

A Review of the State of Watershed Governance in British Columbia: A review, exploration of case studies and opportunities to advance a provincial approach

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POLIS Project on Ecological Governance

watersustainabilityproject



University
of Victoria

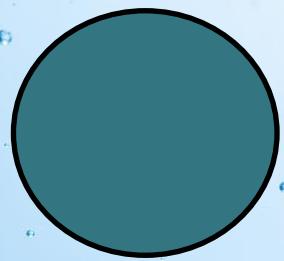
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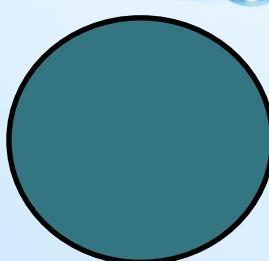
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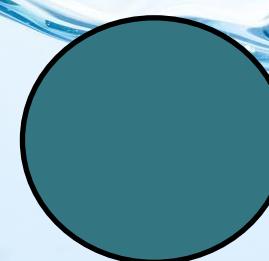
Presentation Flow



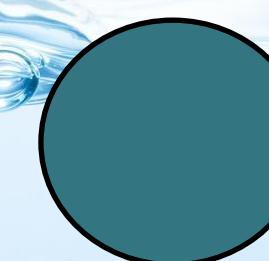
- Introduction and overview



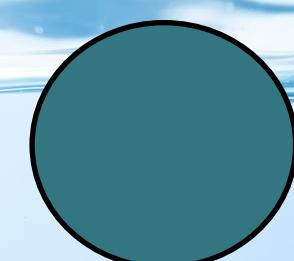
- Watershed governance in B.C. and winning conditions



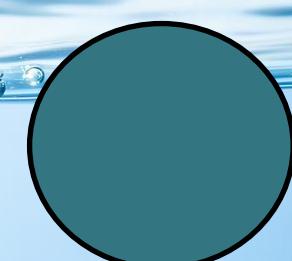
- Watershed governance frameworks in other provinces



- Exploration of a watershed board framework for B.C.



- WSA tools for improved governance



- Conclusion and questions

POLIS Project on Ecological Governance



- University-based think and “do” tank at the University of Victoria’s Centre for Global Studies
- Where academic research, practical policy and law reform on sustainability meets government and community action
 - *Established in 2000 by Eco-Research Chair of Environmental Law & Policy*

What does
governance
shaped
by principles of
ecological
sustainability look
like ?



POLIS Project on Ecological Governance
wildfireresilienceproject



POLIS Project on Ecological Governance
watersustainabilityproject



POLIS Project on Ecological Governance
bioculturaletics



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“Big Ideas” in the Water World

New concept of infrastructure
conservation/soft path
... cheaper, faster more sustainable



Watershed Governance

... shared decision making at the watershed scale ...



Watershed Security
& Source Drinking
Water Protection



Rivers with rights!



Water-Focused planning



Public Trust Doctrine



Eflows & water law

United Nations
DECLARATION
on the **RIGHTS**
of **INDIGENOUS**
PEOPLES

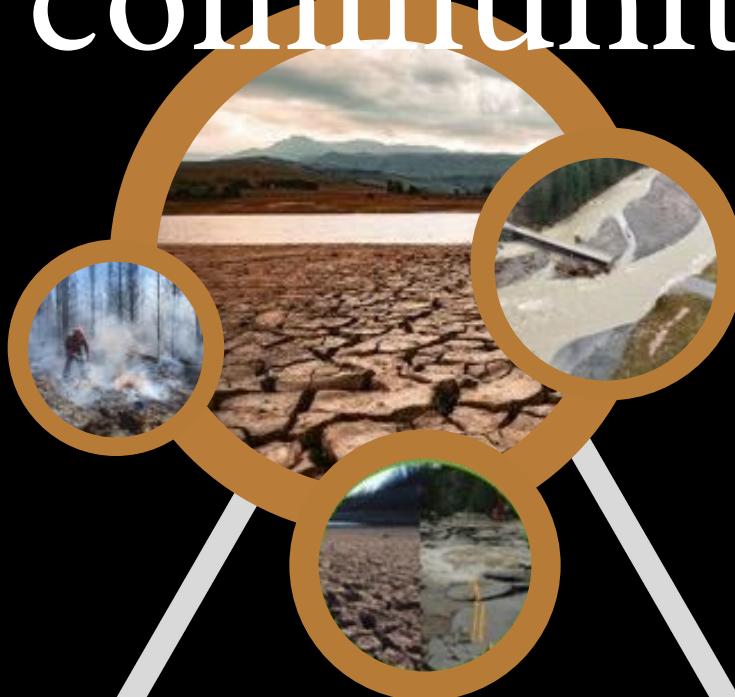
Water, co-governance
& reconciliation

What do communities care about?

