

Capacity and Accountability for Shared Decision-Making in Watersheds

Discussion Paper
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A. Advancing Watershed Sustainability in BC

The BC Wildlife Federation (BCWF), in conjunction with funding from the Gordon & Betty Moore Foundation is undertaking a project to advance watershed conservation and sustainability throughout BC. BCWF is delivering the project in partnership with the Fraser Basin Council (FBC). In addition, many other organizations and individuals, representing a diversity of perspectives, experiences and expertise, were engaged in various ways throughout year-one (Fall 2013 – Spring 2014) of this three-year project.

This initiative arose from a concern, shared by many, that watershed ecosystems in BC are losing their resilience and sustainability. The long-term health of watersheds is key to ensure the sustainability of the ecosystems, communities and economies that depend upon them. However, over the years, land and water use decisions and activities have resulted in the gradual loss of ecological function in watersheds including degradation of habitat, declining water quality, inadequate flows for environmental values, and conflict among different sectors that depend upon water. Though there are many diverse organizations and jurisdictions working on the stewardship, management, planning and governance of watersheds and water resources, there is still a need for enhanced coordination and collaboration among these efforts.

The goal of this project is to educate British Columbians on the importance of watershed sustainability and protecting BC's diverse and unique aquatic resources. It also aims to help strengthen capacity in BC to achieve healthy watersheds by considering watershed health and sustainability through several different lenses, or sub-projects. The focus of the sub-projects facilitated by the Fraser Basin Council include the following:

1. Vision of Watershed Sustainability – Develop a unifying vision of sustainability for watersheds and landscapes through a collaborative process that engages First Nations organizations and non-governmental conservation organizations.
2. Watershed Management Actions – Conduct research on the roles, responsibilities and actions required to effectively manage the health and sustainability of BC's watersheds, including an assessment of capacity, challenges and opportunities.
3. Funding and Delivery Models – Conduct research and develop recommendations on funding and delivery models needed to advance watershed health and sustainability at local and regional scales throughout BC.
4. **Capacity and Accountability for Shared Decision-Making = Conduct research and develop recommendations regarding capacity requirements and accountability mechanisms for shared decision-making at local, regional and watershed scales.**
5. Natural Resource Practices Board – Conduct research and develop recommendations regarding a Natural Resource Practices Board to provide advice on effective, science-based management of natural resources including independent performance audits and reporting.

6. Indicators of Watershed Health – Conduct research and develop a set of indicators to measure the health of watershed and estuarine ecosystems throughout BC.
7. Workshop for Advisors and Practitioners – Plan, deliver and co-host a workshop to present key findings to date and facilitate dialogue and feedback.

Each of the projects outlined above are intended to focus on a particular aspect of watershed management. (e.g. vision, management, governance, capacity, oversight, funding, etc.). However, these different aspects can also be seen as distinct pieces of a more complex and interconnected puzzle. The following is intended to illustrate how the different pieces fit together.

1. **Vision** – What are our needs, aspirations and goals for our watersheds?

- Project - Vision of Watershed Sustainability

2. **Implementation** – What actions do we take to achieve our vision?

- Project – Watershed Management Actions
- **Project – Capacity and Accountability for Shared Decision-Making**

3. **Resources** – What human and financial resources do we allocate – and how – to most efficiently and effectively manage watersheds and achieve our vision?

- Project – Funding and Delivery Models

4. **Evaluation and Performance Management** – How can we best assess progress towards achieving our vision of healthy watersheds and what auditing and reporting mechanisms can assist?

- Project – Indicators of Watershed Health
- Project – Natural Resources Practices Board

Note: the highlighted project above indicates the focus of this particular discussion paper.

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B. Introduction to Capacity and Accountability for Shared Decision-Making

In this paper, we define water governance as the range of political, organizational and administrative processes through which decision-makers are chosen, citizens and various groups articulate their interests, decisions are made and implemented and decision-makers are held accountable for their decisions related to watersheds and water resources. This differs from *water management*, which includes operational activities to regulate water and impose conditions of its use¹. Put simply, governance generally refers to how we make decision and who gets to decide whereas management refers to the models, principles and information we use to make those decisions². This discussion paper places an emphasis on shared decision-making as an emerging form of governance that may complement traditional roles and functions of senior government decision makers.

Though the constitutional authority to manage water resources primarily lies with the Province, there has been a rise of community-led, watershed organizations using area-based approaches since the 1990s³. Many of these organizations formed to address local impacts resulting from gaps in management activities essential for the health and sustainability of watersheds. This rising trend demonstrates that not only are groups and individuals motivated to organize themselves to address the issues that affect them, but also that there is an appetite to incorporate greater local involvement in decision-making related to water and watersheds across the province⁴. Shared decision-making at the local, regional or watershed scale can be seen as a means to complement centralized approaches to governance. This paper makes no attempt to prescribe which decisions are best made by senior governments and which are best made through alternative governance arrangements at local or regional scales.

Provisions in BC's *Water Sustainability Act* legislative proposal that may enable "alternative governance arrangements"⁵ (e.g. organizations outside the provincial government acquiring some degree of decision-making authority) mark an exciting opportunity to explore new governance functions at local or regional scales. Senior governments should play a key role in ensuring the sustainability and support of these watershed organizations and the work they do. Though the potential for the delegation of decision-making authority does exist through the *Water Sustainability Act*, provincial and federal governments are best suited to provide certain core functions due to their access to financial resources and technical capacity and expertise. These include setting water objectives, research and monitoring, data acquisition and storage,

¹ Nowlan, L and K. Bakker. (2007). 'Delegating Water Governance: Issues and Challenges in the BC Context'. *Program on Water Governance*. University of British Columbia. P. 5.

