



Implementation of Watershed Plans: Approaches, issues and recommendations

Webinar – October 27, 2010
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About the ELC

Programs

- Information and referral
- Community outreach
- Law reform

Alberta **LAW**
FOUNDATION

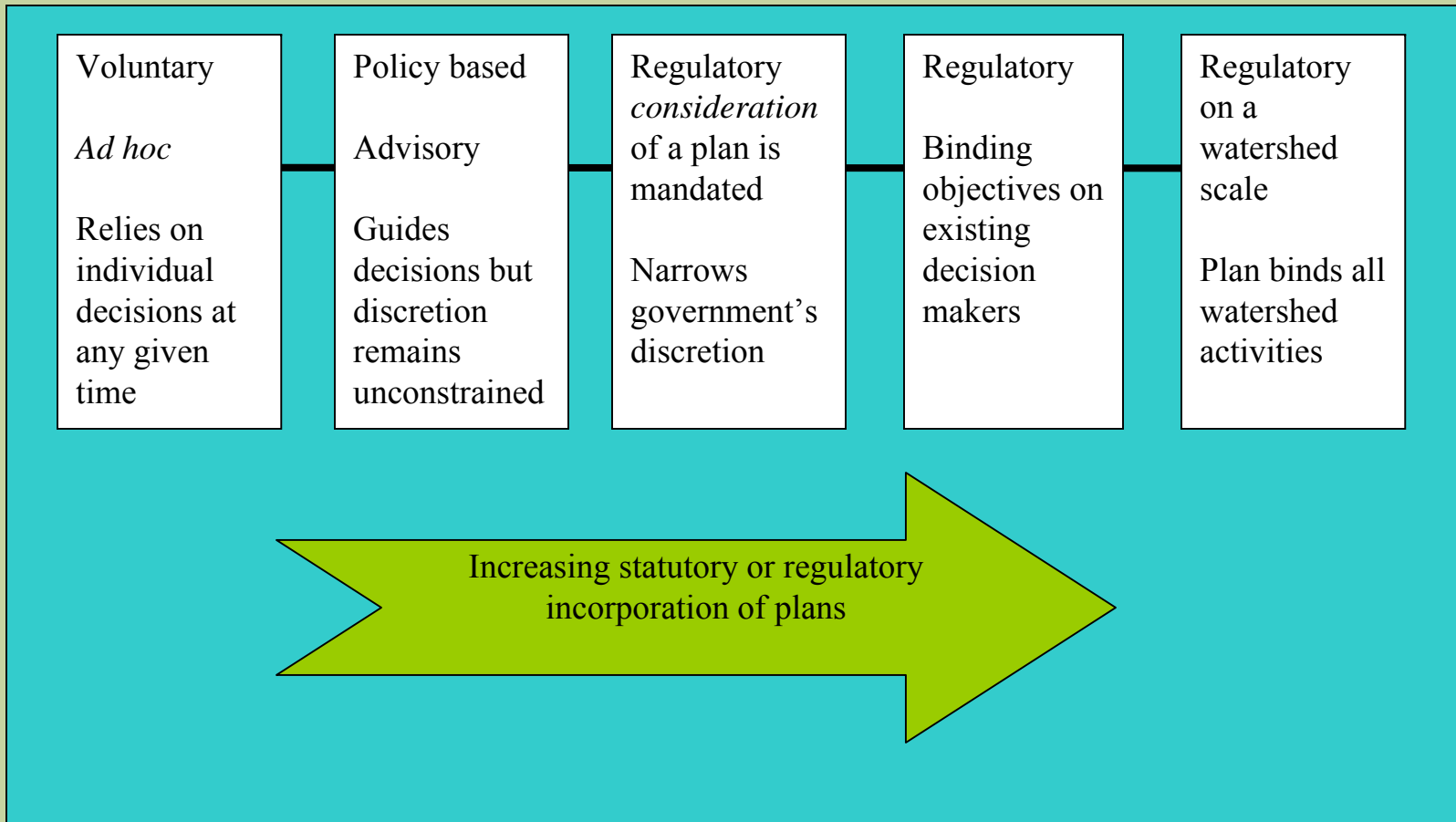
Outline

- Purpose of review/analysis
- Implementation models
 - U.S.
 - Canada
- Assessments
- Implementing plans: issues and recommendations

Purpose of review/analysis

- Review approaches to implementation
- Has implementation of collaborative watershed plans been evaluated elsewhere?
 - Implementation characteristics?
- Validate the approach or recommendations for reform
- How is “symbolic policy” avoided?

