



Considering the Future of Watershed Management and Governance for the Sunshine Coast





Introduction

Water is a strategic asset to the Sunshine Coast, which has critical ecological, economic, social, and spiritual importance. In recent years, the Sunshine Coast Regional District (SCRD) has experienced increasingly significant water pressures and management issues. On October 3, 2017, the Sunshine Coast Regional District (SCRD) declared Stage 4 water restrictions, the most severe level of restriction, banning all commercial use of water and residential outdoor tap use. To help ease the crisis, it also installed a siphon to extend the draw of water from Chapman Lake. The regional district also declared Stage 4 water restrictions in 2015, while in both 2014 and 2016, areas of the region were under Stage 3 water restrictions. In fact, the status of the Sunshine Coast's water shortages has received extensive national news coverage over the last several years.

The water challenges the region is experiencing affect the quality of life of all citizens, the local economy and the overall sustainability of the Sunshine Coast. While this is well-recognized by local governments, it is also clear that existing management and planning tools, such as the 2013 Comprehensive Regional Water Plan, are proving ineffective at addressing this critical issue. Furthermore, these challenges are only expected to worsen, as they are exacerbated by the impacts of climate change, regulatory changes and population growth.

Recently, the SCRD administration responded to the water supply issue by proposing groundwater as a water source to supplement the Chapman Creek surface water supply. This option is consistent with the SCRD's Comprehensive Regional Water Plan and four sites were identified for further exploration. These sites included one that would draw water from the Gibsons Aquifer, which would jeopardize the Town of Gibson's ability to provide water for its future buildout. This situation exemplifies the need for a fully integrated approach to water management, to ensure that proposed solutions are coordinated and actively engage all affected rights and stakeholders.

Overlapping Jurisdictions

The Sunshine Coast is not alone in its water challenges. Regions across the province are addressing similar issues associated with the provision of safe water supplies but also of overall watershed health, management and governance. Ideally, watersheds should be managed as whole systems. Jurisdictional complexity makes this difficult because, generally, several levels of government are involved. Local governments typically oversee drinking water management and source water protection. They also directly influence water through land-use and zoning decisions, as is often articulated in community plans and regional growth initiatives. The provincial government has primary responsibility for making decisions about water and watersheds. It has the most direct constitutional powers related to land use, water management, and control over local government. First Nations have constitutionally protected rights to land



and water resources requiring proper consultation to ensure that their interests are accommodated. This situation can be especially challenging in cases of undefined water rights in advance of formal treaties or claims of aboriginal title.¹ Unresolved aboriginal rights and title influence all aspects of resource decision-making and development in the province.

Given the complexity created by these overlapping jurisdictions and the significance of local conditions in both watershed management challenges and solutions, we strongly believe it makes sense to work collaboratively to find effective solutions for our communities.

The purpose of this document is to propose a process to consider a modernized watershed management plan and a regional approach to watershed governance.

What is Watershed Governance?

Governance is a complex concept but it generally refers to who has power, who makes decisions, who has the ability to influence, shape and execute decisions and how accountability is determined. Governance is a product of the context including laws, regulations, and formal institutions and incentives coupled with the norms, values, behaviours, and ethics influencing decisions and how they flow through the social networks of influence and action.² Watershed governance refers to the full range of watershed issues - water resources and delivery of water services, as well as the protection and conservation of water and aquatic ecosystems including their associated riparian area, and land use issues as they impact water at a watershed scale.³

What is Watershed Management?

Watershed management is the process of implementing land use and water management practices to protect and improve the quality of the water and other natural resources within a watershed by managing the use of those land and water resources in a comprehensive way. Watershed features that governments manage include water supply, water quality, drainage, stormwater runoff, water licensing, and the overall planning and utilization of watersheds. Effective watershed management ensures the sustainable distribution of its resources and the process of creating and implementing plans, programs, and projects to sustain and enhance watershed functions. Many different actors play an integral part in watershed management including landowners, government, engineers, environmental specialists, water purveyors and communities.

