



Fisheries and Oceans
Canada

Regional Director General
Pacific Region
Suite 200 – 401 Burrard Street
Vancouver, British Columbia
V6C 3S4

Pêches et Océans
Canada

Directrice générale régionale
Région du Pacifique
Pièce 200 – 401 rue Burrard
Vancouver C.-B.
V6C 3S4

December 2, 2021

Re: Northern Shelf Bioregion Marine Protected Area Network planning process and Fisheries and Oceans Canada's position with respect to draft Network Action Plan.

Dear RFA Executive Steering Committee members

The purpose of this letter is to convey Fisheries and Oceans Canada's (the Department) position with respect to the draft Network Action Plan (NAP) for the Northern Shelf Bioregion (NSB) Marine Protected Area (MPA) network, while reaffirming a commitment to continue to work on a path forward to advance this process together.

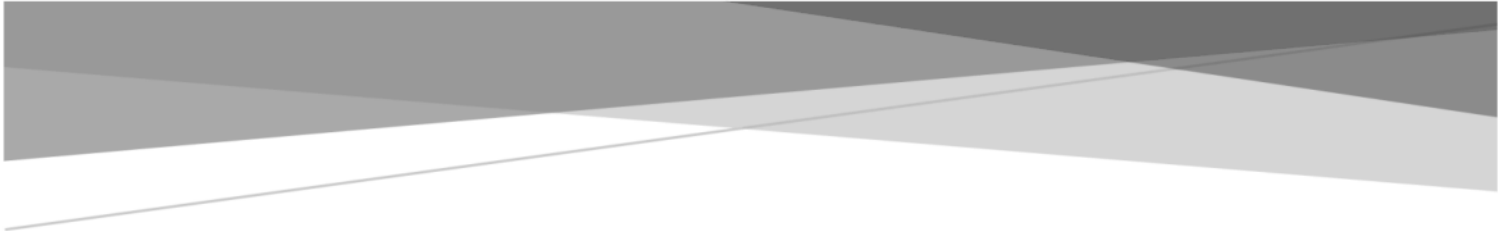
The Department supports and remains committed to the overall planning process, and recognizes significant work has been achieved and trust has been built between the partners while working together on this important initiative. At this time however, the Department is unable to support the release of the current draft NAP for public consultation as it includes implementation measures which we feel will likely require significant refinement and changes during future regulatory processes. Our specific concern is that the Department will be unable to implement the complexity and scale of management measures for fisheries as proposed in the draft NAP, as they are inconsistent with the Department's regulatory and policy frameworks.

We remain committed to continuing to work collaboratively with partners to advance protections for conservation priorities identified in the NAP using multiple management approaches, including applying our marine conservation tools, as well non-spatial sustainable fisheries management measures. To that end, the Department will continue to seek opportunities to work with all partners to build on NAP components which can be supported and consulted upon.

I recognize that this position will delay the planning process and that network planning partners may wish to meet with Departmental representatives to better understand the considerations underpinning this position, and to hear and discuss our proposed path forward to continue to advance this important process. We are open to meeting bilaterally, or with the NSB MPA Network Committee at its upcoming December 16 meeting, or at a Network Committee meeting convened specifically to answer questions related to this decision.

Regards,

Rebecca Reid,
Regional Director General, Pacific Region
Fisheries and Oceans Canada



THE FUTURE OF SALMON AQUACULTURE IN BRITISH COLUMBIA - TOWARD AN OPEN-NET PEN TRANSITION PLAN:

A Framework for Discussion

Pacific Region

Fisheries and Oceans Canada



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BRIEFING NOTE FOR INFORMATION

DATE: August 9, 2022
PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
ISSUE: Meeting with Dr Dick Beamish regarding high seas salmon research expeditions

BACKGROUND:

- Dr. Richard (Dick) Beamish is an Emeritus Scientist at Fisheries and Oceans Canada's (DFO) Pacific Biological Station (PBS) in Nanaimo.
- Dr. Beamish has an extensive research history on salmon and has served as chairman of the North Pacific Anadromous Fish Commission' (NPAFC) Scientific Steering Committee, which is the agency responsible for the 2019 International Year of the Salmon (IYS).
- NPAFC is an international fisheries management organization that manages salmon conservation in the high seas, outside of any nation's Exclusive Economic Zone. It is enabled under a Convention between Japan, Russia, Korea, United States, and Canada.
- As part of the International Year of the Salmon (IYS) Dr. Beamish and partners led an expedition into the Gulf of Alaska in 2019 and 2020 to research the offshore life stage of Pacific salmon.
- The research is seeking to discover more information regarding salmon migration in the high seas during their adult marine phase, which is a poorly understood area of their life cycle.
- British Columbia (BC) has supported the NPAFC/IYS Gulf of Alaska expeditions in 2019 and 2020.
 - In 2019, the Ministry of Agriculture, Food and Fisheries, contributed through a shared-cost agreement for \$75,000; and
 - In 2020, the expedition was successful in receiving \$650,000 from British Columbia Salmon Restoration and Innovation Fund (BCSRIF) supported by DFO (70 percent) and BC (30 percent).
- The high seas expeditions have taken place in 2019, 2020, and 2022 and partners are working to coordinate a fourth expedition in 2023 to continue to build the knowledge of salmon biology on the high seas.

DISCUSSION:

BC has been a major supporter of the Gulf of Alaska expeditions in past years and Minister Popham and other provincial representatives have attended the official launch in past years. The expeditions are working to fill important knowledge gaps that may be useful in updating current knowledge on salmon biology and behaviours on the high seas. Given the impact of poor marine survival for most salmon species, this knowledge is becoming more critical each year. Continuing the surveys will add to the data sets collected in past surveys.

It is expected that a BCSRIF intake will take place in the second half of 2022 (pending August announcement). Dr Beamish is encouraged to apply for future funds through BCSRIF when the next intake and priority funding streams are announced.

MINISTRY RESPONSE:

- BC supports the continuation of the high seas research that Dr Beamish is leading, and we recognise the importance of filling this knowledge gap.
- We are finalizing details of the next round of BCSRIF with DFO and look forward to announcing details for applicants.

PREPARED BY:

Adam Batty
Senior Policy Analyst
FAWST
(778) 698-9326

REVIEWED BY:

	Initials	Date
DM	LH	August 11, 2022
ADM	JM	Aug 10, 2022
Program Dir/Mgr.	MT as A/ED	Aug 9, 2022

MEETING NOTE

DATE: August 11, 2022

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

REGARDING: Meeting with a representative of the Western Canada Wilderness Committee, regarding species at risk legislation.

INTRODUCTIONS: Lori Halls, Deputy Minister
David Muter, Assistant Deputy Minister
Celine Davis, Executive Director, Ecosystems Branch,

SUMMARY:

The Western Canada Wilderness Committee (WCWC, often shortened to Wilderness Committee) is a non-profit environmental education organization that aims to protect Canada's wild spaces and species. WCWC formed in British Columbia (B.C.) in 1980. It now has a membership of over 30,000 people with its head office in Vancouver as well as other offices across Canada.

WCWC has several active campaigns including one urging the Province to enact biodiversity law that protects species at risk (SAR). They are familiar with Minister Heyman's 2017 Mandate *'enact an endangered species law and harmonize other laws to ensure they are all working towards the goal of protecting our beautiful province'*. Other campaigns include: old growth, forestry reform, clean energy.

WCWC requested this meeting to bring forth a proposal for new legislation for biodiversity and SAR, updates to existing legislation and funding suggestions. They believe their proposal could help fulfill the current mandate, as well as meeting the Old Growth Strategic Review Recommendation # 2: *'Declare the conservation and management of ecosystem health and biodiversity of B.C.'s forests as an overarching priority and enact legislation that legally establishes this priority for all sectors'*.

STRATEGIC CONSIDERATION AND MESSAGES:

- Our government has committed to implementing all 14 recommendations of the Old Growth Strategic Review, including actions related to forestry deferrals, ecosystem health prioritization, and a new framework for biodiversity targets).
- For recommendation #2, new legislation and improvements to existing legislation and policies are currently being considered.
- We will develop the path forward, for all recommendations, with First Nations and other interested parties. Engagement will be launched fall 2022.
- We are working with the federal government on a bilateral Nature Agreement which will help to strengthen conservation in the province. The Agreement will include collaborative approaches to planning for species at risk recovery and protection, more funding for conservation and restoration and consideration for climate change.
- B.C. has several laws that can be applied to help conserve, protect, and recover species at risk. Provisions under the *Wildlife Act* protect individual species and their habitats; provisions under the *Forest and Range Practices Act* that limit forest and range activities where they threaten species of concern; and land designations such as Wildlife Habitat Areas, Ungulate Winter Ranges, parks, and ecological areas to protect important habitats for key species.
- Thank you again for offering to share your thoughts. I will take them and share them with my team who are working on these initiatives.



PREPARED BY:

Excedera St. Louis
Species at Risk Recovery Specialist
Ecosystems Branch
(778) 698-4385

REVIEWED BY:

	Initials	Date
DM	LH	August 15, 2022
ADM (Acting)	ML	August 12, 2022
Program Dir/Mgr.	DD	August 11, 2022

MEETING NOTE

DATE: August 16, 2022

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

REGARDING: Meeting with Nature United on habitat protection initiatives

Introductions:

Brian Bawtinheimer, Executive Director, Provincial Stewardship Strategies and Planning
Matt LeRoy, Executive Director, Coast Area

SUMMARY:

- Nature United's (NU) work in Canada began 10 years ago when their global organization. The Nature Conservancy (based out of the United States and not affiliated with the Canadian organization Nature Conservancy Canada), joined the effort to conserve the Great Bear Rainforest.
- NU became the Canadian affiliate group focused on conservation work in British Columbia (BC), with a specific focus on addressing climate change, supporting Indigenous-led conservation, community, and Indigenous land use planning, and advancing modern and sustainable land and water stewardship policies.
- NU has been most active working with Ahousaht, Hesquiaht and Tla-o-qui-aht First Nation on conservation management in Clayoquot Sound through development and implementation of the nation's vision for land use management and sustainable economic development.
- Actions have included:
 - Funding for compensation for forestry tenures owned by Ma-Mook Natural Resources (forest company owned by the Nations). Funding is based on NU requiring new protected areas by the end of 2022.
 - Establishing a stewardship endowment for each Nation for new jobs and community well-being.
 - Development of a forest carbon offset program.
- In September 2020, the Province released the Old Growth Strategic Review Report and announced the immediate deferral for old growth harvesting under Part 13 of the Forest Act in nine areas including Clayoquot Sound – the core territory of the Ahousaht, Tla-o-qui-aht and Hesquiaht First Nations.
- Following the announcement, the Ahousaht and Tla-o-qui-aht First Nations entered into a Terms of Reference (TOR) with the Province (Ministry of Forests and Ministry of Land, Water and Resource Stewardship) to align the Part 13 Old Growth deferral area with their respective land use visions through joint recommendations for permanent protected areas, area based forestry tenure, and feasibility of a carbon credit offset project. It is anticipated Hesquiaht will enter a similar TOR.
- The TOR provides a tangible incremental step to the Ministry of Indigenous Relations and Reconciliation negotiated Reconciliation Agreements with Ahousaht and Tla-o-qui-aht respectively, that prioritize alignment of the management of the Nations' territories with their land use visions.

STRATEGIC CONSIDERATION AND MESSAGES:

- NU has built a solid working relationship with Clayoquot First Nations and your work on economic analysis and engagement with local communities on land use from the First Nations perspectives is very helpful as Nations continue to build their land use visions.
- The Province approaches land use planning and land use decisions (including designations) through government-to-government relationships. In Clayoquot Sound, the government-to-government relationships with the Nations are well established and staff are working diligently

through the government-to-government TORs on the development of joint recommendations on the long-term management of the area.

- Staff and the Nations are working hard to meet the funding timelines; however, we encourage NU to build flexibility into the funding timelines in order to respect the government to government process that contains its own timelines constraints.

Attachment: Joint Ministry Info Note (NRS 528)

PREPARED BY:

Brian Bawtinheimer
Executive Director
Provincial Stewardship Strategies and
Planning Branch
(250) 888-0620

REVIEWED BY:

	Initials	Date
DM	LH	Aug 19/22
ADM	DM	Aug 17/22
Program Dir/Mgr.	BB	Aug 16/22

CONSULTATION PLAN

Northern Shelf Bioregion Marine Protected Areas Network Action Plan

August 17, 2022

Updates from April 29 Version

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BRIEFING NOTE FOR INFORMATION

DATE: August 16, 2022
PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
ISSUE: Briefing on the Watershed Security Strategy and Fund

BACKGROUND:

- The Watershed Security Strategy and Fund (Strategy, Fund) is expected to focus on localizing watershed governance, assessing watersheds and adaptively managing issues and risks, sustainably balancing water supply and demand, and prioritizing ecosystems, drinking water and food security values.
- The Strategy will be separate from, but aligned with, the Coastal Marine Strategy, the Wild Salmon Strategy, the Flood Strategy, and the eventual Source to Tap Strategy.
- The Ministry of Land, Water and Resource Stewardship (LWRS) is currently working across government to review feedback received from engagement on a discussion paper in early 2022 and to develop draft actions for inclusion in the Strategy.
- A British Columbia (BC)-First Nations Water Table has been established to discuss provincial scale water policy and focus on Strategy co-development. Staff will continue Strategy discussions with Modern Treaty Nations and Métis Nation BC in the fall.
- LWRS is presenting an update to ELUC that will describe an integrated approach to delivering the Watershed Security, Coastal Marine and Salmon Strategies on October 3, 2022. The 'What we Heard' report summarizing the first period of engagement will also be received by ELUC. A Cabinet Submission will soon follow to seek approval on the Watershed Security Strategy and Fund Intentions Paper.

DISCUSSION:

Healthy watersheds are central to the health and well-being of all living things. The Strategy and Fund can support the shifts needed to create a future for BC where watersheds are more resilient and the foundation of all social, environmental, and economic systems. This will include actions to support key strategic priorities including watershed planning and stewardship, watershed governance, data collection and interpretation, food security and a sustainable economy.

