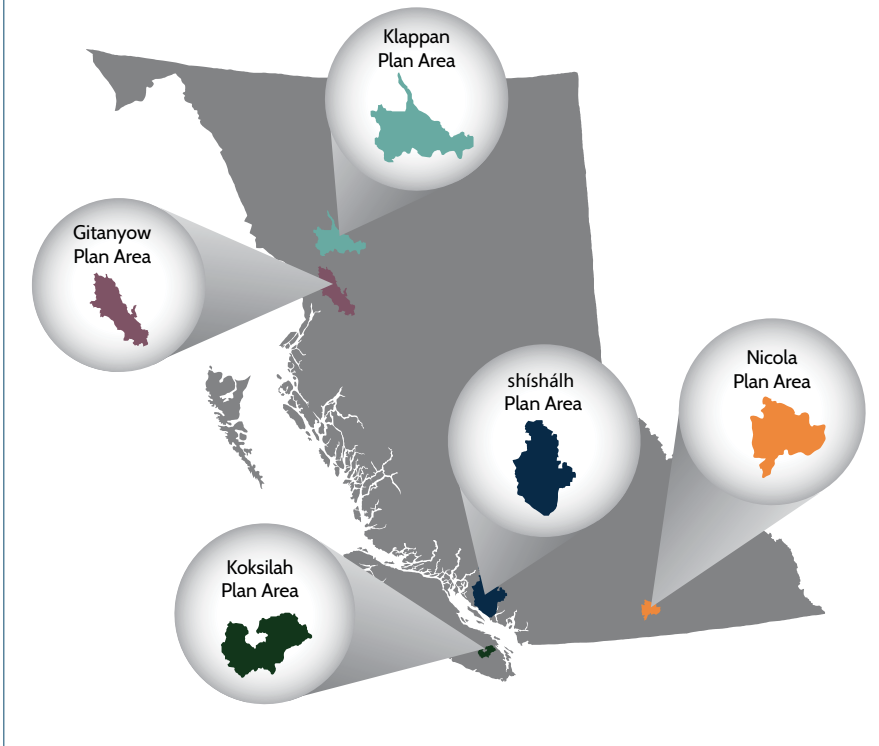
the province’s legacy of planning and emerging planning efforts from across the province.

### **The ghosts of land use planning past**

As many planners, researchers and resource managers know, British Columbia has a rich land use planning history. The experiences of the 1990s and early 2000s – Commission on Resources and Environment (CORE) and Land and Resource Management Planning (LRMP) – offer both successes to build on and pitfalls to avoid repeating.

In terms of successes: CORE and LRMP planning processes were guided by a provincewide planning framework that informed strategic direction and

FIVE EXAMPLES OF NOTEWORTHY  
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the Great Bear Rainforest along the Central and North Coast and Haida Gwaii, where planning has created a new system of ecosystem-based forestry, carbon credits, and over \$100 million in community funding that has transformed the local economies for Indigenous nations in the region.

Past planning endeavours also had many limitations. In particular, past plans were designed to deal with single issues – generally forestry – while water and other community values and priorities were hardly considered, resulting in a fragmented and unsatisfactory land management approach. A significant limitation with these earlier plans was their ‘static’ nature and inability to stay up-to-date to address emerging concerns, such as climate change, shifting economic and social priorities. Another major flaw was the lack of clear mechanisms for implementation, which often meant plans had little practical effect on decision-making and activities on the land and in the water.

Critically, these past plans demonstrate that planning is not an end unto itself. You can plan and plan and plan, but without focus and resources on governance and implementation, plans risk being documents that sit on a dusty shelf without concrete outcomes or impact.

After the heydays of CORE and LRMP, the provincial government significantly retreated from the planning domain. In the past decade, land and water planning by the provincial government in British Columbia has been a relatively low priority. Planning capacity and expertise within government is much reduced. During this period, plans are generally being developed in response

ensured replicability. They laid the groundwork for future collaborative resource planning efforts, setting in motion the evolution of relationships between Indigenous nations and the provincial

government and the possibility of government-to-government agreements and co-led planning processes. The most ambitious of these earlier efforts – hailed as a global success story – covers

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to conflict and litigation by Indigenous nations. The plans are often transactional and sectorally-driven, with a heavy emphasis on forestry and, to some extent, mining.

Indigenous nations, communities and local governments are stepping up to fill the gaps – leading to many planning innovations. However, these plans face significant limitations in what they can achieve without sufficient provincial resources, priority, and ongoing engagement. Overall, this recent transactional approach to planning with limited resources has resulted in a patchwork of different types of plans that vary widely in scope, impact and effectiveness.

### The shifting land use and water planning present

We are now in the midst of a wave of innovation as a new generation of land and water plans emerges in British Columbia. These more modernized plans are tailored to address key priority issues: from climate change and water security, to reconciliation and rural economic development. While many examples are still very early in their development, they point to what is possible in an integrated, co-governed and adaptive planning regime.

