

Water for life in Alberta, Canada **Assessing First Nations engagement** **« Water for Life » en Alberta, Canada** **Évaluer l'inclusion des Premières Nations**

Juliane Schultz, Warrick Baijius et Robert J Patrick

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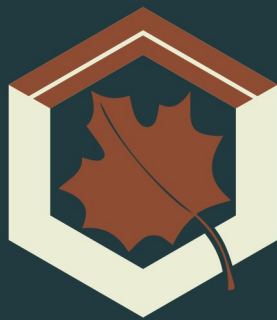
Résumé de l'article

L'eau fait partie intégrante de l'économie de l'Alberta, fondée sur l'agriculture, la production d'électricité, l'industrie extractive, le tourisme et les loisirs. En 2003, le gouvernement de l'Alberta a publié le document « Water for Life Strategy » alors que le public s'inquiétait de plus en plus sur les répercussions multiples sur les ressources en eau de la province. « Water for Life Strategy » est un document-cadre guidant l'élaboration et la mise en œuvre de plans de bassins hydrographiques dans l'ensemble de la province. Ceux-ci sont implantés par des Conseils consultatifs et de planification des bassins versants (WPAC). Cette étude explore dans quelle mesure les Premières Nations de l'Alberta ont été incluses dans l'élaboration de la stratégie par le gouvernement et dans la mise en œuvre de la stratégie par les Conseils consultatifs et de planification des bassins versants (WPAC). Nos données de recherche ont été recueillies à travers d'entrevues approfondies avec le personnel des WPAC, ainsi qu'à travers d'une analyse de contenu de documents d'aménagement pertinent de sources provinciaux et des WPAC. Les résultats de recherche indiquent une absence d'inclusion des Premières Nations dans l'élaboration et la mise en œuvre de la stratégie dans les plans et politiques des WPAC. Les résultats identifient également des lacunes et opportunités institutionnelles par lesquelles le gouvernement provincial et les WPACs puissent engager plus effectivement et inclusivement avec les communautés de Premières Nations. Afin de pallier cette situation, nous identifions les arrangements institutionnels nécessaires afin de promouvoir une plus grande inclusion des Premières Nations en tant que titulaires de droits dans l'aménagement de bassins hydrographiques en Alberta.



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Water for Life in Alberta, Canada:

Assessing First Nations Engagement

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Abstract

Water is integral to Alberta's economy, grounded in agriculture, power generation, extractive industry, tourism, and recreation. In 2003, the Government of Alberta released the *Water for Life Strategy* (the *Strategy*) amidst growing public concerns over multiple impacts on provincial water resources. The *Strategy* is a framework document guiding the development of watershed plans across the provincial landscape to be implemented by Watershed Protection and Advisory Committees (WPACs). This paper explores the extent to which First Nations in Alberta were included in the government's development of the *Strategy* and in the implementation of the *Strategy* by the WPACs. Our research data was gathered through key informant interviews with WPAC personnel as well as content analysis of relevant planning documents from provincial and WPAC sources. The research results point to an absence of First Nation inclusion in both the development of the provincial water *Strategy* as well as the implementation of the *Strategy* through the WPAC policies and plans. The results also identify institutional gaps and opportunities by which the provincial government and the WPACs may engage more effectively and inclusively with Indigenous communities. From our analysis, we recommend a series of institutional arrangements to advance far greater inclusion of Indigenous voices and recognition of Indigenous Peoples as rights-holders, in watershed planning in Alberta.

Résumé

L'eau fait partie intégrante de l'économie de l'Alberta, fondée sur l'agriculture, la production d'électricité, l'industrie extractive, le tourisme et les loisirs. En 2003, le gouvernement de l'Alberta a publié le document « Water for Life Strategy » alors que le public s'inquiétait de plus en plus sur les répercussions multiples sur les ressources en eau de la province. « Water for Life Strategy » est un document-cadre guidant l'élaboration et la mise en œuvre de plans de bassins hydrographiques dans l'ensemble de la province. Ceux-ci sont implantés par des Conseils consultatifs et de planification des bassins versants (WPAC). Cette étude explore dans quelle mesure les Premières Nations de l'Alberta ont été incluses dans l'élaboration de la stratégie par le gouvernement et dans la mise en œuvre de la stratégie par les Conseils consultatifs et de planification des bassins versants (WPAC). Nos données de recherche ont été recueillies à travers d'entrevues approfondies avec le personnel des WPAC, ainsi qu'à travers d'une analyse de contenu de documents d'aménagement pertinent de sources provinciaux et des WPAC. Les résultats de recherche indiquent une absence d'inclusion des Premières Nations dans l'élaboration et la mise en œuvre de la stratégie dans les plans et politiques des WPAC. Les résultats identifient également des lacunes et opportunités institutionnelles par lesquelles le gouvernement provincial et les WPACs puissent engager plus effectivement et inclusivement avec les communautés de Premières Nations. Afin de pallier cette situation, nous identifions les arrangements institutionnels nécessaires afin de promouvoir une plus grande inclusion des Premières Nations en tant que titulaires de droits dans l'aménagement de bassins hydrographiques en Alberta.

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Introduction

Watershed management incorporates social, economic, and environmental aspects within watershed boundaries, and thus relies on bringing together policymakers, communities, local interest groups and other stakeholders as well as Indigenous right-holders (Wang et al., 2016; McGregor, 2014). Collaboration and meaningful relationships between and among all stakeholders and rights-holders form the basis of engagement and are foundational to successful watershed management plans (Jackson, 2019; Megdal et al., 2017). That said, relationship building takes time especially when groups with different belief systems and traditions reside within the same watershed region (Reo et al., 2017). The academic literature provides extensive information on watershed planning and management emphasizing the importance of collaboration and engagement. A more recent, yet geographically uneven literature examines Indigenous engagement in watershed governance (Adams et al., 2014; Lane, 2006; Jackson, 2019; Prusak et al., 2016), with significant emphasis on building relationships (Jackson, 2019) and integrating Indigenous knowledge systems into water decision-making (Bradford et al., 2017; Baijius and Patrick, 2019; McGregor, 2016).

This research seeks to identify the extent to which Indigenous engagement is present in both provincial government and Watershed Planning and Advisory Committee (WPAC) watershed planning policies and processes in Alberta, Canada. Our goal is to better understand opportunities and barriers for Indigenous engagement in watershed planning in Alberta and beyond. We begin by situating Indigenous engagement in watershed planning within a settler-colonial context while describing key aspects of the relationship between First Nations and the Alberta provincial government regarding water. We then describe our data collection, interpretation, and

analytic research methods. Our results show that Indigenous participation and engagement vary across different watersheds in Alberta. In turn, our thematic analysis of the interviews revealed consistent assertions that watershed planners and managers “don’t do” engagement with First Nations in Alberta. We conclude with recommendations for watershed organizations, planners, and managers working in treaty territories in Alberta and beyond.

