

BRIEFING NOTE FOR INFORMATION

DATE: April 13th, 2022

PREPARED FOR: Honourable Josie Osbourne, Minister of Land, Water and Resource Stewardship

ISSUE: Overview and Status of the Canada-B.C. Nature Agreement

BACKGROUND:

Context:

- The government of Canada is pursuing nature agreements with interested provinces and territories (PTs) to make progress on key federal conservation objectives, including:
 - i. Securing contributions toward Canada's international commitment to conserve 25% of its land and water by 2025; and 30% by 2030;
 - ii. Meaningful advancements in the protection of species at risk (SAR) and their habitats;
 - iii. Supporting Indigenous leadership in conservation and land stewardship.
- Environment and Climate Change Canada (ECCC) is the lead agency and has over \$3B of funding that can be directed toward nature agreements nationally.
- B.C. and Canada announced a commitment to develop a nature agreement in Feb 2021. The federal election delayed the process and a draft agreement is now being developed for end of June, extending through to the 2025/26 fiscal year.
- In July 2021,^{s.12}
s.12
- Topic areas within the agreement include:
 - i. Ecosystem and habitat conservation, protection, restoration and stewardship;
 - ii. Species at risk (SAR) recovery and protection;
 - iii. Indigenous conservation based leadership and partnerships; and
 - iv. Ecosystem knowledge & information.
- Development of the agreement has been a cross-ministry initiative in the province. Officials in B.C.'s natural resource ministries have been collaborating to inform a science based approach to conservation decisions; to identify provincial priorities for negotiations; to explore resolution pathways to current provincial-federal disagreements on SAR recovery; and to ensure alignment with B.C.'s emerging co-management governance framework.
- Nature Agreement funding is intended to be cost shared on a 50/50 basis between B.C. and Canada, s.16
s.16

Agreement Approach:

- The agreement is expected to include joint commitments regarding how B.C. and Canada work together toward common objectives and to identify specific initiatives for funding that are sequenced over time in alignment with provincial mandates. ^{s.16}
s.16

s.16

- B.C. and Canada are advancing drafts of an umbrella agreement that articulates common principles and an approach to agreement administration, implementation and public reporting. An internal collaboration will guide how the parties work together and resolve disputes.
- To achieve Canada's political desire to have an umbrella agreement signed in June, it is expected that the negotiation approach will be adjusted and accelerated to focus on shared objectives and emphasize partnership commitments and short-term initiatives where there is a foundation of partnership already in place (e.g., Spotted Owl, Old Growth overlaps).

Indigenous Engagement

- B.C.'s Cabinet approved the Nature Agreement to be scoped as a bilateral negotiation, but with "check-ins" with key Indigenous partners and some strategic engagements with Indigenous leadership focused on shaping B.C.'s position on Canada's protected area targets.
- Draft agreement documents have been informed by a reconciliation lens through input from cross-ministry advisors and an Indigenous advisor on contract to the Province.
- s.13

DISCUSSION:

The agreement provides a new mechanism for coordinating B.C.'s natural resource sector collaboration with the federal government to promote the stewardship of a range of values and effective protection and recovery of species at risk, while aligning federal funding with cross-ministry provincial priorities. This coordinated approach has the potential to improve the strategy and effectiveness of B.C.'s natural resource sector relations with the federal government.

Development of the draft agreement and early negotiations have been very positive to date. In response to B.C.'s expressed interests, s.16

s.16

As part of the focus on SAR, B.C. and Canada are looking to establish a collaborative path forward for the recovery of high profile species (i.e. boreal caribou, spotted owl) and to work more collaboratively to achieve shared recovery goals, maintain provincial jurisdiction (e.g., proactively demonstrating effective protection and piloting planning for species not yet listed like Fisher and Western Bumble Bee), s.13; s.16

s.16

Given the goal to achieve a final agreement in the short remaining timeframe, the Nature Agreement team in Land Use Policy, Planning and Ecosystems (LUPPE) division will work closely with LWRs executive to secure the decisions and guidance necessary inform B.C.'s negotiations. Decisions may be needed to clarify the province's position on federal conservation targets; B.C.'s approach to IPCAs and other effective conservation measures (OECMs) and the sequencing of initiatives and funding commitments under the agreement.

