Policy Proposal for Development and Implementation of WSA Objectives
March 2021

PART 1: INTRODUCTION AND CONTEXT

WSA Objectives are a new area-based water management tool enabled under Section 43 of the *Water Sustainability Act* (WSA). WSA Objectives can promote positive outcomes for water and communities across a range of land and water planning and decision processes linked to provincial and local government functions. WSA Objectives can be established to sustain water quality and quantity for specified human uses of water and aquatic ecosystems. A key benefit of WSA Objectives is that the tool enables a proactive and integrated approach to the management of local water-related values. There is potential for Indigenous and local governments to initiate and develop a WSA Objective alongside the Province.

Provincial policy is required to guide the development of WSA Objectives to promote consistency and good practice. This policy proposal presents ideas for how WSA Objectives could be established. The paper is organized into three main sections:

- **Part 2** introduces the potential of WSA Objectives,
- **Part 3** provides an overview of the proposed process for developing WSA Objectives,
- **Part 4** provides more detailed information on the proposed development framework introduced in Part 3.

ENGAGEMENT PROCESS

Over March 2019-September 2020, the Ministry of Environment and Climate Change Strategy (ENV) initially engaged other B.C. ministries whose decisions may be influenced by a WSA Objective. This proposal reflects input from those discussions, which have shaped this early policy proposal about how a WSA Objective could be developed.

This paper is intended to solicit input from Indigenous and local governments who are potential partners in the development of WSA Objectives. The outcome of this engagement process will be an interim WSA Objectives policy that can be tested through pilots and refined accordingly in collaboration with Indigenous and local governments. Therefore, the proposals in this paper, including the draft WSA Objectives development process set out in section 2, are a starting point for collaborative work with Indigenous and local governments.

We welcome input and feedback from Indigenous and local governments to help shape this paper and the eventual policy. If you would like to contact us, submit feedback, or have questions you would like to discuss, you can reach us by email or by phone using the information below:

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PART 2: THE POTENTIAL OF WSA OBJECTIVES

This section sets out the potential of WSA Objectives, including the two options for development (policy or regulation), and some considerations for determining whether WSA Objectives are the best tool to address a specific water management issue. This section also briefly addresses funding and resourcing and explores linkages between WSA Objectives and other watershed or governance processes.

INTRODUCING WSA OBJECTIVES

WSA Objectives can be established to sustain water quality and quantity for specified human uses of water and aquatic ecosystems. A key benefit of WSA Objectives is that the tool enables a proactive and integrated approach to the management of local water related values.

A WSA Objective can be designed to apply across a range of Provincial resource management decisions and local government planning processes, in addition to decisions under the WSA. For example, in an area where WSA Objectives apply, considerations related to water quality could become a requirement for decisions under the WSA, the *Mines Act,* or the *Forest Range and Practices Act* (FRPA). This approach is intended to support the management of cumulative effects.
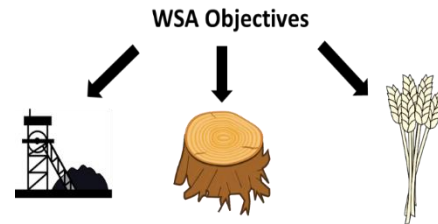
Figure 1: WSA Objectives can create common water management goals that consider the cumulative impacts of different land and water activities within a watershed

WSA Objectives may be most useful where human activities regulated under Provincial laws are contributing to a water-related problem. However, WSA Objectives may also provide an avenue for a broader discussion of local water related values and priorities.

It is not the intent of WSA Objectives to excessively restrict development or economic activity within an area but rather, to ensure that specified activities are managed in accordance with the Objectives. Overall, WSA Objectives may benefit businesses by providing clarity on what values people place on a watershed and the expectations on development or economic activities to meet those values.

WSA OBJECTIVES MAY BE DEVELOPED AS A REGULATION OR AS A POLICY

WSA Objectives may be implemented as a regulation or policy under the WSA. Where implemented as a regulation, decision makers would be required to consider the WSA Objective in the decision-making process. WSA Objectives implemented as regulation require approval from the Lieutenant Governor-in-Council and require a greater degree of resourcing than for the development of a WSA Objective as policy. Developing WSA Objectives by regulation also require additional considerations for timelines and resourcing.