Natural defences, building back better and climate response infrastructure: The Strategy and Fund can support the shifts needed to help create a future for BC where healthy watersheds are at the forefront of climate adaptation and resiliency. During engagement on the discussion paper, respondents supported the use of nature-based solutions in watersheds to mitigate against impacts such as floods. As part of Strategy development, actions are being drafted in consultation with the Ministry of Municipal Affairs and Ministry of Transportation and Infrastructure to support natural asset programs and green infrastructure solutions. However, further alignment must be undertaken with Ministry of Forests (FOR), which is leading the development of the Flood Strategy.

Water sustainability planning: Water sustainability planning remains a priority for government. Support for expanding water sustainability plans (WSPs) and developing guidance and policy for their development is anticipated through the Strategy. The Xwulqw'selu-Koksilah River Watershed was

designated for the purpose of a water sustainability plan in January 2022. LWRS staff are working with FOR staff on this first water sustainability plan, which is led jointly with Cowichan Tribes. Policy is being developed and refined as this plan proceeds and will inform future planning processes.

Water Sustainability Act (WSA) Objectives: WSA Objectives enable government to set objectives to sustain water quality and water quantity for specified uses and aquatic ecosystem health. The Widzin Kwah is a joint BC-Wet'suwet'en project focused on establishing shared WSA Objectives in the Upper Bulkley and Morice Rivers watershed near Houston, BC. LWRS staff are supporting LWRS Skeena Region staff with policy development. This is the first WSA Objectives project: lessons from this project will inform future work. Development of both WSPs and WSA Objectives will be accelerated through the implementation of the Strategy.

Environmental flow needs: Environmental flow needs of streams are the volumes and timing of water flows needed for the proper functioning of aquatic ecosystems. To protect flows and environmental values in times of water scarcity, WSA guidance and tools are in place to assist regional staff in drafting orders for managing scarcity for ministerial decision. Taking action quickly can be challenged by the availability of some water flow data, but once orders are in place, the orders have precedence over other water rights on the stream with some exceptions. Orders and other enforcement tools are complemented by voluntary actions undertaken by water users that demonstrate commitment to the protection of water flows and environmental values, and generate goodwill in communities. Staff are developing actions to address data and compliance needs through the Strategy.

What We Heard: In early 2022 government engaged the public and stakeholders on the Strategy and Fund discussion paper. Concurrently, engagement with Indigenous Peoples began. Many First Nations emphasized a holistic view of water is needed (including linkages to wild salmon), and that for them to exercise their rights meaningfully, BC needs to move towards co-development and equal authority in decision-making. While some sectors (e.g., industry) have concerns about shifts towards more localized watershed governance, there is overall support for the Strategy and Fund. Engagement to date has also indicated broad support for the Province's work to fulfil its reconciliation mandate. A What We Heard document has been prepared and is being reviewed by Treasury Board Staff. This report will help inform the scope and options of the draft Strategy.

INDIGENOUS PEOPLES:

The Provincial Government is committed, through the DRIPA Action Plan, to co-development of a Strategy with First Nations. This work is underway, in part through the establishment of an enduring BC-First Nations Water Table to discuss provincial scale water policy and focus on Strategy co-development. In addition to co-development of the Strategy, the Water Table will focus on shared reconciliation objectives including shared decision making and Indigenous self-determination. Timelines for collaboration on the Strategy are actively being discussed at the Water Table.

NEXT STEPS:

- Release 'What We Heard' Report (Sept/22)
- Cabinet and Treasury Board approvals for Intentions Paper (Oct/22)
- Release Intentions Paper and conduct engagement (Fall/22)
- Release 2nd What We Heard report and finalize co-development of Strategy (Summer/23)
- s.12
- First project approvals under new Watershed Security Fund (Summer/24)



PREPARED BY:

Carys Pinches and Sarah Baines
Water Policy Advisors
Water Protection and Sustainability
(236) 478-2238/(236) 478-1204

REVIEWED BY:

	Initials	Date
DM	LH	Aug 19, 2022
ADM	JM	Aug 17, 2022
Program Dir/Mgr.	JV	Aug 16, 2022

NATURAL RESOURCE SECTOR – JOINT MINISTRY INFORMATION NOTE

Date: July 18, 2022
NRS CLIFF: 528

PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
Honourable Katrine Conroy, Minister of Forests

ISSUE: Inter-ministerial support required for project in Clayoquot Sound towards the creation of new protected areas and resolution of forest management interests

BACKGROUND:

- In September 2020, the Province released the *Old Growth Strategic Review Report* and announced the immediate deferral for old growth harvesting under Part 13 of the *Forest Act* in 9 areas including Clayoquot Sound – the core territory of the Ahousaht, Tla-o-qui-aht and Hesquiaht First Nations (the “Nations”).
- Following the announcement, the Ahousaht and Tla-o-qui-aht First Nations entered into a Terms of Reference (TOR) with the Province (Ministry of Forests [FOR] and Ministry of Land, Water and Resource Stewardship [LWRS]) to align the Part 13 Old Growth deferral area with their respective Land Use Visions (LUVs) through joint recommendations for permanent protected areas, area based forestry tenure, and feasibility of a carbon credit offset project. It is anticipated Hesquiaht will enter a similar TOR.
- The TOR provides a tangible incremental step to the Ministry of Indigenous Relations and Reconciliation (MIRR) negotiated Reconciliation Agreements with Ahousaht and Tla-o-qui-aht respectively, that prioritize alignment of the management of the Nations’ territories with their LUVs.
- The Nations are partners, along with Toquaht and Ucluelet First Nations, in Ma-Mook Natural Resources, the holder of the only Tree Farm Licence (TFL 54) in Clayoquot Sound, which accounts for a substantial portion of the Part 13 deferral area.
- Nature United, an external partner working with the Nations, has committed funding to support the “surrender” of TFL 54 to enable the transfer of area-based forest tenures to each of the Nations and the development of new protected areas without triggering Provincial compensation to the TFL holder.
- Nature United has also committed to the creation of an endowment fund for each of the Nations (total approximately \$22M) to cover future operations and management of the new protected areas.
- The Nature United funding is dependent on the formal establishment of new protected areas by the end of 2022.
- On June 16, 2022, staff sought support from the Assistant Deputy Minister Committee on Natural Resources (ADMCNR) to initiate drafting of Orders in Council under the *Park Act* and the *Environmental Land Use Act* to begin the process of establishing the new protected areas that align with the Ahousaht, Tla-o-qui-aht and Hesquiaht LUVs.

s.13; s.16

DISCUSSION:

This government-to-government project in Clayoquot Sound will secure fibre-flow through Nation-held area-based forestry tenures, support tourism and recreation as well as provide long-term protection for old forests and at-risk ecosystems.

Staff have been actively working to address the concerns raised at ADMCNR. Process of costing the management of conservancies is underway. The request for a NRR was submitted to the Chief Gold Commissioner (EMLI) to restrict the acquisition of mineral/placer claims as the project advances to ensure that further compensation liabilities aren't created. It was denied on the grounds that the project does not currently have a cabinet mandate. A similar response was provided with respect to gaining support to initiate the valuation. It appears that moving the Clayoquot project forward is being hampered by a lack of an updated approach to provincial mining and conservation policy as it relates to G2G land use initiatives. Briefing of Minister Ralston has been discussed and it has been identified that a joint Ministers briefing to seek alignment is the preferred approach.

s.13; s.16

NEXT STEPS:

Coordinate a Ministers meeting of the involved Ministries (EMLI, FOR, MIRR, LWRS, and ENV) to provide an overview of the existing project and support conversations around broader provincial land use policy development and to identify an approach to advancing this particular project forward.

Contact:

Sarah Fraser
Assistant Deputy Minister, FOR
Phone: 778-698-7253

David Muter
Assistant Deputy Minister, LWRS
Phone: 250-217-5385

Prepared by:

Jessica Coster
Executive Director, FOR
Phone: 250-739-8180

Matt LeRoy
Executive Director, LWRS
Phone: 778-974-2405

Reviewed by	Initials	Date
FOR DM	RM	Aug 5, 2022
FOR Assoc DM	EO'D	Aug 2, 2022
FOR A/ADM	JC	July 18, 2022

Reviewed by	Initials	Date
LWRS DM	LH	Aug 8, 2022
LWRS DMO		
LWRS ADM	DM	July 26, 2022

FOR ED	JC	July 18, 2022
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LWRS ED	ML	July 18, 2022
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Ministry of Health

Office of the Provincial
Health Officer

Ministry of Land, Water
and Resource
Stewardship



Implementing Change to Drinking Water Mandates, Roles and Responsibilities

September 6, 2022

Suggested agenda

Meeting Objective: Ministerial & PHO discussion of briefing package topics and endorsement of approach

Introduction to team

Update on progress on implementing change to drinking water mandates, roles and responsibilities (IBN #1)

Overview of OPHO reporting to Ministers (IBN #2)

s.12

Discussion and next steps

Staff team

Role	Name	Agency
Executive Champions	James Mack, ADM Bernard Achampong, ADM	LWRS HLTH
Advisors	Dr. Martin Lavoie, Deputy Provincial Health Officer Joanne Edwards, Provincial Drinking Water Officer	OPHO OPHO
Project Sponsors	Ted Zimmerman, ED Geneen Russo, ED	LWRS HLTH
Project Managers	Julia Berardinucci, Director Aciemme Ospan, Director	LWRS HLTH
Project Leads	Meghan McKee, Water Policy Analyst Sharon Bennett, Senior Policy Analyst Esther Parker, Drinking Water Information Analyst	LWRS HLTH OPHO

Briefing Package



Contents

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BN #1 - Timeline of Drinking Water Protection



2002 2002 Action Plan for Safe Drinking Water in British Columbia

2006 MOU regarding inter-agency accountability and coordination on drinking water protection

2019 The Protection of Drinking Water – Office of the Auditor General (OAG) audit report

2019 HLTH/OPHO Action Plan and Progress Assessment (APPA) accepted by Public Accounts Committee (PAC)

2020-21 HLTH/OPHO report to PAC on APPA

2022 Minister of Land, Water and Resource Stewardship (LWRS) mandated to provide leadership and coordination of a provincial Source to Tap strategy to protect drinking water.

BN #1 - *Drinking Water Protection Act*



Drinking Water Protection Act (DWPA)

The primary legislation for drinking water in BC that sets out roles and responsibilities for the Minister of Health (HLTH), the Office of the Provincial Health Officer (OPHO), the Health Authorities (HAs) and water suppliers who are responsible for providing potable water.

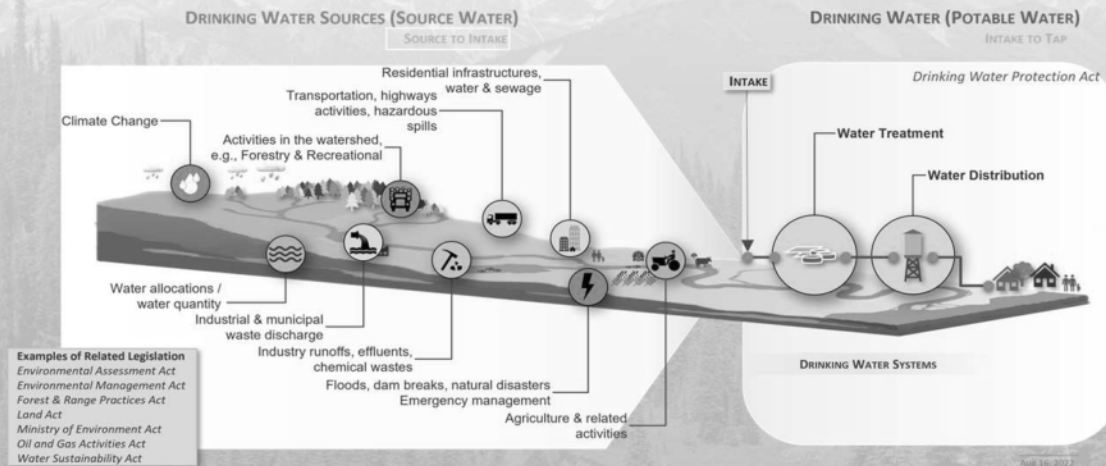
Health Agency Roles and Responsibilities Under the DWPA

- HLTH, OPHO and HAs maintain accountabilities and responsibilities pertaining to drinking water protection under the DWPA and its regulation.
- The HAs are responsible for implementing the DWPA on HLTH's behalf.
- Water suppliers are responsible for providing potable water to their customers.
- OPHO ensures accountability of government and those delivering drinking water, including monitoring and reporting progress and trends in the protection of drinking water from source to tap.

BN #1 - Journey from Source to Tap



ACTIVITIES THAT IMPACT DRINKING WATER SOURCES



Drinking water protection requires a multi-barrier approach from source to tap and multiple agencies are involved in this process. Drinking water protection is also a top consideration within the Watershed Security Strategy and Fund.

BN #1 - First Nations and Indigenous Peoples



- Access to safe drinking water remains a top priority for both Indigenous communities and the Provincial government.
- Engagement with Indigenous Peoples, and recognition of the B.C. Tripartite Framework Agreement on First Nation Health Governance will be necessary for developing the Strategy.
- The federal government (Canada) has invited the Province to discuss options related to source water protection that will inform new proposed federal water legislation for First Nations.
- Minister Osborne will serve as the lead minister in future discussions with federal counterparts.

