

BRIEFING NOTE FOR INFORMATION

DATE: May 20, 2022

PREPARED FOR: Stephen Brown, Deputy Minister, Ministry of Health
Dr. Bonnie Henry, Provincial Health Officer, Ministry of Health
Lori Halls, Deputy Minister, Ministry of Land, Water and Resource Stewardship

ISSUE: **Accountabilities for Source to Tap Strategy to protect drinking water**

BACKGROUND:

- In 2019 the Office of the Auditor General (OAG) identified source water protection and a source to tap strategy as key gaps in the Province's protection of drinking water. In response, the Ministry of Health (HLTH) and the Office of the Provincial Health Officer (OPHO) committed to take numerous responsive actions, including clarifying accountabilities for drinking water protection with partner agencies.
- HLTH has since taken steps towards updating the 2002 Action Plan for Safe Drinking Water and the 2006 *Inter-Agency Accountability and Coordination Memorandum of Understanding* (MOU) as part of its response.
- In November 2019, the Assistant Deputy Minister (ADM) Water Forum endorsed HLTH's conceptual governance model to address issues of source water protection (previous BN # 1224510 dated April 4, 2022).
- On February 25, 2022, the Minister of Land, Water and Resource Stewardship (LWRS) was mandated to "provide provincial leadership on water policy and strategies including the coordination of government's source to tap strategy to protect drinking water".
- With this change in mandate, HLTH, the OPHO and LWRS have collaborated to define key accountabilities and responsibilities between agencies, further detailed in this note.

DISCUSSION:

Protecting drinking water requires a multi-barrier approach and multiple agencies to mitigate risks from source to tap. Collaboration between partner agencies is critical to fulfilling the new mandate and defining agency accountabilities.

Details of how the key agencies (HLTH, OPHO and LWRS) intend to share responsibilities are outlined in Attachment 1. In brief:

- LWRS will lead updating the 2002 Action Plan into the B.C. Source to Tap strategy (strategy). The strategy is expected to cover at a minimum, source water protection, a small water systems strategy, clear monitoring and reporting systems, emergency planning, infrastructure planning and financing, and land use planning. This is new work for LWRS and it will be challenging to deliver without additional resources. A risk mitigation plan and resourcing proposal will be developed during these initial months of mandate implementation.
- OPHO will continue their oversight role in monitoring and reporting progress and trends in the protection of drinking water from source to tap.
- HLTH, OPHO, and Regional Health Authorities (RHAs) will maintain accountabilities for *Drinking Water Protection Act* (DWPA) legislation. No changes to the DWPA are recommended at this time.

INDIGENOUS PEOPLES:

Access to safe drinking water remains a top priority of Indigenous communities. Indigenous peoples expressed a desire to apply a One Water approach during engagement on the Watershed Security Strategy. Engagement with Indigenous peoples, and recognition of the B.C. Tripartite Framework Agreement on First Nation Health Governance will be necessary for the development of a Provincial Source to Tap Strategy for drinking water.

NEXT STEPS:

- Confirm that the PHO will report to Ministers of HLTH and LWRS akin to PHO's reporting practices with Ministers of HLTH and Mental Health and Addictions. In brief, it is proposed PHO report to the HLTH Minister on drinking water issues related to public health and the DWPA, and report to the LWRS Minister on issues of source water protection and government's performance on implementing the new mandate. See Attachment 1 for detail.

HLTH, OPHO and LWRS staff will:

Communicate

- Meet with staff and RHAs (to be confirmed with HLTH Leadership Council) regarding the changes (see draft key messages in Attachment 2);
- Develop an issues management process for this immediate, transitional phase; and,
- Update the Watershed Security Strategy and Fund (WSS+F) team on changes to roles and responsibilities for drinking water.

Clarify the Work and Implement Change

- Draft an MOU to formalize the expectations for collaboration and communication between the Ministers of HLTH and LWRS;
- Develop a robust change management and risk mitigation plan to implement these new business areas and assess resource needs; and,
- Continue to refine functions and communications and develop a detailed work plan and accountability framework, grounded in review of:
 - HLTH's commitments to the Select Standing Committee on Public Accounts will identify areas of work to be transferred to LWRS; and,
 - The DWPA and other key legislation to determine potential legislative impacts.

Inform Government

- Ensure changes related to drinking water are reflected in the WSS+F cabinet submission.

Attachments (2): Attachment 1: Functions Table
Attachment 2: Draft Key Messages

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Attachment 1 Functions Table

The protection of drinking water involves the management and oversight of several agencies and entities. Therefore, source to tap activities have been divided for the purpose of discussion into source water and drinking water portions. Source water refers to the 'source to intake' portion, and drinking water refers to the 'intake to tap' portion. **Changes in function are highlighted in yellow.**

Note: PPH = Population and Public Health Division within HLTH.