Continuum of approaches



Starting assumptions

- What success looks like
 - **substantive change in environmental outcomes** vs process or organizational outcomes
- The plan has been **approved**
 - Recognizing plan development difficulties
- That the **plan is substantive and measurable**
- A monitoring and reporting system is in place

Watershed plan review



Canada vs. U.S. approach

- U.S. – collaborative watershed planning began in the 80s
- *Clean Water Act*
 - NPDES (permitting of point sources) national pollutant discharge elimination systems
 - Total Maximum Daily Load
- *Endangered Species Act*
 - Recovery requirements
- Nature of litigation and judicial review
 - Impetus behind some watershed planning regimes

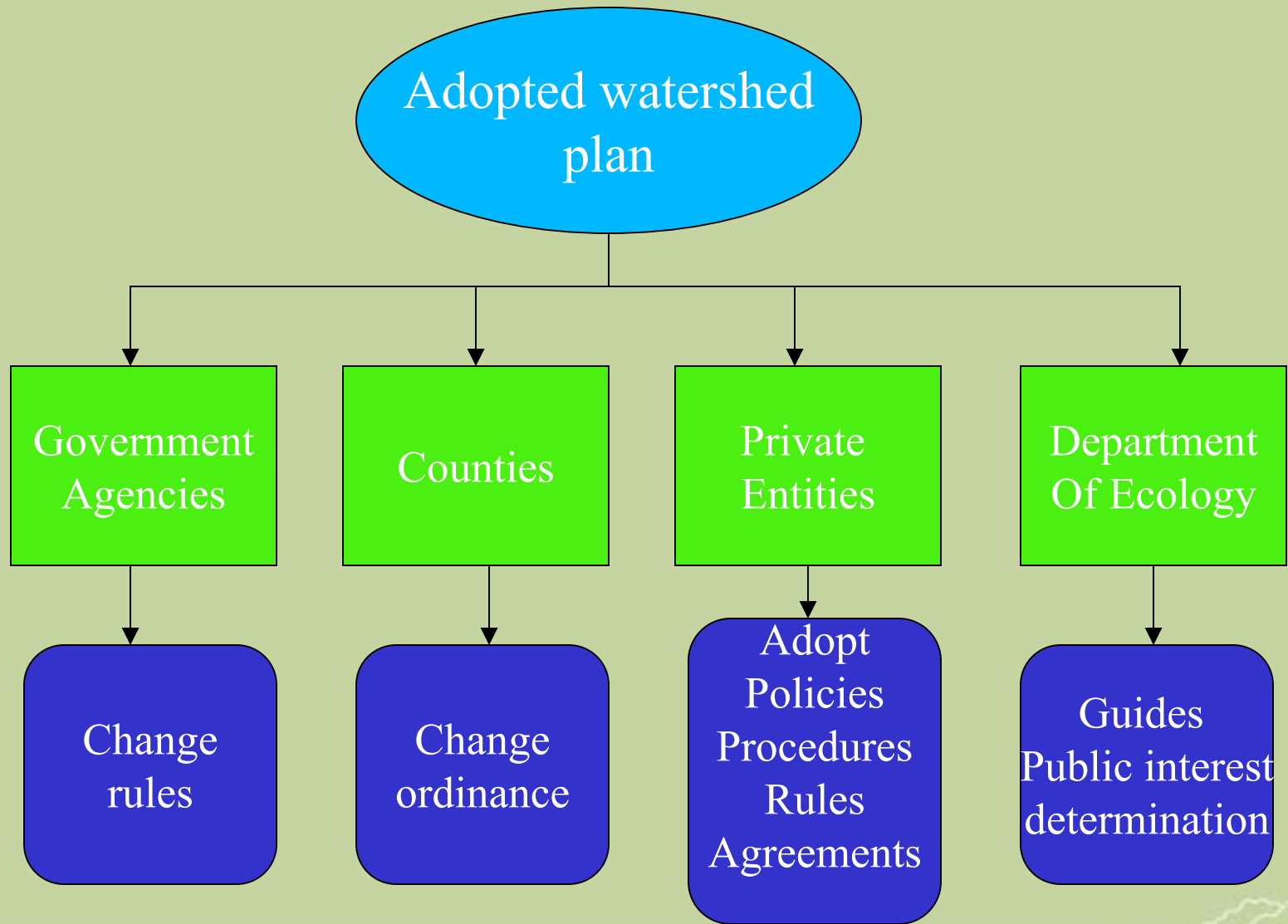
	Policy driven	Binding on decision-makers	Binding on non-regulated entities	Other significant programs
Washington		✓	✓ w/ discretion	
Oregon	✓	✓ Oregon Plan (not basin plans)		✓ funding ✓ Central admin.
California	✓			✓ water quality plans - binding