Where implemented as a policy, they would not carry the same legal authority to influence statutory decisions across a broad range of legislation; however, they could be considered as guidelines, guidance or best practices, similar to existing water quality objectives established under the *Environmental Management Act* (EMA). Objectives developed by policy also require approval by government.

WHAT COULD WSA OBJECTIVES LOOK LIKE?

An approved set of WSA Objectives would likely specify, at a minimum:

- The objectives/values to be sustained,
- The extent of the specified applicable area (e.g., watershed),
- The provincial legislation to which the WSA Objectives apply,
- Targets and strategies for implementation of the objectives, and
- How decisions under the applicable legislation are affected by the WSA Objectives.

WHEN ARE WSA OBJECTIVES THE RIGHT TOOL? SOME LIMITATIONS

WSA Objectives can only influence future decisions made by public officials under specified laws, meaning it is an inherently forward-looking tool. Existing licences or permits cannot be altered by the introduction of WSA Objectives unless a new statutory decision is made regarding those rights (such as an amendment). Similarly, because WSA Objectives only apply to decisions, they cannot legally influence activities where no statutory decision is made, such as activities permitted under regulation without the need for a permit, licence or authorization.

Discussion may be needed to weigh whether WSA Objectives or another tool (e.g., a Water Sustainability Plan, a Land Use Plan, or a different tool altogether) would be more suitable to address the issues or opportunities to influence decisions in a watershed or area. Additionally, there may be value to discussing early whether to seek developing WSA Objectives by regulation that would require decision makers to consider the objectives, or by policy that could guide and influence decisions.

DIFFERENCES BETWEEN WSA OBJECTIVES AND OTHER PROVINCIAL WATER MANAGEMENT TOOLS

WSA Objectives are not the same as water quality objectives (under the EMA). The Province has set water quality objectives since the 1980s. They act as site-specific water quality guidelines, apply only to EMA decisions and are not legally enforceable unless they are referenced in a permit or other legal instrument issued under EMA.

Water Sustainability Plans (s.64-85 WSA) are a new tool introduced with the WSA in 2016. The WSA describes the authority and requirements for government to approve development of Water Sustainability Plans which can, among other things, restrict existing rights or certain types of water uses within an area. A WSA Objectives development process may lead to a decision to develop a Water Sustainably Plan or WSA Objectives may be developed as part of a Water Sustainability Planning process.

There are other initiatives outside of the WSA that a WSA Objective may interact with. A WSA Objective, may, for example, become a component of a Land Use Plan or could lead to a recommendation to develop a Drinking Water Protection Plan under the *Drinking Water Protection Act*. In such a scenario, the development process will likely be adapted to fit with that of the parent initiative.

FUNDING AND RESOURCING

The resources required to develop a WSA Objective will depend on the specific scenario and the partners involved. It is anticipated that in most situations, the partner governments will collaborate to fund the WSA Objectives development process or pursue funding options together. Funding may comprise dollars, staff time and expertise as well as other non-monetary resources. It is understood that Indigenous governments may have capacity and resource constraints that should be recognized in the process of developing WSA Objectives, including in funding and resourcing decisions.

Additional funding and resourcing implications may be subject to whether WSA Objectives will be implemented by regulation or by policy. Regulations are generally a multi-year undertaking that require additional approvals processes and staff resources to develop. In contrast, policies can potentially be developed in months or one to two years with fewer resources and a more simplified process.

PART 3: OVERVIEW OF PROPOSED PROCESS FOR DEVELOPING WSA OBJECTIVES

This section provides an overview of the draft process for developing WSA Objectives. This draft process has been developed to align with the framework provided in s. 43 of the WSA and its vision and principles. Additional detail about each of the proposed steps can be found in Part 3.

PROPOSED VISION AND PRINCIPLES

It is proposed that the broad vision for WSA Objectives is that they sustain **aquatic ecosystem** and **human health values**.

