

# WATER GOVERNANCE REGIONAL WORKSHOP REPORT

## NANAIMO WORKSHOP – MARCH 6, 2008

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### 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 third regional workshop, held in Nanaimo on March 6, 2008.

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

In the context of water, governance relates to the processes by which decisions

**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.

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.

### **Why Water Governance – Questions & Comments**

The group discussed the principles of water governance that were outlined in the Nowlan and Bakker paper. Participants brought attention to a number of perceived gaps in the paper:

- Governance structure must be flexible and adaptive to local situations and changes
- There needs to be a clear line of accountability between the public and government.
- The system must support and respect volunteer participation.
- Enforceability of regulation is key – as is respect for the law.
- Accountability and transparency are critical
- There needs to be equitable participation and share decision making.
- Access to data and funding is essential.
- The system must be financially sustainable.
- The system must allow sufficient time for the process and for implementation.

## **WATER GOVERNANCE ON THE GROUND**

Four local participants provided insights on the water governance challenges that they face in their work and experience living on Vancouver Island and governance-related solutions. These presentations helped to set the stage for the day's discussions.

### **TOM ANDERSON**

*Cowichan Valley Regional District*

Tom Anderson is Manager of the Development Services Department at the Cowichan Valley Regional District since 1988. He has been previously employed at the Bulkley Nechako and Okanagan Similkameen Regional Districts.

In his presentation, Tom provided some general background to the Cowichan Water Use Plan. He indicated an interest in establishment of an organized management group as opposed to the ad hoc one that exists today, and identified a range of issues the group has dealt with, outlining some of their approaches including speaking to lake owners who are in opposition to the WMP. Tom suggested that funding the council would be an important way to step forward to help implement the 89 actions of the WMP. The group is now looking to provincial government for options on how to provide compensation for affected parties (lake shore owners.) Distribution of power among advisory group and trust building are important, and the keys to success include a strong advisory council, and sometimes a good drought to encourage folks to deal with impending crises.

### **MICHELE DEAKIN**

*English River Watershed Recovery Plan Roundtable*

Michele has worked in both the government and the non-profit world. She lived on Haida Gwaii for 12 years and has lived on Vancouver Island for four years. In those four years she has initiated an eelgrass mapping project, forage fish mapping, raised the profile of shoreline management issues, co-chaired the Brant Wildlife Festival, represented The Nature Trust and Englishman River Watershed Recovery Plan on the planning team for the Oceanside Tourism Association Strategic Plan. She is Co-chair of the Seagrass Conservation Working Group, represents the Stewardship community on the Advisory Committee for the Georgia Basin/Vancouver Island Living Rivers Program, and is Chair of the Steering Committee of the Englishman River Watershed Recovery Plan.

Michele's presentation outlined a number of the activities she has been involved in to date, and stressed a need for science and monitoring to be undertaken to give a basis to planning initiatives.

Why Stewardship? Stewards are action oriented, passionate, knowledgeable, generalists, specialists, able to work within and around a system, can access money, and sometimes, can do things government cannot. Stewards have

changing roles: obligations downloaded from levels of government, asked by developers and government to give assurances, approvals and credibility, requires set of skills

What Stewards need to be Successful?

Partners to:

- See the strengths and possibilities
- Recognize moved from Sunday streamkeepers to change agents and environmental guardians
- Funding – increased responsibility, new skills, spend more time = more than volunteer
- Be willing to try something new
- Once there, management give your representatives the time and resources to fully participate - not squeeze it in

## **TREVOR JONES**

*Hupacasath First Nation*

Trevor Jones has been Chief Executive Officer for the Hupacasath First Nation since 2001 and was recently appointed the Chief Executive Officer for Tiickin Power Corporation. He has over 20 years experience in project management, business administration and negotiation. Trevor has previously worked for the provincial government, BC Hydro and the private sector. Tiickin Power is currently developing two 6.5 MW run of the river green energy projects with another seven slated for development over the next 5 years.