BN #1 – Implementing Change to Drinking Water Mandates, Roles and Responsibilities



Key Takeaways

- HLTH, the OPHO and LWRS have collaborated to further define key accountabilities and responsibilities regarding drinking water since the announcement of the new LWRS mandate. In summary:
 - LWRS will lead and coordinate the development of a Source to Tap Strategy.
 - OPHO will continue its mandate to ensure government's accountability for drinking water, including oversight and reporting on progress and trends in source to tap drinking water protection.
 - HLTH, OPHO, and Health Authorities (HAs) will maintain accountabilities for the Drinking Water Protection Act and Regulation.
- 3-Phase Plan developed:
 - Phase 1 – Clarifying Roles and Responsibilities – s.12; s.13
 - Phase 2 - Planning for the Source to Tap Strategy s.12; s.13
 - Developing a cross agency commitment to participating in drinking water strategy development and implementation
 - Knowledge transfer between agencies
 - Change and risk mitigation plan to be developed s.12; s.13
 - Phase 3 – Developing the Source to Tap Strategy s.12; s.13

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s.12 ; s.13

BN #3 – 2019 Drinking Water Audit Report to the Select Standing Committee on Public Accounts



Key Takeaways

- The 2019 Office of the Auditor General (OAG) audit report, *The Protection of Drinking Water* made 8 recommendations: 5 directed to HLTH and 3 to the OPHO.
- The Select Standing Committee on Public Accounts (PAC) accepted HLTH/OPHO's Action Plan and Progress Assessment (APPA) in response to the OAG's recommendations in 2019.
- HLTH and OPHO are required to report annually to PAC on APPA. The next PAC is anticipated in Spring of 2023.

• s.12; s.13

- HLTH and OPHO will provide support on their respective sections of APPA at PAC.

- The 2019 Office of the Auditor General (OAG) audit report, *The Protection of Drinking Water* made 8 recommendations: 5 directed to HLTH and 3 to the OPHO.
- The Select Standing Committee on Public Accounts (PAC) accepted HLTH/OPHO's Action Plan and Progress Assessment (APPA) in response to the OAG's recommendations in 2019.
- HLTH and OPHO are required to report annually to PAC on APPA. The next PAC is anticipated in Spring of 2023.
- The OAG used the 2002 Action Plan for Safe Drinking Water as the benchmark that identifies HLTH as the lead ministry for coordination and implementation, so HLTH was the focus of audit and lead ministry to respond.

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Key Challenges



Staff Resourcing

- New work for LWRS is being quantified
- A financial implications analysis, a risk mitigation plan and a resourcing plan are Phase 2 deliverables



Competing priorities with other related strategies

- Drinking water Source to Tap Strategy is aligning with the WSS&F



Incident response readiness

- Enquiry Notification Process developed
- Scenario gaming session September 2022

Milestones and Deliverables



April – Sept 2022	Phase 1 – Clarifying Roles and Responsibilities	
	Communications of change in mandate	✓
	Prepared Updated Status on APPA to Public Accounts Committee	✓
	Developed Enquiry Notification Process to include LWRS	✓

s.12; s.13

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BRIEFING NOTE FOR INFORMATION

DATE: August 25, 2022

PREPARED FOR: Josie Osborne, Minister, Land, Water, and Resource Stewardship.

ISSUE: First Nations consultation and public engagement on the draft Network Action Plan for the Northern Shelf Bioregion Marine Protected Area Network.

BACKGROUND:

- The draft Network Action Plan (NAP) (Attachment 1) and associated summary (Attachment 2) for the Northern Shelf Bioregion (NSB) was collaboratively developed through a trilateral partnership of the governments of Canada, British Columbia (BC), and 17 First Nations ('the Partners').
- As a key priority action under the Pacific North Coast Integrated Management Area plan and the Marine Plan Partnership (MaPP) Regional Action Framework, the draft NAP will be used to guide implementation of a network of marine protected areas (MPAs) in the NSB over time.
- The proposed MPA Network encompasses 3,049,300 hectares (ha) or 30 percent of the NSB (10,200,000 ha) and is comprised of approximately 50 percent existing MPAs (as is), 12 percent existing MPAs with proposed management changes, and 38 percent new areas (approximately 914,790 ha). New areas are expected to be designated using a variety of Indigenous, federal, and provincial tools.
- The Province has invested significant capacity in the MPA network planning process, with the Ministry of Land, Water and Resource Stewardship (LWRS) Coastal Marine Stewardship Branch staff leading the Province's involvement, while other LWRS staff and Ministry of Environment and Climate Change Strategy staff contributing to technical tables and to product development.
- s.16
- In early 2022, a Senior Working Group from across the partnership was convened to develop a mutually agreeable path forward; Deputy Minister's and Assistant Deputy Minister's in DFO, LWRS and senior First Nations leaders participated in this work. Based on their recommendations, a detailed workplan, to support completion of the NAP in advance of the Fifth International Marine Protected Area Congress (IMPAC5) in Vancouver in February 2023 was completed and endorsed by the partners.
- The work plan outlines the formal consultation process with First Nations and public engagement opportunities, following the public release of the NAP in early September. This includes a series of online webinars in September 2022 and open houses in six communities in the NSB throughout October 2022.
- A third-party communications firm (Argyle Communications) has been contracted using philanthropic funding secured by First Nations partners and administered by the MakeWay shared platform. Argyle's tactical communications plan outlines the media being prepared to promote public awareness of the NAP review process (Attachment 4). LWRS staff are coordinating provincial review of communications materials with Government Communications and Public Engagement (GCPE).
- Concurrently with the NAP engagement process, governance arrangements, supported by BC's signing of the *Reconciliation Framework Agreement for Bioregional Oceans Management and Protection (RFA)* with First Nations and Canada, are being developed to

support collaborative implementation into the future. In addition, an “Accountability Framework” is being drafted to describe how MPA and sector management (particularly fisheries management) will intersect and be effectively coordinated – a key priority for First Nations.

DISCUSSION:

The MPA Network planning process is a high-profile initiative led by multiple partners, with input from local governments and stakeholder groups through established advisory committees. The process timelines agreed to by the partners are ambitious and with little room for delay if endorsement of the NAP is to occur in advance of the IMPAC5 conference. Crown consultation with First Nations on the NAP commenced on August 18, 2022 (see Indigenous Peoples section below), with the scheduled release of the NAP for public engagement set for September 6, 2022. Public engagement on the NAP will run concurrent to First Nations consultation and includes a website for public input on the NAP; six public webinars are scheduled throughout September, and six separate open house events scheduled for Port Hardy (Oct.4-5), Campbell River (Oct. 6-7), Masset (Oct.12), Daajing Giids (Oct.13), Prince Rupert (Oct.18-19), and Bella Coola (Oct. 25-26).

During public engagement, the commercial fishing industry is likely to be amongst the most vocal, with concerns about potential impacts to harvest volumes, fishing patterns, and revenue following network implementation. Prior to DFO’s decision in December 2021, commercial fishing sector representatives estimated there would be high financial impacts from network implementation and were signaling a need for a comprehensive transition plan, including financial support to offset anticipated impacts. Following implementation, the MPA network is anticipated to immediately benefit tourism and other non-extractive industries, while supporting sustainable fisheries over the longer term (e.g. through spillover effects). For example, after 10 years of implementation, California’s MPA network saw commercial landings at local ports more than double from \$10.6 million to \$22.1 million¹.

INDIGENOUS PEOPLES:

Development of the draft NAP was co-led with 17 First Nations in the NSB and they have indicated support to move into a period of public consultation. Lax Kw’alaams Band, who is a signatory to a Reconciliation Framework Agreement with the Government of Canada and Metlakatla First Nation, raised concerns about the public release of the NAP; however, LWRS and DFO have advised Lax Kw’alaams that their concerns can be discussed and addressed during the upcoming consultation process with all First Nations. DFO and LWRS distributed the draft NAP, NAP Summary Report, and a Crown-Indigenous Consultation Plan (Attachment 5) to all First Nations in the NSB on August 18, 2022 and requested their input and feedback.

NEXT STEPS:

1. LWRS staff will continue to represent the Province’s interests in the development of the MPA Network, meet our crown consultation duties with First Nations, and will co-host the upcoming public engagement events with Canada and First Nations partners.
2. The input received during consultation and public engagement will be summarized in a ‘what we heard’ report and considered for inclusion in the final NAP and be brought forward for endorsed by the partners in the winter of 2023.
3. Process and results paper are being delivered by the partners at IMPAC 5 early February 2023. Potential political announcements are also anticipated.

¹ Reid et. al, July 2022, “Protecting our coast for everyone’s future: Indigenous and scientific knowledge support marine spatial protections proposed by Central Coast First Nations in Pacific Canada.” People and Nature, from Appendix S1.

Attachment(s):

1. MPA Draft Network Action Plan.
2. MPA NAP Summary Report.
3. DFO December 2021 Decision Notification.
4. Argyle MPA Tactical Communications Plan.
5. MPA Crown-Indigenous Consultation Plan.

PREPARED BY:

David Angus
Senior Marine Resource Specialist
Coastal Marine Stewardship Branch
(250) 888-2680

REVIEWED BY:

	Initials	Date
DM	LH	Aug 31, 2022
ADM	JM	Aug 26, 2022
Program Dir/Mgr.	CS	Aug 25, 2022

BRIEFING NOTE FOR INFORMATION

DATE: August 10, 2022

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

ISSUE: Overview of Fisheries and Oceans Canada report '*The Future of Salmon Aquaculture in British Columbia – Toward an Open-Net Pen Transition Plan*'

BACKGROUND:

- On July 29, 2022, Fisheries and Oceans Canada (DFO) released a document ("TP Framework-7-29-2022") detailing the vision of the federal 2025 Net-Pen Transition Plan engagement process. DFO indicates that this vision has been informed through previous engagement including by former DFO Parliamentary Secretary Terry Beech in 2020-2021, of which British Columbia (B.C.) Parliamentary Secretary Fin Donnelly was present.
- The Government of Canada sees this transition as an opportunity for the salmon aquaculture sector to be a leader in Canada's Blue Economy Strategy.
- The Transition Plan is to be framed around four objectives, which include:
 1. Transition from open-net pen salmon aquaculture: For existing marine-based salmon aquaculture industry, create a regulatory climate which will incent adoption of alternative production technology and tools with the goal of progressively minimizing or eliminating interactions between cultured and wild salmon;
 2. Trust and Transparency: Improve trust and transparency in processes which assess and respond to new scientific information, demonstrating clear and quantifiable improvement in sustainable performance, ensuring Canadians have confidence in management of aquaculture;
 3. Reconciliation and Indigenous Partnerships: Support enhanced First Nations' engagement in the management of aquaculture, including through collaborative planning and decision-making; and,
 4. Growth in B.C. sustainable aquaculture innovation: A whole-of-government approach to attract investment and advance innovation and development of new alternative production technology systems, including closed containment, to make B.C. a global leader in innovative aquaculture, which minimizes environmental impact.
- For each objective, the document characterizes the current state and a desired future state with approaches to meet these goals.
- Engagement is expected to take place in four stages and include initial sharing and input through virtual workshops (Now-September 2022); Focused dialogue with First Nations and others (September to December 2022); Continuation and thorough dialogue with interested Nations (January to March 2023); Consultations focused on specific identified concerns, and draft plan development (March to June 2023).

DISCUSSION:

s.13; s.16

s.13; s.16

Key Bullets:

- DFO has now released a framework document detailing their vision of the federal 2025 Net-Pen Transition Plan engagement process.
- It describes four main objectives as well as a desired future-state of the industry that is environmentally responsible and attractive to investment.
- Operators and First Nations are likely to react positively to the framework and will expect B.C. to actively participate in the process.
- The Province will need to be cautious on process until it can be determined that the framework and overarching process is aligned with provincial and First Nations interests.

Attachment(s):

1. Attachment 1: TP Framework-7-29-2022.pdf
2. Attachment 2: NR- Framework for aquaculture transition.pdf

PREPARED BY:

Tyson Carswell
Senior Policy Analyst
FAWSB
(778) 679-2173

REVIEWED BY:

	Initials	Date
DM	LH	Aug 15, 2022
ADM	JM	Aug 10, 2022
Program Dir/Mgr.	DT MT as A/ ED	July 29, 2022 Aug 9, 2022

BRIEFING NOTE FOR INFORMATION

DATE: August 22, 2022
PREPARED FOR: Honourable Josie Osborne, Minister of Land, Water and Resource Stewardship
ISSUE: Narwal Article - Wildlife Conservation Society Canada report on Northern Mountain Caribou in northern B.C.

BACKGROUND:

- Wildlife Conservation Society of Canada have undertaken a review of available data and expectations derived from Canada's Management Plan for the Northern Mountain Population (NMP) of Woodland Caribou (2012) and reported on the status of these sub populations.
- Their assessment largely aligns with our own internal understanding of population and habitat conditions for the 17 herds evaluated.
- The 2021 population estimate for the entire NMP is approximately 13,000 animals. Population assessments indicate trends for 12 herds are unknown; 2 are currently considered stable though were previously decreasing with one requiring predator reduction to stabilize the herd, 2 are increasing, and one is decreasing.
- There is relatively high uncertainty in these populations assessments; however, indigenous and non-indigenous community members and wildlife professionals practicing in the area are reporting changes occurring to both populations and habitat.
- The NMP of woodland caribou was assessed by Committee on the Status of Endangered Wildlife in Canada (COSEWIC) in 2002 and listed under the federal Species at Risk Act (SARA) as a species of "special concern" in 2005.
- In British Columbia, NMP of woodland caribou occur in the mountainous western and northern parts of the province where snowfall is relatively low.
- Threats to the populations vary depending on where the populations are located; generally, all populations are susceptible to climate change, natural disturbance, existing or potential development and the associated shifts in predator-prey dynamics.
- Proactive management is warranted given threats these populations face.
- Recent efforts to better understand the size and distribution of caribou in this part of the province have shown there is a significant gap in our understanding of their recent habitat use patterns and size of some populations.
- The Caribou Recovery program has been utilizing a portion of the annual recovery budget to collect better data. The *3Nations Collaborative Stewardship Forum*, which includes Tahltan, Kaska and Taku River Tlingit, has also prioritized caribou work and provided funding to improve caribou inventory and monitoring.
- NMP are also identified as a priority under emerging government-to-government agreements (e.g., Tahltan and Treaty 8), which may increase capacity funding to First Nations and reduce the pressure on the limited caribou recovery budget.

DISCUSSION:

Habitat loss, fragmentation, changes in other ungulate populations and increased predation risk are highly correlated to caribou population declines in other areas of the province. Although these threats are less acute when compared to impacts to southern endangered caribou populations, a more proactive management approach is warranted given the population SARA-listing status of *Special Concern*, and the potential for up-listing to *Threatened*.