Water and Indigenous Peoples in Canada

There are many ways in which the diversity of Indigenous Peoples relates to and cares for water (McGregor, 2014, 2018; Craft, 2014; Phare, 2009, 2011). A common perspective holds that humans are part of a web of relations, where water is at once a spirit, a material force, and a gift from the Creator (McGregor 2012, 2014). For many First Nations cultures in what is now North America, humans practiced reciprocity in their relationships with the natural world through different practices, some of which have gendered roles. In Cree and Anishinaabe communities, women are the water keepers, holding the primary responsibility to maintain good relations with and care for water (Blackstock, 2001; Anderson, 2010; Anderson, Clow, & Haworth-Brockman, 2013).

In the historic treaty areas of Canada, government perspectives on water rights are based largely on the language, concepts, and norms of settler-colonial state (Coulthard, 2007; Taylor et al., 2019). Indigenous rights to water are typically incidental, interpreted as necessary for the practice of their other Aboriginal and Treaty rights (Slattery, 2000; Taylor et al., 2019). Although Indigenous rights “to use the land and adjacent waters as the people had traditionally done for its sustenance...may safely be said to be enshrined in s. 35(1) of the Constitution Act, 1982” (Passelac-Ross & Smith, 2010, p. 7), there is much contention over the issue of title. The Canadian and provincial governments are of the

opinion that treaties extinguished Aboriginal title, a belief contested by Indigenous Peoples across Turtle Island. As a result of the unilateral interpretation of treaties-as-cession adopted by colonial governments, Aboriginal and Treaty rights to engagement in resource management are triggered only in very specific situations, watershed planning not being one of them.

Indigenous Peoples with historic treaties actively resist this unilateral interpretation of cession (Cardinal & Hildebrandt, 2000; Krasowski, 2019), and are undertaking litigation to challenge recent provincial government assertions of ‘sovereignty’ over Indigenous territory (Hunter, 2023; Ghania & Kliem, 2022). Treaty First Nations are asserting that their rights and title to traditional lands remain unsurrendered (Krasowski, 2019). While constitutionally-protected Aboriginal and Treaty rights do provide for engagement in some situations, there are no state-recognized Treaty or Aboriginal rights to water (Phare, 2009; Bakker et al., 2018), leaving the role of Indigenous engagement in watershed planning unclear. Yet in Alberta, some argue that “Aboriginal Peoples may have Aboriginal rights to water, even if they cannot prove Aboriginal title to water” (Passelac & Smith, 2010, p. 8). Those water rights may include rights to water quality and quantity, in addition to rights incidental to Aboriginal and Treaty rights such as hunting, fishing, and gathering (Phare, 2009; Walkem, 2004; Passelac-Ross & Smith, 2010).

What these Indigenous water rights may mean for watershed planners is not always clear, but for Indigenous Peoples, they are a critical lever to have their voices and interests included in decision-making and to fulfill their traditional stewardship roles on- and off-reserve:

Aboriginal water rights include inherent responsibilities to protect and use water, and to make decisions

regarding waters, based upon Indigenous laws. What matters to Aboriginal Peoples is not to be considered exclusive owners of waters, but to exercise governance powers and stewardship of water resources. (Passelac-Ross & Smith, 2010, p. 6)

Most importantly, since Aboriginal title conveys the right to make decisions with respect to the use and management of the ‘land’, Aboriginal Peoples should be entitled to make water and land use decisions on their Aboriginal title lands, according to their own laws and traditions. (Passelac-Ross & Smith, 2010, p. 8)

In other words, Indigenous water rights are a mechanism through which Indigenous Peoples can maintain their cultural traditions of water stewardship and governance while working together with government and other rights-holders (Jackson, 2018). Even without recognition of their full rights and title, Indigenous Peoples continue their cultural practices and try to maintain good relations with water while navigating a colonial system not of their choosing or design, and with limited rights—in other words, as stakeholders, not as nations.

First Nations and Water in Alberta

There are 48 First Nations reserves in Alberta, with the third largest population of First Nations people in Canada after Ontario and British Columbia. These First Nations are party to historic treaties (Treaty 4, 6, 7, 8, 10), dating back to 1876, that cover the entirety of Alberta. The treaties do not contain terms specific to rights in the context of watershed planning, but that has not prevented First Nations from engaging in water management and planning. In Alberta, settlement agreements for hydroelectric power generation imply an Indigenous

water right, but the issue is still largely unresolved; instead, governments have adopted an approach to water management that de-emphasizes the role of Indigenous Peoples in water governance (Laidlaw & Passelac-Ross, 2010).

Highlighting the debate and contention around the extent and scope of Aboriginal water rights, Laidlaw & Passelac-Ross (2010) point to the 2002 Piikani Settlement Agreement as an example of how the province and federal governments avoid recognition of Indigenous riparian water rights. Other cases, such as the one raised by the Stoney Nakoda Nations, challenge the province's assertion that the *Alberta Natural Resources Act* (1930) extinguished Aboriginal water rights. The Tsuu T'ina Nation has filed repeated challenges of a government-approved water management plan on the basis of inadequate consultation, arguing that the province failed to discharge the Crown's duty to consult. In the Tsuu T'ina case, however, the courts did not find that Alberta Environment had an obligation to consult First Nations over watershed management plans. Moving beyond challenges to water allocation schemes, the Beaver Lake case focuses on cumulative impacts, which have historically been ignored by provinces: permitting and licensing processes considered the impacts of small projects in isolation, without consideration of cumulative impacts on Indigenous rights.

Given that Indigenous water rights are not recognized, Alberta Environment was found to have no duty to consult over planning, and that cumulative impacts to Aboriginal and Treaty rights are rarely considered, where does this leave Indigenous Peoples in relation to watershed planning in Alberta?

In 2003, the Government of Alberta released the *Water for Life* strategy (Alberta Environment, 2003) as a response to public concern over impacts on provincial water resources. The stated purpose of the *Water for Life* (WFL) strategy is a commitment to

“the wise management of Alberta's water quantity and quality to the benefit of Albertans now and in the future” (p. 5). The *WFL Strategy* contains three goals—safe, secure drinking water supply; healthy aquatic ecosystems; reliable, quality water supplies for a sustainable economy—and relies on ‘partnerships’ between government, volunteer groups, local and provincial water councils. At the provincial level, the Alberta Water Council (AWC) is responsible for the overall implementation of WFL, and “provide[s] policy advice to government... on issues such as beneficial use, conservation opportunities, and economic instruments” (Alberta Environment, 2003, p. 15).

