Strengthening Decision-Making and Collaboration for Healthy Watersheds

CiER
CENTRE FOR INDIGENOUS ENVIRONMENTAL RESOURCES

POLIS Project on Ecological Governance
watersustainabilityproject

THE BRAINS
BEHIND THE HANDBOOK

This Handbook was created by a team of leaders who are dedicated to finding solutions and supporting communities in their journeys to better water partnerships and decisions.

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EXECUTIVE SUMMARY

Groundswell of local collaborations for water in B.C.

Fresh water shapes British Columbia's landscapes, communities and economies. But this most precious natural resource faces an increasingly uncertain future: with shifting climate and hydrology, and intense cumulative pressures, British Columbia is entering an era of water insecurity. There is growing recognition that the status quo for managing and governing water must change to reflect these new realities. In response, local groups and governments are organizing themselves to take on leading roles in water decision-making and management.

In some places, these groups are embracing a collaborative or co-governance approach, learning how Indigenous and non-Indigenous neighbours can work shoulder-to-shoulder to protect water and ensure it is fairly managed. In other places, Indigenous nations are convening and driving new water plans and governance processes, and looking at how partnerships can support their progress. Elsewhere, local governments are stepping up, and exploring what kinds of new water initiatives and partnerships they can lead within their scope of responsibility.

Local water leaders realize that they cannot wait for someone else to figure out how to take care of their waters. They recognize that provincial and federal water responsibilities and resources remain critical, but that local leadership is needed to achieve locally-appropriate solutions.

It's no surprise that many of these groups are adopting a holistic "thinking-like-a-watershed" approach, rather than confining water to silos, such as drinking water, wastewater, water for fish, or water for irrigation. This watershed governance approach involves recognizing the downstream-upstream relationships in watersheds, giving appropriate consideration to how activities on the land impact water, and ensuring that all human and ecological rights, values, and interests are properly considered and involved in decision-making processes.

> **In short: there is growing recognition that, to fix water problems, we urgently need to tackle systemic, root issues related to authority, responsibility, knowledge, and accountability.**

A Handbook for Water Champions: First Edition

Despite an abundance of ideas about what is needed to improve water decision-making in B.C., and the many examples of watershed projects, entities, and programs already underway, few resources exist to provide practical assistance to watershed initiatives 'on the ground.' How do you actually go about "doing" watershed governance?

This Handbook helps fill that gap by providing a framework for water champions to think about how to increase the impact of their organization, community or government, and make progress in engaging in watershed governance. This framework is based on the extensive research and experience of the project partners and other B.C. water leaders.
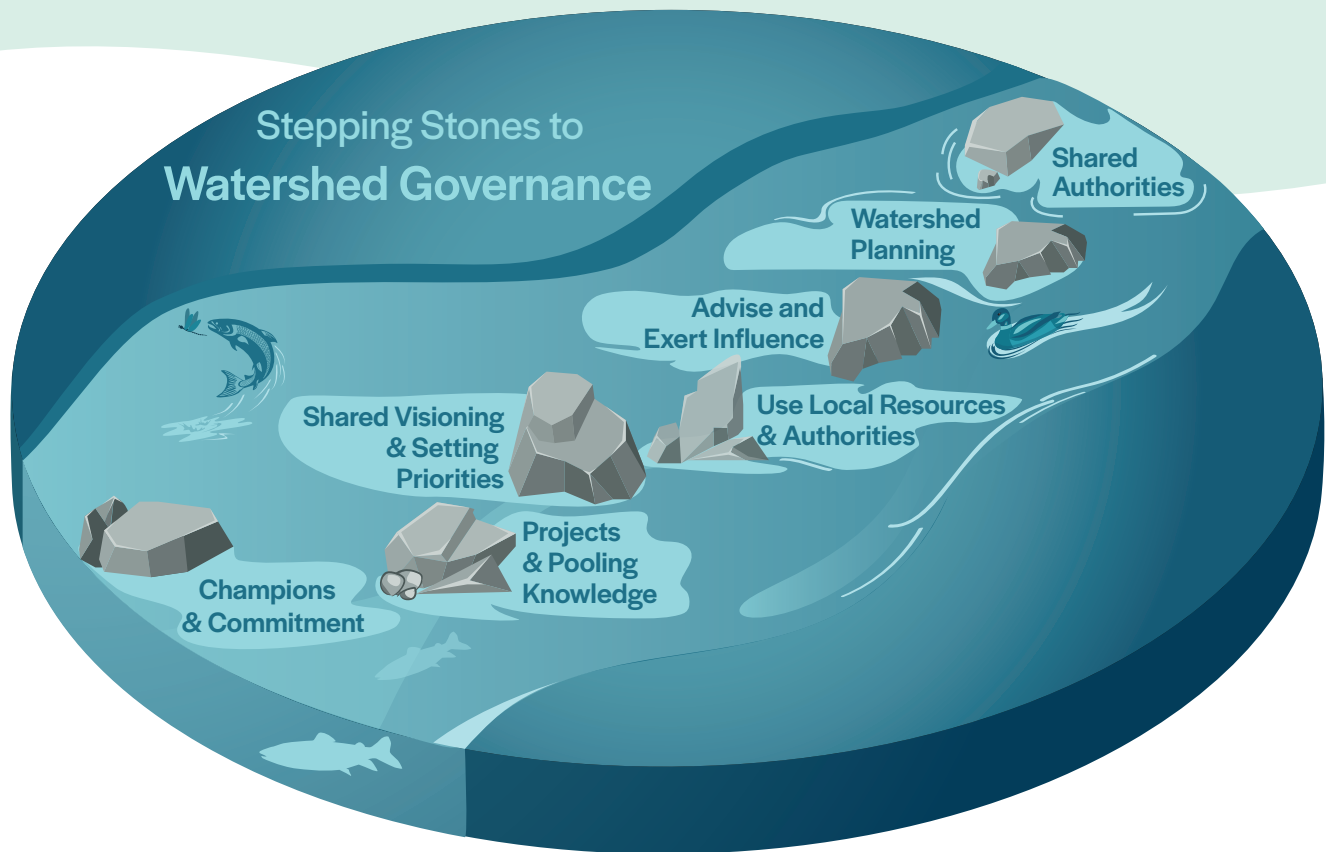
Whatever your role in advancing freshwater protection, the process of building watershed governance can yield numerous benefits. From improving relationships between Indigenous and non-Indigenous neighbours, to better articulating issues and building community support, to taking stock of what has been accomplished (and what is needed), this Handbook provides guidance on how to move watershed solutions forward.

The Stepping Stones to Watershed Governance

This Handbook sets out the Stepping Stones to Watershed Governance, an approach that illustrates the milestones that must be in place to shift to more sustainable and equitable decision-making. It is presented as a sequence of seven phases or steps (referred to as 'Stones' or 'Stepping Stones'), culminating in shared decision-making. In reality, there is no single linear progression through the Stones, and no fixed or universal end-point. Each Stone represents an essential component with value on its own, and the sequence in which the Stones are pursued may look different in different places.

The Stepping Stones concept is focused on moving towards shared decision-making. But, not all groups (or users of this Handbook) will seek that outcome. Many water stewardship groups in B.C. would be most effective if they focus solely on information-gathering, restoration projects, or on convening others. If this is the case, the Stepping Stones is still a useful framework to illustrate how these groups can serve an important niche role and purpose, and how their activities can support moving towards something bigger.

This Handbook is an accumulation of extensive research and practical experience. It builds on many years of direct support provided to water community partners and the findings of two POLIS Project reports, which investigated how watershed governance can be actioned in B.C., see: *Illumination: Insights and Perspectives for Building Effective Watershed Governance in B.C.* (2016). Available at **https:// poliswaterproject.org/polis-research-publication/illumination-insights-perspectives-building-effective-watershed-governance-b-c/**; *A Blueprint for Watershed Governance in British Columbia. (2014).* Available at **https://poliswaterproject.org/polis-research-publication/blueprint-watershed-governance-british-columbia/.**

Stepping Stones to
Watershed Governance

Shared Authorities

Watershed Planning

Advise and Exert Influence

Shared Visioning & Setting Priorities

Use Local Resources & Authorities

Projects & Pooling Knowledge

Champions & Commitment

At a Glance: Seven Stepping Stones to Watershed Governance

1. Champions and Commitment

This step is about building support within your organization or government for action on water and preparing for more intensive work down the road.

2. Projects and Pooling Knowledge

The goals at this stage are to: 1) get out into the watershed via boots-on-the ground projects that enhance ecosystem health and knowledge, and, 2) start fostering positive early partnerships and relationships with other governments and groups as a basis for longer-term collaboration.

3. Shared Visioning and Setting Priorities

This step is about co-creating a shared vision for the watershed and honing in on the solutions that are needed to protect and wisely share water resources.

4. Use Local Resources and Authorities

This step is about Indigenous governments, local governments, and non-profit organizations using their existing authority and resources to support implementation of watershed goals and priorities.

5. Formalize an Advising Role and Exert Influence

At this step, with demonstrated expertise, a track-record of substantive achievements, applied local science and information, and proven credibility, collaborative groups can seek to formalize their role in advising decision-making and shaping the outcomes of policy and regulatory development.

6. Collaborative Watershed Planning

This step entails identifying which legal and non-legal tools, across all levels of government, are needed to achieve goals and tangible improvements in ecological health, and making a holistic, watershed-wide approach for dealing with inter-related land-water pressures, and addressing cumulative impacts.

7. Shared Authorities

This step ventures into lesser-known territory by going beyond the advisory body role. At this stage, decisions are made by watershed entities that are formally mandated, local, and co-governed. Decisions are grounded in Indigenous or Crown laws, or both.

PURPOSE AND OVERVIEW

Purpose of this Handbook

This Handbook discusses *how* to strengthen decision-making and collaboration for water and watersheds. It offers guidance on:

- The rationale for a collaborative approach to water decision making that includes a range of stakeholders and authorities;

- How to get started on a "Stepping Stones" process to strengthen decision-making and collaboration;

- How to better build local partnerships that are mutually beneficial;

- How to decide on watershed priorities and goals and begin turning ideas into reality; and

- How to evaluate progress on your existing process

Is this Handbook for Me?

This resource is for you if you answer **YES** to any of the following:

- I am part of a group of local people—e.g. a First Nation, a local government, a community-based water group, or collaborative watershed partnership—who want to protect ecosystem health and see meaningful changes in how decisions affecting water are made within our watershed.

- I believe water is a top priority, but don't know where or how to get started in my watershed, or how to move existing projects forward to achieve real change.

- I am weighing the potential benefits, challenges, and impacts of collaborating on water/land projects or processes with other watershed users or governments. I am looking for information so I can decide if and how to move forward, plan ahead, or prepare.

- I am seeking tools to effectively facilitate diverse water/land users and decision-makers in working together on shared freshwater goals.

- I believe there is a strong business case for taking better care of water, and I want to ensure that future economic opportunities are not missed because of our failures to manage water wisely today.

- I am mandated by others in my organization to explore the options for improving management and protection of water. I am motivated to identify and help deliver a meaningful process that can generate real solutions to the problems we are facing.

How this Handbook is Organized

Whether you consider yourself a water champion, or simply a dedicated professional looking to advance the environmental and relationship-building goals of your organization, the process to build watershed governance can yield numerous benefits. From improving relationships between Indigenous and non-Indigenous neighbours, to better articulating issues and building community support, to taking stock of what has been accomplished – and what is needed – this Handbook provides guidance on how to move watershed solutions forward.

PART 1 | outlines the current state of freshwater decision-making in B.C. and suggests that governance is often both the root of water issues and the key to solutions.

PART 2 | summarizes the role, expertise, and jurisdiction for each of the potential authorities or players in watershed decision-making: Indigenous nations, Crown governments (local, provincial and federal), local water groups, and industry. It also provides a snapshot of considerations for working effectively with each authority or group, including attributes of success, and limitations that should be recognized.

PART 3 | offers guidance on how to "do" the complex business of watershed governance and achieve long-lasting solutions and positive outcomes. It digs into the details – the what, why, and how – of each Stepping Stone. A series of questions are provided for each Stone to assist groups in self-assessing their own work and progress. Examples illustrate what success looks like, and resources offer further background information.

PART 4 | summarizes six case studies that represent different points along the journey to watershed governance, illuminating the ingredients for success, tactics that led to progress, and the challenges that can slow, derail, or re-route a water governance process.

PART 5 | provides three supplementary resources to assist groups who are 'rolling up their sleeves' and getting ready to organize watershed governance meetings or workshops, within or outside of their organizations.

PART 1

Governance – The Root of Water Issues and the Key to Solutions

F resh water is fundamental to thriving ecosystems, communities, and economies and many groups assume responsibility for its protection. While fresh water is widely recognized as our most precious resource, it is also the most vulnerable. Communities across British Columbia are faced with challenges of too much or too little water, pollution and contamination from various sources, and insufficient water and climate data to make sound management decisions (see *Water Under Pressure* on page 5).

To fix water problems, we urgently need to tackle systemic, root issues related to who is making decisions about water and land uses, and *whose authority, rights, values, interests, and knowledge* is being considered in that decision-making process.

Water cannot be confined within political or regulatory boundaries. Many factors influence how it moves across the landscape, including weather, climate, geology, land use and development, and management decisions. It is therefore often daunting or unclear how to tease apart a complex water problem and identify solutions. And even when a community takes action to sustainably manage or restore its surrounding stretch of a river, or part of a lake, the decisions of users upstream and downstream will ultimately determine how healthy – or unhealthy – the waterbody is. For this reason, water cannot be managed effectively in isolation. The full range of users and rights holders in a watershed – who have unique knowledge, experience, and expertise – should be engaged in its management and governance.

In B.C., freshwater decision-making responsibilities are held by Indigenous, federal, provincial, and local governments, but too often these authorities operate in silos and with little coordination. The case can be made that each of these authorities must simply "do more" on their own. But this is like putting a band-aid on a wound that really needs stitches. Without coordination, the impact of each authority is limited by its inability to address the challenges that arise from overlapping jurisdictions. This reality makes it difficult to implement solutions at the broader watershed scale.

B.C.'s general public and local communities have little confidence in water decision-makers, and often do not understand or feel they have access to "those responsible," including politicians, policy-makers, decision-makers, and senior industry officials.[1] Local knowledge is rarely used to inform decision-making or is unappreciated for its potential to contribute to solutions, and decision-makers often lack an understanding of the local politics and histories they are expected to navigate. The public's confidence that provincial and federal governments are capable, listening, or able to "do the right thing" has eroded.[2]

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1 In September 2018, the Canadian Freshwater Alliance hosted the webinar "Public views on water: Results of a recent opinion poll of B.C. residents" to share the findings of a public opinion survey on attitudes towards water in British Columbia. The survey was conducted by McAllister Opinion Research in June 2018.

2 See footnote 1.

This is not to say that Crown governments should play a lesser role in watershed protection. Despite their mistrust, the public is still looking to provincial and federal governments to step up on water protection by assuming more responsibility, enforcing rules and regulations, increasing transparency, fulfilling commitments to reconciliation with Indigenous Nations, and acting in the long-term public interest. However, more effective outcomes could be achieved through shifting *away* from centralized, top-down approaches to water management and governance and *towards* collaborative approaches that recognize the value of local knowledge and agency in unlocking innovative solutions to complex problems.

These realities signal the need for inclusive, collaborative approaches to better address B.C.'s water challenges, drawing upon our collective skills and resources to achieve the long-lasting solutions and positive outcomes for water and land that communities want and need.

