

Briefing Note

To: Nathan Cullen, Minister of State, Lands and Natural Resource Operations

From: POLIS Project and advisors at the Centre for Global Studies, University of Victoria¹

Date: July 26, 2021

Re: FLNRORD reorganization an opportunity to shift to resilience and provide security and prosperity in British Columbia

OPPORTUNITY SUMMARY

- A reorganization of FLNRORD is necessary to reposition government as a primary manager of public resources, lands, and water and to get BC out of cyclical and expensive crisis chase and response.
- Restructuring is essential to streamline public management and enable better implementation to address evolving land use complexities while *also* offering the potential for increasing resilience and certainty for economic investment and security for communities.
- A Coasts, Lands, and Watershed Security (CLaWS) Ministry that works across sectoral Ministries to integrate key priorities—economic development, climate resilience, and reconciliation—will reduce conflict and demonstrate the ability (and moral authority) of government as a credible sustainable land and water manager.



Status quo is no longer tenable and keeps BC on a cycle of piecemeal and inadequate responses to ever-worsening crises that erode local economy, public health, Crown-Indigenous relations, investor certainty, public confidence, ecosystem function, and our collective future prospects.

CONTEXT: WE FACE URGENT AND GROWING CRISES AND RISKS

From the unprecedented heat dome and runaway climate change, wildfires devastating entire towns, salmon in distress with populations crashing, and drinking water sources left unprotected and unusable, increasing conflict, and eroding public trust and confidence in government, British Columbia is in a multi-faceted crisis affecting our prosperity, health, economies, and ecosystems.

- Climate change is exposing and amplifies ecosystem fragility, with less resilience to fires, floods, droughts, and pests, and loss of biodiversity. These rapid and unprecedented changes are

placing pressures on health, security, and rural economies (especially forestry, tourism, fisheries and agriculture), and underpin unrest and conflict in communities throughout BC.

- Over time, the climate crisis will only deepen, often manifesting through direct impacts to water and watersheds, resulting in further ecosystem losses and missed economic opportunity.
- UNDRIP and DRIPA are now the minimum standards for co-governance, driving a shared authority approach to resource management, development, and decision making.
- The recent Blueberry River First Nation decision² illustrates the need to fundamentally change the approach to licencing and permitting decisions, which are currently made in silos without adequate attention to cumulative effects and Indigenous rights and title. The current situation is undermining BC's reputation, putting resource-based economies and investment at risk.
- Shifting to a fully integrated approach to land and water use and authorizations is now essential to avoid further costly court cases, build confidence, and begin addressing the current interconnected crises.
- In the immediate, this shift will help restore confidence and demonstrate government's determination to set BC on a stronger economic and social path. It will also set the stage for greater long-term certainty for investment and a diverse economic base, more resilient communities, meaningful reconciliation with Indigenous peoples, and development that restores and builds natural capital.

OPPORTUNITY – A NEW MINISTRY OF CLAWS TO INTEGRATE AND DELIVER

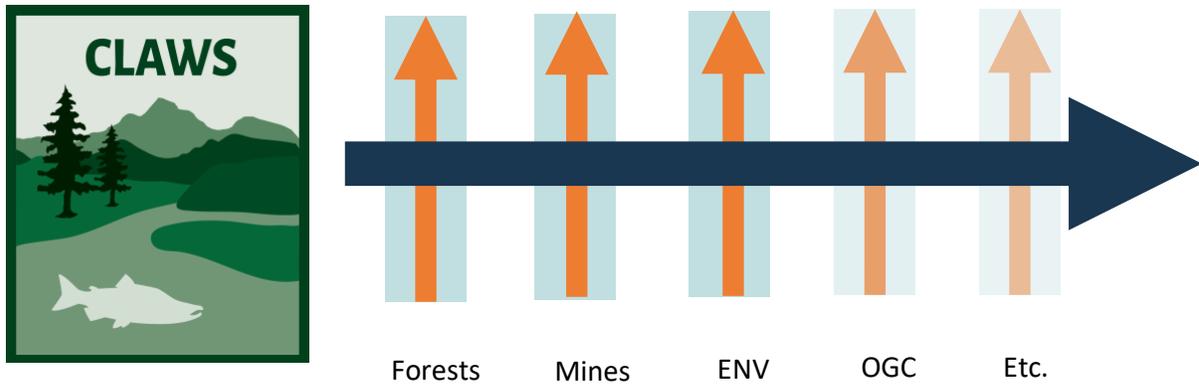
Shifting Towards an Integrated and Resilient Resource Management Model

- The current model focuses on industry self-regulation, with reduced government presence and capacity on the landscape. This has generated sector-driven, siloed, and fragmented resource decisions that neglect cumulative impacts,³ resulting in mounting risks to wild salmon, Indigenous livelihoods, coastal habitats, biodiversity, drinking water, and community security from droughts, floods, fires, and water contamination.
- FLNRORD as currently organized is too big and unable to deal with mounting interrelated crises and impacts. Nor is it structured or resourced to execute on government's many positive commitments and mandates, including economic recovery, watershed security, coastal planning and management, old growth and forestry renewal, reconciliation, wild salmon, and biodiversity conservation.
- A new model of resource management is needed, to not only improve the ability to respond immediately to existing and emerging crisis, but ultimately to lower risk and ramp down emergencies by building a stronger foundation for resilience and prosperity.
- Restructuring FLNRORD is fundamentally about improving the ability to respond and avoid crisis and driving the changes necessary so government can become more proactive in today's complexity and meet its coastal, land, and water use objectives.

