

Honourable George Heyman, MLA
Minister of Environment and Climate Change Strategy
Room 112, Parliament Buildings
Victoria, BC V8V 1X4

December 4th, 2018

B.C. Water Leaders Statement of Essential Elements for Freshwater Protection

Dear Minister Heyman,

As you all know, momentous events occurred in 2018 that pose huge challenges to water security in British Columbia. Floods swept through much of the province in the spring. We faced a record forest fire season. Many regions experienced Level 4 droughts. Fish populations are in peril and in numerous rivers like the Skeena and on Vancouver Island, low water levels jeopardized salmon and other fish species.

Singly, each of these events poses significant challenges. Combined, they qualify as a problematic perfect storm.

In light of these escalating challenges, Provincial action on fresh water is urgent. Fresh water underpins many of your government's most important commitments: from reconciliation with Indigenous peoples and implementation of your government's commitment to the UN Declaration on the Rights of Indigenous Peoples; to protecting water sources and ensuring safe drinking water; to building resilient and sustainable local economies and rural livelihoods.

Protecting water resources ranks consistently high in public opinion polling, providing your government a unique opportunity to take concrete action (see attached summary).

Early in your mandate, our network of BC Water Leaders—experts, practitioners, funders, and champions from First Nations, salmon, water, wildlife and community organizations—provided a letter to your Ministry and others (FLNR, MIRR), outlining key priorities for government to ensure freshwater sustainability.

In November 2018 we reconvened to receive an update from government staff on progress made on water reforms, and to identify further actions that we feel are needed to ensure watersheds in B.C. are resilient in the face of the challenges just described.

We commend government's progress to-date, and are encouraged by the ongoing *Water Sustainability Act* implementation efforts. However, our network also identified three key areas where an opportunity exists for government to act quickly and decisively to further protect public water resources for current and future generations. Those three areas are:

1. **Reconciliation and meaningful engagement with Indigenous peoples.** Meaningful reconciliation is simply not possible without focused and ongoing attention to water.
2. **Adaptation to the changing climate.** Climate change is rapidly altering hydrological systems everywhere, with severe consequences for watersheds, wild salmon, and community economies. Effective water management builds climate resiliency and begins with a comprehensive program of restoring and protecting healthy watersheds.

3. **Conservation and adequate funding for water management and monitoring.** Water conservation must be an overarching objective. Adequate water pricing and monitoring provides the foundation for conservation. Effective water management costs money and requires funding to ensure decisions and operations are based on sound science, monitoring and best practices.

We believe your government has an unparalleled opportunity to act on these three priorities and build a better B.C. **The attached document outlines the detailed actions needed to make this happen.**

The B.C. Water Leaders Network has the necessary experience, expertise, resources and access to communities to help advance a revitalized freshwater agenda. We stand ready to support implementation of these priorities and to build momentum in support of government action to protect and secure B.C.'s freshwater legacy.

We would be pleased to send a delegation to discuss each of the priorities laid out in this document with you and your colleagues in the coming weeks, or early in 2019. Please contact Co-Chair Rosie Simms (water@polisproject.org) with your response and to confirm follow up meetings.

Signatory Organizations



Essential Actions to Ensure Freshwater Protection

December 2018

The B.C. Water Leaders network commends the recent progress by government related to fresh water, in particular the Nicola Government-to-Government Agreement on watershed sustainability, and the Hullcar Aquifer Review and initial implementation efforts. We are encouraged by the headway the Ministries have made in advancing the *Water Sustainability Act*, and the ongoing efforts to engage Indigenous governments and organizations. Our network of water leaders and funders was also inspired by Minister Donaldson's remarks at our social function in early November, in which he emphasized the importance and priority of water both for his Ministry, his constituents, and for the province as a whole.

As introduced in the accompanying covering letter, our group of B.C. water leaders has identified a number of key priorities to advance in the coming year. Additional detail is provided here to support government's efforts to act on water. We reiterate our offer to continue to meet with government staff and Ministers in the implementation of these freshwater priorities.

Reconciliation

Priority #1: Advance reconciliation with respect to freshwater planning and decision-making.