	Policy driven	Binding on decision-makers	Binding on non-regulated entities	Other significant programs
Ontario	✓			✓ Source protection plans
Manitoba		✓ relies on regs. ✓ considered		
Alberta	✓	✓ WMP consid.		✓ LUF/ ✓ ALSA

Washington

- Plan must seek consistency with other planning entities
- Limited retroactive application
 - existing local ordinances
 - state rules or permits
 - but may recommend changes ; or
 - restrict forest practices above current legislative and implementation rules

Implementation Washington



Oregon

- Central Oregon Plan
- Oregon Watershed Enhancement Board (OWEB)
 - Multi-agency board administered through Governor's office
 - Fund administration
 - Includes stewardship agreements with landowners
- Oregon Plan implementation → watershed councils & agencies

Centralized administration

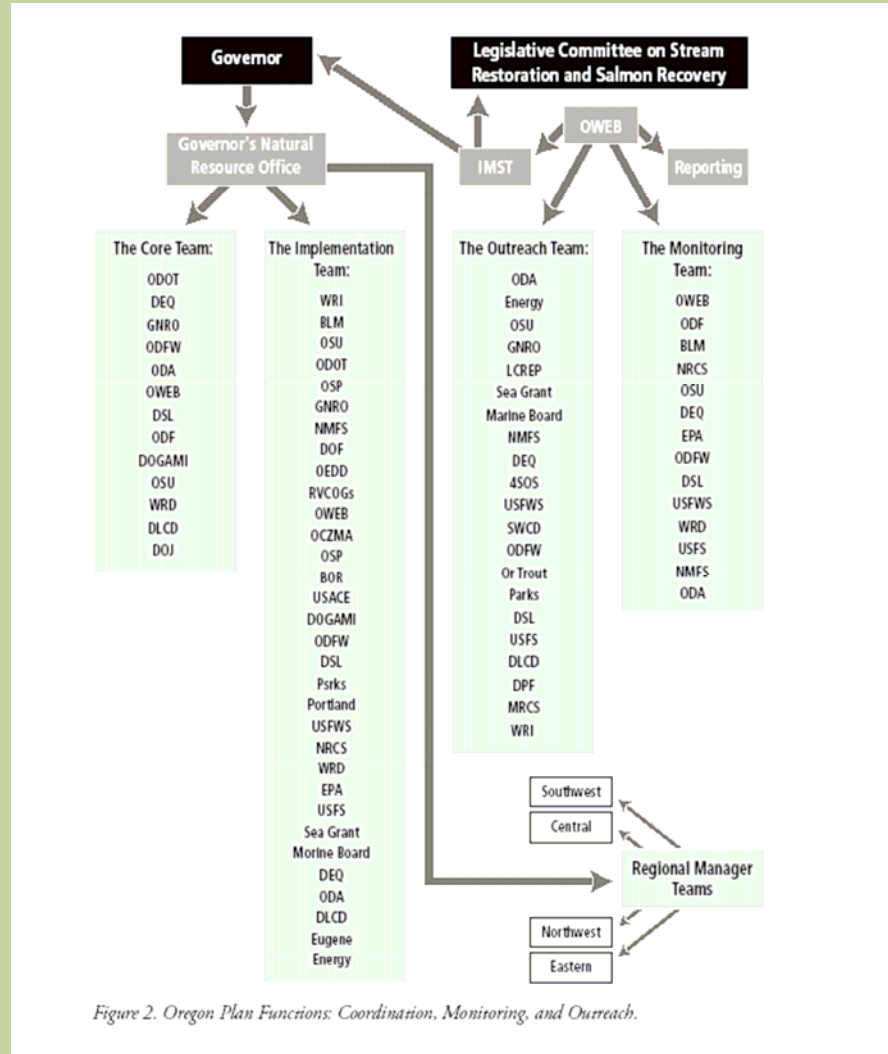
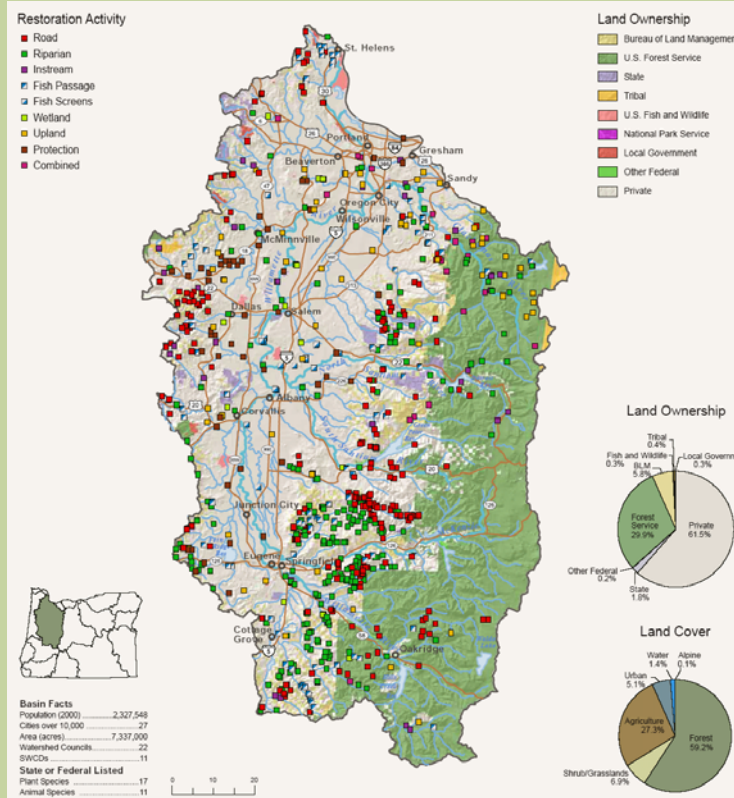