The Caribou Recovery Program has invested in understanding population status, threats and stewardship priorities and has developed a 10-year plan to enhance our data collection in the area. Program and Regional staff have been working to implement this over the last 2 years. This work is coordinated with and communicated to adjacent Territorial governments and to area Indigenous governments through regularly scheduled meetings. Collaboration and funding support is also underway with First Nations.

Land use planning initiatives and potential identification of indigenous-led area-based conservation should be informed by caribou population distribution and habitat needs. Habitat disturbance thresholds are identified in some areas of the province where protection measures are in place and these objectives could be established where NMP occur. Without establishing objectives and/or areas-based conservation designations NMP may be assessed as threatened or endangered and the costs of management and recovery could increase substantively (i.e., we could be moving toward a situation like southern mountain caribou).

INDIGENOUS COLLABORATIONS AND CO-GOVERNANCE:

First Nations have strong cultural and spiritual connections with caribou. NMP caribou are identified as a priority species in existing and emerging agreements with First Nations that overlap NMP caribou ranges. Understanding populations, habitat condition, and Recovery planning is also ongoing in partnership with the Yukon and six First Nations governments in the northwest of the province coordinated through the Southern Lakes Caribou Steering committee. First Nation and provincial and territorial governments are also collaborating on a variety of monitoring efforts, including ground-based monitoring to inform collective caribou management among partner governments.

The Narwhal article suggests that BC is not adequately considering Indigenous knowledge and laws in conservation planning and management decisions. While concerted efforts are being made at various collaborative forums to find ways of incorporating Indigenous Knowledge into decision making, including amendments to the *Wildlife Act* and the commitment to shift towards a co-management regime, this work requires substantial time commitments. The article is likely to bolster Nations' expectations for immediate measures to be acted upon including conservancies and hunting closures.

PREPARED BY:

Darcy Peel
Director, Caribou Recovery Program
(778) 220-3449

REVIEWED BY:

	Initials	Date
DM	LH	August 26, 2022
ADM	DM	August 24, 2022
Program Dir/Mgr.	JP	August 22, 2022

BRIEFING NOTE FOR INFORMATION

DATE: August 18, 2022

PREPARED FOR: Honourable Minister Josie Osborne, Minister of Land, Water and Resource Stewardship
Honourable Minister Adrian Dix, Minister of Health
Dr. Bonnie Henry, Provincial Health Officer, Ministry of Health

ISSUE: Implementing change to drinking water mandates, roles and responsibilities

BACKGROUND:

- The 2002 Action Plan for Safe Drinking Water in British Columbia (the Action Plan) is the Province's cross-government, source to tap framework and identifies the Ministry of Health (HLTH) as responsible for its coordination.
- In 2019, the Office of the Auditor General (OAG) produced a report on "The Protection of Drinking Water" (the OAG Report) with eight recommendations: five to HLTH and three to the Office of the Provincial Health Officer (OPHO). The OAG highlighted that agency roles and responsibilities for drinking water across government required greater clarity.
- In response to the OAG's recommendations, HLTH and the OPHO committed to multiple actions. HLTH reports annually on action progress to the Select Standing Committee on Public Accounts (PAC). The annual report is referred to as the Action Plan and Progress Assessment (APPA) commitments.
- 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".
- Since the announcement of the new LWRS mandate, HLTH, the OPHO and LWRS have collaborated to further define key accountabilities and responsibilities regarding drinking water, including identifying APPA commitments to be led by LWRS.

DISCUSSION:

Drinking water remains a cornerstone of public health and a priority for Government to ensure the health and safety of British Columbians (Attachment 1). A Source to Tap Strategy (the Strategy) will be critical to establish an integrated, multi-barrier approach and will require support from multiple ministries.

Drinking water is also a core theme of watershed security and considered a top priority within the parallel development of the Watershed Security Strategy and Fund (WSSF). The WSSF is a key government priority and a mandate letter commitment for LWRS. Staff from HLTH and LWRS are collaborating on multiple cross-ministry teams to incorporate drinking water protection into the WSSF.

HLTH, OPHO, and LWRS have formed a transition team to prepare recommendations for implementing the new mandate with respect to APPA commitments and legislative accountabilities. The agencies propose the following:

- LWRS will lead and coordinate the development of the Strategy for drinking water.

- OPHO will continue its mandate to ensure government's accountability for drinking water, including oversight and reporting on progress and trends in source to tap drinking water protection.
- HLTH, OPHO, and regional health authorities (HAs) will maintain accountabilities for the *Drinking Water Protection Act* (DWPA) and regulation (Attachment 2).

s.13

s.13

The Provincial Health Officer's (PHO) reporting functions under the DWPA requires review respecting the reporting relationship between the OPHO and the Ministers of HLTH and LWRS. Options for implementing a change are discussed in Cliff # 28331.

Five of the eight OAG report recommendations have been fully implemented and a summary of the outstanding APPA commitments and planned next steps are described in Attachment 3. A full account of the OAG recommendations and APPA commitments is discussed in Cliff # 28332.

FIRST NATIONS AND INDIGENOUS PEOPLES:

Access to safe drinking water remains a top priority for both Indigenous communities and the Provincial government. Engagement with Indigenous Peoples, and recognition of the B.C. Tripartite Framework Agreement on First Nation Health Governance will be necessary for developing of the Strategy. The federal government (Canada) has invited the Province to discuss options related to source water protection that will inform new proposed federal water legislation for First Nations. Minister Osborne will serve as the lead minister in future discussions with federal counterparts.

NEXT STEPS:

Transition work is underway (Attachment 4). Communications of the change in mandate has gone to partner ministries and health authorities, including the First Nations Health Authority (FNHA).

Upcoming deliverables and milestones include:

- Complete updates to APPA commitments report for PAC;
- Formalize the reporting relationship between the OPHO, and the Ministers of HLTH and LWRS (Cliff # 28331);
- Enhance agency incident response readiness through knowledge sharing on common drinking water concerns (Attachment 5 for current topics); and,
- Starting in fall 2022:
 - Develop a change and risk mitigation plan including a stakeholder impact analysis; review and assignment of work responsibility areas among HLTH, LWRS and OPHO, and recommendations for resourcing and prioritizing work;
 - Develop a cross agency commitment to participating in drinking water strategy development and implementation; and,
 - Launch strategic planning.

Attachments:

1. Background on Drinking Water Protection
2. Drinking Water Ministerial Roles and Responsibilities
3. Summary of Outstanding APPA Commitments
4. HLTH, LWRS, OPHO Three Phase Transition Plan
5. Current Drinking Water Topics

PREPARED BY:

Sharon Bennett, HLTH
Meghan McKee, LWRS
Esther Parker, OPHO

REVIEWED BY:

	Initials	Date
DM/PHO	LH, SB, BH	August 26, 2022
ADMs/DPHO	JM, BA, ML	August 18, 2022
EDs/PDWO	GR, TZ, JE	August 16, 2022

Attachment 1: Background on Drinking Water Protection

Outline:

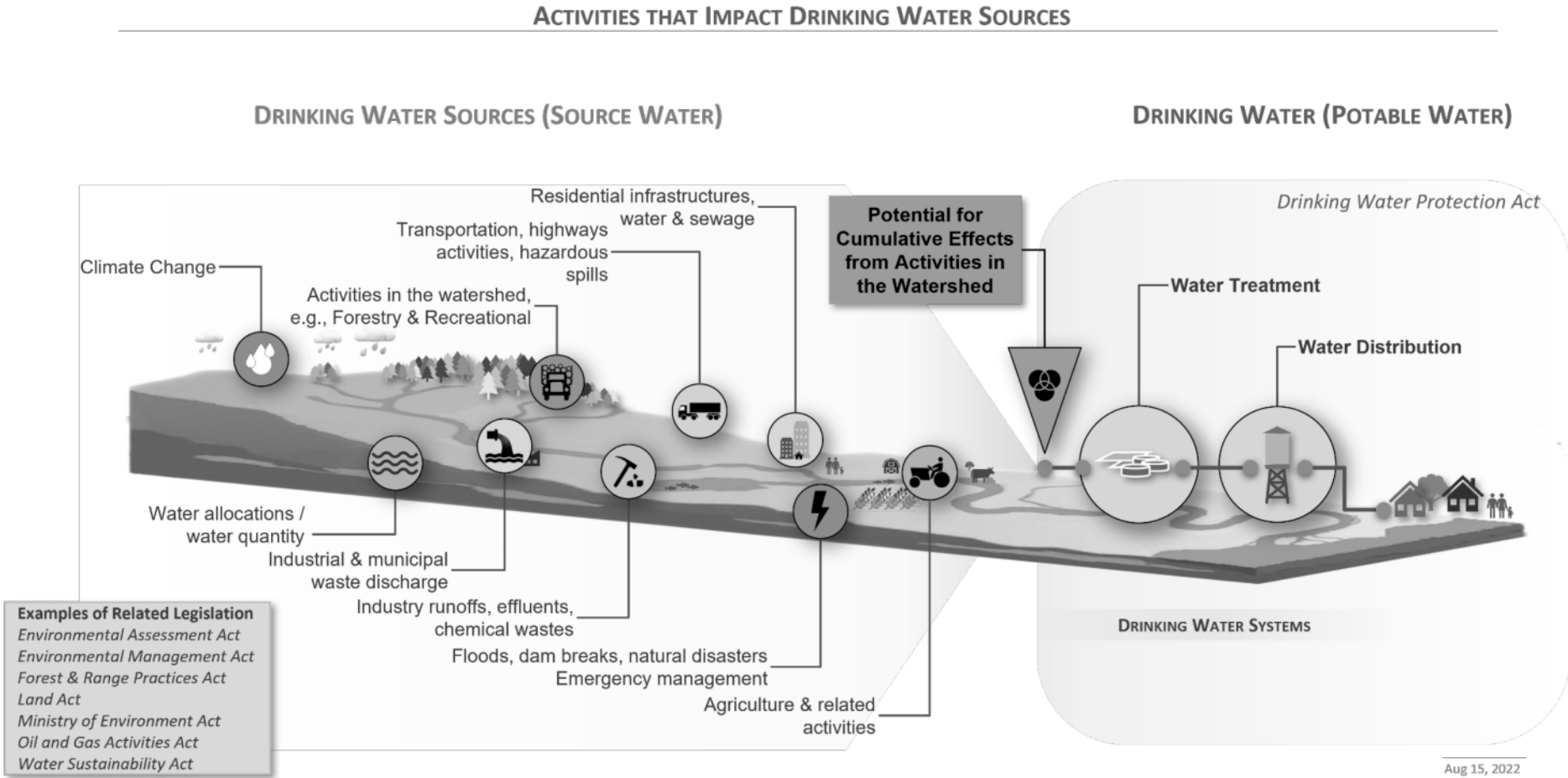
1. Overview of source to tap drinking water protection
2. Role of Health Minister and Population and Public Health Division (PPH)
3. Role of Provincial Health Officer (PHO)
4. Role of Regional Health Authorities (HA's), Medical Health Officers (MHOs), Drinking Water Officers (DWOs), Environmental Health Officers (EHOs)
5. Next steps for integrating LWRS into Drinking Water Protection

1. Overview of source to tap drinking water protection legislation

The *Drinking Water Protection Act* (DWPA) is the primary legislation for drinking water quality in B.C. The DWPA supports a multi-barrier approach from 'source to tap' to ensure drinking water is safe, which has powers that can be applied from the water's source until it comes out of the tap. This includes risk assessment, treatment, distribution, training, monitoring, and emergency response. It also empowers plans for the protection of drinking water, and mitigation of hazards.

The *Water Sustainability Act* and the *Environmental Management Act* are two key pieces of legislation that also support the protection of the quality and quantity of drinking water. See Figure 1 for an overview of drinking water protection.

Figure 1: Overview of Drinking Water Protection



2. Role of Ministry of Health/Population and Public Health Division

Until LWRS's creation, HLTH was responsible for coordinating the 2002 Action Plan for Safe Drinking Water in British Columbia, the Province's existing framework to ensure that British Columbians receive safe drinking water.

The DWPA sets out roles and responsibilities for the Minister of HLTH, the PHO, the DWOs at the regional HAs, and water suppliers who are responsible for providing potable water to their customers. Specific responsibilities of the Minister under the DWPA are set out in the table below:

Responsibilities of Minister of Health under the DWPA	Section
Power to appoint drinking water officers (on advice of PHO)	S. 3(2)
Power to issue guidelines and directives	S. 4
Advise Cabinet of problems that cannot be remedied to the satisfaction of the PHO	S 4.2(2)
Ability to establish advisory committees after consultation with PHO	S. 5
Ability to prescribe areas where other statutory decision makers must consult drinking water officers (if Cabinet enables this by Regulation)	S. 30
Ability to designate an area for development of a drinking water protection plan, establish a process for those plans, and perform various related functions upon recommendation from PHO	Part 5

The PPH supports the Minister in their responsibilities set out in the 2002 Action Plan for Safe Drinking Water in British Columbia including administering the DWPA and regulation. PPH has been the lead on strategic policy for the provincial drinking water program to protect public health and the lead for developing Provincial drinking water policy, regulation, and legislation. PPH and LWRS are now working together to clarify those roles and responsibilities.

PPH sets out the objectives and expectations for the provision of health services by regional HAs, providing coordination and support functions to the regional HAs, however PPH has no formal oversight or operational role as it relates to regional HAs and DWOs.

Work done by PPH to support the Minister includes:

- Developing policy & guidelines (example: interpretive documents for the DWPA and its regulation)
- Establishing guidelines for treatment system design including:
 - Drinking water quality standards;
 - Emergency response plans; and,
 - Qualifications for persons operating water systems.
- Providing leadership to regional HAs by:
 - Developing procedures or protocols to achieve consistency across the Province; and,
 - Assisting with technical support to MHOs, DWOs, EHOs and public health engineers (PHEs).
- Liaising with specialists, other ministries, regional HAs and the First Nations Health Authority (FNHA) on policy, guidelines, and standards by:
 - Participating in inter-governmental working groups (such as the Federal/Provincial/Territorial Committee on Drinking Water);
 - Staying aware of emerging drinking water science and risks (e.g., lead, legionella, etc.); and,
 - Preparing technical and non-technical publications to educate water suppliers, water operators, and the public.