In his presentation, Trevor made the following points:

- First Nations have an increasing desire to be active stewards of water
- The Hupacasath's traditional territory covers more than 30 watersheds
- The Hupacasath recognize many of same values in water as in land

With respect to managing water, First Nations governments face a range of challenges, including getting other governments to recognize aboriginal rights (referred to Chilcotin case), issues of treaty and non-treaty, jurisdictional overlap and grey areas, NAFTA, etc.

The Hupacasath commitment to sustainability will require adoption of 250 year planning that does a better job of addressing and adapting to climate change in watershed and ecosystem planning. It is necessary to fully recognize aboriginal rights and move to shared decision making, include TEK, traditional wisdom, and spiritual use in decision making, enhance enforcement through strong plans with supported implementation plans. Success will come from political will, community involvement, and Case law.

**MICHELLE VESSEY**  
*Catalyst Paper, Crofton Division*

Catalyst Paper Crofton Division, a pulp and paper facility in Crofton, BC, operates a weir at the outlet of Lake Cowichan to provide a constant flow of water to the mill operation, approximately 37 million gallons of water per day (between 1 and 23 per cent of the river's flow). The mill continues to focus on ongoing water reduction initiatives, and actively participates on the multi-stakeholder Cowichan River stewardship committee, in-season water flow committee, and the Cowichan Basin Water Management Planning steering committee. Michelle Vessey, Manager, Environment and Technical Development, is the mill's key representative with respect to water supply issues - overseeing the weir operation and water reduction strategies, chairing the in-season water flow committee and participating on the stewardship and CBWMP committees.

Michelle's presentation covered the following points:

A Provincial water authority continues to be an appropriate model for managing water, and would benefit from input from a local water advisory panel. Knowledge of our legal rights and responsibilities is important to industry, as is clarity and certainty around decision-making, including who is responsible for what decisions, and the criteria used for decision-making. Advisory input to a provincial decision-maker supports good decision-making and buy-in at the local level. A local, collaborative, inclusive, and broad-based "Water Table" is an ideal model for day-to-day water management issues, as well as for the longer-term water management issues, and would serve the advisory function well.

In the Cowichan, there are currently two committees involved in the development of a local Water Table. The first is an open in-stream water management team, with federal and provincial fisheries, First Nations, local sportsman, local recreational interests, naturalist groups participating. The second is the development of a Cowichan Basin Water Advisory Committee to implement the recommendations of the Cowichan Basin Water Management Plan. This committee will use a collaborative, science based, inclusive decision-making model and will address longer-term, more broad-based water management issues.

Local water governance requires adequate funding to support science-based decision-making around water management issues. A local Water Table could be funded by the Province to undertake studies in the local watershed that would help inform decisions.

A fair process is required for handling public objections respecting water management decisions, such as the right to appeal a decision and the right to fair compensation for true losses is upheld. This process should be fair, transparent and timely.

Tools to help find balance among interests must be found. Without an effective means of finding common ground or resolving disagreement some interests may dominate and stall the planning process.

## **PARTICIPANT PERSPECTIVES**

Workshop participants worked in small groups to discuss 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.

### ➤ **Water Governance Challenges**

- Our water system is under increasing pressure from external markets and corporate investment; important that we maintain local control.
- Recognition of Aboriginal Rights and First Nations as a level of government.
  - More meaningful involvement of First Nations in water governance.
- There are increasing pressures on water pre-Treaty.
- The processes to change by-laws/ Provincial regulations can pose a challenge.
  - Specifically consume use grey-water.
- There is a lack of clear accountability – it is unclear of what governs water today.
  - Authority is fragmented and there is no single place where people can go with concerns/for information.
  - No single authority charged with responsibility for water planning and growth management.
  - Also a lack of accountability among private land owners.
- There is an absence of legislation/regulation for the protection of groundwater & watersheds.
- Lack of local control and a citizen voice.
  - There is a need for more inclusive decision making processes (particularly within Ministry of Agriculture & Lands).
- There is a need for action around water conservation.
- The licensing regime outdated.
  - Lack of funding to handle all issues involved in water licensing.
- Trans-boundary watersheds pose a challenge.
- There is a lack of structured and long term planning with respect to water – and no growth strategy.
- Experts are pitted against one another with no process to resolve conflicts.
- There is a lack of communication about water plans and a lack of capacity/coordination to implement.
- Issues are not being brought to the table and dealt with proactively.
- System and means of taking action, i.e. environmental assessments, are response-based.