Figure 2. Oregon Plan Functions: Coordination, Monitoring, and Outreach.

Oregon

- Implementation and monitoring
 - team driven
- Restoration activities and reporting on biannual basis
 - http://www.oregon.gov/OWEB/docs/pubs/biennialrpt_05-07/basin_rpts.pdf

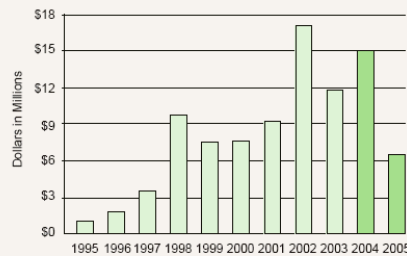


Funding significance

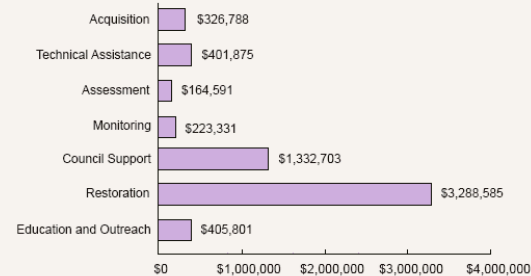
- OWEB fund allocation July 1, 1999 to Oct 26, 2007
- \$171,723,283
 - http://www.oregon-plan.org/OPSW/progress/prog_reps.shtml
- 2007 Report (covering 2004-2005)

Investments and Activities 2004-2005

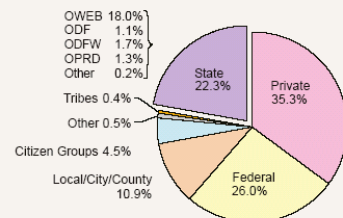
Funding for Completed and Reported Restoration by Year, 1995-2005
Adjusted to 2005 Dollars



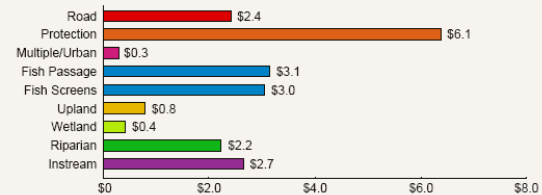
OWEB Investment in Restoration and Capacity, 2004 and 2005
Total Investment \$6,143,673



Source of Funding for Completed and Reported Restoration, 2004 and 2005
Based on \$21.1 Million Reported



Funding for Completed and Reported Restoration by Activity Type, 2004 and 2005
Dollars in Millions