This government has committed to reconciliation (including implementing UNDRIP and the Truth and Reconciliation Commission Calls to Action) across all Ministries. Working in Government-to-Government forums with Indigenous nations on freshwater priorities is the key to reconciliation.

Specific actions needed for the next 12-18 months

- ✓ Resource and support a robust First Nations WSA Engagement Framework, via the work that has begun in partnership with the First Nations Fisheries Council to establish a new approach to Indigenous engagement on WSA policy and regulations.
- ✓ Resource and support 3 additional Environmental Stewardship Initiatives.
- ✓ Advance Indigenous partnerships (and watershed co-governance) through two additional watershed governance pilot projects, modeled on the successful Nicola Watershed Governance pilot. These additional pilots should have good regional coverage—options could include land use and water-centric planning in the Skeena, and support for integrated planning and co-governance arrangements on Vancouver Island. These pilots should explicitly be designed to help government develop the necessary regulations and policies to support *Water Sustainability Act* implementation, and lay the groundwork for a deploying a larger program in additional (5-10) regions in the coming years.

What British Columbia stands to gain: True reconciliation means Indigenous and non-Indigenous communities need to be working collaboratively at a watershed level to maintain sustainability and resilience. Without reconciliation, local economic development and sustainable resource management will simply not be possible.

Adaptation to the Changing Climate

Priority #2: Place water at the center of a modernized strategic land use planning regime.

We support the new government land use modernization initiative. Effectively preparing for a changing climate will require new approaches to land use and water management. We emphasize that sustainable land use planning cannot succeed without explicit attention to the synergies and connections between land and water. While we acknowledge the Nicola Government-to-Government initiative as a critical forum to begin bridging land use and water planning, further opportunities are needed to test out a variety of different policy and regulatory tools that address a range of land use issues. We urge a strong and explicit link between land and water use planning in developing the land use modernization program in FLNRORD.

Specific actions needed for the next 12-18 months:

- ✓ The Environmental Stewardship Initiative and commitments must be tied explicitly to sustainable freshwater management and co-governance, and thus should be specifically used as opportunities to implement key provisions of the *Water Sustainability Act*, including:
 - Water Objectives;
 - An environmental flows regime (including an environmental flows regulation);
 - Enhanced drought preparation and planning; and,
 - Water Sustainability Plans to demonstrate the range and power of the WSA as a tool to build resilient local economies while balancing sustainability.
- ✓ Follow through on recommendations from recent detailed independent expert reports for professional reliance and source protection. Specifically, we endorse the proposed changes identified in the 2018 *Final Report of the Review of Professional Reliance in Natural Resource Decision-Making*, and the 2017 report: *From Crisis To Solutions: Towards Source Water Protection and Nutrient Management in the Hullcar Valley*.
 - As a first step, our group would like a detailed government response to these recommendations and are willing to support the work needed to bring these recommendations into effect.

What British Columbia stands to gain: A long-term, preventative approach to address cumulative impacts; build resiliency in the face of climate change; support healthy wild salmon populations; and reduce conflict on the land base through more engaged local interests and stronger rural economies.

Priority #3: Build a B.C. Water and Climate Resiliency Strategy

Extreme droughts and floods are amplified by a changing climate and will be part of B.C.'s future. These extreme events will have severe implications for community security and economy, wild salmon, and long-term watershed health. A *Water and Climate Resiliency Strategy for B.C.* would integrate a range of mechanisms to build water resilient ecosystems and communities in B.C.'s diverse regions.

Specific actions needed for the next 12-18 months:

- ✓ Develop and implement a *Water and Climate Resilience Strategy* that would include:
 - A province-wide environmental flows regulation (as part of the *Water Sustainability Act*): the primary precautionary approach to drought and ensuring water for salmon and healthy watersheds.
 - As part of robust land use planning processes (see #2 above), reduce forest disturbance and implement riparian restoration to protect rivers and salmon; implement fish-friendly flood control; set WSA Water Objectives for quality and quantity; and include regional drought and flood plans.
 - Review the *British Columbia Drought Response Plan* and ensure sufficient regulatory tools and resources are available to decision-makers to anticipate and respond to regional drought by reducing water use during periods of water scarcity.