### ➤ **Proposed Changes to Water Governance**

- Establish overarching guidelines or policy, i.e. national water policy/legislation.
- Increase resources to monitor, enforce and implement water plans.

- Establish water as a priority and a foundation in planning for different sectors/interests, e.g. forestry.
- Shift perception of water as a community resource – with value, but not necessarily commoditized.
- Promote increased collaboration and cooperation within and between government agencies (including FN) and non-governmental organizations active on the ground.
  - Coordinate between various interests and authorities.
  - Use Water Boards, Councils
- Have the Province establish the framework for watershed governance and delegate authority to Community Water Boards for the development of watershed management plans.
  - Province should also take a leadership role in growth management planning.
- Enable stakeholders to have more direct influence over private managed forest lands.
- Move to a proactive governance model from a reactive one.
- Establish clear independent and professional standards for science.
- Increase participation in decision making.
- Consider the full hydrological cycle in decision making process.
- Mandate water conservation.
- Establish a mechanism to allow First Nations to devolve authority to the Province if desired (e.g. reserve/ on reserve & how to cooperate in face of differences).

➤ **Critical Success Factors in Implementing Governance Changes**

- Political will
- Long term commitment
- Public pressure
- Adequate funding
- Education of the public, government agencies – beginning with the public.
- Local empowerment.
- Co-operation, expertise and capacity.
- Clear guidelines from Province with respect to roles, responsibilities and accountability.
- The ability to balance different interests & resolve conflicts.
- Provincial leadership and harmonization internally among and between Ministries.
- Delegated responsibility to Local Governments/ Reg. Districts for implementation.
- Avoid the siloing of water issues.
- The precautionary principle has to be built into the system.

**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.

- Establish an oversight group with representation from all levels of government: federal, provincial, local and First Nations – to provide oversight on standards.
  - Set context for other components of the system.
- Establish Local Water Authorities Boards – with representation from various groups and First Nations to facilitate community-based planning processes.
  - These boards will be more in touch w/ local issues so should have delegated authority.
  - Their level of jurisdiction/ authority negotiated on case-by-case basis with the Province.
- Establish key leads in the different areas, but ensure that no group/jurisdiction is excluded from any function entirely.
- Create a water ombudsperson.
- The Province should establish a vision and guidelines for the local level.
  - Establish a Provincial Water Charter – with goals, standards, vision for water w/in BC Boundaries, involves multiple players, respect, New Relationship Principles.
  - New Water Act needed with new, province-wide minimum standards.
- Local Government needs to have greater authority on local water issues.
- Multi stakeholder issues could be negotiated on one to one basis with the Province.
- Establish mechanism for dealing with transboundary issues and multi-species considerations – with involvement of both provincial and federal governments.
  - High costs associated with data collection.
  - Need local input to ensure source protection.
- Develop a Federal Policy Statement on Water.
  - Adopt recommendation of UN Declaration of rights on water.
  - Buy corporate water shares...
- Address capacity issues faced by First Nations with respect to technical support for decision makers – it is not equal w/ Province and Feds.

## **INNOVATIVE SOLUTIONS TO GOVERNANCE CHALLENGES**

### ➤ **Access to Funding**

Funding needed to:

- Maintain local government in a key governance role.
- Upgrade science around management.
- Enable a level playing field for participation – capacity funding for First Nations.
- Deliver on rising expectations.
- Education.
- Support water management staff, secretariat support for planning/ advisory boards.
- Support research, local universities: studies, instrumentation and models, the creation of a water balance and assessment of impacts/state of the environment.
- Monitor and enforce.