- HLTH financially supports many programs for safe drinking water including:
 - Drinking water inspection and compliance programs at health authorities;
 - Water testing through BC Centre of Disease Control (BCCDC) Labs, PHO approval of labs under the Drinking Water Protection Regulation; and,
 - Environmental Operators Certification Program (EOCP) which classifies water facilities and certifies operators.

First Nations

First Nations, Indigenous Services Canada (ISC) and the FNHA work in partnership to support the provision of safe drinking water for First Nation communities. HLTH collaborates with FNHA through the Drinking Water Leadership Council with the goal of aligning expectations for drinking water in First Nation communities with expectations for all communities across the province. First Nations operate and maintain water supply systems on reserves, and the FNHA's Drinking Water Safety Program provides inspections, interpretation of drinking water quality results, training, public education, support for water monitoring, investigations of water-borne illnesses and reviews of plans for new or upgraded community water systems. ISC is responsible for providing funding for drinking water infrastructure and for building First Nations' capacity to operate, monitor, and maintain drinking water and wastewater systems.

3. Role of Provincial Health Officer, Deputy Provincial Health Officer, and Office of the Provincial Health Officer

The PHO is the senior public health official for the province and holds an oversight and reporting role for drinking water from source-to-tap as it relates to the protection of public health. As the top public health official for BC, the PHO is the independent voice that provides oversight of drinking water as it relates to public health.

The Deputy PHO assists the PHO in their function, and the Provincial Drinking Water Officer is responsible for discharging the PHO's duties in relation to drinking water.

The OPHO is an independent voice on the health of the population and what can be done to improve it, a voice that can engage directly with senior levels of government and the public.

Under the *Public Health Act* (PHA) and the DWPA, the PHO reports on activities and problems and provides advice directly to the Minister of Health or the Deputy Minister of Health. The PHO has legislative powers under both the PHA and the DWPA to protect the public's health. Duties under the DWPA are listed below.

Roles of PHO under the DWPA and its regulation	Section
Determine qualifications for appointments of DWOs. Appointed DWOs are MHOs from the regional HAs, who can delegate responsibilities to EHOs employed by the health authorities.	s.3(2)
Monitor compliance of drinking water officers with guidelines and directives established under s. 4	s.4(2)
Review decisions of a DWO under the DWPA. The PHO can confirm, vary, or reverse such decisions	s. 39.1
Prepare and deliver to the Minister an annual report respecting activities under the Act	s. 4.1
Report to the Minister on any situation that in the opinion of the PHO, significantly impedes the protection of public health in relation to drinking water and arises in	s. 4.2

relation to the actions or inaction of one or more ministries, government corporations or other agents of government. If the PHO makes such a report and the situation cannot be resolved to the satisfaction of the PHO, the Minister must bring the situation to the attention of the executive council.	
Advise the Minister for the establishment of Drinking Water Advisory committees	s. 5(1)
Make a recommendation to the Minister an area for the purpose of ordering a drinking water protection plan where no other practical measures are available under the act to prevent a drinking water health hazard. The PHO must also provide comments to the Minister once a proposed plan has been prepared.	s. 31 & 34
The PHO may make a recommendation to the Minister when a drinking water protection plan requires review	s. 39
Labs used for water quality testing as per the regulations must be approved in writing by the PHO. The Enhanced Water Quality Assurance program (EWQA) carries out the auditing function of labs and makes a recommendation for approval to the PHO. The provincial drinking water officer represents the PHO on this committee and works with EWQA and the BCCDC – Public Health Lab on any related water quality testing issues.	s. 8(4) DWPR

4. Role of Health Authorities, Medical Health Officers, Drinking Water Officers and Environmental Health Officers

The province's regional HAs are the organizations primarily responsible for health service delivery. Five regional HAs deliver a full range of health services, including public health services, to meet the needs of the populations within their respective regions. The regional HAs are responsible for the implementation of most aspects of the DWPA and employ DWOs who are the statutory officials that hold responsibility for most of the powers and functions under the Act.

The duties of a DWO include:

- Reviewing and approving plans, water sources, and water works for drinking water supplies;
- Issuing water works construction permits, operating permits, and setting conditions on permits;
- Carrying out the inspection and evaluation of water supply systems to ensure compliance with legislation, policies and guidelines;
- Investigation and enforcement of non-compliance with legislation, policies and guidelines under the DWPA;
- Overseeing water quality monitoring and ensuring compliance with legislative requirements;
- Providing technical expertise on drinking water quality, water treatment and distribution, and source water protection;
- Evaluating adequacy of emergency response plans; and,
- Verifying operators training requirements.

MHOs employed by the regional HAs derive their powers and duties from the PHA.

The PHO establishes standards of practice for and conducts performance reviews of MHOs. MHOs are by default the DWOs under the DWPA unless the Minister appoints a person by name or title after consulting with the PHO on qualifications. An appointed DWO may delegate their duties to an EHO or a PHE within their HA.

MHOs and EHOs have delegated duties under several different Acts including the PHA. In most regional HAs EHOs hold inspection and enforcement duties in several health protection areas for their

geographic area of responsibility including but not limited to food safety, drinking water, tobacco enforcement, recreational water safety and communicable disease prevention. Some regional HAs have specialised EHOs that carry out the duties of a DWO.

5. LWRS Integration into Drinking Water Protection

The Strategy will refresh the Province's direction on and establish a multi-barrier approach to safe drinking water in B.C. LWRS will develop the Strategy in consultation with multiple ministries and partners to clarify responsibilities and their partnership in source water protection. Strategy development will include planning for emergency response, land use and risk mitigation; small water systems; clear monitoring and reporting; and, treatment and distribution system infrastructure and financing.

LWRS will address governance, financial and human resources, and legislation.

s.12; s.13

- The change in Province leadership and strategic direction for drinking water to LWRS has potential implications for the powers and responsibilities of the PHO under legislation and the Action Plan. Specifically:
 - Under the PHA and DWPA, the PHO provides oversight, provides advice and reports on activities and problems relating to drinking water from source to tap to the Minister of Health.
s.12; s.13
 - s.12; s.13

Page 118 of 167 to/à Page 120 of 167

Withheld pursuant to/removed as

s.13

Attachment 4: HLTH, LWRS, OPHO Three Phase Transition Plan

Phase 1 – Clarifying Roles and Responsibilities	
April to September 2022	<p>Summary of tasks:</p> <ul style="list-style-type: none"> • Communication to key stakeholders and staff; • Review of Action Plan to the PAC re: the 2019 Auditor General Report; and, • Develop Enquiry Notification Process. <p>Deliverables:</p> <ul style="list-style-type: none"> • Communications of change in mandate and Enquiry Notification Process; • s.12 • Ministerial and PHO briefings.
Phase 2 – Planning for the Source to Tap Strategy	
s.13	<p>Summary of tasks:</p> <ul style="list-style-type: none"> • Change management and risk management planning including an assessment of stakeholder impacts and identification of risks to ongoing projects; • Determine necessary resources and work priorities; and, • Review of areas of work to be divided and assigned between HLTH and LWRS. <p>Deliverables:</p> <ul style="list-style-type: none"> • Change management and risk management plan • Detailed work plans; • Recommendations for resourcing and prioritized work; • A proposed MOU as interim measure to clarify and formalize PHO-Minister reporting relationships expectations for communication; and, • A proposed MOU between HLTH and LWRS as an interim measure to formalize the expectations for collaboration and communication staff.
Phase 3 – Develop the Source to Tap Strategy	
s.13	<p>Summary of tasks:</p> <ul style="list-style-type: none"> • Implement detailed workplans; • Convene multi-agency teams to collaborate on development of Phase 3 deliverables; and, • Integrate Source to Tap Strategy building with Watershed Security Strategy and Fund. <p>Deliverables:</p> <ul style="list-style-type: none"> • Draft Source to Tap Charter, Project Plan and Engagement Plan

Attachment 5: Current Drinking Water Topics

The following are the four most recurrent drinking water topics likely to be brought to Ministers' attention by constituents across the province.

Topic 1 – Lack of water impacting affordable housing projects

In areas where water supply is constrained, land developers are turning to rainwater catchment as an alternative water source for multi-family housing projects and in proposing to include affordable housing, raising the complexity of the land use development decision to be made.

All water supply systems regardless of the water source must be approved and permitted by a regional HAs. HLTH has developed *Guidance for Treatment on Rainwater Harvested for Potable Use*, but the scope is limited to handling and treating the water to make it safe for domestic use. It does not address collection capacity, storage volumes, reliability or sustainability of rainwater as a source of domestic water and associated potential impacts on groundwater recharge and other source issues.

s.13

Topic 2 – Complaints of manure stored near drinking water sources

The potential risk of manure storage impacts on water quality is a recurring complaint received through the Report All Poachers and Polluters hot line (RAPP line) administered by the Ministry of Environment and Climate Change Strategy (ENV). The quantity of manure and the type and proximity of storage to drinking water sources can pose concerns about pathogens (like E. coli) and excess nutrients.

When HLTH receives this type of complaint, its response may include referral to ENV's Compliance and Enforcement team to verify compliance through the *Environmental Management Act*. The DWPA provides regional HAs the authority to prohibit contamination of a water supply and prevent health hazards. HLTH develops policy and guidance for DWOs for responding to such complaints in a consistent manner through the Drinking Water Officers Guide, but it does not direct DWOs' practice. Regional HAs provide guidance to water suppliers and private owners on treatment and water quality testing, and they can investigate potential threats to drinking water.

The OPHO provides oversight and advice to regional HAs, but not direction, for how to respond to a complaint of this nature.

s.13

Topic 3 – Manganese in source water

Recently, the presence of naturally occurring manganese in source water has become a concern in some communities throughout the province. These concerns have arisen due to new Canada's Drinking Water Guidelines that set a new health-based guideline for manganese of 0.12 mg/L. Communities with naturally higher levels of manganese that did not have treatment to remove

manganese are now faced with potential upgrades to treatment systems and lingering questions about impacts to their health. Concerns and complaints are often spread through traditional channels and social media.

Regional HAs work directly with water suppliers to ensure timely communication that informs direction and decision making on providing potable water. HLTH, BCCDC and the OPHO provide support to RHA's on conveying technical information about water quality and public health to ensure safe drinking water.

Topic 4 – Harmful algal blooms

Harmful algal blooms (HAB's) have become a frequent occurrence throughout B.C. and result from an overabundance of blue green algae (cyanobacteria) with the potential to release toxins (e.g., microcystins). These toxins may or may not be present at any time during a bloom. Water sampling is the only way to confirm the presence of toxins. HAB's may affect human health through exposure to recreational or drinking water.

In 2020, government initiated an Algae Watch program to educate and inform the public on best practices should they notice a HAB. RHA's usually take the lead in responding to a HAB event; however, HLTH and ENV provide support and capacity depending on the severity and implications to human health. The response includes water sampling to confirm the presence of toxins and associated communication of health warnings if toxins are present.

s.13

BRIEFING NOTE FOR INFORMATION

DATE: August 18, 2022

PREPARED FOR: Honourable Minister Josie Osborne, Minister of Land, Water and Resource Stewardship
Honourable Minister Adrian Dix, Minister of Health
Dr. Bonnie Henry, Provincial Health Officer, Ministry of Health

ISSUE: Updating the reporting relationship of the Provincial Health Officer further to creation of the Ministry of Land, Water and Resource Stewardship

BACKGROUND:

- On February 25, 2022, the Minister of Land, Water and Resource Stewardship 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”.
- The Ministry of Health (HLTH), the Office of the Provincial Health Officer (OPHO) and the Ministry of Land, Water and Resource Stewardship (LWRS) have collaborated to prepare recommendations to further define key accountabilities and responsibilities between agencies. See LWRS CLIFF #28145 for an overview of changes and key next steps for Ministers.
- This change in mandate has prompted a review of the reporting relationship of the Provincial Health Officer (PHO) to the Minister cited in the *Drinking Water Protection Act* (DWPA). Currently, all DWPA references to the Minister refer to the Minister of HLTH and accordingly, the PHO reports to the Minister of HLTH for all matters as specified in the DWPA. See Attachment 1 for a summary of the PHO’s functions and statutory obligations under the DWPA.
- The creation of LWRS means that PHO accountability for reporting to the Minister under the DWPA may fall under more than one Minister’s responsibility. This note provides an update on options government is currently considering for clarifying Ministerial accountabilities under the DWPA.

DISCUSSION:

Attachment 1 lists sections under the DWPA with functions and statutory obligations of the PHO and/or Minister. Of priority for clarification of accountability are section (s.) 4.1 of the DWPA which states that the PHO must prepare and deliver to the Minister an annual report respecting activities under the Act for the past year, and s. 4.2 which states that the PHO must report on any situation they believe significantly impedes the protection of public health in relation to drinking water and arises in relation to the actions or inaction of government ministries, corporations, or agents.

Though the OPHO will continue their oversight role in monitoring and reporting progress and trends in the protection of drinking water from source to tap, which Minister the PHO should report to under the DWPA requires clarification. Clarification of accountability can be achieved several ways: through a memorandum of understanding (MOU), *Constitution Act* Order in Council (OIC), changes to the DWPA, or a combination of these processes.

NEXT STEPS:

- s.12; s.13
-
-

Attachments:

1. PHO-Minister DWPA Reporting Summary
2. Proposed Options for Future Consideration for Clarifying PHO-Minister Reporting Relationship

PREPARED BY:

Meghan McKee
Water Policy Analyst, WPSB
250 739-8554

REVIEWED BY:

	Initials	Date
DM/PHO	LH, SB, BH	August 25, 2022
ADMs/DPHO	JM, BA, ML	August 18, 2022
EDs/PDWO	GR, TZ, JE	August 16, 2022

Attachment 1 PHO-Minister DWPA Reporting Summary

Sections to consider under *Drinking Water Protection Act* (DWPA) with functions and statutory obligations of the Provincial Health Officer (PHO) and/or "Minister". Note this table does not consider reporting relationships between the PHO and the HLTH Minister under the *Public Health Act*, which may also be used to protect public health in relation to drinking water.