¹ See *Tsilhqot'in Nation v. British Columbia*, 44 (SCC 2014).

² Oliver Brandes and J. O'Riordan POLIS (2014) *A Blueprint for Watershed Governance in British Columbia*.

³ Linda Nowlan and K. Bakker, (2007) *Delegating Water Governance: Issues and Challenges in the BC Context* Report for BC Water Governance Project.



What are we proposing?

We are proposing that the Sunshine Coast Regional District members undertake the exploration of two key initiatives:

1. The development of an integrated, regional watershed management approach, with supporting management strategies, programs, projects, bylaws, policies and tools.
2. The examination of models for regional watershed governance that would provide an opportunity for collaborative governance by bringing together relevant rights holders and stakeholders.

What would be required to undertake this work?

The Town of Gibsons would be willing to act as the Convenor of this exploratory process. The Town has demonstrated its leadership in many areas of water management, including water conservation, monitoring, and aquifer mapping. It is leading the country in implementing natural asset management, which formally recognizes natural assets and the civic services they deliver as an essential part of a community's infrastructure. As Convenor, the Town of Gibsons would take a leadership role to steward the exploration process in partnership with the SCRD. This work would build on the water management work that has been completed to date, including existing plans, assessments and monitoring data.

Below is a discussion of both the rationale and the next steps for the above-mentioned issues.

1. Develop an Integrated Regional Watershed Management Approach

Currently, the SCRD deals only with water distribution and land use planning – integrated decision making is ad hoc at best. The development of a comprehensive, integrated watershed plan which identifies key regional issues and pressures, and proactively maps out its water resource capacity and data needs, would provide valuable guidance to decision-makers, resource managers, water users and residents regarding land and water resources in the watershed.

Developing a modern, forward-thinking regional approach will improve the SCRD's ability to deliver services and effectively partner with senior levels of government and First Nations, while ensuring the social, ecological and economic sustainability of the region.



Characteristics of a plan

An integrated watershed plan would likely be characterized by objectives such as:

- Healthy aquatic ecosystems that sustain native biodiversity and aquatic life;
- Reliable and adequate flows of clean water to support a sustainable economy and food system, and;
- Safe and secure water to support healthy communities.

Suggested guiding principles that could characterize the work include:

- Adaptive management;
- Natural asset management;
- Long-term monitoring, and;
- Two-eyed seeing (a framework for understanding indigenous and non-indigenous knowledge).⁴

The initial steps in developing a watershed management approach would include:

1. Convening an Advisory Committee with appropriate representation from all stakeholders to steward the process and to initially assess the capacity and resource requirements to pursue this work.
2. Developing a Terms of Reference and Project Charter that would define the scope and scale of the work to be undertaken.
3. Creating a Technical Advisory Committee with representatives from multiple third-party agencies and organizations.

Based on examples of similar work undertaken by other jurisdictions⁵, we have learned that:

- the process typically works to identify a driving vision for the plan, guiding principles, key objectives or outcomes, and related activities to achieve the objectives;
- other jurisdictions have been able to secure external funding to help support this process, and;
- developing an integrated regional watershed management approach through an inclusive process could take up to two years.

⁴ Two-Eyed Seeing is a principle created by Mi'kmaw Elder Albert Marshall that "refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of Western knowledges and ways of knowing ... and learning to use both these eyes together, for the benefit of all." <http://www.integrativescience.ca/Principles/TwoEyedSeeing/> for more information and background

⁵ Examples include the Kettle River Watershed Management Plan, Comox Valley Regional Water Supply Strategy, Kiskatinaw Watershed Management Strategy (Dawson Creek), Shuswap Lake Integrated Planning Process.