Principles promote consistency and provide a common intention across planning initiatives. Through engagement with other B.C. ministries, ENV identified a set of potential principles (in no preference of order) that can help to guide the development of WSA Objectives:

❖ Principle 1: Maintain the watershed system to support aquatic ecosystem and human health values for current and future generations;
❖ Principle 2: Promote and implement best available land management practices and technologies to prevent harm and support potential future uses;
❖ Principle 3: Respect approaches and initiatives that are already working;
❖ Principle 4: Sustain activities that constitute a watershed's social and economic fabric;
❖ Principle 5: Foster respectful relationships such that all governments, agencies and stakeholders can engage in mutually respectful dialogue about WSA Objectives;
❖ Principle 6: Honour and work towards implementing The *UN Declaration on the Rights of Indigenous Peoples* and the *B.C. Declaration on the Rights of Indigenous Peoples Act* throughout WSA Objectives development and implementation; and
❖ Principle 7: Seek to collaborate with Indigenous and local governments, and engage Indigenous communities, the public and stakeholders in setting WSA Objectives and evaluating attainment.

These principles can be amended or added to as engagement and projects progress.

RECOGNIZING MULTIPLE WATERSHED VALUES

WSA Objectives, whether developed by regulation or policy, are intended to be applied on an area basis, and can be focused on a watershed, stream, aquifer (groundwater), specified area, or body of water within a specified area. In this document the term 'watershed' is used for simplicity, but this may be replaced with any of these terms.

Broadly, the WSA Objectives development process should be inclusive and collaborative, while recognizing different interests and values in watershed. Given that there may be several overlapping and varied values and interests in a watershed, the participants in a WSA Objectives development process should represent the different governments and communities that can
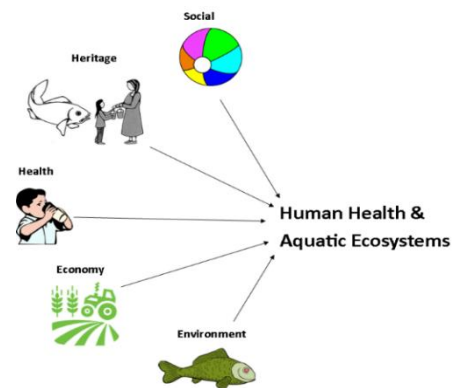

Figure 2: Potential Nested Values

speak to the watershed values of interest for a WSA Objectives development project.

Nested values are the translation of human health and aquatic ecosystem values into more specific values that a water system supports, such as values related to public health and safety, environment, culture, recreation or economy (Figure 2). A WSA Objectives development process would seek to collaboratively identify a set of nested values that are specific to each watershed and should reflect the local environment, people and interests. Agreeing upon a set of nested values to be addressed with WSA Objectives may require multiple discussions and engagement. While there may be many values associated with a watershed, not all the issues will be best addressed with a WSA Objective.

SCENARIOS FOR DEVELOPING WSA OBJECTIVES

Whereas each WSA Objectives development scenario may be different, the following scenarios are anticipated to most likely lead to the development of WSA Objectives:

Collaborative initiatives when the provincial government, Indigenous, local, and/or federal governments collectively recognize that WSA Objectives may resolve an issue in an area. It is possible that one agency would take the lead in bringing other partners together, such as the provincial government or an Indigenous government. In this approach, the provincial government, Indigenous governments, and/or local government would act as partners to develop the WSA Objective(s), subject to each party's willingness to participate.

Supporting another initiative or agreement that identifies WSA Objectives as an appropriate tool to meet a desired objective. For example, WSA Objectives could form a key component of a Land Use Plan, a Water Sustainability Plan, a Drinking Water Protection Plan, another area-based initiative or a First Nations' initiative.

Provincial Government-led initiatives where the provincial government takes the lead initiating and developing WSA Objectives, in consultation with Indigenous governments and communities. A more top-down approach to developing WSA Objectives may be appropriate in circumstances where external pressures are important factors, such as transboundary agreement obligations or when responding to environmental disasters.

