

WATER GOVERNANCE REGIONAL WORKSHOP REPORT

Langley – February 12, 2008

Background

Over the past five years, issues related to water quantity, access and quality have become more prevalent in British Columbia, leading to questions about how decisions related to water are made and, consequently, advanced sustainable water governance as a key priority. As part of the B.C. Water Governance Project, the BC Ministry of Environment, the Fraser Basin Council, Georgia Basin-Vancouver Island Living Rivers, and Fisheries and Oceans Canada hosted a series of 4 regional conversations across the province in early 2008. These workshops engaged and gathered input from a wide range of people, including federal, provincial, local government and First Nations, industry, agriculture, and stewardship sector representatives.

The purpose of the workshops – held in Langley, Prince George, Nanaimo and Kelowna - was to share information and explore opportunities for advancing water governance in British Columbia. The focus was on stimulating productive dialogue on challenges and solutions. On the ground experiences of those who deal with water-related decision-making were explored against the backdrop of current academic knowledge on water governance. Over the course of the day, workshop participants worked in plenary sessions and in small groups to discuss what was currently working with respect to water governance in the province, governance challenges that they face in their work or organization, changes required to respond to those challenges and critical factors for ensuring that these governance changes are successful. This report summarizes the presentations and discussions from the first workshop held in Langley, on February 12, 2008.

Why Water Governance? Presentation by Lynn Kriwoken, Ministry of Environment

Governance: the process through which decision-makers are chosen, stakeholders articulate their interests, decisions are made, and decision-makers are held accountable.

Management: the operational, on-the-ground activities related to regulating water and conditions of its use.

In the context of water, governance relates to the processes by which decisions are made and different interests are articulated in matters concerning access to water resources, the delivery of water services, the protection and conservation of water and aquatic ecosystems including their associated riparian area, and land use issues as they impact water. The system of water governance provides the framework by which our water systems are managed. The distinction between governance and management is important. The focus of this initiative is specifically on governance.

Within British Columbia a patchwork of water governance approaches has evolved in response to local issues. It is time to systematically review water governance in British Columbia and seek effective solutions. This need to examine water governance stems not only from the inefficiencies that the patchwork create, but also that fact that we are seeing a number of

pressures on the water resource, government's role is transforming, and there are new expectations respecting public and First Nations participation. In response to these drivers, the *B.C. Water Governance Project* commissioned a research paper to examine issues and opportunities for water governance within this new landscape. This research paper, written by Linda Nowlan and Karen Bakker from the University of British Columbia, focuses specifically on 'delegated' (also known as 'devolved', 'shared' or 'distributed') water governance. It was structured around the three following questions:

- ❖ What are the barriers to delegating water governance?
- ❖ Do the potential advantages of delegating water governance to lower scales outweigh the disadvantages?
- ❖ Which issues/aspects of decisions about water should be delegated, and which should not?

The results of this study provide much of the basis for discussion at these regional workshops.

Participant Questions & Comments

- Concern expressed regarding the long-term impact of allocating water rights to foreign licensees without local consultation.

WATER GOVERNANCE ON THE GROUND

Three local participants provided insights on the water governance challenges that they face in their work and experience living in the Fraser Valley and governance-related solutions. These presentations helped set the stage for the day's discussion.

➤ **Brad Badelt – Langley Township**

Brad Badelt is the manager of water resources and environment with the Township of Langley. He's been with Langley since 2001, during which time he's been involved in several watershed and groundwater initiatives. He has a master's degree in water resources engineering from the University of Guelph.

Highlights of Brad's presentation:

The Township of Langley has been the first municipality in BC to establish a water management plan.

- The Township is heavily reliant on groundwater and management is key to ensuring fair access for the full range of agricultural, industrial and domestic users in the municipality and ensuring the environmental integrity of the waterways and habitat.
- Management by the local government is difficult however in the absence of a provincial governance framework for groundwater.
- The WMP process in Langley therefore involved extensive public engagement including door-to-door consultations on water conservation and the metering of private wells.

- Significant opposition was raised by landowners through petitions and presentations at public meetings to the notion of having the Ministry regulate private wells.
- There was a high level of awareness and sensitivity about groundwater issues among the public, however, public opinion was not always fully accurate. There was a perception that metering would be merely a tax grab for government and a tool for development controls.
- The proposal of taxing for private use has thus been removed from the plan – and Council is now looking at other options.