² Bakker, K. (2006). 'Introduction'. From *Eau Canada- The Future of Canada's Water*. Vancouver: UBC Press.

³ Brandes, O.M. & J. O'Riordan. (2014). 'A Blueprint for Watershed Governance in British Columbia.' POLIS Project on Ecological Governance. University of Victoria. Accessed 24 Feb 2014. <http://poliswaterproject.org/sites/default/files/POLIS-Blueprint-web.pdf>.

⁴ Morris, T. and O.M. Brandes. (2013). 'The State of the Water Movement in British Columbia: A Waterscape Scan & Needs Assessment of BC Watershed-Based Groups.' POLIS Project on Ecological Governance. P. 29. http://poliswaterproject.org/sites/default/files/StateOfWaterMovement_HigRes.pdf

⁵ Province of British Columbia. (2014). 'A Water Sustainability Act for BC Legislative Proposal.' P. 63. http://engage.gov.bc.ca/watersustainabilityact/files/2013/10/WSA_legislative-proposal_web-doc.pdf

as well as auditing, compliance and enforcement processes. They also possess the capacity and resources to provide stable, multi-year funding support to watershed organizations. In addition, partnering with localized, watershed entities, senior governments have access to knowledge within the local context increasing efficiencies and accuracy in site permitting and other functions.

Currently, many watershed-based organizations do not have statutory authority and mainly play an advisory role in decision-making. However, many are ready and motivated to accept new responsibilities. Given the various contexts within which these organizations operate, their varying capacity and level of expertise, these responsibilities are unlikely to be a 'one-size-fits-all' package. The *Water Sustainability Act* may enable the delegation of some responsibilities to these organizations with appropriate provincial oversight and support. Some of these powers could include watershed planning, monitoring, influence in land-use planning and potentially permit allocations based on the unique characteristics and capacity of each organization.

The prospect of an alternative approach to governance raises the question of how to assess the readiness, capacity and accountability of local, regional and/or watershed organizations to take on new decision-making roles. These issues will be explored further in this paper.

The remainder of this discussion paper is organized into two key sections:

1. The first section looks at the characteristics of readiness and capacity of local, regional and/or watershed organizations to take on additional governance responsibilities (including case study examples for illustration); and,
2. The second section outlines some mechanisms of accountability for local, regional and/or watershed organizations (including case study examples for illustration).

Because each watershed is unique in its ecological, social, economic and cultural context as well as in its political and jurisdictional complexity, it is important to note that the tools and best practices outlined in this document are not meant to be universally applicable by all watershed entities. Instead, the examples provided are meant to serve as 'guide posts' for organizations interested in shared decision-making in watersheds as well as present an overview of issues and current examples for senior governments to consider in its next phases of implementation of the *Water Sustainability Act*.

C. Characteristics of Capacity for Local, Regional and/or Watershed Organizations in Shared Decision-Making

1. Clearly Defined Mandate, Policies, Protocols and Procedures

Good governance is important for the effective performance of collaborative watershed organizations and involves the consistent application of criteria such as inclusiveness, accountability and transparency, which are likely to increase the legitimacy and quality of decision-making⁶. To ensure the integrity of the consensus building process (i.e. procedural legitimacy) and to clarify realities and expectations in terms of roles, responsibilities and limitations, a comprehensive procedural framework must be set defining the group's mandate, policies, guiding principles, protocols and procedures. The following are a couple examples of how a governance body can clarify and articulate its mandate, policies, and procedures:

- a) Terms of Reference
- b) Memoranda of Understanding/Agreement
- c) Governance Manual

Clearly defining the mandate and policies of a governance organization is especially important in situations where there may be high levels of mistrust and/or a history of conflict.

Example – Coquitlam River Watershed Roundtable

In order to come to consensus about a vision, mission, values, guiding principles and activities, the Coquitlam River Watershed Roundtable went through an extensive five year, four-phase process before initiating the development of a watershed planning process in November 2012. With the help of an external facilitator, this time allocation allowed for the establishment of Roundtable Operational Guidelines and Terms of Reference as well as clear roles and responsibilities for Roundtable members. All documentation of research findings, meeting minutes, presentations and other documents are transparent and accessible on the Roundtable's website. These efforts to ensure procedural legitimacy have built commitment and trust between once conflicting participants.

Example – Okanagan Basin Water Board

The role of the Okanagan Basin Water Board has gradually evolved over 40 years, although its mandate and the call for basin-wide coordinated water management have remained the same. Due to serious water pollution concerns in the mid-1960s, local governments and the Province saw the need for an inter-regional mechanism to facilitate collaboration on problems across political boundaries. Soon the OBWB was created with elected officials from the Okanagan regional districts and support from a technical committee. Regional legislation enables taxation authority for its projects as

⁶ See Appendix B for a full list of governance principles and their application.

well as enables the responsibilities for approving pollution discharge permits. Its governance manual (OBWB's official Terms of Reference) lays out the framework of the organization and serves as a tool to help the OBWB facilitate and realize their mission⁷. Approved by all 3 regional districts, the Governance Manual is a testament of the importance of aligning its activities with local legislation and mandates.