*Dealing with
Extremes of
Climate*



Drinking Water



+



Local Control



Salmon (fish)

Governanc e

....the process of societal decision making...

Who -- What -- How

&

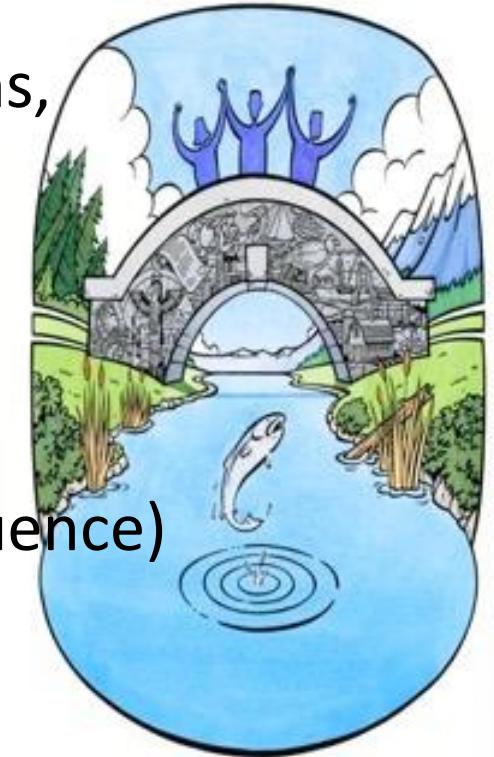
Accountability

Power



Re-Thinking Governance in a Watershed Context

- Government is critical to governance, BUT **governance is broader than government**
 - ✓ Engage key actors—civil society, First Nations, business and industry, community
- Both **formal & informal** structures – scale matters
 - ✓ Legislative (regulatory) and persuasive (influence) to create a watershed culture
- **Long-term sustainability** of watersheds
 - ✓ integrate natural ecosystem into all aspects of decision-making



Who Decides?



Complex Water(shed)



More than just pushing paper around



Evolving Water Governance Across Canada

- History of top-down, state-driven regulatory approaches – technical focus
- Indigenous rights and title around water remains uncertain and largely ignored
- Some experimentation with markets in Alberta
- International trend towards increased protection for water in nature and sharing of authority locally ...
 - ✓ Quebec, Ontario, Alberta, NWT ...BC?
- ✓ In Canada – certainly BC – Indigenous authority including Indigenous water law rapidly emerging in a shared authority (co-governance) approach



*Water governance
is complex*

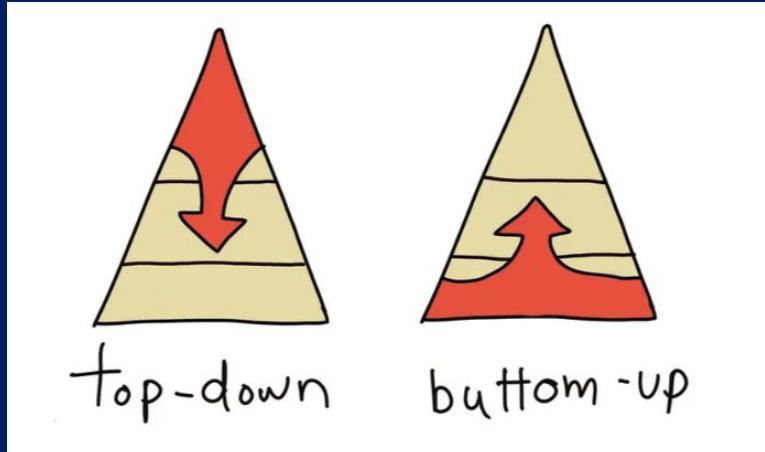
Watershed Governance

Etymology: circa... 2005

1. A **helpfully open-ended concept**, by nature ambitious, with space for communities to define in their own ways
2. **Generally...decision making that is:**
 - Place-based- aligned w ecological boundaries
 - locally adapted
 - based on co-governance
 - informed by local capacity and expertise

Keywords: co-governance, local control, whole of watershed, form-follows-function - **it's an evolution**

Sr. gov enabling function - functioning legal framework, bringing policy tools, resources, rules