- Communicate traditional resource use.
- Compensate for water storage (e.g. property compensation for additional storage & capital cost).

Potential funding sources:

- User- pay system – with escalating cost system for users.
  - The status quo conceals costs; we need a new approach that values water and considers implications of no action.
  - Create incentives for innovation among government and among users, i.e. the use of new technologies.
- Cost-sharing with water fines directed back to management.
- Consolidate all aspects of water use into a “one stop shop”.
- BC Hydro Revenues.
- Tax revenues/water cost charge from developers.
- Hotel taxes.
- Forestry tax (like stumpage) to deal with impacts.
- Tax deductions for water efficient households.
- A water lottery.
- Core funding from Province.
- Water credits (like carbon credits).
- Develop partnerships for First Nations traditional use studies and land plans.
- Establish ground water charges.

### ➤ **People Capacity**

To improve the capacity of people to be more meaningfully involved in water governance:

- Increase education:
  - More general education to raise awareness about water issues and drive political change.
  - Build greater understanding with respect to carrying capacity and the land base - and use this information to inform a strategy for growth management.
- Provide more training to First Nations.
- Expand community outreach.
- Ensure that people's input is used (e.g. Wildlife Act was a bad example).
- Create incentives for conservation.
- Commit to a long term process of change.

What governments and other institutions can do to improve citizen engagement in water governance:

- Provide funding to support involvement – reduce/minimize burnout.
- Invite participation, be transparent.
- Build trust and credibility.
- Create incentives and work to build awareness though ‘Turn off the Tap Days’, etc.
- Be clear of the process and about how input will be used.
- Demonstrate how input is being used or be clear why it isn't being used.
- Take leadership and establish water as a priority.

➤ **Information Needs**

Information needed:

- Groundwater and stream flow.
- Quantifying risks – scarcity.
- Community population projections
  - Carrying capacity and how it relates to growth management.
- Current land use (land use inventory) and future development scenarios.
- Traditional use studies.
- General state of the environment reporting.
  - Analysis and reporting of data into useful information.
- Clear policy statement of Provincial priorities.

Means of obtaining information:

- Train volunteers/ establish non-profits.
- Ensure appropriate funding.
- Build partnerships.
  - Strengthen connections with academic institutions.
  - Connect with First Nations to obtain traditional knowledge.
- Allow partners to voice their information needs – shows grass roots support & reduces risk to political interests if information needs supported.

## PRIORITY ISSUES AND RECOMMENDED NEXT STEPS

- Local bodies need authority and funding
- Local involvement essential in water management
- Province needs to step up to shared-decision making with First Nations
- Water laws should be ecosystem-based and reflect traditional and spiritual values and uses
- Role for arbitrators/mediators to resolve conflicts at local level?
- Watershed-based, funded water management bodies
- Provincial vision and leadership are important
- People problems not water problems
- Surface and ground water are interconnected
- Principle - respect aboriginal rights & title
- Don't forget atmospheric water
- Where does the buck stop?
- We need to own that it is US!
- Set goals and targets - the public will grab on!
- Provincial subsidy of low-flow fixtures
- Establish/fund regional based watershed water boards
- Endow UVic with Water Centre for Excellence
- Stop Chemainus wells project, work with Halalt First Nation
- Announce working on monitoring personal water consumption and wear blue for next 6 months - report out
- Retrofit provincial buildings, lead by example on provincial buildings (green roofs, etc.)
- Disallow contaminated soils export from Victoria to Cowichan Valley Drinking reservoir
- Raise awareness around water
- Meaningful GW protection legislation implemented
- Implement policy - 1 day/week all households haul water by hand for 1 month
- Amend BC water act regulations - include karst terrain in stream definition, introduce legislated requirement for permit approval prior to working in/around streams (incl. karst)
- TV ads during 6pm news showing Tofino trucking water, fish without water, Kelowna fires
- Amend water act to include rights for fish in BC
- Create representative Roundtables on water mgmt issues, proposing solutions and implementing
- Initiate province wide reservoir construction project for winter rainfall storage
- Ensure clear governance and water security with respect to NAFTA
- Take recommendations of pilot workshops on water governance and implement into 4 pilot projects
- Implement policy to stop all pesticide use in watersheds