In addition to these tools for good governance, the following characteristics are keys to success for organizations to carry out the roles and responsibilities related to watershed sustainability⁸:

- Clear understanding of their role and responsibilities (as strategic rather than operational);
- An understanding of strategic, program, project and risk management, and using best available science and technology to inform decisions;
- Corporate commitment, solidarity and unity of purpose and an ability to work effectively together and with others;
- Social commitment and the ability and willingness to engage with the community (e.g. media, politicians, landholders, Indigenous peoples, industry, local government, philanthropic bodies, etc.);
- An understanding of organizational accountability (to the whole region and tax payers) and fiduciary responsibilities, as well as financial planning and management;
- Engagement in regular and honest audit and reflection processes, including the recognition of short-comings in skills and experience and actively seeking to fill any gaps;
- Leadership and an openness to learning from the skills, experiences, knowledge, values and cultures of others;
- An awareness of existing service delivery organizations and mechanisms and a preparedness to utilize them;
- An understanding of drivers of change and participating in driving change, including looking beyond local interests, loyalties and the region;
- Process skills, such as chairing, negotiation, team and relationship building, and fund-raising; and,
- An adequate knowledge of the subject (i.e. principles and technical aspects of watershed governance across its biophysical, social, economic cultural, historical and political dimensions).

2. Legitimacy

In order for watershed governance processes to be successful, initiatives must be seen to encompass legitimate decision-making processes⁹ and demonstrate good performance and

⁷ Okanagan Basin Water Board. (2010). 'Okanagan Basin Water Board Governance Manual.' http://www.obwb.ca/fileadmin/docs/obwb_governance_manual.pdf

⁸ Robins, L. (2007). 'Capacity-building for natural resource management: Lessons from the health sector. *EcoHealth* 4(3): 247-263 as cited in Robins, L. (2007). 'Nation-wide decentralized governance arrangements and capacities for integrated watershed management: Issues and insights from Canada.' *Environments Journal*, Vol 35(2).

outcomes. Legitimacy exists when there is genuine approval of institutions or actors by those affected by their actions¹⁰. It can be classified in two forms: internal legitimacy (recognized by those inside a watershed organization) and external legitimacy (recognized by those outside the organization). Activities within the watershed organization need not fit into one category alone but can be applicable to both internal and external interests.

Internal legitimacy includes procedural legitimacy (see the previous section on clearly defined mandate, policies, protocols and procedures), which is derived from having inclusive, clear, transparent and fair processes. In addition to the establishment of a clear mandate, policies, procedures and protocols, ensuring inclusive representation and consultation with mechanisms for communication are also important. This includes elected representatives, federal and provincial agencies/departments, municipalities and regional districts, First Nations, the natural resources sector, other interests and community members. Given the significance of First Nations land and water rights and the duty to consult for federal and provincial jurisdictions, joint leadership with and/or support of First Nations may also increase internal legitimacy.

Example – Cowichan Watershed Board (CWB)

The CWB demonstrates internal legitimacy through its governance structure in which the Board is currently co-chaired by the Mayor of Ladysmith and a Councilor from Cowichan Tribes¹¹. This reflects the Board's recognition of the Cowichan people as the original title holders to the land and that First Nations must be full partners in watershed management¹².

External legitimacy is gained through some level of recognition and backing from legislation or established democratic institutions. By including elected representatives and/or statutory decision makers, a level of credibility and legitimacy is demonstrated. In other situations, an enabling legislative framework can delegate or enable decision-making roles.

Enabling Legislation

The *Water Sustainability Act* is recognized as having the potential to delegate decision-making authority to watershed organizations. This could emerge as an important source of enabling legislation, and thus external legitimacy. However, this alone might not necessarily establish legitimacy or 'buy-in' with local interests. New governance arrangements might need to take

⁹ National Roundtable on the Environment and the Economy. (2011). 'Chapter 7: Collaboration Water Governance.' *Charting a Course*. Web Access 23 October 2012. <http://nrtee-trnee.ca/charting-a-course-chapter-7-collaborative-water-governance>

¹⁰ Simms, G. & R. de Loe. (2010). 'Challenges for Water Governance in Canada: A Discussion Paper.' Governance for Source Water Protection in Canada, Report No. 2. Water Policy and Governance Group. p. 7.

¹¹ The Cowichan Watershed Board co-chair positions consist of both a regional district and Cowichan Tribes appointee.

¹² The Cowichan Watershed Board. (n.d.). 'Comments on British Columbia's Water Act Modernization Discussion Paper.' Accessed 11 March 2014. <http://engage.gov.bc.ca/watersustainabilityact/files/2013/10/Cowichan-Watershed-Board.pdf>

into account other municipal and regional legislative frameworks such as the Local Government Act, Supplementary Letters Patent and the Municipalities Enabling and Validating Act (see the OBWB example below). These considerations would help ensure a grounding and alignment with local priorities and knowledge and take into account the complex jurisdictional contexts within watersheds (e.g. watersheds can contain electoral areas, First Nations traditional territory/treaty areas, municipal boundaries, Crown land, etc.).

