

Honourable Doug Donaldson, MLA
Minister of Forests, Lands, Natural Resource Operations, and Rural Development
Room 248 Parliament Buildings
Victoria, BC V8V 1X4

December 2019

Update and Progress: B.C. Water Leaders Statement of Essential Elements for Freshwater Protection

Dear Minister Donaldson,

As you are aware, water security is a significant and growing concern in British Columbia. This year, two major reports shed light on the risks and gaps in freshwater management: the Preliminary Climate Risk Assessment, which found that seasonal and long-term water shortages are highly ranked risks facing the province; and the Auditor General Report on Drinking Water, which uncovered troubling gaps in Provincial oversight and protection of drinking water. These findings underscore the urgent need for government to place a high priority on water across Ministries and programs.

Fresh water underpins your government's most important commitments: from reconciliation with Indigenous peoples and implementation of the UN Declaration on the Rights of Indigenous Peoples; to modernized land use planning; to climate mitigation and adaptation; to building resilient rural economies.

In December 2018, our network of BC Water Leaders—experts, practitioners, and champions from First Nations, salmon, water, wildlife and community organizations—provided a *Statement of Essential Elements for Freshwater Protection*¹ to Ministers and staff from ENV, FLNR, and MIRR. This Statement outlined key priorities for government to ensure freshwater sustainability, including specific immediate actions needed. In October 2019, the Water Leaders reconvened with FLNR and ENV staff to discuss progress and challenges in implementing linked water, land, climate, and reconciliation policy priorities.

Based on what we learned at the recent dialogue and our understanding of the current status of implementation, Water Leaders reviewed and refreshed the 2018 *Statement of Essential Elements* to:

- 1) Evaluate progress on the actions identified last year; and,
- 2) Update the actions to more accurately reflect government's direction, other changes in the policy landscape, and emerging high-priority issues.

Overall, we commend government's progress to-date and the leadership from staff in advancing challenging policies, programs, and new approaches to engaging with Indigenous partners and communities. However, as our analysis reveals, significant gaps remain in implementing an integrated vision and approach to water and watershed sustainability.

We stand ready to support implementation and to build momentum in support of government action to protect and secure B.C.'s freshwater legacy. We are requesting a meeting with the Ministers of ENV and FLNR in early 2020 where a delegation of Water Leaders (including key strategic funders) can discuss the enclosed submission and opportunity to improve progress on water security in B.C. Please contact Rosie Simms (water@polisproject.org) with your response.

¹ <https://poliswaterproject.org/files/2018/12/WaterLeadersLetterAndStatement.pdf>

Signatory Organizations



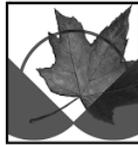
POLIS Project on Ecological Governance
watersustainabilityproject



FIRST NATIONS
FISHERIES COUNCIL



CENTRE FOR INDIGENOUS ENVIRONMENTAL RESOURCES



CCPA
CANADIAN CENTRE
for POLICY ALTERNATIVES
BC Office



Update and Assessment: Essential Actions to Ensure Freshwater Protection

December 2019

This Update assesses progress to-date on each of the essential actions identified in the 2018 Water Leaders Statement. It is based on the information received at the October 2019 Water Leaders-Provincial Government *Dialogue On Water, Climate, and Reconciliation*, as well as a high-level scan of publicly-available policy information. This is not an exhaustive review and will continue to be updated. Priorities are assessed based on the following scheme:



Key actions achieved



Minimal progress: priorities needing urgent attention



Actions in progress



Unknown: lack of information or early days of implementation

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

This government has committed to reconciliation (including implementing UNDRIP) across all Ministries. Working in Government-to-Government forums with Indigenous nations on freshwater priorities is crucial to reconciliation: true reconciliation means Indigenous and non-Indigenous communities are working collaboratively at a watershed level to maintain resilience.