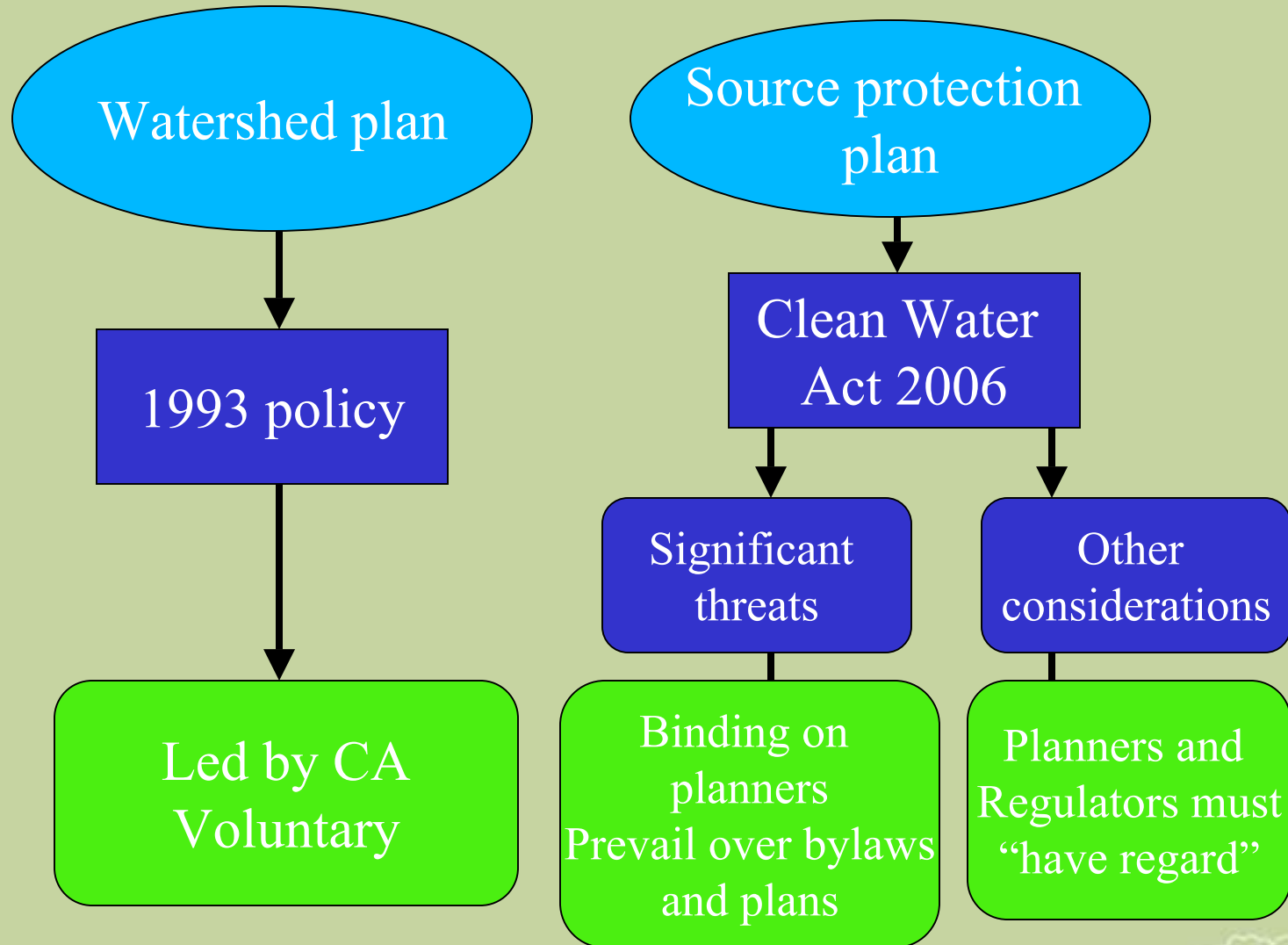


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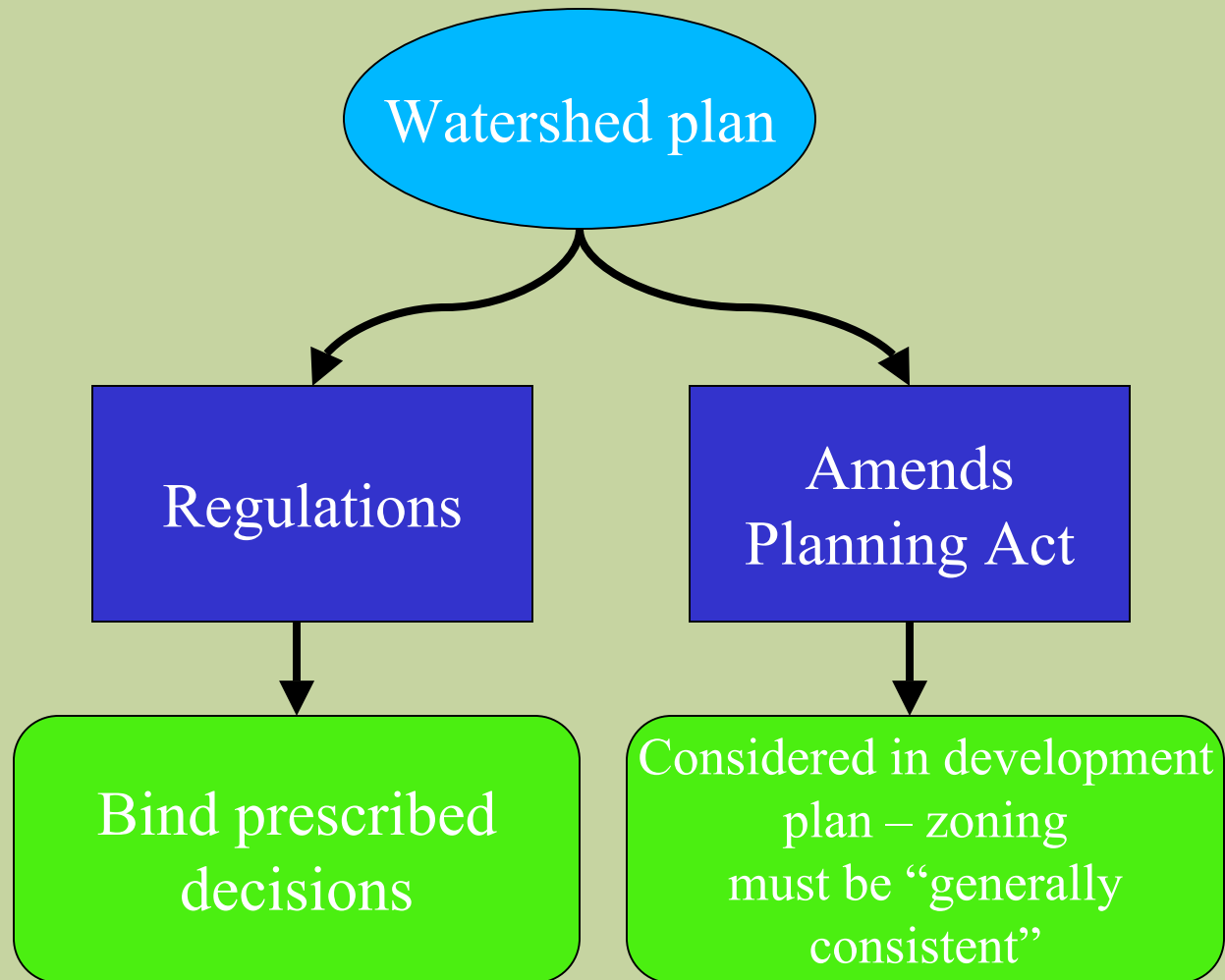
California

- Water allocation & quality regulated for the most parts
- Integrated watershed planning *ad hoc*
 - focus on non-regulatory aspects of TMDL
 - led by cross departmental initiative (Watershed Management Initiative)
 - seeks partnering opportunities
- Plans need to be consistent with the regional basin plans and could be incorporated into municipal legislation

Ontario



Manitoba



Alberta

- “water management plans” must be considered (*Water Act*)
- Watershed management plans
 - *ad hoc* implementation
 - No rules or obligations created
 - May be incorporated into regional plans under the Alberta Land Stewardship Act (and become binding on decision makers)
 - Implementation funding? ASN?

Australia and EU

- Examples of binding regional planning authorities
- EU -Watershed framework directive
- Australia –Water Act, 2007 – Murray Darling Basin Authority
 - Centralized planning system binding on all