OVERVIEW OF THE WSA OBJECTIVES PROCESS

This section proposes a process for developing WSA Objectives. The draft process may be refined or amended based on input from local and Indigenous governments though this engagement and though future work to develop WSA Objectives. The framework described below can be adapted if WSA Objectives are developed as a component of another initiative (e.g., Land Use Planning), or if there is already a broader governance structure in place, such as within an existing Government to Government agreement.

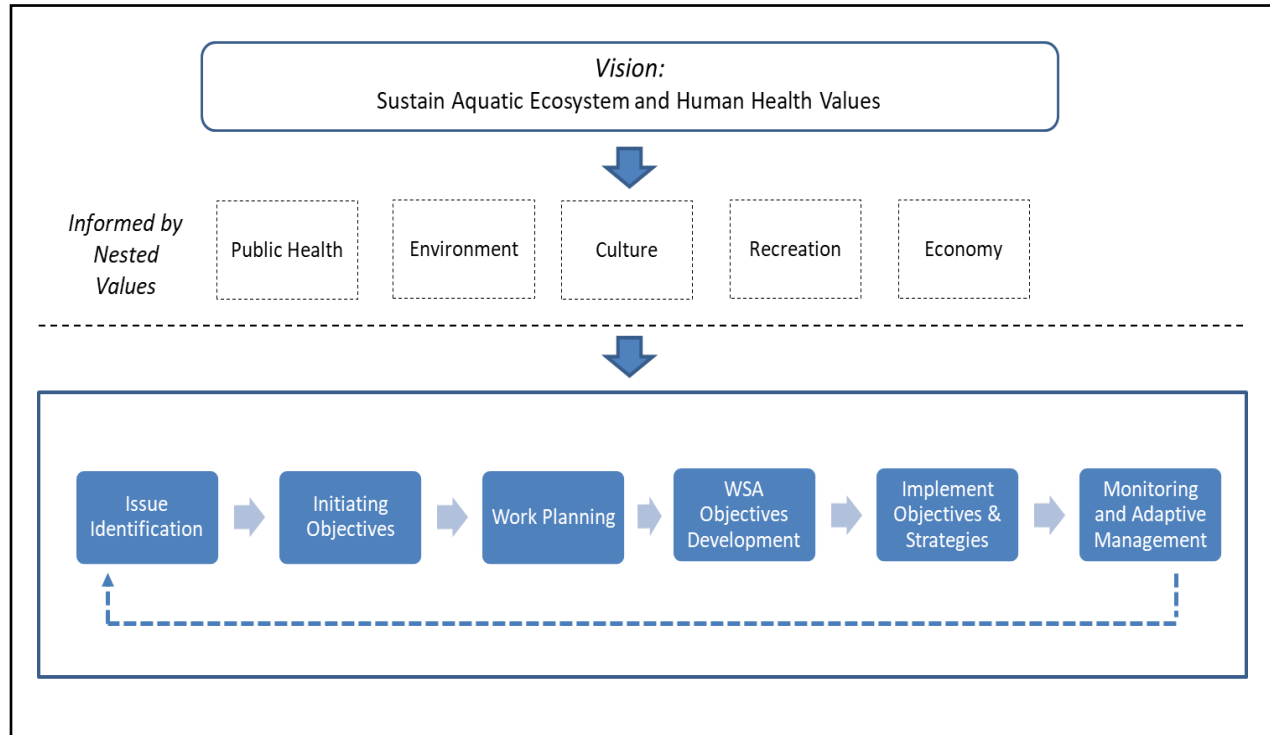Figure 3 outlines the proposed WSA Objectives Development Framework.

Figure 3: Proposed Phases for WSA Objectives Development

Six phases are proposed for developing WSA Objectives. Part 3 provides additional detail about each of these steps.

1. **Issue or Opportunity Identification**: A proposal is developed by the government(s) seeking to initiate a WSA Objectives development process. The proposal should describe the relevant values and interests in the watershed, and opportunities to positively influence decisions or issues of concern. The proposal can be supported by a scoping level assessment that summarizes any relevant, readily available information.