Function	HLTH Minister	LWRS Minister	PHO	PPH	LWRS	Comments / Other Agencies
Speak to DW in the legislature						
Previously responsible	X					
Proposed responsible		X				
Leadership and overall accountability for source to tap drinking water protection						
Previously responsible	X					
Proposed responsible		X				
Issues management for drinking water & DWPA						
Previously responsible	X					
Proposed responsible	X					
Issues management for source water protection						
Previously responsible						Gap identified by OAG
Proposed responsible		X				
Independent oversight and public health advice for drinking water protection						
Previously responsible			X			
Proposed responsible			X			
Reporting on <i>Progress of the Action Plan</i> for Safe Drinking Water for BC (Source to Tap Strategy)						
Previously responsible			X			
Proposed responsible			X		X	LWRS with support from OPHO

Function	HLTH Minister	LWRS Minister	PHO	PPH	LWRS	Comments / Other Agencies
Development and coordination of a Provincial Small Water System Strategy						
Previously responsible				X		Previous gap ~ under resourced
Proposed responsible				X		With support from LWRS, MUNI, MOF, TRAN, RHAs
Administration of legislation (DWPA/R),						
Previously responsible				X		
Proposed responsible				X		
Reporting on Activities under the DWPA/R (no change to legislation)						
Previously responsible			X			
Proposed responsible			X			
Reporting to the Minister on problems relating to government actions that may impede the protection of public health as it relates to drinking water (DWPA s.4.2)						
Previously responsible			X			
Proposed responsible			X			Refine details of the accountability framework (see next steps above)
Development of strategic policy for drinking water portion (intake to tap)						
Previously responsible				X		
Proposed responsible					X	In collaboration with PPH
Development of operational policy for drinking water portion (intake to tap)						
Previously responsible				X		
Proposed responsible				X		
Development of strategic policy for source water protection portion (source to intake)						
Previously responsible						GAP identified by OAG
Proposed responsible					X	

Function	HLTH Minister	LWRS Minister	PHO	PPH	LWRS	Comments / Other Agencies
Development of operational policy and guidance for source water protection portion (source to intake)						
Previously responsible						GAP identified by OAG
Proposed responsible					X	
Coordination of drinking water portion (intake to tap)						
Previously responsible				X		
Proposed responsible				X		
Coordination of source water protection portion (source to intake)						
Previously responsible						Gap identified by OAG
Proposed responsible					X	
Reporting on source water protection						
Previously responsible			X			
Proposed responsible			X		X	
Minister responsible for issuing an Order for a Drinking Water Protection Plan under DWPA upon recommendation from PHO						
Previously responsible	X					
Proposed responsible	X					
Advancement of WSA tools related to source water protection and watershed governance (e.g., water sustainability plans)						
Previously responsible						Previously FLNR lead / ENV policy support
Proposed responsible					X	
Providing funding and mandate letters to regional health authorities for health protection (and drinking water protection) services						
Previously responsible	X					
Proposed responsible	X					

Function	HLTH Minister	LWRS Minister	PHO	PPH	LWRS	Comments / Other Agencies
Implementation of DWPA/R and policies (DWOs have statutory responsibilities)						
Previously responsible						X - RHAs
Proposed responsible						X - RHAs
Financing for infrastructure improvements and planning						
Previously responsible						X - MUNI
Proposed responsible						X - MUNI
Oversight of local government decision making processes, asset management, and financial planning under the <i>Local Government Act & Community Charter</i>						
Previously responsible						X - MUNI
Proposed responsible						X - MUNI
Incorporation and oversight of drinking water utilities under the <i>Water Utilities Act</i>						
Previously responsible						X – FLNRORD (Comptroller)
Proposed responsible						X – MOF (Comptroller)
Incorporation and financial oversight of Water Users' Communities under the <i>Water Users' Communities Act</i>						
Previously responsible						X – FLNRORD (Comptroller)
Proposed responsible						X – MOF (Comptroller)
Subdivision and development approvals, development of legislation and guidelines for subdivision						
Previously responsible						X – TRANS (unincorporated areas); MUNI (incorporated areas)
Proposed responsible						X – TRANS (unincorporated areas); MUNI (incorporated areas)

Function	HLTH Minister	LWRS Minister	PHO	PPH	LWRS	Comments / Other Agencies
Administration of the <i>Environmental Management Act</i>						
Previously responsible						X - ENV
Proposed responsible						X - ENV
Implementation of the <i>Environmental Management Act</i>						
Previously responsible						X – ENV
Proposed responsible						X – ENV
Groundwater protection (enforcement of the GWPR)						
Previously responsible						X – FLNRORD
Proposed responsible						X – MOF
Responsible for the <i>Forest Range Practices Act</i> (community watersheds under the Government Activities Regulations)						
Previously responsible						X – FLNRORD
Proposed responsible						X - MOF

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BRIEFING NOTE FOR INFORMATION

DATE: May 24, 2022

PREPARED FOR: Lori Halls, Deputy Minister of Land, Water and Resource Stewardship

ISSUE: Meeting between Deputy Minister Halls and Fisheries and Oceans Canada Deputy Minister Timothy Sargent May 26, 2022.

