



Honourable Katrine Conroy
Minister of Forests, Lands Natural Resource Operations & Rural Development
P.O. Box 9049 Stn Prov Govt
Victoria BC, V8W 9E2

Honourable George Heyman
Minister of Environment and Climate Change Strategy
PO Box 9047 Stn Prov Govt
Victoria BC, V8W 9E2

March 29th, 2021

Re: Groundwater Licensing Transition Priority and Concerns

Dear Honourable Ministers Conroy and Heyman,

This letter is to request a meeting and to follow up on previous communications from our team at the POLIS Water Sustainability Project regarding completion of groundwater licensing in the province. With just one year remaining in the transition period, and limited uptake in groundwater licensing to-date, your leadership is urgently needed to signal that this work is a high priority for Government and your Ministries in particular, and to provide staff with resources and direction to ensure a successful transition process.

In 2018-19, POLIS lead Oliver M. Brandes and Rosie Simms engaged as part of government's Groundwater Advisory Committee to provide advice to staff on accelerating the licensing process. This work, however, appears to have since stalled. We acknowledge that the groundwater transition is administratively challenging, but emphasize that with a clear signal of priority, resource boost, and streamlined process, government can achieve an acceptable level of compliance within the next 12 months and bring the province up to a basic water management standard on par with other jurisdictions.

Government's ability to deliver on its watershed security mandate and commitments to reconciliation hinge on completing this groundwater licensing initiative as foundational to modern water management and governance. The consequences of a failed groundwater transition—political, economic, ecological—cannot be over-stated and are extremely difficult to reverse: eroded public trust in government's ability to manage water resources; inability to implement the *Water Sustainability Act*, which is the foundation of good water management in BC; and severe impact to possible future investments and tens of thousands of businesses and farms that rely on water for their operations, particularly in rural areas.

The enclosed Summary Brief reiterates priority actions for government to ensure groundwater licensing compliance by 2022. Our team has established a strong reputation for expertise and the ability to leverage resources and networks to support government's actions to improve water security and sustainability. We would be pleased to meet with you to specifically discuss the groundwater transition.

Regards,

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Associate Director, Centre for Global Studies
Adjunct Professor, UVic Faculty of Law and School of Public Administration
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Summary Brief: Priority Actions to Achieve Groundwater Licensing Compliance by 2022

The licensing approach has been ineffective to-date in part due to various administrative issues:

- The FrontCounter BC application process is costly and time-consuming, deterring applicants.
- Government lacks sufficient staff and people with the capacity to efficiently process applications and make decisions, leading to major lags.
- The COVID public health emergency has added challenges and uncertainty.

At a minimum, regional FLNRORD staff should be given clear direction to engage with users through outreach and help those users with applications. Headquarters and ENV staff should support this effort and amplify communications with regular (monthly) outreach and continued mailings and direct contact as needed. The external Groundwater Advisory Committee should be re-engaged to provide further advice and synergize communications.

A number of additional possibilities that we outline in past submissions¹ include:

1. Shift to a two-step approach

- Step 1: (March 2021-22): Implement a simple, easy-to-access system for existing users to submit a placeholder application indicating their *intent* to apply for a licence, priority date, and basic use information. This step gets users in the door, with more detailed processing to follow.
- Step 2 (March 2022-23): Complete detailed licence adjudications following a regional batched process approach (see next point).

2. Prioritize regions through hotspot identification and take a batched approach

Identify the top priority hotspot water-stressed regions (e.g., Okanagan, South East Vancouver Island, Lower Mainland) and begin a focussed, batched approach in those places with tighter timelines. Licence adjudication is most effectively done through a region-by-region (batched) approach that directly engages Indigenous Nations in their traditional territories, with corresponding resources to Nations to support their review and engagement in those decisions.

3. Establish targets and clear timelines

Provide a clear implementation plan with key milestones, with regular and detailed updates and communications to key partners such as First Nations leadership, the Union of BC Municipalities, industry associations (including groundwater drillers), and water leaders and funders.

4. Allocate Resources

Allocate staff time, capacity and resources to the groundwater file. Designating a senior executive reporting directly to either the FLNR or ENV Minister—with clear responsibility and appropriate authority to oversee and lead—will also build momentum to get this priority to completion. A budget lift is also needed to build a more effective engagement and communications program, including resourcing for Outreach Officers who can provide transition process supports.

5. Conduct compliance checks

Compliance checks send users clear signals about the consequences of non-compliance and the value government places on the proper use of water resources.

¹See POLIS' 2019 submission (<https://poliswaterproject.org/polis-research-publication/response-to-the-february-2019-b-c-groundwater-licensing-update/>) and December 2020 correspondence with Ministers Heyman and Donaldson.