

## BWMA Discussion Paper Proposed Science and Monitoring Committee

### Purpose of the Paper

Over the past few months, the five jurisdictions (BC, AB, SK, NWT, and YT) involved in bilateral negotiations under the Master Agreement have been working with Environment Canada (EC) to discuss the potential federal role with respect to the Bilateral Water Management Agreements (BWMA). This discussion paper summarizes a proposal from the five jurisdictions for a Science and Monitoring Committee (SMC), which will be presented to the MRBB at the end of May.

### How will the BWMA be administered?

Each of the BWMA establishes a Bilateral Management Committee (BMC) that is responsible for administering the agreement and reporting on its achievement. Its primary functions include classifying water bodies under a “Risk-Informed Management” approach, establishing learning plans, setting and monitoring the achievement of transboundary objectives, and providing a mechanism for information sharing, notification and consultation. It is expected that each BMC will establish a Bilateral Technical Committee headed by a Technical Lead from each of the two jurisdictions. Tasks required for BWMA implementation will be completed largely by committee members and other government staff, augmented as required with contracted services. Once all the BWMA are signed, there will be seven BMCs, each with its own Bilateral Technical Committee.

### Why is a Science and Monitoring Committee (SMC) needed?

While the BMCs are the decision making body for the BWMA, the jurisdictions see value in having EC involved in a meaningful way in BWMA implementation, particularly with respect to science and monitoring support and the strengthening of a basin-wide approach and perspective. They propose the creation of a basin-level Science and Monitoring Committee (SMC) with the objectives of:

- Facilitating **cooperation**, including appropriate involvement of EC/federal family and building relationships and effective communications among jurisdictions.
- Improving **cost-effectiveness**, including avoiding duplication of effort across BWMA and delivering science and monitoring functions efficiently.
- Ensuring an appropriate level of **quality and consistency** in technical approaches, such as methodologies for setting objectives and classifying water bodies.
- Ensuring **relevance**, including preserving each jurisdiction’s ability to allocate its resources to its own priorities, and ensuring these priorities are addressed in a timely and equitable way.

### What is the proposed SMC and what will it do?

The proposed SMC would be a technical committee under the MRBB (Figure 1). Its mandate would be to support the science, monitoring and reporting needs of the BWMA<sup>1</sup>. Core functions would focus on

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<sup>1</sup> **For discussion:** The previous version stated the SMC mandate would be to “coordinate” the science, monitoring, and reporting needs of the BWMA

technical issues that are common across BWMA and/or that support the development of a basin-level understanding and approach to transboundary water management.

One of the first tasks of the SMC would be to develop a 3-5 year work plan. It is expected that its role will be refined as experience with BWMA implementation grows. If the MRBB approves the formation of the SMC, a detailed terms of reference will be developed. However at this time, it is envisioned that the SMC's functions could include:

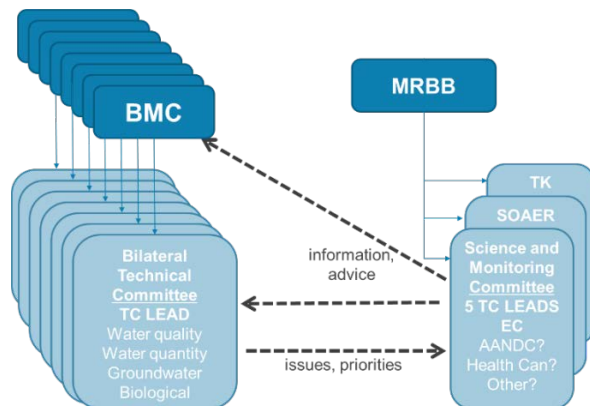
- Identifying and advising on priority monitoring gaps;
- Identifying and addressing technical issues that are common across BWMA;
- Developing a basin-level science strategy <sup>2</sup>;
- Providing advice and peer review on methodologies (e.g., classification, objective development, sampling protocols, interpreting monitoring trends, etc.);
- Providing coordination among BWMA in support of the SOAER;
- Providing advice as requested to the Bilateral Technical Committees and BMCs;
- Providing a forum for information sharing, particularly on issues that require multilateral communication.

### What would its membership be?

The core SMC would be composed of the five Technical Leads from the seven BMCs, as well as EC. It could also include Health Canada or other federal representatives (Figure 1). In addition to the core members, it is envisioned that other technical resources could be invited on an as-need basis, including other members of the Bilateral Technical Committees, other federal resources, independent experts, academics or other guests. Working Groups may be struck to address particular tasks.