At a regional level, Watershed Planning Advisory Councils (WPACs) “support multi-stakeholder collaboration and community engagement” through education, stewardship, environmental monitoring, and watershed planning (Alberta Environment, 2003). WPACs are non-profit societies mandated and partially funded by the Alberta government to deliver programming and non-statutory planning for their respective river basins (Figure 1). Each process and plan must address diverse issues, as the watersheds range greatly in extents of water, land, land use, environmental pressures, and the number of First Nations communities (Table 1). WPACs receive the same base funding but can also apply for grants to support programming.

The provincial government retains jurisdiction over water (Berzins et al., 2006), and so WPACs and their plans are considered advisory in nature. Eleven WPACs provide programming and planning across Alberta's major river basins (see Figure 1), with plan implementation conducted by local Watershed Stewardship Groups (WSG) comprised of volunteers. In 2015, the Government of Alberta released their *Guide to Watershed Management Planning*, an update to their 1999 watershed management planning framework. The first step in



Figure 1. Alberta's Watershed Planning and Advisory Councils (Government of Alberta, 2022).

producing a watershed management plan is the development of a ‘state of the watershed’ report. These reports inventory ecological health of the watershed and identify human activities that impact the natural environment. Each watershed report provides the basis for watershed management (Government of Alberta, 2019).

For this study, we asked: to what extent has the structure and implementation of Alberta’s *Water for Life* policy supported the inclusion and engagement of First Nations people and their representatives in watershed planning? By combining a document review of watershed planning documents and watershed management plans with results from semi-

structured interviews, we reveal the extent to which Alberta’s watershed planning processes provide space for Indigenous engagement.

Research Methods

Planning documents represent evidence of the planning process, and that written policy is a predictor of actual practice. This approach draws on methods for plan quality evaluation (Connell & Daoust-Filiatrault, 2018), including latent and manifest content analysis (Dunn, 2016). The written text in watershed plans and water policies is only a partial record of intended, actual or attempted engagement. To that end, we added semi-structured interviews to triangulate and supplement content

Table 1. Overview Alberta's WPACs (in alphabetical order).

WPAC	Year Formed	Land Area Covered	Number of First Nations Communities	Year of Plan Approval
Athabasca Watershed Council (AWC)	2009	159,000 km ²	14	2022
Battle River Watershed Alliance (BRWA)	2006	24,900 km ²	4	n/a
Bow River Basin Council (BRBC)	2004	25,000 km ²	3	2012
Lesser Slave Watershed Council (LSWC)	2007	20,100 km ²	5	2018
LICA - Beaver River Watershed	2007	22,000 km ²	4	2022
Mighty Peace Watershed Alliance (MPWA)	2011	208,834 km ²	22	2018
Milk River Watershed Council Canada (MRWCC)	2005	6,500 km ²	None	2015
North Saskatchewan Watershed Alliance (NSWA)	2005	57,000 km ²	35	2012
Oldman Watershed Council (OWC)	2004	23,000 km ²	2	n/a
Red Deer River Watershed Alliance (RDRWA)	2005	49,650 km ²	None	n/a
South East Alberta Watershed Alliance (SEAWA)	2010	19,929 km ²	None	n/a

analysis (Bengtsson, 2016; Dunn, 2016). The research for this paper proceeded through two phases.

First, we undertook a thematic content analysis of four key documents associated with the implementation of the *WFL Strategy* and eleven Integrated Water Management Plans (IWMP) developed by the WPACs. The document review employed manifest content analysis to understand the visible (manifest) content within the documents (Dunn, 2016). Latent analysis was then used to understand the context in which signal or key words were used (Cope & Kurtz, 2016). We searched for signal words within each IWMP and related policy documents; where they were present, we descriptively coded the words/phrases and surrounding text, if related, based on the context of word usage. We chose keywords and phrases that could be associated with content that refers to First Nations in terms of identity, such as “Aboriginal”, “First Nation”, “Cree Nation”, and “Indigenous”. We also searched for keywords relevant to broader themes in the literature such as engagement (“Rights-holders”, “Traditional Ecological Knowledge”) and Indigenous territory (“Reserve”, “Treaty” OR “Treaties”); the addition of these keywords also helped to identify text passages that involved Indigenous communities whose names were not identified through the initial search. Table 2 shows the results for the keyword search.

Second, we conducted telephone interviews with key informants representing WPAC employees including planners and managers as well as volunteer committee members and board members. We utilized a semi-structured interview approach using an interview guide to enable open discussion allowing participants to elaborate on their answers. All our questions aimed to assess the degree to which First Nations’ engagement was incorporated in each WPAC watershed plan.

The line of questioning explored First Nations’ participation in the IWMPs as well as challenges and opportunities regarding First Nations’ engagement in the planning process. Initially, only WPACs with completed IWMPs were interviewed; however, only four plans were finished at the time of data collection resulting in a limited number of participants. Consequently, we extended the interviews to include those WPACs with incomplete IWMPs. Fortunately, this allowed for a broader sample and presented the opportunity to compare past and current planning processes. Interview recordings were transcribed verbatim with the help of the Qualitative Research Laboratory (QRL) located within the University of Saskatchewan. Interview transcriptions were analyzed thematically to identify patterns in participant responses. Our research goal was to assess the degree of Indigenous engagement with the *Strategy* and other planning policies through an examination of those policies and plans. Hence, the interviews were strategic and purposefully conducted with WPAC employees. Future research may examine the question of Indigenous engagement from the perspective of Indigenous Peoples.

Results

Here we present quantitative and thematic results for our document reviews and interviews. We start with the WFL review, which revealed a superficial consideration of First Nations and Indigenous water rights. We then turn to the watershed plan review, where we found few plans with significant Indigenous content, and even fewer that substantively recognize, let alone articulate, Indigenous water rights. Our interviews reveal how watershed managers and WPAC board members approach Indigenous engagement with caution and sometimes receive direction from the government that is counter to the stated intent of the *WFL Strategy*. We give further detail below.