A portion of the Mackenzie River delta, as seen from space, which drains in an area of over 1.8 million square kilometres.
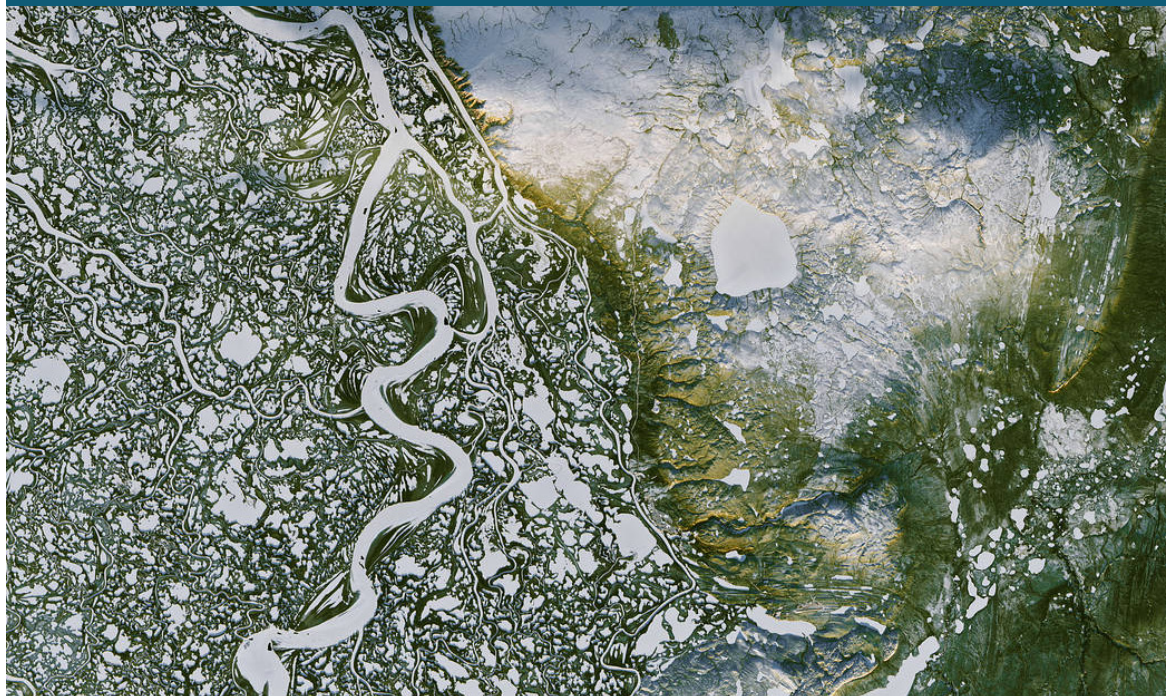
A Solution: Watershed Governance

Across B.C., community groups, local governments, First Nations and others are trying out different ways of addressing water challenges using approaches that prioritize local knowledge and collaboration. These approaches are sometimes referred to as "watershed governance," which involves developing or refining new institutions and agreements that balance provincial and Indigenous leadership with local involvement to lead freshwater management and decision-making at the watershed scale.

Watershed governance is advanced through community and institutional partnerships that:

- Build trust and relationships;

- Decide how to make difficult trade-offs, for example, around water use during times of drought; and

- Design and implement innovative programs and policies that solve problems and build resiliency for new climate and water realities.

Through working together on watershed decision-making, groups also create the conditions for a new narrative and vision to emerge around the power of communities and decision-makers to make positive change and be given greater responsibility for managing their own interests.

Versions of this approach exist elsewhere in the world, but this is still an emerging area of innovation in B.C. Some leading examples of watershed governance are in B.C.'s Cowichan, Nicola, and Okanagan watersheds. People in these places are working together – across jurisdictions and government authorities – to improve freshwater protection. These initiatives are applying provincial freshwater legal tools and using a holistic "thinking-like-a-watershed" approach to guide watershed operations and decisions. By meaningfully engaging the spectrum of water and land users, they are bolstering awareness and interest in local water issues. Importantly, they are learning to work as partners with local Indigenous nations, considering Indigenous laws and knowledge alongside Western science.

There is a legal window of opportunity to enable watershed governance in other regions of the province. B.C.'s *Water Sustainability Act* and its supporting regulations introduce the opportunity for locally-led watershed governance through enabling tools like watershed-scale planning, advisory boards, and delegated authority. Senior Crown governments are committed to pursuing reconciliation and respectful government-to-government relationships with Indigenous peoples, including adopting and implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and fulfilling recommendations of the Truth and Reconciliation Commission. These commitments mark a potentially pivotal step towards better reflecting Indigenous rights and priorities in Canada's legal frameworks and institutions. Recent court decisions have also affirmed the Crown's legal imperative to co-create mutually acceptable decision-making approaches with Indigenous governments.[3]

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3 Section 35(1) of the *Constitution Act* (1982) recognizes and affirms existing Aboriginal and treaty rights. A series of Supreme Court rulings through Aboriginal case law, including *Calder* (1973), *Delgamuukw* (1997), *Haida* (2004) and *Tsilhqot'in* (2014), have provided clarity and emphasize that s.35 is grounded in the Honour of the Crown and creates a duty for the Crown to consult and accommodate potential or established Aboriginal or treaty rights where a proposed activity could adversely impact those rights, and to obtain consent where title has been established.

Water Under Pressure

Climate change is creating a new water reality: As one example, snow packs and glaciers – that act as banks to store and release water in dry summer months – are steadily declining.

Droughts and floods are hurting communities: Communities across British Columbia are already witnessing increased frequency and intensity of droughts and floods.

Water for ecosystems is significantly altered: Changes in water use – including for dams, diversions, and land use and development – and changes linked to climate change are altering the timing and supply of water that sustains fish and aquatic habitats.

Water decisions are made in the dark: Limited data and information about water resources has led to decision-making in the dark. For example, groundwater was not regulated in B.C. until 2016, and the actual water use by licensees remains unknown in many cases.

Water is used unsustainably: Surface water is fully allocated, or nearing full allocation, in many places. One fifth of provincial groundwater wells are in a moderate to high rate of decline.

Water quality is degrading: Resource extraction, development, and agriculture are taking place in many drinking water watersheds. Both surface and ground water are vulnerable to contamination.

B.C.'s primary industries are water-intensive: Industries like hydropower generation, hydraulic fracturing, and agriculture can have major impacts on water and watersheds. Projected fluctuations in snowpack and precipitation would impact future energy production.

PART 2

The Watershed Governance Ecosystem: Who Are The Players and What Niches Do They Fill?

All players in the watershed governance ecosystem fill an important niche. This diversity makes the system more resilient and able to respond to challenges. The trick is to know *who* and *how* to engage the players, be able to collectively identify areas of mutual interest and concern, and move forward to solutions. It is equally important to understand who you are in the governance ecosystem, and what you and your organization or government can offer, such as financial resources, legal leverage, data, knowledge or expertise, or the ability to mobilize or communicate effectively across your community.

One of the first things to consider is who your potential partners are and what their mandates, needs, and constraints are to collaboration. Ask yourself: How might you build a productive relationship with these authorities, where both authorities can benefit?

This section summarizes the role, expertise, and jurisdiction for each of the potential authorities or players in watershed decision-making: Indigenous nations, Crown governments (local, provincial and federal), local water groups, and industry. It also provides a snapshot of considerations for working effectively with each authority or group, including attributes of success, and limitations that should be recognized.

› Indigenous Nations

For tens of thousands of years, Indigenous peoples have honoured, protected, and managed their lands and waters according to traditional laws and governance structures. They maintain a holistic relationship with water that extends to cultural, spiritual, and ceremonial aspects, as well as economic and livelihood considerations for fish and aquatic habitats. Water is viewed not only as a source of life for all living things, but as inherently alive and with spirit.

Role in Watershed Governance: Jurisdiction and Expertise

Across B.C., First Nations are leading work on preserving social and cultural practices associated with water on their own terms, based on inherent Indigenous authority. These approaches are challenging the status quo of water governance.[4] First Nations exercise rights and responsibilities related to water and engage in water governance in various ways, including:

- Exerting inherent (Indigenous law) jurisdiction and authority in their territorial lands and waters, for example, by declaring water policies, laws, and strategies;

- Asserting Aboriginal and treaty rights as per Section 35(1) of the *Constitution Act* (1982);[5]

- Collaboratively managing traditional territories (where willing partners exist) through joint planning and decision-making processes;

- Managing reserve lands, including drinking water and wastewater infrastructure;

- Building nation-to-nation relationships and agreements with Canadian (Crown) governments;[6] and

- Collaborating with non-Indigenous groups on issues of shared concern.

4 The First Nations Fisheries Council report *Protecting Water Our Way* (2018) describes five case studies of freshwater governance and planning initiatives led by First Nations in B.C. Lessons learned through these initiatives can be used to inform future water governance and planning projects. The report is available online: https://www.fnfisheriescouncil.ca/wp-content/uploads/2018/05/FNFC-Protecting-Water-Our-Way-Report_May-2018_FINAL-1.pdf

5 See footnote 3.

6 The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) was adopted by the UN General Assembly in 2007 and by the Government of Canada in 2016. A key tenet of UNDRIP is the requirement for the "free, prior, informed consent" of Indigenous peoples in numerous situations, including regarding resource development. Article 32(2) provides that: "states shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."

Benefits of Collaborative Watershed Governance for Indigenous Nations

When Indigenous nations are full and equal partners in collaboration, or playing a leadership role, they can realize the same benefits as other parties: protecting water and watersheds for future generations, creating positive partnerships with other decision-makers and water users, resolving conflicts, leveraging resources, and pooling knowledge to inform decisions and improve ecological outcomes. Indigenous water rights, traditional knowledge, and values can inform how other governments operate, and lead to planning and decision-making processes that align with a nation's priorities. For example, the Kwikwetlem First Nation was a founding member of the Coquitlam River Watershed Roundtable. To date, the Roundtable's work to restore and protect ecosystem integrity in the Coquitlam River Watershed has been aligned with Kwikwetlem Nation interests and goals for the watershed.

Collaborative watershed governance discussions provide a space for Indigenous and non-Indigenous neighbours to come together and organize action on pressing local water issues. These discussions – which inherently involve a range of parties – are not the place where outstanding questions about Indigenous and Crown water rights can be resolved. But, they do provide a space for governments and groups to discuss how to reconcile the differences between Indigenous and Canadian legal systems, and a venue for working together on issues of shared concern.

Participating in collaborative watershed governance does not preclude Indigenous nations from pursuing other water governance strategies (such as litigation or government-to-government engagement). Other parties should expect that the outcomes of parallel processes that Indigenous governments lead or participated in may change the nature of collaborative process.

Considerations for Cross-Cultural Collaboration and Partnerships

Water-focused partnerships between Indigenous and non-Indigenous groups are increasingly emerging across B.C., spurred by mounting pressures on freshwater and the recognition that neighbours need to learn to work together. Case studies from the Cowichan, Kootenay Lake, and Nicola watersheds (see Part 4 of this Handbook) illustrate the importance of meaningful working relationships across the various stages of watershed governance.

There is much to be learned from the increasing array of Indigenous and non-Indigenous partnerships. Experience in B.C. suggests that success is most likely when partnerships demonstrate the following attributes:

☑ **Commit to building an ongoing relationship between neighbours that is authentic, genuine, vulnerable and reflexive**. This might include approaches that are beyond the norms of "doing business" in an institutional context and involve getting to know one another in informal settings such as shared meals, open invitations to cultural days, or joint watershed field trips.

☑ **Recognize and respect Indigenous authority.**

☑ **Adopt Indigenous governance principles, protocols and language, wherever direction is given to do so.**

☑ **Demonstrate a willingness to learn about each other.** Open, honest, realistic discussions are needed to build a shared understanding of each other's priorities and supporting rationales, refraining from the assumption that a priority or concern is automatically "wrong" or "right". Both First Nation and Crown governments have numerous goals, and these may not always prioritize healthy watersheds. Expect conversations to go beyond water and include other related issues that First Nations or other parties identify as priorities (e.g., health, economic, employment, education, and language). Be prepared to look together at the linkages between issues.

☑ **Synergize goals at the outset.** Co-develop plans and watershed targets at the beginning of the process, not after the fact.

☑ **Make formal commitments to reconciliation in the desired way,** for example: statements, agreements, accords, or public ceremony.

☑ **Sustain efforts to maintain relationships** with regular in-person meetings (i.e. not one-off events) with staff and decision-makers to build sustained partnerships.

☑ **Support cultural training for non-Indigenous partners,** and make efforts to understand the Nations' rights and history in the watershed.

☑ **Adopt an explicit "co-chair" or "co-governed" institutional model** between Indigenous and Crown governments. Other 'stakeholder' or 'technical' tables can be formed to support the Indigenous-Crown bilateral table.

☑ **Respectfully engage Elders and Indigenous knowledge keepers.** Respect is demonstrated in many ways and starts with your intention. Respect also involves acknowledging Indigenous rights and autonomy, supporting Indigenous languages, following Indigenous protocols (for example, following the appropriate process to invite, welcome, gift, and care for an Elder, seeking permission/clarification to understand protocols, knowing the process for beginning a gathering in the right way).

☑ **Make engagement accessible.** Hold meetings in locations that are accessible and practical for all parties and provide necessary travel and compensation. Recognize that the value of teachings from Elders and knowledge keepers requires recompense at equivalent standards to Western-trained professionals and experts. First Nations' representatives may be contributing their own personal/volunteer time to participate and/or may be travelling from a further distance than others.

Considerations for Cross-Cultural Collaboration and Partnerships

It is not uncommon for non-Indigenous governments or groups to feel concerned if First Nations choose not to participate in the collaborative process, or feel confused about why First Nations participation is inconsistent. Non-Indigenous groups must remember that outreach is disingenuous or tokenistic if it is not coupled with r*eal ongoing dedication to work together to understand and address Indigenous perspectives and priorities.* For example, the value of a reconciliation agreement or friendship accord may be diminished if it is not followed up with quarterly meetings, sharing of resources, and action towards shared goals. Respectful and lasting relationships are built on openness and a willingness to listen. It may be helpful to revisit values and goals if discussions become stalled or unproductive. Lastly, there are many competing demands and often limited time and resources for First Nations to fulfil their water-related priorities, and it may not be possible for staff or members to actively participate in a watershed project or initiative. In this case, non-Indigenous groups can still prepare for a future partnership in various ways, for example:

☑ **Undertake deep self-reflection** to think through the bigger issues: How might Western assumptions or worldviews be limiting Indigenous participation? Does the current approach of framing the problem, facilitating the meetings, or communicating the issues exclude or challenge Indigenous values and understandings?

☑ **Continue to do good projects that help restore or protect the watershed** and build organizational skills and resources that can be shared with the First Nation in the future.

☑ **Find funds to support First Nations participation** in the collaborative process, and in their own related internal processes.

☑ **Adopt a service-style effort** – understand what is important to the Nation and try to deliver on those priorities.

☑ **Ensure open and ongoing lines of communication** and hold space for a future opportunity (i.e., when interests or priorities change) when the Nation can join the watershed initiative.

☑ **Share all materials and information** in a transparent way through regular updates, with opportunities for feedback.

› Crown Governments

Much is written about the Constitutional division of powers for freshwater in Canada.[7] This section describes some key traits of local, provincial and federal and decision-makers that are useful to consider in the context of collaborative watershed governance. What are the strengths of these governments? What are their constraints? What factors might they be taking into consideration when entering into partnerships?

Local Governments

Municipalities and regional districts are the Crown government that is closest to local water issues and concerns. They often have a strong sense of how water is used and viewed in their area and make many decisions about land use and local infrastructure that impact surrounding rivers, lakes, and other water bodies. Local governments are responsible for delivering safe and reliable drinking water to residents, and therefore may be more easily persuaded to become champions for watersheds within their jurisdictions.

Role in Watershed Governance: Jurisdiction and Expertise

Local governments engage in source water and watershed protection in two ways:

1. Use their direct authority and resources

This is largely by regulating activities or delivering programs and services related to:

- Water consumption and conservation;
- Land use and development;
- Local infrastructure;
- Drinking water and sewage services;
- Climate adaptation;
- Emergency response; and
- Other activities related to parks or the natural environment; taxation; public safety and nuisances; business activities.

Local governments can use existing resources to protect freshwater through a variety of mechanisms. For example, it's not uncommon for municipalities to set aside budget for "water wise" public education and rebate programs, water data collection and sharing, or to support community-based restoration projects. Some jurisdictions, like the Regional District of Nanaimo and the Cowichan Valley Regional District, have developed drinking water and watershed protection programs with dedicated, sustainable funding (see Part 4 of this Handbook for a case study of the Regional District of Nanaimo's watershed protection program). Another option is to create stormwater or drainage fees, which are increasingly being adopted in cities in North America and around the world. These initiatives are aimed at increasing the capacity of and total funding available for local governments to lead on freshwater protection.

7 For a detailed breakdown of constitutional roles and responsibilities for freshwater in Canada, see the POLIS Project report *A Blueprint for Watershed Governance in British Columbia* (2014), available at: **https://poliswaterproject.org/polis-research-publication/blueprint-watershed-governance-british-columbia/**; and the Fraser Basin Council report *Rethinking our Water Ways* (2011) at Chapter 4: *Who Does What in Water?*, available at: **https://www.rethinkingwater.ca/**

2. Engage and inform other water stakeholders

While local governments can influence many activities that impact water, they do not have exclusive or direct jurisdiction over water sources in B.C. This means local governments often work in partnership with other governments and stakeholders or take steps to influence how water decisions are made by others. Partnerships can take different forms, for example, a local government could develop a Memorandum of Understanding with a local Indigenous nation that outlines an intention to work together to advance freshwater health and/or improve delivery of drinking water services.[8] A municipality could help convene stakeholders to undertake local water use planning or advance collaborative watershed governance, or it might participate in regional or province-wide forums that equip local leaders with knowledge and tools for protecting local water. Local governments can also pursue funding partnerships with senior governments or private interests to help finance things like water infrastructure projects.