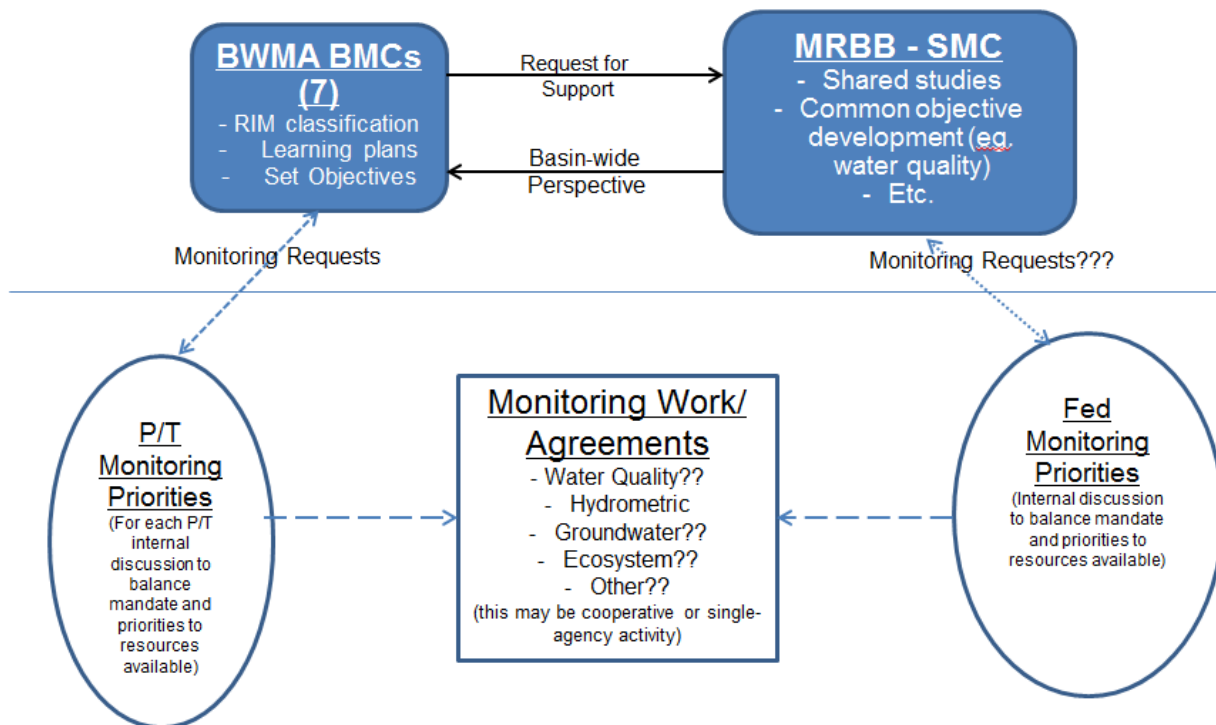
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<sup>2</sup> **For discussion:** 'science strategy' requires further clarification or deletion.

**Figure 1: SMC Structure and Membership**


### What is the relationship of the SMC to existing bilateral monitoring agreements?

Existing bilateral agreements between EC and the provinces/territories are currently informed by the federal mandate (including statutory requirements, existing agreements, EC science, etc.) and the provincial/territorial mandate (e.g., water management issues, flow forecasting needs, human health and environmental priorities, etc.). Post-BWMA, the federal mandate will also include consideration of transboundary monitoring priorities identified by the SMC, and provincial/territorial mandates will include BWMA priorities identified by the BMCs. In all other ways, the management and implementation of these bilateral monitoring agreements will remain the same (Figure 2).

**Figure 2: Relationship of SMC, BWMA and Existing Bilateral Monitoring Agreements<sup>3</sup>**


### How will the SMC conduct its work and how could it be funded?

The proposed approach to funding and implementation envisions both a short term funding strategy to address start-up and immediate needs, and a longer term funding strategy. A companion discussion paper (M. Renouf, 14-04-2014) describes the pros and cons of various approaches to conducting committee work, including the use of in-kind services of committee members, dedicated staff support and contracted services.

As noted in that paper, it is recognized that initially the proposed SMC will be defining and clarifying its role. During this period, the workload will likely be variable and difficult to forecast from year-to-year. There are numerous mechanisms that can be employed to address short-term, variable workload situations (e.g., contracted services, term or casual hires, and "purchasing" time from existing agency staff). Each of these approaches will necessitate the creation of a pool of funds that the MRBB can apply against the needs of the proposed SMC in the short term. The jurisdictions have a history of this, having used this mechanism to create a pool of funds for the facilitation contract for BWMA development. To make this approach work, three things are needed: a costed work plan for the proposed SMC; an agreed formula to distribute the costs; and, commitment from the jurisdictions to provide funds.

<sup>3</sup> The items included in the federal and provincial/territorial mandates are examples only.

In the longer term, a permanent and stable funding source is likely needed. The MRBB business plan commits to conducting a third-party review of its mandate concurrent with the signing and implementation of the BWMA. There could be subsequent discussions at this time on SMC funding needs.

In sum, key recommendations include:

- That a combination of funding options, including but not limited to existing MRBB resources, be considered. While there may be opportunities to reallocate or utilize surplus funds, this should not be relied upon exclusively. The SMC requires a stable funding base in order to be effective.
- That MOUs between Environment Canada and each SMC funding party be developed and used to provide near-term <sup>4</sup> funding to the SMC.
- That a cost sharing formula be developed to permit the provision of resources for the near-term from all P/T jurisdictions and the GOC. Various options have been proposed for consideration, but further discussion is required.
- That, over time<sup>5</sup>, the SMC should transition from conducting its work primarily through the provision of in-kind services to one where work is primarily delivered by dedicated staff and the use of contracted services.
- That a stable long term <sup>6</sup> funding solution be developed once the role of the SMC has been clarified through implementation experience, and that the opportunity of the third-party review of the MRBB mandate and subsequent discussions about amendments to the Master Agreement be used to update the approach.
- That the provision and utilization of resources to the SMC, both in the near-term and the longer-term, be structured so as to be flexible and adaptive as the Committee matures, its work plan becomes better defined, and the value of the Committee becomes better realized. Attention must be given to find an appropriate balance between the desire for flexibility to enable learning and adaptability and the desire for a stable long term funding commitment.

Assuming that the MRBB agrees to establish the SMC as proposed, a Terms of Reference will be established. The development of a costed work-plan can be one of the SMC's initial assignments.

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<sup>4</sup> **For discussion:** clarify what "near term" means in number of months/years.

<sup>5</sup> **For discussion:** Should this be in the SMC's first work plan?

<sup>6</sup> **For discussion:** clarify what "long term" means in number of years.