➤ **Les Antoine – Kwantlen First Nation**

Les Antone was born in Mission BC, and has lived most of his life in Kwantlen territory, with his wife, four children and more recently, three grandchildren. As one of three Band Councillors he is responsible for resource management issues including fisheries, water and land use. He is an active member of a wide range of organizations, including the Assembly of First Nations and the Sturgeon Conservation Society.

Highlights of Les's presentation:

- The Kwantlen First Nation is currently in the treaty process, but their process is stalled. We have inherent aboriginal rights and title to waterways within our territory, and are constantly faced with challenges over jurisdictions. In many regards, we feel our rights and title interests are often, advertently or inadvertently, placed secondary, or behind other interests, and this concerns our community and has the potential for causing conflict and uncertainty.
- In the meantime, we have maintained a good relationship with the Langley Township and have participated in the Water Management Plan consultations. We need to be a voice at the table, and need to be included in decisions related to water management that respects our inherent jurisdiction and rights. We have not had the privilege, until recently. To sit at these types of forums and to seek meaningful solutions that respect the many different interests that exist with respect to waterways, water management, this needs to continue. We simply need to be involved in all aspects of the river and its tributaries, any developments or projects that may impact the waterways must be agreed to and we need to be consulted in a real and meaningful way.
- Working together in a respectful way with other levels of government and users has been the most successful approach for Kwantlen to come to solution on some of these broader issues. An example is the collaboration that developed which resulted in the Bedford channel being dredged a few years back, that involved Parklane Homes, the Township of Langley, DFO, Kwantlen and many other user groups of the channel itself. If this had not happened the channel would have silted up completely which would be detrimental to all fish and user groups.
- Kwantlen was originally on its own well but was transferred to the Municipal system in 1986 after testing revealed poor water quality.
- Kwantlen participated in the BC Hydro Water Use planning process, a process that lasted four years. The BC Hydro Plan has yet to be fully implemented,

however, the need for long term planning and legislation to address the erosion and silt build-up in the river, and to protect the heritage sites located all along the river, is clear.

- We have water management challenges regarding fishing access to the many long-standing fishing grounds of our people, and needing to collaborate or seek understanding from other water users when we are out on the river exercising our rights to the fishery. Our access to fish has been severely restricted over the years, to the point where we simply do not have a whole lot of time that DFO permits us to out there fishing. This puts significant pressure on our community fishers who have a very short window to make their catch for the season amidst other recreational user, commercial/ transportation interests (Albion Ferry/barges), etc.
- Industrialization of the river has affected our livelihood attached to the river immensely. The effects of decades of infilling and polluting the river and its tributaries is showing in the declines of almost all 150 stocks of sockeyes and early timed Chinook to name a few that have flattened out biologically and are nearing becoming endangered species. Eulachon and sturgeons have basically been off of our diet now for years.
- We face challenges with general river/water management issues, and need to be a part of decision-making in this regard. This includes dealing with issues such as the in-filling of the Bedford channel, dredging, fish habitat restoration projects, erosion protection, flood protection, pollution, recreation users during fishing times etc.
- Challenges with erosion and flood protection that are desperately needed in our Fort Langley reserve is an ongoing and very frustrating problem that we face on a daily basis. For decades past, our leaders have fought to try to seek some federal dollars to assist us, but this has resulted in small-scale band-aid type solutions that do not address the extensive work that needs to happen. This does not sit well with our community or our elders. Our Chief has noted that in this regard, we are often the "forgotten ones", and as we face another high snow pack year with no extensive dyking system to protect our village once again, this sentiment has not changed. We've had proposals to INAC but the cost of a proper dyke was deemed a low priority by the funding agencies involved.
- We need to build respect of the many different and diverse users of waterways in our territory and work out management strategies that address jurisdictional issues. We all must adapt and change with the times, but we also must recognize what interests and jurisdictions that exists on the water. Most of all to be respectful to each other. This is the true challenge for all parties, our children and grandchildren will learn and benefit from the way we treat each other in a good way. Plans should consider seven generations into the future; a 20-year goal is a good start.

