

BRIEFING NOTE FOR NEW BRUNSWICK WATERSHED CAUCUS MEMBERS

Prepared by the Watershed Caucus Steering Committee, Drafted March 10, 2016

Subject: Supporting information for New Brunswick water strategy consultations

Summary

- The development of a provincial water strategy was announced on March 1st, 2016, with a discussion paper released and regional consultations scheduled from March 14 - 23.
- The New Brunswick Watershed Caucus Steering Committee has reviewed existing provincial strategies and developed four key messages to assist watershed groups in preparing for the consultation session.
- Those key messages are:
 1. An ecosystem-based approach to watershed management, by definition, includes understanding the conditions of air, land, water, and the human activities that affect them. NB's ecosystem/watershed approach should be based on scientific data, analysis, and interpretation, and existing water flow models including: water quality, environmental and peak flows (quantity), water temperature, riparian status, and incorporation of predicted effects of climate change.
 2. Surface water management should be regulated using an ecosystem-based approach to watershed management. Groundwater quality and quantity modelling must be included in the water strategy. Groundwater management should, likewise, be regulated using an ecosystem-based approach.
 3. The key role our organizations play in science (data collection, analysis, and interpretation) and communication must be included in and strengthened by the regulation.
 4. The regulation must include a timeline for implementation and a timeline and responsibilities for review; data should be collected, documented (i.e. metadata), interpreted, disseminated, and displayed at regular intervals using peer-reviewed methods for collection and analysis.

Summary Table including Points from Other Provinces

Draft goals from the NB Water Strategy Discussion Document	Description of those goals	Other provinces	Watershed Caucus Steering Committee Recommendations
Goal 1: Our water resources	To better understand our surface and groundwater resources.	British Columbia: Water objectives are defined for streams, aquifers, or areas of land.	NB's ecosystem/watershed approach should be based on scientific data, analysis, and interpretation, and existing water flow models including: water quality, environmental and peak flows (quantity), water temperature, riparian status, and incorporation of predicted effects of climate change.
Goal 2: Management and use	To manage and use water responsibly by protecting drinking water and ecosystem health while allowing economic opportunities.	<p>British Columbia: Setting out expectations for the protection of water quality, quantity and aquatic ecosystem health. Integrating water and land use planning with other planning processes, including regional planning, in water sustainability plans</p> <p>Quebec: Protecting water by protecting ecosystems</p>	Surface water management should be regulated using an ecosystem-based approach to watershed management. Groundwater quality and quantity modelling must be included in the water strategy. Groundwater management should, likewise, be regulated using an ecosystem-based approach.
Goal 3: Shared responsibility	To share the responsibility for the management of water and build relationships.	Quebec: The strategy includes responsibilities; the OBV (organismes de bassins versant) structure is a bottom-up approach to multi-stakeholder environmental management.	The key role our organizations play in science and communication must be included in and strengthened by the regulation.

Goal 4: Reporting	To make more water-related information available to the public and report on the progress of water strategy actions.		The regulation must include a timeline for implementation and a timeline and responsibilities for review.
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Issue

In the December 2015 throne speech, Premier Brian Gallant committed the government to developing a provincial water strategy. He promised a “comprehensive approach to managing New Brunswick’s surface and groundwater resources to ensure quality and availability for people, nature and the economy, now and into the future.” This process began on March 1st, when the government invited “the public, stakeholders, and First Nations to participate in a discussion about water, how it’s managed and protected, today and for years to come.”

Groups involved in the New Brunswick Watershed Caucus are key stakeholders in the development of this strategy. In response to the government’s announcement, members of the caucus steering committee have developed key messages that can be used by watershed groups to maximize the effectiveness of our groups’ input.

Background

In 2002, New Brunswick’s Water Classification Regulation was passed under the Clean Water Act. It was designed to set science-based goals for water quality ensuring no decrease in surface water quality. This regulation, in combination with a federal Fisheries Act that had evolved to maintain freshwater health through watershed protection, appeared to place surface water in New Brunswick in the care of the law.

However, in the 14 years since passing, issues with the legislation have kept the Water Classification Regulation from protecting a single drop of New Brunswick’s water. As well, federal Omnibus bill C-38 weakened the Fisheries Act, changing its protection from fish habitat to those fish involved in a fishery.

We must take this opportunity to reverse the trend in water protection here in New Brunswick.

Considerations and Recommendations for New Brunswick’s Water Strategy

In Canadian provinces there are two types of water strategies: those that protect their water using the law, and those that do not. Only through law will New Brunswick’s waters be protected in the face of economic, social, and climate-related pressures. New Brunswick’s water strategy should consider the examples for water policy set out by British Columbia and Quebec.

In British Columbia, a stakeholder consultation in 2013 led to the Water Sustainability Act, which came into force in January 2016. They are now working on the regulations and their implementation; a diversity of groups are contributing to this process in a very meaningful way.

