



## POLIS Water Sustainability Project, University of Victoria RE: Watershed Security Strategy Intentions Paper – Full Submission

April 2023

### About this Submission

For more than fifteen years, our team at the University of Victoria’s POLIS Water Sustainability Project has provided ongoing briefings to the provincial government outlining detailed priorities for a Watershed Security Strategy and Fund.

Drawing on (and consistent with) POLIS’ past submissions and position papers, this response to the March 2023 Watershed Security Strategy and Fund Intentions Paper identifies key priorities for the Strategy and Fund, with a focus on implementation. It outlines:

- 1) Why Watershed Security Matters
- 2) Reflections on the Direction of the Strategy and Priorities to Achieve
- 3) Key priorities for the B.C. Watershed Security Strategy (and Fund)
  - *Actions that start now*
  - *Reforms to begin when the strategy is released*
  - *Reforms that will be underway within 1-2 years of the strategy’s release*
- 4) Appendix A: Accountability through a Watershed Security Officer
- 5) Appendix B: Function and Characteristics of a Robust Strategy

### 1. Why Watershed Security Matters

Watershed security is of prime importance in British Columbia. It is fundamental to all aspects of healthy communities—from public health, economic growth, and climate resilience, to wild salmon and biodiversity. Watershed security is also a clear priority for Indigenous nations and foundational to relationships and exercise of rights and responsibilities, as articulated in the Intentions Paper.

Across the province, communities consistently prioritize the importance of:

- Safe and clean drinking water.
- Healthy thriving wild salmon (and fisheries).
- The ability to deal with the uncertainties and extremes of climate change.
- Local control and influence in decisions that affect their communities and home waters, including the ability to be an effective partner on longer term sustainability projects.

Since the introduction of the *Water Sustainability Act*, the provincial government has been reviewing a range of innovative policies and tools, yet few of these initiatives have been completed and implemented.

The sense of urgency to have policies and plans in place to ensure a water secure future has rapidly increased in recent years due to more frequent and sustained emergencies, such as record drought, fire, floods, and mounting water quality challenges. All of these have amplified issues of conflict and community insecurity. This urgency is well captured in the Intentions Paper, including the opening remarks by both the Minister and the co-chairs of the Water Table.

The climate emergency, commitments to UNDRIP and DRIPA, and deteriorating watershed security now demands a much more aggressive pace to implementing the Intentions presented in the paper.

## 2. Reflections on the Direction of the Strategy and Priorities to Achieve

An effective B.C. Watershed Security Strategy and Fund must deliver measurable improvements in watershed security and on community priorities—both in the short term and as part of a larger systematic change.

We celebrate the co-drafting of the Intentions Paper with the B.C.-First Nations Water Table, and the comprehensive and firm linkages to UNDRIP implementation and the DRIPA Action Plan. A continued, enduring collaborative approach will be essential to strategy implementation, further innovative solutions for pressing watershed issues, and lasting change towards reconciliation and UNDRIP implementation.

Another significant step reflected in the Intentions Paper is the positioning of the Ministry of Water, Lands and Resource Stewardship as the overall lead on watershed security. This new Ministry is uniquely positioned to work horizontally across government, break down silos, lead and advance planning across government, and have impact in regions. It can therefore ensure integration and initiate critical changes locally through decision-making and governance across government.

From the Intentions Paper, we note and support the strong foundation that is set and identify some cautions and concerns (see Table on page 5). We also emphasize five key cross-cutting areas to ultimately strengthen the Watershed Security Strategy:

- 1. A vision and direction:** The Watershed Security Strategy and implementation plan needs to articulate not only *how* to achieve watershed security, but also the overarching, long-term vision—*why* this strategy is important and what impacts it will have in watersheds and for communities. A vision that articulates the link between watershed security and the socio-economic benefits to local community development (such as employment in the watershed sector, cost savings through proactive climate adaptation and disaster mitigation, and the urgent and necessary transition from sunseting industries) will help deliver a unifying strategy that minimises division. Leadership from the Premier will be needed to reinforce



how this is more than just the priority of one ministry or one sector.