## Nanaimo workshop participants March 6, 2008

<b>Name</b>	<b>Organization/Company</b>
Alan Dakin	Elanco Enterprises
Alan Lill	BC Conservation Foundation
Alison Macnaughton	Fraser Basin Council
Barry Peters	DFO
Bill Zinovich	Min of Agriculture & Lands
Bob Chamberlin	Kwicksutaineuk Ah-kwa-mish FN
Brian Dennison	Cowichan Valley RD
Brian Tutty	DFO
Brooke Hodson	CVRD
Bruce Adkins	DFO
Bryan Shoji	Sunshine Coast RD
Charles Vaughan	Oyster River Enhancement Soc.
Craig Wightman	Min of Environment
David Weir	BC Min of Env Water Stewardship Division, Nanaimo
David Lightly	Tseshah First Nations
David Marshall	Fraser Basin Council
Garth Webber Atkins	Min of Agriculture & Lands
Giles Wendling	GW Solutions Inc.
Guy Cicon	City of Port Alberni
Jack Smith	Halalt FN
Jack Minard	SEHAB
James Craig	BC Conservation Foundation
James Loring	Oyster River Enhancement Soc.
Jamie James	Mowachaht/Muchalaht First Nations
Jenny MacLeod	Gabriola Groundwater Mgmt Society
Jeremy Baker	Gabriola Well Owners Assn
Jim Burgess	Fanny Bay Salmonid Enhance.Soc
Jim Mattison	Min of Environment
Joachim Carolsfeld	World Fisheries Trust
John Baldwin	Government of BC
Judy Goldschmidt	Comox Valley Water Watch
Julie Sigurdson	Environmental Committee
Kate Miller	Cowichan Valley RD
Kathleen Johnnie	Hul'qumi'num Treaty Group
Kathleen Kinasewich	Comox Valley Water Watch
Kathy Campbell	Silverbright Pacific Ecotech
Kim Stephens	
Larry Andrews	Mowachaht/Muchalaht First Nations
Larry George	Cowichan Tribes
Liam Edwards	Min of Community Services
Linda Safford	Comox Valley Water Watch
Loren Duncan	CVRD
Lori Roter	Ministry of Health
Lynn Kriwoken	MOE

Maggie Paquet	Stewardship Centre for BC
Mel Orecklin	Mowachaht/Muchalaht First Nations
Melanie Mamoser	Gabriola Groundwater Mgmt Soc.
Michele Deakin	Mid-Vancouver Island Habitat Enh. Soc.
Michelle Vessey	Catalyst Paper
Mick Gottardi	District of Squamish
Mike Coates	CUPE
Mike Donnelly	RD Nanaimo
Naomi Adams	Min of Environment
Nattanya Birkhaven	Council of Canadians
Nick Leone	DFO
Norm Meunier	City of Port Alberni
Oliver Brandes	University of Victoria
Pamela Parker	BC Pacific Salmon Forum
Paul Grinder	Arrowsmith Watersheds Coalition Soc
Randy Dolighan	Min of Environment
Reid Robinson	Alberni Environmental Coalition
Robert Gillespie	District of Saanich
Rodney Jones	Fanny Bay Salmonid Enhance.Soc
Shelee Hamilton	Min of Agriculture & Lands
Steven Tatoosh	Hupacasath First Nation
Stuart Carstairs	World Fisheries Trust
Ted White	Min of Environment
Tom Anderson	Cowichan Valley RD
Trevor Jones	Hupacasath First Nation
Trevor Wicks	Arrowsmith Watersheds Coalition Soc
Zita Botelho	Water Stewardship Div.