Section of the DWPA related to functions of the Minister and PHO	HLTH Minister responsible	LWRS Minister responsible	LWRS Minister Notified	Comments
S. 3 The Minister determines qualification of drinking water officers (DWOs) after <i>consultation with PHO</i> .	s.13			
S. 4 The Minister may establish guidelines and directives under the DWPA. <i>PHO monitors</i> DWO compliance with the guidelines and directives.				
S. 4.1 <i>PHO must provide</i> an annual report on activities under the Act. The Minister must lay the report before Legislative Assembly.				
S. 4.2 (1) The <i>PHO must report</i> to the Minister on any situation that (a) in the opinion of the PHO significantly impedes the protection of public health in relation to drinking water, and (b) arises in relation to the actions or inactions of one or more ministries, government corporations or other agents of government.				
S. 4.2(2) If the PHO makes a report under subsection (1) and the situation cannot be resolved to the satisfaction of the PHO, the Minister must bring the situation to the attention of the Executive Council.				
S. 5 The Minister may establish (after consultation with PHO) an advisory committee to provide advice and recommendations with respect to drinking water				

Section of the DWPA related to functions of the Minister and PHO	HLTH Minister responsible	LWRS Minister responsible	LWRS Minister Notified	Comments
<p>matters referred to the committee by the Minister.</p> <p>Part 5: Drinking Water Protection plans</p> <ul style="list-style-type: none"> Minister may designate an area <i>upon recommendation from PHO</i> for the purposes of developing a DWPP for the area May establish a process for the DWPP plan development Refer proposed plan to PHO for comment Place proposed plan by LGIC Make plan public May, upon <i>recommendation of the PHO</i>, order a DWPP be reviewed to determine whether any amendments should be made 	s.13			

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Withheld pursuant to/removed as

s.13



BRIEFING NOTE FOR INFORMATION

DATE: August 18, 2022

PREPARED FOR: Honourable Minister Josie Osborne, Ministry of Land, Water and Resource Stewardship
Honourable Minister Adrian Dix, Ministry of Health
Dr. Bonnie Henry, Provincial Health Officer, Ministry of Health

ISSUE: 2019 Drinking Water Audit Report to the Select Standing Committee on Public Accounts.

BACKGROUND:

- The 2019 Office of the Auditor General (OAG) audit report, *The Protection of Drinking Water* made eight recommendations: five directed to the Ministry of Health (HLTH) and three to the Office of the Provincial Health Officer (OPHO). The OAG used the 2002 *Action Plan for Safe Drinking Water* (2002 Plan) as the benchmark. The 2002 Plan identifies HLTH as the lead ministry for coordination and implementation and thus HLTH was the focus of audit and lead ministry to respond.
 - The Select Standing Committee on Public Accounts (PAC) accepted HLTH/OPHO's Action Plan in response to the OAG's recommendations in 2019. HLTH and OPHO are required to report annually to PAC on Action Plan and Progress Assessment (APPA) on implementing the Action Plan (Attachment 1: *Summary of Status of APPA - OAG Recommendations and*
- s.12
- Budget 2022 announced a new Ministry of Land, Water and Resources Stewardship (LWRS) that now has the mandate to provide provincial leadership on water policy and strategies including the development and coordination of government's overarching *Source to Tap* strategy (S2T) to protect drinking water.
 - Clarifying accountabilities across government was a commitment HLTH made in its Action Plan (Attachment 1, Recommendation 3). The S2T will also inform agreements and Memorandums of Understanding (MOUs) that define functions, roles, responsibilities, and accountabilities of partners agencies involved in drinking water.
- s.12; s.13

DISCUSSION:

s.12

Since 2019, HLTH, the OPHO and now LWRS have been working together to clarify agencies' roles and responsibilities and to establish strategic leadership and accountability under the S2T approach. HLTH, OPHO, and Regional Health Authorities (RHAs) will maintain accountabilities for the *Drinking Water Protection Act*. OPHO will continue its mandate to ensure accountability of government and those delivering drinking water, including monitoring and reporting progress and trends in the protection of drinking water from source to tap.

s.12

INDIGENOUS PEOPLES:

Access to safe drinking water remains a top priority of Indigenous communities. 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 S2T for drinking water.

NEXT STEPS:

s.12; s.13

PREPARED BY:

Manish Om Prakash, HLTH

REVIEWED BY:

	Initials	Date
DM/PHO	LH, SB, BH	August 25, 2022
ADMs/DPHO	JM, BA, ML	August 18, 2022
EDs/PDWO	GR, TZ, JE	August 16, 2022

Page 151 of 167

Withheld pursuant to/removed as

s.12

BRIEFING NOTE FOR INFORMATION

DATE: August 18, 2022

PREPARED FOR: Minister Josie Osborne, Ministry of Land, Water, and Resource Stewardship
Fin Donnelly, Parliamentary Secretary for Fisheries and Aquaculture

ISSUE: British Columbia Steelhead Management Update

BACKGROUND:

- Steelhead are an anadromous form of rainbow trout, meaning that they migrate to the ocean before returning to freshwater (*Oncorhynchus mykiss*). Steelhead's migratory behavior is similar to pacific salmon, which are a different species but the same family: Salmonidae.
- Whereas pacific salmon die after their first-time spawning (semelparous), steelhead can return to the ocean and spawn multiple times (iteroparous).
- There are approximately 427 steelhead runs in British Columbia (BC).
- Steelhead populations are experiencing declines, as are many salmon populations in BC. Especially notable are declines in the Skeena River summer steelhead and the Interior Fraser Steelhead (IFS) (See appendices one and two for more information).
- Primary mortality factors for these populations are low ocean survival, pinniped predation, and by-catch in mixed-stock salmon fisheries.
- While habitat is not a limiting factor, habitat protection and improvement remain an ongoing priority and are vital to ensure the persistence of populations at low abundances.
- Steelhead are an economically and socially important fishery. Wild steelhead provide the opportunity for catch-and-release recreational fisheries in BC which attract tourists from around the world and support many local businesses in BC.
- The critical goal is to retain enough wild fish so the populations can rebound once mortality factors are addressed.
- Skeena Returns: Summer Steelhead returns are higher than last year and predicted to be in the conservation concern zone, approximately 25 percent below the average run abundance.
- IFS Returns: The Albion Test fishery forecasts the spawning abundance for IFS, and the final abundance will be determined using spawning ground surveys in the spring of 2023.
- Due to the complexity and multi-jurisdictional nature of the issue, BC has taken action to build the science and partnerships required to set the stage for a next wave of meaningful recovery actions. These are in working draft format, on schedule, and not publicly communicated.
 - **Provincial Steelhead Management Framework:** Outlines the thresholds for different threat levels and the required management actions, including a comprehensive management plan for any stocks in 'extreme conservation concern'. Outlines when hatchery/fish-culture conservation actions might be considered.
 - **Conservation Hatchery Review:** With many competing opinions, a neutral, science-review of past, modern, and potential conservation hatchery options and fish culture actions. To be completed through BC-First Nations (FN) collaborations and have public comment.
 - **BC-led IFS Action Plan:** The 2019 BC-Fisheries and Oceans Canada (DFO) Action Plan was a subset of actions the province had underway. Many actions were not publicly communicated because cross-Ministry mandates were still forming, the BC-First Nations Planning Team was forming, and DFO was still in negotiations-mode rather than collaboration mode. Since then, BC has been working with First Nations and others to draft a comprehensive action plan.
 - Concurrently, over the past two years actions have been taken on specific threats:
 - **Pinniped Predation Review:** BC-First Nations Food, Social and Ceremonial (FSC) of target seals; stomach content analysis.

- Ghost Net Removal: Partnership with BC and Lower Fraser Fishing Alliance (LFFA)
- Alaskan Fishery Impacts: Working with Martin Paisch, BC's representative to the Pacific Salmon Commission to advance intergovernmental efforts with Alaska.
- FSC Salmon Fisheries Mortality: BC-FN discussions on methods to reduce harm and voluntary steelhead protection, including forgoing FSC.
- BC-DFO Shared Habitat: Rather than working at cross purposes, senior level staff have built a process to share habitat interests and come to agreement on priorities.
- BC Salmon Restoration and Innovation Fund (BCSRIF): BCSRIF prioritized projects with steelhead benefits, including transitions to selective FSC fisheries.
- BC Fish Passage (Remediation) Program: The program now prioritizes steelhead.
- Finally, BC is working with DFO to develop an open and transparent process to review and release the state of the science to inform IFS decisions. Publishing key and credible science documents is the priority.

DISCUSSION:

Multiple ministries and jurisdictions make decisions impacting steelhead. BC is the lead agency responsible for freshwater fish and for coordinated action. The Ministry of Land, Water and Resource Stewardship (LWRS) is the lead for wild steelhead restoration planning and coordination in collaboration with First Nations and the Government of Canada. The Ministry of Forests (FOR) is the lead for the ongoing and sustainable management of wild steelhead, including freshwater fisheries allocation, and angling regulations. DFO leads bycatch mortality issues. First Nations are BC's partners in sustainable stewardship and hold rights.

The province has been advocating for DFO to implement longer protection periods (e.g., closures) of mixed-stock salmon fisheries in areas where steelhead migrate and are caught as bycatch. The province also continues to advocate for the transition to selective fisheries in lieu of mixed-stock fisheries. Certain gear types, such as pound traps and fish wheels, allow steelhead to be released alive and can reduce bycatch mortality significantly but allow harvest of target salmon.

Habitat issues impacting steelhead, especially those related to recent flooding and fires in BC, are important to consider. Habitat issues do not appear to be the driving force behind declines in IFS and Skeena steelhead, though they may be a factor in the decline of other steelhead populations in BC. Ensuring that habitat issues, such as barriers, low water flow, elevated temperatures, and sedimentation are identified and addressed is important for the persistence of steelhead.

The use of hatcheries for steelhead conservation to rebuild wild populations has largely proven unsuccessful. There are currently nine steelhead hatcheries operating in BC, but these programs augment healthy steelhead populations to allow for retention fisheries. Outside of hatcheries, BC is investigating potential fish-culture actions (e.g., direct transfer to spawning grounds, adult reconditioning for a second spawning), however these pose mortality threats and logistical issues.

INDIGENOUS PEOPLES:

Salmonids are integral to Indigenous culture and play a key role in traditional practices. Steelhead, along with other salmon, are a critical food source and declines impact Indigenous food security. First Nations and other Indigenous Peoples have asserted expectations for BC to ensure all Government and management partners work under a comprehensive management plan, and for BC to take responsibility for restoring these populations regardless of where legal authorities lie.

NEXT STEPS:

- FOR is monitoring key 2022 steelhead runs which will inform management actions.
- Late fall LWRS expects to have the BC-FN IFS Action Plan and BC Steelhead Management Framework ready for public review.



Attachment(s):

Appendix 1: Skeena Steelhead Update and Actions Summary

Appendix 2: Interior Fraser Steelhead Update and Actions Summary

PREPARED BY:

Erica Jenkins
Salmonid Lead
Aquatic Ecosystems, LWRS
250 213-8419

REVIEWED BY:

	Initials	Date
DM	LH	Aug 30, 2022
ADM	JM	Aug 23, 2022
Program Dir/Mgr.	MKU	Aug 22, 2022

Appendix 2: Interior Fraser Steelhead Update and Actions Summary

BACKGROUND:

- Interior Fraser Steelhead (IFS) are comprised of a group of ten spawning populations distributed in the Fraser watershed upstream of Hell's Gate. The aggregate commonly referred to as "Thompson and Chilcotin Steelhead" comprises six out of these ten spawning populations.
- IFS historically supported a world-renowned recreational fishery which contributed significantly to local and regional economies. IFS are also an important species with cultural significance for BC First Nations.
- In recent years, IFS populations have declined and have now reached historic lows (Figures 1 and 2). IFS status is within the Extreme Conservation Concern Zone (ECCZ).
- In December 2020, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC) assessed IFS as Endangered.

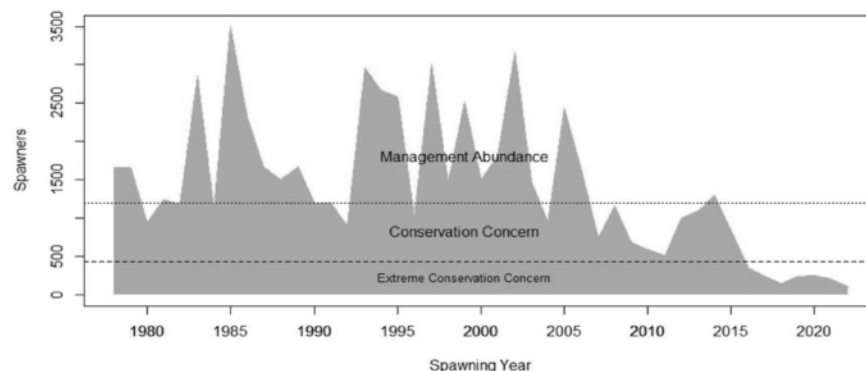


Figure 1. The estimated spawning abundances of Thompson River steelhead in relation to conservation reference points.

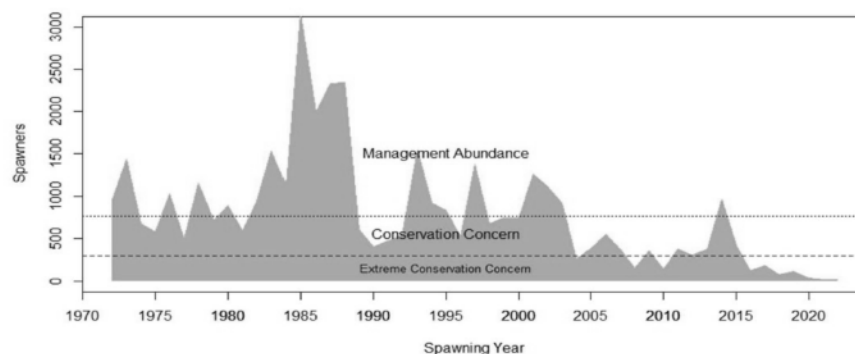


Figure 2. The estimated spawning abundances of Chilcotin River steelhead in relation to conservation reference points.