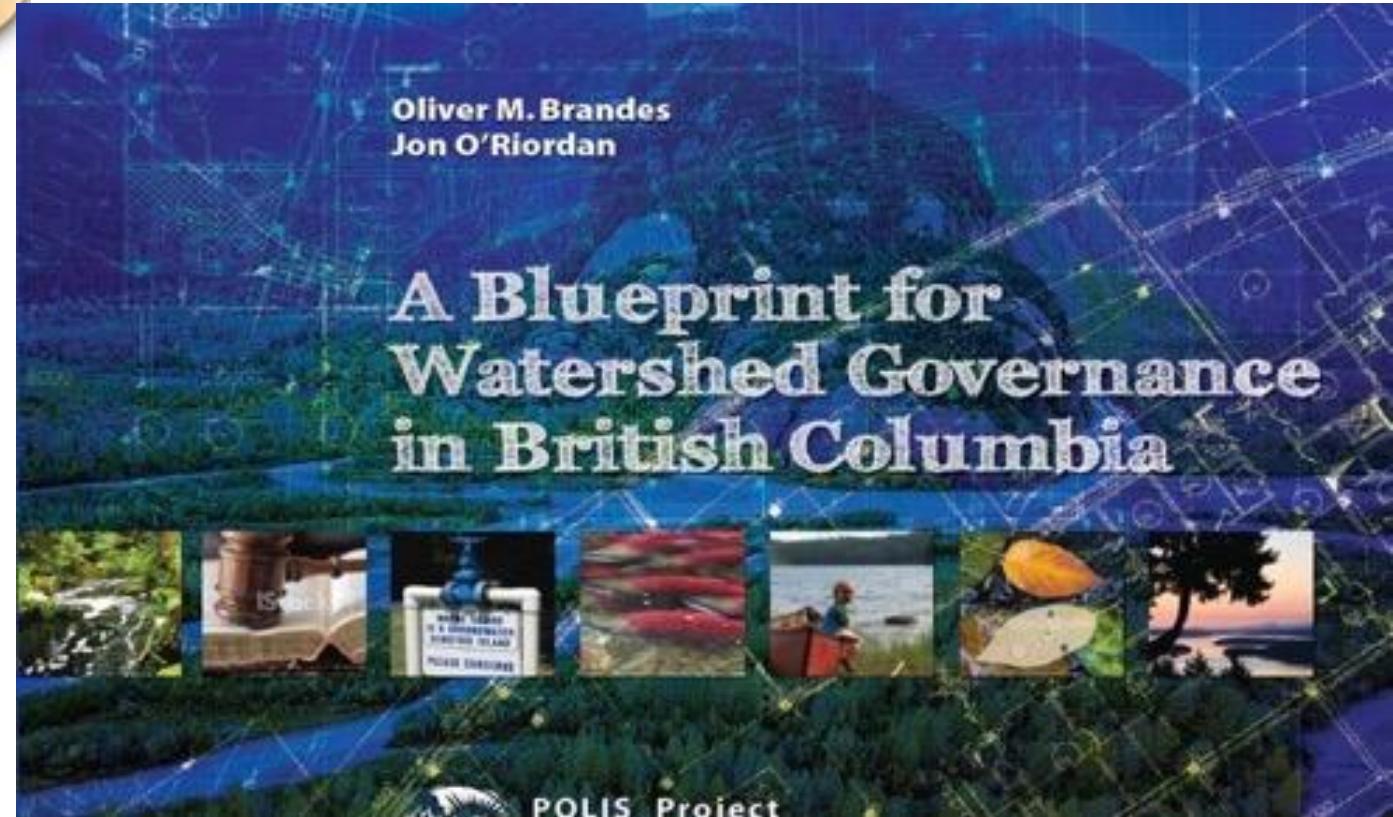
Local leadership and capacity for co-governance

9 Winning Conditions

*Understanding and creating
the conditions for the shift
towards watershed
governance.*



- **Co-governance**
- **Legal framework**
- **Sustainable long-term funding**
- **Functioning Legal Framework**
- Data/monitoring & knowledge
- Attention to cumulative impacts
- Peer to peer learning and amplifying local capacity



