

Watershed Advisory Boards:

Their Role in Watershed Management

Wading In: Watershed Management in Nova Scotia
Workshop
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March 26, 2009

Presentation Outline

- Introduction
- WAB's role in Municipal, General, Context
- Purpose in Municipal, General, NS Context
- Formal and Informal Governance Factors
- Recommendations

Introduction

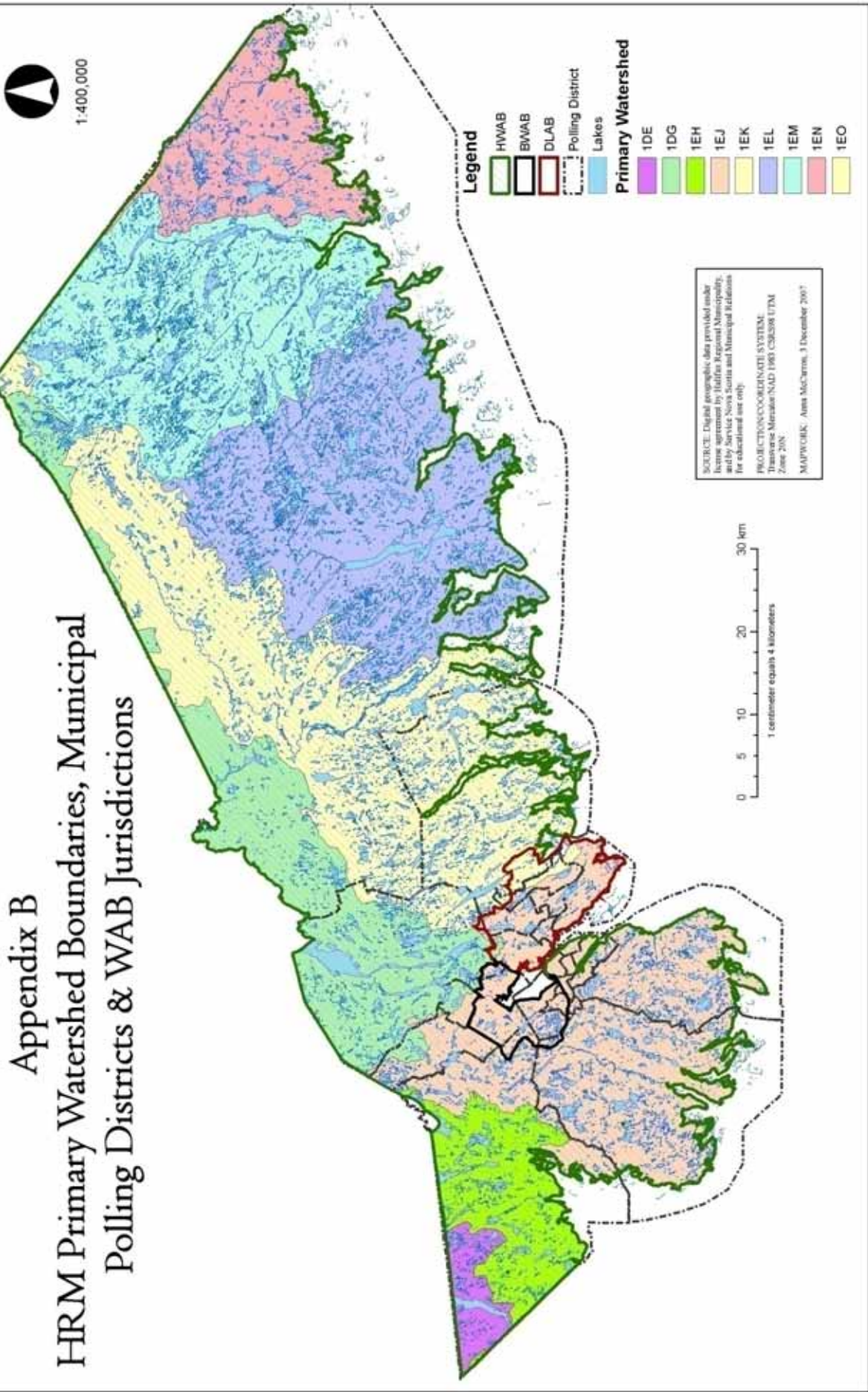
- Conducted a research project on the ability of the Halifax Watershed Advisory Board to influence the protection of water resources in HRM
- This presentation applies research to a provincial watershed management context