2. **Initiating Objectives (Decision Point)**: A formal decision is sought to approve the WSA Objectives proposal, with the outcome being endorsement to develop WSA Objectives. The approvals needed would be responsive to the type of proposal: a policy or a regulation. Flowing from the approval, project sponsors and a working group would be formed.

3. **Work Planning**: Planning out the project work, developing a project charter and work plan, identifying any additional technical, community watershed, or advisory groups needed to support the work, and outlining how work will be distributed among those groups are key to this phase. A significant component would also be to develop a conceptual model of the watershed to gather the knowledge and perspectives of the working group members, the technical advisory group and the broader watershed community, including engagement with Indigenous and other local communities, stakeholders, and the public.

4. **WSA Objectives Development (Decision Point)**: Draft WSA Objectives are prepared for approval, including performing the technical work to support the development of the draft WSA

Objectives. A key step in this phase is the approval of the draft WSA Objectives as policy or development of the regulation.

5. **Implement Objectives and Strategies**: After approval, implementing WSA Objectives as either policy or regulation, and implementing the strategies that have been developed for the WSA Objectives would commence. Work at this stage will include developing additional materials to support implementation, such as decision support tools for decision makers whose decisions are affected by the WSA Objectives, and a communications plan to communicate the WSA Objectives to the broad watershed community.

6. **Evaluation and Adaptive Management:** Monitoring and evaluation are undertaken to adaptively manage the WSA Objectives and making any adjustments as learnings from implementation emerge.

PART 4: DETAILED PROPOSED WSA OBJECTIVES DEVELOPMENT PROCESS

This section provides more detailed information for each of the proposed WSA Objectives development steps identified in Part 2.

1. ISSUE IDENTIFICATION

Before initiating development of WSA Objectives, a representative government(s) would assess the suitability of WSA Objectives for addressing an identified issue(s) related to sustaining or restoring aquatic ecosystem or human health values. Those interested in a WSA Objectives development project would prepare a proposal that demonstrates WSA Objectives as an appropriate tool to address the opportunity(-ies) or issue(s) in a watershed, and by doing so would become the initiating entity(-ies).

The proposal should describe primary issue(s) or opportunities in a given area or watershed, which are supported by an initial scoping level assessment that summarizes any readily available, defensible information to support the proposal. This may include information and knowledge from Indigenous, local, and other governments and communities, as well as provincial programs such as the Cumulative Effects Framework and other environmental reporting. Additionally, the proposal should outline how a WSA Objective best addresses the identified (current or potential future) issue(s) related to aquatic ecosystem and human health values. The proposal may also outline whether there is interest in implementing the WSA Objectives through policy or a regulation.

2. INITIATING WSA OBJECTIVES

Representative governments are likely the most appropriate entities to develop the proposal for a WSA Objectives development project, including:
- The provincial government (e.g., one lead and/or several partner ministries),
- An Indigenous government (including an Indigenous Governing Body),
- The federal government, or
- A local or regional government.

Once the proposal has been prepared, it can be considered for approval by government.

After the decision to approve the proposal, the initiating entity(-ies) would likely take on a **project sponsor** role, as well as provide other support staff and resources throughout the WSA Objectives

development process. If the initiating entity does not have sufficient resources to support the process, funding expectations or options should be outlined. Project sponsors would oversee the work and endorse or approve recommendations arising from the project.

3. WORK PLANNING

The working group would be responsible for ensuring the delivery of the draft WSA Objectives. This work should carry the project through the following steps of development:

- Conduct technical work and engagement with stakeholders and communities;
- Prepare Draft WSA Objectives; and
- Deliver a recommendation for approval (as policy or regulation), if appropriate.

Where an area is designated for the development of WSA Objectives, the project sponsor(s) would be responsible for assembling a **working group** to manage and implement the project. Project sponsor(s) would be encouraged to seek representation in the working group by staff from local governments, Indigenous governments, the provincial government, the federal government and other representative bodies that have direct influence over land or water management within the planning area, such as watershed boards or councils. The working group would be encouraged to establish a process for working together, making decisions and setting a vision for WSA Objectives development in the project area.