Water for Life Document Review

From our primary document review of four *WFL Strategy* documents, there were 27 keyword occurrences. The *Water for Life* strategy (*The Strategy*; Alberta Environment, 2003) did not mention any of the keywords. The *Water for Life Renewal* (*The Renewal*; Alberta Water Council, 2008) included single occurrences each of “Aboriginal” and “First Nation”, and the *Water for Life: Action Plan* (*The Action Plan*; Alberta Environment, 2009) included similar results (1 and 2, respectively). The bulk of keyword occurrences were found in the *Guide to Watershed Management Planning* (*The Guide*; Alberta Environment, 2015). Notably, keyword occurrences such as “Elder”, “Rights-holders”, and “Treaty” are absent in all four documents. Below, we note a few more relevant details about the four documents.

In the 2003 *Strategy*, one of the “key directions” that discusses the need for knowledge and research makes no mention of Indigenous, traditional, or Aboriginal knowledge (Alberta Environment, 2003). This is a very significant outcome given that WFL laid the groundwork for Alberta’s water management approach and includes no guidance on whether, how, or when Indigenous Peoples should be engaged. The 2008 *Renewal* was completed based on the recommendations given by the AWC in a review of the program. While the main goals and objectives of the *Renewal* remain the same, greater focus was placed on two subject areas: safeguarding water resources and accelerating implementation actions. The AWC and the Government of Alberta noted of the strategy that: “success will depend on focus, innovation, balanced social values and a growing appreciation of the value of water as a scarce resource” (Alberta Water Council, 2008). The

Table 2. Keyword Search Results Provincial Government Documents.

	Indigenous	Aboriginal	First Nation	Elder	Traditional Knowledge	Reserve	Rights Holders	Treaty or Treaties
Water for Life Strategy (2003)	0	0	0	0	0	0	0	0
Water for Life Renewal (2008)	0	1	1	0	0	0	0	0
Water for Life Action Plan (2008)	0	1	2	0	0	0	0	0
Guide to Watershed Management Planning (2015)	1	1	18	0	1	1	0	0
Total	1	3	21	0	1	1	0	0

Renewal is the first time Aboriginal People are recognized explicitly in the water policy (but only once), in reference to safe drinking water for First Nations and Métis.

Following the *Renewal*, the government released the *Action Plan* (Alberta Environment, 2009) with indicators to track the progress of implementing the *Strategy* and *Renewal*. Both the *Renewal* and *Action Plan* yield limited keyword results. However, the 2009 *Action Plan* does assert the intent of the government to “work co-operatively” on drinking water issues with Aboriginal communities and the federal government (p. 11).

The *Guide to Watershed Management Planning* (Alberta Environment, 2015) shows the highest number of keywords among all four documents. The word “First Nation” appeared 18 times, including references to consultation “to meet policy and practice requirements (p. 7); acknowledging roles for traditional knowledge and culture in watershed planning (p. 7); as people to include in the public participation process (p. 17); and as stakeholders in collaborative watershed monitoring (p. 38). The keywords “Aboriginal”, “Traditional Knowledge”, “Indigenous” and “Reserve” each appeared only once, alongside a statement that Indigenous Peoples “hold constitutionally protected rights that need to be respected in the planning process” (p. 7).

The *Guide* states that WPACs are responsible for identifying and including First Nations’ representatives early in the planning process and encouraging participation in monitoring, but WPACs are “not responsible on behalf of the Crown for First Nations consultation” (p. 45). This responsibility is retained by Alberta Environment and Sustainable Resource Development and applies generally in terms of how the recommendations would impact Indigenous rights. Elsewhere in the document is a checklist to prompt WPACs to “[take] steps to involve First Nations and Métis in the planning

process” (p. 46), and to document “how and at what stage(s) in the planning process the views and input of stakeholders, First Nations and Métis will be sought and addressed” (p. 17). Otherwise, the 2015 *Guide* does not give direction on how the WPACs will gain input from Indigenous Peoples in a way that ‘respects’ constitutionally protected Indigenous rights.

Context and Evaluation

The absence of Indigenous Peoples and their rights in the *WFL Strategy* is not surprising given that the province’s 2001 *Framework for Water Management Planning* is void of recognition of Indigenous rights (Alberta Environment, 2001).

Missing from the initial planning framework, and absent from the *WFL Strategy*, Indigenous Peoples were finally acknowledged in the *Enabling Partnerships* framework (Alberta Environment, 2005). This framework responded to the emphasis on partnerships within the *WFL Strategy* by specifying who can be a partner and how those partnerships will function. It is also the first time Aboriginal governments and people are recognized as potential partners in the “shared responsibility” (p. 3) of watershed management, albeit alongside other stakeholders at the table. The *Partnerships* framework describes government partnerships with volunteer WSGs, non-profit WPACs, and the advisory AWC, but not with Aboriginal governments or communities. Instead, Aboriginal governments “and other stakeholders” are expected to be represented only in the WPACs and WSGs. Given that WSGs and WPACs are meant to ‘figure out’ how to engage with Indigenous communities, the *Partnerships* framework gives no further direction on the importance of Indigenous engagement, much less how to do it.

After the *Renewal* in 2008 and *Action Plan* in 2009, the Government of Alberta released a progress

report in 2012 on the implementation of the *WFL Strategy* that suggests the Government is working with First Nations (Government of Alberta, 2012). Specifically, the report notes the completion of “water needs assessments” with three First Nations, with another two underway and additional ones planned. Unclear is whether these assessments are driven by, or otherwise recognize Indigenous water rights. In terms of Indigenous participation in watershed planning, the report also notes that the newly formed Athabasca Watershed Council includes “Aboriginal People [sic]” (p. 52).

In 2014, the provincial government released a conservation-oriented action plan, entitled *Our Water, Our Future*. In contrast to the 2003 *Water for Life Strategy*, 2008 *Renewal*, and 2009 *Action Plan*, the 2014 plan places significant emphasis on Indigenous inclusion with respect to environmental impacts and change. Development of the *Action Plan* included: “A series of dedicated conversations with Alberta First Nations and Métis organizations, recognizing their special relationships with water and land” (Government of Alberta, 2014, p. 1). But even with these dedicated conversations, the plan fails to articulate how allocative or incidental Aboriginal water rights will be recognized and protected and makes no mention of how and when Indigenous ecosystem objectives related to Aboriginal and Treaty Rights are to be identified and implemented. The most substantive discussion of Aboriginal interests is in the provision of water and wastewater services to First Nations and Métis communities (p. 21).

In addition to these supplementary documents, we also examined the legislative context surrounding watershed planning and management. Alberta’s *Water Act* (2000) fails to mention Aboriginal Peoples or their rights, as does the *Environmental Protection and Enhancement Act* (2000). The *Public Lands Act* (2000) includes one mention of Aboriginal rights in reference to a clause about the

non-extinguishment of rights. The more progressive *Land Stewardship Act* (2009) allows for, but does not require, that Aboriginal Peoples be appointed to regional advisory councils. Taken together, Indigenous rights appear marginally integrated into land, water, and environmental governance and law.