Example – Okanagan Basin Water Board (OBWB)

The OBWB originated in response to pollution problems in Okanagan Lake observed in the 1960s. The Okanagan Watershed Pollution Control Council was formed but it did not have legal authority. Local governments and the province recognized the need for an inter-regional mechanism to collaborate on problem across political boundaries. OBWB formed and was given taxation authority to support its projects. The OBWB’s legislative framework includes the Municipalities Enabling and Validating Act and Supplementary Letters Patent to the Okanagan regional districts. Together with policies approved through resolution and basic municipal law, these provisions set out the authority, objectives and purpose for OBWB activities. In addition, the Supplementary Letters Patent, which is the enabling legislation founding the regional districts, allow additional actions such as voluntary participation in the OBWB to occur.

Example – Nisqually River Council (Washington State, USA)

Washington’s 1972 Shorelands Management Act designated the Nisqually a river of ‘statewide significance’. Preserving this significant river, presented a particular challenge to state and local government. Legislative efforts to protect the Nisqually culminated in 1985 with the passage of Substitute House Bill 323, which directed the Washington Department of Ecology to develop a Nisqually River Management Plan providing for a balanced stewardship of the basin’s economic, cultural and environmental resources. A Nisqually River Task Force was then struck to develop policy recommendations and address key issues within the plan. The Nisqually River Management Plan was adopted by the legislature in June of 1987 and called for the creation of the Nisqually River Council which would serve as an interagency body committed to the protection and enhancement of the Nisqually River Basin through education, advocacy and coordination.

Both internal and external legitimacy also involve the demonstration of good performance (i.e. movement on established objectives and mandates as well as the achievement of projected outcomes). Many watershed activities from stewardship to planning may take years to see the full benefits and outcomes of work, so focusing on ‘small wins’ and incremental steps is important to continue building organizational legitimacy and internal and external trust (also see Section 2 on Accountability Mechanisms).

3. Inclusivity and Representation

Broad inclusivity of all interests in the watershed is one of the first conditions of successful collaboration and is linked with procedural legitimacy¹³ (as mentioned above). As a good governance principle, inclusivity has particular significance as it is required to achieve other principles such as transparency, legitimacy, accountability, and the balancing of power in collaborative watershed governance processes. It is through open and inclusive processes that all interests feel they have an opportunity to participate and have their interests represented in decisions. This is more likely to develop their commitment to a governance process, and to the implementation of solutions.

The inclusion of a diverse range of participants helps to incorporate the multiplicity of objectives and interests into a decision and achieve robust agreements that move beyond the stalemate of adversarial relationships. Through dialogue, different representatives can exchange information and ideas, build relationships, dispel false perceptions and advance perspectives¹⁴. By listening and learning from the experience of others, the potential for reciprocity and the discovery of mutually beneficial activities increases.

Co-Governance with First Nations

Decision-making about water and watersheds involves all orders of government including First Nations. The Constitution delegates responsibilities related to water to the federal, provincial, territorial, and local governments as well as clearly affirms existing aboriginal and treaty rights for First Nations. This requires a meaningful role for First Nations in all levels of water-related decision-making¹⁵. Though this may include consultation and accommodation at a minimum, First Nations maintain that more of a government-to-government approach is required. Especially in light of unsettled rights and title in BC, building a viable and functional relationship with First Nations will be critical to ensuring an appropriate watershed governance regime in the province.

In watershed governance processes, recommended activities to achieve this include¹⁶:

- A clear recognition of First Nations as constitutional rights holders,
- Some formal arrangements for consultation and accommodations processes, and perhaps shared decision-making and co-governance in traditional territories,
- Agreements on the representation of First Nations on watershed boards and other structures to ensure appropriate representation across levels of decision-making.

¹³ Ansell, C. and A. Gash. (2007). 'Collaborative Governance in Theory and Practice.' *Journal of Public Administration Research*, 18: 556.

¹⁴ National Round Table on the Environment and the Economy (NRTEE). (2011). 'Charting a Course – Chapter 7: Collaborative Water Governance.' Accessed 25 March 2013. <http://nrtee-trnee.ca/charting-a-course-chapter-7-collaborative-water-governance>

¹⁵ Brandes, O.M. & J. O'Riordan. (2014). 'A Blueprint for Watershed Governance in British Columbia.' POLIS Project on Ecological Governance. University of Victoria. Accessed 24 Feb 2014. <http://poliswaterproject.org/sites/default/files/POLIS-Blueprint-web.pdf>.

¹⁶ *Ibid*,

Finding some common ground around the urgency of securing and maintaining watershed health may allow priority watershed activities, including protection and restoration, to proceed while the complex process of rights and title-based negotiations and treaty implementation continues.

Example – The Cowichan Watershed Board

The Cowichan Watershed Board recognizes that First Nations must be full partners in watershed management¹⁷. This is demonstrated in their governance structure where the Mayor of Ladysmith (appointed by the Cowichan Valley Regional District) co-chairs the Board alongside a Councillor of Cowichan Tribes¹⁸. In addition, Cowichan Tribes and Councillors are allotted 2 appointees as well as 4 representatives jointly appointed with the Regional District.

Example – Coquitlam River Watershed Roundtable

The cities of Port Coquitlam and Coquitlam and Kwikwetlem First Nation each commit two seats to the Core Committee (the Roundtable's board). These representatives are appointed by their respective Councils. Annually these governments reaffirm their seats with the same or another Councillor.