WAB Role in Municipal Context

- To influence development decisions
- To provide knowledge and expertise
- To work cooperatively within land use planning and development activity review process
- In HRM:
 - Dartmouth Lakes Advisory Board (DLAB)
 - Bedford Waters Advisory Board (BWAB)
 - Halifax Watershed Advisory Board (HWAB)

Appendix B

HRM Primary Watershed Boundaries, Municipal Polling Districts & WAB Jurisdictions



WAB's Role in General Context

- Advisors to government
- Educators / sounding board for communities
- A form of cooperative public participation
- A link between community and government
- A mechanism for cooperative watershed management b/w stakeholders
- Address gaps in legislative framework for water quality management and planning
- Operate in a jurisdictional no-mans-land
- Have strength in ability to forestall future watershed management problems

HWAB Purpose in Municipal Context

- E.g. “[T]o advise Community or Regional Council on all matters related to the management and alteration of the lakes, rivers, watercourses, coastal inlets and their watersheds within Halifax Regional Municipality, and to act as an advisory resource in providing Community or Regional Council with recommendations for their sustainable use” (HWAB ToR).

WAB Purpose in General

Context

- Defined by its ToR
- Purpose (advisors -)
- Responsibilities:
 - educators for community and agency
 - provide recommendations to protect water resources
- Representation:
 - A cooperative partnership b/w stakeholders to protect water resources
- Jurisdiction: watershed Based
- Board / Meeting Structure

WAB Purpose in Provincial Context

- The Minister may identify any qualified persons, including water or watershed advisory boards, committees or authorities, and request those persons to promote informed public participation, provide advice to the Minister respecting watershed management and undertake such aspects of watershed management as may be assigned to those persons by the Minister. [*c.f. Environment Act (1994-95 c.1 s. 105 (4))*]

Formal Factors of Influence

- Agency policy, structure and approach
 - affects WAB's performance
- Role of WAB in policy context
- Managerial Context
- Structural Context

FORMAL GOVERNANCE FACTORS CONTRIBUTING TO HWAB ABILITY TO INFLUENCE	HWAB ABILITY TO INFLUENCE Yes/No/Partly/Currently
Formal Governance Policy Context	
Formal legislative authority	No
HRM required to provide a report stating the agency's intended actions to deal with the advice and recommendations of the HWAB	No
HRM Managerial Context	
Clarity and specificity of HRM's policy commitment to public participation	Partly
Foster relationships and accountability between HRM and the HWAB	Partly
Status as a formal advisory board for HRM through a "Motion in Council"	Yes
Upper management level staff, field office managers, and contractor staff actively participate in board meetings	Partly
Collaborative communication between the decision-making and public stakeholders	Partly
Balanced representation based on location and expertise	Currently
Accurately and sincerely implement the HWAB's ToR	Partly
HWAB has "Mission Critical" status; i.e., they are provided the time and attention of upper level managers, and the necessary resources, training, and staff	Partly
HWAB Structural context	
Role differentiation between HWAB representatives, and HRM (i.e., "ex-officio" members present from agent agency and chair is from community)	Yes
Frequent meetings with consistent HWAB activities	Yes
Groups consider representatives as fairly representing the full range of	Yes

