


Building the Canada Water Agency

Submission to the Standing Committee on Environment and Sustainable
Development for its Study on Freshwater

June 10, 2021





The Canadian Freshwater Alliance, Forum for Leadership on Water (FLOW), Our Living Waters, and Rivershed Society of BC welcome the opportunity to submit this brief to the Standing Committee on Environment and Sustainable Development in support of its freshwater study. We appreciate that the scope of this study extends far beyond a new Canada Water Agency, but we would like to emphasize the importance of establishing a Canada Water Agency without delay to help operationalize the recommendations of this study.

This brief was originally submitted to Environment and Climate Change Canada in response to their public consultation process on the Canada Water Agency in early 2021. The original brief was endorsed by 51 water organizations from across the country (the original brief and signatories can be found [here](#)). We hope that the Committee takes this strong endorsement of the Agency into account in their study and recommends expeditious establishment of a new Canada Water Agency that aligns with the five foundational pillars outlined below.

We would be pleased to speak to this brief in more detail at the committee's request. Inquiries can be directed to Richard Farthing-Nichol (richard@flowcanada.org).



Five Foundational Pillars for the Canada Water Agency

Waters across the country are [under threat](#). The myth of Canadian freshwater abundance – and the false sense of security that accompanies it – has been thoroughly debunked. It is now undeniable that our rivers, streams, lakes, aquifers, and wetlands are experiencing unprecedented challenges in the face of the [ongoing climate crisis](#). Water supply is increasingly erratic, water quality is degrading in many places, and extreme weather events are increasing in both frequency and severity. Climate change is adding to and exacerbating existing threats to our waters caused by pollution, overuse, habitat loss and fragmentation, alteration of flow, and invasive species.

Much more work needs to be done to ensure the health of fresh water in Canada for current and future generations. Maintaining the status quo will not only imperil the health of freshwater resources for the Canadians who rely upon them and the ecosystems they support; it will also cost governments at all levels untold billions of dollars. These costs are [already being felt](#). Changing course requires rethinking the way we manage and govern fresh water across the country. This must be a collaborative effort that involves all levels of government, engages Canadians, and leverages Canada's wealth of knowledge in water science and technology. The federal government has a critical role to play leading this transformation.

We applaud the federal government's commitment to establishing a Canada Water Agency. This is an encouraging first step. What happens next is key: we call upon the government to commit the resources, effort, and capacity needed to ensure that the Agency is established without delay and is positioned to affect meaningful change. The urgency to create an effective Canada Water Agency must match the urgency of the moment.

This submission represents the collective vision of the **51 undersigned organizations** and was developed in response to Environment and Climate Change Canada's "Toward the Creation of a Canada Water Agency" discussion paper. We believe that the ten freshwater objectives outlined in the discussion paper are an appropriate starting point that can and should form the core mandate of a new Canada Water Agency. We also believe that none of these objectives should be considered out of scope at the outset. The capacity and resources exist within the federal government to undertake all of these objectives simultaneously; excluding objectives at the outset will unnecessarily circumscribe the reach and effectiveness of the Agency.

Our five foundational pillars go beyond these ten objectives. The pillars are cross-cutting priorities that should be mainstreamed in every aspect of the Canada Water Agency's development, structure, and operations. Collectively, they embody the water governance and management paradigm shift that is needed to protect and restore the health of fresh water in Canada. The Canada Water Agency is not a panacea, and it cannot achieve this shift on its own, but it can and should catalyze action at the federal level.



The Five Foundational Pillars

Reconciliation


The Canada Water Agency must meaningfully advance the federal government's commitment to reconciliation with Indigenous peoples. Working towards reconciliation must be done in partnership with Indigenous peoples and, therefore, may look different across the country, but the Agency should contribute to:

- Fulfilling the federal government's stated commitment to advancing **government-to-government, nation-to-nation relationships** by developing pathways and providing resources for the co-governance of shared waters with Indigenous Nations.
- Recognizing, respecting, and upholding Indigenous inherent, Aboriginal, and treaty **water rights and roles**.
- Recognizing, respecting, and upholding **Indigenous worldviews and knowledge systems** related to water, as defined by Indigenous peoples.
- Fulfilling the **Truth and Reconciliation Commission Calls to Action**, with a particular focus on repudiating concepts used to justify European sovereignty over Indigenous peoples and lands and the laws, policies, and litigation strategies that continue to rely on such concepts (Calls to Action 45-47).
- Fulfilling the **United Nations Declaration on the Rights of Indigenous Peoples** (UNDRIP), with a particular focus on ensuring Indigenous peoples have the right to participate in decision-making in matters which would affect their rights (Article 18) and that Indigenous peoples have granted their free, prior, and informed consent before decisions are made that affect them (Article 19).