If they are equipped with the right information, local governments may be able to help shape how senior levels of government, private industry, and others make decisions that affect local water sources, such as how water is used during times of scarcity. Municipalities can also advocate for better water policies and regulations. The Canadian Freshwater Alliance's report *Water Sustainability and the City* (2017) outlines a number of ways B.C. municipalities can ask the province to improve their ability to protect local freshwater.[9]

The City of Vancouver's Olympic Village Wetland is a naturalized urban wetland that remediates stormwater runoff and provides wildlife habitat.

SPOTLIGHT:
Green Infrastructure

With their influence over land use and development, local governments are well-positioned to advance freshwater health through green infrastructure projects and other types of sustainability planning that benefit water. Bylaws may require that new developments do not generate more stormwater runoff than previously, or that stormwater is infiltrated back into the ground. As one example, the City of Vancouver is working on a Rain City Strategy with objectives that include improving water quality and using rainwater as a resource. Vancouver has a target to capture and treat 90% of the City's annual rainfall by using green infrastructure tools and design guidelines on public and private property.

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8 For example, Comox Valley Regional District (CVRD) recently secured multi-agency funding to establish a new drinking water treatment system. CVRD and K'omoks First Nation signed a Mutual Benefit Agreement to confirm cooperation and collaboration in the management of water resources in the region, and in signing the agreement, K'omoks First Nation stated its support of the new water treatment system and the CVRD's water license application. For more information, see this article: https://www.comoxvalleyrd.ca/projects-initiatives/past-current-projects/comox-valley-water-treatment-project

9 Mettler, C. (2017, November). *Water Sustainability and the City: Leveraging B.C.'s Water Sustainability Act in Support of Urban Watershed Management. The Canadian Freshwater Alliance – Tides Canada.* Available at **https://www.freshwateralliance.ca/ water_sustainability_and_the_city**

10 For example, see Town of Gibsons. (2017). *Towards an Eco-Asset Strategy in the Town of Gibsons.* Available at http://gibsons.ca/ wp-content/uploads/2017/12/Eco-Asset-Strategy.pdf

Benefits of Collaborative Watershed Governance for Local Governments

One of the primary reasons for local governments to engage in collaborative governance is to better protect drinking water sources, which lack robust legal protections from land uses and other activities that can negatively impact them. Protecting water at the source can save millions of dollars in expensive infrastructure upgrades and treatment systems. This is just one example of how investing in watershed protection can reduce spending over the long-term. Some municipalities have adopted an "eco-asset" management approach, which involves including natural assets that provide services (like flood control or water filtration) on an equal footing in asset management with other infrastructure, like water treatment operations.

Considerations for Collaborating with Local Governments

Effective collaboration with local government requires understanding both the factors that support their engagement, and the limiting views or concerns that local government staff may have regarding watershed protection:

Factors that support engagement:

☑ Gain both elected and staff-level champions;

☑ Articulate the benefits of collaborative watershed governance through the lens of the local government's existing priorities;

☑ Highlight the potential cost savings of the proposed approach; and

☑ Support local governments to effectively engage the community, building confidence and limiting political risk for local government leadership on water. This is important when the public doesn't believe that watershed protection is the responsibility of their local government, or something that citizens' taxes should pay for.

Local government concerns and barriers to engagement:

■ Worries that senior governments may be seeking to download responsibility, which can make them reluctant to take additional leadership;

■ Resistance to taking on work that has real or perceived cost implications, particularly when new sources of funding or resources haven't yet been identified;

■ Uncertainty around how to work with Indigenous nations, either because this relationship is perceived to be outside of local government area of responsibility, or a lack of familiarity with cross-cultural dynamics (e.g. nervousness about making mistakes or causing inadvertent offense);

■ A tendency to focus on technical issues and legalities, such as water systems infrastructure, versus the big-picture of drinking water source protection and governance; and

■ Reluctance to engage based on a history of encountering barriers where provincial authority 'overrides' local government interests. For example, if a local government opposes harvesting in an area designated for timber extraction, there can be limited recourse and options available. If a local government has experienced such conflict in the past, there may be negative relationships to overcome and a general feeling of defeat, and hesitancy to try a new approach that requires provincial engagement.

Provincial Government

The B.C. government has a clear and strong legal duty to protect water on behalf of those who live here. Primarily, the Province is responsible for licensing who uses water, enforcing laws and rules around water and land use, and tracking the health and risks to water. That said, there is growing recognition that provincial policies and programs will not resolve B.C.'s complex water challenges on their own. While Crown governments have a strong mandate for environmental protection on behalf of all citizens, this responsibility is also shared with Indigenous governments, local governments, and industries. The POLIS Project report *Taking the Pulse: B.C. Freshwater Policy Monitor* (2018) assesses provincial progress for implementing and advancing freshwater policy commitments and priorities in British Columbia.[11]

In B.C. and nationally, governments are also committed to advancing reconciliation with Indigenous peoples, which includes adoption and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*. This reconciliation mandate can provide an additional impetus for provincial and federal governments to pursue collaborative watershed governance as a means to recognizing the rights and capacity of Indigenous communities to steward their local waters.

Role in Watershed Governance: Jurisdiction and Expertise

In B.C., the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) and the Ministry of Environment and Climate Change Strategy (MOECCS) are the primary Crown agencies responsible for water and watershed decisions. Their roles include:

- Developing, implementing and enforcing water laws and supporting regulations. The *Water Sustainability Act* is the most pertinent water legislation in B.C., but other important laws include those related to environmental assessment, forestry, mining, agriculture and health (particularly the *Drinking Water Protection Act*);
- Collecting, managing, and storing freshwater data;
- Helping convene government-to-government forums and agreements, such as the Nicola Memorandum of Understanding for a Watershed Governance Pilot; and
- Providing funding for watershed initiatives and infrastructure.

Benefits of Collaborative Watershed Governance for Provincial Governments

Provincial governments stand to accrue several benefits from leading and partnering on collaborative watershed governance initiatives. This approach offers opportunities to leverage local capacity, expertise, and resources—human and financial—to help government deliver on its responsibilities to protect water. Watershed governance partnerships can expand the scientific knowledge base and integrate many knowledge systems to provide better information for statutory decision-making. It is also a forum through which government can demonstrate action on its commitment to reconciliation and recognize the rights and responsibilities of Indigenous peoples to manage water within their territories. By building decentralized capacity to address local water challenges, watershed governance will help ensure provincial investments in water protection are sustained and have long-term benefits for watersheds and the communities that depend on them. Ultimately, this approach can lead to reduced conflict and enhance public buy-in and trust for water decisions and solutions.

11 Simms, R., & Brandes, O.M. (2018, December). *Taking the Pulse: B.C. Freshwater Policy Monitor*. Victoria, Canada: POLIS Project on Ecological Governance. Available at **https://poliswaterproject.org/polis-research-publication/taking-the-pulse/**

Considerations for Collaborating with Provincial Agencies

Understanding who the statutory decision-makers are in your region or territory, and the legislation that guides them, can help clarify the right role for provincial agencies in a collaborative watershed governance structure. Depending on whether they are policy-focused (i.e. MOECCS), operational (i.e. FLNRORD), or sector-specific (i.e. branches focused on agriculture, mining, or wildlife), agencies have unique organizational cultures and decision-making processes that influence how they engage. Actions that can support effective collaborations with provincial agencies include:

☑ **Build relationships with regional staff and enforcement officers who deal with issues on the ground or in specific locations.** These individuals may have a unique understanding of local water issues and are important allies to help prioritize or drive processes internally. Work to understand their perspectives, mandate, and scope of work, as well as their constraints and concerns.

☑ **Take note of political and ministry priorities.** Identify the ways that watershed governance could help the Province deliver on their commitments (for example, as spelled out in mandate letters or departmental strategic plans).

☑ **Understand the notion of "fettering" and how this influences statutory decision-makers.** Fettering means that each decision must be made based on its own merits and not a one-size-fits-all approach. A decision-maker who has fettered their discretion may be challenged on the grounds that the decision is unlawful or the procedure by which it was made was unfair or unreasonable.

☑ **Remember that government capacity and resources – particularly related to water – are notoriously limited.** Numerous auditors have highlighted the lack of on-the-ground enforcement, and most government departments have seen budgets and staff decline over the past decade. Governments rely on a model of "professional reliance," a system that has its own challenges and is undergoing reform. A 2018 independent review, *Professional Reliance: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*[12] commissioned by the B.C. government, includes numerous recommendations for strengthening and bringing best practices to the professions whose expertise is needed for sound management in B.C.'s natural resource sector. The government's limited capacity underscores the importance for local groups to be organized, well-connected, and nimble in demonstrating leadership.

Federal Government

Given the less active role of federal agencies in freshwater decision-making and watershed management in B.C., this Handbook does not delve into this area. However, as with the Province, it is important to understand the relevance of federal agencies and legislation (such as the *Fisheries Act, Species at Risk Act,* and *Environmental Assessment Act*) and how these might affect issues, programs, and decisions in your watershed.

Under the *Constitution Act* (1867), federal jurisdiction that affects freshwater includes fisheries, navigable waters, management of trans-boundary waters, and international shared waters. The federal government is also responsible under Canadian law for managing water on Indigenous reserve lands – in partnership with Indigenous governments – and on federal lands such as national parks and facilities.

The federal government also supports science and research as it relates to aquatic and fish habitat and drinking water. Finally, federal departments such as Environment Canada can be important funders of freshwater initiatives when these align with national or regional priorities.

12 Haddock, M. (2018, May). Professional Reliance Review: The Final Report of the Review of Professional Reliance in Natural Resource Decision-Making. Retrieved from **https://engage.gov.bc.ca/app/uploads/sites/272/2018/06/Professional_Reliance_Review_Final_Report.pdf**

› Local Water Groups

Community-based water groups have long played an essential role in local water protection. These groups or societies might include stewardship groups, streamkeepers, "Friends of…", Basin networks, or other similar groups focused on the health and protection of local waters. Their activities often include hundreds to thousands of volunteer hours spent on habitat restoration, data collection, water sampling, salmon fry salvage operations, and public education, providing a very cost-effective way to deliver on-the-ground watershed protection that governing authorities often can't. Local water groups also have valuable knowledge of their local watershed and often use it to inform governments about the unique needs and challenges being experienced.

Role in Watershed Governance: Jurisdiction and Expertise

It may be difficult for local champions to see themselves in some of these concepts: Government-to-Government? Licensing? Influencing decision-makers? Despite not having formal authority, local community-based groups fill a vital function and niche role in the watershed governance ecosystem, including:

- Engaging community to build "H2O IQ" and mobilize the public around their local waters (e.g. through citizen science, education, and campaign-style initiatives);

- Bringing a credible "community water voice" to local and regional decision-making and planning processes and supporting decision-makers to better incorporate Indigenous and local knowledge;

- Engaging a broad spectrum of interests to facilitate dialogue, joint learning and collaboration on local areas and decisions of interest, such as shoreline development or land acquisition for conservation and parks;

- Collecting and synthesizing data and information (often using provincial and federal protocols), to increase understanding about the local watershed;

- Supporting ecological conservation of lakeshores, riparian areas, and other water bodies by developing information and development guidance documents (to support decision-makers);

- Restoring watershed ecosystems through on-the-ground volunteer-powered projects; and

- Informing and advising on local stewardship priorities and initiatives.

Alexander Creek streamside restoration was completed by Elk River Alliance volunteers.

Local stewardship group success

Many local water groups are positively impacting water through monitoring, restoration, and advocacy. In the East Kootenays, the Elk River Alliance organizes community-based water monitoring, stream clean-ups, participates in watershed research projects, and helps collaboratively develop solutions to watershed issues, such as flood solutions. On Vancouver Island, the Cowichan Watershed Board and a suite of local stewardship groups play a key role in maintaining watershed health through on-the-ground restoration work and research. These groups also helped build public support for the regional district's newly established Drinking Water and Watershed Protection Service, which passed by 66% through a referendum in the 2018 municipal elections.

Benefits of Collaborative Watershed Governance for Local Water Groups

For local watershed groups, benefits of a collaborative approach include:

- Ensuring your group's knowledge and experience informs important decisions about local waters and helps set water objectives;

- Accessing more secure resources (funding, resources support) to continue or scale up your organization's work;

- Meaningfully engaging your supporters and networks in an initiative that improves the water(shed) ecosystem and generates community outcomes;

- Addressing climate impacts in ways that strengthen community needs and interests and build local resilience;

- Supporting smart development; and

- Acting as a meaningful ally to Indigenous neighbours and communities.

Considerations for Collaborating with Local Water Groups

What is the right role for local organizations in watershed governance initiatives? Here are some questions for community groups to consider:

☑ **1. What are we good at?** Is your organization focused on a specific aspect of watershed protection or does it understand and deal with multiple issues? Do you work across the entire watershed(s) or are you focused on one area? Do you have strong relationships with other water stakeholders, local and Indigenous governments, and/or people who live in the area? Do you understand the water policy and regulatory landscape? Do you have a unique sense of water conditions or impacts on the ground? All of these questions speak to important aspects of collaborative watershed governance. Evaluating your organization's strengths and weaknesses in these areas will help clarify what role it could play in the process.

☑ **2. What's our reputation – how are we perceived in the community?** Community groups that have active political campaigns, particularly ones that advocate for pro-environmental policies or outcomes, may be perceived as "activist" organizations that only reflect environmental values. On the other hand, groups that work with – and are funded by – industry partners may also be viewed as compromised. How your organization is perceived by others could influence perceptions of the collaborative watershed governance initiative that your group leads or participates in.

☑ **3. Do we want to participate, convene, or both?** There are many roles a local water group can play in a watershed governance process, whether acting as a convener, participant, observer, or informant. Those interested in convening should carefully consider question two above and their position in the community. Is your group in a strong position to foster a sense of trust and good will among the different stakeholders? If not, local water groups can still participate in meaningful ways. It is difficult to be both a strong advocate of certain positions and a trusted, neutral convener. Many community-based and activist groups will develop an internal "theory of change," to answer the "Why?" and "How?" questions that motivate their work. This process can help ensure an organization is constantly challenging its assumptions and choosing the actions that have the greatest chance of leading to the desired impacts.[13]

☑ **4. Can we play a behind-the-scenes role and support our local government and/or First Nation(s) to convene?** Sometimes staying arms-length can have distinct advantages for both watershed governance entities and community groups. In the Kootenay Lake region, community outreach is led by the Friends of Kootenay Lake Stewardship Society (FOLKSS) and is distinct from the governance-related work led by the Regional District of Central Kootenay-Ktunaxa Kootenay Lake Partnership. For instance, in the process of developing shoreline guidelines, FOLKSS led extensive community surveys and outreach, as well as a citizen science monitoring program, to build awareness and support for the need to protect and conserve healthy shorelines and water quality. The FOLKSS still participated in the Kootenay Lake Partnership meetings, but only as an observer.

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13 A useful resource on this topic is a blog post on the Canadian Freshwater Alliance's website: *"Shooting Blind: Why You Need a Theory of Change."* Available at **http://www.freshwateralliance.ca/shooting_blind**
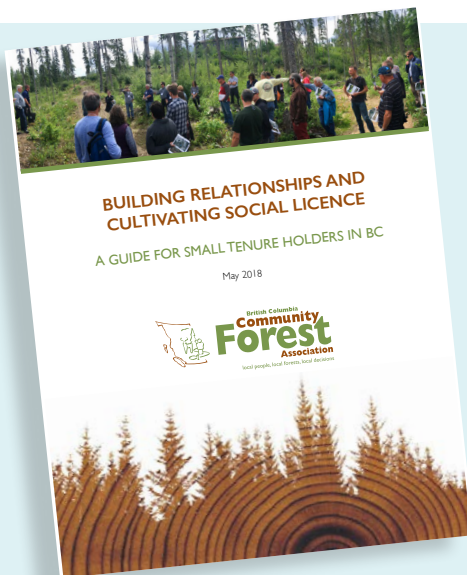
› Industry

Many industries depend on local water resources and their activities may have significant impacts on water quality and quantity. The uses and impacts to water will vary greatly – the water requirements for a small-scale farmer differ from those of a hydraulic fracturing operation or an urban developer. The strategies needed to communicate and engage with industry partners will similarly vary with the nature of the company, its role in the local economy, and the issues at hand. In some cases, the primary corporate influence is one multi-national company, while in others it is an influential lobbyist association.