2. Examine Models of Regional Watershed Governance

While examining watershed governance models is complementary to pursuing an integrated watershed management plan, it does require asking different questions. A governance model would need to be compatible with the objectives of a regional integrated watershed plan, as it would influence how the management plan is operationalized and how decisions would be made. In many communities, mounting concern about the sustainability of their water is driving demand to have more local engagement in decision-making with the Province. At the same time, many First Nations want collaborative consent or government-to-government agreements on decisions about water.⁶ Local governments and First Nation communities around the province are considering watershed governance options given the potential provisions in the *Water Sustainability Act* for alternative governance arrangements. To date, the provincial government has not clearly identified what these arrangements could look like.

Collaborating with First Nations

The systematic exclusion of First Nations from governing water is no longer socially or legally acceptable under the provincial commitment to the principles of UNDRIP (UN Declaration on the Rights of Indigenous Peoples) or the federal and provincial commitments to government-government relationships. First Nations' strong historical, spiritual, cultural, and economic ties to the land and water make them a unique and important force in BC. First Nations are a level of government that must be properly acknowledged and hold an important place in any efforts to improve the governing of watersheds to ensure more ecologically and socially sustainable outcomes. The Sunshine Coast makes up part of the traditional territory of the Sechelt Nation (Shíshálh) and the Squamish Nation (Skwxwu7mesh Uxwumixw). Examining how local governments work together with First Nations on water is an important step towards reconciliation and meeting the principles of UNDRIP.

Existing Watershed Governance Models

In BC, there are different arrangements along the spectrum of watershed governance, from the large, formalized entity of the Okanagan Basin Watershed Board (OBWB), to the medium-scale Cowichan Watershed Board to smaller-scale organizations such as the Nechako Watershed Roundtable or the Coquitlam River Watershed Roundtable. Most of these organizations are partnerships that provide a forum for information-sharing and discussing and negotiating management actions, while formal government agencies retain decision-making power. The

⁶ Collaborative consent describes an ongoing process of committed engagement between Indigenous and non-Indigenous governments— acting as equal partners, each with their asserted authority—to secure mutual consent on proposed paths forward related to matters of common concern and all aspects of governance.

Phare, M-A., Simms, R., Brandes, O.M., Miltenberger, M. (2017). *Collaborative Consent and Water in British Columbia: Towards Watershed Co-Governance*.



OBWB is a unique entity in BC as it is an autonomous, formalized body, established for the long term with a wide range of stakeholders (public and private) that is empowered to implement water management decisions.⁷

The role that local governments play in these organizations vary from model to model. Currently, the Cowichan Watershed Board and its members are examining their model of co-governance with the Cowichan Tribes. At the same time, the Cowichan Valley Regional District is examining how the Cowichan Watershed Board helps to deliver the regional district's watershed management objectives. In the Canadian context, we do not have examples of delegated collaborative water governance where non-state actors (watershed entity, municipality, or region) are directly engaged in decision-making for water management.

In the case of the Sunshine Coast, examining potential regional watershed governance models is an opportunity to find the appropriate approach to bring together relevant rights holders and stakeholders to pursue shared regional objectives, specific to our watershed.

The initial steps in developing an appropriate watershed governance model would include:

1. Convening an Advisory Committee, including Sechelt Nation and Squamish Nation to discuss guiding principles.
2. Reviewing the related work that has been done in other jurisdictions around the province.
3. Developing a proposal for a regional watershed governance model with options specific to the Sunshine Coast context to bring before the respective Councils/Board.

We are fortunate that BC has generated significant literature on watershed governance, Indigenous Co-Governance and Collaborative Consent. These resources would provide invaluable assistance in guiding this work, should the relevant parties agree to proceed.

Conclusion

Given the significant water management challenges, complexities of land use, interests and rights holders in our region, we think that future proofing the Sunshine Coast's social, ecological and economic prosperity requires closely examining our options for both **integrated watershed management planning and watershed governance**.

The *BC Water Sustainability Act* and associated enabling regulations are evolving and they will influence watershed management and governance. Positioning the Sunshine Coast as a

⁷ Ontario's Conservation Authorities are another example of a formal watershed governance entity.



proactive region on these issues will make it an appealing partner for collaboration with the Province and other levels of government.

Prepared for the Town of Gibsons by Zita Botelho, M.A