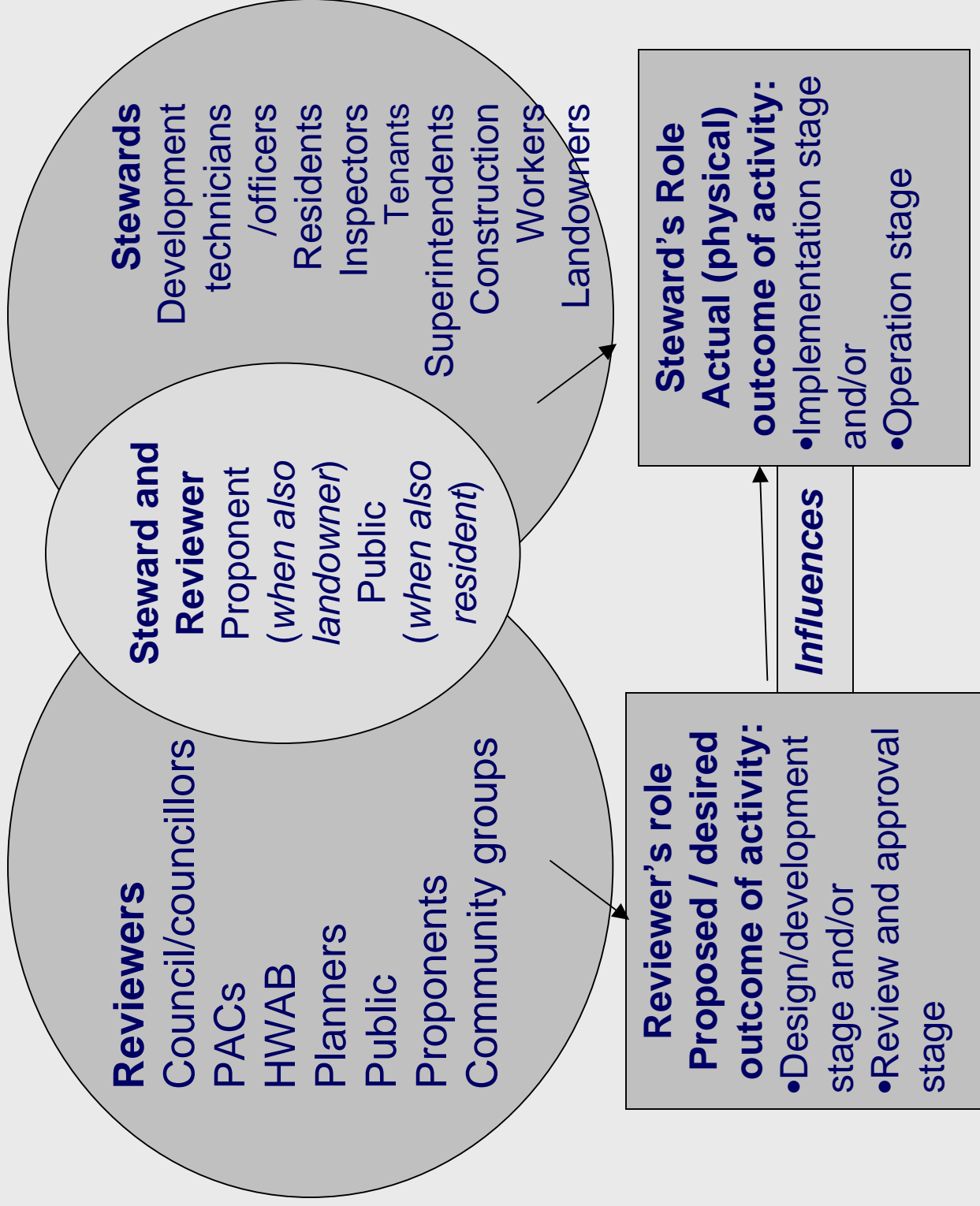
Factors in a Provincial Context

- E.g. in policy:
 - A provincial watershed advisory board will make recommendations and inform the Minister's approval process.
 - [The Minister will adopt] a comprehensive water-resource management strategy... under the guidance of the Provincial Watershed Advisory Board. Adapted from [*c.f. Environmental Goals and Sustainable Prosperity Act (2007 c. 7 s. 4 (2)(k))*]
 - (6) The Provincial Watershed Advisory Board will be made up of representatives from regional advisory boards.

Informal Governance Factors

- Stakeholders involved in LUPDA process

Figure VI: Stakeholders



Acceptability Diamond

Substantive issues:

Power shared in identifying and defining issues and setting agenda of deliberations; stakeholders effective in protecting their own and community interests

Accountability:

Mechanisms enable stakeholders to confirm performance and follow-through on commitments with avenues for recourse

Disclosure:

Pertinent information consistently provided in timely manner

Relationships:

Relationships established and maintained that convey mutual respect and recognition; day-to-day behaviours demonstrate consideration of one another's interests and values

Decision-making process:

Made clear, fair and open; decision makers consistently identified and accessible

Informal Governance Factors (cont'd)

- Substantive issues
 - Ability to influence agenda
 - Ability to control workload and staff response
 - Ability to influence project application review timeframe
 - Ability to protect WAB interests

Informal Governance Factors (cont'd)

- Decision-making
 - Knowledge of decisions being considered
 - Knowledge of who is responsible for each aspect of activity process
 - Access to information necessary to make decisions
 - Ability to make interests and preferences known

Informal Governance Factors (cont'd)

- Accountability
 - Avenue to verify accountability mechanisms are in place and enforced
 - Availability of monitoring information
 - Forum for bringing issues to attention of agencies, regulators and public

Informal Governance Factors (cont'd)

- Relationships
 - Agency leaders (e.g., Minister, Deputies, etc.)
 - Departmental advisory boards
 - Agency staff
 - Development proponents
 - Community waters groups
 - Public

Ability of WAB to Protect Water

- Together the formal and informal governance factors establish the context of the WAB's formal role. That then contributes to the WAB's ability to influence the outcome of activity within the informal governance context in terms of information disclosure, substantive issues, decision-making processes, relationships and accountability elements.