Role in Watershed Governance: Jurisdiction and Expertise

Although companies should not be setting the rules for their own activities, they have the potential to be a meaningful partner in collaborative watershed decision-making in the following ways:

■ Sharing data and other information about local water resources;

■ Providing expertise;

■ Funding certain initiatives; and

■ Exerting influence over local elected officials, provincial MLAs, and decision-makers. Smaller companies and associations are often well poised to fill this niche.

BUILDING RELATIONSHIPS AND CULTIVATING SOCIAL LICENCE

A GUIDE FOR SMALL TENURE HOLDERS IN BC

May 2018

British Columbia
Community Forest Association
Social people, local forests, local decisions

SPOTLIGHT:
Community and industry collaboration

In the West Kootenays, communities and forestry companies are coming to agreement on how to responsibly harvest trees in wildland-urban interface areas (the forested buffer zones that exist around some communities) to protect communities from wildfires. These interface areas often protect the community's drinking water source, important infrastructure such as power lines, and high-value recreation trail networks. Case studies of some of these community and industry collaborations are provided in Part 2 of the B.C. Community Forest Association (2018) report: *Building Relationships and Cultivating Social License*.
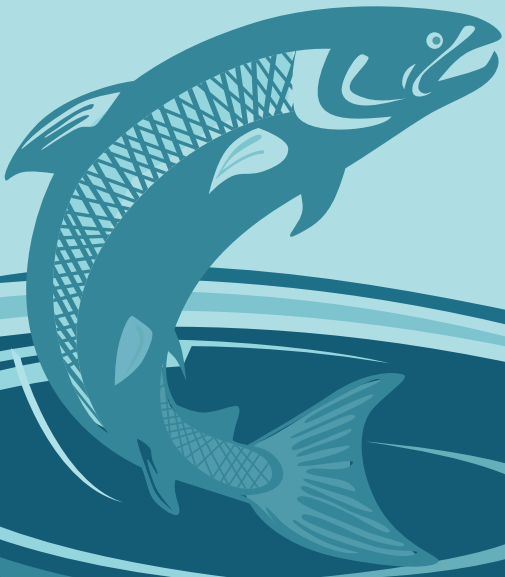
Benefits of Collaborative Watershed Governance for Industry

- **Gain social license:** Industry is increasingly called on to go above-and-beyond regulatory compliance and operate in a transparent and responsible manner that aligns with the values of local communities. By participating in collaborative watershed governance initiatives, industry representatives can learn about and address community expectations, and potentially earn public trust and legitimacy.

- **Contribute to natural resource governance and decision-making:** Natural resource industries have a clear stake in any process that might impact the legal and regulatory framework that guides their operations.

- **Identify opportunities to proactively address water concerns, before triggering regulatory action.**

Considerations for Collaborating with Industry

Groups should consider the following questions when seeking to engage industry:

☑ Has the company been collecting data or information that is valuable for understanding the state of the watershed or local water issues, such as quality or historical trends?

☑ Where do formal opportunities exist to engage (e.g., the environmental assessment consultation process)?

☑ Could the company be a potential funding partner? If so, what are the conditions of the funding? How might the local community perceive a funding relationship between a company and a watershed group?

☑ How could the company be affected by a new decision-making process, or additional rules and costs around water? What are their interests in water use?

☑ Are there any areas of shared interest or commonalities that your group might be able to leverage or use as an entry-point? Where might views be divergent?

☑ What is the role of the company in the local economy and how broad is the support for greater accountability, oversight, and/or constraints on industry activities?

☑ Is there an opportunity to educate industry on best practices? Look to organizations such as the Forest Practices Board, the B.C. Ombudsperson, the B.C. Auditor General, West Coast Environmental Law, and Mining Watch for review and analysis of industry and government best practices.

Stepping Stones to
Watershed Governance

Complex water problems are rarely solved by quick technical fixes. This section of the Handbook provides guidance on how to "do" the complex business of watershed governance and achieve the long-lasting solutions and positive outcomes for water and land that communities want and need.

The Stepping Stones to Watershed Governance illustrates the milestones that must be in place to shift to a more sustainable and equitable decision-making approach. It is presented as a sequence of seven phases or steps (referred to as 'Stones' or 'Stepping Stones'), culminating in shared decision-making. In reality, there is no single linear progression through the Stones, and no fixed or universal end-point. Each of the Stones represents an essential component with value on its own, and the sequence in which the Stones are pursued may look different in different places. This is because how groups build trust, work together, and make decisions –and their capacity and goals – evolves with shifting water problems, priorities, and politics.

For example, a watershed governance initiative might begin at "Shared Authorities," with an agreement between Indigenous and Crown governments to create a shared space for watershed decision-making. But, in order to execute that agreement, other Stones remain essential, like building "Champions and Commitment," "Shared Visioning and Setting Priorities" and "Watershed Planning". Or, an initiative may begin with "Projects and Pooling Knowledge," which reveals the need for collaboration and planning so that the information gathered is actually *informing* decisions and management.

The Stepping Stones concept is focused on moving towards shared decision-making. But, not all groups (or users of this Handbook) will seek that outcome. Many water stewardship groups in B.C. would be most effective if they focus solely on information-gathering, restoration projects, or on convening others. If this is the case, the Stepping Stones is still a useful framework to illustrate how these groups can serve an important niche role and purpose, and how their activities can support moving towards something bigger.

Stepping Stones to
Watershed Governance

Shared
Authorities

Watershed
Planning

Advise and
Exert Influence

Use Local Resources
& Authorities

Shared Visioning
& Setting
Priorities

Projects
& Pooling
Knowledge

Champions
& Commitment

Overview of the Stepping Stones

The rest of this Handbook digs into the details – the what, why, and how – of each Stepping Stone. A series of questions are provided for each Stone to assist groups in self-assessing their own work and progress. Examples illustrate what success looks like, and resources offer further background information. At a glance, the seven Stones are:

1. Champions and Commitment

This Stone is about building support within your organization or government for action on water and preparing for more intensive work down the road. Whether you're seeking to engage your colleagues, community members, Board, or Council, you need to heighten people's basic understanding of the local water challenges and the benefits of organizing action. Water needs to be on the political agenda and influential people must be on-side, in order to make headway on addressing root problems.

2. Projects and Pooling Knowledge

The goals at this stage are to: 1) get out into the watershed via boots-on-the ground projects that enhance ecosystem health and knowledge, and, 2) start fostering positive early partnerships and relationships with other governments and groups as a basis for longer-term collaboration. Projects – such as those that repair degraded areas (e.g., restoration projects) or those that enhance understanding of the impacts and issues (e.g., monitoring initiatives, or efforts to bring together multiple sources of information) – are not only a way to accomplish meaningful work on the ground. They are also a great and practical place to start building trust and revealing the need for working together.

3. Shared Visioning and Setting Priorities

This Stone is about co-creating a shared vision for the watershed and honing in on the solutions that are needed to protect and wisely share water resources. It is a pre-cursor to planning and might produce a strategic action plan or document that includes an overarching vision statement, targets, objectives, and ideas for action.

4. Use Local Resources and Authorities

Indigenous governments, local governments, and non-profit organizations can use their existing authority and resources to support implementation of watershed goals and priorities. For example, a local government may develop a watershed conservation or protection service, or a First Nation may contribute data, knowledge, or lead a planning process. Demonstrating local leadership not only helps advance the collective agenda, it indicates to other governments and users (including those who may not be participating) that this work should be taken seriously.

5. Formalize an Advising Role and Exert Influence

With demonstrated expertise and commitment, a track-record of substantive achievements, applied local science and information, and proven credibility, collaborative groups can seek to formalize their role in advising decision-makers and shape the outcomes of policy and regulatory development. A spectrum of options exists for local collaborative initiatives to engage in watershed decision-making without being the formal statutory decision-maker. This may include playing a recognized, mandated advisory or technical role to Indigenous or Crown governments. It also entails being ready to mobilize when opportunities arise to provide comments on provincial/federal legislation (or local government plans/bylaws), and signaling local expectation for implementation of Crown legislation.

6. Collaborative Watershed Planning

Watershed planning is about identifying which legal and non-legal tools, across all levels of government, are needed to achieve goals and tangible improvements in ecological health. A watershed plan articulates a holistic, watershed-wide approach for dealing with inter-related land-water pressures, and addressing cumulative impacts. A plan is effective if it results in decision-makers and water/land users behaving differently. At this stage, formalizing the role for a co-governed watershed entity – a formal, transparent, coordinating body – is likely a natural and important step (if not already in place) to ensure accountability and oversight of the planning process and, most importantly, implementation.

7. Shared Authorities

This Stone ventures into lesser-known territory by going beyond the advisory body role. At this stage, decisions are made by watershed entities that are formally mandated, local, and co-governed. Decisions are grounded in Indigenous or Crown laws, or both. It entails shifting the balance of power away from the top-down approach that exists within the current provincial and federal regime and towards bringing authority "home" to those who have to live with consequences of the decision-making and water issues being experienced.

1 Champions and Commitment

1 Champions and Commitment
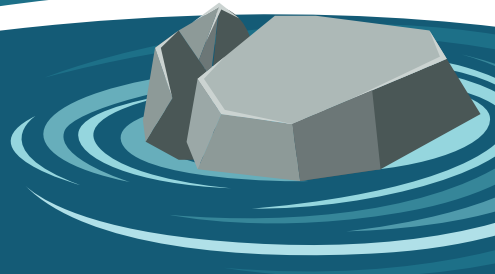
Why?

This Stone is about building support within an organization or government for action on water and preparing for more intensive work down the road. Whether you're seeking to engage your colleagues, community members, Board, or Council, you need to heighten people's basic understanding of the water challenges and the benefits of taking action. Water needs to be on your organization's agenda or mandate (at least a high-level), and influential people must be on-side, in order to create an initial commitment to action. This might be expressed through a consensus decision to proceed with new activities on water within your organization or community, a Band Council Resolution, or a Motion. To get this commitment, a strong rationale must be articulated. What could be achieved through watershed governance, what specific problems will be solved, and how will it make communities and watersheds better off in the future?

Before collaboration can really take-off, individual governments and organizations must have already done their own work internally to identify their own water goals and priorities and come to agreement that time, resources, and capacity will be dedicated to advancing watershed governance. Commitment should exist at technical and political levels, in order to help insulate against future turbulence that comes from inevitable change, such as political turnover following an election. A strong "case for" watershed governance is important because this rationale will be needed to energize and motivate people when the journey feels long or faces obstacles.

How?

The most obvious first step towards building support for watershed governance within your organization is to talk to your counterparts!

Convene members of your organization in a meeting, workshop, or open house and have one-to-one discussions with colleagues – especially those who you think might be unsure or unsupportive – to inform them about the opportunities and understand how watershed governance could address their concerns.

Before heading into more difficult or longer workshops/discussions, ensure you've done some initial analysis to inform the conversation about why new approach to watershed decision-making is needed and can be initiated with local efforts. A "taking stock" exercise, also called a Strengths-Weaknesses-Opportunities-Threats (SWOT) analysis, can be very helpful to reveal different perspectives of what the issues are, what is needed to address them, and who should take the lead. Conducting an e-survey with your colleagues and others in the community is a tactic that can inform this analysis. The results can paint a persuasive picture for action and help people understand the diversity of views within their own organization or sector.

Questions in your survey or discussions might include:

- What are the main water issues and concerns expressed by community members/constituents?
- Of the concerns identified, which of these are "winnable" (i.e., would have community support)? Which are most practical to address ("bang for buck")? Which are most urgent?
- What responsibilities and mandate does our organization/government have for water? Can we expand our role?
- What are the biggest gaps and challenges that inhibit sound decision-making about water and watersheds in our area?
- What are the main opportunities for our government/organization to make progress and influence water outcomes?
- Where do other people/organizations in the community stand on water?

As part of your initial internal analysis, identify related initiatives and tools that already exist within your organization or government, such as the referrals system or Official Community Plans, to determine how existing work could be amplified if a watershed governance initiative was developed. Consider political and legal implications and how to respond. Could participation in a collaborative initiative impact a government-to-government dialogue, or divert resources from existing or potential activities?

In framing the results of the analysis, ensure that you clearly articulate how participating in or leading a new water initiative will both solve a specific watershed problem and advance your organization's goals. If possible, try to identify what human and financial resources would be needed, and who would need to be involved. This information is all part of creating a strong internal "business case" for watershed governance.

Examples and Resources: Champions and Commitment

Case Study: The Village of Silverton Translates Broad Freshwater Concerns into a Focused Problem

In 2016, the Village of Silverton convened a watershed governance workshop with Slocan watershed stakeholders and decision-makers to discuss mounting concerns. At the workshop, the group worked through the Stepping Stones to Watershed Governance approach and ultimately focused their broad concerns into a central goal to better protect fish habitat. The Village of Silverton is now working with government partners to increase stream protections and advance watershed planning and management. A case study of these developments is detailed in Part 4 of this Handbook.

Plan2Adapt and Regional Analysis Tools

Developed by the Pacific Climate Impacts Consortium, the Plan2Adapt and Regional Analysis tools generate maps, plots, and data describing projected future climate conditions for regions throughout British Columbia. These tools are designed to help local leaders assess climate change in their region, based on a standard set of climate model projections. Plan2Adapt has a simple user interface and is designed to support local and regional community planning.

Report: Top 5 Water Challenges That Will Define British Columbia's Future

This POLIS Project report examines the top five water challenges facing B.C. communities and ecosystems: (1) Building resilience to droughts & floods; (2) Sustaining water for nature; (3) Understanding the state of B.C.'s watersheds; (4) Protecting water quality for drinking, swimming & fishing and (5) Reconciling the water-energy nexus. The report also suggests possible solutions to these five water challenges to create water security and sustainability over the coming years.

FAQs: Drinking Water and Watershed Protection Program

This webpage provides specific information about the Regional District of Nanaimo's Drinking Water and Watershed Protection (DWWP) program, but may be a useful resource for organizations and governments that are considering whether to establish a watershed protection program in their jurisdiction.

Summary Report and Webinar: 2018 BC Freshwater Public Opinion Insights

The findings of a 2018 B.C. public opinion survey – available as a report and webinar recording from the Canadian Freshwater Alliance – underscore attitudes towards fresh water in British Columbia. This is useful context for groups and governments that are seeking to frame local water issues to engage the public.

Communications Guide: 10 Essential Messages for Communicating about Drought

With a B.C. focus on drought, this Canadian Freshwater Alliance guide offers problem, solution, and outcome messages that create a compelling narrative for use by groups in media communications, community engagement, and government relations.

Report: Resilience in a Watershed Context: A Primer

This primer introduces key ideas associated with resilience and suggests how they may be applied by those engaging in various facets of watershed governance in Canada. It offers a number of useful exercises to help groups identify and discuss their values and concerns.

Framing Watershed Governance: An Exercise in Strategic Communications

See Part 5 of the Handbook for this exercise, which is intended to help a group identify the locally-relevant messages and a strong, effective narrative to support their watershed governance efforts. This exercise is particularly useful for groups that are in the early stages of a watershed governance initiative (i.e. at Stones 1, 2, or 3) as it can help develop the narratives needed for core audiences.

2 Projects and Pooling Knowledge

2 Projects and Pooling Knowledge
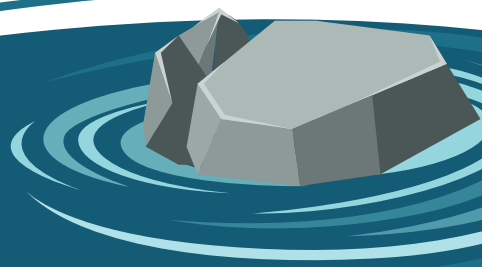
Why?

A variety of boots-on-the-ground projects – including restoration, monitoring, and mapping – can help advance watershed health goals. For example, restoration of riparian or fish spawning habitats can tremendously benefit aquatic ecosystems, and building a more comprehensive local or regional information base would benefit the many watersheds across Canada that lack basic data on watershed health. The stand-alone value of such projects should be appreciated.

But, projects alone are unlikely to solve the underlying complex water issues we face. Water scarcity and increasing water demand will not be solved by better monitoring, and declining fish populations will not be recovered solely by fisheries or fish habitat restoration.

As stepping stones to watershed governance, projects should be:

- Collaboratively-led (for example, by a working group or committee; or by a local First Nation, government, or group in partnership with others who lend resources, time, and expertise);

- Established to investigate, understand, or attempt to resolve a problem in the watershed;

- Contribute to building better relationships and a foundation of trust between partners and help partners discover a common appreciation for the watershed and the challenges it faces;

- Attract funding and interest from multiple parties and/or partners;

- Reveal the need for working together on the more difficult governance issues, such as the problem of water resources being overallocated in a given area, or degrading water quality from surrounding land use; and

- Create forward momentum by articulating how projects will support future governance goals or relationships. For example, projects focused on monitoring and information gathering should spell out who will use the information to make decisions.