Progress on 2018 Essential Actions

Action	Progress	Details
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.		<i>ENV provided funding and support for the development of the May 2019 report “Towards a WSA First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies.” First Nations Fisheries Council is still seeking high-level Ministry endorsement of the recommendations. Comprehensive follow-through to implement the suite of recommendations is needed.</i>
Resource and support 3 additional Environmental Stewardship Initiatives.		<i>No further ESI initiatives were catalyzed in 2019; however, new initiatives like the Collaborative Stewardship Framework as well as modernized land use planning are now underway and may provide more comprehensive forums for G2G engagement on land (and in some cases water) issues and initiatives.</i>
Advance Indigenous partnerships and watershed co-governance through two additional watershed governance pilot projects. These pilots should have good regional coverage—options could include water-centric planning in the Skeena, and support for integrated planning and co-governance on Vancouver Island. Pilots should be help government develop the necessary regulations/policies for WSA implementation, and lay the groundwork for a larger program in additional (5-10) regions.		<i>Early work is underway to scope a Water Sustainability Plan in the Koksilah; initial emergent land use planning pilots are also underway. However, no clear direction exists yet on moving from pilots to an integrated watershed governance program in multiple regions.</i>

Additional Priorities for 2020

- Ongoing progress tracking on #1 will be based on extent to which the First Nations Working Group Recommendations are implemented—including bringing the WSA into compliance with the *Declaration on the Rights of Indigenous Peoples Act*.
- Broaden action #2 from a focus on ESI to include other G2G arrangements for coordinated land-water planning and stewardship (e.g. Collaborative Stewardship Forums).

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

We support the government’s land use modernization initiative and urge a strong and explicit link between land and water in the new planning regime. Planning provides 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.

Progress on 2018 Essential Actions

Action	Progress	Details
<p>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 WSA, including:</p> <ul style="list-style-type: none"> • Water Objectives; • An environmental flows regime (including an environmental flow 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. 		<p><i>ESI is not tied explicitly to sustainable freshwater management and co-governance (in some areas water/aquatic habitat/fish habitat is addressed as one of the key environmental values). Related initiatives— like land use planning pilots and Collaborative Stewardship Forums— may focus on water/watershed challenges and deploy WSA tools, but these are still in early scoping stages.</i></p>
<p>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 <i>Final Report of the Review of Professional Reliance in Natural Resource Decision-Making</i>, and the 2017 report: <i>From Crisis To Solutions: Towards Source Water Protection and Nutrient Management in the Hullcar Valley</i>.</p> <ul style="list-style-type: none"> • 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. 	 	<p>Some progress: <i>—Progress is being made in addressing the specific water contamination concerns in the Hullcar Valley.</i> <i>—The Agricultural Environmental Management Code of Practice came into force in Feb 2019, and is being implemented in a phased process to address nutrient management.</i> <i>—A small subset of the recommendations of the Final Report of the Review of Professional Reliance are being implemented (e.g. passing of the Professional Governance Act).²</i></p> <p>Limited/no progress: <i>—Provincial-level reforms on source protection and drinking water oversight still require urgent attention, as reinforced by the Auditor General Report on the Protection of Drinking Water in B.C.</i> <i>—Water leaders did not receive a government response to the Hullcar recommendations.</i></p>

Additional Priorities for 2020

- Reframe this priority in light of Auditor General Drinking Water Audit findings — “Place water at the centre of a modernized land use planning regime *and ensure drinking water is protected for public health*”
- Water Leaders wish to be briefed by the Minister of Health and Provincial Health Officer on progress on recommendations identified in the Auditor General Report.

² https://www.bcauditor.com/sites/default/files/publications/reports/OAGBC_Protection-of-Drinking-Water_RPT.pdf

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 populations, 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. Using a water-centric resilience approach helps shift British Columbia away from a costly perpetual crisis management approach, to preparing for adaptation and responding as the full impacts of a changing climate become apparent.