Reorganization of FLNRORD presents an opportunity for a more resilient and nimble resource management approach through integrated coastal, land, and water management and watershed co-governance—leading to enhanced biodiversity and conservation of natural systems as the foundation to a more secure base for economic certainty, and new opportunities for growth.

To this end we recommend an initial step that splits the current FLNRORD Ministry into two:

- Ministry of Forests
- Coasts, Lands and Watershed Security (CLaWS) Ministry initially focused on operational priorities and integrating across sectoral Ministries and across landscapes and watersheds.



PLANNING – CO-GOVERNANCE – ADAPTIVE MANAGEMENT

- The new Ministry of Coasts, Lands, and Watershed Security (CLaWS) would provide integrated delivery of all natural resource sectors, focussing on: planning; collaborative forums for decisions and priorities with Indigenous nations; community engagement; informing authorizations for all resources uses; and ongoing adaptive management.
- The scope of the new Ministry will include: implementation of place-based aspects of the modernized forest policy relating to old growth and tenure reform; landscape level planning and forest stewardship; wildlife management supporting the Wildlife Stewardship Council; watershed scale planning and management under the Watershed Security Strategy and Fund; *Water Sustainability Act* implementation; Coastal Strategy development and implementation; wild salmon and fisheries management in watersheds and coastal areas; modernized land and water use innovation pilots around the province; and collaborative stewardship fora with Indigenous nations.
- The new Ministry will implement Section 7 Agreements under DRIPA as these are negotiated over time.⁴ As the complexity of these agreements increase, collaborative stewardship forums and skills development in negotiations will be enhanced along with public communications and adaptive management competencies.
- CLaWS will have to build capacity to undertake area-based planning and cumulative assessments in a nimble, timely, adaptive manner and to ensure resource decisions that are supported and regionally appropriate can flow quickly to support healthy communities and their economic base.⁵
- The new Ministry must emphasize strategic thinking, complex planning, and conflict resolution, while driving a culture of continuous improvement. It must be nimble and able to rapidly form high-functioning teams of HQ agencies and operational staff to deal creatively and efficiently with emerging issues on the ground.
- This Ministry will ensure Indigenous nations and communities have access to the necessary resources and the opportunity to meaningfully participate in collaborative forums.

CLaWS will focus on:

- *collaborative multi-scale landscape and watershed level planning*
- *co-governance with Indigenous nations*
- *partnerships and engagement with communities*
- *cumulative impact assessment and adaptive management*
- *effective monitoring, stewardship and enforcement*
- *applied research and learning to improve future processes (innovation and continuous learning)*

Transition and Step-Wise Sequence

- The transition to two ministries will likely take a number of years to complete.
- To initiate the process, a separate Ministry of Forests and a new integrated Ministry of Coasts, Lands, and Watershed Security should be created in fall 2021/early 2022. The new separate Ministry of Forests should drive the forest modernization file. Various inter-ministry committees will continue (or be created) to ensure integration of the various policy priorities identified in this government mandate.⁶
- The remainder of this government’s mandate (2022-24) can be used to develop the necessary structures and build staff skills and competencies through “learn by doing” in executing various existing commitments (e.g., land use and watershed planning pilots) and new requirements (e.g., cumulative effects management per *Blueberry*). During this period, all the various resource stewardship policies will continue to be developed and eventually approved by Cabinet.
- Treasury Board will need to assign resources (as early as budget 2022) and staff trained with capacities to deal with complex files centred around place-based modernized land and water use planning; collaborative stewardship forums with Indigenous nations; critical new policies for watershed security (and fund); collaborative coastal planning; and negotiated nature agreements with the federal government.
- In the longer term (post 2025) a possible additional Ministry of Natural Resources will be needed to deepen sectoral resource Ministry integration and provide the policy and strategic direction for CLaWS (which remains focused on operations for integrative, area-based program delivery).

ENDNOTES

¹ This Brief was developed as part of a series of recent informal working sessions at the University of Victoria and is supported by supplemental materials:

- LNRO Secretariat POLIS submission – May 2021 and “A Future Different from the Past, B.C. needs a ministry that puts watershed security and communities first” – The Province, June 15, 2021 OpEd <https://theprovince.com/opinion/opinion-a-future-different-from-the-past-b-c-needs-a-ministry-that-puts-watershed-security-and-communities-first>
- Towards Watershed Security – The role of water in modernized land use planning in B.C. University of Victoria’s POLIS Project on Ecological Governance – July 2020 <https://poliswaterproject.org/polis-research-publication/towards-watershed-security/>

² *Yahey v. British Columbia*, 2021 BCSC 1287

³ For example, isolated authorizations for oil and gas, forestry, mines, transportation, urban development, foreshore, water, and agriculture with limited interaction all pointing to a need for integrated multi-level planning in advance of individual resource sector authorizations

- *Blueberry* court case demonstrates the need for effective cumulative assessments to establish thresholds on resource development to protect Treaty rights
- Forest management requires landscape level planning to provide spatial context for decision on old growth protection; tenure transfers; conservation and biodiversity targets and co-governance
- Increasing risk to water and fish point the need for water objectives and watershed planning
- Threats to coastal resources and economies require marine conservation plans
- Modernized land use planning will be necessary to set government objectives to steer resource development into appropriate places supported by Indigenous peoples and communities

⁴ The scope of such agreements will be more complex where there are overlapping claims from Indigenous groups.

⁵ Implementing the necessary agreements and actions from the ongoing modernized land use and watershed governance pilots along with the court identified priorities of the *Blueberry* case are critical starting points where this new Ministry can address priorities, opportunities and develop a provincial approach.

⁶ Key policies include the Coastal, Salmon, Biodiversity, Climate Adaptation and Watershed Security Strategies (and Fund).