How?

There are many ways to embark on watershed projects. Basic steps include identifying the issue you will investigate or address; choosing your approach (e.g. a restoration project or a water quality monitoring program); building partnerships with other affected/interested parties; and attracting funding.

The following questions will help you assess whether a project is priming groups for more intensive collaboration in the future:

- Is there interest in increasing collaboration between partners beyond the scope of continuing the current project(s)?

- Do projects reveal the need to collectively define governance goals or undertake visioning and planning?

- As a result of projects, are governments and organizations connecting in new ways (such as MoUs or jointly-produced terms of reference)?

- Do parties feel that their relationships have been strengthened and that they are better positioned to work together on more challenging issues? Are partners eager to continue to learn more about each other's cultures and operations?

- Were projects successful in building community support and awareness for a broader collaborative governance effort?

- Is it clear how project results (such as new data, information, maps) will influence decision-making? Have the projects illuminated tensions between governments, or between governments and community interest groups, that can be resolved through co-developing a new process?

- Are questions around data ownership, information storage, and access to information resolved?

Examples: Projects and Pooling Knowledge

Collaborative Water Projects in the Columbia Basin

Local water groups in the Columbia Basin are leading collaborative projects, including shoreline mapping and community-based water monitoring. Case studies about these groups are documented in the report *Community Engagement in Watershed Governance: Case Studies and Insights from the Upper Columbia River Basin*, which was jointly authored by the POLIS Project, Living Lakes Canada, and Columbia Basin Trust.

The Cowichan Watershed Board

The Cowichan Watershed Board is a co-chaired partnership between Cowichan Tribes and the Cowichan Valley Regional District. The Board initially worked on smaller projects and created a foundation for moving forward on bigger governance questions and models. Through a series of technical working groups, the partners collaborate on several technical and scientific projects in the watershed, including environmental and minimum flows, water quality monitoring in the Cowichan estuary, and education and conservation initiatives. In 2018, collaboration between groups helped secure major project funding, including the Cowichan Tribes Coastal Restoration Fund for over $2.6 million dollars over 5 years to deliver an estuary restoration project. For more details on the Cowichan experience, see the case study in Part 4 of this Handbook.

Environmental Stewardship Initiative

In the Skeena, North Coast, Omineca, and Northeast regions, approximately 30 First Nations and the Province of B.C. are involved in the Environmental Stewardship Initiative (ESI). One of the ESI's purposes is to collaboratively establish baseline information to better assess cumulative effects and fill data gaps, as well as to develop environmental rehabilitation and restoration projects based on First Nations' priorities. The methods being developed and the resulting information incorporate Indigenous perspectives and traditional ecological knowledge alongside Western science. Within the collaborative ESI model, every decision around project design, governance, budget, results and management recommendations is made jointly by the participating First Nations and the Province.

3 Shared Visioning and Setting Priorities

3 Shared Visioning and Setting Priorities
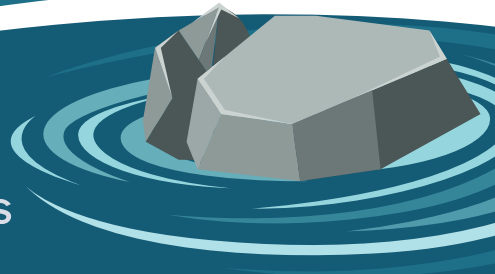
Why?

Once relationships are established, and there is common understanding of the specific water problems and opportunities in your region, local partners are better placed to co-create a shared vision for their watershed. This is also an opportunity to bring additional watershed users into the conversation. A clear vision and set of priorities are also critical to attract funding: without this in place, funders will often struggle to provide core support or project dollars.

Visioning offers an opportunity to develop a "whole-of-watershed" approach, where all water and land issues, concerns, and a wide range of values can be considered. Visioning conversations are generative, creative, and can be exciting and motivating. It is relatively easy to involve many diverse groups and community members. Prioritizing is more challenging, involving difficult conversations and collective decision-making about trade-offs, values, and what is or is not feasible.

How?

Visioning and setting priorities are precursors to planning and are usually accomplished through workshop series or other engagement strategies, along with talking with communities and soliciting feedback to make sure local peoples' concerns are central in the discussion. The end product of shared visioning and prioritizing might be a strategic action plan or document that includes targets, objectives, and ideas for action.

Who convenes the visioning process is an important consideration. Community-based non-profit organizations may or may not be the best convenors, depending on whether they are perceived to be driving their own agenda or playing to a particular set of interests (see Considerations for Collaborating with Local Groups in Part 2). In cases where one party is already far ahead in their thinking and action on watershed governance, and already has skills and experiences in planning (e.g., an Indigenous nation who has developed their own water plans or policies for their traditional territory), this group may be in the best position to convene. Another opportunity is for multiple partners (e.g., a local government and a First Nation) to co-host a visioning session and work together in developing the agenda and organizing and following-up from the meeting. Co-hosting can help mitigate perceptions that the visioning process will have a pre-determined outcome or be unduly influenced by any one group. Process support from a neutral facilitator as well as involvement of third-party advisors with content expertise (e.g., university partner) can also be useful.

In addition to thinking carefully about who convenes, consider the following questions in developing a visioning and prioritization process:

- How will the community be engaged? What is the best forum—an online engagement tool, community forums, or another method?

- Are local political leaders at all necessary levels (e.g., local government, First Nations) supportive of the process and driving it within their organizations? How do decision-makers need to be briefed and prepped for the discussion?

- How is the visioning process being funded and facilitated?

- Have physical, social, spiritual, or economic values and threats to the watershed been identified? What are the related governance problems/opportunities?

- How will a shared vision influence or compel decision-makers to collaborate?

- What further information or data is needed to achieve the community's vision for the watershed?

- Can you prioritize which problems to start working on to achieve your vision?

- Do the diverse communities in the watershed agree and buy-in to the priorities? If not, how will you change course and adapt?

Examples and Resources: Shared Visioning and Setting Priorities

Siw kw (Water) Declaration

More than a vision statement, this powerful declaration describes the Syilx (Okanagan Nation) relationship with water and duty and responsibilities as caretakers of lands and waters within their territories, and inherent and implicit Aboriginal Title and Rights. It affirms Syilx Peoples sovereignty and unceded right to self-governance and self-determination as affirmed in Syilx laws and customs, and sets out the resolve and path forward for Syilx leadership in water governance.

Vision and Plan: Coquitlam River Watershed Roundtable

The overarching vision for the *Lower Coquitlam River Watershed Plan* is for a healthy watershed that is enjoyed and supported by the community. Integral to achieving this vision is recognizing the linkages between healthy watersheds and healthy people. Between 2012 and 2015, over 60 partners worked together to create a strategy to address pressures affecting watershed health.

Report: *Towards a Healthy Nechako: Watershed Strategy*

Prepared by the Fraser Basin Council, this summary report is the first version of the Nechako Watershed Strategy. It outlines initial steps for collaborative action to advance watershed health in the Nechako watershed and builds on the Nechako Watershed Health Report and online atlas, which compiled and analyzed available information to characterize the state of the watershed. The Strategy includes a section on "Who's doing what in the Nechako?" which provides a useful overview of government-to-government agreements and examples of Indigenous priorities and plans.
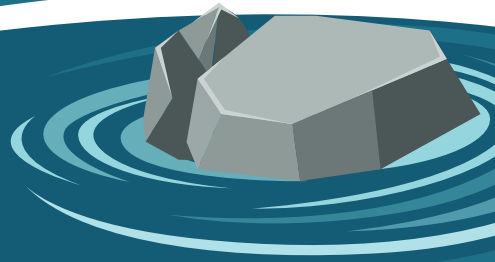
Setting Yourself up for Success: Tips and on Developing an Effective Water Governance Workshop

See Part 5 of the Handbook for these tips, as well as a sample Stepping Stones to Watershed Governance workshop agenda.

4 Use Local Resources and Authorities

4 Use Local Resources and Authorities

Why?

Those working at the local level often feel powerless, since they either do not have jurisdiction, or their jurisdiction is not recognized or respected by Crown authorities. Despite this, local groups and governments absolutely play a vital role in governance, and have specific authority, resources, and expertise they can mobilize towards watershed goals and priorities, regardless of whether or not senior governments are involved. For example:

- **Indigenous Nations** can exercise their authority and jurisdiction to support the implementation of collective watershed goals. Nations can contribute data, knowledge, monitoring, or planning support, and in some cases, financial resources. Nations can also help ensure their economic activities and land management programs align with watershed goals, and advocate to provincial and federal governments for robust enforcement and protection. In cases where a nation has an existing government-to-government relationship or agreement in place, the nation can work to expand this to address watershed goals, and direct stakeholders on how they can support the work happening at this bilateral table.

- **Municipalities and regional districts** have many different options within the bounds of their jurisdiction to address watershed and drinking water source protection (see the local government section in Part 2 of this Handbook). For example, to maintain stream integrity, a municipality may establish building setbacks in a zoning bylaw or implement regulations about erosion control in a subdivision bylaw. Beyond legal tools and bylaws, local governments can also play a role in convening, communications, relationship-building with Indigenous neighbours and other watershed users and decision-makers, information gathering, or leverage funding to undertake watershed work.

- **Local non-profit organizations** may use their resources, such as access to charitable funds and unique skills in community engagement, to lead activities that are in alignment with collective watershed goals.

Experience from across B.C. demonstrates the power of local leadership in attracting other governments to the table. Rather than waiting for the silver bullet solution to arrive from elsewhere, local governments and Indigenous nations can get organized and build readiness to respond to water challenges. Through actively showing other governments that you are a reliable, committed partner, with valuable skills and information to offer, you can begin building trust and credibility before you even collaborate. This strategy also shows community members that you are taking their concerns seriously and doing everything within your ability to address and proactively prepare for dealing with the issues.

How?

The "how" will look different across groups and sectors. Consider some of the following resources and review the examples for inspiration and best practices.

Examples and Resources: Using Local Resources and Authorities

Case Study: Local Government Freshwater Leadership – the Regional District of Nanaimo's Drinking Water and Watershed Protection Program

The Regional District of Nanaimo (RDN) launched its Drinking Water and Watershed Protection program in 2008. A reliable funding source for the program was established through the collection of an annual parcel tax. This funding has catalyzed collaborations between the RDN and the provincial government and lays a foundation for building partnerships with local First Nations. A case study of this example of local government freshwater leadership is provided in Part 4 of this Handbook.

Case Study: Engaging Communities and Enforcing Better Decisions for Water – Evolution of Governance in the Shuswap Watershed

In 2004, the Shuswap Lake Integrated Planning Process (SLIPP) was formed chiefly in response to concerns with degrading water quality in the Shuswap and Mara Lakes. SLIPP partners – including federal agencies, provincial ministries, regional districts, municipalities, the Fraser Basin Council, Shuswap Nation Tribal Council, and Interior Health Authority – worked collaboratively, and successfully leveraged multi-agency funding and support for a mapping initiative for the lakes and a three-year water quality monitoring program to understand how the lakes were functioning. A case study is provided in Part 4 of this Handbook and explores how SLIPP (now reformed as the Shuswap Watershed Council) evolved and responded to the challenges that emerged from its activities.

Report: *Protecting Water Our Way: First Nations Water Governance in British Columbia*

This First Nations Fisheries Council report details five case stories of Indigenous-led water governance initiatives. A useful example is the Yinka Dene 'Uza'hne Water Declaration and Policy standards case study, which describes how the Nadleh Whut'en and Stellat'en Nations established their own water policy and a water classification system in accordance with Dakelh laws and governance.

The Green Bylaws Toolkit

This Environmental Law Centre publication is a comprehensive resource intended to help local governments protect threatened ecosystems. The toolkit explains how to use a myriad of tools—from planning to regulatory bylaws—to protect wetlands, grasslands and other important ecosystems and includes an integrated set of bylaw provisions that can protect sensitive areas and maintain green infrastructure.

The Indigenous Guardians Toolkit

A project of Nature Canada in collaboration with Indigenous communities across Canada, this toolkit is an online central repository and resource for sharing and connecting around knowledge and experiences related to Indigenous Guardian programs. It is intended for Indigenous nations involved with an Indigenous Guardian program in Canada or wanting to start a new program, and for anyone wanting to learn more about the program.

5 Formalize an Advising Role and Exert Influence

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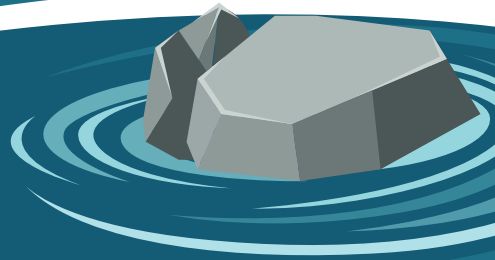
Why?

With demonstrated expertise, a track-record of substantive achievements, applied local science and information, and proven credibility, local groups can seek to formalize their role in advising decision-makers and shape the outcomes of policy and regulatory development. A spectrum of options exists for local collaborative initiatives to engage in watershed decision-making without being the formal statutory decision-maker. This may include playing a recognized, mandated advisory or technical role to decision-makers. It also entails being ready to mobilize when opportunities arise to provide comments on provincial/federal legislation (or local government plans/bylaws, or Indigenous policies and plans, where this is appropriate); and signalling local expectation for implementation of Crown legislation. This step requires a strong understanding of who the statutory and Indigenous decision-makers are, what decision-making processes exist, legal options and possibilities available, as well as good working relationships at technical (and possibly political) levels.

How?

One option to formalize a role in decision-making and exert influence in provincial jurisdiction is to seek designation as a formal Advisory Board, a new function provided in section 115 of the *Water Sustainability Act.* Advisory boards can be established to provide advice to the Province (and statutory decision-makers) on several aspects of the *Act,* including (but not limited to): establishing water objectives; applying methods for determining environmental flow needs; and setting standards and best practices for diversion/water use. No Advisory Boards under the *Act* have yet been established, as of Fall 2018. These Boards will not have decision-making authority, but they could allow for a formalized role to provide local expertise and input into statutory decision-making. Creation of Advisory Boards requires action by the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD), who appoints the Board Chair and members. Local water entities could provide recommendations on appointing Advisory Board members and developing the terms of reference, or the entity could be designated as an Advisory Board itself.

Beyond this formal Advisory Board pathway, in situations where regulations are still under development or being revised, local groups can take advantage of these opportunities for advocacy. For example, groups could make comments during public comment period or communicate local priorities or concerns to regional staff and elected leaders. Where legal possibilities already clearly exist (e.g., environmental flow protections under the *Water Sustainability Act,* or water objectives), groups could signal to the Province (or other levels of government) local expectations for implementation of legislation (such as standards or environmental thresholds). Advocating for robust provincial implementation and enforcement – by clearly articulating why these tools are needed to deal with your local water(shed) challenges – is a critical niche for local groups to fill. If you have collected data and information, use it to reinforce your message.

Examples and Resources: Formalize an Advising Role and Exert Influence

Case Study: Reconciliation in Action in the Cowichan Watershed

The Cowichan Watershed Board ('the Board') is co-chaired by Cowichan Tribes and the Cowichan Valley Regional District (CVRD). The Board is one of B.C.'s best examples of collaborative watershed governance in action. Having earned its reputation as a trustworthy coordinating body and gaining traction – with Indigenous and senior Crown governments, stakeholders, and residents – Cowichan Tribes and the CVRD have deepened their partnership by applying whole-of-watershed thinking to address watershed challenges and taking meaningful steps to advance reconciliation. A case study of the Cowichan experience is provided in Part 4 of this Handbook.

Report: *Protecting Water Our Way: First Nations Water Governance in British Columbia*

This First Nations Fisheries Council report details five case stories of Indigenous-led water governance initiatives. A useful example is the *Tla'amin Nation and Negotiating Shared Decision-Making in the Theodosia River Watershed* case study, which describes how the Tla'amin Nation negotiated a Treaty that includes a unique provision for shared decision-making on a watershed-scale, setting an important precedent.

Briefing Note: *Advancing Freshwater Protection: Tools and Opportunities in British Columbia's Water Sustainability Act*

This POLIS Project briefing note supports communities and local organizations to understand and utilize key provisions in the *Water Sustainability Act.* It explains the Advisory Board provision (section 115 of the *Act*) – including its primary purpose, possible applications, and the key considerations for using this provision – and identifies possible watershed group/entity roles in establishing or participating in a Board.