Integrated Watershed Management Plans (IWMP) Document Review

Four IWMPs were completed by WPACs at the time of the interviews, with an additional two published afterwards. The same keywords used in the *Water for Life* document review were used for the IWMP document review. References to First Nations were grouped into three themes based on where they appeared in terms of the plan’s document structure: Recommendations or Actions (45% of the total, in five of six plans), Acknowledgement or Description (36% of the total, in five of six plans), and Table of Contents or Appendices (19%, in all six plans). There is a wide range of total keywords across all watersheds with the fewest number (3) in the North Saskatchewan IWMP and the greatest number (232) in the Beaver River IWMP. This is despite the North Saskatchewan watershed having the greatest number of First Nations reserves (35) compared with 4 First Nations communities in the Beaver River watershed. Table 3 shows the keyword search results.

There appears to be no relationship between the number of First Nations in a watershed and keyword presence in a watershed management plan (IWMP). For example, while the terms “First Nation” or “Cree Nation” were mentioned the most overall (192 times in total), the Beaver River plan mentions “First Nation” or “Cree Nation” more than the rest of the plans combined, even though they have only 4 First Nations reserves in their watershed. In contrast, the plan developed by the North Saskatchewan Watershed Alliance covers an area that includes 35 First Nations reserves but has the fewest total

keywords, with the word “First Nation” being used just three times. The two most recent plans, Athabasca and Beaver River, also account for the most use of the word Indigenous, at 109 of 116 occurrences. An interesting comparison can be seen between these plans: Athabasca, with 14 First Nations reserves, has significantly more use of “Indigenous” compared to First Nations and Aboriginal (86%) and no mention of reserve land, whereas Beaver River, with 4 reserves, has more use of First Nations compared to Indigenous and Aboriginal (69%) and 26 occurrences of 'reserve'.

Every keyword appears in the plans. However, the words “Elder”, “Reserve”, “Traditional OR Indigenous Knowledge” and “Rights-holders” were used the least, indicating that these critical components of Indigenous inclusion were at best not documented, or worse, not significantly addressed in the planning process. The words “treaty” and “treaties” appear in four of the six plans: 10 times in

the Athabasca plan, and even more in the Mighty Peace and Beaver River plans. This is surprising given that all of Alberta is covered by treaty. Only the two most recent plans include significant reference to traditional or Indigenous knowledge, treaties, and rights. Given the lack of recognition of Indigenous rights in provincial WFL documentation prior to the 2015 *Guide*, this difference between plans over time indicates a need for WPACs with older plans to return to the planning table with better Indigenous representation.

We noted inconsistencies with the inclusion of Indigenous Peoples on the WPAC boards. There are no directions or requirements given by the province as to Indigenous representation on WPAC boards. As non-profit societies, WPACs can set their own bylaws and norms around committee and board composition. With the aim of additional understanding of the variation in keyword occurrences across plans, we reviewed bylaws,

Table 3. Keyword Search Results IWMPs.

	Indigenous	Aboriginal	First Nation or Cree Nation	Elder	Traditional/ Indigenous Knowledge	Reserve	Rights Holders	Treaty or Treaties	Total
Bow River Basin Council (2012)	0	2	38	0	0	0	2	0	42
North Saskatchewan Watershed Alliance (2012)	0	0	3	0	0	0	0	0	3
Mighty Peace Watershed Alliance (2012)	1	12	24	2	3	1	0	16	59
Lesser Slave Watershed Council (2018)	6	0	20	0	0	2	0	1	29
Athabasca Watershed Council (2022)	72	3	10	2	15	0	7	10	119
LICA-Beaver River Watershed (2022)	37	2	97	0	18	26	35	17	232
Totals	116	19	192	4	36	29	44	44	484

strategic plans, and terms of reference of the six WPACs that produced IWM plans in our content analysis. The results, shown in [Table 4](#) below, reveal variation in how Indigenous Peoples are included in board member composition. In some cases, Indigenous Peoples have no guaranteed seat or must compete against government and industry for representation.

Semi-Structured Interviews

Telephone interviews took place between the months of July and October 2019. Sixteen participants from eight WPACs took part in the telephone interviews, including 11 participants from

the four WPACs that had completed a watershed plan at the time of the interview ([Table 5](#)). We asked participants the degree to which they agree/disagree with different statements about Indigenous engagement in watershed planning. We then followed up with open-ended questions to elaborate on their responses. Interviews with First Nations community members were not part of the research design for this study. Our purpose was to specifically examine government policy and WPAC initiatives related to Indigenous engagement. It would be prudent for a future study to examine this issue from an Indigenous perspective by targeting interviews in First Nations and Métis communities.

Table 4. Indigenous inclusion in WPAC Boards.

WPAC	Details	Source
Athabasca Water Council	Up to three seats specifically for Indigenous Peoples; open to Métis and First Nations; elected from membership. Total seats: 8 to 21.	<i>Terms of Reference for Board of Directors</i> (AWC, 2016)
Battle River Watershed Alliance	Up to two seats for “Members from the Aboriginal Order of Government category” (p. 4) Total seats: up to 15	<i>BYLAWS</i> (BRWA, 2014)
Bow River Basin Council	Up to two seats are allocated for “Regulatory, Administrative, & First Nations” representatives; elected from membership. Total seats: 12	<i>Business Plan</i> (BRBC, 2019)
Lesser Slave Watershed Council	Up to two seats specifically for Indigenous Peoples, one each for Métis and First Nations. Total seats: 18	<i>IWMP Terms of Reference</i> (LSWC, 2015)
LICA-Beaver River	Up to two appointed seats, one each for Métis and First Nations. Total seats: 18	<i>BYLAWS</i> (LICA, 2021)
Mighty Peace Watershed Alliance (MPWA)	Up to five seats for Indigenous Peoples: two for Métis (Nation and Settlements), First Nations in upper, mid, and lower watershed Total seats: 21	<i>Minutes of Board Directors Meeting</i> (MPWA, 2021, p. 1)
Milk River Watershed Council Canada (MRWCC)	One seat for First Nations Total seats: 15	<i>2021/2022 Annual Report</i> (MRWCC, 2022, p. 9)
North Saskatchewan Watershed Association	No seats specifically for Indigenous Peoples. Total seats: 10 to 20	<i>BYLAWS</i> (NSWA, 2020)
Oldman Watershed Council (OWC)	Two seats for Indigenous Peoples Total seats: 20	(Board of Directors, n.d)
Red Deer River Watershed Alliance (RDRWA)	One seat for “First Nations/Aboriginal” Total seats: 14 to 18	<i>Annual Report 2021-2022</i> (RDRWA, 2022, p. 6)
South East Alberta Watershed Alliance (SEAWA)	One seat for “Indigenous” category Total seats: 17	<i>Bylaws of the South East Alberta Watershed Alliance Society</i> (SEAWA, 2022, p. 5)

Table 5. Interview Participants.