Water-related values expressed by Indigenous communities are diverse; some of those values may be shared with other governments or communities in the watershed, while others may be specific to one community. In some circumstances Indigenous communities may want to undertake internal work to support communication of their values with other governments. In the initial stages, information relating to Indigenous values can be at a very high level and can be added to as capacity and information sharing processes are developed. In some circumstances, Indigenous governments may also wish to develop, or may already have, their own processes for assessing values related to water. Some of the work planning may involve finding ways to weave these processes together with other work done collaboratively with the broader working group.

It is envisioned that a **technical advisory group** and **watershed advisory group** would be developed to support the core working group. Additional advisory groups may be developed as needed and by decision of the working group. It may, for example, be appropriate for the working group to develop an advisory group specific to engaging Indigenous communities, Elders, knowledge keepers and youth.

A **technical advisory group** would support the working group by undertaking and managing the scientific and policy background work related to WSA Objectives development. Therefore, the group would likely be composed of people with background in policy, surface water quantity, surface water quality, groundwater, aquatic habitat, Indigenous knowledge (IK) and other expertise may be needed depending on the concerns and features of the project.

A **watershed (or stream) advisory group** would provide advice to and act as liaisons between the working group and key segments of the community and business sectors. To assist the working group, this group will be encouraged to contribute to a common understanding of the various values and issues. The group may comprise industry and labour representatives, community and local ENGO representatives, regional groups and other delegates representing a diverse range of interests and perspectives that may be benefit or be affected by the Objectives.

In addition to traditional project planning responsibilities, the work planning stage would include the initial efforts of building a shared understanding of the nested values in the watershed, the threats to these

values and management opportunities. The working group would develop narrative statements that set goals for the nested values and set the intention for the development process, as well as stating a rationale for pursuing WSA Objectives implementation as policy or through a regulation.

Developing a Conceptual Model

Building on the initial proposal and any introductory discussions, the working group will establish a shared understanding of the watershed system by developing a **conceptual model** for the project area. Development of a shared conceptual model will provide an opportunity to engage a diverse range of viewpoints from the outset, resulting in science and policies that are more likely to address management gaps. The model will seek to incorporate the knowledge and perspectives of the working group members, community members, policy makers, land managers, scientists, and Indigenous knowledge holders. Therefore, the conceptual model should be developed through a collaborative process that incorporates:

- Analysis of mapping information;
- Review of readily available reports and studies; and
- Surveys, workshops, or interviews with Indigenous and local knowledge holders.

The resulting shared conceptual model will summarize the watershed profile, spatial boundaries of interest, the nested values and goals, issue analysis, and identification of pathways for environmental change (Figure 4), as described below. A conceptual model should be documented in a report which consists of detailed information as well as simplified visual communication materials (e.g., infographics, simplified maps and conceptual diagrams). Visual communication materials can facilitate communication amongst participants in the WSA Objectives development process and with external stakeholders and communities. These materials will also provide an opportunity to verify understandings of how the watershed system functions, and to help determine whether further work is needed to incorporate additional perspectives or understandings.
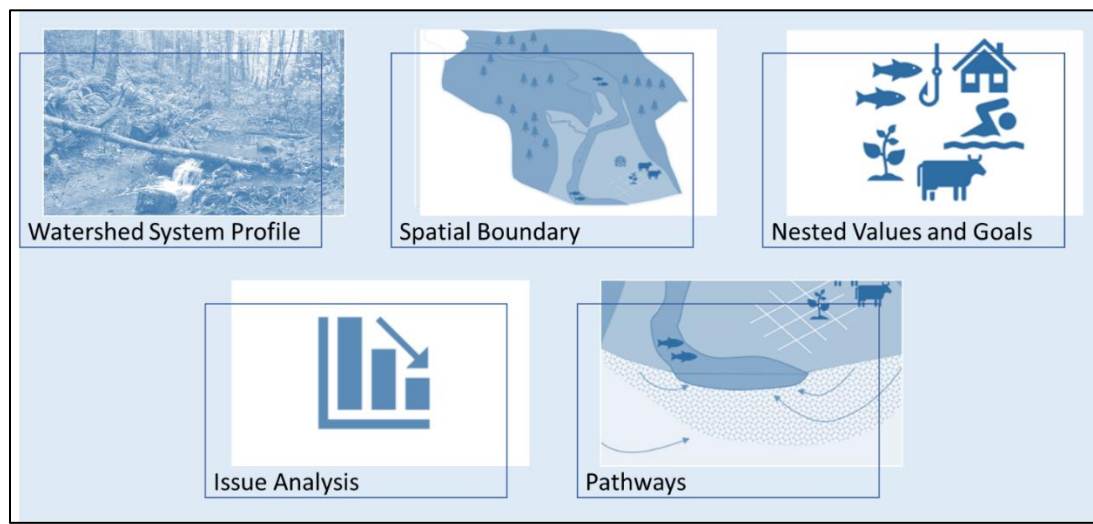