- 2. Clear timelines, outcomes, and implementation plan:** The Strategy will only be as strong as its implementation plan and the resources that accompany it. Due to the integrated nature of the work, the Watershed Security Strategy will require a detailed, cross-government implementation plan, which includes timelines, resource commitments, and accountability mechanisms. We recommend the provincial government establish and implement:
  - Dates, and clear and concrete commitments of action, including who does what and when.
  - Clear, achievable targets in collaboration with partner organizations.
  - A clear timeline with achievable and measurable outcomes including *actions that start now*, priorities that will *commence when the strategy is released* and the *next phase of work that will begin 1-2 years from the release of the strategy*.
- 3. Accountability mechanisms:** Appropriate accountability mechanisms are required to fulfill commitments, potentially including a new oversight and accountability position such as a Watershed Security Officer (see appendix A for more details) and frequent, transparent public reporting.
- 4. Clarity on integration:** The recent \$100 million dollar commitment of the B.C. Government provides a clear signal that a Watershed Security Strategy cannot be driven by one ministry. Integrated ministerial staff teams must be tasked with creating *solutions-based and enforceable plans, accountability measures, and deploying the critical tools* designed to deliver and drive real changes in the current approach to land and water management. A strong need exists for detailed, cross-ministerial planning. This must involve complementing strategies including wild salmon, coastal, climate adaptation, old growth and forestry, an explicit focus on First Nations' co-governance and implementing the DRIPA action plan.
- 5. Focus on the Fund:** While government builds a clear timeline and the necessary internal capacity to execute the Watershed Security Strategy, ongoing attention and further investment will be needed in order to increase Strategy's impact and strengthen community's and Indigenous ability to effectively partner and support the implementation of its associated priorities.



### Intentions Paper Highlights

- ✓ Innovative co-development process with Water Caucus and through the co-governed B.C.-First Nations Water Table. This exciting milestone creates many benefits including bold and comprehensive direction that is firmly linked to DRIPA Action Plan (2.6, 2.7, 2.9).
- ✓ Strong watershed governance theme throughout.
- ✓ Very consistent with Water Leaders' submissions over years, and clearly identified priorities including environmental flows, ecological function, healthy watersheds, and focus on water stewardship.
- ✓ UNDRIP & legal reform priority is clearly articulated, which begins to get at the heart of tough issues and barriers in past policies and the Water Sustainability Act.
- ✓ Place-based focus on planning, legal tools, and governance with linkages to the existing sustainability tools in WSA. This is useful to drive a cohesive cross-government approach.
- ✓ Several identified and critically important themes include:
  - *1.1 Enhance local watershed governance including dispute resolution mechanisms for watershed governance arrangements*
  - *2.1 Align the Water Sustainability Act and new and related policies with the UN Declaration and recognize First Nations as first users*
  - *2.2 Co-developing a provincial environmental flows regulations that includes cultural values & protection of core rights*
  - *3.2 Improve understanding of water and watershed use, ecosystem needs and related cumulative effects*
  - *4.1 Empowering Indigenous people to trigger relevant water and watershed management tools under Water Sustainability Act*
  - *4.2 Strengthen regulations, standards and policy to protect and prioritize water values in decision making ... and establish wetland policy and objectives*
  - *4.4 Ensure "wild salmon lens" in watershed management and use allocations*
  - *5.1 Source to Tap Strategy, Water Sustainability Plans and Water Objectives for regional pressures and risk*

### Intentions Paper Gaps and Concerns

- ✓ The intention of a 20-year implementation is a deep concern. While we acknowledge some of the impacts and full roll out may take many years, the bulk of the work must be started within 18 months of the strategy's announcement and, in fact, work on many key areas can begin immediately.
- ✓ The document lacks specifics on timing and implementation.
- ✓ Many actions were already identified long ago and should be implemented now. For example:
  - Water Sustainability Act tools
  - Accelerated water/land use plans and objectives
  - Water rental reviews
  - State-of-Watershed reporting
  - Drinking water source protection
- ✓ Long laundry-list of possibilities requires careful attention to the prioritization of resources and clear timelines and step-wise progression.
- ✓ Two key areas are unclear:
  - how government will ensure sufficient capacity to deliver. Thus, a significant budget lift within government will be needed to achieve this ambitious plan.
  - how cross-ministry integration will happen. To drive success, a clear message from the Premier would help signal its significance across government and strengthen the overall effort.