NEXT STEPS

s.13

Attachment(s):

1. s.12; s.13

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REVIEWED BY:

	Initials	Date
DM		
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Withheld pursuant to/removed as

s.12 ; s.13 ; s.16

BRIEFING NOTE FOR INFORMATION

DATE: April 29, 2022
PREPARED FOR: Lori Wanamaker, Deputy Minister, Office of the Premier
ISSUE: Overview and Status of the Canada-B.C. Nature Agreement

BACKGROUND:

Context:

- The Government of Canada is pursuing nature agreements with interested provinces and territories to make progress on key federal conservation objectives, including:
 - i. securing contributions toward Canada's international commitment to conserve 25% of its land and water by 2025; and 30% by 2030;
 - ii. meaningful advancements in the protection of species at risk (SAR) and their habitats; and,
 - iii. Supporting Indigenous leadership in conservation and land stewardship.
- Environment and Climate Change Canada (ECCC) is the lead agency and has over \$3B of funding that can be directed toward nature agreements nationally. This includes \$50M for B.C. to support old growth protection as part of the development of a Canada-B.C. Nature Agreement.
- B.C. and Canada announced a commitment to develop a nature agreement in February 2021 as part of addressing a legal petition from Ecojustice seeking Federal Intervention for Spotted Owl habitat protection under the Species at Risk Act (SARA).
- SARA is 'safety-net' legislation and is designed to assert federal control over provincial interests if provinces fail to implement effective conservation actions. SARA is a powerful and highly prescriptive legislative framework for SAR recovery that forces relatively inflexible planning and process requirements. The legislation treats all listed species as equal and puts primary emphasis on the identification and protection of critical habitat to meet recovery objectives.
- In July 2021, s.12
s.12
- Topic areas within the agreement include:
 - i. ecosystem and habitat conservation, protection, restoration and stewardship;
 - ii. SAR recovery and protection;
 - iii. Indigenous conservation-based leadership and partnerships; and,
 - iv. ecosystem knowledge & information.
- Development of the agreement has been a cross-ministry initiative in the Province and is now led by the Ministry of Land, Water and Resource Stewardship (LWRS).
- Nature Agreement funding is intended to be cost shared on a 50/50 basis between B.C. and Canada. s.16
s.16

DISCUSSION:

Advancing a Nature Agreement is one strategy to reduce the risk of federal intervention in provincial land use. The agreement also provides a new mechanism for coordinating B.C.'s natural resource sector collaboration with the federal government to promote the stewardship of a range of values and

effective protection and recovery of species at risk, while aligning federal funding with cross-ministry provincial priorities. This coordinated approach supports the mandate of LWRS.

In response to B.C.'s expressed interests,^{s.16}
s.16

As part of the focus on SAR, B.C. and Canada are looking to establish a collaborative path forward for the recovery of high-profile species (i.e., boreal caribou, spotted owl) and to work more collaboratively to achieve shared recovery goals, maintain provincial jurisdiction,^{s.13; s.16}
s.13; s.16
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Outstanding issues for which further negotiations are needed include confirming a collaborative by B.C. led approach for Indigenous Engagement and the need to focus Indigenous Protected and Conserved Areas development through B.C.'s land use planning framework.

NEXT STEPS

- LWRS will continue development of a draft agreement aiming for Cabinet approval in June 2022.
- s.13

Attachment(s):

1. s.12; s.13
2. Land Conservation Projections in B.C.
3. s.13; s.16

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s.12 ; s.13 ; s.16

Agreement Approach:

- The agreement is expected to include joint commitments regarding how B.C. and Canada work together toward common objectives and to identify specific initiatives for funding that are sequenced over time in alignment with provincial mandates. s.16
s.16
- B.C. and Canada are advancing drafts of an umbrella agreement that articulates common principles and an approach to agreement administration, implementation, and public reporting. An internal collaboration framework will guide how the parties work together and resolve disputes.
s.16
- s.16 If B.C. is to meet this timeline, the negotiation approach will need to focus on shared objectives and emphasize partnership commitments and short-term initiatives where there is a foundation of partnership already in place s.16
s.16

Indigenous Engagement

- s.12; s.13
- Draft agreement documents have been informed by a reconciliation lens through input from cross-ministry advisors and an Indigenous advisor on contract to the Province.
- s.16

Land Conservation Projections in B.C. (DRAFT)

Background

- Canada has committed to protect 25% of lands, freshwater, and oceans by 2025, and 30% by 2030, and has indicated a willingness to enter into bi-lateral agreements and provide funding to incentivize the establishment of additional protected and conserved areas.
- Canada cannot meet these goals without support from provinces and territories. B.C. has demonstrated leadership nationally in area-based conservation, having the highest percentage (19.5%, of which 15.5% is in parks and protected areas, and 4% in various “Other Effective Conservation Measures (OECMs)”) of its lands and freshwater area conserved to international standards.
- Canadian Parks and Wilderness Society (CPAWS) and Ecojustice have publicly criticized the areas B.C. has reported as OECMs, arguing that they do not meet all of the OECM criteria in national guidance, and in particular that they do not prevent activities incompatible with conservation from occurring within OECMs. B.C. is conducting an internal technical review of these OECMs and anticipates a finding that some areas currently reported as OECMs do not meet the OECM criteria, while other areas not yet reported do.

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- Several of the conservation initiatives underway in B.C. now will make use of protection measures that do not include the establishment of a park. Old Growth Management Areas (both spatial and aspatial), Ungulate Winter Range, Wildlife Habitat Areas are likely to be used for species at risk and for old growth management.

Summary of Land Conservation Initiatives

s.13; s.16; s.17

s.13; s.16; s.17

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