Continuum of Policy Approaches

Ad hoc volunteer

Alberta

Manitoba

California

Policy mandated – Volunteer w/resources

Legislative implementation – mandatory consideration

Australia & EU



Program based volunteer

Ontario

Legislative facilitation of implementation

Structure and process

Washington

Substantive legislative plans

Caveat -approach varies by issue

Oregon

Assessments of plan implementation success

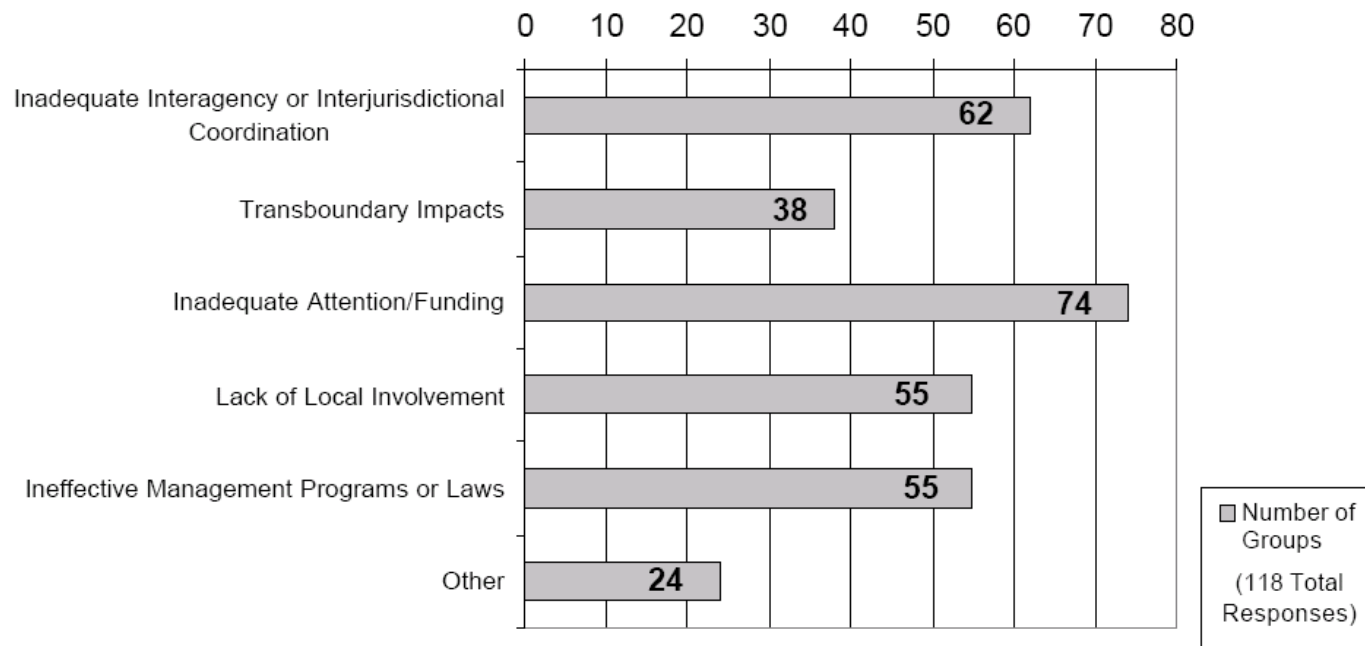
- Few have been conducted
- Based on interviews with participants in planning & collaborative initiatives
 - i.e., perceptions not substantive outcomes

New Sourcebook (2000)

- Compilation of 346 case studies of partnerships including planning councils from across the U.S.
- “The data we have suggests **the performance of watershed initiatives is mixed**, not a surprising finding given the diversity of efforts and the various criteria upon which such assessments can be based. This finding is **sufficient to encourage continued experimentation, but is not adequate to support any grander conclusions.**”