Tracking Watershed Governance Initiatives in British Columbia

| Key Initiatives and Partnerships | |
|--|---|
| WSA "Pilots" | <ul style="list-style-type: none">Koksilah (Water Sustainability Plan)Nicola (Nicola Watershed Governance Partnership and the Nk'e?xép Management Committee)Skeena (Wedzin kwah Water Sustainability Project)Hulcar (Hulcar Aquifer Response Plan)Fort Nelson First Nation (WSP scoping) |
| Other notable G2G plans and arrangements | <ul style="list-style-type: none">Haida Gwaii Management CouncilGwaii Haanas Archipelago Management BoardB.C./Tahltan Klappan Plan & Decision-Making and Management BoardGitanyow (LUP)SecheltBulkley-Morice (FLP)Lakes Resiliency Project (FLP)Sunshine Coast (FLP)Columbia River Salmon Reintroduction Initiative (CRSRI)Okanagan Lake Responsibility Planning Initiative/Collaborative Leadership Table |
| Indigenous-led watershed planning & gov initiatives | <ul style="list-style-type: none">Xeni Gwetin Watershed Plan?Elhdaqox Dechen Ts'edilháSyilx siwlkʷ StrategyFraser Salmon Management CouncilYinka Dene Policy / MoU with RD Bulkley NechakoFNFN Water StrategyGitanyow Wilp Wil Litsxw Meziadin Indigenous Protected Area <ul style="list-style-type: none">Other BC IPCAs (some in development): Kitasoo/Xai'xais - Kitasoo Lugeeks Tla-o-qui-aht Tribal Park Kaska Dena - Dene K'éh Kusán Ktunaxa - Qat'muk Okanagan Similkameen National park Reserve Ashnola |
| Watershed 'entity' | <ul style="list-style-type: none">Cowichan Watershed BoardCoquitlam River RTNechako River Watershed RTBowker Creek InitiativeIslands TrustTiell Watershed SocietyFraser Basin CouncilColumbia Basin Trust <ul style="list-style-type: none">Shuswap Watershed CouncilNicola Steering CommitteeSalmon River Watershed RoundtableColumbia Basin TrustKettle River Watershed AuthorityKootenay Lake PartnershipLake Windermere AmbassadorsOkanagan Basin Water Board <ul style="list-style-type: none">Athabasca Watershed CouncilLesser Slave Watershed CouncilMight Peace Watershed AllianceShawnigan Basin Authority (developing)Kettle River Watershed AuthoritySkagit Watershed CouncilYukon River Inter-Tribal Watershed Council |
| In-depth studies – demonstrated capacity | <ul style="list-style-type: none">Gibsons, Sunshine CoastCentral Kootenay – Creston ValleyComoxPeachland |

| Ontario Conservation Authorities | Manitoba Watershed Districts | Quebec OBVs (organismes de bassins versants / watershed organizations) | Alberta Watershed Planning & Advisory Councils |
|---|--|--|---|
| Conservation Authorities Act (1990) With additional authorities emerging from Clean Water Act (2006)* | Watershed Districts Act (2020)* With additional authorities emerging from Water Protection Act (2004)* | Loi sur la gestation de l'eau (Water Management Act) (2009) | Water for Life: Alberta's Strategy for Sustainability (2003) |
| <ul style="list-style-type: none"> 36 Conservation Authorities | <ul style="list-style-type: none"> 14 Watershed Districts | <ul style="list-style-type: none"> 40 Watershed Organizations | <ul style="list-style-type: none"> 11 Watershed Planning & Advisory Councils |
| <ul style="list-style-type: none"> Municipal levies – 53% Self-generated revenue – 35% Provincial grants & Special Projects – 8% Federal Grants or Contracts – 4%¹ | <ul style="list-style-type: none"> 36% Provincial grants 12% Municipal levies 11 % Federal Grants 41% additional provincial and municipal support; NGO² | <ul style="list-style-type: none"> 17% Provincial core funding 2% Wage subsidies 70% Project grants 7% Service contracts 2% Membership fees 2% Event registrations³ | <ul style="list-style-type: none"> 30% Provincial core funding 50% Project grants 20% in-kind support from board, committee, volunteers, GoA technical staff⁴ |



Other Provincial Board Frameworks

1. <https://conservationontario.ca/conservation-authorities/about-conservation-authorities>
2. <https://gov.mb.ca/sd/pubs/water/watershed/2023-24-cd-annual-report.pdf>
3. <https://robvq.qc.ca/wp-content/uploads/2022/06/rapport-annuel-2021-2022.pdf>
4. <https://mightypeacewatershedalliance.org/wp-content/uploads/2023/03/WPA-C-Compendium-2021-2022.pdf>

Community Watersheds - an Under-Utilized Tool in BC

466 provincially designated community watersheds

The vast majority of these are open, highly-multi-use watersheds

Yet many community watersheds are vulnerable and at risk of losing function



Community Watersheds: From Objectives to Results on the Ground

Special Investigation

FPB/SIR/40

April 2014



Forest Practices and Water

Opportunities for Action

SPECIAL REPORT
January 2022
FPB/SR/60

Two key reports from the Forestry Practices Board suggest:

