

AS BC AWAKENS TO NEW WATER REALITIES, RESEARCH ILLUMINATES A NEW GOVERNANCE PATH FORWARD

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It's no surprise why *Summer Drought, Water Shortages, and Wildfire* was chosen by CBC readers as British Columbia's Top Story of the Year in 2015. During the drought of summer 2015, regional water crises and conflicts made weekly headlines. Depleted reservoirs, dried up streams, severe water use restrictions, and angling closures scoured the province. If drought weren't enough, major water quality contaminations – from the Mount Polley Mine disaster to the Shuswap Lake sludge spill – and the dozens of boil-water advisories issued across BC were stark reminders of the vulnerability of our fresh water.

The spring of 2016 got off to a similarly grim start: average snow levels were 53% of normal as reported in data for April and May. In some regions, such as the South Coast Mountains, remaining snow pack in April was just 13% of normal. Decades-old warm weather records were shattered, and in early May, BC Wildfire Service reported dozens of blazes already burning in the province.

As British Columbia awakens to its new water reality, the link between sustainable management and how decisions are made – *governance* – is gaining broad attention. Communities are calling for new forms of governance that respond to both the needs of the watersheds and the communities that live within them.

RESEARCH ILLUMINATES A NEW GOVERNANCE PATH FORWARD

Improved decision-making for water is the focus of a new research study released by the POLIS Project on Ecological Governance at the University of Victoria. *Illumination: Insights and Perspectives for Building Effective Watershed Governance in British Columbia*¹ explores what is needed to make watershed governance a reality in BC. Through an extensive investigation involving interviews, a comprehensive e-survey with nearly 450 participants, and a First Nations Roundtable, this study emphasizes the importance British Columbians place on fresh water. The study also highlights the remaining knowledge and capacity gaps that constrain further progress towards a robust, leading watershed governance regime.

Illumination intends to chart a path towards meaningful, practical actions that will accelerate BC's governance shift and capitalize on the existing policy, legal, and social window of opportunities for change.

CHANGING LEGAL AND GOVERNANCE LANDSCAPE OFFERS OPPORTUNITY FOR INNOVATION

Data revealed in the *Illumination* study shows a number of clear patterns for developing a modern watershed governance framework, including adopting collaborative models for watershed governance; effective implementation of British Columbia's *Water Sustainability Act*; full recognition of Indigenous rights; and improved monitoring and reporting on water and water management. These could be considered as foundational pillars for enabling new approaches to watershed governance, and for taking water management in British Columbia out of the dark and proactively into the 21st century.

A genuine window of opportunity exists to kick-start a world-class watershed governance regime in British Columbia, as the legal and governance landscape undergoes fundamental changes. Key opportunities include:

- 1. The new provincial *Water Sustainability Act* strengthens rules to protect water for nature** by including groundwater in the licensing regime, requiring decision-makers to consider environmental flow needs and offering specific regulatory protections for critical flows and water for fish during times of scarcity.¹ Forward-looking elements of the new water law enable alternative forms of local watershed governance, and provide new opportunities for watershed-scale planning.
- 2. First Nations across BC demonstrate leadership around water governance.** For example, the Nadleh Whut'en and Stellat'en First Nations have proclaimed the first aboriginal water laws in the province. Recent Supreme Court decisions, particularly the Tsilhqot'in title case, affirm First Nations' critical role in natural resource decision-making.
- 3. Communities and watershed-based groups across the province are increasingly involved in decisions that affect their local watersheds.** Initiatives include engagement on drinking water source protection, ensuring environmental flow needs are met, and balancing water uses between various stakeholders and rights holders. Such bottom-up momentum attests to communities' desire for a more formal

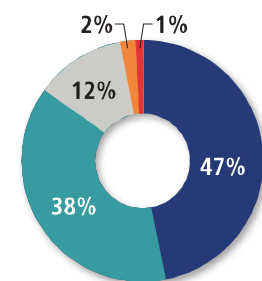
and established role in watershed governance. For example, watershed organizations led by local government, and First Nations leaders, in the Cowichan and Okanagan regions are convening decision-makers in dialogue and planning around new water management strategies and solutions to deal with increasingly dry conditions.

Getting out of the dark requires bold new approaches to decision-making

Illumination finds considerable appetite for collaborative and ecologically based approaches to decision-making. 85% of Survey respondents agreed – “strongly agreed” (47%) and “agreed” (38%) – that local watershed entities are needed to ensure BC's new *Water Sustainability Act* is implemented to its fullest potential.

As summarized by a local government interviewee:

“[Watershed governance is] important for making sound, proactive decisions for the future in terms of water sustainability. Whether it's an allocation decision or a decision about protective measures, I think if the decision-making is founded on a collaborative process, and it's locally driven and if it has a basis of science and knowledge, then it will be effective for the future.”



Local watershed entities needed:
“Please say how much you agree that local watershed entities will be needed to ensure B.C.'s new Water Sustainability Act is implemented to its fullest potential.”



Local watershed entities are envisioned to be collaborative by design. Decision-makers, communities, rights holders, licensor holders, and stakeholders cannot operate in silos. Rather, they must develop a collective, shared vision for their local watersheds and how to better manage resources for the benefit of users, local economies and nature to achieve long-term watershed health. Collaboration offers the potential to strengthen decision-making through inclusion of diverse knowledge systems, such as First Nations traditional knowledge and local community-based monitoring. Collaboration also leverages local capacities by expanding access to human and financial resources – where resources, skills, and information can be pooled.