### 3. Key priorities for the B.C. Watershed Security Strategy (and Fund)

It is well understood that a Watershed Security Strategy and Fund have significant potential to change how landscapes are managed and stewarded into the future. The Intentions Paper provides a comprehensive list of possible actions and opportunities that all align well with priorities and mandates already identified in policy documents, such as Living Water Smart, or implied during the development of the *Water Sustainability Act*. Building on the foundation of existing solutions and recommendations, we organize our specific advice as follows:

Actions that must start now:

There are many Initiatives that already have momentum and clear direction, and simply need action. These actions should be done concurrently with the ongoing development of the strategy—and then reinforced in the strategy itself. These actions represent areas that any useful strategy will have to address. Acting on them now will only improve the Strategy's when it is launched and implemented.

1. **Accelerate *Water Sustainability Act* implementation, including core policy, regulations, and decision-making tools.** Key regulations and sustainability tools under the *Water Sustainability Act* (starting with environmental flows regulation, water objectives, area-based regulations, and water sustainability plans) should be based on lessons from regions—including ways to be consistent with UNDRIP—with learnings applied to use these tools with confidence wherever appropriate across the province.
2. **Resource and implement a coherent and integrated provincial planning regime for land and water that is consistent with UNDRIP and B.C.'s *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*.** This must include increased support for existing modernized land use plans and WSPs already underway. Completing and deploying the necessary critical planning tools (e.g. WSPs, Forest Landscape Plans, Water Objectives, Area Based Regulations)—with an emphasis on shared decision-making, local priorities, and watershed function. This will set in motion a learn-by-doing framework that accelerates and supports the ongoing development and use of these tools in other regions.
3. **Fulfill established drinking water source protection recommendations from the Auditor General (2019)<sup>1</sup> and Hullcar Aquifer Review (2017) including:<sup>2</sup>**
  - Identify all drinking water watersheds and sources (starting with the most at risk).
  - Provide local governments and First Nations with resources and expert support to develop drinking water source protection plans starting with high-risk zones across B.C.
  - Expand the at-risk drinking water areas covered by the Agricultural Environmental Management Code of Practice (under the *Environmental Management Act*).



4. **Build on *Watershed Security Fund* immediately with further reinvestment (including in budget 2023), resource rentals, with matching Federal government investment.**
  
5. **Address gaps in drought response, and groundwater protection and existing climate and forestry commitments** relating to watershed security, as there are a number of outstanding, recent promises made by Government, and still much unfinished work. A few simple and impactful places to start include:
  - Updating the provincial Drought Response Plan (and supporting regulations) to enable communities and First Nations working on watershed basis to define local thresholds that effectively trigger timely progression between Drought Levels and formal restrictions, regulatory actions, and emergency responses in a proactive succession.
  - Completing the necessary work of regulating groundwater province-wide and more focused attention in high-risk regions.
  - Ensuring focus is on not simply carbon mitigation but instead on adaptation that starts by getting the water management aspects right, especially around droughts, scarcity, floods, and holistic water decisions, ***because the climate crisis is a water crisis.***
  - Completing significant forestry reforms complemented by additional small regulatory changes that have large benefits, such as addressing sediments from roads and including water as an explicit priority consideration and value in all *Forest Landscape Planning* efforts going forward.

Substantive and ongoing reforms:

- **Reforms to begin when the strategy is released**
- **Reforms that will be underway within 1-2 years of the Strategy's release**

These initiatives will require either more complex reforms, or critical pre-work and new, additional resources to ensure staff can effectively undertake the necessary work. The launch of the Strategy (with the necessary budget commitments) will help set these actions into motion. This body of priorities and action areas are an integrated and comprehensive whole that will help our communities navigate an increasingly unstable climate reality and begin a new era of resilience, security, and prosperity into the future.

In the table on page 5 we identify prominent actions and strategies from the Intentions paper. Each of these are clear areas that should be prioritized at the outset of the Strategy's release. In addition, we note the following as some of the most crucial and fundamental reforms that leaders and communities across the province have been emphasizing over the last number of years.



**1. Focus on a Watershed Governance Framework.** Develop clear guidance and a framework for watershed governance that includes resources and direction for local watershed boards/entities.

B.C. has a wealth of established organizations and place-based initiatives such as the Cowichan Watershed Board, Okanagan Basin Watershed Board, Koksilah Water Sustainability Plan and numerous local roundtables and water tables, whose experience offer critical insights into the necessary legal elements needed, enabling frameworks with clarity on the range of roles and responsibilities for such local bodies, along with clear understanding of the necessary funding and resources to sustain operations and effective local partnerships.