The Cowichan and Coquitlam examples illustrate two successful approaches of joint leadership with First Nations. However, it is important to note that these approaches may not be the optimal or appropriate approaches in other regions or watersheds. The geographic scale of the watershed, the number and nature of First Nations governments (e.g. Bands, Tribal Councils), and the issues of concern may all influence appropriate forms of engagement and collaboration with First Nations. Other key considerations include treaty, legal, and/or other processes the First Nations may be presently engaged in. In addition, First Nations may or may not engage in watershed governance processes based on the historical relationships and/or conflicts between other First Nations and/or various interests within the watershed. In some cases, First Nations involved in the treaty process may have overlapping territorial claims. In other cases, direct engagement may not be possible with individual Nations and Tribal Councils may serve as a representative of the interests of multiple Nations. There are some contexts where First Nations are reluctant to participate because it could be construed as “consultation”. In most cases, First Nations expect to be treated as an order of government, not a stakeholder, and therefore, are less inclined to participate in “advisory” processes than “decision-making” processes.

These issues of capacity and jurisdiction are not unique to First Nations governments but are also relevant to regional districts, municipalities and electoral areas within watersheds, which may also have limited ability to participate or a lack of financial and/or human resources. In all

¹⁷ The Cowichan Watershed Board. (2013). ‘Comments on British Columbia’s Water Act Modernization Discussion Paper.’ <http://engage.gov.bc.ca/watersustainabilityact/files/2013/10/Cowichan-Watershed-Board.pdf>

¹⁸ The Cowichan Watershed Board. (n.d.). ‘Board Members.’ CWB website. <http://www.cowichanwatershedboard.ca/content/board-members>

cases, meaningful engagement, communication, transparency and relationship building are key for all interests to feel heard and respected.

4. Adequate, Sustained Resources

Water and watershed decision-making processes require a dedicated and skilled team of people and a significant commitment for all involved interests. Many local governments and other interests often cite inadequate resources and over-burdened staff as primary limitations on being more proactively engaged in certain aspects of watershed protection or governance. Without the necessary financial and human resources it is challenging for many communities to effectively manage and/or participate in these decision-making processes. Although the BC experience is showing success in the area of creative initiatives and well-conceived projects, an increase in financial and human resources may not be realistic in many communities. Instead, communities are required to work more creatively with internal and external resources in order to advance their goals for water and watershed protection and sustainability.

In order to effectively undertake decision-making roles to advance water sustainability, local, regional or watershed organizations must secure financial resources for an operational budget on a multi-year basis. They also must have the capacity to secure adequate project funding as needed from diverse sources.

Human resources, both in terms of availability and expertise, can be a limitation to the advancement of watershed-based decision-making. It requires a strong team of experts with specialized knowledge and skill sets. Typically, human resources are delivered through a combination of a paid coordinator, in-kind contributions from staff from collaborating organizations, consultants retained as needed, and voluntary advisory groups. Staff capacity may be limited in smaller communities, including First Nations, where there may only be a few staff members to cover planning, management and governance responsibilities with limited funds. The creation of a voluntary advisory body may be an effective and affordable means of securing technical advice from a wide range of jurisdictions, professions and perspectives.

Example – Okanagan Basin Water Board (OBWB)

The OBWB has a team of paid staff, which includes an executive director, stewardship director, office and project coordinator, communication director and Eurasian watermilfoil control crew. The funding for staff salaries comes from the contribution (i.e. levies) of the regional districts within the Okanagan basin mandated by the Supplementary Letters Patent legislation.

Example – Fraser Valley Watersheds Coalition & Coquitlam River Watershed Roundtable

The Fraser Valley Watersheds Coalition has a number of paid staff members including an outreach coordinator, administrator and project manager. The Fraser Valley Regional District provides a staff member to administer the FVWC.

Although the Coquitlam River Watershed Roundtable often uses its secured funding to hire a project coordinator, it also benefits from the support of a staff person in the Environment Services arm of the Engineering and Public Works department of the City of Coquitlam.

5. Data, Information and Knowledge

The importance of accurate, relevant and meaningful data, information and knowledge cannot be underestimated in relation to water and watershed decision-making. Information, such as the best available science and local and traditional knowledge, about current (or historical) water issues, challenges and conflicts alert communities and decision makers about the need for planning, policy and/or operational management actions. Information about future scenarios, such as population projections or climate change scenarios can help inform watershed entities about possible issues they may need to address in the future. This information may also help assess recommended actions in response to current or future challenges and increase the capacity to understand and predict the cumulative impacts from multiple land or water use activities.

Some examples of data and information that may be beneficial or necessary can include:

- Current and projected future water supply
 - Seasonal and annual streamflow (volume and timing);
 - Surface and groundwater reserves (extent and volume);
 - Changes to precipitation and evapotranspiration as a result of climate change, and,
 - Changes to storage and distribution capacity associated with water supplies.

- Current and projected future water demand
 - Current water use by all human consumptive and non-consumptive uses;
 - Current instream flow requirements for fish, wildlife, habitat and ecosystem functions, and,
 - Changes to water demand as a result of population growth, community and economic development and/or climate change.

- Current and projected future threats to water quality:
 - Changes to settlement patterns, land use and associated pollutants, and,
 - Changes to hydrology and geomorphology as a result of land use, land cover and/or climate change.

These types of data and information are relevant for multiple audiences. This information can raise awareness among the public and stakeholders. It can also help inform decision makers at various levels.