Knowledge Creation and Mobilization

Effective water management and governance is hindered by knowledge gaps across the country. We cannot ensure the health and security of fresh water in Canada unless we have a strong understanding of their current status, how they are being impacted, and how they could continue to change in a climate-impacted future. The Canada Water Agency can play a key role creating and mobilizing the knowledge – both Western and Indigenous science and knowledge – needed to predict and respond to water problems and opportunities by:

- Convening freshwater experts to develop a **knowledge creation and mobilization framework** that addresses identified data gaps, creates standard protocols and guidelines for data analysis, assesses existing data collection capacity, and identifies the most appropriate leverage points for the Canada Water Agency to add value.

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- Supporting **existing data collection efforts** by enhancing funding and other supports for nongovernmental organizations, academic institutions, Indigenous Nations and organizations, and community-based water monitoring programs.
 - Acting as a **knowledge liaison** that facilitates collaboration between water experts across governments, nongovernmental organizations, academic institutions, and the private sector.
 - Coordinating a **central repository** that focuses on collecting, interpreting, and disseminating water information and data in an accessible format for different levels of government, the water community, and the general public.
 - Focusing on the role of good quality data and information in enabling **better water management decisions** by ensuring that decision-makers have the knowledge and tools they need to make decisions in the best interests of the watershed.
 - Generating **future water scenarios and forecasts** to contribute to climate resilience and adaptation planning, which could include predicting floods and droughts, prioritizing water quality issues, predicting and mitigating the risk of harmful algae blooms, and understanding future water supply and use.

Cooperative Federalism

Canada is a federation in which the responsibilities for managing fresh water are shared among different levels of government. This shared governance model is a source of strength, but it also creates fragmentation and communication gaps that adversely affects our water management systems and the health of our water resources. The Canada Water Agency has a key role to play leading a strengthened cooperative federalism approach to shared water decision-making and management. The Agency can do so by:

- Emphasizing a **pan-Canadian approach** to water management that respects and enhances the jurisdiction of provincial, territorial, Indigenous, and municipal governments by providing high-level coordination and capacity support to these jurisdictions.
- Strengthening **transboundary water management** by prioritizing healthy and intact watersheds as the basis of water management.
- Committing capacity to anticipate, investigate, avoid, and resolve **water-related disputes** between and within jurisdictions.
- Providing national scale leadership and guidance on **water management best practices**, including water-related climate change adaptation strategies.
- Committing to the **recognition of Indigenous self-government and legal systems** as a foundational and evolving component of cooperative federalism.



Watershed Approach

Addressing water governance fragmentation across the country requires a new approach that emphasizes the importance of watershed boundaries in all freshwater decision-making. The watershed approach takes into account interconnected ecological, social, economic, and cultural values that must be balanced to ensure the wellbeing of communities and ecosystems across the watershed. The Canada Water Agency can help lead this new approach by:

- Developing a **pan-Canadian strategy** for promoting water governance according to watershed boundaries, including strategies for realigning siloed freshwater management capacities within the federal government and a roadmap for watershed-based collaboration between jurisdictions.
- Building durable **watershed-level partnerships** for water management and decision-making with provinces, territories, municipalities, and Indigenous governments.
- Linking partnerships to **clear outcomes** that include building resilience to extreme events, identifying priority areas for watershed restoration, and ensuring effective environmental flow regimes are in place across all levels of jurisdiction and authority.
- Supporting the **protection and restoration of freshwater ecosystems**, including mainstreaming ecosystem services valuations into all water management decision-making processes, prioritizing and protecting environmental flows across all water management decisions, and promoting nature-based solutions to address pressing water challenges.

Deep Reform

The Canada Water Agency is a stepping stone, not an end game. Beyond the establishment of a new institution, efforts to strengthen federal freshwater leadership must also address Canada's outdated federal water laws and policies. This work involves a broad range of actors both within and outside the federal government, but the Agency can play an important role conducting holistic analysis, convening relevant federal departments, and engaging with other levels of government on water-focused policy and legislation. Specifically, the Canada Water Agency should prioritize:

- **Leading renewal of the *Canada Water Act***, including the opportunity for Indigenous Nations to participate in a legislative co-drafting process that is consent-based, rooted in nation-to-nation relationships, and consistent with UNDRIP.
- Assisting the Department of Fisheries and Oceans with developing regulations for **freshwater habitat protections under the renewed *Fisheries Act***.
- Operationalizing recommendations for legislative reform that emerge from the Standing Committee on Environment and Sustainable Development's [study of federal freshwater policies and legislation](#).
- Undertaking **integrated legislative and policy reviews** to ensure water management coherence across the federal government.