Progress on 2018 Essential Actions

Action	Progress	Details
<p>Develop and implement a <i>Water and Climate Resiliency Strategy</i> that includes:</p> <ul style="list-style-type: none"> • A province-wide environmental flows regulation (as part of the WSA): the primary precautionary approach to drought and ensuring water for salmon and healthy watersheds. • As part of robust land use planning processes, 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 <i>British Columbia Drought Response Plan</i> and ensure sufficient regulatory tools and resources are available to decision-makers so they can anticipate and respond to regional drought by reducing water use during periods of scarcity. 	  	<p><i>An eflows regulation is not currently on the agenda. At this point, government is working on a guidebook that is expected before the end of the fiscal year.</i></p> <p><i>Extent to which land use planning pilot projects address water and deploy WSA tools is still to be determined (so far, no concrete examples exist).</i></p> <p><i>Review of the Drought Response Plan not completed to-date.</i></p> <p><i>*Note: the Province has advanced climate-related files this year, including introducing the Climate Change Accountability Act, and the Preliminary Strategic Climate Risk Assessment. The key initiative related to water will be the Climate Adaptation Strategy expected in 2020.</i></p>

Additional Priorities for 2020

— A key determinant of progress in this area for 2020 will be how water is integrated/considered in the 2020 Climate Adaptation and Preparedness Strategy.

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. 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. There is not one funding solution—a mix of sustainable funding options must be pursued.

Progress on 2018 Essential Actions

Action	Progress	Details
<p>Create a <i>Water Sustainability Fund</i>. 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. Many examples of such funds exist, including the previous Living Rivers Trust.</p>		<p><i>Recommendation that such a Fund be established set out in the Standing Select Committee on Finance and Government Services Final Budget 2020 Report; however, no further action yet on implementation.</i></p>
<p>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 <i>Water Sustainability Act</i> (e.g. increasing monitoring and completing additional 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.</p>		<p><i>No publicly available water rental review has been completed to-date</i></p>
<p>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.</p>		<p><i>No commitment to-date to a regular water rental review</i></p>

Additional Priorities for 2020

- Water leaders note concern with government capacity and resources dedicated to the renewed groundwater licensing efforts and emphasize that increased support for this process must be a high priority for government to ensure success over the coming 2.5 years.
- Water leaders note a strong theme of engagement across the range of initiatives (land use planning, watershed governance pilots, groundwater licensing, etc.)—both in terms of Government-to-Government engagement with First Nations, and engagement with communities, stakeholders, and local governments. The water leaders group recognizes the challenge of leading effective and robust engagement, especially as it relates to complex land and water initiatives. Ensuring a coordinated engagement approach, with adequate capacity and skills to build relationships and broad-based support, will be critical to long-term success.
- Water Leaders reiterate the priority of a Watershed Security Fund³, created through an initial endowment with ongoing sustainable revenue from a variety of sources (including water rentals).

³ <https://poliswaterproject.org/polis-research-publication/a-watershed-security-fund-for-british-columbia-building-resilience-and-advancing-reconciliation/>

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 adequate data and monitoring to reposition itself as an effective land manager. A provincial strategy will ensure science and evidence-based decision-making with the best-available information (western science and Indigenous knowledge). Adequate monitoring and a compliance/enforcement strategy 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 effectively for the benefit of all British Columbians.

Progress on 2018 Actions

Action	Progress	Details
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.		<i>Measuring and reporting regulation not complete. Some water licenses have metering/reporting as licence conditions; however, this is not a universal requirement</i>
Embedded conditions for more data in licenses issued by both FLNRORD and the Oil and Gas Commission.		<i>Some licences have monitoring/reporting conditions; however, this is not a universal requirement.</i>
Implement recommendation #31 of the <i>Review of Professional Reliance in Natural Resource Decision-Making</i> : 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.		<i>No such Natural Resources Practices Board has been created to-date.</i>