Data for water and watershed decision-making is not available consistently across the province. It can be quite a challenge for organizations to pull together the relevant information because it is dispersed across many different sources. There are also numerous information gaps that exist.

In these cases, strategic research to fill these gaps may be necessary as well as partnering or creating data-sharing agreements with organizations that may have this data or have the capacity to develop it (e.g. academic institutions, Oil and Gas Commission, Okanagan Basin Water Board, etc.).

Traditional ecological knowledge (TEK) can also be an important source of information for water and watershed decision-making. Increasingly, traditional knowledge is being viewed as being complementary with scientific information. It may also be a source to help fill information gaps. As it involves the integration of different ideas, perspectives and worldviews, it should be approached with patience, sensitivity and understanding. Building the understanding, respect and trust that is needed to support healthy and enduring relationships with First Nations and other community members takes time.

In addition to accessing data, information and knowledge, watershed organizations should also have the capacity to continually process, learn, adapt and incorporate new information to inform decisions, implement solutions and communicate out to the public. Collaboration with technical professionals and experts may help build this capacity within organizations.

6. Effective Collaborative Relationships and Trust Building

Successful collaborative watershed organizations emphasize the participation from the range of interests represented in the watershed. These include federal and provincial agencies/departments, First Nations, local government, industry, NGOs, academia, and concerned citizens. These participants can be recruited through trusted leaders and champions who ensure clear, fair and transparent procedures to ensure legitimacy of decisions. These factors build trusting, collaborative working relationships between participants and thereby build broader support among participant networks.

Interpersonal trust is related to the governance principles of transparency and legitimacy. Transparency implies open communication and is also linked to accountability. When organizations are transparent, it is easy for certain interests and the public to track their performance, progress and decision-making process. Having this information accessible to those involved in the process as well as the general public allows for building trust and credibility over time.

7. Effective Leadership

A critical foundation for collaborative decision-making to advance water sustainability is leadership, which is often in the form of people, and organizations that can champion a project or governance process. Effective leadership can be demonstrated in several ways such as bringing interests to the table and engaging them in the collaborative process, setting clear parameters for that collaborative process, supporting the process both financially and with human resources, and leading the implementation of the recommendations from the process. In addition, effective leaders can also be facilitators, whose roles may include mediating conflict, empowering interests, mobilizing the collaborative process forward, and ensuring the integrity

of the consensus building process itself. As a 'steward of the process', leaders are crucial for building trust and enabling stakeholder to explore mutual gains. In order for leaders to effectively steward the process, they must have the skills to: (1) promote broad and active participation, (2) ensure broad-based influence and control, (3) facilitate productive group dynamics in the face of divergent values, and, (4) extend the scope of the process.

8. Manageable Scope of Activities

Advancing the health and sustainability of watersheds typically involves the convergence and interactions among many different interests and pressures. A key challenge for watershed-based governance organizations is to focus on a manageable geographic area of interest and associated scope of activities. This is particularly important in the early stages of organizational development. The mission and mandate can grow and evolve over time; however, it is important to start with a clear focus that is manageable within the resources of the organization.

D. Accountability Mechanisms for Local, Regional and/or Watershed Organizations in Shared Decision-Making

Alternative governance arrangements would benefit from a high level of accountability, which could be operationalized through a variety of mechanisms. It is reasonable for the Province of BC to require accountability associated with the delegation of new decision-making authority. Similarly, it is also reasonable to expect alternative governance arrangements to be accountable to the public and various interests, which may be impacted by the decisions of the alternative governance body. This would apply between interests at the same scale (eg. municipality to municipality) and between interests across scales, (eg. provincial government to watershed organization)¹⁹.

For the purposes of this discussion paper, there are three primary types of accountability that are considered:

- Has the alternative governance body made good decisions within the constraints and parameters enabled or otherwise delegated by the Province?
- Has the alternative governance body been accountable to the public interest including those who may be affected by the decisions of the governance body?
- Has the alternative governance body been accountable with respect to sound financial management?

Should local, regional or watershed organizations be granted decision-making authority, it is important that transparency and accountability measures are in place to monitor progress,

¹⁹ Simms, G. and R.C. de Loe. *Challenges for Water Governance in Canada: A Discussion Paper*. Governance for Source Water Protection in Canada Report 2. Waterloo, ON: Water Policy and Governance Group. p. 8.

provide checks and balances, and ultimately, to ensure success. Some measures to help establish accountability and transparency include:

- Clearly defined roles and responsibilities;
- Planning mechanisms to set specific goals, objectives and targets on an annual and multi-year basis;
- A performance management system to evaluate performance in relation to goals, objectives, targets and budgets;
- Clear consequences linked to outcomes and performance (i.e. legal, financial);
- Annual third-party financial audits; and,
- Regular communications and reporting to statutory decision makers, funding partners and the public (via open systems of communication, e.g. reports, newsletters and/or websites to ensure transparency).

Activities related to these measures would include the timely fulfillment of the organization's commitments, adhering to the organization's mandate, policies, protocols and procedures, and demonstrating financial responsibility. An example of this is the Okanagan Basin Water Board, which reports its Audited Financial Statements and Annual Report during their Annual General Meeting. These reporting requirements are mandated in their governance manual, which is informed by a legislative framework.