Report: *Awash with Opportunity: Ensuring the Sustainability of British Columbia's New Water Law*

This POLIS Project report provides an analysis of the *Water Sustainability Act* and details recommendations for regulation development in five core key areas: (1) Groundwater licensing; (2) Environmental flows; (3) Monitoring and reporting; (4) Water objectives; and (5) Planning and governance. As many of the WSA's regulations are still being developed or reviewed, this report may be a useful reference for groups who want to exert influence on regulatory development or better communicate local expectations for implementation of legislation.

6 Collaborative Watershed Planning

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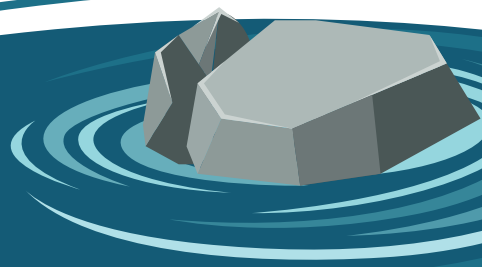
Why?

Watershed planning is about identifying which legal and non-legal tools, across all levels of government, can be used to achieve goals and tangible improvements in ecological health. A watershed plan can take different forms, but typically, it lays out the priorities, goals, targets, actions, and responsibilities for implementation, timelines, and decision-making processes. A prior step to a watershed plan may be a "State of the Watershed" report that provides a snapshot of what is known about the watershed, from both Western science and Indigenous perspectives.

A watershed plan can articulate a holistic, watershed-wide approach for dealing with pressures and threats and addressing cumulative impacts and land-water interactions. A plan may outline how water users will be required to adjust their activities, and it may outline where development can or cannot occur. A plan is effective if it results in decision-makers or stakeholders behaving differently. Watershed plans can be made legally binding, or, be a tool for influencing decision-makers and guiding collaborative governance.

There are a few different types of plans:

▪ Indigenous Watershed or Territory Plans

Indigenous-led watershed plans derive authority from Indigenous laws. These plans can internally guide how an Indigenous nation makes its decisions and also be the starting point for external governments or industries wishing to engage. It can direct where development can occur (or not) in the Nation's territory, and outline expectations about how to work together.

▪ Non-Legislated Plans

Although non-legislated plans (like the Cowichan Basin Water Management Plan, detailed in the Examples and Resources section for this Stone) may not have the "legal teeth" needed to change the behaviour of licensees or watershed users, they can still specify an implementation strategy with roles and responsibilities for different governments and stakeholders to achieve the plan's vision and objectives. The plan can outline how a complimentary bundle of policy instruments (e.g., incentive programs), *legal tools* (e.g. local government bylaws), and other strategies can be pursued and enforced by different agencies and authorities, to achieve real improvements in watershed outcomes. In this sense, the plan acts as a coat rack that various tools and strategies hang from, which can help the parties involved align their priorities and projects to strategically implement the plan over time. If a plan has no support from decision-makers and local watershed users, it may not result in real governance or management outcomes. However, the planning process could still have value as an exercise to build support and internal understanding, and contribute to a group's overall development as a more formal watershed entity.

▪ Legislated Plans

Under B.C.'s *Water Sustainability Act,* a Water Sustainability Plan can be made binding through regulation. This is currently one of the few legal mechanisms available to change the terms and rights of water licenses, reduce licensed diversions in over-allocated systems, or impact land use decisions. B.C. does not yet have any examples of Water Sustainability Plans, though many groups axre interested in this option and already organizing themselves around the possibility of a planning process. Drinking Water Protection Plans (under the *Drinking Water Protection Act*) are ordered by Minister of Health and are another option. These plans have never been successfully triggered in B.C., and indeed can only be generated if it can be proven that all other options to address the drinking water issue have been exhausted. In rare cases, the Minister may order an Area-Based Management Plan under the *Environmental Management Act* (e.g., Elk Valley Management Plan) to address environmental management issues in a specified area.

How?

Watershed planning is an intensive and often multi-year undertaking which requires significant political support, knowledge, and buy-in from First Nations, local, and provincial decision-makers. At this stage, formalizing the role for a co-governed watershed entity – a formal, transparent, coordinating body – may be a natural and important step to ensure accountability and oversight of the planning process and – most importantly – implementation. Alternatively, a multi-government steering committee or working group could lead the planning process, but it is important to consider how governments will continue to work together once the plan is complete, implement the actions, and share responsibility for outcomes. The following strategic questions can help inform whether the time is right for a planning process, and how the process needs to be designed in order to be impactful:

▪ Why are we planning: what watershed and governance outcomes will the planning process, and final plan product, achieve? What problem does the plan solve?

▪ Who are the rights holders, decision-makers, and stakeholders who will develop, implement, and evaluate the plan?

▪ What is the rationale/business case for decision-makers and stakeholders to be involved: why will parties benefit from a plan – and what do they stand to lose?

▪ What motivates, informs, and influences (and constrains) decision-makers and water users?

▪ Who is the convenor of the planning process?

▪ How does this process align with existing or in-process plans and agreements (e.g., government-to-government agreements)?

▪ How will this plan support decision-makers?

▪ What is the timeline of the planning process? What are the financial, human, and informational resources needed and how will the process be funded?

▪ How will the plan be evaluated?

▪ How can we ensure that a culture of respect exists in the planning process?

▪ What type of plan (legislated or non-legislated) and/or watershed entity is most suitable for the situation/context?

▪ What is a realistic picture "success": what are the possible difficult trade-offs and conflicts? Who are the likely "winners and losers"?

Examples and Resources: Collaborative Watershed Planning

The Gitanyow Lax'yip Land Use Plan – Land and Water Planning as a Tool for Governance of Traditional Territories

The Gitanyow Huwilp Recognition and Reconciliation Agreement, which includes the Gitanyow Lax'yip Land Use Plan ('the Plan'), was concluded in 2012. A planning team comprised of Hereditary Chiefs and experts worked for nearly a decade to develop the Plan, using a deliberative process to apply legal principles flowing from Gitanyow traditional narratives. This is a striking example of an Indigenous-led plan for traditional lands and waters and illustrates how government-to-government agreements and litigation may enable or strengthen the outcomes of a planning process. At the Watersheds 2018 capstone event *Planning for Success: New Thinking for Land Use and Water Governance*, Tara Marsden (Gitanyow Hereditary Chiefs) discussed the Plan and foreshadowed other water management planning and policy development for Gitanyow territory. See her presentation summary in the event proceedings or at the 48:00 minute mark of the event recording.

The Cowichan Basin Watershed Management Plan

In response to the summer drought of 2003, local organizations, industry, Cowichan Tribes, and local, provincial, and federal governments recognized that a more formal and proactive approach to watershed management was needed. They commissioned the Cowichan Basin Water Management Plan ('the Plan'). The Plan was completed in 2007 and includes six goals, seven targets, 23 objectives, and 89 actions concerning water conservation, water supply management, water quality, habitat and biodiversity, flood management, governance, and communications. Although the Plan was award-winning and comprehensive, two years later, little action had been taken. A leadership "vacuum" was stalling progress. The Cowichan Watershed Board ('the Board') was established in 2010 to take on the role of supporting collaborative local decision-making at the regional/watershed scale. See Part 4 of this Handbook for a case study of the Cowichan experience.

First Nations Watershed Planning Guidebooks

Developed by the Centre for Indigenous Environmental Resources along with First Nations partners, this series of six guidebooks provide guidance for First Nations who want to lead watershed planning. The guidebooks propose a model of watershed planning that is led by First Nations and creates an opportunity to address unique First Nation needs, relationships and rights.

Webinar Recording and Summary: Evolving Water Planning Processes in B.C.

In this POLIS Water Sustainability Project webinar, speakers from Compass Resource Management and the Centre for Indigenous Environmental Resources shared insights on the important elements of a sound water use planning process.

Edited Proceedings: *Watersheds 2018 – Planning for Success: New Thinking for Land Use and Water Governance*

The *Watersheds 2018* capstone forum highlighted examples of water-centric planning and collaborative water governance initiatives underway in B.C. Experts in Indigenous law, water planning and management, and community watershed champions offered perspectives and examples of changes experienced on-the-ground (and in the water), and identified the solutions and partnerships being created in response. The proceedings, a workbook and resource package, session videos, and PowerPoint presentations are available online.

7 Shared Authorities/Decision-Making or Co-Governance

7 Shared Authorities/Decision-Making or Co-Governance
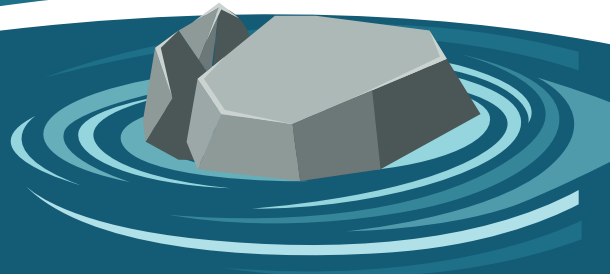
This seventh Stone remains a relatively uncharted area of watershed governance in British Columbia, and indeed in much of Canada. The idea is that once a broad base of support and legitimacy, a track-record of substantive work, and a clear watershed plan is in place, a local co-governed watershed entity could eventually draw down decision-making authority from provincial and Indigenous authorities. The entity would make decisions, and ensure that watershed plans and tools are implemented and enforceable, and informed by local expertise and knowledge.

This step is about real decisions made by local co-governed watershed entities—going beyond the advisory role to step in and make and enforce decisions that protect water and change the behaviours of water and land users (whether those decisions are grounded in Indigenous or Crown laws, or both). It is fundamentally about shifting the balance of power away from the existing top-down approach within the current provincial and federal regime and towards bringing authority "home" to those who know and live with issues and consequences of decision-making.

A bilateral government-to-government decision-making table – between the Province and Indigenous nations – with supporting stakeholder/advisory committees is a robust institutional approach that respects the nation-to-nation nature of the Crown and Indigenous relationship. Even with this bilateral model, important roles still exist for other local and external expert groups in supporting or informing the process, such as with data/information and capacity.

Some feature elements of this co-governance approach might include:

- Communications and decision-making processes with all four levels of government (Indigenous, local, provincial, federal) are respectful and consent-based;

- All parties build their respective capacities to fully and equally participate, and are willing to adapt to their partners' timelines, principles, processes, etc. Explicit support is provided for Indigenous nations to strengthen and rebuild governance and institutions that have been damaged through imposed Crown processes;

- Governments recognize and respect each other's inherent jurisdiction, rights, and laws: different legal orders and traditions are working synergistically to produce the best possible decisions for shared resources;

- State of the Watershed Reports are complete, based on Western science and Indigenous knowledge, and provide the rigorous foundations for decision-making at all scales in the watershed (e.g., from the tree, stand, and sub-watershed level);

- Innovative legal tools – both Crown and Indigenous – are drawn upon to formalize the governance arrangement (e.g., Water Sustainability Plan, delegated authority under the WSA, regional-specific industry rules and best management practices are required and enforced); and

- Need for "consultation and accommodation" is reduced because decisions are made collaboratively, and therefore they are decisions that both Indigenous nations and the Crown support. This reduces tension, decreases litigation costs and infringements on Indigenous rights, and results in more local certainty and better and clearer decisions that are supported over the long-term.

This a significant leap from where things currently stand in the B.C. freshwater realm: no collaborative watershed groups have yet achieved this draw down of dual authority from the Province and Indigenous laws/authority. For the majority of collaborative watershed groups, shared authority may not be a desired – or feasible – end-point. However, B.C. does have several strong examples of co-governance regimes, such as the Haida Gwaii Management Council. With Haida and Provincial representatives, this Council makes strategic resource management decisions, including for land use, forestry, and conservation. Importantly, it has delegated Indigenous and Crown authority to make joint decisions.

A promising example of new approaches being piloted is emerging in the Nicola watershed, where the Province and five Nicola Chiefs recently signed a Memorandum of Understanding to address watershed governance. The MoU sets out the parties' shared commitment to implement the *United Nations Declaration on the Rights of Indigenous Peoples* and desire to work together in government-to-government partnerships to address watershed issues, with agreement that watershed planning, management, and decision-making must be informed by Indigenous knowledge and best available science and shaped by Indigenous laws and the *Water Sustainability Act.*

Ultimately, how decision-makers might govern together will depend on the nature of the shared watershed challenge; how reconciliation with Indigenous neighbours is manifested locally; as well as on Indigenous nations' goals and priorities for self-governance and co-governance, and the ability of people to work together based on their recognition of common humanity and common responsibility for watershed protection.

Examples and Resources: Sharing Authorities/Decision-Making or Co-Governance

Report: Collaborative Consent and Water in British Columbia: Towards Watershed Co-Governance

This POLIS Water Sustainability Project and Centre for Indigenous Environmental Resources report lays out a viable model for achieving a critical shift towards more equitable nation-to-nation relationships between Indigenous and non-Indigenous governments, with a specific focus on freshwater governance in B.C. The report takes a detailed look at collaborative consent, how it differs from other collaborative and partnership processes, and includes case studies on how elements of it have been used in B.C., Canada and internationally.

An Emerging Example of Innovation: the Nicola Watershed Governance Initiative

In 2018, the *Nicola Watershed Pilot Memorandum of Understanding* was signed between the Province of British Columbia and Chiefs of the five Nicola First Nations – the Upper Nicola Band of the Okanagan (Syilx) Nation, and the Lower Nicola, Coldwater, Nooaitch, and Shackan Bands of the Nlaka'pamus Nation. The MoU is an agreement to explore opportunities to engage stakeholders and governments in the sustainable management, planning, and governance of water in the Nicola watershed.

PART 4

Stories from the Front Lines –
Six Case Studies for
Inspiration and Learning

Part 4: Stories from the Front Lines – Six Case Studies for Inspiration and Learning

CASE STUDY 1

The Village of Silverton Translates Broad Freshwater Concerns into a Focused Problem

Slocan Lake in the West Kootenays.

Lessons Learned

- Local government can play a central role in convening watershed users and driving action;
- Articulating a specific, central water issue can bring clarity and focus to wide-ranging freshwater concerns; and
- Local action and leadership can initiate and compel other governments to participate and support efforts.

In 2016, the Village of Silverton's concerns about the health of the Slocan watershed were mounting: old-growth logging was occurring near the Village's drinking water source (which was entirely untreated), recreational activities like heliskiing were taking place in sensitive alpine environments, and there was minimal enforcement of the regulations that dictate the types of structures that can be built in sensitive zones around lake foreshores.

Many water-related initiatives have taken place in and around Silverton, including community-based water monitoring, wetland restoration, education programs, eco-asset mapping and management, and a Slocan Science Forum that brought together the available science about the watershed. Despite these gains and the efforts of community water champions, it was unclear how to accelerate legal protections for the watershed. In the spring of 2016, the Village of Silverton convened a Watershed Governance workshop to bring together water advocates, watershed users, and local decision-makers to start to address these concerns together.

In the Watershed Governance workshop, the group worked through the Stepping Stones concept and considered self-assessment questions (many of which are included in this Handbook) to analyze where they had come from, what partnerships were working well, what gaps still existed, and how the issues they were concerned about might manifest in their waters.

The workshop discussion revealed one central opportunity to address watershed health concerns: 60-90% of a population of a blue-listed trout species use the local Silverton Creek for spawning habitat, but this habitat is afforded almost no protections. Protecting Silverton Creek fish spawning habitat offered an entry point to water governance and became a central goal. Translating broad water concerns into one clear, urgent problem meant that some specific legal tools (e.g., habitat protection area designations) are available to increase protections for the stream. In 2018, the Village of Silverton was in the midst of working with the Regional District of Central Kootenay and the Province of B.C. to further investigate how these tools can be utilized. Silverton's enthusiasm and leadership for this issue is also catalysing conversations among regional government staff about improving watershed planning and management.

Carrying Out a Shared Vision and Securing Funding in the Nechako Watershed

The Nechako River near the City of Prince George.

Lessons Learned

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- An initial project-based collaboration can kickstart a larger-scale collaborative effort;
- A collaborative watershed strategy can provide the basis for engaging with a range of funding bodies and catalyze progress on projects; and
- Local governments can support watershed governance initiatives by providing core funding support.

The Nechako watershed spans 52,000 km² within the upper Fraser Basin and supports diverse ecosystems and communities. Like many watersheds in B.C., the Nechako faces significant challenges, from the mountain pine beetle epidemic and other issues related to climate change, to salvage logging and significant water diversions for industry.

Various organizations and community members were concerned about the health of their watershed and formed an informal group to share their knowledge and information, explore common interests, and brainstorm the necessary actions needed to advance watershed health. In 2012, the group was established as the Nechako Watershed Alliance. After three years of establishing relationships and trying to determine the best path forward, the Nechako Watershed Alliance adopted a 'roundtable' governance structure to help direct and advise water stewardship activities in the Nechako River Basin. The Nechako Watershed Roundtable (The NWR) was formally launched in October 2015. It includes a broad membership of government representatives (local, regional, provincial and First Nations), stewardship groups, academic and research groups, and community members.