- Revising government's objective for community watersheds with an emphasis on source water protection
- Strengthening the content and approval of FSPs (while FLPs have been introduced to eventually replace FLPs, many FSPs will still be active for the next 5-10 years, and change is necessary now).
- Increased provincial monitoring in regard to drinking water protection.
- Improving public involvement in forest/landscape planning
- Managing cumulative effects as a legal requirement in all watersheds
- Reducing impacts of historical practices on water through a renewed program of watershed restoration

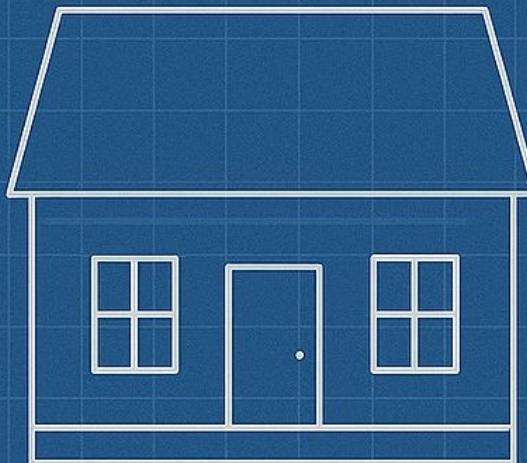


KEY TRIGGERS FOR WATERSHED BOARDS

- 1) Indigenous Co-governance and Local government partnerships
- 2) Strong support from community (local leadership)
- 3) Potential for sustainable funding (including local leveraging)
- 4) A developed State of Watershed report (attention to cumulative impacts)
- 5) Conflict & dispute; interest in building social cohesion
- 6) Intention to explore and use provincial tools to solve local problems (e.g. WSA, FLPs, Community Watersheds, etc..)

***Watershed boards will
not be appropriate for
every community!***

BUILDING WATERSHED BOARDS: COMMON FRAMEWORK, LOCAL DESIGN



| Essential Functions | Potential Functions |
|---|--|
| <ul style="list-style-type: none">• Visioning & Planning• State of Watershed reporting• Drinking water source protection• Formal input into land-use decision-making | <ul style="list-style-type: none">• Water allocations/reallocations• Setting environmental water quality requirements• Green infrastructure development• Restoration• Monitoring and reporting |

Watershed Board Activities

**Subject to co-governance and
UNDRIP principles (DRIPA alignment)

| Essential Functions | Potential Functions (Additional possible shared powers) |
|---|---|
| <p><i>Visioning & Planning</i></p> <ul style="list-style-type: none"> -Flood and drought planning -Watershed planning | <ul style="list-style-type: none"> Water Allocations/Reallocations -eFlows protection and thresholds |
| <p><i>State of the Watershed Reporting</i></p> <ul style="list-style-type: none"> -information and watershed health assessments -increase h2o IQ | <ul style="list-style-type: none"> Setting Environmental Water Quality Requirements -cumulative impacts |
| <p><i>Drinking Water Source Protection</i></p> <ul style="list-style-type: none"> -awareness raising -conservation and restoration programs | <ul style="list-style-type: none"> Green Infrastructure Development Restoration priorities Maintain/sustain Natural Defences |
| <p><i>Formal Input into Land-Use Decision-Making</i></p> <ul style="list-style-type: none"> -water-land connections -conflict resolution | <ul style="list-style-type: none"> Monitoring and Reporting |

BIG QUESTIONS

How to Fund?
How to Get Started?
Legislated v Policy?

Water Sustainability Act – Spectrum of Tools

eFlow and Fish Protection Orders

- Short term orders to reduce or suspend water use



Area based regulations:

- specific areas and unique thresholds

Sensitive stream designation

protect at-risk fish populations; license terms and conditions



Water Objectives

- Provides water-land, eFlows + quality linkage
- Potentially powerful as influences other decision-makers

Water Sustainability Plans

- Triggered by conflict
- Binding & can change licences



Winning on Water with better watershed governance

01

FROM: division/conflict over water (Salmon River)

TO: collaborative solutions & social cohesion (Cowichan Watershed)

02

FROM: reacting to a cycle of crises (instability)

TO: government has a plan to keep BC safe & get ahead of crisis

03

FROM: people feeling despair (overwhelmed by threats)

TO: local watershed projects across BC that collectively demonstrate a story of 'hope' for the future



- Hub for Local Economic Development
- Strengthen community defences: Drought, Fire and Floods- reduce costs
- Boards ensure a good use of resources - \$\$



Move from
managing the
watershed
to
managing
people in the
watershed.

Questions