The following case studies illustrate accountability in practice. These real examples from BC employ a mix of formal and informal mechanisms. The three mechanisms illustrated below include:

- a) Accountability by Legislation
- b) Democratic Accountability
- c) Accountability by Operational Guidelines

1. Accountability by Legislation

Example: Okanagan Basin Water Board (OBWB)

The OBWB is legislated by the BC Municipalities Enabling and Validating Act (MEVA) which sets the provisions for its establishment as well as the Supplementary Letters Patent (SLP) which sets out membership and representation, objectives and purpose and cost sharing measures between regional districts²⁰. The SLP also lay out the responsibilities of the OBWB and its relationship to various orders of government. For example,

The Water Board may advise any municipality or regional district and any Provincial Department or Agency that any proposed action, regulation or bylaw is contrary to the

²⁰ The OBWB has its own SLP which is the consolidation of the SLPs of the three regional districts of the Okanagan Valley: North Okanagan Regional District, Central Okanagan Regional District and the Regional District of Okanagan Similkameen.

recommendations of the Comprehensive Framework Plan of the Okanagan Basin Study or any recommendation of the Water Board made pursuant to sub-paragraph (iv)²¹.

The MEVA and SLP therefore are examples of more formal and conventional accountability measures given their basis in legislation.

Building on these formal measures, the OBWB Governance Manual further describes the OBWB's relationships between local, senior and First Nations governments:

OBWB and Local Government:

OBWB is a local governance entity providing an inter-regional service to the three Okanagan regional districts for areas within the Okanagan watershed²².

OBWB was established at the request of Okanagan local government, who are the primary constituency.

OBWB and Province of BC

The Province of BC has primary responsibility for water management and regulation in British Columbia through the BC Water Act and other legislation²³.

The Province looks to the OBWB, as an inter-regional agency, to provide communication about inter-jurisdictional water issues; and to coordinate and participate in Provincial partnerships with Okanagan governments and water stakeholders²⁴.

OBWB and the Government of Canada

The Government of Canada has delegated most direct water management responsibility to the provinces. The federal government maintains an active role in Okanagan water monitoring and research, and species protection. The federal government also has primary responsibility for transboundary water issues and related matters with Osoyoos Lake management.

The OBWB communicates directly to federal agencies and elected representatives about Okanagan water concerns.

OBWB and First Nations

The Syilx people recognize that water is essential to protecting the Okanagan environment, and for the economic and social health of their communities.

The Okanagan Nation Alliance wishes to partner with OBWB to facilitate communication and greater understanding about water to all residents of the Okanagan.

²¹ Okanagan Basin Water Board. (2010). 'Appendix II: Okanagan Basin Water Board Supplementary Letters Patent.' *Okanagan Basin Water Board Governance Manual*. p. 21.

²² *Ibid*, p. 14-15.

²³ Okanagan Basin Water Board. (2010). 'Relationship with Local and Senior Government.' *Okanagan Basin Water Board Governance Manual*. p. 15.

²⁴ *Ibid*, p. 15.

2. Democratic Accountability

Example: Cowichan Watershed Board

The vast majority of board members on the Cowichan Watershed Board is either elected or their appointment can be traced to someone who has been elected. This makes members accountable to the community. The following table summarizes the positions currently being held:

POSITION	APPOINTMENT
<i>Mayor of Ladysmith (Co-Chair)</i>	<i>CVRD</i>
<i>Chief of the Cowichan Tribes (Co-Chair)</i>	<i>Cowichan Tribes Chief and Councilors</i>
<i>Cowichan Tribes Councilor</i>	<i>Cowichan Tribes Chief and Councilors</i>
<i>Mayor of Lake Cowichan</i>	<i>Cowichan Tribes and the CVRD</i>
<i>Director of the CVRD, Area D, Cowichan Bay</i>	<i>CVRD</i>
<i>Director of the CVRD, Area I, Youbou/Meade Creek</i>	<i>CVRD</i>
<i>Director of CVRD, Area B, Shawnigan Lake</i>	<i>Cowichan Tribes and the CVRD</i>
<i>Past President, BC Groundwater Assoc'n</i>	<i>Ministry of Environment</i>
<i>DFO, South Coast Director</i>	<i>DFO</i>
<i>Natural Resource Consultant</i>	<i>Cowichan Tribes and the CVRD</i>
<i>Former Member of Parliament</i>	<i>Cowichan Tribes and the CVRD</i>
<i>Public Health Consultant</i>	<i>Ministry of Environment</i>

All orders of government are represented however emphasis is placed on local representation by the appointees of the regional district. This ensures that the Board is effective in its representation of local issues and incorporates local knowledge²⁵. As a result, the Board is well respected²⁶.

Okanagan Basin Water Board (OBWB)

The OBWB is a collaborative governance institution comprised of elected public officials as well as ex-officio members and is supported by staff. The Board of Directors is the main decision-making body and includes elected or appointed representatives from the Okanagan regional districts, the Okanagan Nation Alliance, the Water Supply Association of BC and the Okanagan Water Stewardship Council²⁷. The directors represent the common water interests of all Okanagan citizens from the perspective of their own jurisdictions.

²⁵ Hutchins, Rob. (2012). 'Cowichan Watershed Board: A Reason to Celebrate and Some Lessons Learned.' Powerpoint presentation. Oct. 2012. Williams Lake, BC.

²⁶ *Ibid.*

²⁷ Okanagan Basin Water Board. (2010). Okanagan Basin Water Board Governance Manual. p. ii.