A key factor in developing a province-wide watershed governance framework will involve re-thinking how the provincial government approaches its relationship with First Nations. The development of a robust and inclusive watershed governance framework will require that the province:<sup>3</sup>

- Enable dedicated, competent regional staff to not only deploy tools, but also understand their limits and uses.
- Understands and anticipates internal processes.
- Commits to relationships with built-in succession planning.
- Clearly articulate conflict resolution mechanisms.

**2. Build an Indigenous water knowledge and provincial science strategy that includes monitoring and State-of-Watershed Reporting (with watershed assessments and focused “watershed lens” on all statutory decision-making).** At minimum such a science and knowledge strategy would include:

- Completing state-of-watershed reporting that draws on collaborative monitoring with communities and First Nations to track baseline information and trends.
- Requiring water use measuring and reporting by licensed water users.
- Addressing gaps in data, monitoring, and forecasting and track, monitor, and continuously improve the impacts of climate adaptation measures.
- Identifying emerging hot spots and priority areas (water and watershed security threats) for an expanded watershed governance and planning program.
- Deploying a water science and collaborative monitoring strategy with local partners that leverages Indigenous expertise (e.g. Guardians programs) and local community-based monitoring initiatives.
- Improving links with Indigenous knowledge systems and decision-making.
- Collaborating with the federal government on flood management and drought forecasting through the new Canada Water Agency.

**3. Kick-start the next wave of necessary, complementary policy and regulatory components through a focus on a wetlands and an Environmental Flows regulation** to not only influence

future water allocations, but offer a clear ecological and cultural link to any decision that might affect water use, withdrawals, or work around water bodies in British Columbia.

**4. Strengthen Accountability and Oversight.** Many policies, strategies, action plans, and commitments have been made. Very few of those promises have been delivered on. One primary reason has been the lack of accountability mechanisms, and oversight.. Specifics such as dates, and clarity around roles and responsibilities are some of the useful mechanisms to ensure public accountability. And we are suggesting a more formal accountability mechanism through the creation of a dedicated and independent Watershed Security Officer. Without formal accountability mechanisms like this, we anticipate another round of promises will be made without the requisite action being taken. See Appendix A for more details.

*Substantive and ongoing reform – work commences within one year of the release of the Strategy*

**5. DRIPA-aligned *Water Sustainability Act* reform, which fundamentally addresses FITFIR & co-governance concerns.** Complete a substantive *Water Sustainability Act* legislative update to not only align with UNDRIP and DRIPA, but specifically to also modernize the current outdated and ineffective water allocation system (FITFIR), among other identified necessary changes.<sup>4</sup>

**6. Fully integrate decision and regulator tools.** Complete key decision and policy tools, including the cumulative assessment framework; a coherent modernized provincial planning regime (e.g. forest landscape planning, updated water use plans, water sustainability plans); water objectives; wetlands policy; and old growth strategy and deferral areas. An integrated approach will deliver real change in water use and management of forests, agriculture, mining, urban development, and recreation at the landscape level by:

- Including a watershed security lens in the Environmental Assessment process with explicit attention to, and inclusion of, watershed security in all reviews.
- Updating and renewing the Private Managed Forest Lands Act regulation and regime.

### 3. Conclusion

The Watershed Security Strategy is timely, critical, and relevant to a changing water and watershed environment which, if left unchecked, will greatly diminish security of water services and exacerbate watershed degradation impacting many communities across the province.

The success of the Watershed Security Strategy and Fund will depend on accountable and timely implementation, building capacity both inside government and resources for communities to be effective partners, and deploying new tools and innovative solutions that significantly change the current approach and are consistent with the principles and direction set out in this submission.





## APPENDIX A: Accountability through a Watershed Security Officer

Watershed management and the need for security cuts across the province including Indigenous nations, industries, communities, civil society, and all levels of government. Appointing a Provincial Watershed Security officer, modeled on the role of the Provincial Health Officer, would drive the necessary substantive change by bridging these divisions, uniting government and thereby creating a powerful cross-government accountability. The appointed office would have the capacity and expertise to respond rapidly to urgent watershed issues, coordinate with and provide direction to various partners and stakeholders, leverage internal and external expertise and lead investigations and reviews, all while raising the profile and importance of watershed security and ensuring that the public is kept informed and engaged. This champion, and their supporting office, would have an explicit responsibility to:

- Drive implementation and oversee the Watershed Security Strategy by offering a novel, integrated approach based on credible, evidence-based science;
- Identify and act on the Government's central roles and responsibilities, and finding areas where partnership and collaboration are needed;
- Coordinate government action and special investigations, while being responsive to public complaints and concerns.
- Coordinate across levels of government (Indigenous, federal, local) by breaking down silos, and mitigating potential conflict between watershed management, the Provincial housing strategy, and industry.

