Water Institutional Dynamic and Institutional Map in the South Saskatchewan River Basin.

Derived by L. Patiño and D. Gauthier, mainly from Corkal, D. R., Inch, B. and P.E. Atkins (AAFC-PFRA). 2007. The Case of Canada – Institutions and Water in the South Saskatchewan River Basin.

Federal Principles and Main Instruments that Affect the Water Institutional Dynamic in the South Saskatchewan River Basin.

Derived by L. Patiño and D. Gauthier mainly from Corkal, D. R., Inch, B. and P.E. Atkins (AAFC-PFRA). 2007. The Case of Canada – Institutions and Water in the South Saskatchewan River Basin; and also from Hurlbert, Margot. 2006. Water Law in the South Saskatchewan River Basin. IACC Project working paper No. 27.

PRINCIPLES

-Water is generally considered a public good.

-Water is managed under a governmental decentralized structure and shared jurisdictional management.

-Water management is based on the principles of sustainable development and integrated water resource management.

Governance of water is based on communication and shared decision making (cooperative federalism) between all governmental levels and stakeholders involved.

INSTRUMENTS

Constitution Act, 1867.

- -Amendment, Natural Resources Transfer Agreement, 1930. Provinces acquired ownership of natural resources within provincial boundaries, including water.
- -Shared responsibility occurs in inter-provincial, agricultural and health related water issues.
- -Federal government could invoke exceptional powers to assert jurisdiction to water under provincial jurisdiction: "declaratory power"; "spending power"; "peace, order and good government".

The Canadian Water Act, 1985

-Federal government has powers on waters on federal lands, inter-jurisdictional waters, and waters where water quality management has become a matter of urgent national concern, the Minister of Environment may enter into an agreement with one or more provinces to designate a water quality management area.

The Fisheries Act, 1985

-Federal government retains responsibility for the protection of fish and fish habitat.

Navigable Waters Protection Act, 1985

-Federal government retains responsibility for the protection of navigable waters.

ISSUES

Water as a public good, under a decentralized government structure and shared jurisdictions, based on sustainable development and integrated water resource management, and governance based on cooperation and communication, involves:

- -federal-provincial agreements, and local decision-making.
- -federal and provincial governments set guidelines, standards and regulations for water management.
- -active day-to-day management of water is increasingly undertaken by smaller local institutions.
- -Potential disagreement and/or conflict between actors involved in agreements.
- -Agreement process has the potential of preventing effective and timely decision-making.
- -Local institutional level lacks necessary authority and funding.

The Federal Water Policy although with sound policy recommendations, has not been fully acted upon, and a national strategy has not been developed.

Federal Water Policy, 1987*

- -Underlying philosophy: water must be seen both as a key to environmental health and as a scarce commodity having real value.
- -Overall objective: to encourage the use of freshwater in an efficient and equitable manner consistent with the social, economic and environmental needs of present and future generations.
- -The policy demonstrates leadership by committing to develop and apply the concept of "a fair value for water."
- -Calls for an effective mechanism developing anticipatory and preventive **approaches** to managing the quality and quantity of water resources acknowledging their value in social, economic and environmental terms.
- Calls for a joint and co-operative management approach with the provinces.

*Environment Canada. 1985. Federal Water Policy. http://www.ec.gc.ca/water/en/info/pubs/fedpol/e_fedpol.pdf. Updated: July 19th, 2006. Accessed: March 10th, 2007.