The NWR released the first phase of the Nechako Watershed Strategy in 2016, which lays out an (evolving) shared vision for the Nechako watershed. The Strategy communicates issues and concerns in the Nechako watershed; highlights current projects, plans and strategies being undertaken; proposes actions to address issues and concerns; and inspires commitments by various groups and organizations to implement proposed actions. The Strategy integrates compiled scientific information and baseline data, information from meetings among the NWR's members, and dialogue with other government representatives, First Nations communities and organizations, and the general public.

The NWR immediately began to implement the Strategy and its associated actions but struggled initially to secure sustainable funding. A funding shortfall in the first year of implementation forced the NWR to scale back its planned work. The NWR initiated dialogues about securing annual funding with the municipalities in the watershed. As of January 2018, six municipalities in the watershed have agreed to contribute to the NWR to implement the priority actions laid out in the Strategy. The NWR also plans to request funding from the provincial and federal governments and the private sector.

For more information and updates on the activities of the Nechako Watershed Roundtable, visit their website: **https://www.fraserbasin.bc.ca/Nechako_Watershed_Roundtable.html.**

CASE
STUDY **3**

How A Community-Based
Water Group in the Columbia
Headwaters Formalized its
Role in Water Management

For more information and updates on the Lake Windermere
Ambassadors, visit: **http://www.lakeambassadors.ca/**.

Lake Windermere near the headwaters of the Columbia River.

**Lessons
Learned** >

- Opportunities exist for community-based water groups to formally advise, support, and influence local-level decisions;

- Advocating for lake health – while retaining broad community support – is a challenge, especially when contentious, divisive issues arise; and

- Community education and outreach is valuable and necessary for changing citizens' attitudes and behaviours – but waiting for people to care about their waters should not necessarily preclude decision-makers from taking immediate needed actions and demonstrating leadership around watershed management.

Columbia Lake, the Columbia Wetlands and Lake Windermere form the headwaters of the Columbia River in the East Kootenays. In 2005, concerns about the health of Lake Windermere reached a tipping point: the lake's burbot fishery had collapsed, and intensification of housing development and water recreation posed a threat to sensitive shoreline ecosystems. Wildsight – a regional environmental non-profit organization –conducted a lake-use survey and supported a public consultation process led by the Regional District of East Kootenay (RDEK) that informed the Lake Windermere Official Community Plan. These activities confirmed that better protections were needed for Lake Windermere, and that this was an issue of public concern.

Collaborative projects among groups and organizations with a stake in the watershed helped build forward momentum. Wildsight convened lakeshore residents and partner organizations to form the Lake Windermere Project, with support from First Nations, all levels of government, community organizations, stewardship groups and research organizations. Between 2005 and 2010, the Project conducted water quality monitoring that adhered to provincial and federal water monitoring protocols at sixteen sites on the lake and lake tributaries. This data contributed to updating the provincial water quality objectives for the lake, which were originally set in 1985.

The Lake Windermere Project also worked with the East Kootenay Integrated Lake Management Partnership to develop shoreline management guidelines for fish and wildlife habitats for Lake Windermere. The shoreline management guidelines and water quality data informed the development of the Lake Windermere Management Plan (LWMP), a planning process to address lake-related issues following the adoption of the Lake Windermere Official Community Plan. Implementation of the LWMP is the responsibility of the RDEK and District of

Invermere, with support from all other agencies that have roles in Lake Windermere's management. The LWMP also established a Lake Management Committee to advise and assist in the implementation of the Plan.

In 2010, the Lake Windermere Project was re-created as the Lake Windermere Ambassadors (the Ambassadors), an independent, non-profit society. The Ambassadors mandate is to conduct community-based water projects and maintain the Lake Management Committee through its Board of Directors, which includes representatives and advisors from the RDEK, District of Invermere, and Akisq'nuk First Nation. Acting as the Lake Management Committee, the Board of Directors provides comments to local government on development applications for the lake's foreshore, indicating whether foreshore development should or should not be permitted at certain locations.

Despite these tremendous efforts and progress towards better governance of Lake Windermere, the lake's health remains under threat. Recreational activities that pose the greatest concerns, such as the use of large motorized boats, are contentious issues for residents and business owners who rely on these activities for financial income. Weak enforcement from the Province on its own areas of jurisdiction (i.e., around shoreline structures) and continued jurisdictional fragmentation are also hindering progress. Several elements of the Lake Windermere Management Plan have not yet been implemented, and a number of local and regional government commitments have also not been fulfilled. With support from local governments, the Ambassadors recently focused its engagement and outreach on the Lake Management Plan and have created a "Report Card on Progress." The report card is a useful reminder for residents and local decision-makers of the Plan's purpose, value, and importance, and why Lake Windermere still faces threats.

The Cowichan River estuary as viewed from Mt. Tzouhalem.

CASE STUDY 4

Reconciliation in Action in the Cowichan Watershed

Lessons Learned

- Co-governance can manifest as a co-chaired and consensus-based coordinating body;
- Earning a reputation as being trustworthy can help gain traction with decision-makers (Indigenous, local, and Crown governments) and watershed users and influencers, and help expand the coordinating body's influence in watershed decisions; and
- Collaboration on projects can improve relationships between parties, and influence and support conversations about water governance.

In response to the summer drought of 2003, local organizations, industry, Cowichan Tribes, and local, provincial, and federal governments recognized that a more formal and proactive approach to watershed management in the Cowichan Basin was needed. They commissioned the Cowichan Basin Water Management Plan ('the Plan'). Completed in 2007, the Plan includes six goals, seven targets, 23 objectives, and 89 actions concerning water conservation, water supply management, water quality, habitat and biodiversity, flood management, governance, and communications. Although the Plan was award-winning and comprehensive, two years later, little action had been taken. A leadership "vacuum" was stalling progress.

The Cowichan Watershed Board ('the Board') was established in 2010 to take on the role of supporting collaborative local decision-making at the regional/ watershed scale. Nearly a decade into its role, the Board is well-established as a legitimate, knowledgeable entity that drives watershed governance in the Cowichan Basin. By using the "whole of watershed" approach, the Board (through its technical working groups) has acted on environmental flows management, water monitoring, water restrictions, and securing funding. The Board is still faced with a number of challenges, including securing long-term, sustainable funding and broadening and maintaining relationships among Board members, member agencies, and with provincial staff and decision-makers.

The Board draws its strength from its collaborative, watershed-scale governance model. Its founding partners, Cowichan Tribes and the Cowichan Valley Regional District (CVRD), act as co-chairs. The Board plays several important roles, including:

- Facilitating and convening dialogues around watershed issues where all perspectives are shared and understanding is built;
- Acting as a supportive or coordinating partner to accomplish important projects and solve problems in the watershed;
- Leading outreach and engagement that builds broad community support (and commitment from local leaders) for watershed protection; and
- Functioning as a legitimate, knowledgeable entity who can engage with provincial and federal governments on watershed issues.

What benefits have been achieved through improved water governance in the Cowichan watershed?

Over a decade into improving water governance in the Cowichan, five distinct benefits can be identified:

1. On many watershed issues, Cowichan Tribes' inherent authority is better understood and respected by other governments and groups;

2. Diverse and rich local knowledge and science is informing watershed management and governance;

3. Community-based solutions are being informed, debated, and advanced for controversial and complex water issues;

4. Increased funding is available for watershed stewardship projects and studies; and

5. Local water bylaws are better coordinated.

What are some examples of these benefits?

1. On many water(shed) issues, Cowichan Tribes' inherent authority is respected by other governments and groups

- Cowichan Tribes' inherent authority is recognized by other governments, through the Cowichan Watershed Board. Indigenous authority and responsibilities are not limited to on-reserve lands but encompass the whole watershed. Cowichan voices and perspectives are given equal value at the Board's table.

- Cowichan Tribes' culture and language informs Board events and meetings. Important meetings begin with a welcome from a Cowichan Elder or a community member representative.

- The Cowichan principle: Nutsamaat kws yaay'us which means we come together as a whole to work together to be stronger as partners was recently adopted into a new version of the Board's Governance Manual, with the recognition that significant training is required for Board members to fully understand the meaning of this principle and its implications.

- Cowichan Traditional Knowledge informs the Board's technical working groups (who provide recommendations on water and ecosystem management to the Board).

2. Diverse and rich local knowledge and science is informing watershed management and governance

- Fisheries and Oceans Canada (DFO) and Cowichan Tribes have established a partnership to collect information on Chinook salmon. DFO recently installed a Didson counter – a highly sophisticated underwater meter that detects and records the size of passing fish – at the request of Cowichan Tribes. The counter has provided new information about Chinook behavior, migration patterns and critical habitats in the Cowichan watershed, which can be used to inform decisions about lake storage and the timing of water releases from Cowichan Lake.

- Following prompts from the Cowichan Watershed Board, staff with the Ministry of Forests, Lands, Natural Resource Operations and Rural Development are developing critical environmental flow thresholds (a tool available under ss. 86-87 of the *Water Sustainability Act*) for the Koksilah river, which is greatly degraded but holds significant cultural and ecological values. This work will involve citizen science partnerships with local community members and has already resulted in a request for license holders to reduce extractions so that environmental flows can be maintained.

3. Community-based solutions are being informed, debated, and advanced for controversial and complex water issues

- Local conversations about weir management are progressing. The Cowichan Watershed Board's members unanimously decided that increasing lake storage is a top priority to help mitigate the effects of climate change and provide sustainable environmental flows for the Cowichan River. The weir (as a primary mechanism to manage lake levels) remains a contentious topic in the Cowichan Valley. The Board is supporting further public consultation on weir management, which is ongoing and unresolved. To-date, the Board's engagement on this complex issue has helped build resolve across jurisdictions to identify a solution to provide more storage for the Cowichan watershed.

Ongoing outreach and dialogue helped improve public understanding of the need for increasing lake storage, which in part has bolstered CVRD's confidence to engage in this issue.

- Water quality in Cowichan Bay is incrementally improving. Cowichan Bay has been closed for shellfish harvest for decades due to contamination, and restoration of shellfish harvest by 2020 is a target identified by Cowichan Watershed Board. The Board commissioned water quality testing, the results of which indicate that the primary sources of pollution are from dairy farms and sewage outflow. Changes were then made in waste management for float homes in Cowichan Bay. The Board has also engaged with dairy farmers, which led to working alongside the farmers to develop an Environmental Farm Plan. The involvement of Ministry of Environment staff was critical to engaging farmers. The Board, in partnership with the Cowichan Community Land Trust and Cowichan Tribes, is implementing another round of sampling and will share these results with the agricultural community and continue to work towards improving water quality.

4. Increased funding is available for watershed stewardship projects and studies

- The Cowichan Watershed Board facilitated the submission of a $3.8 million joint funding proposal to the Department of Fisheries and Oceans' Coastal Restoration Fund. The project aims to restore the connections between the Cowichan and Koksilah River estuaries and to improve habitat for Chinook salmon. Since the eligibility preference was for First Nations, the proposal was submitted by Cowichan Tribes with chapter contributions from partner organizations. The proposal was successful, and in May 2018 the Tribes were awarded over $2.6 million over five years to execute the project. The application was reportedly pulled together smoothly and quickly, indicative of the level of trust and good relationships among the numerous partners.

5. Local water bylaws are better coordinated

- Cowichan Watershed Board convened all the major regional water providers, including large private water purveyors, who came to agreement on a common set of water restriction bylaws and established the same threshold for drought. Previously, water restriction bylaws were extremely confusing – they could vary by neighborhood, and they had different triggers and no enforcement – and were often ignored.

For an in-depth case study of the governance challenges and successes experienced in the Cowichan watershed, see the POLIS Project's report *The Cowichan Watershed Board: An Evolution of Collaborative Watershed Governance*, available at **https://poliswaterproject.org/polis-research-publication/ cowichan-watershed-board-evolution-collaborative-watershed-governance/**. The report *Pathways and Partnerships: A Framework for Collaboration and Reconciliation in the Cowichan Watershed* is another useful resource, which outlines a Framework to guide the next steps in the Cowichan Watershed Board's evolution, available at **https://poliswaterproject.org/polis-research-publication/ pathways-partnerships/**.

CASE STUDY **5**

Engaging Communities and Enforcing Better Decisions for Water – Evolution of Governance in the Shuswap Watershed

Flooding along Shuswap Lake near the District of Sicamous in 2012.

Lessons Learned

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- How legitimacy, trust, and buy-in is critical for addressing the complex causes of deteriorating water quality – and what it looks like when it is not achieved (i.e., how enforcement efforts can be derailed through counter-campaigning); and
- How there are core tensions in governance discussions – win-win situations are not always possible, especially in situations of scarcity or where impacts are causing irreparable ecological harm.

Building Champions and Getting Water on the Agenda

In the early 2000's, water quality concerns were rising for the Shuswap and Mara Lakes. Residential and marina development proposals were significantly increasing, which included applications to the Ministry of Environment (MoE) for sewage discharge into the lakes. Five applications for private discharge were approved by the MoE, which raised questions among residents about the safety of these operations for recreation and as a source for drinking water. Advocacy and awareness organizations began to form, including the Shuswap Water Action Team and the Shuswap Lake Coalition. These groups began lobbying for changes to regulations regarding sewer discharge and for greater oversight and action by both the regional and provincial governments for the health of the Lakes. Regional District directors and MoE staff also began raising awareness within their respective agencies about the health of the Lakes and about the fragmented state of decision-making across different levels of government for the Shuswap watershed.

These efforts to raise awareness came to fruition in a houseboat tour of Shuswap Lake in 2006 that brought together local, provincial, federal, and First Nations officials. On the tour, the group viewed the development properties around the Lake discussed the pressures affecting water quality and fisheries, and the lack of planning and coordination among agencies. In the fall of 2006, the Shuswap Lake Integrated Planning Process (SLIPP) was established as a collaborative effort among public agencies, First Nations, and other stakeholders

with the intent to coordinate land and water use planning for the Shuswap and Mara Lakes.

From 2006 to 2010, SLIPP began meeting with the goal of getting municipal, provincial, and federal agencies to work on a joint decision-making process to set sound land use development practices around the Lakes. Three public advisory groups and three technical committees were soon formed to separately focus on water quality, recreation, and foreshore development. Sewage discharge into Shuswap Lake and pollution from industry, building development, and houseboat greywater discharge resulted in two algae bloom events in 2008 and 2010 – which heightened public awareness and underscored the need for collaborative solutions.

Using Local Authority and Resources

Government partners to SLIPP responded to some of the concerns; the Province established a moratorium on sewage discharge into Shuswap Lake and the Columbia Shuswap Regional District (CSRD) updated its Liquid Waste Management Plans and zoning bylaws and began work on Official Community Plans for the relevant electoral areas. SLIPP also catalyzed a three-pronged mapping initiative – with foreshore inventory mapping, an aquatic habitat index, and shoreline management guidelines – for the Lakes, with support from federal, provincial, local government partners and the Fraser Basin Council. In 2008, SLIPP's strategic plan was to carry out the mapping initiative, develop of a visionary plan for water quality monitoring for the Lakes, and commission a recreational safety plan to an external consultant.

SLIPP then implemented a three-year water quality monitoring program (2011-2014), which increased the frequency, extent, and number of sites for water quality sampling to get a better idea of how the lake was functioning. Funding for this program was secured through gas tax funds from the CSRD and Regional District of the North Okanagan electoral areas as well as municipalities within the watershed. The Thompson Nicola Regional District also supplied funds from a parcel tax within the City of Kamloops. There was contention among the regional directors and mayors around the amount of funding allocated by each government, which ranged from $2,500 to $144,000 per year, yet each authority still had equal voting power in SLIPP decision-making.

Public Resistance and a Shift in SLIPP Priorities and Focus

In addition to funding for the monitoring program, the provincial Ministry of Natural Resource Operations acquired resources to increase compliance and enforcement around Shuswap Lake, and provincial officers began responding to foreshore management violations identified during the mapping initiative. Using the SLIPP name, officers sent letters to select waterfront owners indicating violations, granting a period to make changes, and offering resource support from SLIPP. SLIPP partners also conducted restoration work and removed derelict docks.

These activities fuelled a suite of public complaints, mainly that the SLIPP had become overly bureaucratic and authoritative. Public misconception about how SLIPP was associated with other initiatives by the CSRD only fuelled this fire. Citizens' groups like the Shuswap Waterfront Owners Association and the Preservation of the Recreational Economics of the Shuswap Society formed and spoke against the SLIPP processes, results, and objectives. Letter and media campaigns soon followed.