➤ **Jim Taylor - Stave River Enhancement Society**

A SEP volunteer and Stream Keeper since 1980, Jim is one of the founding directors of Stave Valley Salmonid Enhancement Society – an organization that

now does much more than just fish. SVSES has worked with Ducks Unlimited Canada and the District of Mission to purchase and protect 112 acres of sensitive wetlands on Silverdale Creek and plans to continue to work toward buying and protecting more environmentally sensitive property. For many years Jim ran an educational program for at risk youth that used environmental fieldwork as a central focus. Last year this program was presented an award by Canadian Geographic magazine.

Highlights of Jim's presentation:

The wetlands flooded 100 years ago and since that time, human manipulation of environment 1950's has led to increasing water temperatures and the decreased salmon rearing capacity of lakes, the introduction of invasive species and a growing number of user groups with conflicting interests: property owners/ water-skiers/ Boating Associations, Dikes Unlimited – concerns about migratory bird routes, Purple Martens Assoc., Genstar Development company, etc.

- The Stave River Enhancement Society (SVSES) is a lobby group which aims to protect the water environment and control what is released and abstracted from the lakes as well as invasive species.
- Decades have been invested in the enhancement of the water system, but it is becoming increasingly difficult as the number of users and conflicts increases.
- Ministries have not been able to protect habitat and deal with the different water issues.
- As a result, several lobby groups and different grassroots governance models have emerged, for example:
 - SVSES/ DU are now trying to purchase lands in order to protect them and they are lobbying Genstar to donate lands to a large non-profit.
 - Silvermere wetlands also has a user group management committee which operates on a consensus model with the Developer providing final ruling in those issues where consensus is not reached.
- Notwithstanding these efforts, the Province would benefit greatly from:
 - Cross-provincial standards.
 - Governance processes that do not begin with a predetermined outcome and remain committed to decisions reached through consensus.
 - Incentives and deterrents to ensure that consensus-based processes are maintained and followed through.

Panel Questions and Discussions

- Important to recognize those areas, i.e. McMillan Island, that are within First Nations traditional territory – and involve the First Nations in the management process.
- While Kwantlen did have input into the heritage protection plan and fish protection and restoration components of the BC Hydro Plan, the never did have an opportunity to sign off on the plan as was expected.

- New provincial policies on water governance should look at drilling authorization and licensing policies as guides;
 - While consistent provincial standards are important, it is also essential to reflect local needs.
 - Consistent enforcement is also critical.
- Consensus-based processes work for small groups (clubs) but without incentives for participation, they are difficult to implement at a broader level.
 - Incentives can be established by requiring groups to submit consensus reports to a 3rd party regulator.
 - Also key that parties do not enter into process with pre-determined outcomes.
- People are seeking: transparency, accountability in inclusiveness.
- Information is also important: it is frustrating to deal with issues without the data necessary to hold decision makers accountable.

PARTICIPANT PERSPECTIVES

Workshop participants worked in small groups to discuss what was currently working with respect to water governance in the Province, governance challenges that they face in their work or organization, changes required to respond to those challenges and critical factors for ensuring that these governance changes are successful. Key points from these discussions are summarized below.

➤ **What is working and why**

- The BC Hydro Water Use Planning Framework (consensus based model) worked because it was inclusive, stakeholders invested their resources (especially time), there was a clear authority figure, footprint issues were put aside successfully, there was synergy amongst stakeholders and alliances were made.
 - There was flexibility in the framework to allow for local issues to be considered.
 - There were also clear lines of accountability.
- Water metering – as established in the Okanagan – can work because it provides fairness and equity, and lots of information is being captured.
- Volunteerism is still strong; people are willing to come to the table and get involved in stewardship activities, etc., but it is important that we do not to burn them out.
 - There is a high level of public awareness and understanding of the interconnectedness of issues regarding water governance. There is also growing interest in water and how to ensure sustainability.
 - There is also increasing recognition from within the private sector of the potential advantages of water use plans: cost efficiency and conservation values.
 - In many areas, communities and local government are already taking initiative on Water Management Plans.
- Moral suasion is effective to precipitate the sharing of information and bringing people together to work towards a new outcome.