Source Book

Figure 13-9. Institutional Problems Within the Watersheds



Sommarstrom/Lubell

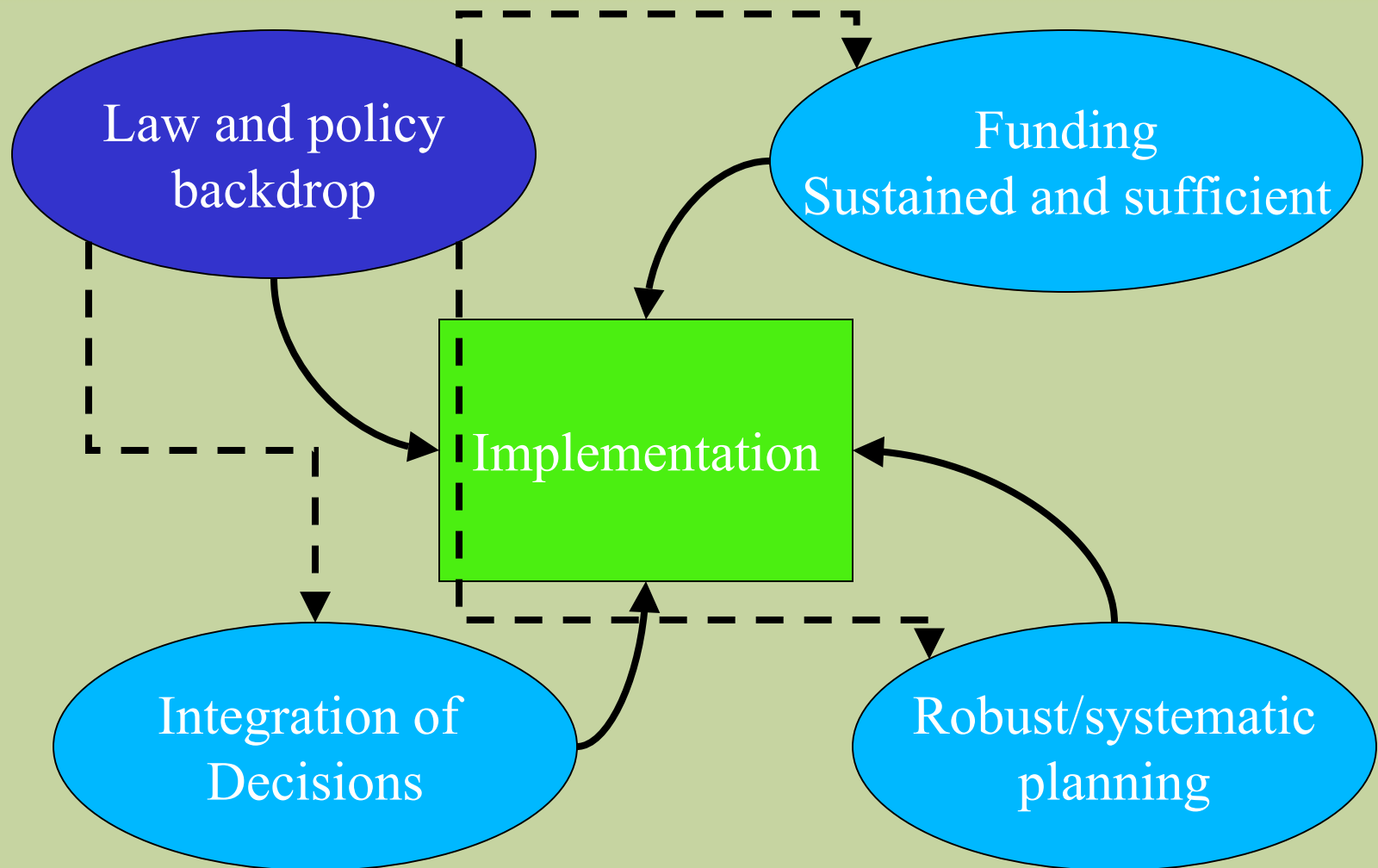
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- Neutral forum
- Developed trust understanding among council
- Agency integration -better cooperation, coordination and communications
- Brings community attention to issues
- Projects implemented on the ground
- Some extended landowner participation

(-)

- Management practices or watershed issues are avoided (treating symptoms versus causes)
- Lowest common denominator decisions (due to perceptions of consensus)
- Trust beyond councils is lacking
- Plan vagueness
- Opportunistic versus planned approach
- Belief change doesn't lead to action change

Central issues for implementation



Legal backdrop: Is a threat of litigation required?

- Is an imminent threat of regulation/litigation necessary?
- Some U.S. jurisdictions have found that it fosters buy-in into an otherwise voluntary system
- Similar system doesn't exist in Canada
- Central question
 - Alternative avenues to resolve issues
 - Status quo, i.e., symbolic policy

Sustained funding

- Overriding theme from all jurisdictions reviewed is a need for greater funding and capacity
- Project/mission creep?
 - Opportunistic vs. robust plan implementation
- Contrast – Can vs. U.S.
 - *Clean Water Act* funding – since 1999 ~\$200 million
 - Amts – OR/WS spending millions on restoration efforts

Robust planning systems

- Opportunistic and *ad hoc* implementation is the result of a voluntary system
- Parties assess cost/benefit on case by case basis
- Proven success in individual restoration projects
- Long term goals and dealing with more intransigent issues remains elusive

Consistent integration

- Three distinct players – government departments, municipalities, and individual organizations/landowners
- Agency silos
 - legislative mandates, institutional memory
- Stakeholder silos