- BC continues to take management action on all areas under provincial jurisdiction. Fishing for IFS has been closed for many years, and BC also uses a rolling closure for all trout fishing along the IFS migratory route. Increased enforcement focused on IFS has been implemented.
- BC continues to advocate for a transition to selective fishing methods. We are working collaboratively with First Nations and DFO to address declining steelhead populations.
- As bycatch of steelhead often occurs in salmon fisheries under the jurisdiction of Fisheries and Oceans Canada (DFO), the province has requested that the federal department increase protection measures for IFS in its Integrated Fisheries

Management Plans. The current closure window is 42 days for commercial fisheries and 27 days for FSC fisheries.

- Based on provincial estimates, these windows should be expanded to 84 days to protect a larger proportion of the run. It is important to note that because IFS is an aggregate run of multiple populations, and those populations have different run timings, leaving the tails of the run unprotected can have a greater impact on some populations than others (figure 3).

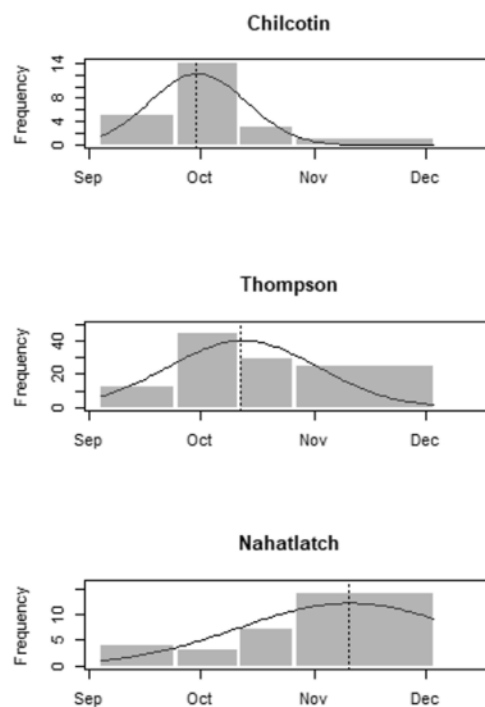


Figure 3. Estimates of population specific run timing based on steelhead genetic samples collected from the Albion test fishery in 1996.

STATUS UPDATE for 2022:

- Based on spawning ground estimates, the spawning population of IFS in 2022 was 104 Thompson steelhead, and 19 Chilcotin steelhead, the lowest ever recorded. This is well below the ECCZ thresholds for Thompson and Chilcotin, which are 430 and 300, respectively.
- Forecasts for IFS are estimated using the Albion test fishery in the lower Fraser River. IFS migrate past this test fishery in the fall and forecasts for the 2023 spawning abundances should be available in late November or early December 2022 with actual 2023 spawning estimates available in late July 2023.

ACTIONS SUMMARY:

- In 2019, BC and DFO worked together to develop a BC/DFO IFS Action Plan. BC Followed up on this plan with the [IFS 2019 – 2021 BC Action Plan and Activities Report](#).
- LWRS and MoF are working together to update the IFS Action Plan in collaboration with First Nations and stakeholders and the Action Plan is expected by March 2023. DFO has not participated to date.
- LWRS and MoF are also working together and in collaboration with regions, First Nations, and stakeholders to update the Strategic Framework for Steelhead Management in BC.

- As part of the Strategic Framework update, a literature review regarding the use of hatcheries for the purpose of the conservation of steelhead is being conducted and should be complete in the fall of 2022.
- The Recovery Potential Assessment, which is a review of the science regarding IFS, is expected to be initiated in fall 2022.

Table 1. Gantt Chart describing the *estimated* timing of activities to be undertaken by the province.

Task	Sept. 2022	Oct. 2022	Nov. 2022	Dec. 2022	Jan. 2023	Feb. 2023	Mar. 2023
IFS Action 22 - 24 Action Plan							
Review of Action Plan by First Nations							
Public Review							
Final Draft							
Steelhead Management Framework							
Hatchery Literature Review Completed							
Review of Framework by First Nations							
Public Review							
Final Draft							
Habitat Remediation - Large Projects							
Fish Passage & BCSRIF - ongoing projects							
Big Bar - Migration Passage monitoring							
Ongoing Passage Remediation							
Atmospheric River Event - 3G Recovery							
3G Restoration and After Action							
BCSRIF - New Intake							
New Projects							
Salmon Explorer - Steelhead Inclusion							
Data Sharing Agreement							
Updated Steelhead Data made available							
Steelhead added to Salmon Explorer							
Recovery Potential Assessment							
Planning and process development							
Review of previous RPA							
Final Updated RPA							

Appendix 1: Skeena Steelhead Update and Actions Summary

BACKGROUND:

- The average return of Skeena summer run steelhead over 66 years is approximately 33,000 supporting a world-renowned catch-and-release recreational fishery.
- Skeena Steelhead runs fluctuate annually and have been declining.
 - In 2020 the run was approximately 16,000.
 - In 2021 the run was an estimated 5,461 adult summer steelhead. This decline placed the aggregate Skeena population in the 'Extreme Conservation Concern Zone' (ECCZ), which is defined as less than 8,000 returning adults (figure 1).

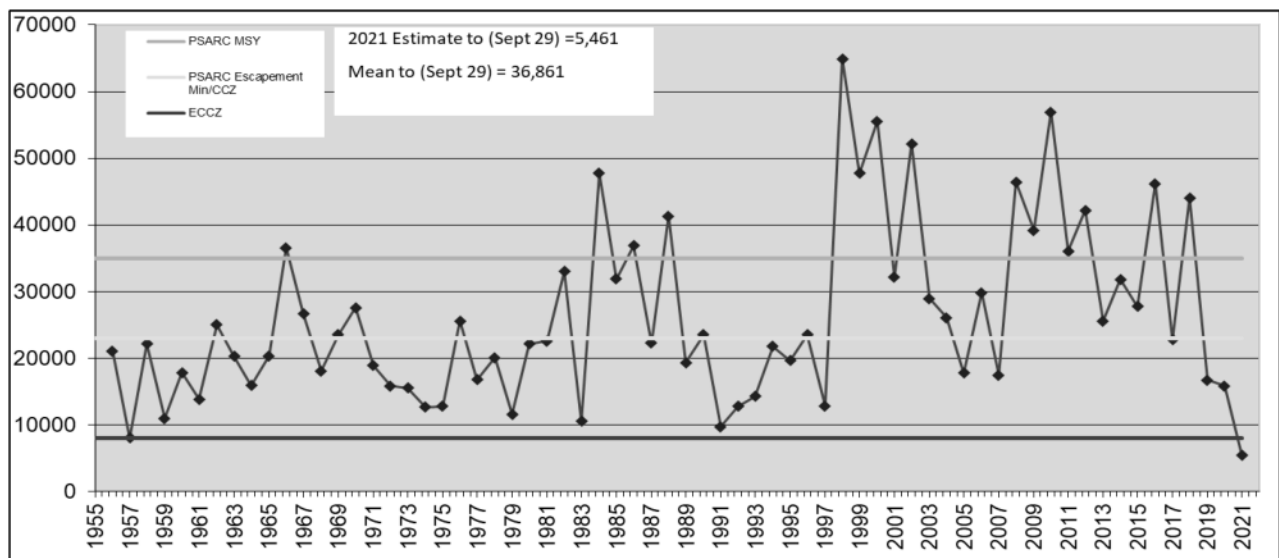


Figure 1. Escapement of Skeena Summer Steelhead at the Tyee Test Fishery, 1956 – 2021. The green line represents the Maximum Sustained Yield (MSY), the yellow line represents the Conservation Concern Zone (CCZ) threshold, and the red line represents the Extreme Conservation Concern Zone (ECCZ) threshold.

- The decline of Skeena summer steelhead is related to low ocean survival (due to poor ocean conditions related to climate change and pinniped predation), and bycatch of steelhead in fisheries targeting other salmon species.
- Although the Skeena summer steelhead recreational catch-and-release fishery is considered minimal impact (5-10% post-release mortality rate) it was closed on October 12, 2021, to June 15, 2022, to reduce mortality since the summer run was in the ECCZ.
- Anglers and guiding operators expressed concern about the recreational steelhead fishery closure due to the high economic impacts of the closure and perceived minimal risk as compared to Alaskan commercial fisheries (there were no Canadian commercial fisheries in 2021 that would have impacted Skeena Steelhead). Some in the recreational angling sector has also expressed concerns over the First Nations Food, Social, and Ceremonial (FSC) fisheries, however, by law these Indigenous Fisheries get first allocation after conservation and prior to commercial/recreational fisheries.
- Conversely, some anglers and conservationists expressed the opinion that closures were warranted and should have been enacted sooner.
- Steelhead are caught incidentally in non-selective fisheries such as:

- FSC salmon fisheries – these steelhead may be harvested for cultural purposes. First Nations have indicated that curtailment of FSC activities associated with steelhead bycatch will not occur unless other fisheries (commercial and recreational) that impact steelhead are also closed.
- Canadian commercial fisheries – although there are conditions of license for commercial fishers intended to reduce bycatch, these conditions have limited enforcement and the bycatch monitoring managed by the DFO is not sufficient to validate bycatch levels.
- Alaskan Commercial Fisheries – Alaskan fishers are not required to report steelhead bycatch as retention is illegal, so Canada does not know how many BC steelhead are impacted by Alaskan fisheries.
- The Skeena steelhead population is an amalgamation of many different runs with different migration timing. It is important to note that depending on the timing of commercial and FSC fisheries, associated bycatch and impacts may be greater for certain runs than others (figure 2).

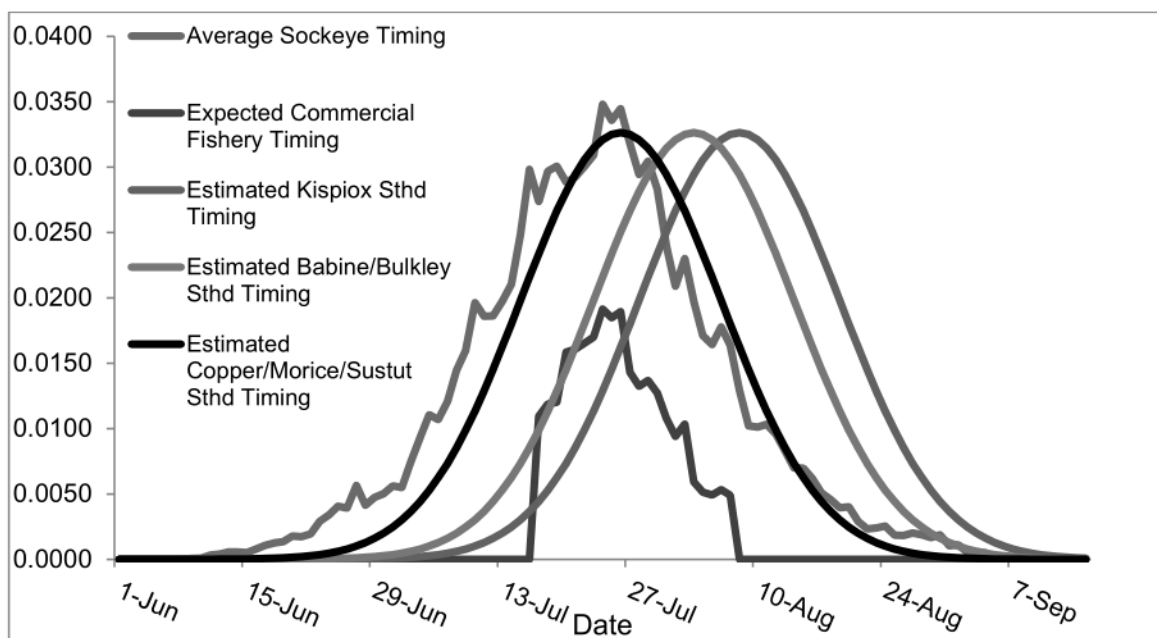


Figure 2. Comparison of Aggregate Sockeye and Estimated Steelhead Run timing with Expected Commercial Fishing Timing

2022 STATUS UPDATE:

- The Skeena **sockeye** run has been above average in 2022, compared to previous years. The run is currently estimated to be four million sockeye salmon compared to the average of 1.7 million in the previous 10 years.
- As a result of the strong sockeye return, several salmon-directed commercial, demonstration (First Nation commercial), and FSC fisheries have occurred in 2022; these fisheries overlapped with summer steelhead run timing and are known to have steelhead bycatch mortality.
- The Skeena River commercial sockeye fishery was closed by DFO on August 7th, to protect at-risk salmon and steelhead populations.
- As of Aug. 16th, 2022, the Tyee test-fishery-based escapement estimate for Skeena steelhead was 13,188 with about 82% of the run having passed the test fishery. The

expected year-end run was forecast to be 16,100. Note, this is not an overall run size estimate, but the number of steelhead that are expected to pass the test fishery and does not account for any catches (e.g., FSC fisheries) upriver of the Tyee test fishery.

- The run is now above the ECCZ threshold of eight thousand but forecast to be below the Conservation Concern Threshold of 24,000. Fish are still returning, so the estimates are still fluctuating.
- Although the abundance of Skeena Steelhead is greater in 2022 than it was in 2021, the impact of both commercial and FSC fisheries is also expected to be greater in 2022, with a substantial proportion of the steelhead run be caught as bycatch in salmon-directed fisheries.
- Based on the in-season steelhead passage estimate to-date and the fact that it is greater than the ECCZ threshold (eight thousand), the provincial recreational catch-and-release fishery for steelhead will proceed for 2022.