CO-GOVERNANCE AS THE STRUCTURE FOR MEANINGFUL COLLABORATION

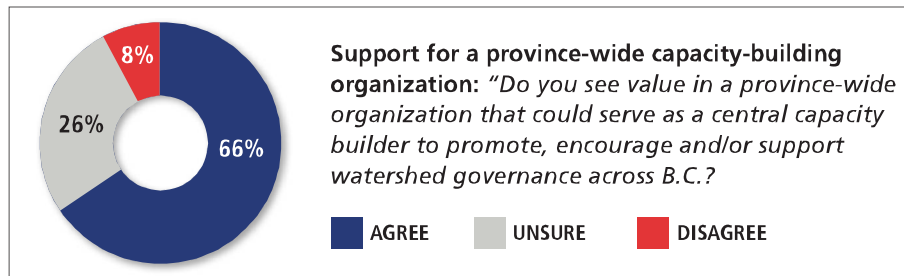
As revealed in the First Nations' Roundtable, participants believe First Nations are not effectively part of the current system of governance. Roundtable participants emphasized that they feel the Crown is consistently failing to recognize and respect First Nations' laws, values, and traditional knowledge with respect to the land and water. The participants in the Roundtable also expressed frustration with the fact that the current system of governance treats water and other natural resources as commodities, which is inconsistent with First Nations' cultural tenet of water as a life source.

First Nations' Roundtable Participants emphasized the importance of co-governance as the structure for meaningful collaboration. Co-governance means that First Nations are equal leaders and partners in decision-making, as such, requires pursuing reconciliation. A First Nations' Roundtable Participant explained:

"The traditional territory of the First Nations has to be recognized and reconciled in terms of the holistic principles that First Nations, Indigenous people hold to the lands and the resources ... There are existing Aboriginal rights that need to be taken into consideration."

BOLD NEW APPROACHES DO NOT COME EASILY

Achieving collaboration and co-governance in practice is no simple task, as suggested by interviewees and survey respondents. Collaboration necessitates strong and ongoing working relationships built on a foundation of trust between watershed organizations, local/regional governments, Indigenous decision-makers and communities, and various local interests and stakeholders. Many respondents identified relationship-building as a key capacity need going forward. Another local government interviewee explained:



Support for a province-wide capacity-building organization: "Do you see value in a province-wide organization that could serve as a central capacity builder to promote, encourage and/or support watershed governance across B.C.?"

■ AGREE ■ UNSURE ■ DISAGREE

"What we need to do is understand what it is we want to achieve with First Nations. We talk about it in co-governance language, but we want to get that straight, where we want to go, before we jump into a structure that starts defining what it is ... that definition can only be dealt with First Nations' input, and that input just doesn't happen ... it just takes a lot of discussions and a fair amount of time to talk about what it is you're trying to achieve and build trust, and build relationships."

Respondents also identified a suite of practical tools and services that are needed to further enable their involvement in watershed governance, including: sustainable funding, information and guidance on monitoring and cumulative impacts assessment, and case studies of watershed governance examples from other regions.

A CATALYST IS NEEDED TO SPARK ACTION AND BUILD CAPACITY...

A central conclusion from this research is the need for a province-wide "capacity builder" organization to help generate some of the needed resources, help bridge relationships, strengthen existing collaborative efforts, and catalyze new local watershed governance initiatives. Potential functions identified by the range of participants for such a Capacity Builder include:

- ✓ *Hosting* a central repository of information and best practices to support local initiatives
- ✓ *Fostering* a community of practice related to watershed governance and management
- ✓ *Sharing* success stories and leveraging funding
- ✓ *Providing* technical, legal and watershed planning support
- ✓ *Assisting* communities in identifying watershed governance options and opportunities
- ✓ *Convening* and coordinating learning networks and events
- ✓ *Acting* as a champion to advance a better balance between freshwater protection and sustainable resource development

Respondents indicated that such a Capacity Builder should be enabled and given a mandate by the province, but should be arms-length from government once established. An interviewee explained:

"...I don't see them as a provincial arm, so much as a guidance group – a place to go to ask questions and see what's going on in the rest of the province ..."

First Nations participation and leadership in the organization were seen as critical for success. However, cautions must be considered for the creation of a Capacity Builder. In particular, it must be ensured that such a body does not create another layer of decision-making at the provincial scale, or undermine existing government-to-government dialogue between First Nations and the province.

CONTINUING THE LEARNING AND DIALOGUE TO ACCELERATE PROGRESS

Questions raised in *Illumination* will be the focus of the upcoming 1.5 day forum, *Watersheds 2016: Building Capacity for Collaboration and Watershed Governance in British Columbia* to be held in Vancouver, BC from September 30-October 1. *Watersheds 2016* panels and break out sessions will share stories and lessons from existing collaborative, co-governance, Indigenous-led, and local government-led initiatives and partnerships. Participants will engage in questions about what worked, what didn't work, and how positive working relationships were created. For current or emerging leaders hoping to make a bigger positive impact in their home watersheds, this practitioner-oriented event offers a hands-on approach on how to improve decision-making around our most precious resource.

Learn more about the POLIS Project on Ecological Governance at www.polisproject.org.

SOURCES

- 1 The full report and summary are available online: Brandes, O.M., Morris, T., Archer, J., Brandes, L., Moore, M-L, O'Riordan, J., and Overduin, N. (2016, June). *Illumination: Insights and Perspectives for Building Effective Watershed Governance in BC* Victoria, BC: POLIS Project on Ecological Governance, University of Victoria. Available online: www.poliswaterproject.org/illumination.
- 2 For an analysis of BC's Water Sustainability Act and core regulations needed to maximize its effect, see: Brandes, O.M., Carr-Wilson, S., Curran, D., and Simms, R. (2015, November). *Awash with Opportunity: Ensuring the Sustainability of British Columbia's New Water Law*. Victoria, BC: POLIS Project on Ecological Governance, University of Victoria." Available online: <http://poliswaterproject.org/awashwithopportunity>.