

## Decision-Making (Governance) Powers for Consideration and Discussion

*\*\*This is a draft (living) document that is refined to tailor differing situations\*\**

### Context

An immediate opportunity for governance reform is available around the implementation of B.C.'s new *Water Sustainability Act* (WSA) (see for example S.126 (d) below). Currently, the provincial government is exploring discussion among various groups around the province to explore options for piloting some aspects of the new governance arrangements potentially available through the act.

NOTE: It will be important to differentiate between areas in which better management is needed (but for the same governance structure to remain—e.g. province/feds/local government to remain active) versus areas in which actual decision-making authority or responsibility is proposed to change.

### About the Tables

The two tables on the following pages are meant to help generate both discussion and understanding regarding the areas in which participants would like to be more active in decision-making.

Table 1 emphasizes aspects of the WSA that are potentially available for shared or delegated governance regarding fresh water. Table 2 offers an overview of other areas of relevance to watershed management that might be considered going forward.

The “current management” column lets you assess how that area is currently being handled on a five point scale (1 very poor 2 poor 3 sufficient, 4 good, 5 very good or UN if you are uncertain)

### Acronyms Used in the Tables

DM = Decision Maker

EMA = Environmental Management Act

WSA = Water Sustainability Act

DWPA = Drinking Water Protection Act

FPA = Fish Protection Act

### Identified Key Questions for the Provincial Government Concerning WSA

1. Is there the possibility of affirming or “grandparenting” existing watershed plans (or amended plans) as Water Sustainability Plans?
2. What regulatory aspects (eg eFlows, water objectives, critical drought thresholds) will be regionalized rather than general for provincial application?
3. What options are available for revenue flows? (With increased roles in decision-making, is it possible to attach a portion of resource rentals to local activities?)

Regulations respecting administration and governance

**126** The Lieutenant Governor in Council may make regulations as follows:

- (a) dividing British Columbia into water districts;
- (b) prescribing additional powers and duties of the comptroller, water managers, engineers and officers administering this Act;
- (c) establishing other classes of officials for the purposes of this Act and
  - (i) providing members of a class of official established under this paragraph with powers, duties and immunities under this Act by specifying the provisions of this Act and the regulations that apply in relation to the class, and
  - (ii) prescribing additional powers and duties to members of a class established under this paragraph;
- (d) providing specified powers and duties of the comptroller, a water manager, an engineer or an officer to another person or entity who is to exercise those powers and perform those duties instead of the comptroller, water manager, engineer or officer in relation to persons, areas or circumstances specified in the regulation, subject to the terms and conditions the Lieutenant Governor in Council considers advisable, including, without limitation, the following regulations:
  - (i) requiring the specified person or entity to exercise the specified powers and perform the specified duties in accordance with this Act and the regulations;
  - (ii) making the exercise of the specified powers and the performance of the specified duties subject to limitations and restrictions specified in the regulations and requiring that specified powers be exercised or specified duties be performed in accordance with prescribed procedures and following prescribed practices;
  - (iii) in relation to enforcement of this Act and the regulations and the terms and conditions of authorizations, change approvals, permits, drilling authorizations or orders, issued or made by the specified person or entity and authorizing both the specified person or entity and the public officers responsible for those powers and duties under this Act to take enforcement action in accordance with this Act;
  - (iv) requiring a person who makes a decision under a power provided by regulation under this paragraph to report the decision and the reasons for the decision to the comptroller and include the information respecting the decision the comptroller specifies;
  - (v) providing for appeals to the appeal board of orders made by a person authorized by regulations under this paragraph if the order would have been appealable had the order been made by the comptroller, a water manager or an engineer;
- (e) subject to section 117 (4) [*delivery and publication of documents and information*], authorizing or requiring the comptroller to publish
  - (i) application under section 12 [*application and decision maker initiative procedures*] and any information, audit or report provided or obtained for the purpose of the application,
  - (ii) authorizations, change approvals, permits and drilling authorizations,
  - (iii) orders and reasons for orders made under this Act, or
  - (iv) reports or summaries of reports received under this Act.

	Areas of Decision Making (WSA)	Current Mgmt? (1-5)	Spectrum of Authority				
			Right to be informed & Advise/ Provide local Expertise (informal)	Formal input to Decision Makers	Influence DM (formal consideration /response)	Veto (ability to say no to permits/licences/proposed activities)	Full Decision Making (including accountability) ** with increased capacity
TABLE 1: Fresh Water	<i>Allocations (Licensing) -WSA</i>						
	Surface water						
	Groundwater						
	Environment Flows						
	Critical Flows						
	<i>Planning</i>						
	Drought Planning						
	Water Sust. Plans (WSPs)						
	Drinking Water Source Protection Plans (DWPA)						
	Water Objectives						
	<i>Dam and Dyke Safety</i>						
	Inventory						
	Inspections						
	<i>Riparian Areas</i>						
	Riparian Areas Regulations (FPA)						
	Protected Stream Designations						
	<i>Compliance and Enforcement</i>						
	Licences (and conditions)						
	Dams and Dykes						
	<i>Monitoring/Reporting</i>						
Water Use							
State of the Watershed Reporting							

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TABLE 2: Other Watershed Resources	Water Quality— Provincial Objectives (EMA)						
	Liquid Waste Management (EMA)						
	Marine -moorage -marina -general (multiple acts)						
	Marine -Estuary Plan						
	Fish and Wildlife -closures (Wildlife Act)						
	Parks						
	Oversight of private forestry						
	Mining						
	Agriculture						

Additional Comments (any missed areas of interest?):