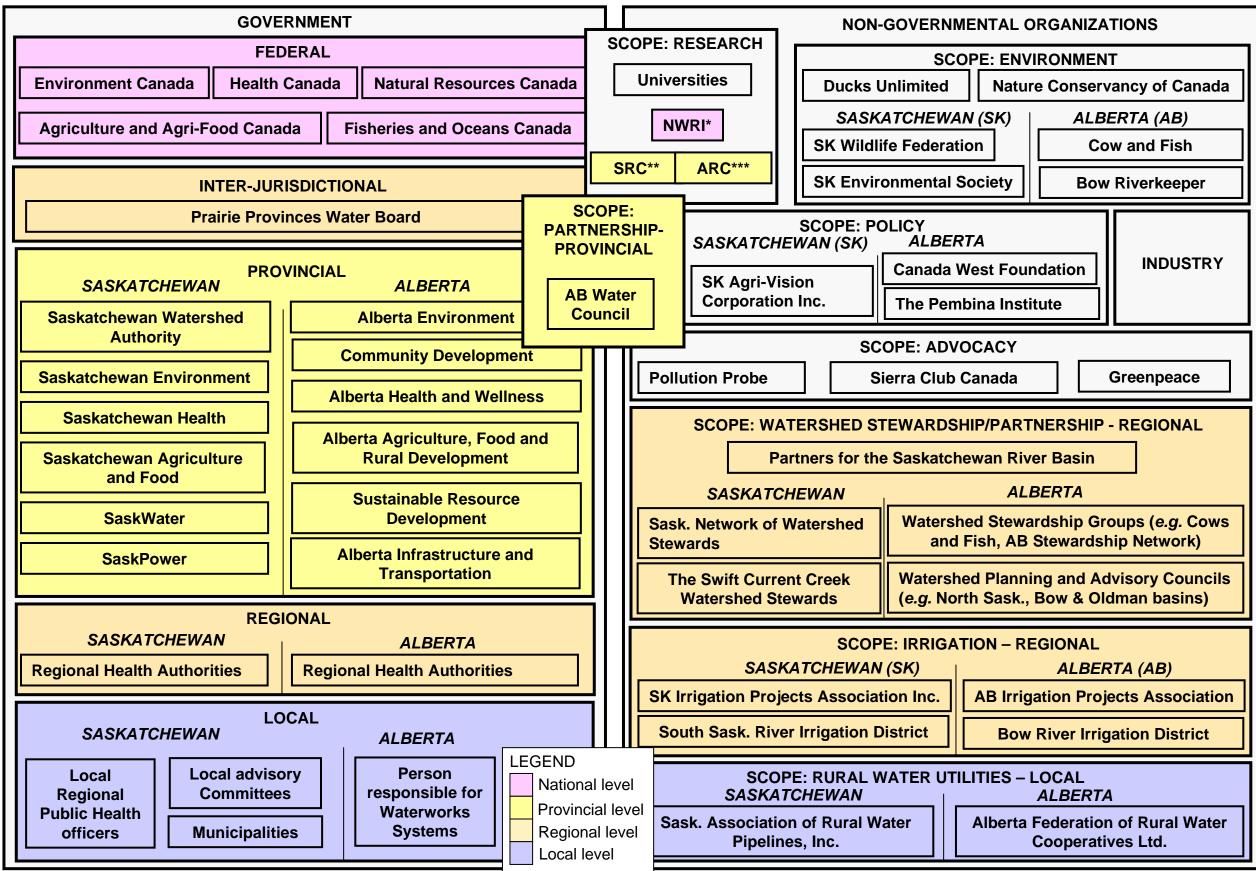
Federal South Saskatchewan River Institutional Water Map

Derived by L. Patiño and D. Gauthier from Corkal, D. R., Inch, B. and P.E. Atkins (AAFC-PFRA). 2007. The Case of Canada – Institutions and Water in the South Saskatchewan River Basin.