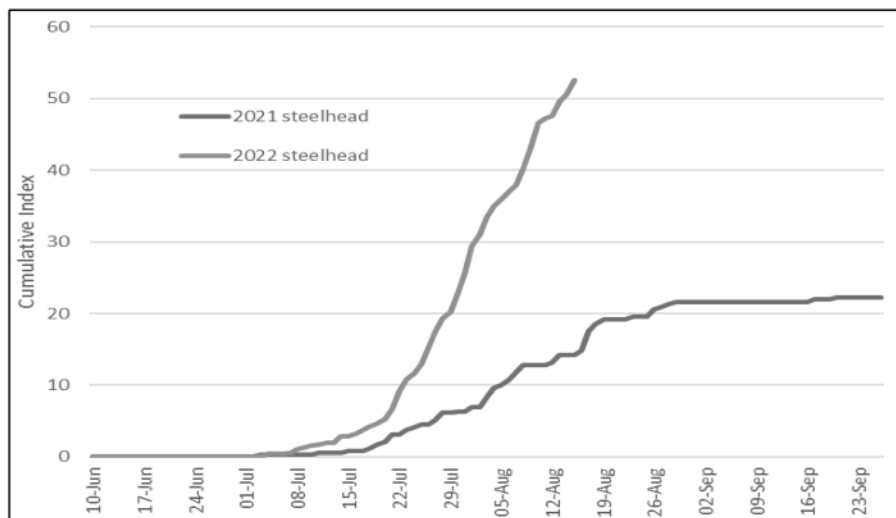


Figure 3. Cumulative index of steelhead returning to the Skeena River in 2022 compared to 2021.

ACTIONS SUMMARY:

- BC LWRS executive are engaged with DFO on Skeena steelhead management.
- MOF is working to engage with First Nations in the upper Skeena on FSC catch monitoring, selective fishing, and population monitoring using selective methods.
- BC has provided feedback to the DFO through the integrated fisheries management planning (IFMP) process recommending spatial or temporal closures, a transition to selective methods, and coordinated salmon-steelhead sport-fishing regulations.
- BC has encouraged DFO to implement protection for weaker stocks (salmon and steelhead) as outlined in the Wild Salmon Policy.
- BC will continue to advocate, through the Pacific Salmon Commission, for protective measures for steelhead (through monitoring, reporting, and mitigative bycatch avoidance) to be implemented in international (Alaskan) fisheries.

INFORMATION NOTE

DATE: August 17, 2022

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

ISSUE: Self-declaration of Indigenous Protected Area in the upper Skeena watershed by the Gitksan house group of Wilps Gwininitxw

BACKGROUND:

- On August 7, 2022, the Gitksan house group of Wilps Gwininitxw self-declared a 170,000 hectare Indigenous Protected Area (IPA) in their territories in the upper Skeena watershed. See Appendix 1 – Declaration and Appendix 2 – Area of Interest.
- Minister Osborne and selected Land Use Policy, Planning and Ecosystems (LUPPE) Division staff were invited to the August 7 Gitksan feast but were unable to attend. A few individuals from other British Columbia (B.C.) agencies (Ministry of Energy, Mines and Low Carbon Initiative and Ministry of Indigenous Relations and Reconciliation) did attend but were not asked to speak or show support for the IPA.
- The ministry has not been in discussions with Gwininitxw regarding land use planning, including their self-declared IPA.
- B.C. has a government to government relationship with Gitksan through treaty-related discussions and watershed-level agreements, with the latter mostly focussed on supporting Gitksan capacity in their consultative dialogue with B.C. While Gwininitxw exists within one of these watershed areas, they are strongly independent and do not participate in the watershed agreement.
- In responding to the media after the August 7 declaration, Ministry of Land, Water and Resource Stewardship (LWRS) worked with Government Communication and Public Engagement to release the statement *"The Ministry of Land, Water and Resource Stewardship would welcome the opportunity to learn more about the recently declared Indigenous Protected and Conserved Area and Wilps Gwininitxw stewardship objectives for this area."*
- The declaration has resulted in some political and public interest. Skeena-Bulkley Valley Member of Parliament Taylor Bachrach wrote a letter to the Prime Minister in which he asks the federal government to find ways to work with Gwininitxw to realize their long-term conservation vision (see Appendix 3 – letter). An article was also recently published in The Narwhal.
- In an extensive application, Gwininitxw submitted a proposal to the Canada Nature Fund Target 1 Challenge to secure planning dollars for their IPA, but were unsuccessful.
- The upper Skeena watershed is known to be an important area for conservation interests and environment non-government organizations, including the Canadian Parks and Wilderness Society who has circled the area as the "Wildest Skeena" and included it in a proposal for B.C. to help achieve the 30% by 2030 land protection target. The Wildest Skeena area has been included in the draft annex to the Nature Agreement.
- Natural resource development in Gwininitxw territory is extremely limited and the area is essentially wilderness.

INFORMATION NOTE

DATE: August 17, 2022

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

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- The ministry has not been in discussions with Gwininitxw regarding land use planning, including their self-declared IPA.
- B.C. has a government to government relationship with Gitksan through treaty-related discussions and watershed-level agreements, with the latter mostly focussed on supporting Gitksan capacity in their consultative dialogue with B.C. While Gwininitxw exists within one of these watershed areas, they are strongly independent and do not participate in the watershed agreement.
- In responding to the media after the August 7 declaration, Ministry of Land, Water and Resource Stewardship (LWRS) worked with Government Communication and Public Engagement to release the statement *"The Ministry of Land, Water and Resource Stewardship would welcome the opportunity to learn more about the recently declared Indigenous Protected and Conserved Area and Wilps Gwininitxw stewardship objectives for this area."*
- The declaration has resulted in some political and public interest. Skeena-Bulkley Valley Member of Parliament Taylor Bachrach wrote a letter to the Prime Minister in which he asks the federal government to find ways to work with Gwininitxw to realize their long-term conservation vision (see Appendix 3 – letter). An article was also recently published in The Narwhal.
- In an extensive application, Gwininitxw submitted a proposal to the Canada Nature Fund Target 1 Challenge to secure planning dollars for their IPA, but were unsuccessful.
- The upper Skeena watershed is known to be an important area for conservation interests and environment non-government organizations, including the Canadian Parks and Wilderness Society who has circled the area as the "Wildest Skeena" and included it in a proposal for B.C. to help achieve the 30% by 2030 land protection target. The Wildest Skeena area has been included in the draft annex to the Nature Agreement.
- Natural resource development in Gwininitxw territory is extremely limited and the area is essentially wilderness.

DISCUSSION:Land use planning with Gitxsan

s.16

Recent watershed level agreements and aggregations of adjacent Wilps have helped to coalesce a discussion around land use with a few groups (e.g., Upper Nass and Gitwangak watersheds) and a more reasonable number of chiefs. In the upper Skeena watershed, besides Gwininitxw, Wilps Wii Gaak, Nii Kyap, Wii Minosik, Geel and Miluulak also have territory. However, these Wilps appear not to be working together on a watershed-level land use plan, including any proposed IPAs.

s.13; s.16

s.13; s.16

Economic activity in Gwininitxw territories

An initial analysis indicates that the economic implications of limiting industrial activity in the self-declared IPA would be minimal. There has historically been little to no forestry activity in the area, mainly because of distance to market but also due to the lower quality of timber, with pulp grade fibre constituting a significant portion of the operable forest. The only roaded area is located at the far southern end of the territories, accessed via the Damsumlo Forest Service Road. No forestry activity is anticipated for the foreseeable future.

With respect to mining, there are currently seven mineral claims on the periphery of the self-declared IPA. However, no mining activity or exploration is currently authorized. The upper Skeena watershed contains some areas of moderate to high metallic and industrial potential, but overall, mining investment in the watershed is limited. The area is underlain by the large sedimentary Bowser Basin that contains unknown quantities of oil, gas and coal. However, these deposits have not been exploited nor are they expected to be.

Wilps Gwininitxw is upstream from the proposed routes of Enbridge's Westcoast Connector Gas Transmission pipeline and TC Energy's Prince Rupert Gas Transmission pipeline. Both projects were approved in 2014 but neither has started construction. The Wilp has been vocal in their opposition to these pipelines, stating that they would pose an unacceptable risk to the Skeena river and other salmon bearing waterways on which their members depend.

Environmental values

Gwininitxw territory is essentially undisturbed and contains large areas of wilderness abundant in salmon, wildlife and biodiversity, including old growth. The 8129 hectare Damdochax Protected Area exists in the northwestern portion of the territory, designated in 2001 in recognition of its important wildlife habitat, riparian values and salmon population. Broad management direction covering

Gwininitxw territory comes from the Fort St James Land and Resource Management Plan, with specific objectives set under the Fort St James Sustainable Resource Management Plan.

NEXT STEPS:

s.13; s.16

- Further cross-agency discussions, mandating and resourcing would be necessary should LWRS wish to entertain a land use planning process with Gwininitxw. This would include alignment of planning work alongside an overall Gitxsan strategy.

Attachment(s):

1. Appendix 1 – Declaration
2. Appendix 2 – Area of Interest
3. Appendix 3 – MP letter

PREPARED BY:

Ryan Holmes
Director of Resource Stewardship
Operations
Skeena Region; LUPPE
(250) 847-0492

REVIEWED BY:

	Initials	Date
DM	LH	Aug 26, 2022
ADM	DM	Aug 22, 2022
ED	DH	Aug 17, 2022
Program Dir/Mgr.	RH	Aug 17, 2022

Appendix 1 - Declaration

Wilps Gwininitxw Protected Area Declaration

Wilps Gwininitxw (House of Gwininitxw) declares that their ancestral Maxhla Didaat and Galaanhi Giist territories are immediately protected from all unauthorized activity.

Wilps Gwininitxw Indigenous Protected Area is 170,000 hectares in the upper Skeena watershed. This includes the section of the Skeena River from the Sicintine confluence to the Squingula confluence—the last and only remaining large section of the Skeena watershed that is without roads or other development and unmarred by industrial extraction.

Wilps Gwininitxw holds sovereignty over the territories of Maxhla Didaat and Galaanhi Giist. Wilps Gwininitxw authority over these territories has never been ceded or transferred, and this authority can never be sold, given away, traded or transferred.

Gwalx Yee'insxw, the most overarching and sacred of Gitksan ayook (laws) is based on passing down what was passed down to us, intact and thriving ecosystems which ensures cultural health and wellness for future generations. Gwalx Yee'insxw is therefore the governing principle for decision-making on Wilps Gwininitxw territories.

All activities on Wilps Gwininitxw territories must be in accordance with Gwalx Yee'insxw, prioritizing food and cultural security, the transference of knowledge based on the land to Indigenous youth and future generations, and ensuring the conservation of land, air, water, animals, fish, and ecosystems in the upper Skeena watershed in perpetuity.

Wilps Gwininitxw Protected Area will ensure the current and future health of our land, culture and people. The protected territories will foster healthy relationships to the land and will enable emotional and spiritual healing of the enduring trauma from colonial practices such as residential schools, land and resource development, and climate change. As Gitksan, we are inseparable from our land. This is the source of our strength, and our vision is of a continuing and renewed relationship between our people and our lands, intact and whole.



Gwininitxw
Gwininitxw, Yvonne Lattie

Aug 5, 2022
Date

Suu Dii
Suu Dii, Robert Loring

Aug 5, 2022
Date

Yootsa
Yootsa, Lillian Gogag

Aug 5, 2022
Date

Appendix 2 – Area of Interest



Appendix 3 – MP letter



**Taylor
Bachrach**
MP SKEENA-BULKLEY VALLEY

Ottawa
512 Confederation Bldg
Ottawa, ON K1A 0A6
T: 613-992-7688
Prince Rupert
290-309 2nd Ave West
Prince Rupert, BC V8J 3T1
T: 250-622-2413

Terrace
112-4716 Lazelle Ave
Terrace, BC V8G 1T2
T: 250-615-5339
Smithers
1226 Main St
Smithers, BC V0J 2N0
T: 250-877-4140

August 9, 2022

Rt. Hon. Justin Trudeau MP
Prime Minister of Canada
80 Wellington Street
Ottawa, Ontario K1A 0A2

Dear Prime Minister:

Re: Wilps Gwininitxw protected area declaration concerning Maxhla Didaat and Galaanhi Gist territories

On August 7, 2022, I attended a feast in Gitanmaax at the invitation of Gitksan hereditary chief Gwininitxw, Yvonne Lattie.

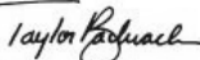
As you may be aware, the Gitksan were co-plaintiffs in the landmark Supreme Court case *Delgamuukw v. British Columbia*. The Gitksan *lax yip* (territory) comprises 33,000 square kilometres in northwest B.C. and Wilps Gwininitxw is one of 62 Gitksan Wilps, or houses, within their traditional governance system.

At the feast, Gwininitxw issued a declaration protecting her Wilp's 170,000-hectare *lax yip* in the upper reaches of the Skeena River watershed under Gitksan law, or Ayook. As a witness at the feast, and as Member of Parliament for Skeena-Bulkley Valley, I was asked to inform your government of Gwininitxw's declaration of protection. I have attached the declaration itself for your records.

Indigenous Protected and Conserved Areas (IPCAs) hold tremendous potential for protecting biodiversity, strengthening relations with Indigenous nations and increasing resilience in the face of a changing climate. I note your government's efforts in this regard through the Target 1 Challenge and Canada Nature Fund. Your government must act more urgently if it is to reach its 2025 land protection target. Gwininitxw has tried to engage your government on the formal designation of her territory, including making applications to current programs. It is disappointing that to date these efforts have not been acknowledged.

I hope your government will find ways to work with Gwininitxw to realize her long-term conservation vision for her Wilp's *lax yip* – for today's residents of the Skeena watershed and for generations to come.

Respectfully,



Taylor Bachrach MP
Skeena-Bulkley Valley

Cc:

Yvonne Lattie (Gwininitxw)

Hon. Steven Guilbeault MP, Minister of Environment and Climate Change

Taylor.Bachrach@parl.gc.ca

TaylorBachrach.ndp.ca