- The Water Act has provision to appeal decisions – easily accessible by all for only \$25.
- The Vancouver Island Aquatic Management Board is a governance structure that has matured and is reputed to work well.
- Surface water allocation works well – although groundwater does not.
- The environmental appeal process is effective.
- Provincial liquid waste management plans have proven to be successful in some cases.
- Regional planning is setting the background for sustainability - it gets us about 10% of the way towards sustainability.
- Processes work better on the small scale and with smaller groups, where there is leadership on the issues, local interests see immediate benefits and there is a willingness to pay.
 - Contact with all levels of government, partnering with scientific agencies to obtain information, and involvement of all members of community also key to success.

➤ **Key Challenges**

- Water is undervalued; we are still in a reactive mode on water and not being proactive.
 - To a large extent we still operate with a “pioneer mentality”, driven by a perception of abundance; “out of sight, out of mind” response.
 - As a result, water quality is slipping and there are increasing stressors on fish and habitat.
 - We need to address and change behaviours around water use.
- There is a lack of leadership and apathy from within government.
- Also a lack of integration between government sectors and jurisdictions, i.e. the provincial energy plan and the provincial water plan were developed in isolation from one another.
- *True* consultation is limited.
- Economic development decisions need to consider environmental values to a greater extent.
- There is an absence of groundwater legislation and wastewater regulations.
- Most of the plans being developed lack teeth and enforcement is therefore difficult.
- There is a need for sustained funding for all stakeholders.
 - Resources are necessary to support the planning process and participation in it.
- Tools for water governance exist, but access to these tools or knowledge of them is limited.
- The length of processes can often lead to frustration and participant burnout: government commitment wanes and group energy is lost; it takes time to rebuild trust.
- There are challenges and uncertainty with respect to the implementation of plans and decisions, due to a lack of developer incentives and cost impacts.
- There are conflicting policies regarding resource management.
- The capacity of participants varies.

- There is a failure to recognize wastewater as water; integrated storm water also missing.
- Liquid Waste Management Plans present challenges in the long term: are they licenses to pollute? Are standards too low?
- There is a lack of transparency around the criteria for licensing as well as final use.
- While there are a lot of education and outreach activities, it remains challenging to get “uptake”.
- There is insufficient information for making long term decisions.

FUNCTIONS & RESPONSIBILITIES IN WATER GOVERNANCE

Participants worked in small groups to discuss the governance roles and responsibilities that would exist in an ideal system and contemplated the implications of recommended changes to governance.

➤ **Key Principles of ‘Good Governance’:**

- Common rules of engagement for decision making, acceptance of these rules (recognizing that the rules may vary regionally), and their consistent application.
- Comprehensive in its consideration of different values and in incorporating the full hydrologic cycle: both surface and groundwater.
- Integrated so as to ensure connections with other related governance processes (e.g. land use planning), the coupling of legislative authorities (e.g. Water Act and Fisheries Act) and the whole range of interests and impacts, environmental, social and spiritual values.
- Follow Through, with adequate enforcement, planned implementation and compliance mechanisms.
- A proactive orientation with a long term view.
- Legislative authority for the group participating in process to carry out its own recommendations, i.e. appropriate delegation.
- Appropriate boundaries for social ecological systems - watershed based.
- Leadership – accountability, authority and sustained commitment: political will.
- Trust and transparency: especially with regards to funding, political vision, and public access to meetings, interagency and institutional, good faith negotiations.
- Inclusively and accessibility: equitable full, stakeholder participation and outreach.
- Timeliness – and efficiency.
- Encompassing of feedback loops and adaptive management: review decision every 5-10 years, new data/resources may be available, impact on decisions that were made.
- Scalable – local scales of governance vested in regional/ provincial frames.

➤ **The Sharing and Distribution of Responsibility: Principles and Practicality of Delegated Governance**

- Delegation must consider watershed boundaries and allow for conflict resolution to take place on a watershed basis; water allocation would be better delegated to regional districts than municipalities.
 - Cross jurisdictional issues must also be considered.
- Delegated responsibilities must ensure that all interests have fair representation (e.g. agriculture).
- Must ensure true accountability in a shared decision making process.
- Must also have faith in those being delegated responsibility.
- First Nations should have the authority/ability to make decisions over water within traditional territories.
- Multi stakeholder planning and implementation an option where interests are shared.
- How to prioritize watersheds for action?