In response, SLIPP shifted its leadership and focus. The Fraser Basin Council (FBC) – a facilitation-focused organization that does not engage in advocacy – took the reins on program management, enabling the Province to step back. SLIPP became a local initiative led mainly by elected CSRD directors with guidance from FBC regional staff and in-kind support from federal and provincial agencies. The SLIPP Steering Committee began to meet more frequently in sessions open to the public, and a proactive communications strategy was initiated to combat the negative image promoted by resistance groups.

SLIPP entered a developmental year in 2014 to decide whether or not the program should continue. Analyses from the three-year water quality monitoring program confirmed that Shuswap Lake water quality was gradually declining in some areas, indicating a need for continued monitoring and remediation. With its history of controversy, some members of the SLIPP Steering Committee and members of the public did not think SLIPP should continue. A more narrowly defined program was created in response, focused exclusively on water quality monitoring and remediation of pollution sources. In 2015, SLIPP was reformed as the Shuswap Watershed Council, a watershed-wide organization dedicated to water quality protection and safe recreation. The Council continues to be managed by the FBC and has secured funding through a parcel tax until 2020.

This case study was informed by a robust analysis of water governance in the Shuswap led by Dr. Natalya Melynchuk for her doctoral dissertation, *"Assessing Legitimacy within Collaborative Water Governance: How, When, and by Whom?"* which is available at **http://hdl.handle.net/10012/12579**.

CASE STUDY 6

Local Government Freshwater Leadership – the Regional District of Nanaimo's Drinking Water and Watershed Protection Program

The Nanaimo River delta.

Lessons Learned

- Local governments can kickstart effective collaborative watershed protection programs without waiting for other governments to provide funding or leadership;
- Building a strong plan and engaging communities is essential for early success; and
- Local governments' provision of core funding can help attract and leverage other funding resources.

In the early 2000's, the Regional District of Nanaimo (RDN) was facing the realities of a growing population, competing land uses, and diminishing provincial resources. The RDN's Board of Directors started to look at ways to address watershed protection in cooperation with the many other stakeholders in the region. In 2008, the RDN launched its Drinking Water and Watershed Protection (DWWP) program. A reliable funding source for the DWWP program was established through the collection of an annual parcel tax from both urban and rural parcels. This initial – and potentially ongoing – source of funding has catalyzed collaborations between the RDN and senior government and lays the foundation for the RDN to build partnerships with First Nations. Stable funding often attracts more funding!

The DWWP began through a strategic planning process. The Board established a Drinking Water-Watershed Protection Stewardship Committee that represented a variety of stakeholder interests. The Committee produced an Action Plan focused on identifying priority action items and initiatives for the long-term, sustainable provision of water and the protection of surface and groundwater drinking water sources for RDN Electoral Area residents. Seven program areas were

identified: (1) Public awareness and involvement in water stewardship and management; (2) Water resources inventory and monitoring; (3) Management of land use and development; (4) Watershed management planning; (5) Management of water use; (6) Management of water quality; and (7) Adapting to climate change.

Goals and objectives were developed for each theme area, alongside a suite of about 60 actions or projects to be initiated over the next 10 years. The Plan also provided budget and funding recommendations to the Board. Extensive public outreach and engagement was required to ensure that the public understood the Plan, and to build support for the parcel tax (which was later decided through a referendum).

The DWWP grew and built credibility through initial projects to gather data and information. For example, a region-wide Water Budget Study provided the foundation for a better understanding of regional water resources, including current water demands, availability, use, stressed rivers/creeks and aquifers, and the anticipated long-term impacts of climate change on the region's freshwater resources.

For another case study of the DWWP and similar local government-led water initiatives on mid-Vancouver island, see the Water Bucket article "*Convening for Action in the Nanaimo Region,*" available at http://waterbucket.ca/rm/files/2015/12/BYGB-2015_RDN-story_as-published.pdf.

PART 5

Additional Resources

Part 5: Additional Resources

About these Resources

This section provides three supplementary resources to assist groups who are 'rolling up their sleeves' and getting ready to organize watershed governance meetings or workshops, within or outside of their organizations.

The first resource provides tips on how to develop a watershed governance workshop that is well-organized, high-quality and makes a good use of time. Suggestions include how to co-create a workshop (e.g. ensure that all participants are involved in shaping the meeting and are well-prepared in advance), and how to prevent rabbit holes that side-track conversations. The second resource is a sample agenda for a *Stepping Stones to Watershed Governance* workshop, which could easily be adapted to fit different needs and situations. The third resource is a communications exercise, intended to help a group identify the locally-relevant messages and a strong, effective narrative to support their watershed governance efforts. This exercise is particularly useful for groups that are in the early stages of a watershed governance initiative (i.e. at Stones 1, 2, or 3) as it can help develop the narratives needed for core audiences.

Setting Yourself up for Success:
Tips on Developing an Effective Watershed Governance Workshop

Water workshops deal with challenging and complex issues, lots of diverse opinions, colourful personalities, and a whole lot of innovation and uncertainty. It is essential that meetings are well-organized, high-quality, and make good use of people's time. Based on the authors' collective years of experience working with groups, the following 'checks' are suggested to help ensure that workshops are effective in creating positive energy, momentum, and a launching pad for next steps and action:

☑ **Co-create the agenda and spend extra time in pre-workshop preparation**

- Conduct an e-survey with participants to identify concerns and desired workshop outcomes. If possible, hold short 1:1 interviews with participants ahead of time and work to capture their ideas. Understand the points of tension. Consider sharing back what you learn with the group to reveal areas of commonality or divergence. Even icebreakers should be thoughtful and purposeful.

- Ensure meeting organizers are clear on their own goals and questions, and ready to steer the conversation

- Organizers are prepared to step up to prompt and steer the conversation in a productive direction

☑ **Choose resource guests carefully**

- Ensure content resource guests are carefully chosen and prepped ahead of time, with clear instruction about what they should speak to. Guests must understand how their information is part of achieving the workshop goals. For example, is a resource guest helping to explain a concept? Are they providing "proof of possible" by telling an inspiring story from their own experience?

- Go above-and-beyond to ensure participants are prepared for a good discussion

- Does everyone have the information they need for a good discussion? Consider putting together a briefing note or a resource package to ensure people have the basic summary of the information. Have 1:1 meetings prior to the workshop to make sure participants are up-to-speed.

☑ **Explore options for facilitation**

- Facilitators in these workshops can either support in the typical way by providing neutral assistance in ensuring the group process runs smoothly. You also might consider appointing a co-facilitator or a "chair" who can bring a different perspective, help drive the conversation, and remind the group to concentrate on meeting their goals and objectives. Another potentially useful role is a rapporteur – a person tasked with reflecting and reporting out on the take-aways and insights from the days' events at key points in the agenda.

☑ **Use workshop follow-up and evaluation to test and confirm ideas and decisions**

- Workshop evaluations – shortly after the meeting (immediately following the meeting or 1-2 days later) are useful and can provide insights on what worked well, what didn't work, and what can be improved next time in terms of agenda, facilitation, content. However, evaluations and follow-up e-surveys with participants can serve an even more useful purpose and be a method for securing confirmation on ideas and decisions. For example, the follow-up survey can describe the 5 tasks that were discussed at the meeting and ask that participants select their 1st, 2nd, and 3rd priorities. These results can then help narrow in on next steps, which can be reported back to the group at the next meeting.

Setting Yourself up for Success:
Tips on Developing an Effective Watershed Governance Workshop (cont'd)

☑ **Set yourself up for success with the following logistical factors:**

- 6-15 participants (key change-drivers or leaders in the community) are open to collaboration and ready to have an open and frank conversation;

- Sufficient time is allotted – ideally half a day – for "workshopping"; including time to walk through the concepts and Stepping Stones exercise; including adequate time for a framing presentation;

- Note-taker(s) are in place to ensure accurate capture of the workshop so future conversations build on the outcomes of the session; and

- Meeting materials are circulated in advance so everyone attending has the same background information.

☑ **Think ahead about how to avoid common rabbit holes that can side-track the conversation:**

- Technical issues: remind people about the difference between governance and management.

- Venting about governments not doing their job: remind people about the window of opportunity and that the Stepping Stones exercise helps focus on what can be done, locally, to self-organize and build readiness for a greater role in watershed management.

- Organizational structure questions: The process to formally organize as a society, board, etc. can happen at different stages in the evolution of the Stepping Stones. There is no one right point at which to formalize a governance structure, but the organizational structure should involve the watershed users and decision-makers needed to design and implement solutions to the specific set of problems your organization is interested in. The organizational structure conversation is important because it raises questions about receiving/holding funds and accountability for funds, conflict of interest, etc. In terms of facilitating the Stepping Stones conversation, it is recommended not to dive into these details but to re-orient the conversation to the big picture: Where are we going? How do we get there?

2. Sample Agenda for a Stepping Stones Workshop

There are many possible ways of organizing a Stepping Stone conversation.
Below is one approach, based on a full-day workshop that includes a morning watershed tour.

When	What	Who
Part One (Morning)	**Introductions & Framing** • Traditional Welcome from local Indigenous knowledge-keeper(s) • Round of introductions • Clear framing about the purpose of the meeting: Framing involves setting the tone and context for the day: ensuring everyone knows why they have been convened, what will be achieved through the day (and how); and getting the group on the same page. Developing the frame requires careful thought and pre-planning on the part of the organizers. • Discussion about the goals and agenda for today's workshop	All
Part One	**Watershed Tour & Lunch** **(2-4 hours, depending on number of local speakers, distances, etc.)** A Watershed Tour is useful to look at and discuss the types of projects already underway, and still needed, in the watershed. (E.g., Stepping Stone 2). This informal and interactive outside time together can be conducive to developing shared understanding and creating a positive dynamic. Types of "stops" on the tour can include: • Visit and learn about First Nations water perspectives, values, history; learn about First Nation-led initiatives and/or important sites in the watershed; • Visit an aquifer pumping station or drinking water treatment facility: brief presentation/discussion with local town staff; • Walk along a creek and look at riparian habitat and fish spawning areas (presentation from local community stewardship group, and discuss threats and issues in the riparian); • Observe and discuss community-based water sampling protocol and discuss importance of data and information; • Short survey of a forestry cut-block (presentation from forestry company workers); and • Observe and discuss a new development and discuss pro's and con's to watershed health.	
Part Two	**Presentation about water decision-making and framing of the Stepping Stones** • Watershed governance 101 – why it matters. • Overview of the Stepping Stones concept: what it is, what each stepping stone involves, how it can help the group as a framework for assessing progress and needs.	Resource guest / facilitator(s)
Part Three (Suggested 2-3 hours)	**Exercises Based on Stepping Stones / Group discussion** • Ensure there is a clear format for the exercises, and clear instructions for participants to engage.	All, with guidance from facilitator(s); note-taking critical in this session

3. Framing Watershed Governance: An Exercise in Strategic Communications

Messages work well when they're **combined into a narrative** that outlines our **vision**, the **barrier(s)** standing in our way, the **actions** we can take to address these barriers and achieve our vision, and the **benefits** of taking action. This work requires groups to get clear on their audiences, first and foremost. This framing exercise helps a group identify the locally relevant messages in all four of these categories, to come up with strong, effective narrative to support their watershed governance efforts.

Audiences: Who are we trying to reach?

Audiences are the people you need to reach to make progress on your goals, whether they are potential supporters or opponents. Consider a) who has a stake or vested interest in the issues? b) who has decision making power or influence over what you're trying to achieve? Then ask yourselves for each audience: are they on our side, neutral/unsure, or opposed to what we're trying to do?

Vision: What kind of community do we want to live in?

Leading with a vision gets audiences in agreement around where we're going. Invite the group to describe some of their shared aspirations around living in this community, then to consider the visions of their audiences/broader community. Questions to consider include: "What do you love about living here? What type of (ideal) community do you want to live in?" Look for the underlying values in their responses.

Here are some potential examples of vision:

- **Health and quality of life:** We like being in a place where we can be healthy (where the air and water are clean), and where we can play/spend time in a beautiful, natural environment (including rivers, lakes, streams and the ecosystems that depend on them).

- **Self-determination:** Our community is self-sufficient and in control of how its natural resources are developed and used; local expertise is put to good use for the benefit of us all. We are small enough to make decisions as a community, for the community. We choose to be here, and we make decisions for ourselves. We aren't at the whims of decision makers, complicated urban bureaucracies or industries that prioritize profits over people.

- **Equity/Community:** We take care of each other. We know our neighbours. We make sure everyone in the community has access to the things they need to thrive, be healthy and enjoy life here.

- **Prosperity:** We're building a local economy that will last for generations. Our industries connect to the amazing landscape around us. We can see where our food comes from and we feed others on the island/ in the province. We manage our industries and the resources that they depend on smartly and sustainably.

- **Leadership:** We may be small, but our community is a leader in our region/ the province. Our community is a point of pride.

- **Austerity/efficiency:** We can do a lot with less by managing our resources effectively, and in line with our vision; we can save money by making smart decisions. We are nimble.

Barrier: What (water) problems are standing in our way?

What are the problems we're currently experiencing that prevent us from living the way we want to (or achieving our vision)? <u>Invite the group to list some of the water-specific challenges or threats the community is facing, then help connect these problems back to their vision. These problems are some of the factoids the group can use in their outreach, to help the broader community understand its water challenges and connect them back to shared values/vision.</u> Consider what examples, stats or evidence you have to substantiate each problem claim.

Here are some potential examples of problems/barriers:

- Do we lack access to reliable, clean water?
- Are we concerned that we don't have enough water to go around, or that it's being used in ways that jeopardize access for others?
- Does the community not have enough say over how it is being developed, how water is being extracted?
- Are industries run by people outside of our community, like big logging companies, using water in ways that limit our local industries, like agriculture?

Actions: What will help us achieve our vision or solve our problems?

This is where we introduce some of the approaches or Stepping Stones that can help us achieve our vision and address some of our problems. If the vision is the 'what', the choice is the 'how'. Watershed governance or "collaborative (local) decision making" can (and must) be broken down into a handful of concepts or approaches described in ways that make sense to community members and appeal to their common sense. <u>Here's the start of a list of watershed governance approaches; invite the group to add to it:</u>

- Identifying what matters most to us and the best ways to manage/protect/promote them.
- Advocating for ourselves and ensuring our needs inform decisions that affect us.
- Collaborating with others in our community to share knowledge and make decisions.
- Other attributes of collaborative decision making/watershed governance?

Benefits: What do we gain from taking action?

What are the clear, measurable benefits we stand to gain from collaborative decision making? Try to get as tangible and specific as possible. Make sure the views and needs of all community members are captured here, not just the workshop group.

Return to the audience list and brainstorm the benefits that would be most resonant or appealing to them. Are there audiences or stakeholders that should be added to the list, that weren't captured at the start? Now is a time to reinforce that the messaging on this campaign speak to all of the key audiences, not just their constituents, in some way.

Here are some benefits examples:

- Farmers will have access to the water they need, when they need it.
- Households can trust the water that comes out of their taps.
- Local governments will save dollars on water treatment infrastructure.
- Development can take place without jeopardizing quality of life for those who live in the valley now.

A note (and exercise) on messengers

Effective messengers are people who are trusted, have credibility and expertise, and who audiences see as "one of their own" or sharing their values. Messengers are often more important than the message. Building on the work you just did to identify different audiences, ask the group to brainstorm the types of messengers needed to reach each audience. For example, farmers may want to hear from agricultural associations, workers may want to hear from union leaders, local government leaders may want to hear from other bureaucrats within government or constituents.

Then consider, where does the group already have relationships with these messengers, and where do they need to build them?

POLIS Project on Ecological Governance
watersustainability**project**

POLIS WATER SUSTAINABILITY PROJECT

The POLIS Water Sustainability Project (WSP) is an action-based research group that recognizes water scarcity is a social dilemma that cannot be addressed by technical solutions alone. The project focuses on four themes crucial to a sustainable water future:

- Water Conservation and the Water Soft Path;
- The Water-Energy Nexus;
- Watershed Governance; and
- Water Law and Policy.

The WSP works with industry, government, civil society, environmental not-for-profits, and individuals to develop and embed water conservation strategies that benefit the economy, communities, and the environment. The WSP is an initiative of the POLIS Project on Ecological Governance at the Centre for Global Studies, University of Victoria.

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The Centre for Indigenous Environmental Resources is a national First Nation directed environmental non-profit organisation. We offer research, advisory, and education and training services to Indigenous communities, governments and private companies through our two program areas: Building Sustainable Communities and Protecting Lands and Waters.

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