Figure 4. Illustration of Conceptual Model Content

Technical Assessment following the Conceptual Model Development

Once a conceptual model has been developed, this shared understanding can be used to guide a technical assessment. This assessment will build on the conceptual analysis to more thoroughly develop an understanding of the watershed system and management strategies for each of the four basic watershed

system components: surface water quantity, surface water quality, groundwater quality and quantity, and aquatic biota and habitat. The conceptual model will provide guidance for assessment of each these components.

Each component assessment would include the following assessment stages:

- Information Compilation and Review;
- State Evaluation;
- Selecting Indicators;
- Analysis of Effects Pathways; and
- Assessment of Uncertainty and Sensitivity.

Information review during the WSA Objectives Development stage will provide another opportunity to build on the information gathered at the scoping and conceptual model stage and may rely on scientific data, local and Indigenous knowledge, and historical archival information. Information review will be followed by an evaluation of how the state of the watershed system has evolved over time and how it may change in the future with different management approaches.

Building Space for the Inclusion of Indigenous Knowledge

Effort will be made to collaboratively determine the most appropriate ways to weave Indigenous Knowledge and Western knowledge together throughout the development of the conceptual model and other technical work. We acknowledge the importance of undertaking meaningful engagement with Indigenous communities and knowledge holders, and while we may not, at this point, have all the answers as to exactly how to weave the threads of IK and Western science together while developing WSA Objectives, we see it as important to create space in the process for that to happen. It may look differently based on the Indigenous governments and communities involved and depending on what the objectives are that are developed. Where Indigenous knowledge is included, the rights of Indigenous peoples to maintain, control, protect and develop their intellectual property will be respected following best practices identified by the OCAP® Principles.

Once a firm understanding of the watershed system has been established through state evaluation, indicators can be selected to measure, evaluate and report on the condition of each component. These indicators will help determine whether the WSA Objectives are achieving the goals set out by the working group. There are several types of indicators that may be useful in managing water to support WSA values including those that quantify levels of development such as road density, state indicators such as water quality or levels, management indicators such as the use of conservation buffers and social environmental indicators like water use efficiency.

Once selection of indicators is complete, the issues and environmental pathways identified in the conceptual model can be assessed to understand how the indicators relate to the nested values. The working group can then begin identifying targets for the indicators and management strategies that support progress towards goals for the nested values. These targets will form part of the WSA Objectives. **Strategies** will then accompany the targets as the actions or conditions that will help achieve the desired indicator value.

A high-level overview of the technical work is outlined in Figure 4 below. A technical compendium will be developed to explain the technical components further and accompany the WSA Objectives policy. Figure 4 below presents a graphical summary of the assessment process.
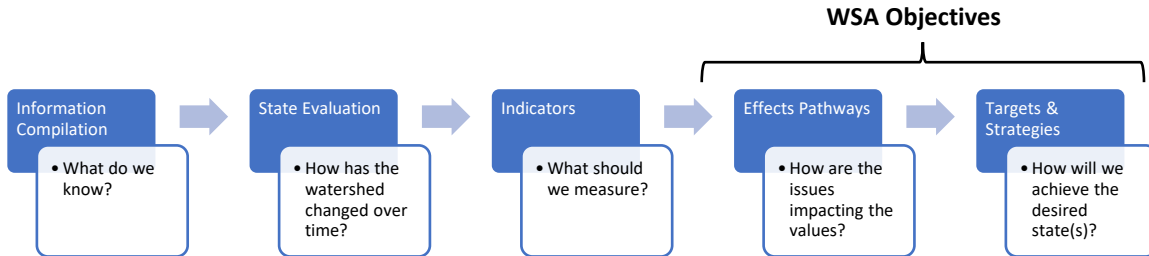
Figure 4: Summary of assessment process.