- A 2006 report for the CCME stated that “...there is mounting evidence that a more coordinated, comprehensive and multi-sectoral approach to managing water use and demand is needed to ensure the long-term sustainability of Canadian communities, businesses and individual livelihoods and the protection of aquatic ecosystems.”
- (J. Kinead Consulting in association with A. Boardley and M. Kinkead for the Water Economics and Conservation Task Group of the Canadian Councils of Ministers of the Environment (CCME), “An Analysis of Canadian and Other Water Conservation Practices and Initiatives: Issues, Opportunities and Suggested Directions” (2006), online: CCME < http://www.ccme.ca/assets/pdf/kinkead_fnl_rpt_2005_04_2.1_web.pdf>.)

Recommendations

- Establish adequate ToR
- Educate and train each stakeholder about each other's role and responsibility in managing water resources
- Govern watersheds based on watershed boundaries
- Foster "Mission Critical" status for WAB
- Consider WAB recommendations in policy reform
- Enhance HWAB responsibilities through agency accountability mechanism



Questions?

Recommendation #1:

Exercising the HWAB's ToR responsibility to promote "public awareness and education to the citizens of HRM⁶" about water resource protection by:

- educating HRM citizens through its community group and district representatives about the HWAB's role and purpose;
- educating land use planning and development activity proponents about ecologically responsible land use practices that protect water resources, through the distribution of brochures and other materials with all land use planning and development activity applications;
- training HWAB representatives on the roles and responsibilities of HRM staff involved with the land use planning and development activity process;
- training HRM staff and councillors on the operations of the HWAB through presentations at yearly intervals; and
- enhancing Council's and the public's understanding of the HWAB's recommendations by having an HWAB member available at Public Hearings to answer questions.

Recommendation #2:

Ensure adequate representation on the Board is reflected in the ToR

- The HWAB should ask Council to approve a change in its ToR regarding section 2.2a and add a new section stating: at least one (1) councillor shall represent each Community Council within the area of jurisdiction of the Board, as an “ex-officio” representative for consultation purposes as required.
- The HWAB should add a section in its ToR regarding Board composition in section 2, stating in effect, at least one (1) HWAB representative shall have water resource science expertise.

Recommendation #3:

Govern watersheds according to natural watershed boundaries to help overcome political regulatory overlap and enforcement gaps, and to facilitate monitoring and enforcement cooperation of neighbouring municipal jurisdictions by:

- **Delineating HRM WAB jurisdictions based on watershed rather than political boundaries with assistance from the Province to facilitate the cooperation of neighbouring municipal jurisdictions.**

Recommendation #4:

Foster “Mission-critical status” among staff regarding HWAB activities by:

- ensuring that the WAB has “Mission-critical status” within the operations of HRM staff concerning the WAB’s advice on land use planning and development activities with respect to water resources.
- Clearly state within the HWAB ToR the relationship between HRM staff and the Board in the purpose: “The HWAB is established to advise Community or Regional Council and staff with respect to all matters”

Recommendation # 5:

The HWAB’s water resource protection recommendations should be considered in HRM policy and regulation reform by:

- Considering HWAB recommendations that are consistently advised for a specific land use planning and development activity regardless of the jurisdiction, regulation, economics, or time. Regulations should be made for such activity and adjusted to reflect new water protection approaches as they appear.
- Assigning an HWAB representative with a seat on the Standing Advisory Committee to provide direction that ensures water resource protection considerations are incorporated into new by-laws created for the new Community Visioning (secondary planning) Strategies.
- All draft community planning strategies shall be reviewed by the HWAB to ensure water resource protection issues are addressed with respect to land use planning and development activities to overcome “as-of-right” development concerns.

Recommendation #6:

Enhance the WAB's responsibilities and thereby strengthen its ability to influence water resource protection by:

- Providing WAB representatives with the ability and mandate to monitor assigned project sites with resource support from HRM for travel expenses.
- Expanding the WAB's ToR by entering into an agreement that Councils will provide follow-up reports on the HWAB's advisory reports to HRM, so the WAB may gain insight into how it might improve or make their advice more effective, and to provide incentive for Councils to be accountable to the advice provided by the HWAB.