BACKGROUND:

- The federal *Fisheries Act* provides broad powers to the federal Minister of Fisheries and Oceans Canada (DFO) and the Canadian Coast Guard, Honourable Joyce Murray, for the management of commercial, Aboriginal, and recreational fisheries, as well as aquaculture operations in B.C.
- Notable elements of Minister Murray's December 2021 mandate letter include:
 - Work to implement the \$647 million Pacific Salmon Strategy Initiative (PSSI); and,
 - Continue to work with the province of British Columbia and Indigenous communities on a responsible plan to transition from open net-pen salmon farming in coastal B.C. waters by 2025 and work to introduce Canada's first-ever *Aquaculture Act*.

INDIGENOUS PEOPLES:

First Nations make up a considerable proportion of commercial fishers, as well as having economic interests in tidal sportfishing and aquaculture in the province. First Nations communities provide approximately 20 percent of the workforce in the aquaculture and fishing sector, higher than the provincial average of five percent. Additionally, First Nations have strong cultural and social ties to salmon, freshwater and marine environments consecrated in a Constitutional right to harvest fish. After conservation, First Nations have priority access to fish for food, social and ceremonial use.

DISCUSSION:

The Province works on several cross-cutting issues with DFO. Areas of priority for this meeting include:

1. **Northern Shelf Bioregion (NSB) - Marine Protected Area (MPA) Network:**

Canada, the Province, and some Pacific North Coast First Nations are working together to develop a network of MPAs in the NSB, extending from the middle of Vancouver Island to the Canada-Alaska border. In December 2021, DFO paused the public release of the latest draft MPA Action Plan, citing challenges with complexity, governance, and fisheries management.

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A Senior Working Group (Deputy Ministers and First Nations leadership) convened some mediation support and has now provided some guidance to ensure the work gets back on track so the draft MPA Action Plan can be released for public comment this summer. While there are other challenges remaining given the level of compromise across the partners, the Province continues to support process and finalizing a draft Action Plan for public review.

Supplemental Messages:

- ***I know that all parties are urgently trying to find a way to put this work back on track.***
- ***The key issue seems to be how to meet our overarching goals for the proposed Network while also meeting DFO's needs for effective fisheries management. We need to figure out how to do this, as the overarching approach of using planning-***

tools, collaboratively developed with First Nations, to set the context for individual permitting decisions is central to the vision of this new ministry.

- It may be that behind that policy question, is maybe a concern that the proposed protections will have an extreme impact on the commercial fishing sector. If that's a concern maybe we can work to re-engage that sector and look at options that could mitigate that impact.***
- It is critical to show continued progress on the file in order to maintain our relationship with Coastal First Nations. This will be an important signal for the upcoming meeting on the Reconciliation Framework Agreement as well. I'm curious on the progress in bringing Paul Sprout, or another resource, on board to help with this.***

2. PSSl and BCSRIF

B.C. and DFO staff recently met in a workshop format to discuss the federal PSSl. It became clear that much of the work relates or may duplicate ongoing or planned watershed-level collaboration at the regional level to prioritize fish recovery. B.C. will need to ensure there is clarity on roles and responsibilities, including the possibility of federal investment in provincial capacity (e.g., permitting), to conduct this work successful and collaboratively, while supporting federal funding timelines.

DFO have indicated that they are moving ahead with Phase 2 of BCSRIF and will be using it as one of their key tools to deliver their PSSl. s.16; s.17

s.16; s.17

s.16; s.17

In the meeting today, decisions by Deputy Ministers are needed on finalizing the DFO-BC BCSRIF letter of agreement, wording on 2022 priorities and other administrative issues.