4. WSA OBJECTIVES DEVELOPMENT

The working group would be responsible for preparing a draft WSA Objectives package. Key aspects of the package would include:

- A technical report to summarize the technical work and provide a rationale and scientific basis for selection of the WSA Objectives and strategies;
- How the WSA Objectives would influence decisions made under certain laws and any recommended strategies for implementation;
- How the WSA Objectives would impact local government planning or planning processes under prescribed laws, as applicable;
- How the WSA Objectives would support the implementation of the *UN Declaration on the Rights of Indigenous peoples*;
- Transition measures to address any socio-economic impacts of implementing the WSA Objectives, if applicable;
- A communications report, explaining who was engaged during development and who will receive notice of the final WSA Objectives; and
- A monitoring and adaptive management plan.

Seeking Approval for draft WSA Objectives

Once developed, there are two different approval pathways for WSA Objectives: as policy or as regulation. Whether WSA Objectives are to be implemented as policy or as regulation, approval by government will be required. WSA Objectives implemented as regulation carry legislative authority to influence statutory decisions, as designated in the order.

A draft WSA Objectives proposal must be endorsed by the project sponsor(s) before submission to the minister responsible for administering the WSA. If Indigenous and local governments are project sponsors there will be an opportunity to endorse or not endorse a WSA Objectives proposal before it is submitted to the provincial government for approval. A proposal that is not endorsed by the project sponsors would not be submitted for approval.

5. IMPLEMENTING OBJECTIVES

Once approved, WSA Objectives would be implemented in accordance with the authority of their approval: by policy or regulation. For example, if passed as a regulation, a WSA Objective attached to a water licence would be enforced as a term and condition of that licence.

WSA Objectives passed as policy would not carry the same statutory authority yet would likely be accompanied with recommendations to government staff and the public regarding implementation. Implementation will vary based on which decisions and decision-makers are affected by the WSA Objectives; for example, if a stream within a municipal watershed is the focus for WSA Objectives, then the municipality may be required to consider WSA Objectives when developing, amending, or adopting an Official Community Plan.

Implementation of WSA Objectives would likely be accompanied by decision support tools, such as guidance for impacted decision makers on how to implement WSA Objectives. Implementing strategies may also require improvements to information resources and methodologies used in decision making. A communications plan would also be developed to communicate the WSA Objectives to the broad watershed community.

6. MONITORING AND ADAPTIVE MANAGEMENT

Monitoring the state of indicators against the approved WSA Objectives would reveal the level of progress towards meeting the goals and may address knowledge gaps. If monitoring signals that the progress is less than anticipated, strategies can be adapted, or new strategies could be implemented as additional information becomes available. Monitoring and evaluation would occur in accordance with the monitoring plan.

SUMMARY OF PHASES AND KEY DELIVERABLES

A summary of the proposed phases of WSA Objectives and the key deliverables associated with each step are outlined below in Table 1.

Table 1: Summary of Phases and Key Deliverables

WSA OBJECTIVES PHASE	KEY DELIVERABLES
Issue Identification	• Initial scoping level assessment • Proposal to initiate
Initiating Objectives	• Letter of endorsement, intent, or agreement
Work Planning	• Working group(s) • Stakeholder analysis • Project charter • Work plan • Development of the conceptual model
WSA Objectives Development	• Technical assessment • Proposal for draft WSA Objectives, including summary of technical work • Approval of WSA Objectives
Implement Objectives & Strategies	• Decision support tools • Communication, as outlined in communications plan
Evaluate and Adaptive Management	• Monitoring, reporting and evaluation as outlined in monitoring plan