



January 15th, 2019

Re: Response to the September 2018 *Wild Salmon Strategy Options Paper*

This submission to the BC Wild Salmon Advisory Council provides the POLIS Water Sustainability Project's (WSP) response to the September 2018 Wild Salmon Strategy Options Paper. It accompanies our briefing presentation provided as part of consultations on January 9th, 2019.

The POLIS Water Sustainability Project, based at the University of Victoria's Centre for Global Studies, is an award-winning freshwater think-tank that works to advance ecological governance through innovative research, strategic policy advocacy, law reform, education, and community action. Water law and policy and watershed governance are our priority focus areas. In the past five years, we have undertaken a number of initiatives associated with B.C.'s *Water Sustainability Act* and sustainable watershed governance with First Nations, governments at all levels, and community organizations. The WSP is well recognized as a leader in this field.

We strongly support B.C.'s commitment to improving wild salmon management, and commend the steps that have already been taken to this end, including the establishment of the Wild Salmon Advisory Council, and the recent progress on climate action, professional reliance, and aquaculture management.

We note that the *Options Paper* outlines a number of promising recommendations to bolster wild salmon protection in B.C. by better protecting vital freshwater ecosystems and habitats. However, we also note several further revisions needed to ensure BC's rivers, lakes, and streams are resilient in the face of a changing climate and can sustain healthy wild salmon populations into the future.

The recommendations we outline draw on extensive research on watershed governance reform¹ and advancing a revitalized B.C. water agenda,² and the November 2018 B.C. *Water Leaders Statement of Essential Elements for Freshwater Protection*, a joint submission to government from a network experts, practitioners, funders, and champions from First Nations, salmon, water, wildlife and community organizations.³

On behalf of the University of Victoria's POLIS Water Sustainability Project,

Oliver M. Brandes, BA(H) DipRNS M.Econ J.D.
Co-Director, POLIS Project on Ecological Governance
Associate Director, Centre for Global Studies
Adjunct Professor, Faculty of Law and School of
Public Administration
Senior Research Fellow, Centre for Global Studies
Chair, Forum for Leadership on Water (FLOW)

Rosie Simms, BA&Sc, MA.
Water Law/Policy Researcher &
Project Manager
POLIS Water Sustainability Project
University of Victoria

Jon O'Riordan

Dr. Jon O'Riordan
Former Deputy Minister—Ministry of
Sustainable Resource Management
Strategic Advisor, POLIS Water
Sustainability Project and the Pacific
Institute for Climate Solutions

¹ <https://poliswaterproject.org/polis-research-publication/decision-makers-brief-blueprint-watershed-governance-b-c/>

² <https://poliswaterproject.org/polis-research-publication/revitalized-water-agenda-british-columbias-circular-economy/>

³ <https://poliswaterproject.org/polis-research-publication/b-c-water-leaders-statement-of-essential-elements-for-freshwater-protection/>



1. Address identified gaps and coastal bias in Wild Salmon Advisory Council composition and consultation process.

We further reiterate the concerns expressed by Watershed Watch Salmon Society, Raincoast Conservation, SkeenaWild Conservation Trust and other ENGOs in their December 7th, 2018 submission to the Premier regarding the Council's composition and the public consultation process on the *Options Paper*. Key recommendations include:

- Include conservation organizations, academic scientists, and greater interior representation on the Wild Salmon Advisory Council.
- Commit to a more robust and transparent review process to ensure recommendations flowing from the consultation consider all of the commentary received.

2. Update the Options Paper to underscore the urgent action needed to address climate impacts and adaptation in freshwater systems.

B.C.'s climate and hydrology are undergoing major shifts that pose serious threats to wild salmon: warmer water temperatures; intensified droughts and periods of low flow that escalate conflicts between water flows for salmon and water users. An effective Wild Salmon Strategy must:

- Focus explicitly on building resiliency in freshwater systems in the face of future climate-related pressures.
- Address the impacts of the changing climate on freshwater fish habits as they become progressively greater over the coming decades.

3. Support *Water Sustainability Act* implementation and the legal/policy/governance regime needed to protect fresh water and flows in context of rapidly changing climate & hydrology. Essential components are:

Develop an environmental flows regulation to maintain high quality water flows for fish. This regulation must include, among other provisions:

- A process and criteria for EFN consideration.
- Requirement for attention to cumulative impact assessment in sensitive/high-risk areas.
- Clarity on triggering critical flow and fish population protection areas.

Place water at the center of a modernized strategic land use planning regime. We urge a strong and explicit link between land and water use planning in developing the land use modernization program in FLNRORD including:

- Developing and implementing regulations and piloting WSA Water Sustainability Plans and Water Objectives to link land and water decision-making.
- Expanding on work underway through new government land use modernization and ESI initiatives: sustainable water-centric land use planning cannot succeed without explicit attention to water.

Build a B.C. Water & Climate Resiliency Strategy. A Water and Climate Resiliency Strategy for B.C. would integrate a range of mechanisms and actions to build water resilient ecosystems and communities in B.C.'s diverse regions, including:

- Review the B.C. Drought Response Plan to ensure sufficient regulatory tools and resources to anticipate and respond to drought by reducing water use during periods of scarcity.
- Implement fish-friendly flood control (via WSA s. 11).



Implement a Provincial water monitoring strategy. Develop an overarching water knowledge strategy including:

- Mandatory metering and reporting of all water use data by major water users.
- Regular state of water reporting.
- Protocols to draw on Indigenous knowledge and incorporate community-based monitoring.
- Establishment of an independent review body for natural resource practices and decisions.

4. Support implementation of watershed governance reforms. Several strategies and opportunities outlined in the *Wild Salmon Options Paper* speak to the need for new governance approaches with Indigenous nations; and for better coordination among different Ministries and governments. Watershed governance offers a viable pathway to achieve these governance shifts.

We recommend that the Council support advancement of Indigenous partnerships (and watershed governance) through two additional watershed governance pilot projects, modeled on the successful Nicola Watershed Government-to-Government initiative. 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.