Supplemental Messages:

- I want to thank DFO for helping put together what I hear was a highly informative workshop on PSSl initiatives for B.C. staff. It is important we work closely together on these files, particularly on activities related to areas of provincial jurisdiction at the watershed and regional levels. We may be able to use our own provincial strategies on salmon and watershed security to focus provincial efforts in those areas.***
- We look forward to moving ahead with a BCSRIF intake. I understand that work on joint priorities are going well. We are working through one outstanding issue on whether supports for existing community hatcheries should be funded through BCSRIF or other DFO programs. It's important for BC to be able to show that community hatcheries continue to be a priority in our own efforts.***
- Staff are also working on a letter of understanding around our financial commitments. We are meeting with Treasury Board staff this week on the issue.***
- I also support finding all ways feasible to reduce the administrative burden of BCSRIF on applicants and staff through examples like combining management and steering committees, and the timeline for making funding decisions.***

- ***On matter of dates for intakes and announcements, we will need to coordinate with our Minister's Office and government communications teams to finalize.***

3. Salmon Aquaculture Transition/ Upcoming Licencing Decisions:

The Liberal Platform committed in 2019 to "...develop a responsible plan to transition from open-net pen salmon farming by 2025" in B.C. DFO has requested the Province fully participate in the 2025 Transition Plan committee structure. To date, B.C. had participated in an observer capacity, but recently committed to full participation via a letter from the Premier to Prime Minister Trudeau (March 10, 2022). Noting that Federal licensing of all open-net pen farms is set to expire June 30, 2022, the letter expressed B.C.'s concern for a need to reissue licenses in the near-term while committing the Province to fully participate in the 2025 Transition Plan work.

On April 26, 2022, Minister Osborne organized and led a meeting ('TeamBC') with other provincial political leaders regarding the approach to working with the federal government on this issue. Standardized messaging for provincial leads to bring to their federal counterparts has been crafted.

LWRS staff are engaged in the Strategic Oversight Committee that supports the overall 2025 Transition. A meeting is planned for June 2022. It is likely DFO will also be bringing a request to B.C. in that meeting to participate in their Area-Based Aquaculture Management (ABAM) pilots. ABAM is a new approach to aquaculture where licenses and permits are considered as part of an overall cumulative framework for that area (e.g., Discovery Islands, Broughton, West Coast Vancouver Island, etc.). Staff are analysing the implications of this work and will be providing a briefing note for decision soon.

Supplemental Messages:

- ***Our government appreciates the work you are doing to address concerns about open-net pen salmon farming in the Discovery Islands.***
- ***We continue to request that the federal government commit to a transition plan that supports those families, companies and coastal communities that may be affected.***
- ***Additionally, in alignment with our commitments under the Declaration Act, the federal transition plan must engage First Nations and consider the economic opportunities the salmon farm industry provides on the B.C. coast.***
- ***It is imperative that we engage in your upcoming decisions on salmon farming licensing, and that we are working together prior to any announcement.***
- ***We are looking now at DFO requests for a provincial role in Area Based Aquaculture Management, as well as other similar requests such as follow up to the Standing Committee on Fisheries and Oceans (FOPO) recommendations regarding fisheries management policies. BC is committing to being a fully engaged partner – we just need to assess the combined workload commitments and our level of participation.***

4. Flood Recovery and Fish Habitat

- At the April 11 Joint Cabinet Committee on Disaster Response and Climate Resilience, officials were asked to bring forward a briefing on salmon and flood recovery. The presentation scheduled for June 10th in Ottawa will communicate a shared goal of Canada, B.C. and First Nations to protect salmon and present challenges for discussion.
- In its December Economic Update, the federal government identified a \$5 billion allocation to support B.C. with costs associated with recent natural disasters. B.C.

understands this amount is primarily related to Disaster Financial Assistance Arrangements (DFAA) costs.

- The DFAA program provides for costs sharing of emergency response and recovery costs such as those related to evacuation operations, restoring critical infrastructure and supply delivery routes to their pre-disaster condition (both local government and provincial), as well as replacing or repairing basic, essential personal property of individuals, small businesses and farmsteads.
- DFAA doesn't provide for habitat restoration or improvements as it is focused on public safety related costs (preservation of life and property). DFAA requires the province to make expenditures and seek reimbursement of eligible costs through a claims-based process.

s.16; s.17

Supplemental messages:

- ***James Mack and Wes Shoemaker have been working with staff across LWRS and DFO to collaboratively develop the presentation. First Nations Fisheries Council has also provided support and have identified Chief Lydia Hwitsum as the political lead for the presentation***
- ***We expect a draft to be submitted early next week for joint review.***
- ***The presentation will largely be from Minister Murray to speak to our understanding on impacts to salmon with Minister Osborne speaking to the provincial role, and Chief Hwitsum providing the First Nations perspective.***
- ***There is a meeting with the secretariat for the committee (Paul Squires for BC and Jeffrey Hutchinson, PCO) this Friday to update on the approach***
- ***Minister Osborne will be travelling to Ottawa so it is important that she have a substantive role in the presentation.***

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