WPAC	Year of IWMP Approval	Number of Participants
Battle River Watershed Alliance (BRWA)	In progress	2
Bow River Basin Council (BRBC)	2012	2
Lesser Slave Watershed Council (LSWC)	2018	4
LICA – Beaver River Watershed	2022	1
Mighty Peace Watershed Alliance (MPWA)	2018	3
North Saskatchewan Watershed Alliance (NSWA)	2012	2
Oldman Watershed Council (OWC)	In progress	1
Red Deer River Watershed Alliance (RDRWA)	In progress	1

The first question asked respondents whether their organization adequately engaged First Nations in their respective IWMP planning process. Four of the 16 interviewees from the eight WPACs agreed that their organization adequately engaged First Nations in their respective IWMP planning process. The majority (six) of interviewees disagreed that their organization adequately engaged First Nations in their respective IWMP planning process while four offered a neutral response. As one interviewee stated:

“We tried, but it didn’t go as well as we’d hoped ... it wasn’t really successful, it wasn’t really adequate even though we wanted it to be.”

The second question asked respondents whether their IWMP adequately contains First Nations water issues and concerns. Somewhat surprisingly, half of the interviewees agreed that their respective IWMP adequately includes First Nations water issues and concerns. The other half either disagreed or strongly disagreed. One participant elaborated more and said:

“I believe fundamentally that our approach in the watershed plan was to

strongly protect water quality and water supply which would obviously address and support First Nations practical interests. But maybe not on a spiritual or TEK foundation, the way they would do it.”

This response suggests that First Nations water issues and concerns are addressed as “*de facto*”, or in combination with all other water-related issues across the watershed and not as water concerns unique to First Nations reserves.

The third question asked whether First Nations should be more involved in the development of IWMPs in Alberta. To this question, almost all interviewees either agreed or strongly agreed that First Nations should be more involved in the development of IWMPs in Alberta. In fact, two-thirds of respondents strongly agreed with such an approach. We acknowledge this question does not reveal how First Nations is to become involved, whether it be from the initiative of the First Nations or an individual WPAC. As one participant noted:

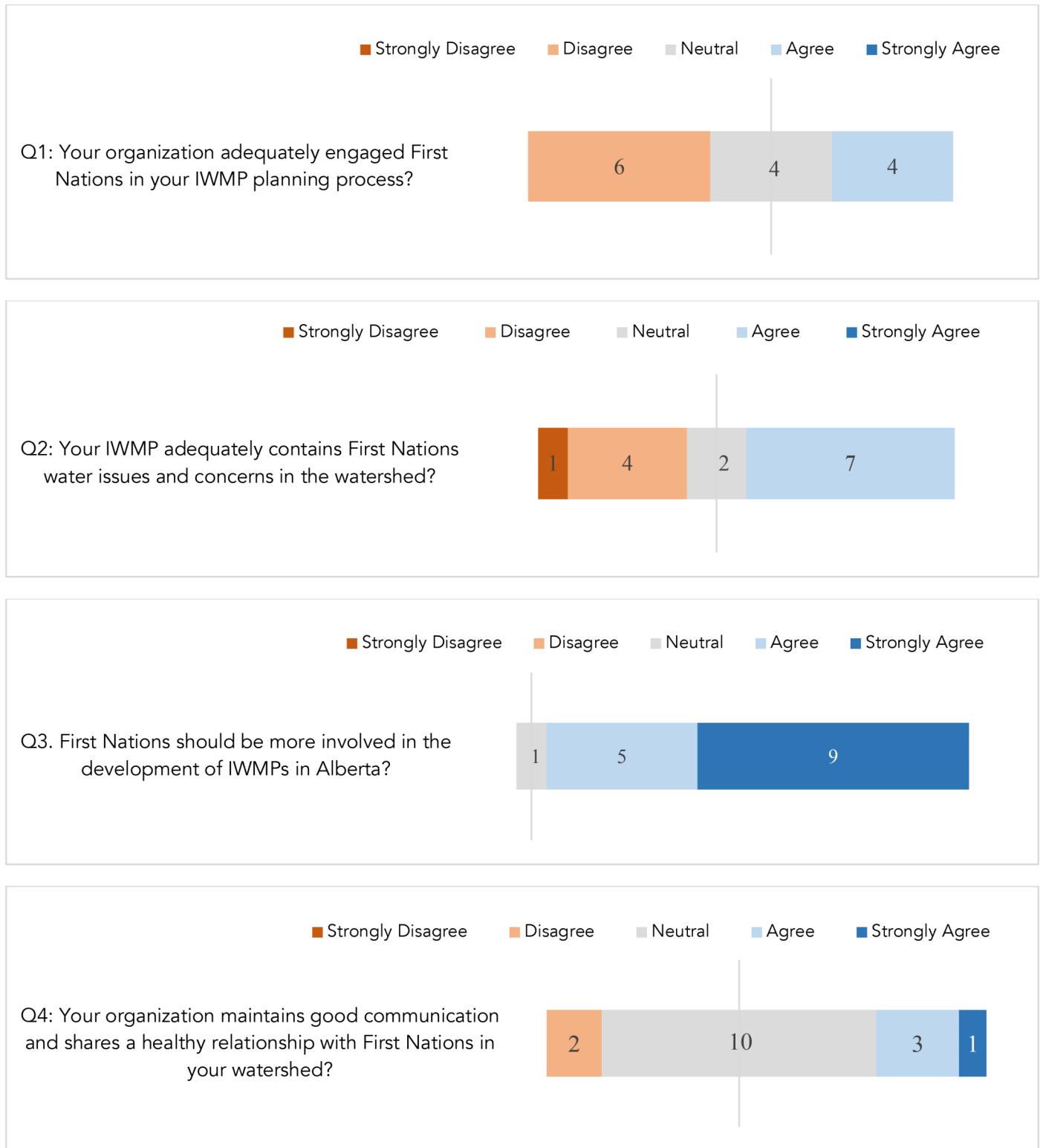


Figure 2. Distribution of Responses to Question 1 to 5.