3. Accountability by Operational Guidelines

Example: Coquitlam River Watershed Roundtable (CRWR)

In order to address the issue of accountability, the CRWR incorporated both formal and informal mechanisms illustrated in their vision, guiding principles, operational guidelines and terms of reference.

With respect to formal mechanisms, the CRWR incorporated a non-hierarchical governance structure to involve a broad array of interests on an equal playing field, participatory and consensus based decision-making, joint deliberation and negotiation and community building activities.

In addition, accountability was also incorporated into the Roundtable's operational guidelines and terms of reference stating it as a guiding principle for the following:

- *Ensure members are representative,*
- *Be responsive and communicative, while taking ownership, and,*
- *Respect Aboriginal rights and title²⁸.*

Accountability for outcomes produced is also expressed in the principle of effectiveness and credibility:

- *Strive for respectable performance, i.e. Timely, mutually beneficial, worthwhile, respectable, well-coordinated, and adhering to guiding principles,*
- *Establish clear understanding of roles and responsibilities, with experienced leadership, and,*
- *Make projects happen by taking action and energizing participants²⁹.*

Protocols for agenda setting and decision-making are also provided as well as procedures for project approval by the Roundtable. Both the Roundtable's and Core Committee's agendas and notes are published on the Coquitlam River Watershed website³⁰ to operationalize the guiding principles of inclusiveness, transparency and accountability.

To address more informal accountability mechanisms, norms for meetings are also established:

- *Members will be respectful of one another.*
- *No 'he-said she-said' conversations – it is the responsibility of the Chairperson to recognize and stop the behaviour, requesting the conversations be taken offline.*
- *Discussion and debate is undertaken in good faith and focuses on information and ideas, not people³¹.*

²⁸ Coquitlam River Watershed Roundtable. (2011). Operational Guidelines & Core Committee Terms of Reference. p. 1. Accessed 10 Dec 2012.

http://www.thinksalmon.com/reports/7_Operational_Guidelines_and_Terms_of_Reference.pdf

²⁹ *Ibid*, p. 2. http://www.thinksalmon.com/reports/7_Operational_Guidelines_and_Terms_of_Reference.pdf

³⁰ <http://www.coquitlamriverwatershed.ca/About+Us/Roundtable/Roundtable.htm>

³¹ *Ibid*, p. 5.

E. Appendices

Appendix 1. Nine Winning Conditions for Success of Watershed Entities ³²

1. Enabling Power in Legislation for Watershed Entities
2. Co-Governance with First Nations
3. Support from and Partnership with Local Government
4. Sustainable Long-Term Funding
5. A Functional Legal Framework for Sustainable Water and Watershed Management
6. Availability of Data, Information and Monitoring
7. Independent Oversight and Public Reporting
8. Assessing Cumulative Impact
9. Continuous Peer-to-Peer Learning and Capacity Building

³² Brandes, O.M. & J. O’Riordan. (2014). ‘A Blueprint for Watershed Governance in British Columbia.’ POLIS Project on Ecological Governance. University of Victoria. Accessed 24 Feb 2014.
<http://poliswaterproject.org/sites/default/files/POLIS-Blueprint-web.pdf>.

Appendix 2. Good Governance Principles³³

KEYS TO SUCCESS	GOOD GOVERNANCE PRINCIPLE (EXAMPLE)	EXAMPLE OF APPLICATION
Effective Leadership	Accountability	Management of water adheres to standards set by elected officials, through statutory requirements. Decision-making authority is matched to responsibility for implementation. Policies are matched by effective operational management.
Interpersonal trust	Transparency	Making results of raw and treated water quality testing available.
	Respect for the rule of law	Compliance with license conditions; enforcement of reporting requirements. First Nations title, rights, treaty rights respected.
Committed Participants	Equitable participation	Involving affected users in the decision-making process, through notice and comment provision and appeal rights; Ensuring that the duty to consult First nations is fulfilled.
Sufficient scientific information	Access to (funding for) best available scientific data	Groundwater hydrology studies are funded as part of the mandate of a water governance partnership process focused on source water protection in a rural area heavily dependent on groundwater for drinking.
Sufficient funding	Financial sustainability	Revenues from water related regulatory processes support water governance processes.
Manageable scope of activities	Sufficient time to complete process and optimal geographical scope	Allowing open-ended or long-term governance processes to take sufficient time (this may frequently result in processes taking 4 to 5 years to arrive at a result); constraining the geographical scope to an optimal scale for implementation of decision-

³³ Nowlan, L. and K. Bakker. (2007). 'Delegating Water Governance: Issues and Challenges in the BC Water Context.' Program on Water Governance, University of British Columbia. P.23. (Adapted from J., Joe, J. O'Brien, E. McIntyre, M., Fortin, and M. Loudon. (2002). Governance and methods of service delivery for water and sewage systems. Commissioned Paper 17, The Walkerton Inquiry. Toronto: Queen's printer for Ontario and Federation of Canadian Municipalities (2003) Good governance in municipal restructuring of water supply. Federation of Canadian Municipalities and Program on Water Issues, Munk Centre for international Studies.)

		making (this may imply a sub-watershed scale).
Policy feedback	Shared decision-making	The water policy process includes a formal mechanism whereby decisions by watershed councils may result in changes to specific policies in clearly specified areas under specific conditions.