Roles for the Province:

- Water quality standards - with input from relevant stakeholders.
- Water licensing.
- Enforcement of legislation.
- Economic incentives.
- Disincentives for water bottling.
- Ensure fair and equitable representation and fund those that don't have the capacity to attend.

Roles for the Region:

- Highest and best use for local preferences.
- Water quality standards.
- Economic incentives.
- Rate structures.
- Enforcement.
- Local information/traditional information.

➤ **Decision Making Processes**

- Clarify the prioritization of common rights (licensing) over individual rights as opposed to favouring the first in line.
- Focus on basic standards – we all have many of the same desired outcomes from these collaborative processes.
- Develop new criteria/standards that are ecosystem-based – and establish a common understanding of what constitutes the “ecosystem”.
- Allow for public input on water licensing decisions.
- Structure allocation decisions so as to consider (1) environmental targets, (2) stakeholder input, (3) appropriate time limits.

➤ **Accountability**

- Align accountabilities with what parties have control over, e.g. Water purveyors are accountable to provide potable water but have no control over source water area.

- Establish means to evaluate whether objective is being obtained.
- Ensure clarity on who players are accountable to.
- Expand accountabilities of licensees: add metering and report on use, add efficiency and conservation targets.

➤ **Levels of Participation**

- Scan interests and ensure that all relevant authorities, First Nations and other rights holders are actively involved at the outset of the process.
- Aim to balance efficiency with inclusiveness, recognizing that inclusiveness requires more time.
- Provide financial support for participation.
- Ensure timelines are realistic and sufficient to allow for consensus, recognizing that it usually takes more time.
- Initiate official consultation on a Provincial water strategy.

➤ **Changes to Policy/Legislation**

- Strengthen/create groundwater legislation.
- Expand capacity and information to implement existing legislation (i.e. Water Act).
- Shift policy away from the privatization of public resources.
- Be cautious of regulation overload.
- Develop long term policy goals for surface water monitoring.
- Coordinate monitoring information to address the existing "patchwork of data/standards".
- Establish a central info repository.
- Strengthen Water Survey of Canada.
- Require mandatory drilling authorization for new wells and establish mandatory license requirements for large wells.
- Promote rain water capture.
- Reduce the pump size for Hydro geologic assessments.

INNOVATIVE SOLUTIONS TO GOVERNANCE CHALLENGES

➤ **Funding Access and Allocation**

- Institute taxes/metering for domestic and industrial water use - as they have done in the Okanagan.
- Allocate revenue from water license fees to local governments.
 - Separate water license revenues from general revenue and ensure it is reinvested in water programs.
- Work towards the pricing and true valuation of water.
- Employ cascading unit pricing system.
- Provide funding for education and social marketing around water use and conservation.
- Extend municipal systems into First Nations' land/reservations or compensate First Nations if their lands are used for system infrastructure.
- Cost out what new governance initiatives/framework will actually cost – and look to fund them through taxation/by all users in the watershed.
- Establish funding for objective research.

➤ **Human Resources/ Capacity Building**

- Institute mandatory service for unpaid volunteers not working or attending school; introduce four day work week and use extra day for volunteering.
 - Recruit volunteers from major corporations.
 - Link Green Teams/Green Corps to water issues.
- Provide stipends/tax rebates to volunteers.
- Build water governance into school curriculum: "water immersion".
- Establish Provincial consultants to help mobilize grassroots activists to steward water use in their area.
- Expand Provincial staffing – and second government resources to start up water authorities.
- Build partnerships with institutions of higher learning as well as professional organizations – for training and research.
- Develop a province-wide support system for those involved in water governance that would help to sustain initiatives and/or create access to new processes.
 - Create infrastructure to support/cope with burnout issues.
- Establish provincial funding to support First Nations involvement in water planning.