In Prince Edward Island, a similar effort led to the Prince Edward Island Water Strategy (2015). Both documents include modern conservation ideas but only one is the law.

The British Columbia Water Sustainability Act is a legislative framework for a regulatory system in which water objectives are defined for streams, aquifers, or areas of land; setting out expectations for the protection of water quality, quantity and aquatic ecosystem health. They are integrating water and land use planning with other planning processes, including regional planning, in water sustainability plans. Each plan will be unique, reflecting the needs and interests of the area affected.

Developed in 2002, the Quebec Water Policy also focuses on protecting water by protecting ecosystems. It also includes aquatic health milestones to achieve, and policy review timelines and responsibilities.

Of note, one of the key actions in the Quebec Water Policy is the implementation of watershed-based management, which they intend to achieve by “providing financial and technical support for the establishment of 33 watershed agencies.” The effectiveness of these OBV (organisme des bassin versant) organizations can be seen in our transboundary partner ‘OBV du fleuve Saint-Jean.’ These groups have dedicated funding, and a mandate to improve the health of their watersheds through a bottom-up approach to multi-stakeholder environmental management.

An ecosystem-based approach to watershed management should be based on scientifically-sound data collection, analysis, and interpretation. Water quality and quantity data are commonly measured across Canadian waterways with established federal, provincial, and regional programs conducted by Environment Canada (Water Survey of Canada), New Brunswick’s Department of Environment and Local Government, and by local watershed organizations across New Brunswick. These established and commonly used measures of environmental conditions provide necessary information of the condition of New Brunswick waters in the face of development pressures and a changing climate.

The key role our organizations play in science and communication must be included in and strengthened by the regulation. The province of New Brunswick has spent decades investing in local watershed groups; through the Environmental Trust Fund, the capacity of these groups has been built to manage, protect, and improve the quality of New Brunswick waters. There now resides among watershed groups in the province a significant knowledge-base and expertise around water science and watershed management. In developing a provincial water strategy, the government should take advantage of and utilize this capacity in which they have invested so much.

As was learned through the Water Classification process, the development of a regulation without corresponding timelines for implementation creates a barrier to putting it into law. Given the legacy associated with water policy in New Brunswick, a new water policy, and the associated regulations, cannot afford to be held up in the implementation stages. It is essential that lessons are learned from the past and that regulations are developed with corresponding timelines and enforcement schedules.

Conclusion

There is considerable support for these recommendations in water policy across Canada. While each group may have unique challenges to speak to, it is highly recommended that each group voices the following key messages:

1. An ecosystem-based approach to watershed management, by definition, includes understanding the conditions of air, land, water, and the human activities that affect them. NB's ecosystem/watershed approach should be based on scientific data, analysis, and interpretation, and existing water flow models including: water quality, environmental and peak flows (quantity), water temperature, riparian status, and incorporation of predicted effects of climate change.
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Additional Resources

British Columbia Water Sustainability Act, British Columbia Ministry of Environment, February 2016: <https://engage.gov.bc.ca/watersustainabilityact/>

Equivalent Cut Area (ECA) study of the Restigouche River Watershed, Restigouche River Watershed Management Council:
http://www.restigouche.org/sites/default/files/ECA_Report_year_2010_Restigouche_No_v_2012.pdf

Langevin, R. et A. P. Plamondon, 2004. Méthode de calcul de l'aire équivalente de coupe d'un bassin versant en relation avec le débit de pointe des cours d'eau dans la forêt à dominance résineuse, gouvernement du Québec, ministère des Ressources naturelles, de la Faune et des Parcs, Direction de l'environnement forestier et Université Laval, Faculté de foresterie et de géomatique, code de diffusion, 24
p.:http://www.gsf.ca/getattachment/83a994e8-f569-4c7a-8676-c97b6f891c49/2004_09_MRNF_Methode-calcul_AEC.pdf.aspx

Politique nationale de l'eau, Ministère du Développement durable, Environnement et Lutte contre les changements climatiques du Québec, 2015
<http://www.mddelcc.gouv.qc.ca/eau/politique/>

Prince Edward Island Watershed Strategy, Prince Edward Island Ministry of Communities, Land and Environment, June 2015,
http://www.gov.pe.ca/photos/original/cle_wtrshdstrat.pdf

Working Together to Build a Water Strategy for New Brunswick: Discussion Paper, Prepared by the New Brunswick Department of Environment and Local Government, February 2016: <http://www2.gnb.ca/content/dam/gnb/Departments/env/pdf/Water-Eau/WorkingTogetherWaterStrategyForNB.pdf>

Media Statement on Provincial Water Protection Strategy, Conservation Council of New Brunswick, March 1, 2016 <https://www.conservationcouncil.ca/statement-on-discussion-paper-for-provincial-water-protection-strategy/>