In the interior of BC, the Nicola watershed is the site of an interesting evolution of this approach. A 2018 Memorandum of Understanding between the five Nicola Chiefs and the provincial government commits the parties to a government-to-government partnership to develop and pilot a governance structure to sustainably manage water resources in the Nicola Watershed. The parties' shared vision embodies a deeper partnership that supports the implementation of UNDRIP, and draws on the strengths of their respective laws and governance systems. The Nicola example demonstrates a focus on building effective co-governance structures and processes from the outset for watershed planning, decision-making and projects.

The Gitanyow Lax'yip Land Use Plan in the northern Skeena region was initially developed in 2012 in response to years of conflict and litigation over forestry practices. It is a highly-integrated land and water plan. Ayookxw (Gitanyow law) is embedded and expressed throughout the Plan, which is enforced through both provincial laws (via legal management objectives) and Gitanyow Ayookxw. All current forestry plans and permits are now consistent with the plan, which took two years to achieve.

This plan is notable for many reasons – including that it is legally enforced through Indigenous and Crown law and embedded in a government-to-government agreement with an

ongoing evolving governance relationship.

The Klappan Plan, signed between the provincial government and Tahltan Central Government in August 2019, covers the vital Sacred Headwaters of Skeena, Nass, and Stikine River – sites of longstanding conflict over proposed coal and methane developments. The Plan identifies distinct land zones with varying acceptable land uses in each zone. It prohibits industrial development in the Sacred Headwaters for a minimum of 20 years, while allowing for environmentally and culturally sound industrial activity in other specified areas.

The joint BC-Tahltan Klappan Decision-Making and Management Board is responsible for Plan implementation and monitoring. This Plan provides clear direction about what can and cannot happen on the landscape and how a partnership and co-governance approach can help deliver these results.

### A framework for an integrated land and water planning future

These on the ground examples – as outlined in a detailed report by the University of Victoria's POLIS Water Sustainability Project at the Centre

for Global Studies ([www.poliswaterproject.org/polis-research-publication/towards-watershed-security](http://www.poliswaterproject.org/polis-research-publication/towards-watershed-security)) – demonstrate a series of 'design elements' that together constitute an integrated modernized land and water planning framework:

1. **Attention to governance, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and capacity building.** Emphasis on governance from the outset and throughout the planning process will help identify key decision points; clarify roles, responsibility and accountability; enable better dispute resolution; and help meaningfully realize the principles of UNDRIP and free prior and informed consent.
2. **Planning in a phased and adaptive process.** Effective planning includes attention to visioning, risk assessment, decisions and adaptation – all of which help ensure that plans have the necessary support from and confidence of Indigenous and Crown government partners, industry and community; and that the plans are linked to actual decision-making for full impact.
3. **Considering water in all plans and making water protection the planning priority in high-risk watersheds.**

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Rivers, streams, lakes and aquifers are 'integrators' on the landscape. Their health and function is directly dependent on what happens upslope, whether that's forestry, agriculture, or urban development. Water and watersheds are therefore critical strategic considerations in *all plans*, and must be elevated as a focus in planning where water-related risks are significant.

4. **Determining plan scale and scope according to the risk and complexity of issues.**

## The Watersville story demonstrates the power and potential of a new modernized planning approach.

No one-size-fits-all approach exists. Plans must be scoped to local context and done at a scale that matches the issues and risks at hand. Some regions will require significant legislated planning processes over a larger

area, while other plans might focus more narrowly on specific watersheds or issues with complementing targeted legal and policy tools.

5. **Deploying Crown legal and policy tools while recognizing Indigenous laws and structures of authority in the broader regime.** The ability to translate plans into law to give them 'legal teeth' is essential to public confidence and to create incentives and consequences that drive changes to how activities are conducted on the land and in the water. This means being responsive and complementary to both Crown and Indigenous authorities and laws.
6. **Adequate resourcing.** Modernized land use and water planning processes will need resources – money and people – to succeed.

### Steps to move down this path

Our comprehensive review and investigation of land and water planning points to three main conclusions focused on BC but appropriate to any region facing increasing water security and land use issues.

First, reconciliation and land use planning cannot be successful without explicit and sustained attention to water.

Second, economic recovery and a resilient local economy require certainty and clarity around resource development and investment potential – including what can and cannot be done on the land and in the water – which can be advanced through better planning and a credible process.

Third, to realize success, the provincial government and its planning partners need capacity and sustained support for a new planning regime. In addition, government must prioritize implementation of innovative water planning policy tools.

The Watersville story demonstrates the power and potential of a new modernized planning approach. While no one-size-fits-all plan or process exists, we envision a future in which plans are guided by a clear whole of watershed and community vision; new and innovative approaches to co-governance are developed and embedded in both Canadian and Indigenous law; planning prioritizes water as fundamental to community and ecosystem health; and land and water management builds resilience to support a robust local economy and for an increasingly uncertain future. With such an approach embedded as part of the 'new normal,' the sky's the limit, and indeed watershed security becomes possible. 💧

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