Water is generally considered a public good. Water is managed under a governmental decentralized structure (shared jurisdictional management), based on the principles of sustainable development and integrated water resource management. **WATER QUALITY POTABLE WATER ENVIRONMENT** MAIN FEDERAL DEPARTMENTS AND AGENCIES INVOLVED IN WATER AGRICULTURE AND AGRI-**ENVIRONMENT CANADA (EC) HEALTH CANADA FISHERIES AND OCEANS NATURAL RESOURCES FOOD CANADA (AAFC) CANADA CANADA** -Responsible for public -Primary department responsible for water activities. Economic department. health protection and -Responsible for freshwater -Responsible for **natural** -Works with agri-food sector to safeguard of human -Critical role on **environmental protection** (including (inland) and saltwater (oceans) resources. promotes (a) competitive water). fisheries. -Conduct water research health. Canadian agricultural industry, -Conduct research to protect and enhance water -Established Guidelines -Regulatory responsibilities related to earth science. and (b) agricultural best under the Fisheries Act for Canadian Drinking resources. forestry, mining, & energy -Surveys and monitors water quality and quantity in management practices (BMP-Water Quality in dialogue (prohibits any activity that sectors. practices that protect the the natural environment. results in the harmful with provinces and -Responsible for the -Some legal regulatory responsibilities to protect and environment). territories. alteration, disruption and Resources and Technical -No regulatory responsibility safeguard natural water supplies. -Sets **health-based** destruction of fish habitat). Surveys Act (broad -In conjunction with provincial Ministers of Environment, for water. scientific authority). standards for materials -Management of inland and sets the Canadian Environmental Quality Guidelines. in contact with drinking -Conducts research, oceans fisheries. -Conduct natural -Important leadership role in the Prairie Provinces demonstration, and knowledge -Conservation, protection and resources research Water Board. outreach programming to -Responsible for following restoration of fish and fish programs and mapping Acts: Food and Drugs -Responsible for following Acts: Canadian Water Act, encourage the adoption of habitat. activities, including Canadian Environmental Assessment Act. Canadian agricultural BMP that safeguard Act, Pest Control -Prevention and response to groundwater. Environmental Protection Act. International River water supplies and the Products Act, Canadian pollution, navigation, search -Actively involved in environment from potential Environmental Protection Improvements Act. and rescue, and harbour Climate change -Actively involved in Climate change Programs. - - agricultural contamination. Act (co-lead with EC). infrastructure. Programs. **WATER QUALITY ENVIRONMENT POTABLE WATER** SOME OTHER FEDERAL DEPARTMENTS AND AGENCIES INVOLVED IN WATER PRAIRIE PARM REHABILITATION **INDIAN AND FOREIGN AFFAIRS CANADIAN TRANSPORT** INTERNATIONAL **ADMINISTRATION** (AAFG branch) - 1 **NORTHERN ENVIRONMENTAL CANADA** CANADA JOINT COMMISSION **AFFAIRS CANADA ASSESSMENT AGENCY** -Active role in water development -Responsible for the -Canadian and U.S. -Responsible for the -Shared and water management following Acts: following Acts: joint bi-national -Accountable to the Minister of infrastructure, mainly in prairie International Boundary responsibilities with the Environment. Canadian Shipping commission. First Nations Bands -Administers the Canadian provinces. Waters Treaty Act. Act & Navigable -Prevent and resolve -Responsibility for **irrigation and** dispute by ruling in **Councils** for **drinking** Environmental Assessment **Concerned with** Waters Protection Act. and wastewater water supply systems in the prairies. trade, including the Regulate the building accordance to the Act. Requirements for -Other roles: involvement in national systems on First controversial issue of of structures within 1909 Boundary Water environment assessments for water programs, some international Nations reserve projects that involve the the sale of bulk water. navigable Treaties. communities. federal government in either obligations around water and waterways. agriculture. funding or regulatory capacity

Some Important Institutions in the Saskatchewan Institutional Water Map, South Saskatchewan River Basin.

Derived by L. Patiño and D. Gauthier mainly from Corkal, D. R., Inch, B. and P.E. Atkins (AAFC-PFRA). 2007. The Case of Canada – Institutions and Water in the South Saskatchewan River Basin; and also from Hurlbert, Margot. 2006. Water Law in the South Saskatchewan River Basin. IACC Project working paper No. 27.



^{*}National Water Research Institute: **Saskatchewan Research Council: ***Alberta Research Council.

Acknowledgement

The authors wish to express their gratitude to Darrell Corkel for reviewing this document and provide valuable comments and suggestions.