More general functions might include: providing **annual progress reports** and insights on what is and is not working, responding to **public complaints**, leading **special investigations** & reviews, and moving nimbly across through government and Ministries, and working with crucial partners to drive a fundamentally **integrated approach both** within government and across the province.

- ✓ Modeled on *Provincial Health Officer* (**credible science + evidence based**)
- ✓ Rapid response – where the urgency exists (**action**)
- ✓ Empowered to **break down silos**, unite and coordinate provincial (and other levels of government) action
- ✓ Accountable for implementing & overseeing the watershed security regime, (**backstop function**)
- ✓ Authority for “emergency” orders (**compliance and enforcement**)



## APPENDIX B: Function and Characteristics of a Robust Strategy

The most important role of a prospective strategy is to help government organize itself, secure internal priorities and resources, and drive a cohesive cross-ministerial and -government approach to watershed security that can deliver on the ground.

A robust strategy will:

- Drive action on key watershed security issues and address conflicts communities are facing.
- Deliver on promises by assisting government coordination and alignment across cross-ministries.
- Build the profile of water and watershed health internal and external to government.
- Accelerate policy and law development and deployment of key tools in line with DRIPA to advance co-governance and reconciliation.
- Leverage Resources
- Provide clarity around roles and responsibilities and create new mechanisms for oversight and accountability to ensure promises are delivered.

To do this, the strategy needs to:

- ✓ Identify specific measurable actions with timelines and implementation plans.
- ✓ Be a whole-of-government endeavour.
- ✓ Have a clear and ongoing co-development process with Indigenous partners.
- ✓ Allocate significant financial and staff capacity resources and priorities.
- ✓ Embed a learn-by-doing and continuous improvement framework.
- ✓ Include explicit provisions to revisit and track progress on commitments and identified priorities (five-year review) and build other formal accountability and oversight mechanisms such as a Watershed Security Officer (see appendix above).

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<sup>1</sup> Office of the Auditor General of British Columbia. (2019). The Protection of Drinking Water: An Independent Audit Report. [https://www.bcauditor.com/sites/default/files/publications/reports/OAGBC\\_Protection-of-Drinking-Water\\_RPT.pdf/](https://www.bcauditor.com/sites/default/files/publications/reports/OAGBC_Protection-of-Drinking-Water_RPT.pdf/)

<sup>2</sup> Brandes, O.M. with Baltutis, J., O'Riordan, J., & Wilson, J. (2017). From Crisis to Solutions: Towards Better Source Water Protection and Nutrient Management in the Hullcar Valley. A Report prepared for the B.C. Ministry of Environment and Climate Change Strategy. Victoria, Canada: POLIS Project on Ecological Governance, University of Victoria. <https://poliswaterproject.org/polis-research-publication/crisis-solutions-towards-better-source-water-protection-nutrient-management-hullcar-valley/>

<sup>3</sup> POLIS WSP has done extensive work in this area and provide the following as resources to help kick start the necessary work ahead. <sup>v</sup> For a detailed discussion see POLIS work including *Blueprint for Watershed Governance in BC* <https://poliswaterproject.org/polis-research-publication/blueprint-watershed-governance-british-columbia/> and *Handbook for Water Champions* <https://poliswaterproject.org/polis-research-publication/handbook-water-champions/>; Sustainable Funding Working Group. (2020). *BC Watershed Security Fund: A Collaborative Vision: Strategic Directions Paper*. <https://www.bcwaterlegacy.ca/resources>; Brandes, O.M., O'Riordan, J., & Simms, R. (2017). *Watershed Security Agenda for British Columbia*. Victoria, Canada: POLIS Project on Ecological Governance. <https://poliswaterproject.org/polis-research-publication/watershed-security-agenda/>; Brandes, O.M., Bridge, G., O'Riordan, J., & Simms, R. (2020). *Direction Paper: Towards Watershed Security: The role of water in modernized land use planning in B.C.* Victoria, Canada: POLIS Project on Ecological Governance. <https://poliswaterproject.org/polis-research-publication/towards-watershed-security/>

<sup>4</sup> First Nations Fisheries Council – *Direction Paper DRIPA and High Priority Water Sustainability Act Reforms(2020)*