➤ **Information**

- Make use of information collected in applications and make it available for use in other applications.
- Create a Provincial (or regional?) water budget that considers: how much we have, how much we need, and how much we use; Use budget to plan for the future.
- Report out to water users (like new Provincial energy meters).
 - Establish province-wide stream gauge reporting (web based).
- Create an accessible data mapping storage and retrieval system.
- Identify and fill information gaps.
- Value scientific knowledge as well as local input.
- Measure the full impact of power or water capture systems.
- Implement a BC-wide water awareness media campaign – emphasizing the value of water, and providing information about the watershed, where our water comes from, and how everyday behaviours affect the water supply.
 - Devise new approaches to deliver the messages to people.
 - Employ youth savvy communications, i.e. new media.
- Calculate the value of water to the ecosystem to enable the comparison of environmental and economic benefits.
- Require water users to report use.
- Establish data standards and ensure consistent and comprehensive application.
- Increase monitoring, collection and maintenance of stream flow data, ground water levels and water quality.
- Increase information on the present water supply, the rate of usage and the rate of replenishment.

PRIORITY ISSUES AND RECOMMENDED NEXT STEPS

- Implement province-wide town hall meetings.
- Implement and enforce legislation and regulations.
- Prioritize issues and monitoring.
- Mandatory drilling.
- Licensing of new wells.
- Pass groundwater legislation – and establish protection mechanisms for ground water.
- Properly resource/staff the Water Resource group (MOE).
- Tell the story about current water governance pilot programs.
- Have Cabinet approve Provincial Water Strategy.
- Provide rain barrels across the province (mosquito free).
- Announce “WATER USE DAY” (similar to Int’l Water Day).
- Require adequate and fair consultation on all new water licenses.
- Commence full education program.
- Expedite – New Groundwater Act – with consultation research.
- Define sustainability in the context of water governance.
- Issue Conservation Challenge to Residential users.
- Hire 15 new people for helping compliance and enforcement on water use.
- Work on new arrangements for water governance in areas with treaty.
- Announce Site C plans.
- Require dual flush toilets in new buildings – building code.
- Ensure that policies and plans from different sectors and Ministries are aligned and complementary.
- Educate Adults not just children.
- Start a strategic Water Governance Committee.
- Establish stipends for unpaid participants.

LANGLEY WORKSHOP PARTICIPANTS - 12 FEBRUARY 2008

First Name	Last Name	Organization/Company
Antigone	Dixon-Warren	Township of Langley
Alison	Macnaughton	Fraser Basin Council
Brad	Bedalt	Township of Langley
Clarence	Pennier	Grand Chief, Stolo Tribal Council
Dan	Millar	Environment Canada
David	Marshall	Executive Director, Fraser Basin Council
Ed	Yanoshita	Corix Utilities
Ed	von Euw	Metro Vancouver
Gary	Hall	Agriculture Land Commission
Glen	Carlson	A Rocha Canada
Glen	Howes	Glen Valley Watershed Society
Heather	Smart	Min of Environment
Jacqueline	Belzile	UBC
Jim	Taylor	Stave Valley Salmonid Enhancement Society
John	Werring	David Suzuki Foundation
Judy	Emily	Fraser River Coalition
Julia	Berrardinucci	Ministry of Env. Water Stewardship Division
Ken	Brock	Environment Canada
Les	Antone	Kwantlen First Nation
Louis	Julian	Councillor, Matsqi First Nation
Lynn	Kriwoken	BC Min of Env Water Stewardship Div
Magnus	Lundh	Nickomeki Enhancement Society
Marion	Town	Fraser Basin Council
Mark	Johnson	Fisheries & Oceans Canada
Mark	Robbins	BC Min. of Agriculture & Lands
Mick	Gottardi	District of Squamish
Mifta	Hollands	Langley Environmental Partners Society
Mike	Hofer	FVRD
Mike	Pearson	Pearson Ecological
Paul	Nicholls	Corix Utilities
Peter	Thompson	Council of Canadians
Peter	Andzans	City of Abbotsford
Ron	Sander	Resort Municipality of Whistler
Ron	Smith	Integrated Land Mgmt
Sarah	Atherton	Langley Environmental Partners Society
Stephanie	Tam	BC Min. of Ag & Lands, Resource Mgmt Branch
Sheila	Creighton	Fraser Basin Council
Stan	Woods	Metro Vancouver
Taraq	Islam	Fraser Valley RD
Ted	Van der Gulik	BC Min. of Ag & Lands, Resource Mgmt Branch
Ted	Bowman	Township of Langley Ag Advisory Committee
Ted	White	BC Min Environment
Zita	Botelho	BC Min of Env. Water Stewardship Div.