“watershed planners cannot tell First Nations to be more involved. It is ultimately their own decision if they want to be included in watershed management planning or not.”

WPAC managers can certainly try to build relationships with First Nations, but they cannot force First Nations engagement. The participant further noted:

“I may have an opinion or a feeling on the matter but I’m not in a position to dictate whether the First Nation should or shouldn’t have a greater degree of participation.”

The final question we report on relates to maintaining good communication and sharing healthy relationships by the WPACs with First Nations. Four of the 16 interviewees agreed or strongly agreed that their organization maintains good communication and shares a healthy relationship with First Nations. The majority (ten) of the interviewees reported a neutral response, neither agreeing nor disagreeing in response to the question. For example, one respondent noted:

“That’s tricky ‘cause there’s so many [First Nations communities] and there’s such a range. As previously noted, there’s some with a very good relationship and a lot with very little relationships.”

It would appear that some watershed managers are successful with certain communities, but not with all of them. The final question posed to the respondents refers to accessibility of data related to First Nations water issues. Only one of the 16 respondents agreed that they could easily access data related to First Nations water issues. All other

responses either strongly disagreed or disagreed (Figure 2).

Discussion

Reinforcing our findings from the IWMP and policy reviews, the collective response from the interviews reveals five specific challenges that moderate effective and meaningful inclusion of First Nations in the present watershed plan-making process in Alberta.

Inclusion and Participation

A challenge facing planners around the inclusion of First Nations in watershed planning is a lack of basic knowledge on how to engage with First Nations and observe appropriate protocols. As one participant stated:

“The main challenge was how do we engage effectively and appropriately, following the right respect and protocols.”

Even though the 2015 *Guide* states that WPACs are responsible for identifying and including First Nations in the planning process, watershed managers repeatedly noted their lack of knowledge regarding how to approach and appropriately engage with First Nations. The *Guide* states that constitutionally protected rights “need to be respected in the planning process” (Alberta Environment, 2015, p. 7), yet watershed managers involved in the development of IWMPs said they did not receive direction from the Government of Alberta regarding how to engage in a culturally appropriate way with First Nations communities to respect those rights. In the words of one participant:

“And again, at the time there was no clear direction or policy from the Government of Alberta about how to engage First Nations”. Nevertheless, this

sentiment is also shared with managers who either are still developing their plans or have just finished their plans: “We have asked for training from the province, previously, but they’re still struggling internally in developing their own Indigenous engagement. The biggest advice we’ve got from them is that you don’t do engagement.”

First Nations, it was stated, were offered the same opportunities to participate in the planning process as other stakeholders within the watershed. However, this was done by sending out email invitations, random telephone calls, and occasional face-to-face meetings to solicit input from First Nations. However, as one participant noted:

“... we made them do the work to get in touch with us, but really, it should be us doing the work to get in touch with them, if that makes sense?”

This opinion was validated by a WPAC board member who stated:

“I think the WPACs really need to do a deep dive into some cultural education and anti-racism work. I think they need to learn some protocols to help them to engage more respectfully”.

Watershed managers mentioned that there is a lot of hesitancy from First Nations communities to work with a government-associated group. As a result, WPACs try to distance themselves from the government and find a need to clarify their role as non-governmental organizations to outside stakeholders. As another participant stated:

“The relationship between First Nations and the provincial government,

it has a bearing on our work. And we tried to put some distance between ourselves and that relationship.”

Financial Limitations

A second challenge facing the inclusion of First Nations in watershed planning is the lack of financial resources. WPACs are funded at the same rate, regardless of the size or social composition of the watershed. Travel to remote First Nations communities is time-consuming and often costly for hotels, meals, and mileage. In addition to budget constraints, watershed managers are required to use most of their allocated provincial funding to support core operations, further constraining extension to First Nations communities in rural, more isolated areas. As one participant noted:

“It sounds like an excuse, but you have to remember that WPACs are run as not-for-profit organizations. We do have some budget, but often that’s going directly into what is viewed as core operations. We do really need to set money aside to appropriately engage Indigenous Peoples or hire someone to do that.”

In order to carry out different projects, watershed managers can apply for different grants to receive additional money. However, this process takes time away from current projects and it is not guaranteed that grant applications will be successful. One watershed manager clearly said that it would be more efficient if WPACs would receive the same amount of money every year for First Nations inclusion projects. In the words of the participant:

“Instead of me spending half my life searching for grants and doing financials and scrutinizing over money, we can be

doing more project work because we know that we have timely and effective support coming. That's ongoing, every WPAC, every year."

Watershed managers are actively trying to establish better and more meaningful relationships with communities, but uncertainty over finances makes it very difficult to plan and carry out projects. One participant elaborated on the topic by stating:

"Basically (provincial government) money was gonna be salary for a position that would work with us but selected by First Nations. And at the eleventh hour for reasons that I don't know that funding was withdrawn by the provincial government. So, we weren't able to go ahead with that hire."

Participants also mentioned that they have the feeling that First Nations do not always have enough money to participate in watershed planning meetings. Depending on the watershed, many First Nations communities are located in remote areas and thus traveling to meetings might not be financially feasible for them either. Interviews with First Nations communities would be needed to verify the accuracy of these statements and to identify and address other logistical barriers to engagement.

Governance

Governance was noted as a third challenge facing the inclusion of First Nations. WPACs are mandated by the Government of Alberta and act as an advisory committee to bring stakeholders together from each watershed. This arrangement creates several challenges. First, a voluntary watershed planning model with an advisory-only capacity was viewed as a hurdle for engaging broad participation. One participant said:

"That's probably the main challenge we continue to face. This is a voluntary model of participation"

In addition, the provincial government is not obligated to implement the recommendations from a watershed plan. Therefore, motivating people to participate can be a challenge. One participant also mentioned that the Government of Alberta could have done more in terms of the timing to creating watershed councils. The same participant also said that formal watershed planning in Ontario has been around since the 1940s and they operate under a regulatory statute. The participant stated:

"...in Ontario they have Conservation Authorities that were created in 1948 by statute and they are the authorities that manage watersheds. So, it's a regulatory function in Ontario, but in Alberta it was very late coming, and they made it a voluntary thing."

One participant mentioned that more regulatory power behind the IWMP and the process of developing a plan would be beneficial to WPACs. The participant stated:

"I'll also go back to the provincial government. I would say incomplete policy direction from the government that you will do this, or you must do this. Likewise, no direction from the provincial or federal governments to First Nations saying that you will participate!"