What British Columbia stands to gain: Enhancing water resiliency is urgently needed to support wild salmon, ensure climate adaptation, and protect community drinking water sources. This can be achieved only by ensuring sufficient water for nature. A focused water-centric resilience approach will help shift British Columbia away from the current expensive and unsustainable perpetual crisis management approach, to instead be prepared to adapt and respond as the full impacts of a changing climate become apparent.

Conservation and adequate Funding for Water Management and Monitoring

Priority #4: Provide adequate resources to implement the innovative legal, policy, and management tools needed to protect freshwater.

An identified barrier to the effective deployment of many of the tools outlined in this document is insufficient resources and staff capacity. Water protection must be a government priority that includes additional staffing (e.g. for monitoring, planning, and enforcement) and resources for aquifer mapping, tracking water use, and preparing for droughts, floods and a changing climate. Ensuring adequate financial resources is critical to ensure B.C. can effectively prepare and deploy the legal protections available in the WSA and beyond.

No one simple funding solution exists—instead a mix of sustainable funding options must be pursued.

Specific actions needed for the next 12-18 months:

- ✓ Create a *Water Sustainability Fund*. This separate fund should be made available immediately to support watershed-based activities led by Indigenous and non-Indigenous communities to contribute to the economic and environmental transition that is required in rural B.C. Critical activities include local stewardship initiatives, riparian and habitat restoration efforts, and area-based planning. Many examples of such funds exist, including the previous *Living Rivers Trust*.
- ✓ Prioritize a review of water rentals and increase rentals for major users to promote water conservation and efficient use, and ensure sufficient resources are available to fully implement the *Water Sustainability Act* (e.g. increasing monitoring, and completing watershed governance pilots across the province). A review of water rentals was a core government platform commitment, and strong public support exists for government to review the price industrial users pay for water and ensure these are fair.

- ✓ Commit to a regular review (every 3-5 years) of water rentals by independent experts to help depoliticize water rental changes, and ensure citizens of B.C. receive a fair return on water resources. Committing to a regular review through a blue-ribbon panel of experts will ensure the Province is getting the best advice and support to make the difficult—but necessary—decisions to provide sufficient resources and capacity to effectively manage and govern water resources.

What British Columbia stands to gain: Embracing water conservation must be an overarching objective for British Columbia—and adequate water pricing and monitoring provides the foundation to any conservation strategy. Early investment will avoid significant future costs, and offer local communities better opportunities to effectively leverage their resources, expertise and capacity for action. Adequate resourcing will enable implementation of real protections for water and salmon, with adequate staff capacity, compliance and enforcement, support for Indigenous nations to co-lead watershed initiatives in Government to Government forums, and effective and equitable stakeholder and community engagement.

Priority #5: Develop a rigorous provincial strategy for water monitoring, data, and compliance and enforcement.

After several years of government retreat from land and water management, the B.C. government needs to adequate data and monitoring to now reposition itself to an effective land manager. This provincial strategy should not only include data collection/management, but also effectiveness monitoring (is your framework going in the right direction?) and compliance monitoring (are your rules being followed?).

Specific actions for the next 12-18 months:

- ✓ Mandatory metering and reporting of all water use data by major water users as part of the forthcoming measuring and reporting regulation. This information should be provided in a central repository that can be shared and used by all British Columbians.
- ✓ Embedded conditions for more data in licenses issued by both FLNRORD and the Oil and Gas Commission.
- ✓ Implement recommendation #31 of the *Review of Professional Reliance in Natural Resource Decision-Making*: Government establish an independent review body for natural resource practices and decisions, which would investigate public complaints, audit on-the-ground practices, and contribute to ongoing improvement of regulations.

What British Columbia stands to gain: This strategy will ensure science- and evidence-based decisions using best-available information (western science and Indigenous knowledge). Via adequate monitoring and a compliance/enforcement strategy, it will also ensure that there are real consequences when rules are broken. This will build community support and trust that government is executing its functions and duties effectively for the benefit of all British Columbians.