However, this sentiment faced opposition from another participant noting that forcing participation would be counterproductive, an extension of colonial control. The participant stated:

“I totally disagree with that because you’re gonna be bumping up right against treaty rights. And I mean, what you’re describing is a settler’s perspective on treaty is not acceptable. So, you’re coming up with new guidelines and whatever. That’s like saying – I just think that’s bad!”

The contradictory perspectives held by our interview participants reinforces the importance of seeking out Indigenous perspectives on barriers and opportunities for Indigenous engagement in Alberta’s watershed planning processes.

Nevertheless, operating as an advisory council was also viewed as a positive aspect. Watershed managers feel that providing input for decision-makers is an excellent concept to bring stakeholders within a watershed together. However, this leads to another challenge. Stakeholders and First Nations alike are sometimes unclear about the role of the WPACs. As a result, many of them think that WPACs are part of the government and do not realize that they just give advice as well as recommendations to decision-makers. Interview participants did state that operating under a voluntary model of participation adds value to their operation, especially when it comes to include Indigenous Peoples in the planning process, as it allows them to create perceived distance from the province. However, the lack of clarity around the roles of the WPACs creates certain challenges. In addition, the framing of Indigenous Peoples as stakeholders, and the lack of rights-based inclusion in positions of power, leaves a gap in the recognition and respect of Aboriginal and Treaty rights in Alberta’s watershed planning process. Beyond the planning process, uneven inclusion, and representation on WPAC boards create barriers to Indigenous participation in water governance.

Human Capacity

Limited human capacity of the WPACs is a fourth challenge facing the inclusion of First Nations in watershed planning in Alberta. WPACs operate with few staff members which limits their ability to fully commit to meaningful First Nations engagement. Limited community engagement training makes it very difficult for WPACs to build proper relationships with a First Nation. In the words of one participant,

“...we didn’t necessarily establish the norm or the processes that would help Indigenous Peoples feel meaningfully included or that their voices were valued ...”

Participants expressed concern that many First Nations also experience human capacity limitations restricting their ability to commit to the IWMP process with WPACs.

“Limited capacity – there’s so much on their [First Nations] plate that puts demands on their time, it’s more of a priority stuff. I’m not sure that I could say limited capacity but they just have tons on their plate that they need to deal with.”

Although framed as responsible for Indigenous engagement, limited WPAC staff and the absence of training equates to an inability of WPACs to involve First Nations in the plan-making process.

Physical Parameters

A final challenge facing WPACs is the size of the watersheds. This physical parameter presents implications for WPAC engagement with First Nations. [Table 1](#) indicates the watershed area covered by each WPAC and the number of First

Nations reserves within each watershed. The larger the watershed area the greater the travel time and associated costs for WPAC staff to connect face-to-face in First Nations communities. In addition, the larger the watershed the more numerous and complex are the water issues. As one participant mentioned:

“There was just no capacity, in a river basin the size of this size, to undertake all the complex technical water issues that occupied our lives.”

Participants mentioned limited resources to travel and to engage with all the issues in the entire watershed. This included outreach to First Nations communities spread across an entire watershed. This is not only a financial limitation but also a time limitation when faced with planning over such a large area. Decisions must be made and without funding and other resources from the government, the planning activities of each WPAC are limited in scope.

Conclusions and Recommendations

The purpose of this research was to assess the extent to which the overarching framework for watershed planning in Alberta, *Water for Life*, embraces the concept of engagement with First Nations and to make recommendations to enhance Indigenous inclusion and participation in water governance. Through a document review and telephone interviews, this study has revealed that the Alberta watershed planning framework provides very limited space for First Nations engagement.

This observation is consistent with the Alberta Water Council’s (2017) implementation Progress Report for 2012-2015, which notes that “[t]he participation of Indigenous Peoples and incorporation of traditional knowledge and practices

in water management planning activities also remains a gap” (p. 4). The most recent Progress Report (2021) for the period of 2016-2019 repeats the call for improved engagement and representation: “the AEC and WPACs must work to find ways to engage Indigenous communities to better understand their perspectives and traditional knowledge” (p. 95). The WPACs recognize the opportunity for, and a willingness to, engage with First Nations in the development of watershed plans. WPACs appear to be aware that relationship building takes time and that First Nations protocols regarding relationship building, trust, and reciprocity have not been a priority in the daily watershed planning operations of the WPACs.

This study recommends that provincial and watershed partnership funding to support outreach, retreats, workshops, and other forms of cultural connection, along with greater human capacity, is necessary at the WPAC level. Training for WPAC staff is required to build greater cultural awareness when engaging with First Nations communities. Second, provincial funding to WPACs for the purpose of First Nations engagement should be measured against the size of the watershed and the number of First Nations and Métis communities in a given watershed. A large watershed with numerous Indigenous communities will be a more difficult challenge to coordinate and operationalize engagement mechanisms rather than a small watershed with fewer Indigenous communities.

Third, the governance structure of all WPACs needs to be re-visited. Dedicated roles for Indigenous Peoples are one way to provide Indigenous representation and participation in decision-making (see Table 4). One or two seats for First Nations on a WPAC Board is insufficient where a watershed contains more than one Indigenous community, especially when both First Nations and Métis communities are present. More

appropriate would be examples such as Athabasca (three seats, Métis or First Nations) and Mighty Peace (up to five seats, two Métis and three First Nations). Less appropriate is having those Indigenous representatives in competition with other interested parties who wish to be represented on the board (Bow River) or not structurally securing any Indigenous representation on the board at all (North Saskatchewan). In addition, although partially funded by the province, WPACs should continue to present themselves as entities separate from the government; this will likely assist with trust building when engaging with First Nations.

Fourth, limited WPAC staff and imposed time restrictions of the provincial government to complete watershed plans are significant barriers to meaningful engagement with First Nations. The work of WPACs is complex and time-consuming. Watershed managers are required to coordinate, plan, and implement a variety of different projects with limited staff. WPAC human capacity is a limiting factor with respect to First Nations engagement. To help resolve this issue, a dedicated staff member charged with First Nations engagement is recommended.

Finally, the *Water for Life* strategy needs to be reviewed with recognition of Indigenous Peoples as rights-holders, attached to the land and water since time immemorial. The *Water for Life* strategy may have been innovative when it was first released in 2003, but it has become clear that including First Nations voices in planning activities is not only necessary but also beneficial for strong, sustainable, and resilient watershed management plans. An honest commitment to this will require government leadership, senior management direction, and financial resources from the provincial government and the WPACs. This is especially relevant today as First Nations communities experience rapid population growth while engaging in more diversified economic opportunities and natural resource

development. Indigenous inclusion in land and water planning is a basic fundamental to advance Reconciliation.

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